

CITY OF BURTON  
REGULAR COUNCIL MEETING MINUTES  
MARCH 19, 2012, 7:00 P.M., COUNCIL CHAMBERS  
[www.burtonmi.gov](http://www.burtonmi.gov)

Councilman Dennis O'Keefe led the Invocation and Pledge of Allegiance.

The Regular Meeting was called to order by President Tom Martinbianco at 7:20 p.m.

MEMBERS PRESENT: Martinbianco, Heffner, Smith, Wells, Ellenburg, O'Keefe and Haskins.

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor P. Zelenko, Atty. M. Joliat, L. Moss, Deputy DPW Director, D. Marshke, Water and Sewer Foreman, Chief Osterholzer, S. Worthing, Bldg. Inspector / Code Enforcement Officer and L. Young, Clerk's Office.

Heffner moved and O'Keefe seconded the following motion:

Approve and authorize the minutes of the Regular Council Meeting on March 5, 2012 at 7:00 p.m.

Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Zelenko addressed the inquiry regarding the City's maintenance man and bucket truck being at the Senior Center several times in recent weeks. He has been tending to various work orders at the Senior Center. The maintenance man uses the bucket truck because it is large enough to hold all his tools and gives the most flexibility in performing the required work on the orders.

Mayor Zelenko stated next Monday, March 26th, she will be giving a brief State of the City address at 6:00 p.m., followed by Representative Smiley at 7:00 p.m., in the Council Chambers.

Mayor Zelenko said there will be reconstruction of the Atherton Road bridge over Thread Creek that will begin Monday, April 2nd, and the estimated completion date is July 13, 2012. Traffic should follow the detour signs along Dort Hwy., Atherton, Center and Bristol Roads.

Mayor Zelenko said the Parks and Recreation five-year plan was approved by the State of Michigan. She thanked the council for their assistance in meeting the deadlines.

Mayor Zelenko stated the new computers and IT infrastructure is in progress, Mr. Udell met with CSI regarding the details of specifications and logistics with shipping and delivery. Providing we are able to receive delivery in a timely fashion, we are on target to meet the goal date of August 1, 2012.

Mayor Zelenko said the City employees have been challenged by Atherton employees to a co-ed softball game to raise money for their Bullying Awareness Program. The event is Wednesday, May 23<sup>rd</sup> at 5:30 p.m. on the Atherton Varsity field. Anyone interested in playing for the City of Burton team should contact my office to sign up and let me know what position you are interested in playing.

## REGULAR COUNCIL MEETING MINUTES

MARCH 19, 2012 / 7:00 P.M.

PAGE 2

Mayor Zelenko informed everyone she would be at the MML Capitol Conference in Lansing on Tuesday, March 20th, and looks forward to the opportunity to network with the board members and others throughout the State. Mayor Zelenko said Ms. Moss, Mr. Worthing, Mr. Marshke, and Chief Osterholzer are present to address concerns on the agenda items.

Chief Osterholzer said it took seven to eight years of working for the City of Burton before he met his first Council member. He said it is important for the new Police Officers to be introduced to the members of the Council. He said Officer A.J. Babcock had a family crisis and could not attend the meeting, but he comes from a nice and respectable family from Genesee County. He introduced Officer Jimmy Broughton, who is a Bentley High School graduate.

### COMMITTEE REPORTS:

Mr. O'Keefe said he attended the regular meeting for the 911 Consortium on Tuesday, but there was no quorum because of the weather. He said the 911 Consortium has purchased the State Police post and the Republic Citizen's Bank next-door. He said they write many grants and pull in a lot of money from the State and Federal governments.

Mr. Wells said the Public Access Committee discussed website updates, including a donations page, a Facebook page, email accounts for all the board members, which will cost \$128.00, a place for the Historical Society, Pay Pal, a live form for all reservations, and video uploads of Council meetings, which will cost \$450.00 to set up. He said they would be bringing these items to the budget. He said they could implement a dynamic system for the City owned properties, which would cost \$1,949.00. He stated that links to the schools sites and other various sites would be \$50.00.

Mr. Wells said the Historical Society is going to have to slow down. B.J. Walker, Mona Miron, and Bob Walls have lots of experience. A meeting for all Historical Societies is going to take place on April 28, 2012 at 10:00 a.m. at Grand Blanc City Hall. They will need to start putting together paperwork for a 501C3 status. The Mayor and Mr. Heffner went to the Argue house on Saginaw St. Mr. Wells informed the Mayor there was an inquiry about the whereabouts of the plaques from Fire Station 2, as well as the whereabouts of the picture of the first fire truck that was hanging in Meijer's.

Mrs. Ellenburg said Express Auto Sales and Autism Support Group of Genesee County came before the Planning Commission. She is happy there is growth in the City.

Mr. Heffner said there would be an Easter Egg hunt on March 31st at 1:00 p.m. at Van Y. They are currently looking for donations and volunteers for the event.

### AUDIENCE PARTICIPATION:

Rick Fuhst, 1208 S. Genesee Rd., said the website address on the agendas are correct. He feels the City is being nickel and dimed for the website.

## REGULAR COUNCIL MEETING MINUTES

MARCH 19, 2012 / 7:00 P.M.

PAGE 3

Debra Walton, PO Box 190273, Flint, MI 48506, spoke in reference to delivery trucks coming down her street. She believes they infringe on her right to privacy and way of life. She said the children have the right to play in the neighborhood. She said residents on Carman St. are being punished by Mr. Peel's business.

Herbert Burnette, 1178 Carman St., spoke in reference to a flooding issue in front of his home and said his drain was not tied into the sewer.

Lisa Williams, 1196 Carman St., spoke in reference to semi trucks using her street. She said they have taken out cable lines, and destroy the curbs and streets.

Janice Berryman, 631 Alvord, Flint, 48507, said she uses Carman St. on the way to her credit union and almost hit a parked semi truck. She said it is a dangerous situation because she couldn't see around him and if she hadn't been driving so slowly, she would have hit him.

Doris Hilts, 2145 Kenneth, spoke in reference to her neighbors riding go-carts around the neighborhood, parking on the lawn and blocking the sidewalk. She presented photographs to the Council. She feels her neighbors are harassing her.

Allen Peel, 5097 Roberts Dr., Flint MI 48506, said he has been in business for eighteen years and has never had his delivery trucks unload on Grand Traverse. He hasn't done anything different than what he has always done. His business has picked up requiring more deliveries. He is not breaking any laws and the trucks are legal. He is a property owner and taxpayer within the City. He feels harassed and hopes that the City can change the signs to show what is and what is not allowed.

### COUNCIL DISCUSSION:

Mr. Smith stated the website is for residents to stay updated and to increase efficiency of City employees. The more information that a resident can get from the website, the less phone calls the employees receive. The website is fully functioning right now. It allows residents to have a record of the communication that takes place between them and the City. It also gives residents access to the meeting minutes without having to hunt them down.

Mr. Heffner said the Code Enforcer has to go unlock the buildings when people want to look at the City owned properties. Having them listed on the website will save the Code Enforcer's time and keep him enforcing code. He asked Mr. Worthing to elaborate on Mrs. Hilts' situation.

Mr. Worthing said he addressed Mrs. Hilts' situation. He has gone by the property four or five times. On one occasion he saw a vehicle parked horizontally in the driveway. The owner said he is going to extend the width of the driveway to create a place to park cars and the City should allow him time to do so.

Mr. Heffner asked Chief Osterholzer for his opinion on the Carman St. situation.

## REGULAR COUNCIL MEETING MINUTES

MARCH 19, 2012 / 7:00 P.M.

PAGE 4

Chief Osterholzer said it is a complex issue. The business owner has done everything the City has asked him to do, including speaking to the semi truck drivers. The goal of the City is to bring business into Burton and keep the existing businesses that we have. He senses the frustration on both sides. He put out a memo to his staff that said they will enforce the law as written. Chief Osterholzer said he believes the semis are driving by her house, but his officers have to be there to observe it so they can write a ticket. He agrees with Mr. Worthing and feels it is safer to have the trucks park on Carman St. He would rather have people driving twenty-five miles per hour to try to negotiate the semi truck versus people who are traveling at speeds of fifty to sixty miles per hour. If the semi trucks were parked on Grand Traverse, people trying to turn right from Carman St. onto Grand Traverse would be completely blind. This is just his opinion on what he feels creates a bigger safety issue. He agrees that if it is currently posted not to go down Carman, they should not be going down there.

Mr. Heffner said downed Comcast wires are the responsibility of Comcast. They are supposed to ensure the wires are 14 ft. 9 in. high so all semi trucks can travel down the roads. He agrees with Mr. Peel that if you back the truck in, it will be flipped around to where it will be right on the corner creating a safety issue.

Mr. Wells said the Parks and Recreation Commission should look into creating a go-cart track to keep them off the streets. He has received many calls from residents regarding Carman St. It is mostly seniors who live on Carman, who have been paying taxes for many years. He added it is a residential street no matter how you cut it. The residents on Carman have been our most patient residents; having to deal with football games, the Holy Redeemer Festival and a parade that runs down their street. The trucks are destroying the residential street because they are not built for that kind of impact. He read letters from residents who were not able to attend the meeting. He asked how Mr. Peel had been receiving his deliveries in the past.

Mr. Martinbianco said he has no idea about Mr. Peel's business practices. He said what happened in the past has no relevance; they need to focus on what is happening now. They need to look at whether or not certain dedicated vehicles only can use Carman St. He said it is not feasible to have an officer parked there just to write illegal turn or illegal entry tickets on a couple of occasions. Another option would be to tell the truck drivers to pull through the Senior Citizens Center parking lot to pull back onto Grand Traverse.

Mr. Wells said he does not think that is an option. He is glad Mr. Peel's business is doing well. If he had to make a decision on a street full of people who have put up with enough and have paid taxes to the City for years he is going to side with them. He said Grand Traverse hardly has any traffic on it in the middle of the day. They could ask the County to do a traffic study to see how many cars travel that road. He has never heard of any accidents at Carman and Grand Traverse.

REGULAR COUNCIL MEETING MINUTES

MARCH 19, 2012 / 7:00 P.M.

PAGE 5

Mr. Haskins said he agrees with Chief Osterholzer that there is no middle ground to make this work. There are no laws being broken, but there is a no trucking sign on that street, so there are laws being broken. He said it is not Mr. Peel who is breaking law since he is not the one driving the trucks. The truck drivers are breaking the law. He said residential streets should not have to deal with semi trucks since it is not fair to the residents. The residents should not be harmed. He agrees this is a huge safety issue.

Mr. Heffner inquired if there is a report on how many trucks go up and down that road per day, per week.

Mayor Zelenko said they only have a best estimate based on the City staff that is in that area and said it is about three to four trucks a week for his deliveries. She said there has not been an official study.

Mr. Heffner said road graders, plow trucks, fire trucks and garbage trucks are commercial vehicles that travel that road.

Mayor Zelenko said Ms. Moss is going to check on the road conditions and what it can and cannot hold. The traffic control order was just one suggestion on how to deal with the problem.

Mr. Heffner said Grand Traverse is a very busy road. Many people use that street to access all the businesses and the school that is present there. He said no matter what they do, not everyone is going to be happy. If there are only three to four trucks a week traveling the speed limit, he doesn't see a problem with that. They should really think about this before they put a man out of business.

Mayor Zelenko said if they approve the water main extension the road will be shut down for construction giving them time to consider other options.

Mrs. Ellenburg said since the road will be closed, Mr. Peel will have to figure out how to have trucks safely deliver on Grand Traverse and he could let the Council know how it works out.

Mr. Heffner said he feels there should be a traffic study there on Grand Traverse.

Mayor Zelenko said it would cost roughly \$10,000 for a traffic study.

Mr. Wells said MDOT would have to approve a traffic study. Once the street is open truck drivers will use it.

Mr. Martinbianco said it was his understanding they are addressing all truck drivers, not just delivery trucks for Mr. Peel's business.

Mr. Heffner asked how cutting through Carman St. down Camden St. is a shortcut.

Mr. Martinbianco said you would have to ask truck drivers who might be backed up at the light going south on Grand Traverse.

# REGULAR COUNCIL MEETING MINUTES

MARCH 19, 2012 / 7:00 P.M.

PAGE 6

Mr. Haskins said residential streets are designed for occasional commercial vehicles, but once it is excessive it may not be able to handle the wear. He said there is a totally different layout and formation with the grade and everything else they put with cement on residential streets, versus a normal street that is made for commercial traffic.

Mr. Heffner said he would have to disagree with that.

Mr. Haskins said Mr. Heffner would have to argue with MDOT and Lt. Morris who does motor carrier because he has all the documentation.

Mr. Martinbianco wasn't sure if that road was paid for with Community Development dollars.

## COUNCIL ACTION:

Haskins moved and Ellenburg seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from February 29, 2012 through March 14, 2012, in the amount of \$4,626.25.

Motion carried 7-0.

Heffner moved and Haskins seconded the following motion:

2. Approve and authorize the transfer of sixty seven thousand six hundred sixty eight dollars (\$67,668.00) from the 2011/2012 Unappropriated Water Surplus to DPW Job #11-001-W Carman Street Water Loop).

Motion carried 7-0.

Haskins moved and O'Keefe seconded the following motion:

3. Approve and authorize the Resolution of Intent to Sell (City Owned Real Property) By Sealed Bids and Conditional Purchase Agreements (2012).

Motion carried 7-0.

Heffner moved and Smith seconded the following motion:

4. Approve and authorize the issuance of a permanent Traffic Control Order for a sign to be installed for "Trucking for Local Deliveries Only" on Carman St. from Southbound Grand Traverse to Camden.

Motion carried 4-3 with O'Keefe, Haskins and Wells voting no.

Meeting adjourned at 8:57 p.m.

ly