

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
FEBRUARY 2, 2009, 7:00 P.M., COUNCIL CHAMBERS
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Council President Tom Martinbianco led the Invocation and Councilwoman Tina Conley led the Pledge of Allegiance.

The Regular Meeting was called to order by President Tom Martinbianco at 7:00 p.m.

MEMBERS PRESENT: Conley, Ellenburg, Haskins, Heffner, Martinbianco, Tinnin and Zelenko.

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor C. Smiley; G. Kray, DPW Director; Attorney R. Austin and G. Webster, City Clerk.

Haskins moved and Heffner seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Council Meeting on January 20, 2009 at 6:45 p.m., Special Council Meeting on January 28, 2009 at 5:00 p.m., and the Regular Council Meeting on January 20, 2009 at 7:00 p.m. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley reviewed the changes that were made to Ordinance 30.03. He said this ordinance includes the five Charter Administrators. Their last pay raise was 3.5% in 2005. The last union contracts contained approximately a 9% pay raise and the current contracts contain a 9% raise. He proposed a total raise of 7% for the Administrators, with 3% being effective March 9, 2009 and 4% more beginning July 1, 2009. Employees will be contributing 1% to health care. Some other highlights of the ordinance include: 10 paid sick and personal days, the City Attorney's rate of pay was increased to \$125.00 an hour, Board of Review was increased to \$150.00 a day and those who do not take health care will be paid \$2,500.

Some work has been done on the old Palace Gardens. Mr. Kray said the new owner needed to present his plans to City Council. DPW is still holding the demolition bids just in case they are needed.

COMMITTEE REPORTS:

None.

AUDIENCE PARTICIPATION:

John Stapish, P.O. Box 190134, opposed City employee's pay raises due to the state of the economy. He would like Mr. Heffner and Mrs. Ellenburg to share what they learned at a NLC conference. Mr. Martinbianco asked Mr. Heffner and Mrs. Ellenburg to provide a written report pertaining to the conference.

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COUNCIL DISCUSSION:

Mrs. Tinnin opposed Ordinance 30.03 because it did not go to the legislative committee for review. There was a brief discussion on the union contracts, pay increases for administrators and MERS. The Mayor indicated that the pension contribution level has not changed since the Council adopted the policy. The actuarial only changes based on the market. Mrs. Tinnin said the contribution put in for the administrators changes on a yearly basis. She wanted to see a copy of the actuarial.

In response to Mr. Stapish's comments, Mr. Haskins said this reflects what great leaders have been elected to run the City. The City's economy is still sound even in these hard times. He supported the raises. Some of these people have not received pay raises since 2005. In addition, he supported council members attending conferences. He said education is valuable, especially to the newer council members. He felt the education has paid off well, as reflected in how well the City is doing.

Mrs. Ellenburg said much of what the Council does is based on education. She spoke in support of council members attending conferences. Her recent conference included a budgeting class that dealt with bonds and a class that dealt with CDS, a prescription drug program, which she hoped would benefit Burton residents. We are in the process of getting the cards for our residents. They can take the card to any pharmacy. Some people have to have a true medication, when they can't take a generic brand. This card will work on a true brand. This card will provide up to a 25% discount, if you are a Burton resident. We are in the process of putting this together. Besides education, the conferences are used as a resource tool. She received information that dealt with potholes. She is researching the cost of a new hot match machine that seems to be more effective than our current cold patch method. In addition, networking with other government officials is very beneficial. Information was provided on student council participation in government.

Mr. Heffner said that he had discussed the details of the conference with Mr. Stapish. He was well aware of what Mr. Heffner learned at the conference.

Mrs. Tinnin wanted to know if the Pebble Creek business has been completed to reflect Trail Ridge. She felt the attorney bills have been expensive on this project.

Mr. Austin said the case, motion for summary disposition, and the brief has been filed and they are awaiting defendants' comments. The statute that allows the amendment of a recorded plat requires that all property owners within 300 feet of the plat be named defendants in the suit. The notice in the paper indicated that they had no interest in the litigation. We are actually waiting for answers to be filed by any of the named defendants, should any of them choose to file an answer. The process should be completed by June 1st.

Mr. Martinbianco wanted to know the status on the Heckman drainage litigation. Mr. Austin said that suit has been turned over to the liability pool. He said the City is not seeking a change of recorded plat in that suit. Things happened that people took exception to and there was a legitimate dispute as to whether or not it should have been done that way.

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In reference to the attorney billing, Mr. Austin wants to use Trail Ridge to discuss the subdivision, unless it deals specifically with the litigation. He will then refer to the property as Pebble Creek.

Mayor Smiley said that he has included Mr. Austin with the neighborhood meetings because the residents are trying to establish some by-laws to protect the residents and future homeowners. He has been very helpful in this matter. Mr. Martinbianco had some concerns that these would be City originated by-laws. He doesn't want the by-laws to be too restrictive. Mr. Austin indicated that a strong homeowners association and the by-laws would help us market these lots with perspective purchasers. They will see this association as a benefit. Mr. Austin planned to send a copy of the by-laws to the Council.

In reference to Item 6, Mrs. Tinnin asked for clarification on the waterline project. Mr. Kray said these funds would be utilized for the Fern St. Waterline Improvements. The Mayor indicated that the Park Commission did not utilize the funds. We have to spend the funds by April 30, 2009, so they are being transferred to an eligible project. Mr. Kray said the bid was about \$650,000 on the Fern St. project. The CD money that was originally available was \$450,000. This will require less money from the unappropriated surplus. Currently, it looks like we are running under the bid amount. We should come in under budget.

COUNCIL ACTION:

Haskins moved and Conley seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from January 14, 2009 through January 28, 2009 in the amount of \$4,117.34.
Motion carried 7-0.

Haskins moved and Conley seconded the following motion:

2. Approve and authorize the Attorney Billing (Keller Thoma) 440 East Congress, 5th Floor, Detroit, MI 48226, for the month of December in the amount of \$1,698.60.
Motion carried 7-0.

Ellenburg moved and Conley seconded the following motion:

3. Approve and authorize the appointment of James Craig, 6295 Hidden Trails, Burton, MI 48519, to the Parks and Recreation Commission. Term expiring February 2012.
Motion carried 7-0.

Heffner moved and Haskins seconded the following motion:

4. Approve and authorize the reappointment of Mary Ann White, 2476 Clayward, Burton, MI 48509, to the Planning Commission. Term expiring 2012.
Motion carried 7-0.

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Haskins moved and Heffner seconded the following motion:

5. Approve and authorize the reappointment of Dennis O'Keefe, 4304 Lapeer Rd., Burton, MI 48509, to the Salary Commission. Term expiring December 2015.

Motion carried 7-0.

Haskins moved and Heffner seconded the following motion:

6. Approve and authorize the transfer of 2007 CD funds in the amount of \$26,448.00 from CD Project 1514 City of Burton Park Improvements to CD Project 1517 City of Burton Waterline Improvements.

Motion carried 7-0.

INTRODUCTION OF AN ORDINANCE:

Haskins moved and Heffner seconded the following motion:

1. Approve and authorize the Introduction of an amendment to Ordinance No. 30.03, Administrative Officers; Compensation and Benefits Adopted.

Motion carried 5-2, with Conley and Tinnin voting no.

Meeting adjourned at 7:45 p.m.

Gayle K. Webster, CMC
City Clerk