

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
MAY 21, 2012, 7:00 P.M., COUNCIL CHAMBERS
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Councilman Vaughn Smith led the Invocation and Pledge of Allegiance.
The Regular Meeting was called to order by Vice President Duane Haskins at 7:12 p.m.

MEMBERS PRESENT: Haskins, Martinbianco, Heffner, Smith, Wells, Ellenburg and O'Keefe.
MEMBERS ABSENT: None.
OTHERS PRESENT: Mayor P. Zelenko, Atty. M. Joliat, G. Burke-Miller, Controller,
B. Moulton, Purchasing Agent and J. Adams, City Clerk.

Ellenburg moved and Heffner seconded the following motion:
Approve and authorize the minutes of the Regular Council Meeting on May 7, 2012 at 7:00 p.m.
Motion carried 6-0. (President Martinbianco was not present for the vote)

ADMINISTRATIVE REPORT:

Mayor Zelenko requested under Section 8 of the Open Meetings Act, Michigan Compiled Laws 15.268, Council to go into Executive Session for contract negotiations after the Committee Reports. She provided Council with an updated memo from Assessor Ms. Bassi regarding the FEMA crews that were here due to flooding. Ms. Bassi indicated in her memo that FEMA was in our community for a few days and we had our own teams that went out prior to FEMA being here. They also went out with their preliminary damage assessment teams. It could be as little as 2 weeks or a couple of months before we hear back from FEMA before they report back to the County if there is any type of reimbursement or financial assistance to our area. Residents that did not contact the City about their flooding or because the City or FEMA didn't come to their door, doesn't mean they will not be eligible. If FEMA determines there is eligibility in our area they will set up an office in Genesee County and put out a blast with the media. Residents will have time to register with FEMA. If Council has any residents' contact them that had flood damage and have not been contacted by the City or FEMA, tell them to keep their pictures, encourage them to make their repairs, keep their receipts and keep good records. If and when FEMA deems there is a need here, they can make their application with FEMA at that time.

Mayor Zelenko stated further that several properties are on the agenda for final approval. Mrs. Moulton is here to answer any questions. It still prompts a question on what we do if someone withdraws. If someone was to withdraw from the purchase they committed to in the beginning, they could purchase that property at a lesser value later on. It is something we need to discuss on how we are going to deal with that. Memorial Day is moving right along. Council has a memo regarding the Small Cities Meeting on June 6th in Clio. Contact her if anyone is planning on attending so she can make reservations.

O'Keefe moved and Smith seconded to go into Executive Session, under Section 8 of the Open Meetings Act, Michigan Compiled Laws 15.268. Motion carried 6-0.

Council went into Executive Session at 7:15 p.m.
Meeting resumed at 8:15 p.m.

Vice President Haskins passed the gavel to President Mr. Martinbianco.

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COMMITTEE REPORTS:

Mr. Heffner stated Sunday is the Car Show and Concert. It is becoming more of a family festival. There will be a bounce house, a 25 ft. slide for the kids and several games. We are having Bob Steele and the Jessie Couch Band to perform. This event is a Toys-For-Tots benefit. You can bring an unwrapped toy or make out a check.

Mrs. Ellenburg stated she is on the Memorial Day Committee and the parade is going really well. You can still register to be in the parade. There is a \$25.00 charge. Military groups are free of charge. The parade line up is at 5:00 p.m. with the parade starting at 6:00 p.m., following is the Memorial Ceremony and then the 3-D Fireworks.

Mr. Wells stated he and Mr. Smith were invited to the MTA opening of the hydro bus. He spoke to Congressman Kildee and asked him for a parting gift if he would get with the Mayor to get Center Rd. paved. He said that would be a nice parting gift and he would look into it. They also spoke to Kevin Keene from Consumers Energy about lighting. They will finish an audit in the Fall and any lights needing to be replaced will be with something like what we have now and an LED at no charge to the City. That will save a substantial amount of money. If we want them replaced with LEDs, it will be at a substantial price. We may want to put a meeting together with Mr. Keene. I asked him to get a hold of the Mayor and discuss this with her. We talked to a Todd Mouw from Roush Cleantech. They are the people behind propane. He would be glad to come in and do a demo for us and talk about how much he could save us with our pickup trucks and vehicles and moving them to propane. At Maple and Dort they are going to be a full service propane gas station, the only one in the area. Mr. Wells said there is a young lady with Atherton Schools working with 7th graders on the yes project. They would like to do a project for us and they have some funds to do it with. She needs Council approval and it will have to be approved through Administration and the unions.

AUDIENCE PARTICIPATION:

Curt LaLonde, 434 S. Bassett Rd., Lapeer, stated he works for Goyette Mechanical, a company that has been in the heating and air-conditioning business since 1927. He grew up in the Burton area and graduated from Kearsley High School and lived a lifetime working in and around the Burton community. Several employees are here tonight from Goyette Mechanical that are Burton residents. We have for many years tried to have an opportunity to participate and do work for the City of Burton. Our company put together a bid and we were the successful low bidder. That is Item #2 on the agenda to do maintenance for the City of Burton. Competition was good and I have nothing negative to say about our competitor. Unfortunately, they don't have these people right here that live in your community and contribute what they do. I work for a company that understands the importance of sharing back and giving back to the community. Goyette Mechanical contributes a great deal to the Burton community. We participated as a major sponsor 2 years in a row for the 5K.

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Mr. LaLonde stated further, we have sponsored and donated labor to install the lighting at the Davison Road Side Park and help the Burton Rotary Club with the labor to build the pavilion and annually to do a beautification process to that park. We are involved with Project-Heats-On and over the last 3 years we have serviced 120 families in the City of Burton. The employees of Goyette donate an entire Saturday, 35 people. For us to be sitting here tonight and talking about why we wouldn't be given an opportunity to serve the City of Burton when we are the low bid on a contract, that is the question I have for you tonight. I think we have earned the right to do that.

Donna Gland, 1475 Ives, stated she is a 25-year employee of Goyette Mechanical, which is a family business. Over the years I have experienced the family familiar attitude of Goyette. We belong to the community. We have done Project-Heats-On for several years and look forward to doing it. It is a team effort, team spirit. Even after the hoopla is done and the Saturday is over with, when people still straggle in and call, Dominic Goyette and Curt still makes sure somebody gets heat, we don't let anyone go. We need to take care of our own. I personally shop and dine in the local establishments in Burton because I think we need to remember to keep our money circulating in the community and I would think Council would do the same by awarding Goyette this opportunity to take care of our own community, government establishment.

Bill Dumas stated he is Vice President of the Maple Creek Condominium complex at the corner of Belsay and Maple. The complex has been there for 9 years and he has lived there for 9 years. We have a very serious concern regarding a motorcycle dirt track that is 196 feet from the back of 10 complexes on the north end of our complex. This started last year and has been going on for quite a while. The motorcycle can be heard all the way down to Maple, which is about 1,200 feet from this track. We personally, respectfully, ask you to have that track removed. It is causing more problems for the people in that complex and other surrounding communities. We are concerned because the noise is not beneficial to a neighborhood and it also detracts from the value of the neighborhood. Mr. Dumas presented to Council a Google Earth map of the track and surrounding area. He stated it shows just how far away the track is from all the different residents in our area. Mr. Dumas referenced City owned property nearby with many vacant lots as well as in his complex. He stated if those people that are willing to invest \$200,000 to \$300,000 we all have in these homes, go in and consider buying a unit and they listen to this motorcycle ripping up and down this 800 ft. long track, we are not going to sell homes either. All we are asking is that this track be discontinued.

Mr. Dumas stated further, we have attempted to call police and have them out several times. But evidently, this gentleman either has a police radio or an insider some place because every time we call, the police come out in usually about 10 minutes and by that time the motorcycle is shut off. He has only been caught one time and he was ticketed for it. The ticket was dismissed because there was some misunderstanding between the person that filed the complaint and the police officer that told him he didn't have to be in Court to testify regarding this problem. We had that turned over and he is now going to be charged with excessive noise. We are faithful taxpayers and grand fathered based on how long we have been there. It is 9 years versus 2 years. We want the track removed.

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Lee Clifford said she is from Atherton Middle School and works with the kids from 21st Century. They are getting together with U of M to get a community project together. U of M is giving us money for the 3 kids she has in the group to come up with a community project. Right now they are just in the planning stages. She asked if Council could come up with 3 ideas and the kids could look at and evaluate which one to go with.

Mike Young, 4408 Sunset Blvd., said he lives next to Mr. Dumas. This track wasn't here in 2010 and showed up on Google Earth in 2011. It is a professional track and not a kiddy track. I called the police on April 2nd and Officer Lakey came out. He talked to me first and didn't go out to see where the noise was coming from. He indicated it was private property and he pays his property taxes, he is doing nothing wrong, the ticket complaint wrote in 2011 was dismissed in Court and we are not going to write any more tickets if they are going to be dismissed. Bill and I came down to see the Mayor and she was busy so we got to see the assistant Bette and explained everything to her. We came down 3 days later and explained it all again. We haven't got a call back in 11 days. We went to the building department and talked to Stuart Worthing. I told Mr. Worthing I wanted to put a motor cross track in, I live on Belsay Rd. and have a 1,400 ft. lot by 175 ft. wide. He asked me one question, are you going to put in dirt and I said yes. He said you need a permit. I am going to put bank curves in, jumps in, tires in, there is creek back there that flows across his property. Now they don't want to make the man get a permit. The Deputy Planning Official refuses to make them get a permit, she has been on their property in 2011. She said there was a kiddy track back there, just an oval track and it wasn't much of anything. That much of anything turned into a 1,000 foot long curving track with jumps, bank curves, tires and with all the curves in the secondary it is probably 2,000 ft. long if you added up all the curves and everything. The south branch of Thread Creek is back there and runs across this man's property. He has not been forced to get a permit and has not been fined. Mr. Young said he went and got professional help from another city inspector that is retired to find out what is going on because we are lay people and don't understand the laws, but ordinances is suppose to protect people. I asked Ms. Frost what are allowed in accessories uses in a RE zoned residential suburban lot in the City of Burton and was given a list of about 8 items. I told her it doesn't say motor cross track and she said it does not say that it doesn't, and that is the problem. The EPA is interested in the creek because he has a bunch of dirt piled up and a drain. They saw a picture and the EPA said it doesn't look too serious. Mr. Young stated further he would like this to go to the Planning Commission for a special approval for Section 157.035C. We would be notified by letter within 500 ft. of what this man wants to do.

Mr. Young said he has no permits, soil erosion permits, he is within 500 ft. of a moving body of water, Thread Creek, and we are not making him get a permit and now we are suffering the consequences with all this noise.

Dick Austring, 4412 Sunset Blvd., stated he is 196 ft. from that track. We cannot have company sit out on my deck or eat outside. We can't do absolutely anything in our back yard when these cycles are running. You have to go in your house and close your windows and hope the noise doesn't come through the windows and walls to totally ruin your day and ruin your company. Mr. Austring presented Council a drawing from Google Earth. It is a shame we purchased these homes and saw them being built.

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Mr. Austring stated further, I bought mine 7 years ago and was excited to move out of Waterford where we were in close quarters and come out here where we could enjoy where we are at. It is shame that in my retirement years that we have to go through situations like this. If I wanted to live by a racetrack I would have moved over by Auto City or moved over by MIS. It was awful quiet till last year where we had the wildlife coming through our back yard. We don't have that anymore. Mr. Austring stated he hopes Council will take what we are saying tonight under advisement.

Ken Huber, 4433 Sunset Blvd., said he lives across the street on the corner. My sunroom and deck is on the back of the house. The noise is clearly audible when we are out on the deck. When we are in the sunroom watching television and they are out there running their bikes, we have to close the windows. A group of us get together every Friday night for drinks and food and when we are on the deck, we have to come inside. There are times we have had to actually cancel our entertainment at our house and go to another person's house because of the noise factor back there. It is very disturbing. Mr. Huber read aloud Chapter 146-.01, unreasonable noise. In part 5 of the same section it addresses noises of vehicles and motorcycles with regards to unreasonable noise including the noise resulting from exhaust, which is clearly audible from nearby properties and unreasonably disturbing to the quiet comfort and repose of other persons. This is your ordinance and we are asking you to enforce it.

Mr. Huber said they have their annual Board meeting coming up next Wednesday night at the Elks and there are 75 units in the Association and the residents are going to ask what we are doing about this. Mr. Huber stated he has been on the Board for 9 years and they have never had this issue and problem before.

Rick Fuhst, 1208 S. Genesee, referenced Item #2 on Council's agenda. He said Goyette Mechanical stated they were the low bidder. They are good neighbors to us and have done a lot for the City of Burton. He had the opportunity to work in the residents that spoke subdivision twice in the last month and both times he could hear the motorcycles running down the tracks. I believe the residents do have a problem and Council to consider helping them.

Honey Drew, 4156 Morrison St., said she appreciates the Mayor giving an update on FEMA. The encouragement to make repairs she is not prepared to do. This is the third time her 1-acre parcel has flooded. She had 3 feet of water in her basement. There is a storm drain directly behind her property that is a runoff from the Rizzo Development behind where I live. It is suppose to fall into a retention pond, however there is no retention pond. It is a 2 ft. deep ditch full of tall grass, weeds and debris. We called and requested things. I called last year to get insurance. Now I have substantial damage to all of the things in my home, the furnace and water heater, drywall and carpet, etc. Ms. Drew stated further she is looking for help and have made some calls. The County owns this drain.

Ms. Drew stated further, in order for her to be able to stay in her home that she purchased 5 years ago, is to have this retention pond dug so it can serve its purpose and the water can stop flowing

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directly to and through her home. Where I am at, there are people lower than me and they suffered a lot of damage during the flood. The water doesn't touch neighbors on either side of me. My entire acre is flooded knee to waist deep. The water comes and flows from that back drain all the way to my front ditch where then it goes down. I am doing everything I can to save my home and stay here in Burton. My concern especially with many people leaving my neighborhood is how I am going to be able to stay there. I don't know how the house was permitted to be built there if that drain was in fact coming.

Mr. Martinbianco asked Ms. Drew if she filed for FEMA help.

Ms. Drew replied that the Fire Department came to my house and they asked us how much water we got. They took a few pictures. They didn't take pictures of our furnace and water heater. We have plenty of pictures. I was directed to bring pictures and a list of items to City Hall. I was told at City Hall the documentation wasn't necessary and they had my address. FEMA didn't come to my house. They were in my neighborhood but didn't come to my house. Ms. Drew said her concern is the drain.

Mr. Heffner asked Ms. Drew her location on Morrison.

Ms. Drew stated she is right at Buder and that drain is directly behind my house.

John Stapish, PO Box 190134, referenced Item #19 on the agenda. He asked why Parks & Recreation would need to be compensated. He asked where the City is going to get the money.

Mr. Martinbianco mentioned the price of gas at \$3.65 a gallon, and the Commission being very generous and giving of their time. Every other Board gets paid. The Parks & Recreation have done wonders for the representation of the City and Genesee County as a whole.

Ethelyne Taylor, 2209 E. Bergin, said after the last meeting she went to each Councilperson and thanked them individually for taking care of the no parking signs. She wanted to thank Council publicly and the Mayor. She hopes Council will do as good a job helping these residents tonight as they did her.

COUNCIL DISCUSSION:

Mr. Smith asked Mayor Zelenko what the options are to help the residents.

Mayor Zelenko replied we have to site the people for the noise. It appears every time the police go out there, the noise isn't there. We have to first document where the noise is. She has been in union negotiations and was at a conference in St. Louis. DEQ is involved and Amber is trying to go through that avenue regarding soil erosion permits if it is necessary or not. There has to be a determination made if he has moved more than topsoil or not. She was out in that neighborhood the other night. It was about 6:30 p.m. and she called the Chief of Police and told him there was some noise out there and can he send someone out. When we did respond the noise wasn't there. We are working on it from our end.

Mayor Zelenko stated further as for our ordinance, other than being able to prove the noise, and we have to document that, there really isn't anything else in the ordinance unless we can make a soil erosion stick at this point. We are working on that.

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Mr. Smith asked if there are land use options with zoning.

Mayor Zelenko responded the man does have the right to allow his child to run his motorbike on his property. We can't find anything wrong there. It is going to come down to the soil erosion if that is necessary for that permit, if it is too close to the creek or not. We have spoke to the owner as well. He wants to be a good neighbor but again, his son is involved in this race thing so that is what they are using their property for. We are trying to work on resolving it.

Mr. Smith asked if all the necessary permits were pulled.

Mayor Zelenko stated it hasn't been established if he was required to yet. We need clarification from DEQ. We can't document that based on what the DEQ opinion is. Amber is working through DEQ to get them out here to look at this.

Mr. Smith inquired regarding a timeframe.

Mayor Zelenko said we don't at this point. She will speak with Amber tomorrow.

Mr. Smith asked that this be a priority.

Mr. Smith referenced to Ms. Moulton the Dee Cramer recommendation. He said he looked at the differences between Goyette and Dee Cramer. Goyette is the low bidder. Dee Cramer is \$130.00 for after hour rate and Goyette is \$123.50. Sunday and holiday, Dee Cramer is \$176.00 and Goyette is \$152.00. For parts Dee Cramer is at a 15% discount and Goyette is 20%. Mr. Smith stated further since this didn't come before the Finance Committee because I would have questioned all this. He asked why Dee Cramer was recommended.

Ms. Moulton replied Dee Cramer has been with us for many, many years. We have a good working relationship with them. They are familiar with all our equipment, which is very old and needs to be tweaked here and there. A lot of times I call them up and they don't even charge us, they will just help me and walk me through it. They are always prompt with there service. There is not much difference within the contract price, \$150.00 more a year is worth it to me to stay with Dee Cramer. If a new company comes in, it will take them a long time to learn the equipment and work out all the tweaks. There will be a lot of service calls because they don't know how our equipment works. We only have 2 units at City Hall. If we had 4 units the whole building would work a lot better. We don't so we are working with what we have. I think it is going to cost less with Dee Cramer in the long run because they won't be out as much for service calls.

Mr. Smith said he comes from a family that runs commercial projects, heating & cooling as well as master plumbers. The accreditation whether it be Dee Cramer or Goyette, they have to pass the same tests. You could interchange them and you would not lose an iota of efficiency. Sometimes you get comfortable with certain individuals, but we are looking at a City that is watching every dollar. If we have a contract company as qualified as the other company, we should take the lower contract.

Mr. Smith stated further, that is aside from all the community service they do that Dee Cramer does not, that benefits the community I will be voting no on this. Sometimes it is good for change and see what they can do. You might be surprised and find that Goyette can do a better job.

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Ms. Moulton stated she has had experiences in the past. There was a unit put in at the Fire/Police station. Almost a \$25,000 unit put in by Goyette that quit working within 2 years.

Mr. Martinbianco asked if it was the fault of the equipment or the installation.

Ms. Moulton said it was the fault of the equipment.

Mr. Smith said that could have happened whether Dee Cramer put it in or Goyette put it in.

Ms. Moulton said it took 2 weeks to come out and put it in after I made the original call. I think the service should be more prompt and get a better result.

Mr. Smith asked Ms. Moulton if she ever called Goyette and expressed to Mr. LaLonde that she was dissatisfied with the service.

Ms. Moulton stated she did not.

Mr. Smith asked how would they know that there was a problem if they weren't contacted.

Ms. Moulton said she talked to a woman on 8/1 and didn't get a call back till 8/10. She faxed a sheet on 8/1 and I had to call them on 8/10 because they didn't get back with me yet to fix the problem or get back with me to schedule it. She doesn't feel that is good service.

Mr. Smith said because you didn't bring this to the Finance Committee I made some calls and spoke to Goyette. They were not aware of any issues and if you had issues as purchasing clerk, you need to go to the decision makers. I recommend in the future you go to the next person up till you get an answer. This could be a person that was there for a very short period of time and you are making all those decisions. It could have been an intern. Mr. Smith indicated further, he has to hear better evidence than that when we are looking at awarding a contract to a company that was not the lowest bidder. Goyette has an exemplary reputation in the community. I know people that have had commercial work done with them and I have never heard anything bad. I would like to entertain a resolution to look at Goyette for this.

Mr. O'Keefe addressed the Maple Creek situation.

Mayor Zelenko said the racetrack is on private property.

Mr. O'Keefe said it is hard for me to believe that a piece of residential property could have a dirt track that you could see by satellite. There could be something in our zoning that we could exercise.

Mayor Zelenko said if the man was charging admission and bringing other people into it, then it would be a commercial thing but it is his own private use.

Mr. O'Keefe said he is comfortable with the Mayor staying she is working on this situation.

Mr. O'Keefe referenced Item #2 and stated Goyette has an attractive package. It gets back to corporate citizens and also the corporation that has the employees like Goyette. I consider myself pretty active in our community and every time I am some place, Goyette people, sponsorship or whatever it is, is there. I never hear of Dee Cramer sponsoring or attending any events in our City.

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This is important to me. It is very important we support our local companies. He concurs with Mr. Smith, he will be voting no. Mr. O'Keefe said he would support Mr. Smith's motion.

Mr. Heffner said on the motorcycle situation, I don't care if they have permits or they don't have permits, these motorcycles are basically entering into these residents' homes. They might be 160 feet away physically, but the sound is in their homes. Nobody should have to listen to that.

Mayor Zelenko said the problem is the proof, to be able to write a ticket and make something stick so we are following our ordinance the best we can so we don't end up in another law suit from that owner's prospective that we are restricting use of his own private land with his own private recreation.

Mr. Heffner said this is not the only issue. We had to deal with Sharkey's and I think it was resolved.

Mayor Zelenko said it was, we had to have the proof.

Mr. Heffner mentioned a decimal meter.

Mr. Heffner said he supports Mr. Smith on the heating & cooling. Being on Parks & Recreation and he appreciates anyone that steps up and volunteers, whatever event it is. I see Goyette here and there. Project-Heat-On means a lot to me. I grew up in the south end of Burton. People over there are not as well off as other parts of town. It means a lot to them that Goyette steps up and puts heat in their house. I will be supporting Mr. Smith.

Mr. Heffner said we have a Bendle girl Haley Luxton who is applying for a \$10,000 scholarship and she was one of 54 people in the State of Michigan who tried to get this scholarship. Now she is one of 10. She is the only one from Genesee County who is left. We have flyers upstairs and you can send a vote her way. You can also get on-line to vote for her.

Mr. Heffner stated being on Parks & Recreation he could see what the Commission does. They are changing the image of the City and are doing things they didn't do 10 years ago. Mrs. O'Reilly use to be on Parks & Recreation and she has driven up to Mt. Pleasant for events and to Montrose to pick up cider and donuts. They do a lot for the City and I don't think \$40.00 a month is too much to ask. Gas is really expensive. We have good people now and we need to keep them. The other Boards get compensated. He will be voting for this.

Mr. Smith inquired regarding parliamentary procedure to vote no on the Dee Cramer resolution.

Mr. Martinbianco stated we could insert the requisite language that would talk about scheduled preventative maintenance on a quarterly basis at \$8,600 a year; hourly rate on all labor \$88.00 an hour.

Mr. Heffner said he would like to make a motion to remove Item #2.

Mr. Haskins stated to replace it with the bid acceptance of Goyette Mechanical.

Mr. Martinbianco questioned it being a compound motion.

Mr. Heffner asked for a brief recess and a new motion be written to add on the agenda.

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Mr. Joliat said if resolution #2 stays on the agenda and it is voted down and you add Item #21 using the same language using a different provider, provided you have the contract, bonds, terms of conditions subject to the approval of the City Attorney, you will get to where you want to be and it will be clear to the Clerk.

Mr. Martinbianco called for a recess at 9:25 p.m.

Meeting resumed at 9:38 p.m.

Mr. Wells expressed the need to look at all long-standing contracts. He appreciates everything Goyette does and their involvement in the community.

Mr. Wells said he feels Item #19 is irresponsible to bring this forward with the budget situation we are in and it sends a terrible message to employees. I totally support paying Parks & Recreation but I am confused why it is on the agenda right now. He would like it moved to a later date.

Mrs. Ellenburg said she understands where Mr. Wells is coming from, but she feels the resolution could move forward but not with an amount stated; it needs to be put under consideration for our budget.

Mr. Heffner said he believes it is in the budget, \$40.00 a month for 8 people is \$320.00 a month. He doesn't see why it should be delayed any longer. He thinks actions speak louder than words.

Mr. Wells said he has brought up many times that they need to be compensated and they have been in the past. You were compensated when you went out to California for the Gus Macker. Any time they asked to be compensated we have never turned them down. I think the timing is bad. We are talking about saving every dollar in this budget, but we have something before we even come to budget to pay people that have never been paid before. I think it sends a terrible message.

Mr. Smith said they are helping us to promote the community. I know Mr. Wells cares about that group.

Mrs. Ellenburg said she doesn't know why it couldn't be discussed at budget.

Mrs. Ellenburg asked why are we doing this resolution and are we doing resolutions on everything that is asked for.

Mr. Martinbianco stated it is a policy decision Council will decide to make.

Mr. Heffner said the 4th paragraph of this resolution states now therefore it be hereby resolved that commencing on July 1, 2012. Just after the budget. It was built into the budget by our interim park director.

Mr. Martinbianco said what you are suggesting is, that given the approval of the language in the proposed resolution, will start dictating from this point forward what happens in the next fiscal year.

Mr. Haskins said actions speak louder than words, he will have to agree. MERS was here talking to us about what a detriment the City is with the retirement fund. There are obviously a lot of

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other issues on the table as well. I don't think we show at this point in time the City being in a financial detriment when we are automatically going to approve and shell out \$3,800 a year to start paying a Commission that has not been paid since I have been elected.

Mr. Wells addressed Ms. Lee's Atherton School project. They are teaming up with University of Michigan to perform a community service. These 7th graders from Atherton needs to put a proposal together, hire the people, write a budget and perform a service for the community. They are looking for some ideas. The first thing I thought of was the library park. It will be around three grand. The Administration would have to assign someone to look it over because of the union situation. I think it would be well within \$3,000 to install a couple of benches.

Mrs. Ellenburg suggested tree removal.

Mr. Martinbianco said with children of that age it comes down to what we can and can't do. What can we do to help them facilitate what they need to get done.

Mr. Wells said they are not going to do the work. They need to go out and get bids to do this job. It is going to be reputable people doing it.

Mr. Martinbianco said he is more concerned with City involvement how many charitable events do you want to get in at the expense of what we need to do on a day in day out basis. We have already taxed the administration and provide ancillary services beyond our control. If they really want to get involved in a project like that, if they have a person at City Hall and they can steer them to some other resource.

Mr. Wells said he would send them to the Mayor's office and let Administration take over from here.

Mr. Heffner mentioned a Thread Creek clean-up. Ramona Miron wants to clean up the Thread Creek area by Atherton Rd. where the first settlement in the City of Burton was. We want to do a bench and a little pavilion/gazebo. This is something in the Atherton School District and it would benefit those kids. I think we should direct those kids to Mona.

Mayor Zelenko suggested first coming in to talk about it.

Mr. Heffner referenced the Mayor's earlier comments regarding a person backing out of purchasing a property. He thinks the Legislative Committee should meet and put stipulations and if someone bids on something and then backs out of it, they should be banned from bidding on anything else for 3 to 5 years on anything else.

Mrs. Ellenburg said they have talked to the City Attorney and are trying to get something in place for the next time, so it is in the making.

Ms. Moulton said she believes we are going to have a meeting with all of us players in the City owned properties process and come up with all the questions along the way and problems that have occurred.

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Mr. Martinbianco expressed sending to Ms. Drew a copy of Ms. Bassi's memorandum to the Mayor and Council relative to flooding and FEMA involvement.

Mrs. Ellenburg addressed her comment to Mr. Huber. She hopes the Mayor can find an answer for when he goes to his Association meeting. It will definitely help a lot of the residents whether it is good or bad, at least to be able to give them direction. She herself will come over and look at this situation. Ms. Drew's flood situation she can sympathize. She lives on the other side of Buder and had flooding. I know the Mayor spoke to Mr. Wright and I am sure they are looking into this drain and hopefully the retention pond is something that can be done in the future especially if it can solve the problem. Mrs. Ellenburg thanked Ms. Taylor for coming in and she appreciates her comments. The Parks & Recreation Commission does a lot. I feel they do need to be compensated for their gas.

In reference to Item #19, Mr. Wells stated he will vote to approve the raises but his feeling is the timing was terrible to put this before us. He hopes we can find the money to do it. He understands it has already been put in the budget but it is not in his budget book.

In reference to Item #20, Mr. Wells inquired if paperwork has been submitted from Holy Redeemer Church for fireworks yet. Mr. Martinbianco stated the new law says on the 10 national holidays, the day before, the day of and the day after you are allowed to display fireworks without any intervention. Mr. Haskins said the law stipulates what size mortars you can use.

In reference to Item #21, Mr. Martinbianco said in the future when administration decides to do something like this particularly in the next fiscal year, if such an opportunity comes up to have it go to the Finance Committee first and maybe then we can help move the process along a little bit. Mr. Wells said he sees on Dee Cramer's bid it could be a 2-year contract. He inquired if it is a 2-year contract or a one-year, and if it could be stipulated.

Mr. Martinbianco expressed that Senior Citizen Director Jean Johnson was honored this week with her involvement with Rose Haven and the extraordinary work in helping people find housing and their other temporal issues and needs. The Center has also had to deal with no air-conditioning due to the units that were stolen there.

COUNCIL DISCUSSION ACTION:

Moved by Heffner and seconded by O'Keefe to: Remove Item #2. Motion carried 7-0.

Moved by Ellenburg and seconded by Haskins to: Add as Item #21, to approve and authorize the acceptance of a bid for the Mayor and Clerk to enter into agreement contingent upon the submittal and approval of the City Attorney and of the required bonds of insurance documents, on behalf of the City of Burton, Goyette Mechanical, 3842 Gorey Ave., Flint, Michigan, for scheduled preventative maintenance on a quarterly basis in the amount of \$8,600.00 per year to keep the equipment listed in Attachment A in acceptable operation condition. The hourly rate on all labor outside the scheduled preventative maintenance shall be \$88.00/hr. Motion carried 7-0.

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Moved by Wells and seconded by Haskins to: Remove Item #19. Motion failed 5-2, with Smith, Ellenburg, O'Keefe, Martinbianco and Heffner voting no.

COUNCIL ACTION:

Ellenburg moved and O'Keefe seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from May 2, 2012 through May 16, 2012 in the amount of \$5,547.25.

Motion carried 7-0.

Removed.

2. Approve and authorize the acceptance of a bid and for the Mayor and Clerk to enter into an agreement, contingent upon the submittal and approval by the City Attorney and of the required bonds and insurance documents, on behalf of the City of Burton, with Dee Cramer, 4221 E. Baldwin Road, Holly, MI 48442, for scheduled preventative maintenance on a quarterly basis in the amount of \$8,750.00 per year to keep the equipment listed in Attachment A in acceptable operating condition. The hourly rate on all labor outside the scheduled Preventative maintenance shall be \$87.00/hr.

Haskins moved and Heffner seconded the following motion:

3. Approve and authorize a Resolution Approving Submission of a Genesee County Senior Center 2012/2013 Track One Grant Application.

Motion carried 7-0.

Heffner moved and Haskins seconded the following motion:

4. Approve and authorize a Resolution Authorizing Sale of Vacant Land/Glendale Avenue, Parcel #59-14-527-117, to give second and final approval for the sale of this parcel to Dale Ellery, the sum of \$6,000.00 cash or its equivalent, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

Motion carried 7-0.

Heffner moved and Haskins seconded the following motion:

5. Approve and authorize a Resolution Authorizing Sale of 3114 Coin Street, Parcel #59-26-501-035, to give second and final approval for the sale of this parcel to Tim Woodbury, for the sum of \$6,551.00 cash or its equivalent, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

Motion carried 7-0.

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Heffner moved and Ellenburg seconded the following motion:

6. Approve and authorize a Resolution Authorizing Sale of Vacant Land/Shaw Street, Parcel #59-28-501-101, to give second and final approval for the sale of this parcel to Donald and Leanne Smith, husband and wife, for the sum of \$600.00 cash or its equivalent, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

Motion carried 7-0.

Ellenburg moved and O'Keefe seconded the following motion:

7. Approve and authorize a Resolution Authorizing Sale of Vacant Land/Myrton Street, Parcel #59-28-501-116, to give second and final approval for the sale of this parcel to Tommy Irish, for the sum of \$552.00 cash or its equivalent, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

Motion carried 7-0.

Heffner moved and Haskins seconded the following motion:

8. Approve and authorize a Resolution Authorizing Sale of Vacant Land/Myrton Street, Parcel #59-28-501-117, to give second and final approval for the sale of this parcel to Tommy Irish, for the sum of \$552.00 cash or its equivalent, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

Motion carried 7-0.

Haskins moved and Heffner seconded the following motion:

9. Approve and authorize a Resolution Authorizing Sale of Vacant Land/Myrton Street, Parcel #59-28-501-118, to give second and final approval for the sale of this parcel to Tommy Irish, for the sum of \$552.00 cash or its equivalent, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

Motion carried 7-0.

Haskins moved and Heffner seconded the following motion:

10. Approve and authorize a Resolution Authorizing Sale of 3211 Iron Street, Parcel #59-28-554-099, to give second and final approval for the sale of this parcel to D. Ross and M. Craddock, for the sum of \$1,250.00 cash or its equivalent, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

Motion carried 7-0

Haskins moved and Ellenburg seconded the following motion:

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11. Approve and authorize a Resolution Authorizing Sale of 3316 McKinley Avenue, Parcel #59-28-528-111, to give second and final approval for the sale of this parcel to Akeel Dakki, for the sum of \$2,500.00 cash or its equivalent, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

Motion carried 7-0.

Haskins moved and Heffner seconded the following motion:

12. Approve and authorize a Resolution Authorizing Sale of 2085 Kenneth Street, Parcel #59-29-555-033, to give second and final approval for the sale of this parcel to Tim Woodbury, for the sum of \$2,551.00 cash or its equivalent, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

Motion carried.

Haskins moved and Heffner seconded the following motion:

13. Approve and authorize a Resolution Authorizing Sale of 1476 Donovan Street, Parcel #59-30-578-080, to give second and final approval for the sale of this parcel to Cindy Shauger, for the sum of \$1,060.00 cash or its equivalent, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

Motion carried 7-0.

Haskins moved and Heffner seconded the following motion:

14. Approve and authorize a Resolution Authorizing Sale of Vacant Land/Morrison Street, Parcel #59-31-576-068, to give second and final approval for the sale of this parcel to Cindy Shauger, for the sum of \$560.00 cash or its equivalent, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

Motion carried 7-0.

Haskins moved and Ellenburg seconded the following motion:

15. Approve and authorize a Resolution Authorizing Sale of Vacant Land/Gram Street, Parcel #59-31-576-094, to give second and final approval for the sale of this parcel to Robert Stone, for the sum of \$610.00 cash or its equivalent, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

Motion carried 7-0.

Heffner moved and Haskins seconded the following motion:

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16. Approve and authorize a Resolution Authorizing Sale of Vacant Land/Gram Street, Parcel #59-31-576-103, to give second and final approval for the sale of this parcel to Great Lakes Baptist Temple, for the sum of \$700.00 cash or its equivalent, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

Motion carried 7-0.

Haskins moved and Heffner seconded the following motion:

17. Approve Resolution Authorizing Sale of Vacant Land/Whittemore Avenue, Parcel #59-32-530-019, to give second and final approval for the sale of this parcel to John Paul, for the sum of \$550.00 cash or its equivalent, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

Motion carried 7-0.

Haskins moved and Heffner seconded the following motion:

18. Approve and authorize a Resolution Authorizing Sale of Boatfield Avenue/Vacant Land, Parcel #59-32-526-014, to give first of two approvals for the sale of this parcel to Melvin T. Harnetz, for the sum of \$500.00 cash or its equivalent.

Motion carried 7-0.

Heffner moved and Smith seconded the following motion:

19. Approve and authorize a Resolution Establishing Compensation for Members of Burton's Parks and Recreation Commission.

Motion carried 6-1, with Haskins voting no.

Heffner moved and Haskins seconded the following motion:

20. Approve and authorize a Resolution Approving Permit For Fireworks Display for Wolverine Fireworks Display, Inc., 205 W. Seidlers Road, Kawkawlin, MI 48631, for the City of Burton's Memorial Day Parade & Festivities on Memorial Day, May 28th.

Motion carried 7-0.

Heffner moved and Haskins seconded the following motion:

21. Approve and authorize the acceptance of a bid for the Mayor and Clerk to enter into agreement contingent upon the submittal and approval of the City Attorney of the required bonds and insurance documents, on behalf of the City of Burton with Goyette Mechanical, 3842 Gorey Ave., Flint, Michigan, for scheduled preventative maintenance on a quarterly basis in the amount of \$8,600.00 per year to keep the equipment listed in Attachment A in acceptable operation condition. The hourly rate on all labor outside the scheduled preventative maintenance shall be \$88.00/hr., for a 2 year agreement.

Motion carried 7-0.

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Meeting adjourned at 10:17 p.m.

Julie Adams, City Clerk