

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
MAY 16, 2011, 7:00 P.M., COUNCIL CHAMBERS
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Councilman Duane Haskins led the Invocation and Pledge of Allegiance.

The Regular Meeting was called to order by President Steven Heffner at 7:15 p.m.

MEMBERS PRESENT: Smith, Ellenburg, O'Keefe, Heffner, Wells, Martinbianco and Haskins.

MEMBERS ABSENT: None.

OTHERS PRESENT: G. Kray, DPW Director, M. Joliat, Atty., and J. Adams, City Clerk.

Mr. Heffner announced the following Burton Memorial Festivities honoring the Veterans:
8:00 p.m. to 8:30 p.m. the Atherton School Band will be playing, 8:30 p.m. to 9:30 p.m. the Veterans Honor Ceremony featuring the Flint Master Singers, 9:30 p.m. to 9:45 p.m. Candlelight Tribute with Ruth Hindes and Brenda Ott, and 9:45 p.m. Fireworks donated by Meijers.

Haskins moved and Ellenburg seconded the following motion:
Approve and authorize the minutes of the Special Council Meeting on April 18, 2011 at 6:30 p.m., and the Regular Council Meeting on May 2, 2011 at 7:00 p.m. Motion carried 7-0.

ADMINISTRATIVE REPORT: None.

COMMITTEE REPORTS:

Mr. O'Keefe said he was assigned to two committees, one being the Genesee County Central Communication 911 Consortium. They discussed several topics that included the ambulance service in the County. It has been a hot debated topic for a long period of time. Last Thursday N. Dort Hwy. was closed due to a mock disaster at the Water Plant that the disaster management group set up. It involved having a hazardous materials leak and students were involved with the exercise. Also discussed was replacing the old antiquated siren system in Genesee County. His other committee is the Burton Planning Commission. The Commission acted on two items. Genesee Polymers Corporation on S. Dort Hwy. is doing so good they are building a 12,000 square foot warehouse. The Burton Memory Care proposed plans to the Commission and they were approved. Mr. Cummings gave his resignation as he is moving to Florida. Mr. Grantner, the Planning Chairman, gave his notice that he will leave at the end of the year.

Mr. Wells said he would like to request a Public Access Committee Meeting for next Monday, May 23rd at 4:00 p.m. They would like to put together a request for a quote for the website. We can discuss what we want and we will also discuss the contest for the City motto.

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Mr. Smith stated a full day is planned for Memorial Day. In the morning we are going to have the City of Burton Memorial Day 5K Run & Walk. The Army will be there to represent Armed Servicemen. We are having a singer for the race who lost her brother in Iraq. The race is to honor veterans and any proceeds will go to the Pack the Truck charity sponsored by Elga to help disadvantaged Burton K through 12 kids that need help with their school supplies. The website is www.runburton.com and applications are in City Hall. We have lots of sponsors and food and would love to have you there.

Mr. Haskins said on Memorial Day at Courtland Center we are having a car, truck and a bike show from 1:00 p.m. to 5:00 p.m. We have the Jessie Couch Band and admission is free. Toys-For-Tots is involved with the program as well. Toys can be dropped off. There will be prizes for the different cars and bikes, and a people choice awards will be handed out.

AUDIENCE PARTICIPATION:

Robert Wolfe, 4410 S. Center Rd., said he is here to complain about the City's police officers and the City itself. For eleven months he has had a problem with barking dogs next door and pit bulls unchained. They are not being treated humanely. We have called everybody. County 911 says don't call no more, file a complaint. We filed a complaint, nothing has happened. Officers will not write them a ticket for noise and they keep saying it is Animal Control. Animal Control says don't call us anymore, call the police officers. A police officer told him they are not doing anything because we are 10 officers short and they are going to cut 4 more and we are going to slow down some more. Mr. Wolfe expressed further it has been 11 months and it is not going to go on any longer. He feels that no one cares.

Robert Caraway, 2201 E. Judd Rd., said he came to the last Council meeting and complained about the driving on Judd Rd. The cars have slowed down and I am happy something has already been done about it.

Mr. Heffner said he has the Mayor's memo and she has been working on it.

Rick Fuhst, 1208 S. Genesee, mentioned the following issues: 1) noise level at Sharkey's and the length of time it has gone on, 2) flooding at Atherton and Genesee Rd., and 3) concerns expressed by residents on clean up of side streets during the end of winter. Mr. Fuhst stated Trialon Corporation in Burton received the Delphi Pentacle Award for their growth and excellence in service. This is a global award. GM is making more investments in Genesee County adding onto the Engine Plant and a paint shop at the Flint Assembly Plant. He expressed also the need to expand in other industries besides GM.

John Stapish, PO Box 190134, referenced Items #7 and #8, sale of vacant land for \$100.00 a piece. He has 2 pieces of vacant land and is charged \$2,300 in taxes. He asked if this just applies to new purchases.

Jan Bolen, 1169 Howe Rd., made reference to the wood burners and said she sees that it was tabled. She has a fireplace and she has severe asthma. She doesn't know how the wood burners

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are affecting people health-wise. Her fireplace doesn't bother her at all. She thinks any complaint should be handled on an individual basis. Mrs. Bolen said she recently learned that Pauline Dargel passed away. She cared a great deal about the City. She was always here even when it was a severe struggle for her to get here. She asks Council to issue her family a certificate of appreciation. She wished it could have been done for her while she was alive. She would like for the Mayor to possibly give her the key to the City. I think for everything she put in here, she deserves that much.

COUNCIL DISCUSSION:

Mr. Heffner said on May 20th Courtland Center's Cinema is opening back up. May 23rd is Spring Clean-up Week.

Mr. Martinbianco said May 20th is also National Bike to Work Day. It is for the entire week. It is a great thing to do.

Mr. Wells said he has had several complaints on dogs, specifically pit bulls over the course of the last month. A resident in the Shaw Street / Thread Creek area had his beagle killed by pit bulls. A police officer came and he ended up shooting one of the pit bulls. Animal Control came out and tracked the other one down. They said that particular area off of Term has at least a dozen wild pit bulls running loose that they have been trying to catch. They have attacked people and animals. Mr. Wells asked Mr. Joliat if he was aware of this.

Mr. Joliat said his only familiarity with the issue is when tickets come to us to prosecute them, or complaints for warrants come. We authorize them and prosecute. It sounds like there is a disconnect between the citizens and police issuing those. If they issue tickets or request warrants, we prosecute them.

Mr. Wells asked why Mr. Wolfe would be having such a hard time if he has barking dogs, inhumane conditions and pit bulls running loose around his house.

Mr. Joliat said it sounds like his problems is across the street at the Police Department either due to lack of manpower or some other reason they are not issuing tickets or requesting warrants. He doesn't know of any request for a barking dog, a dog running at large or anything like that, we denied. Mr. Austin has been gone the last couple of weeks, but I still get the requests faxed over to the office. We recommend prosecution on almost everything they send to us. Mr. Joliat said this is the time of year where traditionally, we get the complaints. Judge Hughes in the past has been very firm at the beginning of the year realizing he has to set people straight and get compliance because it will be a long hot summer if people aren't required to control their animals, to bring them inside when they are leaving and to quiet them when they are barking. I suspect the same thing will happen if Court cases are started this year.

Mr. Wells asked for clarification that the first layer of defense is the police department. Mr. Joliat replied that is correct.

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Mr. Wells said if Mr. Wolfe makes a complaint, our police are to go out and write a ticket. If they deem it is necessary, they are to call Animal Control.

Mr. Joliat said in a situation pit bulls are running at large, call Animal Control.

Mr. Wells indicated to Mr. Wolfe that he will check into this.

Mr. Wolfe spoke further regarding the dog problems. He said he went to the police department and filed a complaint.

Mr. Joliat said there may be complaints and tickets issued that haven't come through for the first Court date yet. I am not familiar with any new cases. Mr. Joliat asked for the individual's address.

Mr. Wolfe said the address is not on the house and he doesn't know it. He doesn't even know the resident's name. Mr. Wolfe gave the location of the home.

Mr. Joliat indicated he could obtain the information.

Mr. Heffner asked if the pit bulls, vicious dogs, would be covered under our vicious animal ordinance.

Mr. Wells responded he believes it was the exotic animal ordinance and it didn't deal with pit bulls. Animal Control said it is a terrible area over there for pit bulls running wild. Maybe our police officers can drive through there and see what is going on and get Animal Control out there before someone else gets hurt. He will follow up with Chief Benthall for Mr. Wolfe and he will make a report back to Council.

Mr. Smith asked Mr. Wolfe about the number of dogs.

Mr. Wolfe said there are 3 dogs now. There were 7. He told the police officers he has a kennel license.

Mr. Smith asked if the Humane Society has been contacted.

Mr. Wolfe said he called the Humane Society and Animal Control. Animal Control came out and said this is a disaster and left a note for him to call, they were going to pick the dogs up the next day. The next day they didn't show and I called Animal Control, the landlord called and said he would feed the dogs. The landlord took the dogs away from him 3 years ago. It is a big vicious circle.

Mr. Haskins asked Mr. Wolfe to keep Council updated of the progress so we can see if we are being effective in trying to help you out.

Mr. Wolfe offered for Council to come to his home and walk in his back yard to see what is there. At 3:30 a.m. to 4:00 a.m. in the morning, like clockwork, when the dogs are not fed, they are all barking.

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Mr. Haskins addressed Mr. Fuhst's comments. He stated Sharkey's is being addressed and the Mayor has already contacted them with a formal letter. The flooding at Atherton and Genesee Road is more of a County issue than a City issue due to the fact tiles put in years ago was substantially smaller than what they should have been.

Mr. Martinbianco explained they are going through some design about creating a drain that will assist in draining the Coin and Connecticut St. area in that subdivision as it comes across Atherton Road and diverts down to where Mr. Nelson has had that problem in the past, and actually create a new drain that will end up going to Robinson next to Victor Ely's place, and connect into that drain. It will go through design and then the Board of Determination to make certain that has to be done and will prove to be a benefit for what it is going to cost to provide that drain.

Mr. Haskins spoke regarding Mr. Stapish's comments on the vacant land property taxes. I believe your lots are worth every bit \$2,300 and the lots being sold. They are vacant and nothing is being done with them. If somebody is willing to put a bid on a piece of property and start taking over taxes on it, it is due diligence of the City and Council to get them back on the tax rolls.

Mr. Haskins mentioned Ramona Miron is in the audience. She is spearheading Atherton's 175th reunion. She has put in a lot of work.

Ramona Miron, 3051 Connecticut, said they would be having Congressman Dale Kildee, Representative Charles Smiley, and Mr. Ploof speak at 3:00 p.m. It will be held on May 29th from noon till 6:00 p.m.

Mr. Haskins said the Burton Youth and Recreation League is starting up and teams are being drafted. We had over 600 kids sign up for the program. It is a huge event and something great for our City.

Mr. Smith indicated Jim Craig is here and could speak about the Gus Macker updates.

Jim Craig, 6295 Hidden Trails, said they have new court sponsors. Mr. Wells, Mr. Smith and Mrs. Ellenburg are all doing a great job in getting sponsors. Burton Chamber of Commerce, Sharkeys, Bubba's, Puzzlers, All-Star and other sponsors are involved now. We are selling bracelets as a promotion. You pay a \$1.00 for the wristband and a lot of our local merchants are giving discounts. Mr. Craig stated further a group of us went to the Mt. Pleasant Macker, including Mr. Heffner and Mr. Wells, to see how they do things. He was in Grand Rapids this past weekend giving out flyers and to see how they do things. They are the ones that actually own the Macker. We are trying to see how we can enhance the players' experience. The deadline is June 6th. It will be at Courtland Mall June 25th and 26th. The charity is for the Food Bank of Eastern Michigan. The Food Bank was going to have drawings for concert tickets at DTE.

Mr. Craig stated further, Team Cleaves is going to be out there as a Slam Dunk Contest judge. There will be a pancake breakfast by the Boys and Girls Club of Flint to benefit them.

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Mrs. Ellenburg thanked the Wolfe's for coming to the meeting and bringing their problem to our attention. We will try to do whatever we can to get an answer to them. She thanked Mr. Caraway for coming and expressed that it is nice to hear something positive. She lives in the area and knows that street very well. She wants safety in that area.

Mrs. Ellenburg stated further, on Saturday South Bendle is having their 1-mile walk/run. It starts here at City Hall at 9:00 a.m. The kids have worked all year to train for this.

Mr. Martinbianco mentioned City of Burton Clean Spring-up week commences one week from today and will last for the entire week. If anyone has junk or debris Waste Management will take except for hazardous waste, liquids, railroad ties, concrete or tires. Everything has to be properly contained or bundled usually less than 4 ft., 50 lbs. and no more than that. That also includes licensed, unlicensed inoperable or junk vehicle you would like rid of and can contact the DPW.

Mr. Martinbianco expressed further a memorandum dated April 11th from John O'Brien regarding water rates. Because we have gone through the budget we are going to probably have to revisit that. The Council members of the City of Detroit approved the water rate increases as proposed by the Detroit Water Services Division. The rates will take affect on all water used on and after July 1st of this year. It won't go into effect until October 1st. We may have to revisit that. The Mayor has asked me, in the interest of complying with the Governor's presumption we need more interaction with other municipalities and other combined purchasing practices, she would like us to consider amending Ordinances 32.16 through 32.18 which is our purchasing policy that deals with working with, in this case My Deal which is a Michigan money-saving prospect for us, and she would like the Finance Committee to take a look at that at the earliest convenience. It will be a communal thing that will help satisfy some of their requirements the Governor has laid out with respect to interaction to save municipalities monies. At some time in the near future we will get together. He will make sure the Finance Committee gets this information. He would like the Legislative Chair to be in attendance as well to share some insight in reading those ordinances.

Brief discussion was held concerning Item #11. A member resigned from the Burton DDA and the Board has a meeting scheduled this month. Mr. Martinbianco expressed Council being informed of who has resigned and appointments needing to be filled.

Mr. Wells addressed Mrs. Bolen's comments on Mrs. Dargel. Mr. Wells stated Mrs. Dargel has been a long-time follower of City government. When he first came on Council, she taught me a lot by giving me things to think about and then testing me on it. She made her enemies but she stood by what she believed. I wouldn't have a problem with making a motion for some kind of posthumous resolution about Mrs. Dargel. I think she should be celebrated as a big part of the City of Burton for however long we have been in existence. She certainly put in her time and she deserved it.

Mr. Heffner suggested having the resolution written, bringing it to the next meeting and then take a vote on it. He will see if Mrs. Centilli can write one up or even Mr. Austin.

Mr. Wells said there are other people that are deceased that we can also look at too. This is a good thing historically looking back through the years of Burton, there have been people that stand out

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in a crowd and make a difference. Whether you agreed with them or not, they were leaders. A few of them come to mind.

Mr. Wells stated further, maybe Mrs. Dargel can be the first and as a compliment to our website, we can add historical people through the years and what they meant to the City of Burton.

Mr. Heffner said that is a great idea. Mr. Heffner thanked Mrs. Bolen for bringing Mrs. Dargel to Council's attention.

Mr. Wells referenced Items #7, 8, 9 and 10. He said people can purchase the property, we fulfilled the requirements of 2 readings and they are back on the tax rolls.

Mr. Joliat acknowledged that is correct.

In reference to Item #11, Mr. Wells asked if anyone knew James Paulus Jr.

Mrs. Ellenburg said he owns Promo Print. He was a member of the Chamber and later removed himself. Mr. Wells mentioned the DDA Board members and that hopefully this was discussed among them and they don't have any problem with it.

COUNCIL DISCUSSION ACTION:

Moved by Haskins and seconded by Martinbianco to add as Item #11 to: Approve and authorize the Mayor's appointment of James Paulus, Jr., G-4071 S. Saginaw St. to the Burton Downtown Development Authority. Term to expire May 2015. Motion carried 7-0.

COUNCIL ACTION:

Haskins moved and Smith seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from April 27, 2011 through May 11, 2011, in the amount of \$4,869.25.

Motion carried 7-0.

Wells moved and Haskins seconded the following motion:

2. Approve and authorize the Mayor's appointment of Ginger Burke-Miller, Controller, to the Building Authority Board of Commissioners, to fill the unexpired term of Karen Foster, June 2012.

Motion carried 7-0.

Wells moved and Ellenburg seconded the following motion:

3. Approve and authorize the Mayor's appointment of Julie Adams, City Clerk, to the Building Authority Board of Commissioners, to fill the unexpired term of Gayle Webster, June 2012.

Motion carried 7-0.

Haskins moved and Ellenburg seconded the following motion:

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4. Approve and authorize the Mayor's reappointment of Robert Spose, 4090 Maplewood Meadows Ave., Grand Blanc, MI 48439, to the Building Authority Board of Commissioners. Term expires June 2014.

Motion carried 7-0.

Haskins moved and Ellenburg seconded the following motion:

5. Approve and authorize the Mayor's reappointment of Kenneth Gould, 1160 Forest Ave., Burton, MI 48509, to the Building Authority Board of Commissioners. Term expires April 2014.

Motion carried 7-0.

Haskins moved and Ellenburg seconded the following motion:

6. Approve and authorize the Mayor's appointment of Bette Bigsby, 4363 Bennett Dr., Burton, as the Atherton School Representative on the Parks & Recreation Commission. Term to expire June 2014.

Motion carried 7-0.

Haskins moved and Wells seconded the following motion:

7. Approve and authorize a Resolution Authorizing Sale of 2125 Williamson Avenue, Parcel #59-32-503-151, to give final approval for the sale of this improved parcel to Samuel Lee Anderson, a single man, for the sum of \$100.00 cash or its equivalent, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

Motion carried 7-0.

Wells moved and Martinbianco seconded the following motion:

8. Approve and authorize a Resolution Authorizing Sale of Pringle Avenue-Vacant Land, Parcel #59-32-526-019, to give final approval for the sale of this parcel to Danny J. Lawrence, a single man, for the sum of \$100.00 cash or its equivalent, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

Motion carried 7-0.

Haskins moved and Smith seconded the following motion:

9. Approve and authorize a Resolution Authorizing Sale of 4055 S. Genesee Road, Parcel #59-35-100-013, to give final approval for the sale of this improved parcel to Richard and Sandra Staffne, husband and wife, for the sum of \$15,000.00 cash or its equivalent, and Authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale.

Motion carried 7-0.

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Haskins moved and O'Keefe seconded the following motion:

10. Approve and authorize a Resolution Authorizing Sale of Bristol Road-Vacant Land, Parcel #59-35-100-009, to give final approval for the sale of this parcel to Richard and Sandra Staffne, husband and wife, for the sum of \$1,000.00 cash or its equivalent, and authorizing the Mayor and the Clerk to execute any and all documents required to effectuate this sale. Motion carried 7-0.

Martinbianco moved and Smith seconded the following motion:

11. Approve and authorize the Mayor's appointment of James Paulus, Jr., G-4071 S. Saginaw St. to the Burton Downtown Development Authority. Term to expire May 2015. Motion carried 7-0.

Meeting adjourned at 8:15 p.m.

Julie Adams, City Clerk