

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
APRIL 21, 2008, 7:00 P.M., COUNCIL CHAMBERS
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Councilman Steve Heffner led the Invocation and Pledge of Allegiance.

The Regular Meeting was called to order by Council President Tom Martinbianco at 7:05 p.m.

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

MEMBERS ABSENT: Conley and Wells.

OTHERS PRESENT: Mayor C. Smiley; G. Kray, DPW Director; L. Moss, Purchasing Agent; D. Halstead, Fire Chief; 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 April 7, 2008 at 6:30 p.m., and the Regular Council Meeting on April 7, 2008 at 7:00 p.m. Motion carried 5-0.

ADMINISTRATIVE REPORT:

Mayor Smiley presented Mary Crawford, past Park Commission, with the Key to the City for her efforts in providing recreational opportunities to the residents of Burton. The Mayor was proud of all her accomplishments.

Mary Crawford truly appreciated this great honor. She was proud of the work that has been done by the Parks and Recreation Commission. She knew they would continue to do good work.

Mr. Martinbianco thanked Mrs. Crawford for her support and efforts serving on the Park Commission. He said this was a well-deserved award.

Leyla Sanker, 432 N. Saginaw St., University of Michigan-Flint, Center for Applied Environmental Research, spoke in reference to research that will be done along Gilkey Creek over the next two years. The project provides educational tools and activities that support restoration and addresses goals identified in the Gilkey Creek Watershed Management Plan.

Sara McDonnell, 4217 Keene Dr., University of Michigan-Flint, Center for Applied Environmental Research, will be working with the Parks Commission on the Greenlinks project. This project focuses on land conservation, water resource protection and recreation and trail development within Genesee, Lapeer and Shiawassee Counties. She is requesting Council approve the Intergovernmental Agreement For Enhanced Access To Genesee County GIS Output. This will give permission for the Genesee County Metropolitan Planning Commission GIS department to release data to them in order to assist Burton with their Park and Recreation Plan.

Mayor Smiley announced that "Spring Clean Up" would be held the week of May 12th. Waste Management will pick up almost everything. Tires and paint will not be picked up.

COMMITTEE REPORTS:

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Mrs. Ellenburg said the Friends of the Library would be having a book sale at the Memorial Library on Saturday from 2-4 p.m. Volunteers are needed to transport books that morning.

Mr. Heffner gave an update on the Gus Macker Tournament. He reported the group has raised \$32,000 in media in kind trades and \$20,000 in other in kind trades. There is approximately \$6,000 in the bank. Anyone who would like to register should go to www.macker.com, Burger King or City Hall for an application.

AUDIENCE PARTICIPATION:

Donna Hart, 5352 Walker Rd., Davison, said city employees did not accommodate her needs when she came in to pay on a bill for 3103 S. Genesee Rd. She said the phone message should be modified to repeat information.

Debbi Kelleghan, 1190 E. Decamp, said her neighbors allowed a four-foot alligator to roam in their front yard. She asked that an exotic animal ordinance be implemented as soon as possible. She felt the alligator was dangerous for small children and nearby neighbors. She would like the animal removed. She provided Flint's Ordinance as an example.

Rick Fuhst, 1208 Genesee Rd., suggested the alligator issue be discussed with the Department of Natural Resources. In reference to Item, he opposed the City paying for roadwork at Pine Creek, which wasn't even a fully developed subdivision.

Jan Bolen, 1169 Howe Rd., accused several City officials of mistreating her. She felt the proposed bond would increase taxes. She wanted to know who would pay for Pebble Creek. She requested an update on the cement piles.

John Stapish, PO Box 190134, asked for clarification on the bid for Pine Creek. Mr. Kray said the competitive bid was taken last summer for the fall paving program. Mr. Stapish questioned the misuse of city vehicles.

Pauline Dargel, 6119 Hugh St., said that residents have a fundamental right to petition their government and be heard. She opposed the bond petitions being rejected. She felt the bond attorney making this decision was a conflict of interest. She said the Council should either rescind the action taken February 4, 2008 or put the issue on a ballot.

Jim Craig, 6295 Hidden Trails, supported the bond proposal to secure and improve the City's infrastructure. He said the infrastructure should be maintained to avoid interruption of services.

Liz Moss, Purchasing Agent, 1382 Ready Ave., felt articles relating to the bond sale were misleading. She supported necessary infrastructure improvements to help take care of residents' basic needs. She felt tap in fees would help off set some of the costs of the Fenton Rd watermain.

COUNCIL DISCUSSION:

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Mrs. Tinnin set a Legislative Meeting for Wednesday, April 23, 2008 at 4:30 p.m. for the purpose of addressing an exotic animal ordinance.

Mrs. Tinnin wanted to know who would pay for Pebble Creek. Mayor Smiley said that Pebble Creek would be paid for from the water, sewer and General Fund until the lots were sold. Mrs. Tinnin said this project was bonded in the City's name. The developers should have paid for their own financing. The Mayor said this special assessment bond was no different than any other. They are all bonded in the City's name. We should all work together to turn this into a positive situation. The newer subdivisions have increased the population by 10%. The City is in great financial condition. Mr. Martinbianco said it wasn't fair to say the Mayor bonded for Pebble Creek. A previous City Council made a decision to do this. Water rates were discussed. Mrs. Tinnin said the people that are benefiting from the water and sewer improvements should be paying for it.

There was a discussion regarding the final lift of asphalt for Pine Creek. Mr. Martinbianco felt it was a wise decision to take last year's bid on asphalt. Mrs. Tinnin thought it was a violation of the bid process. Mr. Austin said it was not.

Mr. Kray said it would cost considerably more to re-bid the work. The unit price contract was done through a competitive bid. The price is being held constant to do paving work. This is an economic advantage for the City. Mrs. Tinnin opposed the City paying for the paving of subdivision roads. She felt the developers should be responsible for the cost of these projects.

Mrs. Tinnin felt it was a conflict of interest for the bond attorney to make a ruling on the petitions. The City could move forward with the bonds and make a decision on projects. She said the petitioners would be actively involved in the decisions. They will want to know who is going to pay for these bonds.

Mrs. Tinnin said there was a problem with the pavement at the intersection of Carrie and Melody. Mr. Kray will look into this situation.

Mrs. Ellenburg said the State has no ordinance governing the alligator problem. Any animal that is brought over the State border does need to be inspected by a veterinarian.

In reference to Mrs. Hart's comments, Mrs. Ellenburg thought that it was important for City staff to direct people to the right department. Employees should know what services are provided in each department. She said the phones could be modified to repeat the message.

Mr. Haskins spoke in reference to the Fern St water project. He thought it would be very costly to assess just a few parcels. He felt the City should finance improvements to existing water lines. We should not exhaust all the water and sewer funds. He supported bonding for the Fern St. project. For the record, Mr. Haskins said he did not mistreat Mrs. Bolen.

Mrs. Webster said she did not mistreat Mrs. Bolen. She asked Mrs. Bolen to stop making false accusations about her. Mr. Martinbianco hoped this would not go any further than tonight's meeting.

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Mr. Martinbianco visited the Cernet site on April 9th. He said the large piles of concrete were still in place. This status should change when load restrictions are removed April 14th. The mounds will be reduced and moved to the east side of the site. They have one year to finish this project. They have started the berm and planting trees. Hopefully, they will have a good construction year and continue to be a good neighbor and taxpayer.

Mr. Austin gave an update on the first reading of the codified ordinances. The Planning Commission recommended approval based on the zoning ordinance portion of the codified ordinance book. We are now at the first reading stage of the adoption of our codified ordinance. If this reaches approval, it will appear on the next agenda for the second reading. This will complete a long extensive process that was well worthwhile.

COUNCIL ACTION:

Tinnin moved and Ellenburg seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from April 2, 2008 through April 16, 2008 in the amount of \$3,828.20.
Motion carried 5-0.

Ellenburg moved and Haskins seconded the following motion:

2. Approve and authorize the amended request to Transfer Ownership of 2007 Class C Licensed Business with Dance-Entertainment Permit, located in escrow at 1730 Glenwood, Flint, MI 48503, Genesee County, from Peter's Pub, Inc. to El Cozumel, LLC; and transfer location to G-4190 E. Court St., Burton, MI 48509, Genesee County, with additional request to cancel existing Dance-Entertainment Permit.
Motion carried 5-0.

Tinnin moved and Heffner seconded the following motion

3. Approve and authorize the request to Transfer Ownership through merger of 2007 Class C Licensed Business with Dance Permit, located at 6045 Davison, Burton, MI 48509, Genesee County, from Industrial Mutual Association of Flint to IMA Recreation Association (Step 1).
Motion carried 5-0.

Haskins moved and Heffner seconded the following motion:

4. Approve and authorize extension of the 2007 Fall Paving Program, DPW Job #07-007-P with Ace Asphalt & Paving Co., 115 S. Averill Ave., Flint, MI 48506 for the purpose of paving the final lift of asphalt on the roads of Pine Creek Estates Subdivision No. 2.

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Motion carried 4-1, with Tinnin voting no.

Haskins moved and Heffner seconded the following motion:

5. Approve and authorize the City Controller to transfer \$10,392.16 from 2007/08 Local Streets-Unappropriated Surplus Budget to DPW Job #07-007-P.

Motion failed 4-1, with Tinnin voting no.

Haskins moved and Heffner seconded the following motion:

6. Approve and authorize the acceptance of the low bid and to allow the Mayor and Clerk to enter into a contract, contingent upon the approval by the City Attorney of the required bonds and insurance documents, on behalf of the City of Burton and its City Council with Hatch Enterprises, Inc., 2932 Corunna Rd., Flint, MI 48503, for the 2008 street sweeping program, in the amount of \$61,115.84.

Motion carried 5-0.

Heffner moved and Tinnin seconded the following motion:

7. Approve and authorize the Mayor and Clerk to enter into a contract with University of Michigan-Flint, University Outreach - Center for Applied Environmental Research Organization. The University of Michigan-Flint will be responsible for administrating Inter-Governmental Agreement For Enhanced Access to Genesee County GIS Output. (See Exhibit A & B)

Motion carried 5-0.

INTRODUCTION OF AN ORDINANCE:

Tinnin moved and Heffner seconded the following motion:

1. Approve and authorize the Introduction of an Ordinance of the Codified Ordinance.

Motion carried 5-0.

Meeting adjourned at 8:30 p.m.

Gayle Webster, CMC
City Clerk