CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
JANUARY 3, 2012, 7:00PM, COUNCIL CHAMBERS
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Vice President Haskins led the Invocation. The Pledge of Allegiance was led by Vice President Haskins.

The Regular Council Meeting was called to order by Vice President Haskins at 7:00 PM.

MEMBERS PRESENT: Martinbianco, Heffner, Smith, Wells, Ellenburg, O'Keefe, Haskins.
MEMBERS ABSENT: None.
OTHERS PRESENT: Mayor P. Zelenko, S. Bassi, Assessor, L. Young, Clerk's Office

Mr. Heffner said there are a few minor changes to the minutes that need to made before they are approved. On page number seventeen, where it states, "The employees are getting a heck of a deal," it should read, "The employees are getting a hell of a deal." On page number eighteen, it should say Councilman Wells, instead of Mayor Wells.

Mr. Haskins stated it has been noted that there have been two changes to the Minutes. On the fifth line of the first paragraph, we would like to change "heck" to "hell," in the quote of Councilman Heffner. Also on page eighteen, we would like to change "Mayor Wells" to "Councilman Wells."

Ellenburg moved and O'Keefe seconded to approve and authorize the corrected minutes of the Regular Council Meeting on December 19, 2011 at 7:00 p.m. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Zelenko said the Council has a list of the City owned properties. Council revised that Ordinance last year so they can do this at the beginning of each year. The Assessor is present if they have any questions. She asked that they add two agenda items, to approve the appointment of Lt. Osterholzer as Police Chief. She received a resignation letter from Chief Benthall as we were going out on Holiday. This Friday will be his last day.

Mr. Martinbianco asked if Council needed to approve the resignation and suggested they direct the question to Attorney Richard Austin.

Attorney Austin asked if they would proceed with City business while he did research.

Mayor Zelenko said if that is the case she will go upstairs and make them copies.

Attorney Austin read Section 3.11 of the Burton City Charter. He said in this case the appointment by the Mayor has been accepted by the Mayor and therefore effective prior to the twenty one day period, and is now effective.

COMMITTEE REPORTS:

Mr. Heffner stated the Parks and Recreation Commission will be having a meeting on Wednesday, January 4, 2011 at 5:30 p.m. He is looking for two more council people to attend.

AUDIENCE PARTICIPATION:

John Stapish, PO Box 190134, said the Fire Chief brought up a problem with wood burners. He said a family who had a wood burner moved out of the City. Mr. Stapish said we are in debt 4.3 million dollars for a fire station we can't afford and don't need.

COUNCIL DISCUSSION:

Mrs. Ellenburg addressed Mr. Stapish and said that she was the one who went to the homes with the wood burners to check out the systems. It was not harassment, rather gaining information. She added that people move everyday and don't need a reason.

Mr. Smith asked the Mayor what date the website was to be launched.

Mayor Zelenko said they are working hard to go live on January 9, 2012.

Mr. Wells asked Council if everyone had finished their biographies. He also referenced the employee payroll sheet and asked about Mrs. Dorris.

Mayor Zelenko stated she did not know a Mrs. Dorris.

Mr. Wells said he thought he saw someone on there named Ruth Dorris.

Mayor Zelenko corrected him stating her name is Ruth Davis and that she is the driver for the Senior Center bus. She took Joe Florida's place and makes $9.00 an hour as a part-time employee.

In reference to Item #2, Mr. Wells said that he does not recall having to approve any of these before. Mr. Martinbianco said that the last one that came before the Council, which has to be approved by the State Lottery Commission, is on the record. He added they need local governmental approval before they can have their submittable to the Lottery Commission, using a 501-3C Nonprofit.

Mr. Wells said he does not understand the purpose of our our approval. Mr. Martinbianco said that the local government has to recognize them as a 501-3c.

Mr. Haskins said that he was confused on the backup because they are filing for a 501-3c as a Nonprofit but are considered a corporation.

Attorney Austin said the application suggested they are a 501-3c Corporation, but he has not seen any corporate document. He said that 501-3c is a particular type of corporation.

Mr. Martinbianco asked if they should table the issue to the next meeting. Mr. Heffner said there is no need to table it as it clearly states they are from Grand Blanc, Michigan. He said he would hate to hold them up from raising money for a good cause.

Mrs. Ellenburg asked if the Mayor has any additional information. Mayor Zelenko said that she was not familiar with the address of the building.

Mr. Haskins said that he was just trying to figure out the justifications and liabilities.

In reference to Item #3, Mr. Smith asked if there are any plans to market the City owned properties and suggested the website as a possible means.

Ms. Bassi said they have intentions of putting everything on the website and trying to contact neighbors next door to some of these parcels to see if they are interested in buying the lots.

Mr. Wells asked if these prices were negotiable. Ms. Bassi replied if they do not care to go through the two hearing process they can pay the one price.

In reference to Item #4, Mr. Heffner said the Mayor made a good choice. Mr. Martinbianco stated they should have an effective date so that they don't have two Police Chiefs.

In reference to Item #5, Mr. Haskins stated that our Charter, with this approval, will be considered the Charter two instead of the Charter five, because three of them live outside of the City. He added that people who are appointed to these positions who live within the City have a vested interest in the City. If there was some provision that gave him a year to move in he could accept it more.

Mr. Martinbianco said that he appreciated Mr. Haskins consistency and where he is coming from. He said that the City needs the best professionals that they can afford. He thinks that everyone will be pleased with the outcome.

Mr. Haskins stated that he does not have a problem with Lt. Osterholzer and thinks he is a great Police Officer, but has a problem making provisions to go around the Charter for the Charter five positions. He believes there is a Charter for a reason, that their forefathers put it together for a reason and he feels they should try to stick to it as much as possible.

Mr. Martinbianco said forty years later, things change and he doesn't feel the forefathers meant the Charter to be anything more than a guiding light.

Mr. Heffner asked Mr. Martinbianco to reread Item #5. Mr. Martinbianco read aloud Item #5. Mr. Heffner asked if they were following the Charter and not side-stepping it. Mr. Martinbianco verified that they are not side-stepping the Charter and are moving forward.

In reference to the Seconding Reading of an Ordinance, Mr. Martinbianco said they had a situation evolve regarding the purchasing of police vehicles and Mr. Smith and himself agreed the way they amended the Ordinance triggered the response. He realized there was an emergency situation that needed to be addressed.

Mr. Heffner congratulated the Mayor on her one year as acting Mayor and stated that she has done a fine job.

Mayor Zelenko thanked the Council for their support. She added the Audit Workshop will be held on either January 18th or 25th, both of which are Wednesdays.

Mr. Martinbianco said that they need a new alternate for the Zoning Board of Appeals. He said that Mr.

Grantner resigned.

COUNCIL DISCUSSION ACTION:

Moved by Wells and seconded by Heffner to: Add item # 4 to approve and authorize the Mayor's appointment of Thomas Osterholzer as Police Chief, effective January 7, 2012. Motion carried 7-0.

Moved by Wells and seconded by Heffner to: Add item # 5 to approve and authorize to waive the residency requirements for Thomas Osterholzer, Police Chief, effective January 7, 2012, per section 3.3 of the City Charter. Motion carried 6-1 with Haskins voting no.

COUNCIL ACTION:

Haskins moved and O'Keefe seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from December 14, 2011 through December 21, 2011 in the amount of $3,571.50.

Motion carried 7-0

Heffner moved and Ellenburg seconded the following motion:

2. Approve and authorize the request of All American Grappling Academy of the City of Burton, County of Genesee, that they be recognized as a nonprofit organization operating in the Community for the purpose of obtaining Charitable Gaming License. All proceeds raised by this organization shall be used solely for the purpose stated.

Motion carried 7-0.

Haskins moved and Ellenburg seconded the following motion:

3. Approve and authorize a Resolution of Intent to Sell City Owned Real Property 2012.

Motion carried 7-0

Wells moved and Smith seconded the following motion:

4. Approve and authorize the Mayor's appointment of Thomas Osterholzer as Police Chief.

Motion carried 7-0.

Ellenburg moved and Smith seconded the following motion:

5. Approve and authorize to waive the residency requirement for Thomas Osterholzer, Police Chief, per section 3.3. of the City Charter.

Motion carried 6-1 with Haskins voting no.

SECOND READING OF AN ORDINANCE:

Haskins moved and Heffner seconded the following motion:

1. Approve and authorize the Second Reading of an Ordinance, 2012-1-32.18, amending Ordinance 2011-2-32.18, an Ordinance Amending Section 32.18 of the City of Burton Code of Ordinances to provide for and regulate the process and procedure of competitive bidding for the purchase of goods and services for City use.

Motion carried 7-0.

Meeting adjourned at 8:50 PM.

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