CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
JANUARY 16, 2007, 7:00 P.M., COUNCIL CHAMBERS
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Council President Gary Isham led the Invocation and the Pledge of Allegiance.
The Regular Meeting was called to order by Council President Gary Isham at 7:20 p.m.

MEMBERS PRESENT: Conley, Cross, Isham, LaDuke, Major, Tinnin and Wells.
MEMBERS ABSENT: None.
OTHERS PRESENT: Mayor C. Smiley; Attorney R. Austin and G. Webster, City Clerk.

Mr. Isham welcomed County Commissioner Jamie Curtis and Mayor Smiley to the meeting.

Approval of Minutes:

Mrs. Tinnin did not agree with the motions of the Special Council Meeting of January 4th and January 11th. She asked the Attorney for input on the minutes.

Mr. Austin indicated that he was not going to take over the operation of the Clerk's Office. The Clerk prepares the minutes. She does a fine job of the preparation of the minutes. He was not going to micromanage how the Clerk prepares those minutes. He didn't feel that was necessary or appropriate.

Mr. Isham said that Mrs. Tinnin's concerns were so noted. The minutes were approved as written.

Wells moved and Major seconded the following motion:

Approve and authorize the minutes of the following meetings: Regular Council Meeting on December 18, 2006 at 7:00 p.m., Regular Council Meeting on January 3, 2007 at 7:00 p.m., Special Council Meeting on January 4, 2007 at 6:00 p.m., Special Council Meeting on January 8, 2007 at 5:00 p.m., and the Special Council Meeting on January 11, 2007 at 4:00 p.m.
Motion carried 4-3, with Conley, Cross and Tinnin voting no.

ADMINISTRATIVE REPORT:

Mr. Cross opposed an oral Administrative Report. He said the Administrative Report should be submitted in writing on Thursday. He said Council duly approved the procedure.

Mr. Isham felt the Mayor should be given the courtesy to give an oral report at this meeting. He hoped a written report would be available in the future. He would like to show some flexibility. He strongly clarified these meetings aren't going to be the Council against the Administration. These meetings are going to be a cooperative effort with the intent of moving the City forward.

Mayor Smiley indicated that he would not be giving a report tonight. Everything was just fine.

COMMITTEE REPORTS:
None.

AUDIENCE PARTICIPATION:

Steve Dunk, 4239 Keene Dr., commented on the procedure for filling vacant council seats and updating the website with special meeting agendas.

Keith Cox, 4349 Chicory, wanted to know if the five-day notification was given and the appropriate procedures were followed regarding the council appointment.

John Stapish, P.O. Box 190134, spoke regarding the acquisition of the old welding building and condemned housing funds. He opposed the addition of a light on Bristol Rd. and safety improvements listed in Item 6.

Tom Martinbianco, 5187 Lippincott, indicated streetlights were out near Connecticut and Atherton. He spoke regarding flooding problems on the Heckman property on Maple Rd.

Jan Bolen, 1169 Howe Rd., opposed the reorganization of the Council. She spoke regarding the appointment of Mr. LaDuke and maintenance problems at Kelly Lake Park. She felt the gates should be locked during the winter months.

Pauline Dargel, 6119 Hugh St., opposed adding a traffic signal near Lockwood on Center Rd. and the controversial council appointment.

COUNCIL DISCUSSION:

Mr. Cross asked that a flexible microphone be attached to the podium to provide better audio.

Mrs. Tinnin agreed with Mr. Dunk. The next highest vote getter should fill the council vacancy.

Mrs. Conley asked for clarification on Item 8 regarding demolition funds. Mrs. Tinnin explained that this was incoming revenue related to condemned housing. This will allow funds to return to the line item. There is no transfer required.

Mr. Cross requested that Item 5 be divided into two separate motions. He said the Lockwood signal did not meet the warrants to initiate the project. The Camden signal did meet the warrants to proceed. He spoke regarding the need for safety improvements at Genesee Road intersections.

Moved by Cross, Seconded by Wells to Add as Item 9: Approve and authorize the City of Burton to enter into an agreement with Rowe Engineering, Inc., 6211 Taylor Drive, Flint, Michigan 48507, to provide Design Engineering Services for a traffic signal on Center Road at the Lockwood Senior Apartment Complex. These services will be at a cost not to exceed $7,500.00, with fund transferred out of the 2006/07 Major Street unappropriated surplus to DPW Job #05-016-P. Motion carried 7-0.

Moved by Cross, Seconded by Wells to Amend Item 5 to read: Approve and authorize the City of Burton to enter into an agreement with Rowe Engineering, Inc., 6211 Taylor Drive, Flint, Michigan 48507, to provide Design Engineering Services for the traffic signal at the intersection of Bristol Road at Camden Road. These services will be at a cost not to exceed $8,100.00 for one intersection, with funds transferred out of the 2006/07 Major Street unappropriated surplus to DPW Job #05-016-P. Motion carried 7-0.

Mr. Major asked if resident's concerns at the podium would be forwarded to the department heads.

Mayor Smiley said resident's issues and concerns would be addressed. He said there is an easy procedure for streetlight replacement. Residents should call Consumer Energy directly or the receptionists and the lights will be replaced. There is a line item for the park's maintenance. This is dealt with on an ongoing basis. Information is available on the cost of the Kelly Lake park repairs.

In response to Mr. Cox's question, Mrs. Webster indicated that she did present Mr. LaDuke with an honorary-signed Oath of Office Certificate indicating that he was officially a Burton Council member.

Moved by Cross, Seconded by Tinnin to Add as Item 10: Approve and authorize the Clerk of the City of Burton to file a request with the Attorney General of the State of Michigan to initiate a quo warranto action to challenge the appointment of Ralph LaDuke to the position of City Council pursuant to MCL 600.4501 and MCR 3.306 (B)(l.)(b). Motion failed 4-3, with Isham, LaDuke, Major and Wells voting no.

Mr. Austin said that Mr. LaDuke did not have to abstain from voting on this motion because it was a referral to the Attorney General. It is strictly procedural in nature.

Mr. Cross requested all agenda items be acted on independently. He felt members should not have to go through the Chair for a referral to the Attorney. He did not think that Council was causing excessive attorney billings. He requested the charges be broke out separately.

Mr. Wells felt some Council members were using the Attorney as a reference point. He said they would learn more doing the research themselves. If they have to contact Mr. Austin, he thought it was appropriate to go through the Chair for a referral.

Mr. LaDuke said any attorney fees related to cell tower applications should be billed to the applicant. The attorney fees for the Nextel Tower were $250.00.

Mr. Cross wanted to know if the cell tower applicant paid the attorney fees. If he did, was the funds returned to the legal council line item.

Mr. Wells wanted to know why the attorney was billing the Council for talking to the reporter. Mr. Austin suggested the Legislative Committee review the attorney guidelines. He will abide by the Council's direction regarding phone calls. At this time, he speaks with everyone that calls him.

Mr. Cross pointed out that the attorney guidelines designate who the attorney can accept calls from. It does not say anything about accepting phone calls from the press. Mr. Cross asked the Attorney to follow the attorney guidelines.

In reference to Item 4, Mr. Major indicated that the City provides for a normal placement of streetlights. He would like more information on this issue. He asked that it be tabled until the next Council meeting.

Mrs. Tinnin asked that there be more back up, with details as to why a street light needs to be installed.

Mr. Cross wants backup material to include the City's cost for the project.

Mr. Isham replied that it is about $100 a streetlight.

Mr. LaDuke said the dollar amount in Item 5 should be changed to reflect one signal. He felt the design for the Camden signal would be more expensive than Lockwood.

Mrs. Tinnin said the cost for the streetlight at Bristol and Camden would be $8,100.00.

Mr. Cross felt the Vassar and Lapeer Rd. intersection should be added to the 2008 Safety Projects.

Mr. Major would like an update on the intersection improvements. He said the Vassar and Lapeer intersection was under design. He spoke regarding the Center Road corridor study.

COUNCIL DISCUSSION ACTION:

Moved by Cross, Seconded by Wells to Add as Item 9: Approve and authorize the City of Burton to enter into an agreement with Rowe Engineering, Inc., 6211 Taylor Drive, Flint, Michigan 48507, to provide Design Engineering Services for a traffic signal on Center Road at the Lockwood Senior Apartment Complex. These services will be at a cost not to exceed $7,500.00, with funds transferred out of the 2006/07 Major Street unappropriated surplus to DPW Job #05-016-P. Motion carried 7-0.

Moved by Cross, Seconded by Wells to Amend Item 5 to read: Approve and authorize the City of Burton to enter into an agreement with Rowe Engineering, Inc., 6211 Taylor Drive, Flint, Michigan 48507, to provide Design Engineering Services for the traffic signal at the intersection of Bristol Road at Camden Road. These services will be at a cost not to exceed $8,100.00 for one intersection, with funds transferred out of the 2006/07 Major Street unappropriated surplus to DPW Job #05-016-P. Motion carried 7-0.

Moved by Cross, Seconded by Tinnin to Add as Item 10: Approve and authorize the Clerk of the City of Burton to file a request with the Attorney General of the State of Michigan to initiate a quo warranto action to challenge the appointment of Ralph LaDuke to the position of City Council pursuant to MCL 600.4501 and MCR 3.306 (B)(l.)(b). Motion failed 4-3, with Isham, LaDuke, Major and Wells voting no.

Moved by Major, Seconded by Cross to: Table Item 4 until the next Regular Council Meeting of February 5, 2007. (Approve and authorize the Mayor and City Clerk to execute the authorization for the installation of one (1) streetlight at 1512 Amy Street.) Motion carried 7-0.

COUNCIL ACTION:

Cross moved and Conley seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from December 27, 2006 through January 10, 2007 in the amount of $5,176.00.

Motion carried 7-0.

Tinnin moved and Wells seconded the following motion:

2. Approve and authorize that the City of Burton Board of Review will be in session from March 12 through March 14, and on March 20, 2007. Meeting times will be from 9:00 a.m. to 12:00 p.m., and 2:00 p.m. to 5:00 p.m., with the exception of March 14, when the Board will meet from 3:00 p.m. to 9:00 p.m. All meetings will be held at Burton City Hall, 4303 S. Center Rd., Burton, Michigan.

Motion carried 7-0.

LaDuke moved and Tinnin seconded the following motion:

3. Approve and authorize that a resident taxpayer may file their Board of Review appeal by letter, without a personal appearance being required. This is pursuant to Section 211.30 M.C.L.

Motion carried 7-0.

Motion was tabled until the next Regular Council Meeting of February 5, 2007.

4. Approve and authorize the Mayor and City Clerk to execute the authorization for the installation of one streetlight at 1512 Amy Street.

Wells moved and Tinnin seconded the main motion as amended:

5. Approve and authorize the City of Burton to enter into an agreement with Rowe Engineering, Inc., 6211 Taylor Drive, Flint, Michigan 48507, to provide Design Engineering Services for the traffic signal at the intersection of Bristol Road at Camden Road. These services will be at a cost not to exceed $8,100.00 for one intersection, with funds transferred out of the 2006/07 Major Street unappropriated surplus to DPW Job #05-016-P.

Motion carried 7-0.

Wells moved and Major seconded the following motion:

6. Approve and authorize the City of Burton to enter into a contract with Rowe, Inc., 6211 Taylor Drive, Flint, Michigan 48507, for the purpose of preparing six FY 2008 Safety Project Applications for the following projects: Bristol Rd. at Camden Rd., Center Rd. at Court St., Belsay Rd. at Potter Rd., Belsay Rd. at Lapeer Rd., Genesee Rd. at Lapeer Rd., and Atherton

Rd. at Center Rd. These applications will be performed at a price not to exceed $7,500.00, to be paid from the 2006/07 Major Street Surface Maintenance Contractual Budget.
Motion carried 7-0.

Major moved and Wells seconded the following motion:

7. Approve and authorize Council to support the following FY 2008 Safety Projects for Intersection Safety and Signal upgrades:

   A. Bristol Rd. at Camden Rd. – Additional turn lanes
   B. Center Rd. at Court St. – Signal upgrades and additional turn lanes
   C. Belsay Rd. at Potter Rd. – Signalized intersection with turn lanes
   D. Belsay Rd. at Lapeer Rd. – Additional turn lanes
   E. Genesee Rd. at Lapeer Rd. – Signalized intersection with turn lanes
   F. Atherton Rd. at Center Rd. – Additional eastbound thru lanes and signal upgrades

Motion carried 7-0.

Wells moved and LaDuke seconded the following motion:

8. Approve and authorize to increase the building department condemned housing revenue by $20,000.00 (Twenty thousand dollars) and increase the building department condemned housing expense by $20,000.00 (Twenty thousand dollars).

Motion carried 6-1, with Cross voting no.

Cross moved and LaDuke seconded the following motion:

9. Approve and authorize the denial for City of Burton to enter into an agreement with Rowe Engineering, Inc., 6211 Taylor Drive, Flint, Michigan 48507, to provide Design Engineering Services for a traffic signal on Center Road at the Lockwood Senior Apartment Complex. These services will be at a cost not to exceed $7,500.00, with funds transferred out of the 2006/07 Major Street unappropriated surplus to DPW Job #05-016-P.

Motion carried 7-0.

Meeting adjourned at 8:56 p.m.

Gayle Webster, CMC
City Clerk