



CITY OF BURTON
BURTON CITY COUNCIL MEETING
MAY 4, 2020
MINUTES

Virtual Meeting

Regular Meeting

4:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Steven Heffner at 4:00 PM.

A. MEETING INFORMATION

Burton City Council Meeting
Hosted by Racheal Boggs

Monday, May 4, 2020 4:00 pm | 1 hour | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 629 821 885

Password: Pp2QH7qemx4 (77274773 from phones and video systems)

<https://meetingsamer4.webex.com/meetingsamer4/j.php?MTID=m283fc5e364de6ed74909b62972cbb629>

Join by video system

Dial 629821885@meetingsamer4.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-408-418-9388 United States Toll

Access code: 629 821 885

B. INVOCATION LED BY: STEVE HEFFNER

Mr. Heffner recognized a moment of silence for the loss of Morris Abbott and Former Police Chief, John Benthall.

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

D. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Councilman	Remote	
Dennis O'Keefe	Councilman	Remote	
Steven Heffner	President	Remote	
Danny Wells	Councilman	Remote	
Vaughn Smith	Councilman	Remote	
Gregory Fenner	Vice President	Remote	
Christina Conley	Councilwoman	Remote	

E. STAFF PRESENT

Duane Haskins, Mayor

Rik Hayman, Chief of Staff

Charles Abbey, Interim DPW Director/HR

Racheal Boggs, City Clerk

Amanda Doyle, City Attorney
Kirk Wilkinson, Fire Chief
Mike Vogt, Assistant Fire Chief
Amber Abbey, Interim Deputy DPW Director
Steve Phillips, IT Director

F. ADMINISTRATIVE REPORTS

Mayor Haskins stated we lost two great pillars in our community. We ask for prayers for the Abbott and Benthall families. The City of Burton has its own COVID-19 testing facility which is at the Heath Department building on Saginaw Street and starts tomorrow morning at 9:00 AM by appointment only. The more testing we can get done, the faster we can open up and get back to some kind of normalcy. Jean Johnson along with Jennifer and Doris have been passing out food and amenities at the Senior Center. Since the pandemic has started they have passed out over 450 boxes of food and 478 hot lunches. They have done a great job helping out the community and feeding those in need. We have an election tomorrow. The Clerk has worked diligently through this whole new process of total mail-in ballots. She has done an outstanding job and the staff and crew working with her has done a great job. The city is starting to gear up to open some things back up. First, the DPW will be issuing building permits. As you know, as of May 7th, construction workers are lifted from the stay at home order and can go back to work. We have to be ready to facilitate this. We are measuring to put up plexiglass as well as other safety measures to protect employees and the public. We are trying to do this on a call-in, by appointment basis only because of the space limitations from the door to the counter and the social distancing requirements. We are going to try to operate on Monday, Tuesday, Thursday from 7:00 AM - Noon for contractors to come and get permits. We have also been working on plans for the reopening of City Hall. This includes floor markings for 6 foot distancing, plexiglass for counters and sanitizing. We will require and request everyone to wear a mask. Waste Management is resuming bulk pick-up beginning on May 11th. This is good news because some people have had big items sitting by the road for three weeks. It might take them a little while to get caught up. I will be talking with them to see if we can schedule a spring clean-up week. We normally do this in April and we missed it due to the pandemic. The 5-year forecast is done and will be emailed to each of you. Hard copies will be available as well. I would like to talk about possibly starting budget sessions on May 18th. We will do social distancing in Council Chambers and have public comments available through email like we have been doing. The schedule we are looking at is: May 19th: Administrative Overview, 5-year Forecasts, Healthcare, MERS, OPEB, General Funds, IT, Parks & Recreation, SAD's & Self Insurance. May 20th will be the Police Department, Fire Department and Senior Center. May 21st will be Major & Local Roads, Motor Pool and Rubbish and May 27th: Building Department, Water, Sewer and Wrap-up. I would like to begin around 4:00 PM but I will leave that up to the council. If everyone is up for it, May 18th Josh Leadford is available for an executive session. The budget is posted on the website.

Mr. O'Keefe asked, the demo hearings scheduled for May 18th at 5:00 are not going to happen, correct?

Mayor Haskins said, that is correct.

Mr. O'Keefe would like the budget schedule emailed to everyone.

Mayor Haskins said, yes.

Mr. O'Keefe asked the Mayor to send out the correspondence from Waste Management regarding bulk pick-up so it can be shared with the public.

Mayor Haskins said, yes.

G. COMMITTEE REPORTS

Mr. O'Keefe stated the 911 consortium has cancelled all meetings until June.

Mr. Smith stated he would like to give an update on the self response rate for the Census. Currently, the national self response rate is 56.6%. For Michigan it is 63.3% and the City of Burton self response rate is 67.2%. In 2010, our total was 74.2%. This doesn't end until July 31st so we are on track if we keep this momentum.

H. AUDIENCE PARTICIPATION

PUBLIC COMMENTS MAY BE SENT TO: publiccomment@burtonmi.gov. Comments will be read into the public record during the meeting.

Ms. Boggs stated there is no audience participation submitted via email for this meeting.

I. COUNCIL DISCUSSION

Mr. Martinbianco asked if we are going to uphold the city charter and have a public hearing for the budget. Maybe we can reconfigure the meeting on May 18th to have both the Public Hearing and speak with Josh Leadford. This is with the expectation that we will be able to meet in person. We still have time. We have to adopt the budget by the last meeting in June.

Council discussion regarding meeting dates and times and deadlines outlined in the city charter.

Mrs. Conley would like to know when other meetings of the city will resume such as Planning, Zoning and Parks & Rec.

Mr. Heffner stated when the pandemic is over and it's safe to meet again. I don't think anyone has an answer to this question.

Mr. Smith stated the budget was prepared pre-pandemic. The state is going to be bringing in \$7 billion less in the next 18 months. The Michigan Treasury is projecting between \$1 billion - \$3 billion less this year and between \$1 billion - \$4 billion less next year. The reason I bring this up is when we are doing the budget, we need to keep a close eye on where we are financially. I strongly recommend to the council that we plan to reevaluate the budget sometime after January 1st. We don't know what is going to happen. This will impact our Act 51 money, shared revenue and our residents.

Mr. Heffner stated before Mr. Wells left the meeting he did say he supported all three agenda items, for the record.

J. COUNCIL ACTION

1. Approve and authorize the payment of Attorney Billing (Masud) 3/2/2020 to 3/31/2020 in the amount of \$855.00.

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

2. Approve and authorize the Weed Cutting Agreement with Red Hawk Lawn Care, 1390 Iva Street, Burton, MI 48509 and authorize the Mayor and Clerk to execute any and all documents required to effectuate this Weed Cutting Agreement.

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

K. FIRST READING OF ORDINANCE

1. Motion to table: approve and authorize the first 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 temporary uses including roadside stands, seasonal sales, sidewalk sales, special events, and mobile food vending.

Mr. Martinbianco stated this issue began on February 3rd and nobody knew what was going to happen in the next three months or three months after that. There are an awful lot of small business that would like to expand their business and keep what business they have. They know things will not be the way they were. My suggestion would be to let this go for the summer, let the DPW tell us where the problems are and we can investigate them ourselves to see if they were rightly sighted or not. I move to table this and we can take another look at this item the first meeting in September.

RESULT:	FAILED LACK OF SUPPORT
----------------	-------------------------------

2. Motion to Amend Ordinance 157.02, Section 8 subsection D and suspend action on items 3, 4 and 5 of the Code of Ordinances of the City of Burton to regulate temporary uses including roadside stands, seasonal sales, sidewalk sales, special events, and mobile food vending until the first meeting in September.

Motion made by Mr. Martinbianco.

No support.

RESULT:	FAILED LACK OF SUPPORT
----------------	-------------------------------

3. Approve and authorize the first 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 temporary uses including roadside stands, seasonal sales, sidewalk sales, special events, and mobile food vending.

Mr. Smith would like Amber to provide clarification and give an overview of this ordinance change.

Mrs. Abbey stated the Planning Commission held the Public Hearing on March 12th for the temporary use ordinance. To be clear, we already have some temporary use restrictions in place. They were just so broad that it made it difficult to enforce businesses from having yard sales in the side of their yards. By putting this ordinance off we will be left with yard sales. This change is to place guidelines and time frames. Mobile food vending will include food stands and not just vehicles. Seasonal sales is for Christmas trees and mums. This doesn't happen very often. Maybe once every couple of years. Sidewalk sales are for businesses like Family Dollar so they can put stuff on the sidewalk. Temporary roadside stands are for all items that are new and prepackaged. This includes a time frame for set-up, sales and clean-up. For food truck sales we want to make sure they have their Health Department approval and this was not a requirement in the ordinance before. The other thing that the Planning Commission thought was very important was the Special Event Extension. There is no requirement for the permit during special city events. These are all for private property.

Mr. Smith stated this passed at the Planning Commission unanimously.

Mr. Heffner asked for clarification about the food trucks being 500 feet apart.

Mrs. Abbey stated if there is an event being held, other food trucks cannot come and park within 500 feet of their event without permission from the event sponsor.

Mr. Martinbiaco stated we are saying we want to promote small businesses and voting for this amendment is absolutely restrictive and don't be surprised if we see a lawsuit.

Mr. Heffner reminded everyone that this is the first of two readings of the amended ordinance.

Mayor Haskins stated he would like some direction on the May 18th meeting. We will not be able to do an executive session on video.

Mr. Heffner stated we will get together in the next 24 hours and work it out and we will email the council members.

Council discussion regarding available times to hold the meeting, city employees attending and whether the meeting will be held virtually or in person.

RESULT:	CARRIED [5 TO 1]
MOVER:	Christina Conley, Councilwoman
SECONDER:	Gregory Fenner, Vice President
AYES:	O'Keefe, Heffner, Smith, Fenner, Conley
NAYS:	Martinbianco
EXCUSED:	Wells

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

Meeting was adjourned at 5:22 PM.
