

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
JANUARY 21, 2013, 7:00 P.M., COUNCIL CHAMBERS
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Councilman Dennis O'Keefe led the Invocation and Pledge of Allegiance.
The Regular Meeting was called to order by President Tom Martinbianco at 7:05 p.m.

MEMBERS PRESENT: Martinbianco, Heffner, Smith, Wells, Ellenburg, O'Keefe and Haskins.
MEMBERS ABSENT: None.
OTHERS PRESENT: Mayor P. Zelenko, Atty. R. Austin, S. Bassi, Assessor, Police Chief
T. Osterholzer, S. Warrant, Human Resource/Labor Relations Director
and J. Adams, City Clerk.

Haskins moved and Heffner seconded the following motion:
Approve and authorize the minutes of the Regular Council Meeting on January 7, 2013 at 7:00
p.m. Motion carried, 7-0.

ADMINISTRATIVE REPORT:

Mayor Zelenko stated Human Resource Director Sue Warren is here tonight and under Section 8 of the Open Meetings Act, they request Council go into an Executive Session for an update on arbitration and negotiations. The City Assessor Stacey Bassi is here to address any questions on the sale of City property resolution. The writing of the RFP for the telephone system is in process and we hope to go out for bid as soon as the sale of City property settles down. We continue to work on the details of the road plan. Mayor Zelenko indicated the roads in the TIP projects.

Mayor Zelenko said she would like to highlight a few more accomplishments from 2012. With the retirement of John Benthall, 2012 brought about a new Police Chief with the appointment of Tom Osterholzer. Mike Odette was promoted to Administrative Lieutenant, Brian Warden to Patrol Lt., and Kevin Kissel to the Patrol Sergeant. The biggest change of the past year was initiating our policing philosophy from a professional model to a pro-active problem solving policy. Chief Osterholzer gave Council a packet of information on this philosophy change which is still in an early stage. An educational workshop is being planned to present it to Council, the media and the community. Chief Osterholzer is present to answer any questions.

Mayor Zelenko expressed further, with the Ford's Crown Victoria police package no long available, we chose the Dodge Charger pursuit package; new graphics. The roll call room makeover project was done with the support of the community, Elga Credit Union and Space, Inc. The Department in its increasing efforts to give back to the community, continue their participation in Shop with a Hero, Pack-the-Truck, Cub Scout tours and reading in the schools. This past year was the first Policeman's Ball. Officer Erik Freeman and his wife Debbie led the charge organizing the event. It was a huge success that brought in close to \$15,000.00 for a new scholarship program, honoring the three fallen Burton Officers. Officer Nelson George began the work to establish a Burton Police Explorers Program working with the Boy Scouts and providing young students interested in law enforcement some educational experiences. Safety in the Workplace and Safety in Places of Worship seminars began in 2012. Mayor Zelenko said these are just a few examples of changes that show the commitment of the Department to do more with less. This does not change the fact that our Department is still in need of manpower.

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Mayor Zelenko stated Purchasing Agent Brenda Moulton collaborated with us to develop new procedures for selling City owned properties. It was a slight struggle at first, but it turned out to be a good process enabling us to get many properties back on the tax rolls. In moving to a more centralized purchasing process, Mrs. Moulton has taken a busier role with bidding for services and products throughout the City. She was instrumental encouraging the City to utilize pre-bid websites for purchase, obtaining a shredding company for disposal of obsolete documents, and assisting the Treasurer in the City Auction. She is attending classes and webinars for public procurement professionals to bring the City up to date with regulations and best practices.

Mayor Zelenko spoke regarding the IT Department. She stated IT Director Mark Udell provides technology support to over 80 employees located in 7 buildings throughout the City. This includes maintenance and repairs on 8 servers, over 90 desktops and notebooks, 19 network printers and all the associated network infrastructure hardware. In addition, Mr. Udell controls building security and related activities including production, inventory, and issuance of keys and key cards, as well as maintenance of alarm systems and logs. In February, we began the planning process and replacing 100% of all PCs and servers. Mr. Udell worked with Hewlett-Packard and was able to negotiate the original cost from \$96,271 to \$61,894, saving the City over 35%. Mayor Zelenko expressed further that the replacement project was difficult for several reasons. A tremendous amount of paperwork involved documenting every new PC and updating infrastructure inventories. Because of the version difference between the old and new server operating systems, a new network domain had to be created and manually configured. Data stored on the local hard drives of every old PC had to be transferred one by one to the devices replacing them. In order to cause the least amount of lost work and downtime for all City departments, installation of the new hardware had to take place all at once. This required working round the clock over a four day weekend in September. In October, the technology portion of the Burton's Fire Department was turned over to the IT Department. Prior to holidays, site inspections of all three fire stations were completed for the purpose of locating and inventorying equipment, and to do the initial diagnosis of problems reported by Fire Chief Halstead. Based on the findings and recommendations for changes and improvements, the project is currently underway.

Mr. Martinbianco said he appreciated the Police Chief and Assessor being present tonight. He asked Police Chief Osterholzer to talk about where they are at with staffing in 2013.

Police Chief Osterholzer stated when Officer Shawn Nelson comes back from Iraq, the Department will still be down 10 bodies from where we were at our high point. Manpower will be a continual issue to deal with. We took a hard in-depth look at the Police Department over a 10 month period. Thanks to the efforts of Detective Matt Bade while finishing his master's degree, we took a hard look at our philosophy of policing and some of the other options out there to see if something will work better. We followed the traditional model of policing and that is based on the theory if you put enough patrol cars on random patrol it will deter crime. It works great when you have a lower crime rate or high number of officers. Given our high crime rate sharing 7 miles with common border with the City of Flint and our drop in numbers, we are no longer ahead of the game. We are just running from call to call reactive. We are very good at it but the big picture is that we are not making any long term effect on crime in the City of Burton, and that was our goal.

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Chief Osterholzer stated further they looked at several options. Some are community oriented policing/hot spot policing that the State Police are doing in the City of Flint in targeting very small areas that produce the most crime. While it is effective immediately, it has no long term and lasting effect studies have shown. Based on our manpower, our technologies that are available and possible in the future, we made the decision that problem oriented policing was the best philosophy if we were going to have a long-term effect on crime. This involves officers paring with the community, working as complete teams, increasing communications, scanning, analyzing problems and then putting responses into place and assessing those responses. It is based a lot upon criminology that says crime is based upon a crime triangle; offender, motive and opportunity. We are somewhat in the initial stages of implementation and we expect to do more with Council because I am sure you will have more questions. We started with our officers a basic power point that gave a detailed explanation as to what problem oriented policing is and what is coming in the future. That is where we would like to start with Council.

Mr. Martinbianco thanked Chief Osterholzer for his update.

Mayor Zelenko requested Council to bring in their codified ordinance books so Mrs. Moulton or Mrs. Bigsby can update them. American Legal issued updates to us.

COMMITTEE REPORTS:

Mrs. Ellenburg said the Library's book sale is on Thursday, January 24th from noon to 6:00 p.m. and on Saturday, January 26th from 10:00 a.m. to 3:00 p.m. Volunteers are needed to help unload books. She thanked the Mayor and DPW for helping them out.

Mr. Smith said the Bentley Key Club is hosting their Inaugural Hot Chocolate 5K Run and Walk on Saturday February 16th. The first 150 applicants signed up received a commemorative mug, and so far 175 people signed up. Becky Hildreth, Chairperson of the Bentley Key Club is looking for adult volunteers. Anyone interested can contact her at 810-513-3330. There will be applications at City Hall on the table by the receptionist desk and they can also be obtained at Martin's Hardware.

AUDIENCE PARTICIPATION:

Tom Heckman, 5217 E. Maple Rd., stated last week Council President Martinbianco handed to Council a letter from him regarding fireworks.

Mayor Zelenko said she is drafting a letter to Mr. Heckman and she also forwarded his concerns to the State Legislature.

Mr. Heckman expressed that it is hazardous to his welfare or to anyone else that is around a horse when fireworks happen.

Mr. Martinbianco said Mr. Heckman's letter is about the Firework Ordinance. He is a farmer and has horses. There is the likelihood of fireworks disturbing his horses, their well-being and that is one of the questions he raised.

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Mr. Austin said he read Mr. Heckman's letter and he e-mailed a response to the Mayor. The Ordinance Council adopted was as restrictive that State Law allows. If Council had taken no action at all, there would be more fireworks allowed than there is now. Some communities allow fireworks in addition to the mandatory days the State Law permits them. The ordinance Council adopted did not do that. The action Council took was to limit the amount of fireworks to the very best of their ability and to the extent permitted by law.

Mr. Martinbianco said Mr. Heckman respects the fact we took that restrictive action. He doesn't respect when someone does it outside the scope of restrictions Council has taken in accordance to Michigan Law, and he calls 911. The Police Chief made his case for the fact we are so involved because of our lack of staffing, that Mr. Heckman's case where something happens outside what we do. He calls 911 and makes a complaint and all of a sudden, if we have an available officer we can tend to it, often after the fact. I don't know if there is a pro-active thing we can do on our behalf. Mr. Martinbianco stated further, if someone is going to violate the law, they are going to do it.

Mr. Austin said if that is the thrust of the concern that is best addressed to the Police Department. Council did everything they could to limit the fireworks. If enforcement is the issue, we have a great Police Department doing the very best they can; I work with them every day. It is difficult out there for them.

Mr. Martinbianco stated to Mr. Heckman he knows it doesn't resolve all your concerns. It tells you the genesis from which we have to act and what we have to do on a legislative level.

Mr. Heckman said he stated in his letter that prior to the passing of the law at the State level and this ordinance, when it was illegal or anything that flew off the ground, I had a police officer stand next to my garage and watch the fireworks go off 200 feet from my horse barn and drive off in the opposite direction. He didn't do a thing about it. When it was illegal nothing was done, and now that it is legal on set days there is nothing I can do. If the grandkids or neighbors want to come and see the horses, I tell them no, we can't do it today. Mr. Heckman stated further, the day after 4th of July, there were fireworks hung up in the tree above his horse barn. In July the barn is full of fresh hay. I could lose my hay, barn and horses. I take this very serious. My surrounding neighbors are notorious for setting off fireworks any time of the day. I also stated there are other places within that square mile or 2 square miles that have numerous horses. They are facing the same thing. The average horse and rider is going to have a problem if it happens. When a 700 pound horse gets spooked, someone will get hurt.

Rick Fuhst, 1208 S. Genesee Rd., stated fixing our City roads is a good thing. Center Rd. has curbs on both sides and asphalt down the center. He asked why the roads couldn't be ground up and re-asphalt the top 4 to 6 inches. The base doesn't look that bad. This could be done instead of engineering it and tearing everything up.

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Jim Shustock, 1345 Howe Rd., thanked the Mayor and DPW for their help with the Library book sales. He said they are in need of young volunteers to help. It is hard on many of the elderly seniors to lift books. Mr. Shustock spoke regarding paving and repairing City roads. He inquired about Lapeer and Center roads and asking Flint if they could get a grant to help in partnering roads they share with the City of Burton.

COUNCIL DISCUSSION:

Mr. O'Keefe referenced Mr. Shustock's comments on the need for young volunteers at the Library. He said the National Honor Society students at each school need to get service credits and he could possibly get some good help there.

Mr. O'Keefe addressed further Mr. Fuhst's comments on the roads. He said the Mayor put together a bus ride with the engineers and Plante & Moran. We went down all these roads and it is a lot more complicated than I thought it was before that bus ride. I thought you could just go and grind some asphalt off and it would be all set. They gave some really good reasons. Maybe if there is enough public interest we could have another bus trip and ask specific questions.

Mayor Zelenko stated when we did the road trip, we gave an example of the types of roads. We tried to drive down every type of road we had in the City. We now are compiling that information. To try and put a price tag on what it would be ideally if there were no money issues to fix every road that needs to be fixed, we want to give you a true cost of what would happen there. We want to have a town hall meeting or a special or informational workshop for what we have so we can educate our community and reach out for ideas to make this happen in order for our community to grow and jobs to come here.

Mr. O'Keefe expressed to Mr. Fuhst that when the Mayor puts a meeting or workshop together, for him to attend and ask the experts the questions. They will give a reason why they have to do what they do. Mr. O'Keefe stated further he received a text message from a Board member of the Salvation Army. They just had their monthly meeting and re-capped their red kettle collections. They asked for me to announce tonight that the Burton Fire Department collected \$8,000. They are the second highest group they deal with. The City's Fire Department also had a Food Drive and fed over 50 residents. This is terrific. Mr. O'Keefe expressed if anyone sees a Burton fireman to mention this information to them.

Mr. O'Keefe said he asked questions of Chief Osterholzer on the policing policy. Change is difficult sometimes but in reading that, it sounds like it is the right thing to do. He supports him in his efforts. Last Thursday night after Chief Osterholzer left for the day, he came back here at 7:00 p.m. and met the Bear Cub Scouts from Pack 160. We had a tour of the police department. There were 10 cub scouts he handled pretty well. They said it was the best field trip they ever had. They had a thousand questions and Chief Osterholzer answered all of them.

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Mr. Wells said he is glad to hear the Mayor talk about having a workshop to discuss that. It needs to be laid out as part of our transparency. I get asked about it a lot. Our new Police Chief and their staff are doing an outstanding job. Mr. Heckman's problems, if it is a serial issue where it is happening time and time again, why can't we pin-point it and write tickets. Mr. Wells stated further he told the Chief he seen him speaking with Mr. Heckman and maybe they have talked about it. He had horses when he was younger and that is the worst fear of a field catching fire or your animals. Mr. Wells asked the Mayor where the City is at with the railroad crossings on Center Rd.

Mayor Zelenko responded we are working on it from many different angles. She has been in contact with the Michigan Railroad Association and they are working on it. We received a letter from the railroad company about 2 or 3 weeks ago stating they plan to address it this year.

Mr. Wells inquired regarding a time table, Center Rd. and Belsay Road.

Mayor Zelenko replied she doesn't recall off the top of her head. She was concerned about Center Road because of us wanting to re-do it.

Mr. Wells inquired regarding how to get a hold of a contact person at the Michigan Railroad Association and maybe have every one of us call. He almost witnessed an accident there from people trying to get in the other lane to avoid the dips.

Mayor Zelenko said the representative from the Michigan Railroad Association has contacts internationally with the Canadian National and Grand Trunk. We are working on that and hopefully it will coincide with the same time we have the road work being done.

Mr. Wells asked who the contact person was with Canadian National.

Mayor Zelenko replied we were supposed to go through the Congressman's office to deal with it. I kind of back-doored it with the contacts I have had in Lansing because we haven't made much progress till the last couple of weeks ago.

Council went into Executive Session at 7:45 p.m.

Meeting resumed at 8:03 p.m.

COUNCIL ACTION:

In reference to Item #1, Mr. Wells questioned Numbers 1, 2 and 13 on the Attorney Billing. Mr. Austin replied that Mr. Abbey's name has come up regarding litigation and it was necessary to contact him. Mr. Wells inquired regarding attorney fees for the budget. He said we are at about \$75,000 in this year and we have a budget of \$100,000. Mayor Zelenko stated we will likely have to make some transfers.

Mr. Wells said he knows there is a lot with police.

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Mr. Austin responded there is a lot with police and the challenges on valuations with the Assessor. There is more activity with tax tribunals then we have ever had in the history of the City and it is reflected in the billings. Anytime you see MJ on the billing that is for Atty. Mike Joliat who works closely with the Assessor. We have more business with regard to those challenges on values than we ever have.

Mr. Wells asked if they can try and bill for some of this, especially the Circuit Court.

Mr. Austin said we have some cost recovery. When someone is charged with a crime and they are ultimately convicted and the Judge imposes fines and costs, we do get a portion of that back to the City. The matters dealing with the Tax Tribunal, we don't get to t recoup any of that, it is just lost money.

Mr. Wells said he knows they are taking up a lot of time, and we are taking double time on those because we haven't won too many of them.

Mr. Austin said they aren't very winnable. He is sure Ms. Bassi and Mike Joliat could go over case by case with you. He believes Lowes is up for a second time.

Ms. Bassi commented further regarding the tax tribunals, pre-hearings and the time that is involved, businesses filing at the last minute and Mike Joliat and Amanda having to go to Lansing because some are coming up late to deal with them.

Mr. Wells asked if the City pays for their attorney's fees.

Mr. Austin responded no, we are not paying any other attorneys. We paid a facilitator's bill to help settle the case of a lawsuit. We are not paying anybody else's legal fees.

In reference to Item #5, Mr. O'Keefe asked Ms. Bassi if the properties coming up for a second time are all vacant lots. Ms. Bassi replied yes. Mr. O'Keefe asked if the City contacts the residents on both sides of the lots. Ms. Bassi stated yes. Mr. Heffner said we need to start advertising these properties and getting a real estate agent or broker to get these on the computer so people know they are for sale. Sale signs also need to go up. Ms. Bassi expressed that for a subdivision it was advertised and sent to a real estate company. They received no bids.

Mr. Smith said he was in conference with the Mayor and there is a real estate company interested. Mr. Smith referred to the Mayor for more information.

Mayor Zelenko said we haven't set up the meeting yet and she will get in touch with the realtor.

Mr. Smith expressed further, they are willing to sit down with the Mayor to make this happen.

Mr. Heffner said he thinks we are in the same spot as when we bought those properties. We have done nothing with them and we have to at least try, or twenty years from now we are still going to own these properties and be paying off the special assessments which we can't afford.

Mr. Martinbianco inquired to Ms. Bassi regarding the real estate transfer tax.

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Ms. Bassi replied she didn't have knowledge of that.

Mr. Martinbianco brought up a \$200.00 fee someone had paid and penalties that could accumulate. After brief discussion, Ms. Bassi indicated it was the Homestead Property Affidavit.

COUNCIL DISCUSSION ACTION:

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

COUNCIL ACTION:

Haskins moved and Heffner seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from January 2, 2013 through January 16, 2013, in the amount of \$5,307.25.
Motion carried 7-0.

Haskins moved and Ellenburg seconded the following motion:

2. Approve and authorize the Attorney Billing (Keller Thoma) 440 East Congress, 5th Floor, Detroit, MI 48226, for invoice dated January 1, 2013, in the amount of \$8,009.81.
Motion carried 7-0.

Haskins moved and Heffner seconded the following motion:

3. Approve and authorize the setting of a Second Public Hearing and first formal Reading of an Ordinance for Zoning Case #310, on Monday, February 4, 2013 at 6:30 p.m.
Motion carried 7-0.

Haskins moved and Heffner seconded the following motion:

4. Approve and authorize the setting of the Second formal Reading of an Ordinance for Zoning Case #310, on Monday, February 11, 2013 at 6:00 p.m.
Motion carried 7-0.

Haskins moved and Heffner seconded the following motion:

5. Approve and authorize a Resolution of Intent to Sell City Owned Real Property 2013.
Motion carried 7-0.

Heffner moved and Ellenburg seconded the following motion:

6. Approve and authorize Thomas C. Bade to purchase (1) one year and (10) ten months of MERS pension generic service time. The total cost of \$38,559.00 will be at the employee's expense.

Motion carried 7-0.

INTRODUCTION OF AN ORDINANCE:

Haskins moved and Ellenburg seconded the following motion:

1. Approve and authorize the Introduction of an Ordinance, Ordinance 2013-1-30.03, amending Chapter 30 of the City of Burton Code of Ordinances to clarify eligibility requirements for health care benefits for City Administrator Retirees.

Motion carried 7-0.

Meeting adjourned at 8:20 p.m.

Julie Adams, City Clerk