

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
JANUARY 17, 2011, 7:00 P.M., COUNCIL CHAMBERS
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Councilman Vaughn Smith led the Invocation and Pledge of Allegiance.

The Regular Meeting is called to order by President Steven Heffner at 7:05 p.m.

MEMBERS PRESENT: Smith, Haskins, Heffner, Martinbianco and Wells.

MEMBERS ABSENT: Ellenburg.

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

Haskins moved and Smith seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Council Meeting on January 3, 2011 at 5:00 p.m., Regular Council Meeting on January 3, 2011 at 7:00 p.m., and Special Council Meeting on January 5, 2011 at 3:00 p.m. Motion carried 5-0.

ADMINISTRATIVE REPORT:

Mayor Zelenko stated she would like to remove from Item #2 Stacey Bassi, Assessor and then add Item #13 to approve and authorize the Mayor's appointment of Stacey Bassi as Assessor, and under Section 3.3 of the Charter to waive residency requirements. Mayor Zelenko stated further she spoke to Tadd Harburn from Plante & Moran regarding the audit and she would like to add as Item #14 to set the Audit Workshop for January 26, 2011 at 6:00 p.m.

Mayor Zelenko said Stacey Bassi, the Assessor is present tonight to answer any concerns regarding Items #3 through #6.

Mayor Zelenko presented to Mr. Heffner a Certificate of Achievement from the National League of Cities for Leadership Excellence. He is the only Council member to her recollection to achieve this recognition. Mayor Zelenko read aloud a proclamation by Dale Sparks, Chairman of the Leadership Council.

COMMITTEE REPORTS: None.

AUDIENCE PARTICIPATION:

James Henneke, 3024 S. Term St., Burton, MI, stated back in August an ordinance was passed for landlords to come in and pay \$45.00 and have the rental properties put on a monthly billing. He feels the City is not in compliance with that. Mr. Henneke explained various times he spoke with city employees and departments. He understood an affidavit form was waiting to be completed.

COUNCIL DISCUSSION:

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Mr. Wells said he feels it is a good idea for appointments to the City's Boards be discussed at a Council of the Whole Meeting or part of a Special Meeting. We want our community involved in their government. There are residents out there with very good resumes.

Mr. Wells stated this past May or June Council had discussion on Blackberry Creek Apartments. Mr. Haskins spoke about possibly putting together a Burton Housing Commission. This could be sent to the Legislative Committee to do research and see if we want to do this. We are possibly missing out on some Federal Grants.

Mr. Heffner said he would fill the position of Legislative Chair with Councilwoman Ellen Ellenburg. Mr. Haskins has been doing research on that and will get some facts together.

Mr. Haskins said they were working on it and when elections started with the Mayor, it sort of has been at a standstill. He just mentioned this to Mr. Heffner earlier today about the housing commission. Our City could definitely benefit from this and the grant money is out there. I would be more than willing to get this going.

Mr. Austin addressed Mr. Henneke and offered his apology. He took an active role in the generation of the water ordinance. He didn't realize there wasn't an affidavit and thought it was taken care of. He met with the Treasurer's Office last week and generated a new affidavit. It is all set to go.

Mr. Smith said he would like to read aloud a letter from Councilwoman Ellen Ellenburg. She had heart surgery and wanted to convey to everyone how much she misses being here. Mr. Smith read aloud her letter. She said her progress from her surgery is going as planned and she is getting better every day. She expresses her deep sympathy for Bill Walworth and Paul Sova. Both were community leaders in the City of Burton and will be greatly missed. Mrs. Ellenburg expressed congratulations for the appointees, Stacey Bassi, Chief Halstead, Chief Benthall and Iris Piske. They have done such a fine job in the past representing the City of Burton. Special congratulations to Julie Adams for the appointment of City Clerk. The choices for the other Board members meet my approval. She noticed the Gus Macker was brought up in the newspaper. She is favor of the Gus Macker as long as we can get sponsorship and volunteers to cover the event. She looks forward for the January 24th Special Council Meeting. She thanked everyone for allowing her letter to be read.

Mr. Wells asked what the plans are of the Council on the Gus Macker. Personally, he would hate to see it end. I think the groundwork's been laid and you guys have done a great job with it the last couple of years. With getting the word out to the public, there may be someone out there that would like to take it over. If someone does, my plan would be to transition it back into the public sector and let them go from there. The City would be there to help them out as much as possible. I agree, we don't have the money to continue starting new programs, or funding programs, but this program is already off to the races and basically self-funding it.

Mr. Haskins said we definitely want to see the Gus Macker and have it come back. It is a huge event for the City and brings a lot of people in. We have worked hard the last 3 years to make it successful. Last year was a little rough and we met with Parks & Recreation about it, they are

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100% behind it. We will get the volunteers going again and hit up for more donations. Any time you hold an event of that nature and size, it is a lot of work. We have a commitment from Parks & Recreation and various people. If everyone works together on it, it will be a huge success. The Council President has been talking directly with the Macker and has the contract ready if Council wants to move forward on it. We are 3 months behind of getting things going. Parks & Recreation is ready to step forward and work diligently on it. Courtland Center is on board in conjunction with it again. Mr. Haskins stated further, it is a 3-year contract but any given time we can opt out of it.

Mr. Wells said we need to make the Macker more inclusive and include the community as well as outside the community. We need teams from all over the State and beyond.

Mr. Smith stated currently we have \$9,000 of which \$5,000 was from Burger King and \$4,000 left over from last year's Macker. We hoped to be able to dispense some of that money but we just didn't have the volunteers. Part of the agreement was if you were a high school or group and brought volunteers, we would then dispense that money to you, but we just didn't have anybody. The end result was there was a lot of scurrying around. The event was great with over 5,000 people coming into Burton. They came from California, New York, Florida, Canada, and all over. The question is can we afford to hold the event. The contract for Gus Macker takes \$12,000 just to get them here. There are shirts, awards, and the Gus Busters (referees). They receive \$50.00 a day. When you add all this up, it is around \$20,000. We have \$9,000 and where do we come up with the other \$11,000. From 2008 to 2010 as the economy changed, it became more difficult to get the sponsors to do it. Some of the sponsors we had the first few years who was willing to exchange their services for signage, last year said they needed the money and couldn't do it for free any more. Mr. Smith stated further, the Gus Macker volunteer summary shows numbers that weren't attained. The problem is we need volunteers from Thursday all the way through Sunday afternoon. People are not willing to give up 4 days of their holiday.

Mr. Smith said he would be more than happy to work on the committee this year, but he is not able to chair it. He read in the paper that the City of Burton 5 K run/walk would be conditional if the Gus Macker was going to occur. It is going to be on and at City Hall by the front entrance and upstairs by the receptionist are race applications. Everyone is invited. Mr. Smith reiterated again the challenge of finding \$11,000 that is needed. Mr. Smith asked Jim Craig in the audience if there was anything he missed adding.

Jim Craig, 6295 Hidden Trails, Burton, MI, responded that he agrees with Duane Haskins that if people are going to do it, we need to hit it hard now. Over the next 2, 3, 4 weeks we need to get some big time hitters, between \$2,500 and \$5,000. I think this is a great event and it does a lot for the City. We want people to have a reason to come here, to live here. Mr. Craig spoke further regarding teams and sponsors.

Mr. Wells said he applauds Mr. Smith for all of his hard work. I don't recall the City running it before. He thought Atherton School and the City was behind it. If things are discussed at Parks & Recreation, it should at least come back to City Council and let us discuss it. How many police officers are going to be used? You are closing down a major thoroughfare on Monday morning

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and also at the other end in the afternoon for a Memorial Day Parade. There needs to be some kind of planning going on and at least discussion about it.

Mr. Martinbianco said we are talking about things that involve Parks & Recreation, emphasis on recreation. If this entire panorama of what goes on during Memorial Day is really a Parks & Recreation objective, the genesis of that should have come from the P & R Commission, and say we identified these areas of things that during Memorial Day we should entertain the thoughts of, and share them with the City Council once the P & R Commission had an opportunity to review them and make their recommendations to us. Also, outline the costs associated with it. You are going to have this amount of overtime for Fire and Police. You are going to have other costs association with the Gus Macker. If the expectations of the City are going to be the financial safety net, we might not end up with anything to give any charity at the end of the day. Mr. Martinbianco stated further, that is why he protested adding on a contract that he hasn't had a chance to see. He indicated further he would never sign anything in the blank or hire the City Attorney to review something he hasn't had a chance to review yet. If we are going to coordinate those efforts and make the entire weekend a success, and these are all components of the weekend, it occurs to me it is the logical way to do it, logical participation. He appreciates Mr. Craig's comment about holding off on any decision until we get more information and get feedback from the Parks & Recreation Commission. He also agrees if we were going to get on the Gus Macker bandwagon, it should have been started in October or November of last year and not now. It is going to be very difficult to pull those things together in addition to obtaining adequate support personnel and individuals. It is estimated about 120 people are needed for support staff for registration, refs, etc.

Mr. Heffner said Mr. Smith did announce the 5K run to the entire City Council and invited all of us to his meetings.

Mr. Smith said the race started in 1997 through 2004. The former race director, and now co-race director Lester Brady, a retired police officer, did run this race. It was separate from the City. The budget for the race is \$3,000. On the race applications at City Hall you will see sponsors. The race discontinued because there weren't enough volunteers. Now we do have the volunteers to run the race. We need a couple of police officers during the duration of the race, and we put them into our budget in case we have to pay for the police. The idea of this was not to put the City in any financial situation where we are having to take public money to cover the race. This race will be self-supporting. The race services company is doing the race at cost. Debbie Newton's father was George Thomas, City of Burton's first Mayor. They were long-time Burton residents that now live in Davison. They wanted to give back to the City. If we don't have the money for the Macker, how can we go to the City for money for the race. The race is self-supporting. Everyone is invited and you can partake at whatever level you want. If you want to walk or run it, or would like to work a water station or work a mile marker, everyone is welcome.

Mr. Haskins said the Parks & Recreation Board was unanimous in their vote for the Gus Macker. The Gus Macker has been around for 3 years. The facts, figures and volunteers are no surprise to anybody that has been involved. Any time you take on an event of this size and magnitude, it is going to take a lot of people, effort and money, and people working hard to get the donations to go ahead and move forward on it. Last year was a little bit of a mix up. This year will be a revived new Committee with different efforts involved. There is no doubt in my mind that it will take a

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lot of work. We managed to do it for 3 years and seemed to be okay with it. If we are able to hold the event, and it is not costing the City tens of thousands of dollars, I think it is okay. The more events we can host in our City, the better it is for our City. Instead of bucking the idea and going against it, we need to get on board and all of us put our nose to the grind stone to bring sponsors and make it successful.

Mr. Heffner said he has been in contact with Gus Macker and they are holding the Memorial Day weekend position for us. They want to know what we decide.

Mr. Wells asked if there was a chance to change the date from Memorial Day.

Mr. Heffner said they have discussed if Memorial weekend is holding our numbers down. We are looking into that.

Mr. Wells said the article in the newspaper came across that the Gus Macker was cancelled and we are moving on to something else. It doesn't help our cause when sponsors, school districts and people read that. He feels comments need to come from the Council President or from the Mayor. The statement should at least be confirmed.

Mr. Smith reiterated he will be on the committee and it is going to take all of us to help.

Mr. Heffner said the last 3 years we put the Gus Macker on, was the worst economic times of our lifetime. I think we have done a phenomenal job from what we had to work with. Once the economy turns around, I think this could be the gem of the City. I will be voting for this tonight.

Council President Heffner passed the gavel to Vice-President Haskins so he could second the motion for Item #10 to approve and authorize Council's reappointment of Steve Bennett, 2295 E. Judd Rd., Burton, MI 48529, to the Zoning Board of Appeals. Term expiring 2014.

In reference to Item #10, discussion ensued at length regarding absences, unreturned phone calls, ZBA applicant notice published in the newspaper, full ZBA Board needed for applicants, number of votes needed in different cases, possibly tabling the agenda item and clarifying the issue.

COUNCIL DISCUSSION ACTION:

Moved by Martinbianco and seconded by Haskins to: Amend Item #2 to remove Stacey Bassi as Assessor. Add Item #13 to approve and authorize the Mayor's appointment of Stacey Bassi as Assessor, and waive residency requirement, per Section 3.3 of the City Charter. Motion carried 5-0.

Moved by Martinbianco and seconded by Haskins to: Add as Item #14 to approve and authorize an Audit Workshop to be held in the Community Room Wednesday, January 26, 2011 at 6:00 p.m. Motion carried 5-0.

Moved by Haskins and seconded by Wells to: Add as Item #15 to approve and authorize signing a contract with the Gus Macker. Motion carried 4-1, with Martinbianco voting no.

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Moved by Haskins and seconded by Heffner to: Item #10 to approve and authorize Council's reappointment of Steve Bennett, 2295 E. Judd Rd., Burton, MI 48529, to the Zoning Board of Appeals. Term expiring January 2014. Motion failed 3-2, with Smith, Martinbianco and Wells voting no.

Moved by Wells, seconded by Martinbianco to amend Item #10 to: Approve and authorize Council's appointment of Scott Hynes, 4370 Sunnymead, Burton, MI 48519, to the Zoning Board of Appeals. Term expiring 2014. Motion carried 3-2, with Haskins and Heffner voting no.

COUNCIL ACTION:

Haskins moved and Smith seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from December 22, 2010 through January 12, 2011, in the amount of \$5,563.25.

Motion carried 5-0.

Wells moved and Haskins seconded the following motion:

Main motion as amended.

2. Approve and authorize the Mayor's appointments as follows: Julie Adams, City Clerk, Doug Halstead, Fire Chief, John Benthall, Police Chief, and Iris Piske, Treasurer.

Motion carried 5-0.

Haskins moved and Martinbianco seconded the following motion:

3. Approve and authorize that the City of Burton Board of Review will be in session from March 14 through March 16, and on March 22, 2011. 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 16, 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, 48519.

Motion carried 5-0.

Haskins moved and Wells seconded the following motion:

4. 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 5-0.

Haskins moved and Martinbianco seconded the following motion:

5. Approve and authorize the City of Burton Guidelines for Granting Poverty Tax Exemption. These guidelines are pursuant to P.A. 390 of 1994, and as further amended by P.A. 620 of 2002.

Motion carried 5-0.

Wells moved and Haskins seconded the following motion:

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6. Approve and authorize a Resolution of Intent to Sell City Owned Real Property 2011.
Motion carried 5-0.

Martinbianco moved and Haskins seconded the following motion:

7. Approve and authorize Mayor Paula Zelenko, Controller Ginger Burke-Miller, or DPW Director Gregory Kray as designated signatories for Community Development Block Grant Reimbursements.
Motion carried 5-0.

Wells moved and Martinbianco seconded the following motion:

8. Approve and authorize the Mayor's appointment of Melinda Brawner, 2440 Briar Creek Ln., Burton, MI, 48509, to the Board of Review to fill the unexpired term of Robert Moore. Term expiring July 2011.
Motion carried 5-0.

Haskins moved and Wells seconded the following motion:

9. Approve and authorize the Mayor's reappointment of Les Bertram, 3280 Shannon Rd. Burton, MI, 48529 to the Planning Commission. Term expiring January 2014.
Motion carried 5-0.

Wells moved and Martinbianco seconded the following motion:

Main motion as amended:
10. Approve and authorize Council's appointment of Scott Hynes, 4370 Sunnymead, Burton, MI, 48519, to the Zoning Board of Appeals. Term expiring January 2014.
Motion carried 3-2, with Haskins and Heffner voting no.

Haskins moved and Smith seconded the following motion:

11. Approve and authorize Council's reappointment of Terry Parker, 4360 Sunnymead, Burton, MI 48519, to the Zoning Board of Appeals. Term expiring January 2014.
Motion carried 5-0.

Haskins moved and Wells seconded the following motion:

12. Approve and authorize Council's reappointment of Bobbie Weatherford, 3084 S. Genesee Rd., Burton, MI 48519, to the Zoning Board of Appeals. Term expiring January 2014.
Motion carried 5-0.

Martinbianco moved and Wells seconded the following motion:

13. Approve and authorize the appointment of Stacey Bassi, Assessor, pursuant to waiver of

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residency clause in Section 3.3 of the Burton City Charter.
Motion carried 5-0.

Haskins moved and Martinbianco seconded the following motion:

14. Approve and authorize setting the date of the Annual Audit Workshop to January 26, 2011 at 6:00 p.m.
Motion carried 5-0.

Haskins moved and Smith seconded the following motion:

15. Approve and authorize signing of the contract with the Gus Macker, contingent of City Attorney reviewing the contract.
Motion carried 4-1, with Martinbianco voting no.

SECOND READING OF AN ORDINANCE:

Haskins moved and Wells seconded the following motion:

1. Approve and authorize the Second Reading of an Ordinance, Ordinance No. 2011-____157, to amend Chapter 157, the Zoning Ordinance, of the Code of Ordinances of the City of Burton to Regulate Medical Marijuana Dispensaries, Medical Marijuana Growing Facilities, and Medical Marijuana Club (also known as Compassion Club).
Motion carried 5-0.

Meeting adjourned at 8:40 p.m.

Julie Adams, City Clerk