# CITY OF BURTON
## REGULAR COUNCIL MEETING MINUTES
## FEBRUARY 19, 2007, 7:00 P.M., COUNCIL CHAMBERS
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Councilman Charles Cross led the Invocation and Pledge of Allegiance.

The Regular Meeting was called to order by Council President Gary Isham at 7:00 P.M.

MEMBERS PRESENT: Conley, Cross, Isham, LaDuke, Major, Tinnin and Wells.
MEMBERS ABSENT: None.
OTHERS PRESENT: Mayor C. Smiley; C. Abbey, DPW Director; D. Halstead, Fire Chief; Attorney R. Austin and G. Webster, City Clerk

Due to the death of Mr. Alfred Hindes, a moment of silence was held in his honor.
Due to the grave illness of Mr. George Thomas, a silent prayer was offered in his honor.

Mr. Isham recognized the presence of County Commissioner Jamie Curtis.

Wells moved and Tinnin seconded the following motion:

Approve and authorize the minutes of the following meeting: Regular Council Meeting on February 5, 2007 at 7:00 p.m. Motion carried 7-0.

ADMINISTRATIVE REPORT:

None.

COMMITTEE REPORTS:

A report was given on the Legislative Meeting that was held February 15, 2007. Amendments to the sidewalk ordinance went to the Attorney. In addition, the committee recommended a resolution supporting the use of Genesee County Home Project dollars for Kings Lane Apartments and Burton Estates subdivision.

Mr. Wells moved and Mr. Cross seconded the motion to add to the agenda as Item 9: Approve and authorize resolution supporting a Genesee County Home Program Project for Kings Lane Apartments. And Item 10: Approve and authorize resolution supporting a Genesee County Home Program Project for Burton Estates. The motion carried 7-0.

AUDIENCE PARTICIPATION:

Tom Heckman, 5217 E. Maple Ave., spoke regarding drainage and flooding problems on his property. He would like some action taken on this issue.

Pauline Dargel, 6119 Hugh St., spoke regarding the new Teamsters bargaining unit, clarification on three thermal imaging cameras and the Center Rd sidewalk project.

Don Sanderlin, 4460 Killarney Park, spoke regarding intersection safety improvements and bridge construction on Maple Rd.

John Stapish, P.O. Box 190134, commented on the inconsistency of the sidewalks in Burton.

James Douglas, 4111 Maplewood Meadows Ave., spoke in reference to the Master Plan, improving the aesthetic values of Burton and participating in the Rails to Trails program.

COUNCIL DISCUSSION:

Mr. Sanderlin indicated residents have obtained the property, insurance and materials for a pedestrian bridge in Killarney Park. It is expected the project will be completed this summer. Mr. Curtis helped with this endeavor.

A discussion was held in reference to Mr. Heckman's flooding problems. Mr. Abbey felt a swail would have to be re-established on his property. He will look into this issue. Mr. Heckman would allow a drainage tube to be put on his property to alleviate the problem, but he would not sell any of his property.

Mrs. Conley moved and Mr. Cross seconded the motion to add to the agenda as Item 11: Approve and authorize an independent audit for the Mayor's and Controller's Office from July 1, 2006 until February 2007.

Mr. Wells asked for clarification on the audit.

Mrs. Conley said we have been paying for two employees, when we have already given the money to the Police Department for two police officers. She wanted to know how they were paying for the employees. The two people that we let go.

It was clarified that the funding was removed for two employees.

Mr. Wells specified that you took some funding out of the budget. You tried to eliminate some jobs, but you can't. You also gave some money to the Police Department to hire two new officers. Those are two different things. He wanted to know where the money was coming from to pay for the audit.

The motion to add Item 11 to the agenda carried 7-0.

Mrs. Tinnin wanted to know why she did not receive a status report on the subdivision street pavings. She wanted to know who was invoiced and for what amount.

Mr. Abbey said the Treasurer's Department is very busy.  He will try and have the information by the next meeting.

Mr. Tinnin asked if any thing was done in reference to the rough railroad tracks on Genesee Rd.

Mr. Abbey planned to send a letter to the railroad company. In the meantime, new signs have been installed alerting motorist to the rough tracks.

In reference to Item 8, Mrs. Tinnin spoke regarding the Rails to Trails program. She said a small portion of Act 51 dollars are to be used for non-motorist projects. Some of these funds could be used in that capacity.

A brief discussion was held in reference to safety improvements and bridge repairs for Maple Rd. Mr. Wells said that MDOT planned to do a traffic study on Maple Rd. in the spring. There might be more traffic concerns once the school bus garages are opened. Mr. Abbey said the City has spent $65,000 on intersection improvements at Maple and Dort.

Mrs. Tinnin thanked Mr. Abbey for his work on intersection safety improvements and for providing Council with the street priority list.

Mrs. Tinnin moved and Mr. Cross seconded to: Approve and authorize Council to go into Executive Session, after Item 11, for the purpose of discussion on Item 3 relating to pending contractual negotiations for Teamsters Local 214, under Section 8, (c) of the Open Meetings Act.

Mr. Cross asked if Mr. Isham had written the letters regarding S. Saginaw St and the graffiti.

Mr. Isham planned to look into this issue.

Mr. Cross thanked Mr. Abbey for his work on the Belsay/Lapeer Rd intersection.

There was a consensus for all agenda items to be voted on separately.

Mrs. Conley said if Item 2 doesn’t pass, she would collect signatures to get it done.

Mr. LaDuke said he would not be held hostage because someone threatens to take out petitions. He thought it was inappropriate at this time, before the issue was even voted on. He shared his concerns relating to 4.8 and opening up the Charter for one specific reason, because of the ability of grown people not being able to get along. The Charter is an old document and needs to be reviewed. He felt a Charter Commission should be assembled to review the whole Charter. He worked with the Mayor to come up with a compromise. The Mayor has agreed to allow the Council to speak with supervisors, administrators and department heads without contacting him regarding agenda items only. If the issue is not related to the agenda, then Council members need to follow the policy of contacting the Mayor’s Office first. He felt this was a step in the right direction. It shows willingness by this body to work with the Mayor. It shows the Mayor’s dedication to the City and his willingness to work with us. He thought this would help solve the problem. If it doesn’t, there is plenty of time to add 4.8 to the ballot. If this doesn’t work, I’ll be the first person to say someone is not holding up their part of the bargain. He felt everyone involved needed to be professional as we carry out the business of the City.

Mrs. Tinnin wanted a letter from the Mayor stating Council could talk to the administrators. She asked if there was a problem speaking with administrators on non-agenda items.

The Mayor had no problem with the Council speaking with the administration on agenda items. This will help move the City along. Giving direct orders is totally a different issue. He could put something in writing stating the direct contact is for agenda items only. If this will help Council make a better-informed decision, he had no problem with that. He has always felt that way. The Mayor repeated the agreement was for direct contact on agenda items only. He said that Council could easily call him if they are in need of other information. He asked Mrs. Tinnin if she had ever had a problem getting a hold of anyone. The Mayor felt this issue has been discussed on several occasions. The Charter is very clear.

Mrs. Tinnin has not had a problem contacting people.

Mr. Isham thanked the Mayor and Mr. LaDuke for coming up with an acceptable compromise, so we could continue to move the City forward. The Mayor will provide something in writing and that should lay this issue to rest.

Mrs. Tinnin felt that elected officials should be able to speak to the administrators on any issue, as long as they do not give orders.

Mr. Wells felt we should be opening the lines of communication, not cutting the CEO out of the process. He didn't know why anyone couldn't take a couple of minutes to contact the Mayor's Office to get permission to talk to somebody or at least, set up an appointment to talk to the Mayor. He might have the answer for you, without disturbing others. That is the way it works in business. He felt this was a just a power struggle. Some are choosing just not to talk to the Mayor. He called for common sense on this issue and to move forward.

Mr. LaDuke felt it was a good compromise, contacting the administration on agenda related items. This will allow Council to make an informed decision when they vote. He did not have a problem contacting the Mayor on non-agenda items. The Mayor acknowledged the compromise on public record. He didn't think it was necessary for the Mayor to put it in writing. The olive branch has been extended from both sides and the line of communication has been opened. What's happened in the past year has done nothing but hurt the residents of this City. We have to move forward. Mr. LaDuke planned to vote no on Item 2.

Mr. Isham agreed with Mr. LaDuke's comments.

Mr. Wells felt the Mayor should not write a letter that would supercede the Charter.

Mr. LaDuke said we did exactly what the Charter indicates. We went through the Mayor and he indicated that we could discuss agenda items with the administration.

Mrs. Conley didn't feel comfortable speaking with the Mayor. Some people indicate that he records the meetings. She doesn't know who will give her the correct answers.
Mr. Isham offered his support to Mrs. Conley. He said if she wanted to talk to an administrator or the Mayor on a specific action item, he would be more than happy to accompany her, if this would make her feel more comfortable.

Mr. Major said he would not support the amendment for 4.8 at this time. He will give the Mayor's compromise a chance to be able to talk to the administration. If it doesn't work out, he is prepared to bring the issue back in 30 days.

Mr. Isham agreed with Mr. LaDuke that the Charter was an old document. He supported the creation of a Charter Commission to review the whole document, instead of dissecting certain segments.

Mr. Wells offered to work with Mr. Austin on the necessary steps to initiate a Charter Committee. Mr. Isham appreciated Mr. Wells offer.

Mr. Austin planned to write a letter to Mr. Wells, as chairman to the Legislative Committee, outlining the state statutory requirements for the Charter review.

Mr. LaDuke moved and Mr. Major seconded the motion to: Table Item 2 until the Regular Council Meeting of March 19, 2007. (Approve and authorize the resolution to submit a proposed amendment for Section 4.8 of the Burton City Charter and to have such amendment be placed on the November 6, 2007 General Election.) Motion carried 6-1, with Wells voting no.

In reference to Item 4, discussion was held on the wording of the resolution, venders, thermal-imaging cameras, the age of the current equipment and the need for matching funds.

Mr. LaDuke appreciated all the hard work Mr. Halstead had done to secure the Department of Homeland Security Fire Act Grant.

In reference to Item 8, discussion was held on installing sidewalks through site plans, the need for sidewalks in the Center Rd area and safety issues relating to the location of the sidewalks.

In reference to Item 11, Mr. Cross supported an independent audit. He wanted to know how the City was funding these two positions after the Council took the money out and used it elsewhere. He's having the auditor look at this issue.

Mr. Wells questioned why the Council would hire an additional auditor when we have one looking into the situation.

Mrs. Tinnin said we went to a line item budget as of January with the Mayor's and Controller's Office. She was concerned that there would be a budget shortfall later in the year. These two positions are being funded, when we did eliminate the funding for these positions. She was not in favor of transferring dollars, if we could not meet the demands of those departments. She wasn't going to vote for the audit tonight, but she will be looking at it in the future. She would like Mrs. Foster to address this issue at a Council of a Whole Meeting.

Mr. Major wanted to know if there were part time positions in the City that aren't filled that these dollars are coming from to fund these two positions. He wanted to know if the Mayor's Office would need a transfer at the end of the year.

The Mayor said the two positions are spread through all the departments. He cannot operate the City with the elimination of those two positions. He suggested Council members talk to the auditor about this issue. He referenced the line items budget. You can audit it all you want. There is nothing there. The budgets that are funding these positions are spread through out the City. We have an excellent check and balance system in our City. We cannot run the City without a purchasing department. It cannot be done. Somebody has to do the job. Our audit covers the last fiscal year, not this fiscal year. The Mayor said there would not be a transfer for his budget at the end of the year.

Mr. Cross withdrew his support for the motion followed by Mrs. Tinnin. Item 11 was removed from the agenda.

The Regular Council Meeting recessed at 8:50 p.m. to go into Executive Session.
The Regular Council Meeting resumed at 10:08 p.m.

Mr. Cross moved and Mr. LaDuke seconded the motion to: Table Item 3 until the Special Council Meeting of March 15, 2007 at 5:00 p.m. Motion carried 6-0. Conley was not present for the vote.

COUNCIL DISCUSSION ACTION:

Moved by Wells, Seconded by Cross to add to the agenda as Item 9: Approve and authorize resolution supporting a Genesee County Home Program Project for Kings Lane Apartments. And Item 10: Approve and authorize resolution supporting a Genesee County Home Program Project for Burton Estates. Motion carried 7-0.

Moved by Conley, Seconded by Cross to add to the agenda as Item 11: Approve and authorize an independent audit for the Mayor's and Controller's Office from July 1, 2006 until February 2007.
Motion carried 7-0.

Moved by Tinnin, Seconded by Cross to: Approve and authorize Council to go into Executive Session after Item 11, for the purpose of discussion on Item 3 relating to pending contractual negotiations for Teamsters Local 214, under Section 8, (c) of the Open Meetings Act.
Motion carried 7-0.

Moved by LaDuke, seconded by Major to: Table Item 2 until the Regular Council Meeting of March 19, 2007. (Approve and authorize the resolution to submit a proposed amendment for Section 4.8 of the Burton City Charter and to have such amendment be placed on the November 6, 2007 General Election.) Motion carried 6-1, with Wells voting no.

Moved by Cross, Seconded by LaDuke to: Table Item 3 until the Special Council Meeting of March 15, 2007 at 5:00 p.m. (Approve and authorize the Mayor and City Clerk to enter into a

four-year agreement with the Teamsters Local 214 Administrative/Supervisory Unit, on behalf of the City of Burton, effective July 1, 2006 through June 30, 2009.)
Motion carried 6-0. Conley was not present for this vote.

COUNCIL ACTION:

Wells moved and Conley seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from January 31, 2007 through February 14, 2007 in the amount of $2,822.00.

Motion carried 7-0.

Tabled until the Regular Council Meeting of March 19, 2007.

2. Approve and authorize the resolution to submit a proposed amendment for Section 4.8 of the Burton City Charter and to have such amendment be placed on the November 6, 2007 General Election.

Tabled until Special Council Meeting of March 15, 2007 at 5:00 p.m.

3. Approve and authorize the Mayor and City Clerk to enter into a four-year agreement with the Teamsters Local 214 Administrative/Supervisory Unit, on behalf of the City of Burton, effective July 1, 2006 through June 30, 2009.

Major moved and Wells seconded the following motion:

4. Approve and authorize a transfer of funds of $206,641 to Fire-New Equipment to purchase 45 SCBA Breathing Apparatus, 15 SCBA Masks, and 3 Thermal Imaging Cameras. Purchase to be funded with a transfer of $34,192 from General Fund-Contingency and $172,449 from a Department of Homeland Security Fire Act Grant.

Motion carried 7-0.
Major moved and LaDuke seconded the following motion:

5. Approve and authorize the Mayor and City Clerk to execute the authorization for installation of one streetlight on Dortch Drive at the east terminus, with funds to be paid out of General Fund Public Service, Streetlights. This resolution will also serve as the Blanket/Master resolution for all future changes in the calendar year 2007.

Motion carried 4-3, with Conley, Cross and Tinnin voting no.

LaDuke moved and Wells seconded the following motion:

6. Approve and authorize the City of Burton to enter into a contract with Rowe Engineering, Inc., 6211 Taylor Drive, Flint, Michigan 48507, for the purpose of preparing ten 2008-2011 Transportation Improvement Project applications for the following projects: Davison Road - Center to Genesee, Center Road – Lapeer to Court, Center Road – Court to Davison, Bristol Road – Belsay to Vassar, Bristol Road – Genesee to Belsay, Lapeer Road – Belsay to Vassar, Bristol Road – Center to Genesee, Belsay Road – I-69 to Davison, Atherton Road – Dort to Center, Davison Road – Genesee to Belsay. 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 Cross seconded the following motion:

7. Approve and authorize the City Council to support the following 2008-2011 Transportation Improvement Program (TIP) projects: Davison Road – Center to Genesee, Center Road - Lapeer to Court, Center Road – Court to Davison, Bristol Road – Belsay to Vassar, Bristol Road – Genesee to Belsay, Lapeer Road – Belsay to Vassar, Bristol Road – Center to Genesee, Belsay Road – I-69 to Davison, Atherton Road – Dort to Center, Davison Road - Genesee to Belsay.

Motion carried 7-0.

Major moved and Wells seconded the following motion:

8. Approve and authorize the City of Burton to enter into a contract with CHMP, Inc., 5198 Territorial Rd., Grand Blanc, Michigan 48439, for Engineering Services for the design of sidewalks along the east side of Center Rd. from Atherton Rd. to Lippincott Blvd. These services will be performed at a price not to exceed $10,930.00, to be paid from the 2006/07 Major Street Unappropriated Surplus Budget.

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

Cross moved and Wells seconded the following motion:

9. Approve and authorize the resolution supporting a Genesee County Home Program Project for Kings Lane Apartments.

Motion carried 7-0.

LaDuke moved and Major seconded the following motion:

10. Approve and authorize the resolution supporting a Genesee County Home Program Project for Burton Estates.

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

Makers of the motion removed their support for the motion. It was removed from the agenda.

11. Approve and authorize an independent audit for the Mayor's and Controller's Office from July 1, 2006 until February 2007.

Meeting adjourned at 10:00 P.M.

Gayle Webster, CMC
City Clerk