

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
MAY 17, 2010, 7:00 P.M., COUNCIL CHAMBERS
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Councilman Danny Wells led the Invocation and Pledge of Allegiance.

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

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor C. Smiley, Atty. K. Tucker, G. Kray, DPW Director and J. Adams, Deputy City Clerk.

Zelenko moved and Martinbianco seconded the following motion:

Approve and authorize the minutes of the Regular Council Meeting on May 6, 2010 at 7:00 p.m.
Motion carried, 6-0. Mr. Haskins was not present for the vote.

ADMINISTRATIVE REPORT:

Mayor Smiley stated the next two weekends in our city are going to be extremely busy and there are a lot of opportunities for us to get out and be involved in our community. Starting this Saturday at 9:00 a.m. is the South Bendle Spring Sprint, a run and/or walk. We will start at City Hall on Manor Dr. to Howe Rd., a little past Keene, then back to our Police Station. It is not too late for Council to get involved; he is planning on walking it. After that race is done, the boat races start at Kelly Lake. If it is successful, hopefully we will have another one in August. The following weekend is the Gus Macker. Many of you worked very hard in making our 3rd year successful. The partnership with Courtland Center has been a great relationship. Following is Memorial Day. Joyce Centilli and her committee has worked extremely hard. The parade will start at 1:00 p.m., the Veterans Memorial Ceremony begins at 2:30 p.m. We will have the children's area, a candlelight service at 9:00 p.m., and the fireworks begin at 9:30 p.m. The fireworks are again sponsored by Meijers. They donate \$5,000 for the fireworks.

Mayor Smiley introduced Cheryl Sclater from the Burton Chamber of Commerce and stated she has a presentation for us.

Mrs. Sclater said it is an exciting evening for the Burton Chamber of Commerce. The Chamber is a voluntary Board that works to bring business people, our City and schools together to make Burton a better place to work and live. Every year we have an interview process of several high school juniors to find that special young woman to give a \$1,000 scholarship to, who will reach out to the community of her peers, and represent the Chamber and the City. Mrs. Sclater introduced members of the Chamber and said they are all involved with the interview process. Mrs. Sclater introduced Chelsea Sirlet, the 2009 Miss Burton. She represented the Chamber extremely well and attended the Burton Relay for Life, Gus Macker, Memorial Day Parade and the Best of Burton.

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Mrs. Sclater announced Sophia Biafora is this year's Miss Burton. She has been an Atherton School student since kindergarten. Sophia was asked to describe herself in three words and she replied independent, driven and generous. Those three characteristics we are looking for in our Miss Burton.

Chelsea Sirlit, 2009 Miss Burton, stated it was an honor and a great privilege to be Miss Burton 2009. Chelsea placed the sash and crown on Sophia, the new Miss Burton. Sophia said she thanks everyone who chose her and Miss Amy who pushed her to fill out the application. She thanks her friends and family for making her who she is.

COMMITTEE REPORTS:

Mr. Wells said the Public Access Committee can now report that the new resident package is on the City's website. Residents can get a hold of DPW, obtain information on garbage pickup, tee ball schedules and upcoming events. They did a wonderful job putting it together for us. When we get through the budget, I will be announcing another public access committee and we will start talking about a lot of things. We need the public's input, fresh ideas and that is what the committee is all about. We will get notification out on the website and the local papers.

Mrs. Zelenko said she would like to reschedule the Legislative Committee Meeting for June 7th at 6:00 p.m. Discussion will be on the water affidavits. The Legislative meeting will be just prior to the Regular Council Meeting on that day.

Mr. Martinbianco said we successfully went thru at least to a point where we can come to some resolution with respect to the budget. We are going to try and rap that up on Wednesday, May 19th. Mr. Heffner stated the time of that meeting is changed to 6:30 p.m. (previously it was scheduled at 3:00 p.m.).

Mr. Martinbianco said any proposed amendments should be brought in writing tomorrow to allow Mrs. Foster to see the impact relative to the police contract, and implications it may have from a budgetary standpoint. We have a couple of weeks to fine-tune them once we get the numbers back from the County.

Mr. Haskins said the Gus Macker is coming up Memorial weekend and we are hoping it will be another success. A meeting is scheduled in the Community Room this Wednesday at 5:00 p.m. and we encourage everyone to come. It looks like there are about 100 teams for this year. Parks & Recreation is having a float for the Memorial Day Parade. Mr. Heffner and myself are heading up the project, with Robert Spose doing the engineering. This Sunday at 3:30 p.m. we will meet at Councilman Heffner's house to start the float.

AUDIENCE PARTICIPATION:

John Dunlap, 6370 Lapeer Rd., thanked the Board for getting the fence up. He asked when the sidewalk would be put in for the handicap access. He feels it should go up as soon as possible.

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Kevin Powell, 5046 Lapeer Rd., said he has lived at his address for about 20 years. Recently he changed occupations and drives a semi-truck/tractor trailer. He got it on the road and never thought about a code that says he can't park the tractor/trailer in his driveway. There are numerous tractors parked in the neighborhood. Recently I was told I am in violation of an ordinance. Is there a variance I can request to allow me to continue to operate and be able to bring my tractor onto my property to park it and clean it out. I can't park it at a convenient store and possibly have all my fuel taken out of my tank, or possibly have it vandalized.

Rick Fuhst, 1208 S. Genesee Rd., questioned agenda Item #3. He said if the City is going to enforce a code regarding semi-tractor/trailers, we should look at enforcing it 100% and not being selective. He has seen plumbing and heating vans, carpenter and commercial vehicles at many residences.

John Stapish, PO Box 190134, spoke regarding previous comments made at the last Council meeting on older fire trucks, equipment, and fire stations.

Mark Latchana, 3326 Creekview, Davison, stated he is serving as the Vice Chairman of the Memorial Day Ceremony. Chairman Richard Hughes cannot be here because of another engagement. He wanted me to come on his behalf and invite the Council members to sit on the stage during the ceremony. The ceremony takes place after the parade. Prosecutor David Leyton is the keynote speaker. Congressman Kildee, Mayor Smiley and Steve Heffner will be making remarks as well. Mr. Latchana expressed the Memorial Day committee has been working very hard.

Debra Burton, 6301 Hidden Trails, said she is proposing the use of her services as a real estate agent for the sale of the City-owned properties. She works for Lucia Properties. Some of the items she can offer as a realtor are familiarity of the market, market analysis, competitive biddings, showings and list of bidders, agreements, collect deposits and hold in escrow accounts, act as principle contact for the city, representing the city interest and sale of the city owned properties, and MLS (access to Genesee County and out of County areas). She is a Burton resident and worked as a Burton Police Officer. She is a member of the Michigan Association of Realtors, Flint Area Association of Realtors, and the National Association of Realtors. Ms. Burton expanded further on her services to help sell City owned properties.

Jan Bolen, 1169 Howe Rd., inquired regarding the unappropriated surplus being used for streets, the boat races at Kelly Lake, and possible fundraising for the Fire Department needs versus having a Fire Department millage.

COUNCIL DISCUSSION:

Mr. Martinbianco addressed Mrs. Bolen's questions. The boat races involve small-motorized units.

Fundraising for the Fire Department could not really produce the capital that is needed for very expensive equipment and construction for a new facility. It is on the ballot for the residents to decide.

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Mr. Martinbianco said he appreciates Ms. Burton's comments on the City owned properties. It is an administrative function and something we have talked about with respect to the dispensation of the properties we have in our control, and the property sale procedures are in place and acceptable to all parties concerned. In order for us to do anything that Ms. Burton spoke of, it has to go through a request for a quote and that way you get everybody entailed into the same. We want to make sure we get the most money for our City and hopefully, especially our big properties that have so much potential and we really think will move in the next couple of years, and maybe move them in a block. All due respect to what Ms. Burton expressed, in some cases especially with a vacant lot where we have large blocks that may belong to something more national. We saw evidence of that with Blackberry Creek, not saying it is on the same page because it talks about two different defined types of financial infrastructure used to make the transaction happen. I believe those kinds of things could still happen for what we have going on.

Mr. Martinbianco asked that the DPW job number be corrected in Item #2. The DPW job number should be: DPW Job #08-015-P. The Clerk's Office will make the correction.

Mrs. Zelenko asked for a response to Mr. Powell's question on the semi/tractor trailer variance. Mayor Smiley directed Mr. Powell to see Amber in DPW, and ask for a variance before the Zoning Board of Appeals. They are the only ones that can grant a variance for his request.

Mrs. Zelenko said she had a phone call regarding the intersection of Vineland and Atherton Rd. Water from heavy rains has accumulated there for quite some time. I don't know if it is a drain problem or maybe it just needs gravel added to the street at that stop sign. If someone could look into that she would appreciate it.

Mayor Smiley responded it would be looked at.

Mrs. Ellenburg addressed Mr. Dunlap's concerns regarding the handicap sidewalk at the Court St. catwalk. She thanks and applauds the Mayor and DPW for getting the fence up at the catwalk in a timely manner. The Mayor has probably checked into the handicap sidewalk and it will be done when the rain stops and the ground dries up. This is on the top of their list.

Mrs. Ellenburg stated everyone is welcome to come out and volunteer for the Gus Macker. The Committee has done a great job. On Wednesday, the Senior Center is hosting a drug collection from 11:00 a.m. to 7:00 p.m. It is a police protected drug collection. If anyone has old medication, they are collecting and disposing it properly.

Mayor Smiley said he did speak with Mr. Dunlap. Our intention is to place the sidewalk at Adams where it curves around up to where the poles are at, and the black top begins. It seems the most logical place to put it. Please share other ideas with him.

Mr. Haskins commented on the Fire Department millage. He hopes everyone understands it is not just the fire trucks. They are getting old and breaking down, but it is also the equipment on the fire trucks and some of the equipment the firemen have to wear. Proper equipment is needed to save

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someone's life. There are things the department is in dire need of. This is important to go to the voters.

Mr. Haskins thanked Ms. Burton for her presentation. It gave him some insight and he agrees with Mr. Martinbianco that it has to go through proper channels. It is uplifting to know we can do something with properties in the City. Mr. Haskins thanked Mr. Latchana for all his hard work on the Memorial Day event. He directed Mr. Powell to come and speak with him after the Council meeting.

Mr. Smith congratulated the Police Officers' Association and the Mayor for working out an agreement that prevented Burton police officers from being laid off. It is reassuring when you read in the paper and see in the media how many of the communities around us have had to make difficult decisions. I am proud of this community to come up with an answer to keep police officers on the street.

In reference to Mr. Smith's comments, Mr. Martinbianco stated we still have not taken into account we have to amend the contract as it is written. I looked at the contracts of COAM and POAM and have not found anything that would suggest there is anything else left in there such as a Memorandum of Understanding that maybe was signed after the fact, that would put us in a precarious position because it holds us for the next fiscal year and doesn't talk about what is going to happen in 2011 and 2012. I can assure you, that this fiscal year will look better than next year. We will still have discussions. He appreciates Mr. Smith's input. It is a positive spin on what could potentially happen, but we don't want any long-range implications not only with this union, but other union activity that may be precursor of times to come.

Mr. Smith said no matter what happens, it was the intent.

Mr. Wells said he thanks Ms. Burton for coming up with a good idea. It was discussed during the Blackberry Creek meeting to look into a neighborhood housing commission. Perhaps the Legislative Committee could do that in the near future.

Mr. Haskins interjected that he will be getting together soon with the Council President and Mayor to discuss it.

Mr. Wells said he appreciates Mrs. Bolen coming up with the idea of fundraisers. We want everyone's ideas. It may not work out for the Fire Department but we may be able to use it for other ideas.

Mr. Wells said at the intersection of Atherton and Genesee Road there is a large bush across from the church (northeast quadrant), which is impeding drivers' vision. He had several complaints. We need to see about getting it trimmed back. It is probably on public property.

Mr. Kray stated he would look into it.

Mr. Wells inquired regarding liquor licenses.

Mayor Smiley said it is completely controlled by the State Liquor Control Commission.

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Mr. Heffner asked Council if they would attend the Memorial Day ceremony and sit on the stage. All Council members responded they would be in attendance.

Mr. Heffner said this Saturday a Brownie Troop would be cleaning up Kelly Lake before the boat races. If anyone wants to help and lend a hand they would appreciate it.

Mr. Haskins expressed Sheriff Pickell is doing an outstanding job. He runs the department well and cares about the residents of the County.

Mr. Heffner stated the Sheriff is doing a phenomenal job tackling elderly abuse.

Mr. Haskins said he also heads up the prescription drug intake program with Jamie Curtis and they do a great job.

COUNCIL ACTION:

Haskins moved and Zelenko seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from April 28, 2010 through May 12, 2010, in the amount of \$3,275.75.

Motion carried 7-0.

Haskins moved and Smith seconded the following motion:

2. Approve and authorize the Mayor and City Clerk on behalf of the City of Burton and its City Council authority to execute a Construction Engineering Contract with CHMP, Inc. for the reconstruction of Davison Rd. from Genesee Rd. to Belsay Rd. (DPW Job #08-015-P) in the not to exceed amount of \$17,935.00.

Motion carried 7-0.

Haskins moved and Zelenko seconded the following motion:

3. Approve and authorize the City Controller to transfer \$94,285.63 from the 2009 / 2010 Major Street Budget – Unappropriated Surplus to DPW Job #08-015-P.

Motion carried 7-0.

Meeting adjourned at 8:07 p.m.

jra