

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
MAY 5, 2008, 7:00 P.M., COUNCIL CHAMBERS
www.burtonmi.us

Council President Tom Martinbianco led the Invocation and Councilwoman Ellen Ellenburg led the Pledge of Allegiance.

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

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor C. Smiley; G. Kray, DPW Director; D. Halstead, Fire Chief; Attorney M. Joliat and G. Webster, City Clerk.

Tinnin moved and Heffner seconded the following motion:

Approve and authorize the minutes of the following meeting: Special Council Meeting on April 21, 2008 at 6:00 p.m., and the Regular Council Meeting on April 21, 2008 at 7:00 p.m.
Motion carried 7-0.

ADMINISTRATIVE REPORT:

The Mayor asked that a Special Council Meeting be set on May 19, 2008 at 6:00 p.m. for discussion relating to the new fire station.

The Mayor announced "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. If you have any questions contact City Hall.

COMMITTEE REPORTS:

Mrs. Tinnin reported that the Legislative Committee met April 23rd to discuss a proposed Exotic Animal Ordinance. The ordinance addresses the utilization and disposal of exotic animals and is combined with a State law that regulates a wolf dog cross.

Mr. Heffner said 88 teams have signed up for the Gus Macker Tournament. Teams can still register on line for a couple of days.

Mr. Wells set the following dates for budget workshops: May 7th at 6:30 p.m., May 8th at 5:00 p.m., May 13th at 4:30 p.m. and May 15th at 4:30 p.m. and May 22nd at 5:00 p.m.

Mrs. Ellenburg said the Friends of the Library raised \$1,000.00 from the book sale. She thanked the Mayor for his help transporting books. There will be a meeting at the Memorial Library May 14, 2008 at 6:00 p.m.

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AUDIENCE PARTICIPATION:

Donald Fry, 4462 Pine Creek Dr., spoke concerning the deplorable road conditions in Pine Creek. He wanted the roads finished in the subdivision.

Ed Willcox, 3278 Sayre Ct., opposed the \$11.5 million bond and the petitions being rejected. He said it was a violation to raise property taxes $\frac{3}{4}\%$. He said many roads were in disrepair. In addition, he said the Mayor's car should only be used for City business.

Eric Farmer, 4360 Spring Meadows Ct., complained about poor street conditions, no parking signs in the cul-de-sac, damaged trees on vacant lots, lots that are retaining water and other blight issues in Pine Creek. He would like the City to address these problems.

John Stapish, P.O. Box 190134, said other communities are making developers pay for water and sewer lines. He felt the developers should pay for their projects in Burton, too.

John Toter, 2290 N. Belsay, complained about ongoing drainage problems on Belsay Rd. Water has flooded his driveway, causing his culvert to hump up and fill with gravel. He felt the damage should be repaired.

Ken Holbrook, 4372 Pine Creek, complained about the swamp next to his home in Pine Creek. He wanted to know if the City sprayed for mosquitoes. He said there was a 6-inch deep pothole at the end of his driveway that needs to be repaired.

Al Hardy, 6250 Sandy Lane, spoke in reference to the Regular Council on April 7, 2008. He said the attorney billing reflected a consultation fee for Laurie Tinnin regarding the petitions. He wanted to know if everyone could seek legal advice from the City Attorney.

Mr. Martinbianco said everyone could not seek legal advice from the City Attorney. Council members have the ability to seek legal advice from the Attorney with respect to their position.

Jennifer Morquecho, 2246 Red Arrow Rd., suggested important announcements could be added to the sewer bills. She thanked Pine Creek residents for supporting their neighborhood.

Rick Fuhst, 1208 S. Genesee Rd., spoke regarding the unsightly signs near Ebenezer Church. He suggested the new fire station be constructed with energy efficient materials, utilizing solar panels, heat pumps and florescent lighting.

COUNCIL DISCUSSION:

Mr. Wells moved, Mr. Haskins seconded to add as Item 10 to: 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. The motion carried 7-0.

Mr. Wells asked for clarification on Mr. Willcox's comments regarding a $\frac{3}{4}\%$ tax increase.

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The Mayor said there was no tax increase. Each year we have a SEV tax adjustment. The adjustment was ¾% this year due to new construction and improvements. The revenue is going up not the taxes. The millage is capped and can't be raised without a vote of the people.

Mr. Martinbianco said the taxes were not going up with the new bond proposal. Some old bonds will be paid off this year. We have consulted with the bond attorney and we will decide what improvements should be made. We are trying to keep Burton moving forward.

Mr. Kray was aware of the problems along Belsay Rd. near Brookwood. He said the contractors are required to clean up and restore the area.

There was a consensus to hold a Special Council Meeting on May 19, 2008 at 6:00 p.m. for discussion on the new fire station.

Mrs. Tinnin opposed the City paying for the final lift of asphalt on Pine Creek. She voted no on the \$10,000 transfer because the City had a \$70,000 balance in the local road fund. In addition, she felt that Mr. Kloss should pay to finish the roads. Developers owe the City more than \$200,000 for these types of projects.

Mr. Joliat was not familiar with the Kloss agreement for Pine Creek. Usually these types of remedies are spelled out in the agreement. He said we could explore the possibility of attaching costs to Mr. Kloss' properties, even if they aren't in Burton. Mr. Joliat will discuss this option with Mr. Austin.

Mr. Wells said most of the road projects were paid for with security bonds. The Mayor indicated that the residents paid for water and sewer on their lots, not the roads. Mr. Kloss paid for the roads. The Mayor said the City would cash the developer's bond to pay for those roads, as we have done in the past. The remaining balance will be assessed to vacant properties that have not been sold. Most subdivision roadwork has been reimbursed. Some we are still seeking legal solutions. The Mayor said Mrs. Tinnin's figures were not accurate. Mr. Martinbianco asked for a financial report on the subdivision pavings. Mrs. Tinnin said it may be an explanation, but it is never the truth.

Mr. Haskins asked if Mr. Toter's driveway would be repaired along with the other damages on the Belsay Rd project. Mr. Kray indicated that any damage due to construction work on Belsay road would be repaired at the expense of the County.

Mr. Haskins supported the transfer for the final lift of asphalt to complete Pine Creek. He understood Mrs. Tinnin's concerns with the developers. He was not here at that time. However, we still need to find solutions and be problem solvers for these types of issues. These roads are in deplorable conditions and we have to look out for our taxpayers. Just like the bond issue. It's about doing what is best for the taxpayers.

In reference to Mrs. Morquecho's comments, Mrs. Ellenburg felt it was a good idea to add important information to our water bills. In addition, she said Mr. Fuhst had some good ideas about making our new fire station energy efficient. She agreed that the Ebenezer signs do not look professional along Center Road.

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In reference to Item 5, Mrs. Tinnin asked for clarification on the web based traffic count program. Mr. Kray said this was a new countywide initiative that was federally funded. Currently, we receive the total number of vehicles in the traffic count. This will allow us to plug the traffic counter into the computer so we can send and receive data from the County at any time. We will be able to collect data on peak hours, how many vehicles have traveled in each hour and intersection data. This will cut down on us doing it by hand and it will be available for everybody.

Mr. Martinbianco thanked Mr. Bertram for his contributions as a Planning Commission and Election Commission member. He appreciated his continued involvement with the City.

Mrs. Tinnin spoke in support of the Exotic Animal Ordinance. This was initiated by a resident's complaint regarding an alligator next to her home. We do not have anything on record dealing with exotic animals. In addition, this will incorporate the state act dealing with the wolf dog cross, helping us with the enforcement level. This would go to the prosecutor. If this remedy doesn't work, it allows the City to enforce it in a timely fashion by dealing with it as a civil infraction.

Mr. Wells spoke in opposition to passing an Exotic Animal Ordinance. He questioned the need for this type of ordinance. No one has been killed by alligators or bitten by spiders in Burton. He said there were laws on the books to take care of almost any situation. He said some people are genuinely interested in raising some of these animals. We could have a 60-day moratorium. If someone has an unusual animal, they could register it at the police station. This would be for the safety of the police and fire fighters, if they had to enter a home. He didn't think it was right to tell people what pets they could own. There is probably just a small amount of these types of animals. He didn't think it was beneficial to create a new law for something that was probably covered by a state or federal law. He wanted more discussion on this issue.

Mrs. Tinnin called the question to seize debate on the First Reading of the Exotic Animal Ordinance. A roll call vote was taken. The motion carried 5-2, with Haskins and Wells voting no.

Mr. Martinbianco thanked the administration for all the work they have done with the codified ordinance process. He said there might be some amendments. They will all be worked out. The old ordinances have been streamlined into one package. We are very proud of what was accomplished. This will carry us into the 21st Century.

COUNCIL DISCUSSION ACTION:

Moved by Wells, Seconded by Haskins to add as Item 10 to: 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. The motion carried 7-0.

Mrs. Tinnin called the question to seize debate on the First Reading of the Exotic Animal Ordinance. A roll call vote was taken. The motion carried 5-2, with Haskins and Wells voting no.

COUNCIL ACTION:

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Tinnin moved and Ellenburg seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from April 16, 2008 through April 30, 2008 in the amount of \$5,484.20.
Motion carried 7-0.

Haskins moved and Conley seconded the following motion:

2. Approve and authorize the Attorney Billing of Keller Thoma, 440 East Congress, 5th Floor, Detroit, MI 48226, for March 2008 in the amount of \$240.00.
Motion carried 7-0.

Ellenburg moved and Wells seconded the following motion:

3. Approve and authorize the request by Bermount, Inc. for a Small Wine Maker License to be located at 4020 Somers Dr., Burton, MI 48529, Genesee County.
Motion carried 7-0.

Haskins moved and Conley seconded the following motion:

4. Approve and authorize the scheduling of a public hearing for a Special City Council Meeting of Monday, June 16, 2008 at 6:45 p.m. to discuss the vacating of the 20' alley from the North R.O.W. line Judd Rd. to the South R.O.W. line of Williamson being adjacent to Lots 1-10 and 162 and 163 of Durant Heights. Should the Council find this favorable or any other date and time Council prefers, allowing four weeks notice to property taxpayers and journal ads per Ordinance No. 15, Section 1 and 2.
Motion carried 7-0.

Wells moved and Haskins seconded the following motion:

5. Approve and authorize the Memorandum of Agreement between the Genesee County Metropolitan Planning Commission and the City of Burton on intergovernmental partnership to develop and maintain a web based traffic count program with 60% of the fees to be paid from the Local Street Traffic Contractual Budget and 40% of the fees to be paid from the Major Street Traffic Contractual Budget.
Motion carried 7-0.

Wells moved and Heffner seconded the following motion:

6. Approve and authorize the Mayor's re-appointment of Les Bertram, 3280 Shannon, Burton, MI, 48529, to the Burton City Elections Commission. Term to expire May 2012.
Motion carried 7-0.

Wells moved and Conley seconded the following motion:

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7. Approve and authorize the Mayor's re-appointment of Carl Gusie, 6377 Brian Circle Lane, Burton, MI 48509, to the Burton City Elections Commission. Term to expire May 2012.
Motion carried 7-0.

Wells moved and Ellenburg seconded the following motion:

8. Approve and authorize the Mayor's re-appointment of Bonnie Hoffmeyer, 6215 Surrey Lane, Burton, MI, 48519, to the Burton City Elections Commission. Term to expire May 2012.
Motion carried 7-0.

Tinnin moved and Conley seconded the following motion:

9. Approve and authorize the Mayor's appointment of Pat Gilmore, G-4205 S. Saginaw St., STE 1, Burton, MI 48529, to the Downtown Development Authority. Term to expire May 2012.
Motion carried 7-0.

Wells moved and Haskins seconded the following motion:

10. 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 carried 6-1, with Tinnin voting no.

INTRODUCTION OF AN ORDINANCE:

Ellenburg moved and Tinnin seconded the following motion:

1. Approve and authorize the Introduction of an Ordinance, an Ordinance to Regulate and Proscribe the Keeping of Exotic and Dangerous Animals Within the City of Burton and To Provide Penalties for the Violation Thereof.
Motion carried 5-2, with Haskins and Wells voting no.

SECOND READING OF AN ORDINANCE:

Ellenburg moved and Heffner seconded the following motion:

1. Approve and authorize the Second Reading of an Ordinance of the Codified Ordinance.
Motion carried 7-0.

Meeting adjourned at 8:30 p.m.

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Gayle Webster, CMC
City Clerk