

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
APRIL 2, 2012, 7:00 P.M., COUNCIL CHAMBERS
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Council Vice President Duane Haskins led the Invocation and Pledge of Allegiance.
The Regular Meeting was called to order by President Tom Martinbianco at 7:00 p.m.

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Atty. R. Austin, S. Warren, Director of Human Resource/Labor Relations, G. Burke-Miller, Controller, Police Chief T. Osterholzer, Bette Bigsby, Administrative Assistant, L. Moss, Deputy DPW Director and J. Adams, City Clerk.

Haskins moved and O'Keefe seconded the following motion:

Approve and authorize the minutes of the Regular Council Meeting on March 19, 2012 at 7:00 p.m.
Motion carried 6-0. (Mr. Wells was not present for approval of the minutes)

ADMINISTRATIVE REPORT:

Ms. Warren said she is representing Administration tonight. Police Chief Tom Osterholzer and Controller Ginger Burke-Miller are both present. Mrs. Burke-Miller will present Council with the proposed City of Burton 2012-2013 Fiscal Year Budget. On the agenda tonight is a resolution to set the budget public hearing. Mrs. Burke-Miller will get together with Finance Chairman Vaughn Smith to set the budget workshop dates.

Chief Osterholzer stated at the end of last year we had a tragic accident losing our canine. The community came together and purchased for us a new canine, which was tremendous. Since the beginning of the year, Officer Greenway and our new canine Knox have done a great job tracking suspects, searching buildings and finding narcotics. This past Friday evening they were called to assist Grand Blanc Township with a track for a 75-year-old gentleman that had been missing for quite some time. It was late in the evening and temperatures were dropping into the low 30s. Officer Greenway and Knox completed a tremendous track through fields, woods and a swamp. The dog indicated he found the gentleman in a very dense thicket that they could not penetrate to get to him. They contacted the Grand Blanc Fire Dpt., who came out with their thermal imagers and confirmed and located that the individual was in fact there. They cut their way in and were able to rescue him. He was in very bad shape but they got him to the hospital and it is to my understanding he is doing okay. He brings this up because there are members here in this room that supported that project and gave donations. I wanted the opportunity to say thank you. Your generosity already made a tremendous impact and in my opinion, every dime and dollar we raised paid for itself a hundred times over on Friday night.

Mrs. Burke-Miller read aloud a brief letter regarding the proposed budget. She stated we all know that taxable values have not stabilized, health care premiums have increased and our legacy costs have spiked. We are still riding out choppy waters. Mayor Zelenko has a vision to get the City through these tumultuous times without the assistance of an Emergency Manager. She wants us to come out of this stronger and is taking steps in this direction.

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Mrs. Burke-Miller stated further the Mayor has done an exceptional job at leading this organization and we must continue to believe in her vision and support her in our respective roles as members of her crew. The Mayor and Council have had to make tough decisions and more are yet to come. I have faith the City will not only survive but also thrive. I look forward to working with you on developing solutions and navigating situations we cannot control. Mrs. Burke-Miller presented a copy of the Proposed 2012-2013 Fiscal Year Budget to Council and the City Clerk.

COMMITTEE REPORTS:

Mr. Heffner stated on Saturday the Easter Egg Hunt was held with 200 to 250 children in attendance. It was a big success. He thanked the Parks & Recreation Committee and Council members that helped. A car show to benefit Toys-For-Tots is scheduled for May 27th at Courtland Center. They are looking for volunteers and sponsors for that event. It will start at 11:30 a.m. Bob Steele will be the DJ from 11:30 a.m. to 2:30 p.m., and the Jessie Couch Band will perform a concert from 3:00 p.m. to 6:00 p.m.

Mrs. Ellenburg said April 9th at 4:00 p.m. the Legislative Committee will meet to discuss the Fireworks Ordinance and Super Drunk Ordinance. She made a call to State Rep. Charles Smiley's office. They are sending the legislation bills on both of those ordinances so we have information to look over.

AUDIENCE PARTICIPATION:

Mark Owens, 33732 Sebastian Lane, Sterling Heights, MI, said he is here on behalf of the Oakland Wolverine Model Boat Club. In the past few years the City of Burton and the Parks & Recreation Department has supported us in our model boating ventures at the Kelly Lake Park. We would like to give a \$100.00 donation check to the City's Parks & Recreation. Part of the donation is also for last year. Mr. Owens presented the check. He expressed further that the model boat race would be on Sunday, May 20th and everyone is invited.

Mr. Martinbianco thanked Mr. Owens and stated it is a very good family oriented event and worthwhile cause.

Ethelyne Taylor, 2209 E. Bergin, stated DPW came out a few days ago and put parking signs on the south side of the street. Parking signs are already on the north side where the mailboxes are. These small houses have room for 2 cars to park in their driveway. If they put the parking signs on the south side and a person has visitors, there is no parking for them. Today they pulled every no parking sign off of only Bergin Street. They didn't on Parkwood or Boatfield or any other street, just Bergin. If my mail misses me one day, I will come back here to Council because people park on the north side if there are no parking signs. At the east end of the street there is an auto repair business with pick-up trucks parked on both sides of the street. The school buses then have trouble getting down the street as well as people picking up their children waiting for the school bus. She is very concerned with the City taking down the north side parking signs.

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Doris Hilts, 2145 Kenneth St., expressed that residents at 2117 Kenneth are still parking on the sidewalks. She presented pictures to Council and said it became an issue on Friday afternoon. As instructed to do so, she called about this and had a very aggressive officer screaming and bullying her after she requested not to be seen. By the photos, you can see that the officer could have just gone to 2117 Kenneth. But instead, the Sergeant decided to scream at me that he didn't care who told her to call, he was not going to 2117 Kenneth and take care of the situation. She feels his behavior was very inappropriate and he is in possible need of anger management classes. Ms. Hilts addressed further that some officers and City workers are courteous and professional but others forget the taxpayers are the ones that pay their wages. They decide who they are allowed to help and talk to.

Susan Pfeifer, 2055 Buder, said she is having issues with a neighbor that put up a fence so tight against her driveway that she cannot open the passenger side door of her car without hitting it. She is not sure if it is on the property line or not. Ms. Pfeifer presented pictures to Council. She stated she would need to have a survey done to see if the fence is on the property line. She sought an attorney because she doesn't know what else to do and she doesn't understand who would allow a fence there when she can't even get out of her car door. She wants to replace her driveway but how can she do that if there is a fence going down the middle. Ms. Pfeifer also expressed concerns of resale value of her house with the fence and driveway situation. She said she wants something on file if anything were to come of this.

Debra Walton, PO Box 190273, said she was advised to state that everything she is going to say is in her opinion. She said four Council members chose to bring the value of our homes down on Carman St. even more when they voted to let semis take over our neighborhood. Administrators and some of the Council members flocked to Mr. Peel after the meeting, which she found a little odd. No one came to our street to check the condition of our road before the 4 to 3 vote. Mr. Smith came out after the fact and spent time with Mr. Peel. He spoke with a neighbor and told her our street was made for trucks and the pavement is 9 inches thick. It was mentioned Carman St. was done with a grant. If that is the case, how can the City charge a paving assessment to the residents on Carman St.? That would mean you would owe us money back and that isn't the case because I checked. Euston was done with a grant and Carman St. was done by the people. Mr. Heffner said the wire should be 14 ft. high. Comcast and Consumers would tell you the reason they are at that height is because we are residential. That is why they are not 14 ft. high. When they get torn down, it is not up to us to fix it; it is up to the trucking company. We are asking that you put this to a vote again based on the facts and the well being of Carman St., not a businessman. How he gets his deliveries is not our problem. We have all lived there for 30, 40, 50 plus years and you owe it to us to do the right thing. On South Saginaw St. and Fenton Rd., they all have deliveries and it is not a hazard. Grand Traverse is 3 lanes, one way and cars are not speeding. If they are, we should have an officer writing tickets. She doesn't see the seriousness of South Grand Traverse. Mrs. Walton said Holy Redeemer School closed 3 years ago so there isn't a school issue.

Mrs. Walton addressed further Carman St. paving. She stated there is 6 inches of base course with an inch and a half of pavement; 7 ½ inches. The road was done in 1979. Right now it is separating at the seams. She feels no one did their homework before they voted on this.

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Mrs. Walton inquired if a council member or an elected official can hold a seat if they owe back taxes, and also if an employee can have a back water or sewer bill.

Lisa Williams, 1196 Carman St., inquired regarding a standard minimum charge for water and sewer, and if there is a requirement for a C-2 business to use a dumpster and not curb-side pickup especially if the party does not live at that address and they are putting trash out to the curb.

Annette Howser, 2059 Buder, said she is the neighbor Sue Pfeifer is talking about. My husband is Chris Howser, City of Burton Road Dpt. Superintendent / Foreman. If you have any questions you can talk to Amber Frost in DPW. We went through Amber, Stuart Worthing and Phil Panchula. We had it surveyed and everything is legal. We weren't given favors for anything because Chris works for the City, we did everything by the books and paid our fee. We come home to bikes and kids playing in our driveway. I don't use their driveway but they constantly use mine. That is the reason for the fence.

Mrs. Taylor, 2209 Bergin, said when she used Carman St. to get to the Library, the road was terrible. Her Bergin St. is in better shape than Carman. Carman St. could wreck a car's shocks.

COUNCIL DISCUSSION:

Mr. Smith addressed Mrs. Walton's comments. He was informed Carman St. is 9 inches of pavement and it was safe for semis to use the road. There are 29,999 people in Burton who are all our bosses. There are challenges and we have to mediate disputes. It was a difficult vote. He spoke to area residents on Carman. Some expressed they didn't have a problem with semis, some did, some residents had only water/draining concerns. One resident has 4 small children and stated they don't play out in the street, only in their back yard. He had no problem with the semis. A resident next to the upholstery business had concerns of having another paving assessment to take care of the street. The residents he spoke to all said there were about 2 to 4 semis a week at the business. He spent time with Mr. Peel to get his perspective and to find out where the semis are parking. This gentleman grew up in the Bentley area and also lived in the Bendle area. His business has been here for almost 19 years. He thought enough of this community to bring his business here, which we desperately need. We don't want to hurt the residents or business. In speaking to the Carman St. residents, I don't think there is a correct answer.

Mr. Wells thanked Mr. Owens and the model boat club for bringing their event to Kelly Lake and their \$100.00 donation. He said we will have to publicize this a little more. Mr. Wells inquired regarding the fence situation between Ms. Pfeifer and the Howsers. He believes things are coming before Council because we don't have the kind of leadership in DPW to make these decisions. I am really taken aback by some of the things coming before us that are administrative jobs and should be taken care of. Mr. Wells referenced the no parking signs on Bergin and stated if that is a traffic control issue we should have known about that. I haven't heard of any streets in Burton with no parking on both sides of the road, especially in the south end where it is so small.

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Mr. Martinbianco said in a lot of cases, we will issue a blanket traffic control order and everything then would be executed between the DPW and Police Dpt. The Chief might want to find out if there was an open TCO that called for the installation of the other no parking signs and if there was another TCO that ordered their removal.

Chief Osterholzer said he was not aware of any orders coming over and he would have to speak with DPW.

Mr. Wells said typically that comes to the Council for approval before we move on something like that, then to come back the next day and take them back out makes me question a few things. Mr. Wells asked the Chief to get back with him on this situation. He hopes on the fence issue that everyone can work this out. He appreciates Mrs. Walton continuing to do our work for us. He has learned a lot about Carman St.

Mr. Wells inquired regarding a meeting with Mr. Prisby for Wednesday at 9:00 a.m.

Mr. Martinbianco said he talked to the DPW chief and he was unaware there was a meeting with Mr. Prisby.

Ms. Moss said it would depend on what issue, as there is several going on with them at this moment.

Mr. Wells said Mr. Prisby expressed it would be a great opportunity and learning experience to sit down with City Council and have us ask some questions and let him talk about the dire straits we are in, especially in the south end with our infrastructure. I would love to bring all the experts in on this. I think a special meeting would be in order for the sewer structure, especially if he is willing to come here.

Mr. Martinbianco said if he is coming up here to discuss specifics with Administration, I think it is all well and good and under the administrative realm. I agree that during our budget deliberations it would be crucial to someone of Mr. Prisby's stature to address all of us in a special meeting and bring us up to speed when we get to that point in the water and sewer end of the budget and specifically of how it is impacting the south end delivery system.

Mr. Wells said the problem is he is not always available because he teaches and is back and forth. It was a lucky hit to have an opportunity to meet up with him. I don't know how long in advance you have to call him.

Mr. Martinbianco said we could talk to him on Wednesday and figure out when his next available timeframe is. We are probably going to be a little over a month, 5-6 weeks out when we start discussing the water and sewer budget specifically so maybe in that timeframe bring him back in and give us a synopsis of where we need to be at.

Mr. Wells said we could at least get brought up to speed on what is going on now and it gives us 5 to 6 weeks to come up with questions and more solutions and maybe give him some things to take back so he can work on for us. So when it comes down to budget time, we are not doing double work.

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Mr. Martinbianco stated we can't call a special meeting on Wednesday so everybody can be there. If there are a couple of council persons interested in hearing what Mr. Prisby has to say or his interaction with the DPW, I don't particularly have a problem with that and I don't think he does. I don't think it is proper for all of us to be here. Maybe you and Vaughn could be there and ask some general questions and bring back a report.

Mr. Wells expressed further he would like to set up something for Larry Lounds to come in and discuss the health insurance with us.

Mr. Martinbianco said some of the opening remarks Mrs. Burke-Miller made earlier that being included under legacy costs and out of control health care spending, it would be appropriate for Mr. Lounds to come in and share with us some of the options he already investigated. We have to do this in kind of an envelope package because in the contract negotiations this year it is all going to become part parcel of what we have going on in terms of having finite numbers with the budget and having some definite certainty with respect to that.

Mr. Wells said it is just an educational thing. I think we miss the boat a lot of times because we only get to meet every 2 weeks. A lot of stuff that comes before us should be taken care of before it gets this far so we can concentrate on the finances and the legislative part of the City. This is a business meeting of the City Council. Once we draw that line in the sand and figure out whose job is what, we are going to be better off. That way we are not figuring out who is parking on the sidewalk on Kenneth St. In 10-11 years, I have never had to deal with this over and over at every Council meeting. We have to get back to what these meetings are originally set for. We are here to do business of the City. Mr. Osterholzer has been around for a long time and he should be able to take care of all the police work, and I am sure he is on top of it. Why it continues to come before us, I am at a loss.

Mr. Smith inquired to Ms. Moss about the signs.

Ms. Moss said the signs originally were scheduled to be put up all on the south end with CDBG dollars this year. Because of the reflective material it was time. There had been questions on Bergin in particular and Greg pulled the State TCO Thursday and found that it actually did not have a no parking on it. We were told to remove the signs.

Mr. Smith asked further on the directive to put the signs back up.

Ms. Moss replied they have an actual map which is color coded, be it on the north side or south side or both sides, or east or west depending on where the road may be. The road guys went by the map until there was a question concerning the no parking on that street. At that point Chris Howser, our Road Superintendent went to Greg Kray our Directo, and asked him to look back and pull that State TCO and he found it was suppose to be parking on both sides.

Mr. Smith inquired further as to the author of the map and procedures.

Ms. Moss said that would have been Jason, the young man that worked it or Pete Wingblad who is there now. They produce the maps for us per TCOs that they have at that time.

Mr. Smith asked how often they are modified.

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Ms. Moss said they should be whenever they come down from the State, but evidently this one was missed.

Mr. Martinbianco asked should the State TCO even though it is on a local street.

Ms. Moss said that is what she was told by Greg and Amber. Amber who found it and Greg who implemented it this week.

Mr. Martinbianco asked why would they ever come to us for traffic controllers.

Ms. Moss replied it was probably put in place before we received the roads back in 2002.

Mr. Martinbianco said I think we need a little more research on this one. It doesn't sound quite right.

Mrs. Ellenburg addressed Ms. Hilts comments on the parking and problems with the officer.

Chief Osterholzer said he agrees with Mr. Wells. Some of this should be eliminated before coming to Council. In this particular issue, I returned all of Ms. Hilts e-mails. Had I been made aware of this prior to tonight, I could have been prepared to address it. This is the first I heard of it so it would be inappropriate for me to make any comment till I speak with the Sergeant. I will look into it and get back with Ms. Hilts on this situation.

Mrs. Ellenburg addressed the small houses and parking situation spoken of earlier. She said on Fern Street a lot of cars are parked over the sidewalk because it is a small neighborhood. It doesn't look good but it is nonetheless done.

Mr. Martinbianco remarked on the different angles of the photos that were presented by Ms. Hilts.

Mr. Wells inquired regarding the fireworks and super drunk ordinance.

Mr. Austin replied there is a new State Statute that is essentially is going to take away some authority of the local municipality to govern some of the roadside stands. We may not be ready with the new ordinance in time for Monday's Legislative Committee Meeting. He has been in contact with the MTA and MML with regard to putting together an ordinance regarding the fireworks in conjunction with this new State legislation. They advised us to hold off writing local legislation. As of right now, we probably won't be going forward with local legislation. We will sometime in the near future.

Mr. Austin stated further, the super drunk law is not new. There has been a super drunk State Statute in affect for a couple of years now. It is a State Statute whereby a person blows over .17 or above on the data master, they may be charged with super drunk which enhances all of the bad things that can happen in terms of fines, costs, jail sentences, driving sanctions and everything else. The problem has been that none of the local communities have been using the super drunk statute because it is a State law, it would require the local municipalities to file under State law and none of the local municipal has been doing that because in so doing, they give up the local prosecution. It would have to be filed by the county prosecutor's office. Very recently, the State legislature passed a new law that allowed for local municipalities to adopt by reference the State laws super drunk and allows the local municipality to charge super drunk and enhance the penalty provision for those people who are extraordinarily drunk under local ordinance provisions and allow the local prosecuting attorney to charge that law.

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Mr. Austin indicated further he spoke to the Chief and they both agreed it would be a great tool for us to have to charge those people who are extraordinarily drunk found on our roadways driving.

Mr. Wells inquired regarding how much money comes back to Burton for persons being prosecuted and paying their fines.

Mr. Austin said approximately a third.

Mr. Wells asked where that is shown in the budget

Mr. Martinbianco answered that it is under line item District Court fees.

Mr. Wells asked if it should go in the Council's budget since we are paying the attorney fees.

Mr. Martinbianco responded we pay part of the attorney fees but the prosecutorial ones come out of the Police budget.

Mr. Wells asked about where the other two thirds go.

Mr. Austin replied it goes to run the Court, pay the Judges, the Judges retirement, Court of Appeals, Supreme Court, etc.

Mr. Haskins addressed the Carman St. situation and said it sounds like most of us didn't do our due-diligence. During talks of health care for the employees, some Council said they were elected by the residents and not the employees. We had a whole street of residents and Council thought it was more important to support trucking down a residential street. Mr. Smith had some valid points but it came down to residents who have been living on Carman St. for 30-50 years. That was the only justification that would really play a part. The Deputy DPW Director Liz Moss stated the road is going to be closed down for 2 weeks and lets see what happens and give it a trial run. Instead, Council went ahead and approved to let commercial trucking down the street. I don't think Council as a Whole is going to turn their backs on the Carman St. residents. I would hope everyone would still listen to the concerns and hopefully come up with a resolve to the situation.

Mr. Haskins said we have a proposed budget that we will delve into more deeply. We asked a few times of the Controller to try and provide rough estimates on year-end transfers. Realizing that some of them can be tough to do, I still feel as Council being the caretakers of the taxpayers' money, we should have something; we should be able to see some kind of numbers. He knows there are some out there towards the end of the budget that pay 60-90 days out that we are not going to be able to predict. But some in there we should be able to see now. Mr. Haskins stated further, you are not going to keep spending and spending and not know what you are looking at. He is asking again for some kind of estimate for year-end transfers. In his opinion, they can make or break the City. If there are no year-end transfers and things are top notch, great, I am happy. The Assessor is predicting SEV values dropping again. The rough estimate came in around \$600,000. The current projected budget looks like it is about \$500,000. Currently, we don't even know what the fund equity is in our current budget on a lot of issues. I think it is an important thing to know. I think we should have some kind of generalization of where we are at with these. We went from a doom and gloom budget to where there were layoffs, staffing levels in the Police Dpt. down to the 1980s and so on, to turning things around, filling vacated positions that haven't been filled forever, new hires, new job postings, and overtime being paid. There are a lot of things in question. If it is covered, then good job. If it is not, I would like a projected picture of what is not covered. I don't want us to get into another budget and then come August we have a million dollars in transfers.

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Mr. Haskins continued, he doesn't think our City can fiscally handle that much in transfers. I think it is something we should have a closer look at. He is not doing this vindictively or to harm anybody, I am bringing this up because I care. We as elected officials do not have an open checkbook. We are dealing with taxpayers' money. Year-end transfers outside of the budget means we are dipping into our savings account. The current budget we are in right now, four Council people approved the budget to stop this from happening so we wouldn't have to dip into the General Fund. Until we can get a rough estimate, or some kind of idea of where we are at with year end transfers, I would propose between now and June 30th spending should be limited only within the budget, the items that were currently in the budget to make sure we are not over-spending. I will make a motion to add to the agenda that there be a freeze put on all spending outside beyond the budget. I feel with that, any type of spending that goes outside the budget needs to come to Council immediately and not wait for year-end transfers.

Mr. Wells said he would support that.

Mr. Martinbianco asked Mr. Haskins if he is suggesting that he would like to see implemented a line item budget for the balance of the fiscal year.

Mr. Haskins said he does not want to see a line item budget. He knows it is very time consuming and costly and almost impossible to do, there is a lot of restructuring. He just wants to make sure that until we see projections or some kind of estimates of where we are at for year end transfers, we put a freeze on all spending that is outside the guidelines of the budget approved by Council.

Mr. Martinbianco said you have effectively executed a line item budget whether you think you did or not. What you are saying is every line item in a departmental basis, which is how we adopted the budget, all be it by a 4 to 3 vote, each one of those line items contained within the budget, was adopted on a departmental basis.

Mr. Haskins stated if it goes beyond what the budget monies that were in here approved, whether it is a line item or not, usually line items in here you can adjust the funds as long as it is in the appropriated spot. I am saying what goes above and beyond the budget.

Mr. Wells stated he thinks this is smart and will help us in the long run. Even in the really good years, there were always transfers at budget time, \$30,000 here, \$15,000 here.

Mr. Martinbianco remarked that in some areas and some specific departments if there were overruns of any material nature. If you had an extremely bad winter where it drove the cost of fuel, salt and overtime that would cause an overrun in those areas then you would end up seeing the year end transfer. Sometime last month, everyone should have received a copy of the year-to-date through the end of February report. If anyone had any questions on line items or departments they could have brought it to the Finance Chairman's attention.

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Mr. Smith said as a council member we get every month the budget as it is to that point in time, relative to what you budgeted for. So you have a column that shows whatever the budget was passed, then you have the actual expenses on the far right, then you have percent of budget. If you are way under budget, this would have been through March as an example, we were \$220,000 down in projected or budgeted property tax. I look at what is budgeted, where we are in the year, what the actual is and where you are at as percent of budget. If September and you are 9 months in that is basically $\frac{3}{4}$ of the budgeted year. You should roughly be about $\frac{3}{4}$ percent of where you should be with the budget if the budget was accurately projected. We have a new Controller here and I wanted to see if her budgets were too conservative or too ambitious. This gives us a pretty good idea of how well she is anticipating the money is going to come in relative to what she has budgeted. If you look at this sheet, it does not preclude transfers at the end of the year, but you should have a good idea enough to raise questions. Some of it is the time of year too. You may have budget issues that all comes due in the winter or in the spring, so you are going to be a little off as far as that percent of fulfilled budget at that point in time, but you are going to see that. I thought the audience would like to know we are not operating blind. A budget is a budget, as you know from your own house, it is your best guess. We just want to make sure our best guess is pretty close to what it should be.

Mr. Haskins said the purpose of this was to find out and get a rough estimate of where we are in year-end transfers. Mr. Smith made the comment we are not blind. No we are not blind, we have the budget. The budget isn't an estimate, it is factual. When we are given a budget it is not an estimate. This is the dollar amounts we have when we are working. It is not a guesstimate, we are not guessing at anything. There are things that could happen during the budget in certain areas that could preclude extra dollars being there, which could give you a little bit more money. There is nothing to guess when it comes to the budget. State Law says we must have a balanced budget and maintain a balanced budget throughout the year. When the budget was approved, the synopsis behind approving the budget was to stop from dipping into the General Fund. This was a realm to try to get an idea of where we are at with year-end transfers. If year-end transfers come around in July and August, whether it be \$100,000 or a million dollars, I have no idea, none of us sitting up here have an idea, we are blind to the fact. We know there is going to be year-end transfers. Currently there are year-end transfers. If there are ridiculous amounts and there are things out of the realm, I am going to tell everybody right now, I am not going to allow it.

Mr. Smith said a budget is an estimate. It is just like what you do with your house. It is a larger, larger process but the intent is the same. A budget is what you anticipate. If you and your spouse are working and you anticipate this much money coming in, that is what you try and live on. If that is including overtime or if you have a job loss, you are right, that is what you should have but that is not necessarily what you have. This is just like what it would be for you, your best guess. My point is we have a relatively new controller. What I am looking at is how well does she guess because that will help us this year. When we are looking at the numbers, how valid are her numbers this year and our best way of looking for that is looking at what she did last year. If she is way off that should be a red flag to us for this year. Last year was her first full year. We didn't have that opportunity, we now have that. I believe she is going to have another year of experience and we are going to have as a Council another year's experience with her.

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Mr. Smith stated further, If we look at that information and we see she is way off of departments, then we need to be asking questions on this year's budget. Is this truly what you anticipate and why, because last year you were wrong. Why were you wrong? It is just like you do with your households, just bigger.

Mr. Haskins stated he has more to say but due to time constraints, he will refrain.

Mr. Wells said I think Mr. Smith made the point we were trying to make. This isn't a guessing game and there are some estimates involved. We know what the numbers are going in. I don't think we are asking too much here. I don't think we are really trying to throw anybody under the bus. I think what you are trying to do or what you may end up doing is setting somebody up to throw them under the bus later. We are trying to have a chance to bring this back into the real world here before budget time. Knowing you have \$50,000 in this department, \$30,000 here. We know we hired people that were budgeted in the last year's budget, where is that money coming from? And maybe you know that. We know we are doing overtime in the DPW now and the winter wasn't that hard, but where is the money coming from. I heard it was coming from a grant. If there is a grant for them to work overtime, that has to be approved by City Council. I haven't seen a grant come before us. Those are the kind of red flags I am hearing out there. I hope there is a grant and I hope at the end of the day we have money in the bank. I don't see any problem with trying to get that information now rather than later.

Mr. Heffner said this is a lot of our 5th budget since we were elected. This is the first time I ever heard anybody on this Council for year-end transfers, before the year-end transfers. I never heard Councilman Wells or anybody ask for it except this year. I am wondering if there is something more to it than really wanting the numbers.

Mr. Wells said because the Controllor before Karen Foster would come to us when the numbers got low and say you can't hire that policeman. She would tell us, not the Mayor. That was her job, she was watching that money. She would tell us what are transfers were going to be before we got there. That is why we never had to ask. She had that down to a science. We never had to ask those questions before. I don't where the budget is, maybe you do and you have information I don't know. There is nothing else going on here. I don't want to look like a fool at the end of the day. Mr. Haskins doesn't either. I don't think any of us deserve that. If we can get the information beforehand, I think we have a little bit of time to make amends to it.

Mr. Martinbianco referenced Mrs. Walton's questions if elected official can have unpaid property taxes. Mr. Austin replied yes.

Mr. Martinbianco asked if an employee or official could have a back water or sewer bill.

Mr. Austin replied yes.

Mr. Martinbianco referenced Ms. Williams questions and stated he pays a sewer fee which is \$90.00 a quarter. With water and sewer combined, there is going to be a readiness to serve charge and a volume capacity charge for water and then the corresponding amount that would come in and flow through to the sewer bill. That will roll up to that bill which could vacillate on a monthly basis.

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Mr. Martinbianco addressed the dumpster situation and said whenever Mr. Peel moved in, it either had to go before the Planning Commission for a site plan review or an administrative site plan review. That information would be on file.

COUNCIL DISCUSSION ACTION:

Haskins moved and Wells seconded to: Add as Item #3 to approve and authorize a budgetary freeze for the balance of the fiscal year on any expenditures outside the budget unless approved by Council. Motion failed 4 to 3, with Martinbianco, Heffner, Smith and Ellenburg voting no.

COUNCIL ACTION:

Haskins moved and Heffner seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from March 14, 2012 through March 28, 2012 in the amount of \$4,680.75.
Motion carried 7-0.

Smith moved and Heffner seconded the following motion:

2. Approve and authorize the setting of a Public Hearing on April 23, 2012 at 6:30 p.m. for the Proposed 2012-2013 Budget for the City of Burton.
Motion carried 7-0.

Meeting adjourned at 8:35 p.m.

Julie Adams, City Clerk