

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
MAY 6, 2010, 7:00 P.M., COUNCIL CHAMBERS
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Councilwoman Ellen Ellenburg led the Invocation and Cub Scout Troop #176 led the Pledge of Allegiance.

The Regular Meeting was called to order by President Steven Heffner at 7:10 p.m.

MEMBERS PRESENT: Ellenburg, Haskins, Heffner, Martinbianco, Smith, Wells and Zelenko.

MEMBERS ABSENT: None.

OTHERS PRESENT: D. Halstead, Fire Chief; Attorney R. Austin and G. Webster, City Clerk.

Ellenburg moved and Zelenko seconded the following motion:

Approve and authorize the minutes of the following meeting: Special Council Meeting on April 19, 2010 at 6:30 p.m. and the Regular Council Meeting on April 19, 2010 at 7:00 p.m.

Motion carried 6-0. Mr. Haskins was not available for this vote.

ADMINISTRATIVE REPORT:

The Mayor was unable to attend the meeting due to a civic function.

Fire Chief Doug Halstead asked Council to add ballot language for a Fire Department millage to the agenda.

Mr. Martinbianco said the Fire Chief has submitted ballot language dated 5-5-2010 and other pertinent information relating to the fire department. He read the proposed ballot language. He didn't appreciate this being brought to Council at the eleventh hour. Final ballot language for the August Primary needed to be submitted to the County by May 25th. In fairness to the Council and the public he felt this should not be added to the agenda. It could be added to the next council meeting. A recent Genesee Township millage proposal was defeated in the May election. He thought the Council needed more time to discuss the issue and inform the public. The public did not have the opportunity to provide input. He spoke regarding tax issues the residents face today. He felt it is unfair to put millages on at this time irrespective of the need. He agreed there are many worthwhile needs. We need to have millions of dollars of road repairs. He referred to the Census. He wanted to know how many retirees were in Burton and how this would affect them. He opposed adding the millage to the agenda. He suggested adding the proposal to the November ballot due to the bigger turnout.

Mr. Smith asked for clarification on Mr. Halstead's decision to add the millage at this time.

Mr. Halstead said this began a long time ago, when we started putting volumes of money into aging fire stations and vehicles for repairs. We have absolutely no financial reserve. He said the fire department budget has been cut \$150,000. The Burton Fire Department has the smallest budget for a city of this size in the whole state. He has managed to get along primarily on grants. However, grants are extremely competitive now and have practically dried up.

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Mr. Halstead said his budget was less than it was in 1999. Trucks and equipment costs have dramatically increased. He said the fire department could not survive with the budget cuts. He is losing firefighters and it takes a year to train them at a cost of \$3,000-\$4,000. He did not want our department to end up like Flint. The department has worked hard to maintain professionalism. When the general fund balance goes down so does his budget. It makes it very difficult to run the fire department.

There was a lengthy discussion on the longevity of fire equipment, the cost to maintain and test equipment and trucks to meet state mandates, the disrepair of the fire stations, the impact of the mutual aid agreement, fuel costs, grant funding issues and the time line to submit the ballot proposal.

Mr. Halstead said the Council had voted to bond for repairs and replacement of the fire stations. Due to the City's financial situation we have not been able to do that. He wanted permission to go to the citizens of Burton for the fire millage. If the residents were informed and valued their fire protection in the community, he would leave the decision up to them. He said the (1) mill request would cost an average homeowner with a SEV of \$38,700 approximately \$38.77 a year.

Mr. Wells said the firefighters have worked very hard. He knows what type of equipment they have had to use. They have done everything possible to stay afloat.

Mr. Wells moved and Mrs. Ellenburg seconded the following motion to: Add as item 6, Approve and authorize the ballot language for a fire department millage, as written.

Discussion was held in reference to the motion. Mr. Martinbianco felt the public needed to have more information in reference to the millage. He understood that the language referred to one mill, whether your property goes up or down in value for the next 20 years. We have a hard time predicting what will happen in the next few years much less the next 20 years. There is going to be a time when the property value reaches the bottom, and then it will begin to escalate. He was concerned the language did not cap this. He did not want to commit to 20 years. We will be committing our children and grandchildren to future taxation.

Mr. Smith spoke about his appreciation for our fire protection. He understood times were difficult. He wanted to know how anyone could put a dollar figure on protection for your family. He said the fire department has always been there for our community and done a phenomenal job. He is an advocate for the fire department.

Mr. Wells agreed with Mr. Martinbianco. However, he felt we couldn't allow our public safety to suffer because the economy was down. He said the equilibrium would have to come back from residents like us. We are all residents. We are all going to have to put more into it. If we don't do something with our fire department it will go down more. He wanted the residents to make the decision.

Mr. Martinbianco said we couldn't rely on the state and federal government to help fund what they should be funding. The taxpayers keep paying their taxes and they wonder what services will be

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cut next. We are looking at what to do with street lighting. He felt the additional millage would negatively impact some people that are struggling to make it in this depressed economy.

Discussion continued on the disrepair and deterioration of the aging fire stations. Mr. Halstead said the fire department has had the same budget for many years. It was difficult to keep the operations and buildings in tack. Now, there has been more budget cuts. He has no humility in coming to the Council and asking them to go to the people for a millage. He said the firefighters deserve better than what they are getting now.

Mr. Martinbianco wanted to know if any of the properties had been written up by MIOSHA or for ADA violations. Mr. Halstead indicated there have not been any violations.

Mr. Smith asked for clarification on how the millage money would be used.

Mr. Halstead indicated the money would be used for the replacement of fire trucks and new equipment.

Mrs. Ellenburg said the fire department has used their money wisely in the past. She felt the firefighters should have the best equipment possible when they are going into a fire, so they do not get injured. If this millage will help fund needed fire equipment, we should bring the question before the people and let them vote on it. The firefighters do a lot for our community.

Mr. Wells suggested the Council address the need for purchasing the cutters at the budget workshop. He thought we should purchase this equipment.

Mr. Martinbianco referred to the depreciation of capital purchases. He said other entities in the City have been depreciated. He questioned why this wasn't done. This could have been accommodated through a sinking fund. He thought the millage language was too liberal when it only discussed funding for operations. He felt this was premature because all these details were not even discussed.

Mr. Halstead said the Council has voted to allow us to bond for the rebuilding and repairs of these fire stations. A good portion of the millage funds would go towards replacing Station 2 and remodeling the other two stations so they are livable with decent restrooms, etc. There would be a capital improvements fund that would allow us to purchase a new fire truck on a schedule. In addition, this would account for equipment needs. In the past, he has been able to purchase some equipment with grants. Now, he cannot find any grant money for equipment or trucks. He felt the millage money was the only way to attain these things for the fire department.

Mr. Martinbianco wanted to know the total amount of tax dollars that would be collected from the millage. Mr. Halstead said this would generate approximately \$675,000 a year. From that money \$350,000 a year would be spent on the bond to replace Station 2 and other station repairs. In addition, Mr. Halstead said a vehicle would be replaced. The millage money would be dedicated to a fire fund and earmarked for the purposes that were discussed. The general fund budget would remain the same.

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Mr. Haskins spoke on his experiences as a fire fighter. The fire fighters have sacrificed a lot. He spoke regarding faulty equipment due to tight budgets. He said fire department equipment takes a beating. Hopefully, the equipment supplied will save them during a fire. There are vehicle entrapments that need specialized equipment. Due to an accident, people are in dire need to be pulled out of a vehicle so they can receive medical attention. He said the Burton Fire Department has the most professional firefighters in the County. He spoke regarding the request for mutual aid to other communities. He spoke regarding the necessity for repairs on the fire stations. He said grant money has helped the department through the years. Fire fighters have a dangerous job. They hope to come home safe at the end of the job. They feel the job is worth it to help save lives. This is very important to them. He spoke regarding the need for five-inch hydrant lines. The four-inch hydrant lines are obsolete. Most other departments cannot accommodate us with mutual aid if the hydrant lines are not compatible. He referred to other equipment needs. He felt the residents should decide on whether they want a millage passed to support the fire department.

Mrs. Zelenko had no problem putting this on the agenda for tonight. However, she suggested the Council might need another meeting for further discussion on this issue. She wanted to know what the Chief planned to do to educate the public on this proposal. She wanted the residents to know Council was putting this on the agenda so the residents can decide if they want to pass this millage. Mr. Halstead said all the fire fighters live in the City. They plan to have meetings and go door to door to explain to the residents why this is so important to our community.

Mr. Martinbianco thought the millage proposal might be more saleable by designating ½ mill for ten years, with the option to renew for an additional 10 years. This might not give the department all the options, but at least it would provide some bridge funding for immediate needs. Mr. Halstead did not feel rehabbing the stations was an option. He had no compunction for asking for a mill. He said the fire department needed a mill to get their head above water. He had considered less. However, he felt the mill was important to the fire department to go forward and do their job.

Mr. Martinbianco indicated that capital improvements would be a large portion of the expenditures. He felt the ballot language was insufficient. It should state capital improvements and the operations of the City of Burton Fire Department. Mr. Halstead did not have a problem with adding capital improvements to the language.

Mr. Austin said they had briefly discussed what the money would be used for. He said as drafted this would be an operational millage. As the Chief presented his intended uses for the money in more detail, he thought the amendment would be welcomed by the Chief and most appropriate.

Mr. Martinbianco moved and Mr. Wells seconded: An amendment to: Add as Item 6, to approve and authorize the ballot language for a fire department millage as written to be placed on the August 3, 2010 Primary Election ballot for both capital improvements and operations. Motion carried 7-0.

The Council voted on the main motion as amended.

Add as Item 6, to Approve and authorize the ballot language for a Fire Department millage as written to be placed on the August 3, 2010 Primary Election ballot for both capital improvements and operations. Motion carried 7-0.

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COMMITTEE REPORTS:

Mrs. Zelenko said the legislative committee meeting was rescheduled for May 17th at 6:00 p.m. so everyone had the opportunity to get the information.

Mrs. Ellenburg said the Friends of the Library had another successful book sale. Upcoming book sales will be on Thursdays and Saturdays. There will be another sale in July. Area students have volunteered to help with the sales. Mr. Ellenburg said the Gus Macker plans were moving along. She said there are more teams than last year.

Mr. Smith said the Gus Macker was on track to repay the \$5,000.00 to Parks and Recreation. We have an opportunity this year to have individuals sponsor teams. To sponsor a team it would cost \$116.00. They can always use more volunteers. The event will be held Memorial Weekend. You can contact Mr. Heffner, Mrs. Ellenburg, Mr. Smith or Ms. Moss for more information. Mr. Haskins said the Gus Macker committee would meet every Wednesday night at 6:00 p.m. in the community room.

Mr. Wells has been researching grants for LED lights. He referred to a packet of information that was provided by Clean-Energy Components. He said Kris Britton was available to provide more information on this issue. Mr. Wells indicated that Derek Bradshaw of the Genesee County Metropolitan Alliance has some grant money available to address energy efficiency. He asked Mrs. Ellenburg to follow up on this issue. He would be glad to help out in this endeavor. Mrs. Ellenburg said the next meeting would be held May 19th at 7:00 p.m. at the Harris Building.

Mr. Haskins said a Consumers Energy representative was willing to come in and look at our energy needs and provide grant assistance. In addition, the State has some LED grants, if they are still available. He suggested a special meeting be set up to discuss this issue. Mr. Heffner said that he had several sites that referred to these types of grants. Mrs. Ellenburg is on the Green Energy Committee with the National League of Cities.

Mr. Martinbianco reminded everyone that budget sessions were scheduled for next Tuesday and Wednesday.

AUDIENCE PARTICIPATION:

Rick Fuhst, 1208 Genesee Rd., suggested adding a stop sign by the Court Street catwalk. He said at least this would slow the cars down. He opposed residents paying for street lighting. He agreed with Mr. Martinbianco's comments when he suggested adding the fire millage to the November ballot. More people would be participating in this election.

Mr. Fuhst suggested a 5 or 10-year commitment, instead of 20 years. He felt the general funding for the fire department should not be reduced. He agreed that Station 2 was in terrible shape.

Sam Anderson spoke on behalf of Sherry Keats, 2119 Williamson. He would like to purchase the city property at 2125 Williamson. It is listed on the agenda for \$8,000. He offered to purchase the

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property for \$1,500 cash. He felt the home was beyond repair. He wanted to demolish the house and put up a pole barn. It would be used with the adjacent property.

Kris Britton, Clean-Energy Components, 2059 Connell, reviewed a packet of information that he provided to Council. He said the life expectancy of these LED products was 11½ years. Every year these products will give you a positive return to be reinvested. He predicted the conversion to LED street lights would save the City \$24,000 a year in energy costs. In addition, he felt the City could save money by using energy efficient lighting in the municipal buildings. He asked Council to read the information. He would be willing to work with the City on this endeavor.

John Stapish, P.O. Box 190134, opposed the fire millage. He felt there should be more preventive maintenance done on the fire stations. He felt Council members ignored residents comments. He said they provided few answers to their questions.

COUNCIL DISCUSSION:

Mr. Austin referenced the resolution on the sale of city owned property. This is the first step. The Charter requires a two-step sale process. The resolution indicates that anybody wishing to purchase these properties can make a bid. They would go through the administration, probably Ms. Moss. The bids would be sent to the Council for approval. The sale of property would have to be approved twice, with a 30-day waiting period between each approval. This information would be published. This action tonight is preapproving these prices for the properties. Anyone can make an offer on these properties in conformance with 11.3 of the Charter. If Mr. Anderson was interested in purchasing this property, he should come in and speak to the administration, make a bid and then follow the proper procedure.

Mr. Martinbianco wanted to know if the SEV would be reevaluated after a property was sold for a lesser amount. Mr. Austin said that would be left up to the Assessor.

Mr. Wells understood that the Council could amend the prices of City owned properties. Mr. Austin said these prices were set by the Assessor and were approved by resolution. Council can amend that resolution by any subsequent resolution. The numbers on the list can be changed tonight. If it was the Council's pleasure to amend the \$8,000 figure to another figure and then adopt that resolution that would be fine. Once the resolution was adopted it would be published. Then we could begin receiving bids. Then you would approve each sale one at a time.

Mr. Wells wanted to save time and get these properties back on the tax roles. Mr. Heffner suggested we wait and get bids on these properties before changing prices. Mr. Wells said then we would have to come back again.

Mr. Smith said if we change the price tonight we would still have an opportunity to vote on this again. Mr. Heffner thought we should approve the price list tonight and then make it public so everyone had an opportunity to see this property. Mr. Haskins said it has been published and it will be published again. It is on the tax role for \$3,000. Mr. Wells said no one bid on the property. Mr. Anderson offered a \$1,500. Mr. Austin said if Mr. Anderson submitted a bid before the next

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meeting, it would have to be approved, published and a 30-day waiting period would take place. Then it would be approved again at the following meeting.

Mr. Martinbianco said if this weren't at a public meeting, he would say this smacks of inside trading. Following the procedure that has been laid out could bring more money for this property. He did not want to take that chance tonight. Mr. Haskins asked for clarification on the \$1,500 bid.

Mr. Austin said the offer would stay on file in the Clerk's Office for 30 days. During this time period the public can submit bids. Then it will appear on the agenda for the second time. Mr. Haskins was concerned that this wasn't a secret bid. To be fair he thought the price should be changed today. He wanted to move this in a timely fashion. Mr. Wells wanted to move the properties and get them back on the tax role. He said if we are going to squabble about each property, we just wasted a lot of time and money on this legislation. He wanted to amend the price of the property tonight. If someone offers more money in the next 30 days, they will have to wait another 30 days.

Mr. Martinbianco opposed changing the prices of these properties at the meeting, just because someone offers a different price. He felt this was insider trading. Mr. Wells did not agree. He said the price will be published and others will have 30 days to bid on the property. Mr. Martinbianco said we could deflate the price of these properties as we go through the process, but not just because someone shows up at a meeting. He said a professional assessment has been done of the properties, until we get another offer to the contrary, we should follow procedure. Mr. Wells felt that this just prolongs the process. Most of these properties are small lots adjacent to someone. He didn't think we should make this harder than it is. We have the Attorneys blessing. Mr. Martinbianco said we have two objectives with these properties. One is to get them back in working order and on the tax roles at a fair market price and the other is to get it done before June 30th. He wanted to preserve the integrity of the process.

Discussion continued on the sale of the City owned property.

Mr. Wells thanked the boy scouts for leading us in the Pledge of Allegiance.

Mr. Wells said we could request a stop sign near the catwalk. However, the County would make the final decision on the issue.

Mr. Wells said as far as having the fire millage election in August vs. November, you would find that August would be the bigger election. Mr. Halstead considered the budget cuts and needs of the fire department. He then proceeded to have this put on August election. He wanted everyone to be informed and vote in the upcoming election.

Mr. Martinbianco said if the millage passed, it would not go into effect until July 2011. This would not impact this year's budget.

Moved by Mr. Wells, seconded by Mr. Smith to: Amend item 5 parcel number 59-32-503-151, 2125 Williamson from \$8,000 to \$1,500. The motion failed 4-3, with Ellenburg, Heffner, Martinbianco and Zelenko voting no.

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COUNCIL DISCUSSION ACTION:

Moved by Martinbianco, seconded by Wells to: Amend the motion to add as Item 6, to approve and authorize the ballot language for a Fire Department millage as written to be placed on the August 3, 2010 Primary Election ballot for both capital improvements and operations. The motion carried 7-0.

Main motion as amended.

Moved by Haskins, seconded by Ellenburg to: Add as Item 6 to: Approve and authorize the ballot language for a Fire Department millage as written to be placed on the August 3, 2010 Primary Election ballot for both capital improvements and operations. Motion carried 7-0.

Moved by Mr. Wells, seconded by Mr. Smith to: Amend item 5 parcel number 59-32-503-151, 2125 Williamson from \$8,000 to \$1,500. Motion failed 4-3, with Ellenburg, Heffner, Martinbianco and Zelenko voting no.

COUNCIL ACTION:

Haskins moved and Ellenburg seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from April 14, 2010 through April 28, 2010, in the amount of \$3,169.50.
Motion carried 7-0.

Haskins moved and Smith 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 March in the amount of \$960.65.
Motion carried 7-0.

Wells moved and Zelenko seconded the following motion:

3. Approve and authorize Paul Phillips to purchase three (3) months of MERS pension generic service time. The total cost of \$5,018.00 will be at the employee's expense.
Motion carried 7-0.

Haskins moved and Ellenburg seconded the following motion:

4. Approve and authorize the Mayor's reappointment of Ken Baker, 1133 Forest Ave., Burton, MI 48529, to the Building Authority Board. Term expiring December 2012.
Motion carried 7-0.

Ellenburg moved and Smith seconded the following motion:

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5. Approve and authorize the Resolution of Intent to Sell City Owned Real Property, in accordance with the Land Sale Procedure as written.

Motion carried 7-0.

Haskins moved and Ellenburg seconded the following motion:

6. Approve and authorize the ballot language for a fire department millage as written to be placed on the August 3, 2010 Primary Election ballot:

Ballot Language for Fire Department Millage

Shall an additional one (1) mill be levied against the taxable property within the City of Burton for a period of twenty (20) years commencing July 1, 2011. The purpose of this levy being to provide funding for capital improvements and the operations of the City of Burton Fire Department.

Yes: _____

No: _____

Motion carried 7-0.

Meeting adjourned at 9:05 p.m.

Gayle Webster, MMC
City Clerk