CITY OF BURTON

BURTON CITY COUNCIL MEETING

SEPTEMBER 18, 2017

AGENDA

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

4303 S. CENTER ROAD
BURTON, MI 48519

A. INVOCATION LED BY: TOM MARTINBIANCO

B. THE PLEDGE OF ALLEGIANCE IS LED BY: TOM MARTINBIANCO

C. ROLL CALL

D. STAFF PRESENT

E. APPROVAL OF MINUTES

1. City Council - Special Meeting - Aug 30, 2017 5:30 PM
2. City Council - Committee of the Whole - Aug 30, 2017 6:30 PM

F. ADMINISTRATIVE REPORTS

G. COMMITTEE REPORTS

H. AUDIENCE PARTICIPATION

Now is the time set-aside for members of the audience to address the Burton City Council. I would ask each individual to give their name and address for the record and to limit their comments to three (3) minutes and to speak on the topics germane to City business.

I. COUNCIL DISCUSSION

J. COUNCIL ACTION

1. Approve and authorize the Attorney Billing (Amanda Doyle) 08/30/17 to 09/12/17 in the amount $4,260.50.

2. Approve and authorize the Attorney Billing (F. Jack Belzer) 08/04/17 to 08/30/17 in the amount $1,400.00.

3. Approve and authorize the Mayor and Clerk to enter into an agreement with Rowe Professional Services Company 540 S. Saginaw Street, Flint, MI 48502, to provide contract administration services for the completion of the Belsay Road Court to Davison and Center Road CMAQ Signal Interconnect projects in the amount of $42,000.

4. Budget Amendment (Budget #1936-1937) Approve and authorize the following 2017-2018 budget amendment: Decrease (5091-0000-390.0000 Water Unappropriate Surplus) by $20,000; Increase (5091-5091-970.0500 Storz Hydrant Couplings) by $20,000.

5. Budget Amendment (Budget #1938-1939) Approve and authorize the following 2017-2018 budget amendment: Increase (5090-0000-539.0003 SAW Grant Revenue) by $45,000; Increase (5090-5090-956.2014 SAW Grant Expenditures by $45,000.

6. Budget Amendment (Budget #1940-1941) Approve and authorize the following 2017-2018 budget amendment: Decrease (2049-0000-390.0000 Builiding Unappropriated Surplus) by $7,000; Increase (2049-2061-818.0000 Building Contractual Services) by $7,000.

7. Approve and authorize the sale of Vacant Lot - E. Hemphill Rd., Parcel No. 59-28-554-012, to give first and final approval for the sale of this improved parcel to Cherry Atherton Properties, 5904 Dixie Highway, Clarkston, MI 48346 for the sum of $500 cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

CITY OF BURTON

BURTON CITY COUNCIL MEETING

AUGUST 30, 2017

MINUTES

Council Chambers	**Special Meeting**	**5:30 PM**

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Steven Heffner at 5:37 PM.

A. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Councilman	Absent	
Duane Haskins	Councilman	Present	
Steven Heffner	President	Present	
Steven Hatfield	Councilman	Present	
Christina Conley	Councilwoman	Present	
Dennis O'Keefe	Councilman	Present	
Vaughn Smith	Councilman	Present	

B. STAFF PRESENT

Paula Zelenko, Mayor
Ginger Burke-Miller, Controller
Rik Hayman, Chief of Staff
Teresa Karsney, Clerk

C. ADMINISTRATIVE REPORT

None

D. AUDIENCE PARTICIPATION

None

E. PURPOSE OF MEETING

1. Motion to go into executive session under the Open Meeting Act Section 8 (h).

RESULT:	**CARRIED [UNANIMOUS]**
MOVER:	Vaughn Smith, Councilman
SECONDER:	Duane Haskins, Councilman
AYES:	Haskins, Heffner, Hatfield, Conley, O'Keefe, Smith
ABSENT:	Martinbianco

2. Purpose of the meeting is to discuss written opinion (stop signs, traffic control and budgetary allocation) with Attorney Belzer.

   Council went into executive session at 5:39 p.m.
   Council came out of executive session at 5:54 p.m.

   No action was taken.

Minutes Acceptance: Minutes of Aug 30, 2017 5:30 PM (APPROVAL OF MINUTES)

Meeting was adjourned at 5:55 PM.

CITY OF BURTON

BURTON CITY COUNCIL MEETING

AUGUST 30, 2017

MINUTES

Council Chambers	Committee of the Whole	6:30 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Steven Heffner at 6:30 PM.

A. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Councilman	Present	
Duane Haskins	Councilman	Present	
Steven Heffner	President	Present	
Steven Hatfield	Councilman	Present	
Christina Conley	Councilwoman	Present	
Dennis O'Keefe	Councilman	Present	
Vaughn Smith	Councilman	Present	

B. STAFF PRESENT

Paula Zelenko, Mayor
Ginger Burke-Miller, Controller
Rik Hayman, Chief of Staff
Teresa Karsney, Clerk

C. ADMINISTRATIVE REPORT

Mayor Zelenko stated I do have some questions but after looking at Ms. Hill and Ms. Simpson's agenda, I would like to save my questions during their presentation.

D. AUDIENCE PARTICIPATION

None

E. COUNCIL DISCUSSION

1. The purpose of the meeting is pre-audit presentation and discussion from Plante Moran.

   Pam Hill and Chrystal Simpson from Plante Moran presented a list of items that they are going to go over for the pre-audit meeting. This is our plan for the audit.

- Pre Audit Communication letters were sent out via email.
  These letters were emailed to the wrong email address and will be sent out again.
  You are not required to respond to the letter but if anyone has any questions or concerns that you want us to look for during the audit process, we invite you to contact us.

- Key Milestone Dates
  State Fieldwork September 25th and Plante Moran will start their fieldwork at the City of Burton on September 25th. This gives us about three weeks to perform the

Federal work audit, basic financial audit and the new Act 51 performance audit. the Statistical Section of the CAFR is due to Plante Moran on October 15th. This is prepared from the last section of the CAFR which is from a lot of different areas within the City including some financial information and other statistics from Public safety and those types of things. The Controller's Office will hand out the CAFR on November 6th, Plante Moran will present it at November 20th Council Meeting. Typically we have a draft meeting with management first. When it is presented, Mr. O'Keefe would like to see it as a Council of the Whole and not just the Finance Committee. Council discussed making this a Special Meeting and not having it during or before a council meeting. They will decide on a date at a later time. Council thought this meeting should be after the new Council is sworn in so they have time to look at the CAFR. Ms. Hill suggested a good time would be after you get your CAFR and had a chance to look at it. If you have questions, send them to the Mayor and she will forward them to us so we are prepared to answer the questions you have and not have to go look up the information.

- Discuss Frequency of Communication with Council - Weekly status meeting
  This could be a conference call or in person just to let the administration know where we are in the audit. Ms. Hill stated we had discussed a meeting with the Mayor and other administration and after those meetings sending communications to the council.
  Council decided that the Finance Chair, Mr. Smith would also be included in these meetings.

- Items that have occurred during the year with audit significance
  This is if there were any significant financial items that we need to be aware of during the audit. (Samples are SAW Grant, DWRF and road construction projects).

- GASB 74 and 77 implementation
  There are new GASB requirements. There are going to be additional disclosures, additional supplemental for OPEB. The controller's office is in the process of getting the updated actuarial report for this new reporting for the OPEB. This information needs to be done every two years and will be through 6/30/17, which will go along with our fiscal year end. With the new GASB 74 you need additional information. The actuarial report will be here the week of September 25th. GASB 77 has to do with Tax abatements. We have provided a spreadsheet to give to the Assessor for them to fill in. If the City has any tax abatements, it would be noted in your financial statements disclosure.

- GASB 78 - Pensions provided through certain multi-employer plans
  The City does not have this.

- Signed Engagement letter for budget procedures
  Mr. Smith stated the Attorney is going to touch on that. They have to have a professional service agreement to act as a financial advisor to the city. Attorney Doyle stated that there was no fee listed, no contract and there was no not-to-exceed amount. There was no end date or hourly rate. Also, the signature page needs to be corrected. It has to have a signature for the Mayor and the Clerk. Ms. Hill will email it to the City Attorney for her approval. Also, it needs to be more than just Councilman Smith as the contact. We should have you also contacting someone from the administration. Ms. Hill said we can tell you best practices. Council would

have to make the decisions, we cannot. We would have no management control. The Mayor stated we didn't budget for this extra service and we need a closer estimate for a budget amendment.

- 2 Major Programs for Single audit testing
  We received the schedule of wards and there are two major programs that we will have to test.

- Discussion on any questions or concerns
  Mr. O'Keefe asked if Ms. Hill could talk to Tad about the dashboard report. It is an executive summary of major changes in the revenue and expense report. We have over 6,000 accounts and it is a long process to read through it all. Mrs. Burke-Miller stated she sent that report to BSA and their response was that it is about 4 different reports combined. Ms. Hill said she would call Tad and ask how that report was produced.

  Mr. Smith said Ms. Hill had stated that we may need to look at our Fund Balance Policy. Ms. Hill said we have to see if the Fund Balance Policy is accomplishing what you wanted it to do. Currently the way the language reads it is somewhat vague, it just says expenditures. It doesn't define operating expenditure, capital expenditures or transfers out to other funds (which is typically not a expenditure, known as another financing use). Transfers to other funds would not be included as an expenditure. We need a little clarification on the language. You need to look at the best practice and what kind of reserve we need to have in general fund. Do we include capital expenditures or just operating expenditures? The policy should probably say that a percent or certain amount goes to capital expenditures. If it is not specified, that leaves it open to interpretation. Our recommendation is to look at it and see if it makes sense to be more specific. Mr. Smith asked Mrs. Burke-Miller what her thoughts were. Mrs. Burke-Miller stated by having an average it was taking into account some years where it is too high and too low. I didn't see it as a problem. Mrs. Simpson stated that there are some communities who just have expenditures in their fund balance policy because they don't transfer a lot of money out to other funds on a regular basis. If you are transferring a lot to other funds regularly then it would make sense to incorporate other financing uses into your fund balance policy. You could just update your fund balance policy. Council decided to update the fund balance. Mayor Zelenko stated that she and Mr. Smith will work with Plante Moran to get that updated and brought back to Council.

  Mr. Smith asked, what options, if any do we have moving the (Administrative Salaries) that are shared salaries to other departments which have a healthier balance. Are these administrative salaries and fringes precluded from being paid from any other funds besides Police and Fire? Ms. Simpson stated you have to be very careful when you are allocating cost that you are not excluding certain areas because they are less healthy than other funds. You want to have a set methodology; here are total costs and here is how we are allocating the funds so that you are not excluding certain funds. Either we allocate the same way across all funds or we don't allocate anything. If it is going to be a continuous shortfall for a fund, then you may want to look at your allocations. Then, look at your projections for five years out. Mrs. Burke-Miller stated that when you and I meet we can discuss this. Ms. Hill stated it has to be a consistent and reasonable methodology.

Mr. Smith asked where we are at on labor. He asked Mayor Zelenko if we have two DPW workers coming out of the general fund. Mayor Zelenko said no. Correct me if I am wrong, but you can only assume that you are paying DPW workers out of general fund only if there is a transfer from general fund to DPW and there isn't in the 2017-2018 year. Mayor Zelenko stated look at Page 7 of the 2017-2018 budget which is your transfer out of general fund. This year we transferred to the Fire Department, Police fund, Building fund and Senior Citizens fund. You can reasonably assume that part of that is wages for the employees in those departments and being funded by general fund. Mayor Zelenko asked Plante Moran, Am I correct on that? Ms. Hill nodded yes. Mayor Zelenko stated if your question is in regards to the vacancies we have, we have five vacancies in Water and Sewer which is not general fund. We have two in Roads which is not general fund. We have two vacancies in Motor Pool which is not general fund. We have three vacancies in the Police Department and yes you can say that is funded through general fund because of the transfer to the Police Department. Mr. Hatfield asked who is paying Motor pool. Mayor Zelenko stated we are sending the work out now. Ms. Hill stated that Motor Pool is anyone who uses it. Ms. Hill stated it is based on usage. Ms. Simpson stated whoever uses that equipment gets charged a fee in exchange for the use of the equipment. Mr. Smith asked, Are the fringe proportioned to where they are being paid out of? Mayor Zelenko stated yes, fringes go with the wages. Mr. Smith asked, if our Water and Sewer funds are healthy then why are we short and those positions still vacant? We are having difficulty hiring qualified people. Mr. Smith stated he thought some of the managerial positions were coming out of the general fund. Mayor Zelenko stated are you asking about the administrative salaries? Mr. Smith said yes. Mayor Zelenko said yes, the Clerk, Assessor and Mayor are all paid out of the general fund departments. Mr. Smith asked, Isn't there some that are being paid out of Water and Sewer? Mayor Zelenko stated yes, are you talking about Sue Warren and Bette Bigsby? Mr. Smith said yes. Ms. Hill stated let's use the controller position as an example because she is spread across most funds. Mrs. Burke-Miller stated my position is twenty percent paid by the senior millage and is allocated across all the other funds. Mr. Smith stated we put money into the senior fund from general fund. Mrs. Burke-Miller stated we have to show the county that twenty percent of my wages are coming out of the senior millage so we get reimbursed from the county. Mr. Smith asked Plante Moran if they see any way we can free up general fund money that can be applied towards roads. Ms. Hill stated we haven't gone through the budget to look for that, because that would be crossing the line between management decisions. We can advise you but the decision is up to the council. We did look at your budget and compared to where your prior year expenses were at, they were all pretty consistent. Ms. Hill stated you can look at the funds you are transferring money to and see if those funds really need that money and if they don't you can reduce your transfer from general fund to use toward roads.

Meeting was adjourned at 7:36 PM.

Approve and authorize the Attorney Billing (Amanda Doyle) 08/30/17 to 09/12/17 in the amount $4,260.50.

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

SCHEDULED

Meeting: 09/18/17 07:00 PM
Department: City Council
Category: Attorney Billing
Prepared By: Teresa M. Karsney
Department Head: Teresa M. Karsney

AGENDA ITEM (ID # 3249)

DOC ID: 3249

Approve and authorize the Attorney Billing (F. Jack Belzer) 08/04/17 to 08/30/17 in the amount $1,400.00.

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

SCHEDULED

Meeting: 09/18/17 07:00 PM
Department: Department of Public Works
Category: Agreement
Prepared By: Robert Slattery
Department Head: Robert Slattery

AGENDA ITEM (ID # 3221)

DOC ID: 3221

Approve and authorize the Mayor and Clerk to enter into an agreement with Rowe Professional Services Company 540 S. Saginaw Street, Flint, MI 48502, to provide contract administration services for the completion of the Belsay Road Court to Davison and Center Road CMAQ Signal Interconnect projects in the amount of $42,000.

ATTACHMENTS:

- MoE re Agreement With Rowe for Administrative Services (DOCX)
- Rowe ce proposal belsay and cmaq (PDF)

To: Paula Zelenko, Mayor
From: Robert Slattery, DPW Director
Date: September 11, 2017

Re: Memo of Explanation for Agenda ID # 3221
Regular Council Meeting of September 18, 2017

Contract Administration: Belsay Road and Center Road CMAQ Projects

Madam Mayor,

Agenda language:

Approve and authorize the Mayor and Clerk to enter into an agreement with Rowe Professional Services Company 540 S. Saginaw Street, Flint, MI 48502, to provide contract administration services for the completion of the Belsay Road Court to Davison and Center Road CMAQ Signal Interconnect Projects, for a Not-To-Exceed fee of $42,000.00.

BACKGROUND

With the retirement of City Engineer Greg Kray, it is necessary to retain the services of a professional engineer to provide contract administration services to complete and close out the Belsay Road, Court to Davison project and the Center Road Signal Interconnect CMAQ project. Rowe Professional Services, who has staff very familiar with both f these projects, has submitted a proposal to provide these services. Rowe's fee for providing this service is $42,000.00.

ROWE PROFESSIONAL SERVICES COMPANY

Large Firm Resources. Personal Attention. sm

September 8, 2017

Mr. Bob Slattery
DPW Director
City of Burton
4093 Manor Drive
Burton, MI 48519

Subject: Contract Administration Proposal- Belsay Road and Center Road Traffic Signals

Dear Mr. Slattery:

Pursuant to your request, ROWE Professional Services Company is pleased to provide this proposal for as-needed contract administration services for the above referenced Local Agency projects.

Our fee for providing these services is $42,000. A cost breakdown outlining the scope of our services and fees is attached.

If you should have any questions or need any additional information, please do not hesitate to contact me at our corporate office.

Sincerely,
ROWE Professional Services Company

Louis P. Fleury, P.E.
Senior Project Manager

Attachment

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CONTRACT ADMINISTRATION
CITY OF BURTON
September 2017

Belsay Road:

Process pay estimates
Review material certifications
Review wage rates and payrolls
Process contract modifications
Incorporate all field documentation into "field manager" files
File review process with MDOT
Process contractor evaluations
Process final payment

240 hours @ $105/hour	**$25,200**

Center Road Traffic Signals:

Process pay estimates
Review material certifications
Review wage rates and payrolls
Process contract modifications
Incorporate all field documentation into "field manager" files
File review process with MDOT
Process contractor evaluations
Process final payment

160 hours @ $105/hour	**$16,800**

CONTRACT ADMINISTRATION TOTAL	**$42,000**

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

SCHEDULED

Meeting: 09/18/17 07:00 PM
Department: Controller's Office
Category: Budget
Prepared By: Ginger Burke-Miller
Department Head: Ginger Burke-Miller

AGENDA ITEM (ID # 3222)

DOC ID: 3222

Budget Amendment (Budget #1936-1937) Approve and authorize the following 2017-2018 budget amendment: Decrease (5091-0000-390.0000 Water Unappropriate Surplus) by $20,000; Increase (5091-5091-970.0500 Storz Hydrant Couplings) by $20,000.

ATTACHMENTS:

- Memo 1936_1937 (DOCX)

To: Mayor Zelenko

From: Controller Ginger Burke-Miller

RE: Water Budget Amendment

In April 2017, the city created a purchase order for Storz Couplings in the amount of $9,996.00. The couplings, although budgeted for in the 2016-2017 fiscal year, were not received until August 22, 2017. That being the case, the purchase must fall into the current fiscal year 2017-2018, per Generally Accepted Accounting Principles (GAAP). The City also desires to budget for another $10,000 for the 2017-2018 fiscal year to continue the replacement program. Therefore, the requested amount is $20,000.

Regards,

Controller Ginger Burke-Miller, MBA, CPM

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

SCHEDULED

Meeting: 09/18/17 07:00 PM
Department: Controller's Office
Category: Budget
Prepared By: Ginger Burke-Miller
Department Head: Ginger Burke-Miller

AGENDA ITEM (ID # 3223)

DOC ID: 3223

Budget Amendment (Budget #1938-1939) Approve and authorize the following 2017-2018 budget amendment: Increase (5090-0000-539.0003 SAW Grant Revenue) by $45,000; Increase (5090-5090-956.2014 SAW Grant Expenditures by $45,000.

ATTACHMENTS:

- Memo 1938_1939 (DOCX)

To: Mayor Zelenko

From: Controller Ginger Burke-Miller

RE: Sewer Budget Amendment

When preparing the budget for the 2017-2018 fiscal year, we were told that SAW would likely be complete by June 30, 2017. It has been communicated to me by Dima El-Gamal of Stantec that this project will continue through October of 2017. We anticipate the remaining amount to be $45,000.

Regards,

Controller Ginger Burke-Miller, MBA, CPM

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

SCHEDULED

Meeting: 09/18/17 07:00 PM
Department: Controller's Office
Category: Budget
Prepared By: Ginger Burke-Miller
Department Head: Ginger Burke-Miller

AGENDA ITEM (ID # 3240)

DOC ID: 3240

Budget Amendment (Budget #1940-1941) Approve and authorize the following 2017-2018 budget amendment: Decrease (2049-0000-390.0000 Builiding Unappropriated Surplus) by $7,000; Increase (2049-2061-818.0000 Building Contractual Services) by $7,000.

ATTACHMENTS:

- Memo 1940-1941 (DOCX)

To: Mayor Zelenko

From: Controller Ginger Burke-Miller

RE: Budget Amendment for Building Department

Per discussion with Robert Slattery, Building Contractual Services needs to be increased $7,000 due to the need for building inspection services while a full time employee is out on leave.

Regards,

Controller Ginger Burke-Miller, MBA, CPM

Approve and authorize the sale of Vacant Lot - E. Hemphill Rd., Parcel No. 59-28-554-012, to give first and final approval for the sale of this improved parcel to Cherry Atherton Properties, 5904 Dixie Highway, Clarkston, MI 48346 for the sum of $500 cash or its equivalent and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

ATTACHMENTS:

- Cherry Atherton Proerties PAb 9-18-17 (PDF)

CONDITIONAL PURCHASE AGREEMENT
Conditioned upon ONE City Council Approval

On _______________ the Burton City Council passed Resolution R-________ authorizing the sale of certain City owned real estate at specific prices. The subject of this Purchase Agreement is one of those parcels. Accordingly, this sale will only require one approval by the Burton City Council prior to closing.

For valuable consideration **THE CITY OF BURTON**, a municipal corporation, of 4303 S. Center Road, Burton, Michigan 48519, as Seller and Cherry Atherton Properties, of 5904 Dixie Highway, Clarkston, Michigan 48346, as Purchaser(s), agree to purchase, the following described real property, vacant land, located in the City of Burton, Genesee County, Michigan being legally described as:

Lot(s) Lots 14 & 15 HOLLAND HEIGHTS (89)
More commonly known as: Vacant Lot - E. Hemphill Rd.
Permanent Parcel #: 59-28-554-012

together with all improvements, appurtenances, heridetenements now on the premises.

1. **PURCHASE PRICE.**
The Purchase Price for the above described property shall be $500.00 payable in cash or certified funds at closing.

2. **DEPOSIT:**
In the event that the Purchaser is submitting this Purchase Agreement for City Council consideration, an earnest money deposit in the amount of Ten (10%) percent of the price being offered is hereby submitted with this Purchase Agreement.

3. **CLOSING:**
(a) Purchaser acknowledges and understands that all sales of City owned property must be approved by the Burton City Council and that the sale of this particular parcel of property is conditioned upon one such council approval. If the Council fails to approve this sale, then and in that event this Agreement will be deemed null and void and Seller shall forthwith return Purchaser's earnest money deposit.

(b) Closing shall take place within fifteen (15) business days of City Council approval of this sale. At which time Purchaser will pay to Seller the balance of the purchase price in cash or certified funds and Seller shall convey a Covenant Deed to purchaser in a form suitable for recording. **Purchaser will be responsible for recording the Covenant Deed.**

4. **TITLE:**

Seller has obtained title to the above described property through the property tax reversion process, through a Genesee County Circuit Court Quiet Title Action, or by bequest. Seller does not warrant title. Purchaser is responsible to obtain evidence of satisfactory title. Seller will not provide title insurance.

In the event that Purchaser's title search discloses title defects, Purchaser shall have twenty (20) days from the date of the execution of this Agreement to rescind this transaction by written notification to the City Clerk. Upon termination within the twenty (20) day period, Seller shall return the earnest money deposit to Purchaser and this Agreement shall be null and void.

Seller will convey it's interest in the property, which it has obtained by Circuit Court Judgment Quieting Title, by bequest or by Circuit Court Judgment conveying same, to Purchaser by Covenant Deed.

5. **CONDITION OF PREMISES:**

Purchaser acknowledges that the premises is being sold "AS IS" and that Seller has made absolutely no representations to Purchaser regarding the condition of the premises or any personal property which may be located within or upon the premises. There are no warranties of any type, expressed or implied being given by Seller to Purchaser.

6. **TAXES:**

Seller makes no representations regarding the status of either real or personal property taxes pertaining to the property above described. There shall be no proration of taxes as Purchaser shall be solely responsible for all unpaid taxes, assessments, and fees which may or may not be a lien against the premises at the time of closing. In addition to being solely responsible for all taxes, both past due and current, Purchaser is also responsible to pay any tax certification, revenue stamp and recording fees which may be associated with the recording of the deed.

7. **ENTIRE CONTRACT:**

Seller and Purchaser agree that they have read this document, that they understand its terms and agree to be bound thereby, and that there are no other agreements in writing or otherwise between them concerning the subject of this contract, and that this contract embodies the complete and entire agreement between them concerning the subject of this contract.

8. **BINDING EFFECT:**

Seller and Purchaser agree that the covenants and undertakings of this contract shall also bind their heirs, personal representatives, administrators, executors, assigns and successors; and that said covenants and undertakings as expressed herein shall continue to bind the parties subsequent to the final closing.

9. **MISCELLANEOUS PROVISIONS:**

1) Each party shall be responsible to pay their respective attorney fees.
2) All parties acknowledge receipt of a signed copy of this Purchase Agreement.
3) In the event that the property being conveyed herein was subject to a Circuit Court Title Action, all parties acknowledge receipt of a copy of the Judgment Quieting Title or an Order Conveying Title to the City of Burton.

SIGNED IN THE PRESENCE OF:

Brenda S. Moulton

BRENDA S. MOULTON
PURCHASING AGENT

SELLER:

THE CITY OF BURTON

BY: PAULA ZELENKO
ITS MAYOR

Dated:

BY: TERESA KARSNEY
ITS CLERK

Dated:

PURCHASER:

***MARK CHERRY**
CHERRY ATHERTON PROPERTIES
Dated: 9/11/17

*
Dated: