

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
MAY 18, 2009, 7:00 P.M., COUNCIL CHAMBERS
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Councilwoman Tina Conley led the Invocation and Pledge of Allegiance.

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

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor C. Smiley, K. McArdle, Personnel Director/Admin. Asst., Atty. R. Austin, G. Kray, DPW Director and J. Adams, Deputy City Clerk.

Haskins moved and Tinnin seconded the following motion:

Approve and authorize the minutes of the Regular Council Meeting on May 7, 2009 at 7:00 p.m.
Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley stated he would like Council to go into Executive Session regarding Items #2 and 3.

Mayor Smiley stated this is one of the biggest weekends we have in our City. It kicks off with the Gus Macker Guns-n-Hoses Friday night. Saturday and Sunday will be the 2nd annual Gus Macker, Monday is Memorial Day with the parade starting at 1:00 p.m.. There will be children's games, entertainment, and fireworks in the evening donated by Meijers. Mayor Smiley encouraged Council to attend the events.

Mr. Martinbianco said Honorable Judge Richard Hughes is present in the audience to speak on the Memorial Day activities.

Honorable Judge Richard Hughes stated it has been an honor to be the Chairman of the Burton Memorial Ceremony. The ceremony will start after the parade at approximately 3:00 p.m. The Invocation is presented by Chaplain Colonel Richard Sample, the Flint Detachment of 155th Marine Corp will raise the American flag and then lower at half staff, Ruthie VanGilder will sing the National Anthem, the Marine Fire Guard presents the 21 Gun Salute and is followed by playing of taps. Guest speakers will be U.S Congressman Dale Kildee, State Rep. Jim Slezak and Burton City Council President Tom Martinbianco.

Judge Hughes invited all Council members to sit on the stage and be introduced during the ceremony. This is a City of Burton day honoring all our veterans and we would like to have all our elected officials present. Judge Hughes introduced Attorney Mark Latchana, Vice Chairman of the Memorial ceremony.

Attorney Mark Latchana presented Council their invitations. Judge Hughes thanked the Council President for giving him the opportunity to speak on the Memorial Day ceremony.

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Mr. Martinbianco thanked Judge Hughes for his continued input and help with the Memorial Day Ceremony, and thanked Mr. Latchana for helping out as well.

Mayor Smiley said it is a privilege to have our new Miss Burton. He asked Cheryl Sclater and Steve Coates from the Burton Chamber of Commerce to come forward to crown Miss Burton. Mrs. Sclater stated Miss Burton will represent the Burton Chamber as well as the City. Mrs. Sclater introduced the Chamber of Commerce members. Both Mrs. Sclater and Mr. Coates presented Chelsea Sirlet, an 11th grade student from Bendle High School, the Miss Burton 2009 crown. Chelsea stated she wants to be a good role model and volunteer in the community.

Mr. Martinbianco said on behalf of the City Council, he wants to thank the Chamber of Commerce for their hard work, and they look forward to seeing Chelsea in the parade on Memorial Day.

COMMITTEE REPORTS:

Mrs. Tinnin said the Legislative Committee met on May 12th to discuss two ordinances: 1) Identifying abandoned buildings and structures, and 2) the establishment of a City Planning Commission and providing for the appointment, term and removal of its members.

Mr. Kray indicated Mike Butzke or Bob Zirnhelt would be responsible for enforcing these ordinances. Discussion also was held involving various fees. Mr. Austin said it was important to just realize our fees involved and that this is not to be a revenue source. By law, we need to be mindful of that.

Mr. Martinbianco stated we cannot charge in excess of whatever it cost for that individual to enforce it. We can establish fees at any time I think is a little inordinate because we have the expectation we are passing some portion of the ordinance, and if passed, it would not take affect for approximately 2 months. That would give us time to move Item #8 to the Finance Committee for their review and evaluation by administration, and then bring us back the resolution establishing the fees.

Mrs. Ellenburg said she researched this with MML. City of Flint charges \$25.00 and Kalamazoo charges \$50.00. In California, some of their cities charge \$500.00. We are not trying to make money, we only want to identify where our abandoned properties are.

Mr. Martinbianco recommended taking Item #8 off the agenda and moving it to the Finance Committee.

Mrs. Tinnin said the Legislative Committee supported the ordinance with a 3-0 vote. She thinks everyone is in favor of establishing some kind of ordinance so we have a registry of these homes and structures in case we need to check back on the status. We can at least say it has been visited on this date, a permit has been issued and it is in compliance, or if it is not in compliance. It is going to be helpful to the City as long as they can enforce it.

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Mrs. Tinnin addressed the Planning Commission ordinance. A few years ago some changes were made. The Planning Commission members consist of all appointees at the present time of the Mayor, along with the Council representative. This Planning Commission Ordinance was amended. There were new things to be incorporated due to State Law, and we incorporated those changes in both versions that are on the agenda tonight. There is a Second Reading on one and a First Reading on the amended version. The amended version basically states they will remain the mayoral appointees with the Council representative, but they will not include the Mayor as a member of the Planning Commission, nor his chief administrative official.

Mrs. Tinnin expressed she believes there should be a separation of power. When a developer or business owner comes to the City and meets with the Mayor to state their desires and wishes, the Mayor is giving somewhat of his word that we can try to help you to comply with what you want in the City. If you put the Mayor on the Planning Commission, he is taking a strong position on what that person is going to receive.

Discussion ensued regarding procedures with amending ordinances, and sending ordinances to committees before they are put on the agenda.

Mr. Heffner stated the Finance Committee met and he would like another Finance Meeting to be scheduled.

Mr. Martinbianco expressed removing Item #8 and to set another Finance Meeting on June 1, 2009 at 6:00 p.m. to discuss Item #8, A Resolution Establishing Fees for Registration of Abandoned Structures. RE: Ordinance 2009-5-91.

Discussion followed regarding making a motion to remove an item. Mr. Austin read aloud procedures from the 10th Edition of Robert's Rules & Order. After an agenda or program has been adopted by the Assembly, no change can be made except by 2/3 vote, a vote of the majority of the entire membership, or a unanimous consent. This Council does not formally adopt their agendas. Many business meetings adopt the agenda as the first order of business. Once you begin to act pursuant to the agenda, I would consider it to have been adopted. Once the agenda has been adopted, to alter or change the agenda, it essentially requires either 2/3 vote or a majority of the entire membership, irrespective of how many are there. In this case, it requires 2/3 vote of the membership to take something off the agenda or by unanimous consent. If Mr. Martinbianco states "is there any objection to withdrawing #8", he is seeking a consensus. If there is someone that objects, then there isn't a consensus and it requires 2/3 vote.

For the record, there were no objections to removing Item #8 and sending it to the Finance Committee.

Mrs. Conley stated that at the last Council meeting, Mrs. Tinnin asked to have an item removed from the agenda and it wasn't.

Mr. Martinbianco said one was an ordinance and the other was a resolution. There is a distinction.

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Mr. Austin expressed that a council member that wants to remove any item, can have a choice to make a motion that it be removed from the agenda, and that requires 2/3 vote.

Mrs. Tinnin asked if it made a difference if it was a resolution or an ordinance.

Mr. Austin said Roberts Rules & Order does not have a distinction between an ordinance or a resolution. It states any agenda item.

Mrs. Conley asked why there wouldn't be a Finance Meeting on what the fees would be before there was a Second Reading. Mr. Martinbianco also expressed the same concerns.

Mr. Heffner spoke regarding the upcoming Gus Macker and Guns-n-Hoses. They need volunteers. He would like to see all Council members there.

AUDIENCE PARTICIPATION:

Rick Fuhst, 1208 S. Genesee, spoke regarding the difference between abandoned homes and vacant homes. He stated he believes there would be a conflict of interest for the Mayor to be on the Planning Commission.

Jerry Moore, 2363 S. Dye Rd., Flint, spoke concerning the ordinance language on abandoned structures. An abandoned home can have no power or utilities hooked up, but can be a work in progress, taxes are paid and lawn being kept up. He asked for clarification.

John Staphish, PO Box 190134, questioned Council going into executive session to address union contracts. He is opposed to the abandoned structure ordinance because he feels there is selected enforcement. He stated a building on Dort Hwy. has been empty for 25 years.

Jan Bolen, 1169 Howe Rd., stated that with the economy, it is hard enough on people to get renters or buyers and she cannot understand why Council wants to charge fees. She believes it is a huge conflict to put the Mayor back on the Planning Commission and/or one of his administrators. Mrs. Bolen indicated she has volunteered to help different events and has not been contacted.

COUNCIL DISCUSSION:

Mrs. Conley inquired regarding the hiring of 2 employees, Mr. McArdle being present at Court and if he was paid, and who is in charge when the Mayor is gone.

Mayor Smiley responded that applications are available to everyone. Mr. McArdle represented the City at Court and he was paid. They are hiring several part time help for the summer. If he is absent, he would have Ken McArdle or the Police Chief in charge, and sometimes it has been the Assessor.

Mrs. Conley said everyone is having hard economic times and laying off but Burton seems to keep hiring and giving pay raises. Residents are having a hard time swallowing it.

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Mayor Smiley stated we should be extremely proud of the City of Burton. We have not laid off anyone nor cut back on services. This City is doing well.

Mrs. Conley said the sewer and water is going to increase too in this economy.

Mayor Smiley said those costs are out of our control. Detroit Water & Waste controls how much our water is going to be through the City of Flint, through Genesee County to us. You can also check on the sanitary sewer. There are other things outside of our control like Consumers Power, health insurance, property insurance, and the price of gasoline. There are a lot of things we have to purchase. Our City is doing quite well financially. We have all our employees working, we have the Memorial Day Parade, the Gus Macker and we have expansions happening. He has had many residents come to him and say they have seen new people coming into neighborhoods.

Mrs. Tinnin asked if a list was obtained from the Treasurer's department of unpaid water and sewer numbers. This was requested at the last meeting.

Mr. Martinbianco said he did not get that information. He received the sewer budget only.

Mrs. Tinnin said she would like it before Council gets into final budget amendments.

Mr. Martinbianco said he also received the Trust & Agency account activity.

Mrs. Tinnin said she also received that report and has questions concerning that. Some City individuals took a trip to Palms Spring for a Gus Macker event. When we got the Trust & Agency account on the Gus Macker tournament, we are \$7,000 some in the hole. She was under the belief that when they took that trip, it was from the proceeds left over from Gus Macker donations. If we are taking Gus Macker donations and going into the hole before we get to the next tournament, she does not know how the Controller is paying bills for trips and the Gus Macker when there is no money in that specific account under Trust & Agency.

Mr. Martinbianco said when we start talking about Trust & Agency, they are both. They are agency accounts but are trust first, and we will discuss this at further length. This is not some insubordinate slush funds that anybody expects to use for anything other than the activity itself, particularly a bricks and mortar event, or a bricks and mortar project that we have our expectations of those folks that have been diligent in giving and giving to those specific activities. I agree with you in that respect.

Mrs. Tinnin said she looked at the donations from Gus Macker and they basically went to Bentley and Bendle, but yet you are encouraging the whole City to get involved and donate time. If those donations are basically going to the Fire Department and Bendle and Bentley, what about the other school districts in the City.

Mr. Martinbianco said he would have to defer to the Parks & Recreation Commission. They were doing it on a "who helped us basis". They faired it out the way they chose. If there is an issue with that, it should be taken up with the Parks & Recreation department.

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Mrs. Ellenburg said all the schools are contacted to come in and volunteer and get involved. Whoever did get involved was included in part of the donations or their charity. That is why last year there were only 2 schools.

Mrs. Tinnin asked how can you give out donations when we are \$7,000 in the hole, and give out donations to those schools when you have no money left over from the tournament itself. There is a serious problem because then you are using from Trust & Agency Police Memorial fund money or some other Trust & Agency account we have set up under the auspices of Trust & Agencies. If you have left over donations and you are taking a trip to Palm Springs to find out how to run your next Gus Macker, that is one thing, but to take a trip when you have no money in the account that is a totally different thing.

Mr. Heffner said there is a Parks & Recreation meeting Thursday night at 5:00 p.m. and it is a good time to ask that question.

Mrs. Tinnin said she would like to get answers from our Mayor, from our Chief Administrative official. I would like to know where the Mayor stands on water and sewer issues.

Mrs. Tinnin stated she is getting calls on an employee working at the City to pay off her water bill. She had an outstanding bill from 8/01/07 until today. Today she owes \$1,286 but her water hasn't been turned off. We are paying her somehow so she can work off her water bill. She wants to know why her water has not been turned off like you would any other water person that couldn't pay their bill.

Mayor Smiley said he is not going to state every person he helped in the City. I have worked very hard with people that are trying to help themselves. He will continue to do what he can to help. That is something we as elected officials should be doing.

Mr. Martinbianco stated if you are embodying a work fair program that we could do hand in hand with another County agency that would be a great thing to accomplish in the City.

Mr. Heffner and Mr. Haskins acknowledged they are glad she is getting help.

Mr. McArdle said the City did not contract out for the cutting of grass for the city grounds at City Hall, the Senior Citizens Center, parks and abandoned homes. Instead of spending \$100,000 for contracting out, we hired summer help from the applications that were submitted by people who want to work in the summer.

Mr. Martinbianco said Mrs. Tinnin and Mrs. Conley is basically asking if you ever posted that you are looking for summer help.

Mr. McArdle said he probably received about 70 applications. People come into City Hall to apply. He does not throw away any applications of persons that applied. Some of the people that worked last year came in and reapplied for summer help.

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Mrs. Conley said if Mr. McArdle does any campaigning, he should take a leave of absence to do so for anybody that hires him and it shouldn't be during city time.

Mr. McArdle stated he will not be campaigning during City time.

Mrs. Tinnin referenced Mr. Moore's questions concerning utilities that are disconnected at an abandoned home, but work is being done on the home. She asked Mr. Austin for his opinion.

Mr. Austin said under the terms of the ordinance, it has to be vacant for a period of 30 days or more, and it has to meet one of these other criteria being, it had utilities disconnected or not in use. At that point, under the terms of this ordinance, the structure would be deemed abandoned. It is the Council's call to make and not mine, but I suggest at that point the structure is abandoned. If you don't have power, what kind of work are you doing at the home. You can bring a generator and work on the home, but if you don't have power to that home, it is an abandoned structure and it belongs on the registry so that the City can check it, and make sure it is secure and kept up to code. I do see the logic if there is no power

Mr. Austin stated further, once a structure meets the criteria of an abandoned structure, then it has to register. They are not illegal, they just have to register so the city can at that point keep track of the property.

Mr. Martinbianco asked if the Legislative Committee has thought about how many of these structures are owned by banks, mortgage companies or other financial institutions and serving them notice.

Mrs. Tinnin said we are going to send them some kind of registered notice that it has to be registered with the City so that it is kept up to code. They will send certified registered letters.

Mr. Austin stated the definition of the term owner includes any entity with a mortgagee interest in the property.

Mrs. Zelenko stated the spirit of the ordinance is to target more of those mortgage foreclosures, not tax foreclosures or landlords that have other properties. If it is vacant, it does not necessarily mean it is abandoned. It is a tool for this city to be able to keep account of what buildings are abandoned. Since the end of December 2006, we have had 1,134 mortgage or land contract foreclosures in the City of Burton. Mrs. Zelenko indicated further she use to do foreclosures and collections for a business, and knows there are things you have to do to secure these properties. With the economic situation we have, more and more people are losing their homes and these homes revert back to the financial institution that holds the mortgage. A lot of these mortgage companies are nowhere near Burton. A lot of them are not maintaining them and the responsibility is going to fall on this city so we can protect the properties around that building to keep the integrity of that neighborhood together to protect the property values.

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Mrs. Zelenko said she talked to the Assessor, Mrs. Heidenberger on what it would cost our building inspector to go out for a day to do some of these. She said it would be approximately \$326.00. That would include his wages and truck rental. She figured in a 7 hour day, 84 drive by type of inspections.

Mr. Martinbianco said this could be brought to the Finance Committee. He cannot imagine though it would be just a drive by.

Mrs. Tinnin said she received a call from a resident that lives on Genesee Rd. At 1447 Ives there is a remote control track in the back yard and he is concerned they have changed the grade. He also complained about the noise. She asked if someone could check this out.

Council went into Executive Session, under Section 8 (e) of the Open Meetings Act at 8:21 p.m. Meeting resumed at 8:55 p.m.

Mrs. Zelenko stressed again on the abandoned structure ordinance, that it is not the intention to go after landlords or persons that had to move away from the community. Just because it is vacant does not mean it is abandoned. The majority of the fees that are assessed on this registry are going to be paid by mortgage companies. We are targeting more mortgage and land contract foreclosures.

Mr. Martinbianco reiterated the removal of Item #8 to send to the Finance Committee so those issues can be debated in depth.

Mrs. Tinnin commented on Item #4. She asked if there is going to be a cost to the residents to make a credit card payment. Mayor Smiley stated that the City would not charge a fee, and if a fee is charged, it would be the credit card company doing so. Brief discussion was held regarding on-line payment services and the City's website information for the residents.

Regarding Item #5, Mr. Martinbianco inquired concerning the date of the contract, and asked for clarification that \$500 is being absorbed within the scope of the Treasurer's office, and the \$5,500 balance being incorporated in the existing budget. Mayor Smiley indicated the target date is July 1st.

Mr. Martinbianco addressed the alternative proposed Ordinance 2009-6-31, Item #1. He read aloud (B) (1) that addresses a member of Council to the Planning Commission. It states to be selected by resolution, but the Council President has always had the authority since 1972, to make committee appointments, it has never been done by resolution.

Mr. Austin said 31.01B as current today, exists in the codified ordinance book, says the Planning Commission shall consists of 9 members, one of whom shall be a member of the Burton City Council to be selected by resolution of the Council. That is the ordinance in affect right now.

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Mrs. Tinnin said she does not remember a formal resolution by any Council President appointing a Council member to the boards.

Mr. Martinbianco said in (B) (2), it states an appointed member shall not hold another municipal office, except that 1 appointed member may be a member of the Zoning Board of Appeals. He feels the word "may" should be replaced with shall.

Mr. Austin said the language comes from State Statute. If you want the word shall, he does not have a legal objection with that, it is your call to make.

Mr. Martinbianco said he does feel it makes a difference because it makes it mandatory that someone from the Planning Commission be on that board.

Mr. Martinbianco addressed further, the proposed ordinance 2009-6-31.01, (E) (1). He would like the words "so named" inserted after the word Commissioner.

Mr. Austin said for clarification, this is the version put forth by the Legislative Committee. The changes made by motion, since this is just an Introduction there is nothing to go back too. You can go forward with a First Reading if this Council chooses to do it. If this motion fails, and you go to the Second Reading of the other version, and if those same amendments are made, I am going to have to make a determination whether those are substantive changes requiring going back for First Reading or not.

Mr. Martinbianco addressed the Second Reading of an Ordinance 2009-6-31. He asks why this needs to be changed. One of the successful things we have had over the last several years is the work of the Planning Commission and what they have done, the transparency they brought to all the issues that have come to the table. It has been a very effective tool. The administration has a policy and posture about each and every one of those situations that come before the Planning Commission. These are folks from a very broad landscape of the community that come here to put in their time and evaluate each situation on an individual basis. I believe this has worked out very well. The Mayor has had some great appointments to this Board. The recent change in State Law brought about more regulatory things for the Planning Commission and they are vested with a lot of authority. They have a dedicated leader, a recording secretary, minutes are in order and everything documented. I don't know why the change in State Statute and I don't understand or appreciate the fact we are going to try and reinvent the wheel when it has worked out well the last couple of years.

Mayor Smiley said since the City, we have always had a Planning Commission set up the way the current ordinance states, with 6 members at large, a Council rep, the Mayor and the Mayor's designee. One of those persons has always been a member from the ZBA as well. Up to just 2 years ago, the City operated for 30 years with the Planning Commission the way that this Act actually was. From Mayor Thomas right down to myself. Mayor Smiley indicated further, it is better for the City for the Mayor to be on the Planning Commission.

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Mrs. Tinnin expressed concerns with having a Mayor as part of the Planning Commission and said there should be separation of powers. This came to City Council without going to the Legislative Committee. She does not know how the language was drafted or who requested it.

Discussion ensued regarding residency. Mayor Smiley stated a member would have to live within our City in order to be on the Planning Commission. Council has to confirm appointments. Mr. Austin said State Statute is the backbone of this proposed ordinance. The residency section, Subsection 4 of Section 15 of the Statute, requires members appointed to the Planning Commission

be qualified electors, except, and then it gives an A, B or C. Subparagraph 5 talks about the Chief Administrative official.

This Act does not give an exemption to the Chief Administrative official. Based on the State Statute, there is no free pass to the residency of the Chief Administrative Official.

State Act says B3 needs to be changed by simply putting a period at the end of the word City. All members of the Planning Commission shall be electors of the City.

Mr. Martinbianco said the amendment would be for B3 to read: All members of the Planning Commission shall be electors of the City. Strike the rest of the language.

Mrs. Tinnin thanked Mr. Austin for all his hard work and coming to the Legislative Meeting.

Mr. Heffner mentioned the Memorial Day Parade and Festivities. Volunteers are greatly needed in the children's area. He encouraged all of Council to attend.

COUNCIL DISCUSSION ACTION:

Moved by Haskins, Seconded by Heffner to: Approve and authorize Council to go into Executive Session for the purpose of discussion relating to union contracts, under Section 8, (e) of the Open Meetings Act. Motion carried 7-0.

Moved by Tinnin, Seconded by Conley to amend the proposed Ordinance 2009-6-31: Approve and authorize amending Ordinance 2009-6-31, Section 31.01 (B) (2) to strike the word may, and insert the word shall. Motion carried 4-3, with Heffner, Ellenburg and Haskins voting no.

Moved by Tinnin, Seconded by Conley to amend the proposed Ordinance 2009-6-31: Approve and authorize amending Ordinance 2009-6-31, Section 31.01 (E) (1), to insert the words "so named" after the word Commissioner. Motion carried 6-1, with Haskins voting no.

Moved by Tinnin, Seconded by Conley to amend Ordinance 2009-6-31: Approve and authorize amending Ordinance 2009-6-31, Section 31.01 (B) (3), to read: All members of the Planning Commission shall be electors of the City. Strike the rest of the language. Motion carried 6-1, with Conley voting no.

COUNCIL ACTION:

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Conley moved and Heffner seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from April 29, 2009 through May 13, 2009 in the amount of \$5,960.00.

Motion carried 7-0.

Heffner moved and Conley seconded the following motion:

2. Approve and authorize the Mayor and Clerk to enter into a four-year agreement with City of Burton Fire Fighters Association, Michigan Association of Fire Fighters (MAFF) on behalf of the City of Burton, effective July 1, 2008 to June 30, 2012.

Motion carried 7-0.

Ellenburg moved and Heffner seconded the following motion:

3. Approve and authorize the Mayor and Clerk to enter into a four-year agreement with Teamsters Local 214 Administrative/Supervisory Unit, on behalf of the City of Burton, Effective July 1, 2008 to June 30, 2012.

Motion carried 5-2, with Tinnin and Conley voting no.

Ellenburg moved and Heffner seconded the following motion:

4. Approve and authorize the Mayor to enter a 2-year agreement with Official Payments Corporation to provide online credit card payment services for the residents of the City of Burton.

Motion carried 7-0.

Haskins moved and Conley seconded the following motion:

5. Approve and authorize the Mayor to enter into an agreement with BS&A Software to provide real-time/daily data updates for online credit card payments services, annual service fee of \$6,000.00.

Motion carried 7-0.

Tinnin moved and Conley seconded the following motion:

6. Approve and authorize the acceptance of the Report to the Burton City Council on Investigation of Potential Nuisance or Hazardous Condition of Premises on the following properties located in the City of Burton and set a Public Hearing date and time to consider any objections and/or favorable comments relative to the referenced premises. This public hearing can be scheduled at the time below on Monday, June 15, 2009, should the Council find this favorable or any other date and time Council prefers, allowing 20 days notice to property taxpayers for the scheduled hearings.

Monday, June 15, 2009

1) 3491 Columbine at 6:15 p.m.

Motion carried 7-0.

Ellenburg moved and Conley seconded the following motion:

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7. Approve and authorize the acceptance of an application from Paramount Improvements for the establishing of an Industrial Development District, and setting the date of June 15, 2009 at 6:30 p.m., for public hearing to hear and consider any objection submitted by any interested person with respect to the establishing of an Industrial Development District. Notification will be given pursuant to Act 198 of 1974.

Motion carried 7-0.

INTRODUCTION OF AN ORDINANCE:

*An alternative proposed Ordinance 2009-6-31 as recommended by the Legislative Committee on May 12, 2009 by a 2-1 vote.

Tinnin moved and Conley seconded the following motion:

1. Approve and authorize the Introduction of an Ordinance, being Ordinance 2009-6-31 amending Chapter 31, Section 31.01 of the Code of Ordinances of the City of Burton, providing for the establishment of a City Planning Commission and providing for the appointment, term, and removal of its members pursuant to Public Act 33 of 2008, as amended.

Motion failed, 3-4, with Heffner, Ellenburg, Zelenko and Haskins voting no.

SECOND READING OF AN ORDINANCE:

*First Reading Of An Ordinance 2009-6-31 was passed by the City Council on May 7, 2009 by a 4-3 vote.

Haskins moved and Ellenburg seconded the following motion:

1. Approve and authorize the Second Reading of an Ordinance, being Ordinance 2009-6-31, amending Chapter 31, Section 31.01 of the Code of Ordinances of the City of Burton, providing for the establishment of a City Planning Commission, and providing for the appointment, term, and removal of its members pursuant to Public Act 33 of 2008, as amended.

Motion carried 4-3, with Conley, Tinnin and Martinbianco voting no.

Heffner moved and Zelenko seconded the following motion:

2. Approve and authorize the Second Reading of an Ordinance, being Ordinance 2009-5-91, amending Chapter 91 of the Code of Ordinances of the City of Burton, identifying, registering, securing and maintaining abandoned buildings and structures and providing for the recovery of costs expended by the City to enforce said Ordinance.

Motion carried 7-0.

*This resolution placed on the agenda to be voted on after the Second Reading of Ordinance 2009-5-91.04.

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Removed from agenda and sent to the Finance Committee.

8. Approve and authorize a Resolution Establishing Fees for Registration of Abandoned Structures. RE: Ordinance 2009-5-91

Meeting adjourned at 9:43 p.m.

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