

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
AUGUST 20, 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 President Tom Martinbianco at 7:10 p.m.

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor P. Zelenko, Atty. R. Austin and J. Adams, City Clerk.

Haskins moved and Heffner seconded the following motion:

Approve and authorize the minutes of the Regular Council Meeting on August 9, 2012 at 7:00 p.m. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Zelenko requested an Executive Session under Section 8c of the Open Meetings Act. Sue Warren, Human Resource Director/Labor Relations will also join us. Council has a memo from Mrs. Bigsby regarding recent situations at Kelly Lake. We filed a police report on some of the damage this vehicle did. She is inspecting our parks three times a week at various times of the day and DPW has done a good job of maintaining a work schedule twice a week, and they respond to other issues Mrs. Bigsby request. The Davison Road project is moving along on schedule despite a small contamination area on the corner they have had to deal with. On Friday, August 24th and Monday, August 27th, gravel roads will be graded with weather permitting, and on Tuesday the trucks will apply chloride to those roads. Carman Street water has passed inspection and it is running. Reconstruction of the site will be worked on. Crack sealing in the next few weeks is our road department's priority.

Mayor Zelenko stated Council was given a copy of the letter Controller Ginger Burke-Miller received from the Government Finance Officers Association. She continues with the work Brad Becker and Karen Foster did as our Controller. Ginger was given a Certificate of Achievement Award and she has done a lot of work for us as we try to change our structure and be more open and transparent. She stated everyone should congratulate her of this fine achievement.

Mayor Zelenko said Council received a memo from Mark Udell on how to access their new e-mail and account. You can also access your e-mail from home. Council's work station should be set up by the end of the week and everyone will have to sign an Electronic Information Systems Acceptable Use Policy. There is a signature page acknowledging that you received that portion of the handbook and she requests Council to get that back to us as soon as possible.

Mayor Zelenko said on the agenda tonight she took the liberty to request that she be approved as the delegate to the MML convention and Mr. Martinbianco as the alternate. She needs to be at the meeting for the Limited Liability & Pools. If Council chooses to nominate someone else, she does not have a problem with that.

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Mayor Zelenko expressed further Back-to-the-Bricks was a great success with over half a million people attending. She referenced Police Chief Osterholzer's memo and stated at any given time there were over 100 officers on the road from various jurisdictions from the County. The Task Force implemented new procedures that helped to identify incidences before they became a big problem. As a whole, we were happy the way Back-to-the Bricks went this year, especially with public safety. Lt. Odette was head of the Incidence Command Post this year and he did a great job. If you see him, tell him thanks and congratulate him on a job well done. Mayor Zelenko stated she also wants to thank DPW for all the cleanup and preparation they did along the route, as well as the Sheriff's Dpt. for having the work detail out. We had them for 2 days helping us with S. Saginaw and getting the right-of-ways cleaned up. A lot of the businesses chipped in to help with neighboring properties. I think our segment of Back-to-the-Bricks really looked great this year. The Mayor thanked the Parks & Recreation Commission and Council members that came out to help support and work the event.

COMMITTEE REPORTS: None.

AUDIENCE PARTICIPATION:

Pete Wingblad, 13049 Seymour, said he is the AFSCME Union President. He thinks they came to a fair and equitable agreement and hopes it moves forward tonight.

Jim Schadenberg, 6243 Surrey Lane, asked if there could be a resolution passed to make property owners responsible for their dead trees. He has \$5,000 worth of damage done to his fences and another tree down from the Hidden Trails property that nobody seems to want to do anything about it. There are 44 dead trees along my fence line.

Mr. Martinbianco expressed to Mr. Schadenberg that many people have his same issue and he deals with about 2 calls a week. We will get with the City Attorney to address this issue and determine the limits and liabilities the City has.

Rick Fuhst, 1208 S. Genesee, stated that during Back-to-the-Bricks police gave out tickets in the middle of Saginaw Street and it should be done on a side street so traffic is not blocked and held up.

Jim Douglas, 4111 Maplewood Meadows, spoke regarding the Second Reading of an Ordinance on fireworks. He suggested having stiffer penalties and defining the perimeters of anyone shooting off projectiles. On July 4th, fireworks and projectiles went over the roof of his home and pool.

John Stapish, PO Box 190134, inquired regarding agenda Item #4 and what employees this covers.

Mr. Martinbianco said there are 34 employees in the AFSCME union and they work in various departments of the City.

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Mr. Stapish asked if he could have a list of the various unions in the City. He inquired further regarding the Kellar Thoma attorney billing on the last Council agenda and what union that covered. He asked if the Fire Department could use the new computer technology instead of their use of cell phones. Mr. Stapish stated there is a large hole about 3 ft. deep in Center Rd. just south of Court St. by the intersection.

Mr. Martinbianco expressed that area on Center and Court St. might actually be the City of Flint's jurisdiction.

COUNCIL DISCUSSION:

Mr. Heffner said it was brought to his attention after the last Executive Session that the audience can hear what is being said.

Mr. Martinbianco suggested they move the Executive Session to the Mayor's conference room.

Council went into Executive Session at 7:30 p.m.

Meeting resumed at 9:20 p.m.

In reference to Item #3, Mr. Wells inquired regarding the conference topics and any actions that may be taken. Mayor Zelenko responded that in Council's backup she included the MML letter that referenced election of trustees and different legislative policies that the League is going to administer. We vote on those and also discuss additional ones they need to look at. Mr. Wells said the City of Burton along with other jurisdictions in Michigan give their point of view on what is best for their districts. The conference is not just a vacation and he wants to point that out.

Mr. Martinbianco stated MML is our custodial lobbyist in Lansing for the interests that are temporal not only for the City of Burton but all communities. Part of their ministry in helping communities is to offer some of those programs that are now crucial to the operation and implementation of services that all municipalities need to offer, and maybe we need to restructure their mindset or what their goal setting interests are.

Mr. Martinbianco stated that due to Labor Day being on Monday, September 3rd, the next Regular Council Meeting is scheduled for Tuesday, September 4th at 7:00 p.m.

COUNCIL DISCUSSION ACTION:

Moved by Haskins and seconded by Ellenburg to: Approve and authorize Council to go into Executive Session under Section 8c of the Open Meetings Act, after Council Discussion and prior to Council Action. Motion carried 7-0.

Moved by Wells and seconded by O'Keefe to: Approve and authorize Tabling Agenda Item #4 for clarification purposes. Motion carried 7-0.

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COUNCIL ACTION:

Haskins moved and Ellenburg seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from August 1, 2012 through August 15, 2012, in the amount of \$3,220.00.

Motion carried 7-0.

Heffner moved and Haskins seconded the following motion:

2. Approve and authorize Mayor Paula Zelenko as the Delegate to the Annual Michigan Municipal League Convention held at the Grand Hotel, Mackinac Island, Michigan, October 3, 2012.

Motion carried 7-0.

Haskins moved and Heffner seconded the following motion:

3. Approve and authorize Tom Martinbianco as the Alternate to the Annual Michigan Municipal League Convention held at the Grand Hotel, Mackinac Island, Michigan, October 3, 2012.

Motion carried 7-0.

Tabled.

4. Approve and authorize the Mayor, Director of Human Resources, and Clerk to enter into a four-year agreement with AFSCME on behalf of the City of Burton, effective July 1, 2012 to June 30, 2016.

SECOND READING OF AN ORDINANCE:

Haskins moved and Ellenburg seconded the following motion:

1. Approve and authorize the Second Reading of an Ordinance, Ordinance 2012-____-140, An Ordinance Amending Chapter 140 of the City of Burton Code of Ordinances to Regulate the Use, Display and Sale of Fireworks Within the City of Burton; To Provide for Civil Penalties, and to Repeal Conflicting Ordinances and Parts of Ordinances.

Motion carried 7-0.

Meeting adjourned at 9:30 p.m.

Julie Adams, City Clerk