CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
MAY 21, 2007, 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 Council President Gary Isham at 7:00 P.M.

MEMBERS PRESENT: Cross, Isham, LaDuke, Major, Tinnin and Wells.
MEMBERS ABSENT: Conley.
OTHERS PRESENT: Mayor C. Smiley; G. Kray, DPW Director, Attorney M. Joliat and G. Webster, City Clerk.

Tinnin moved and LaDuke seconded the following motion:

Approve and authorize the minutes of the following meeting: Regular Council Meeting on May 7, 2007 at 7:00 p.m., and Special Council Meeting on May 7, 2007 at 6:30 p.m.
Motion carried 6-0.

ADMINISTRATIVE REPORT:

Mayor Smiley reported on the following topics:

Spring Clean Up will be held May 21-26, 2007. Call the DPW if you would like a car towed away.

The Legends Wrestling Association will hold The Battle For Burton match on May 27, 2007 at 2:00 p.m. at the Police Department. Tickets are $7.00 with proceeds going towards the Burton Youth League. In addition, Hungry Howie coupons are being sold for the same group.

Memorial Day activities will be held on May 28, 2007 at the City of Burton complex. Festivities include a parade, a memorial ceremony, family activities and fireworks.

Burton Relay for Life will be held June 9-10, 2007 at Bentley High School. A pancake breakfast will be held Friday May 25, 2007 at the Burton Senior Center. All proceeds will go to the American Cancer Society.

Mayor Smiley and Stacey Betts crowned Maggy Soderlund of Atherton High School as the next Miss Burton. She will receive a $500.00 scholarship and be available to appear at local events.

COMMITTEE REPORTS:

The Legislative Committee planned to review the bow-hunting ordinance before September.

A Finance Meeting was set for May 22, 2007. Final Budget amendments will be addressed at a budget workshop on May 24, 2007.

AUDIENCE PARTICIPATION:

Gerald Johnston, 2058 Valley Forge, indicated that three firemen couldn't respond to fires because they are candidates in the upcoming election. He wanted more explanation on this issue.

Laura Flewelling, 2497 Covert Rd., said a focus session would be held on May 23, 2007 at 6:00 p.m. The meeting will be held in the City Hall Community Room.

Robert Gazso, 2257 Savoy, said the Legends Wrestling Association would hold the Battle for Burton match on May 27, 2007 at 2:00 p.m. at the Police Department.

Warren Nimcheski, 2427 N. Genesee Rd., thanked the road crew for putting down an application of chloride before Memorial Day.

John Stapish, P.O. Box 190134, had concerns with the budget transfers listed in agenda items 2 – 5. He asked for clarification on the proposed part time parks director's position.

Jim Douglas, 4111 Maplewood Meadows, asked for details regarding the Council's negotiation team. He wanted to know if the Council would be holding a meeting to discuss future plans for the City.

Jennifer Morquecho, 2246 Red Arrow Rd., spoke in opposition to the Zoning Board's reconsideration for Zito Construction. She said the company was turned down due to the lack of hardship. She said the Board should not ignore the residents. The original decision should stand.

Paul Sova, 2507 Landing Dr, Country Oak Landscaping, requested the Council overturn the stipulation that sidewalks need to be added to the property before adding a pole barn. He said the company couldn't afford to add sidewalks. He wanted permission to put them in at a later date. He said DPW would not issue a permit until this is granted.

Greg Williams, 3300 Ellis Park Dr., spoke on a flooding problem in his area. He felt the new ditch and culvert that were added to relieve the flooding would be a safety hazard to the children.

Greg Kray, 5082 Old Sabrick Rd., wanted to know the reason residents had to give their address before making public comments.

Robert Linn, 3188 S. Center Rd., wanted the City to address flooding problems on his property.

Carol Belford, 6213 Darling Ave., asked for clarification on the water quality problems coming from Detroit. She said there was an article in the Burton View.

Pauline Dargel, 6119 Hugh St., referenced a handout she drafted regarding a contract for construction work to be done on two government buildings. She felt this was a solution to meet ADA compliance issues and preserve Federal funding.

Jan Bolen, 1169 Howe Rd., spoke in opposition to a violation she received for a trailer being parked in her yard. She complained that park property was not being mowed and kayaks were being used at the lake. She opposed the latest park commission appointment.

COUNCIL DISCUSSION:

A discussion was held in reference to the firefighters who cannot work and run for office at the same time. This stipulation is part of their union contract. It was suggested that Mr. Austin research this issue and then it could be discussed at a legislative session.

The DPW will check out the drainage problem at 3188 Center Rd.

A discussion was held in reference to sidewalk requirements. In the past, there was a policy that granted a waiver to add sidewalks at a later date, when more sidewalks were available in the area. That no longer applies. Any revisions to the current sidewalk text should be fair to everyone. Small portions of Act 51 dollars are being used for non-motorized projects, such as the Center Rd. sidewalks.

A discussion was held regarding the reconsideration for Cernet Co., LLC, ZBA Case #06-40. It was stated that the applicant had every right to appeal the decision in a timely fashion. The case was denied on April 19, 2007. Now, the case is scheduled for reconsideration on June 21, 2007. The applicant will pay for the re-notification on the upcoming meeting. Mr. Major thought the business provided needed tax base to the City and was zoned appropriately with other industrial uses in the area.

Discussion was held on the Ellis Park flooding. Mr. Kray explained the flooding problem and the steps DPW has taken to alleviate the problem. They put in a new ditch and a culvert. He will continue to monitor the situation and look at other options that might improve the situation.

In reply to the water quality issue, Mr. Wells said there was not enough chemicals in the water and the phosphates were a little high for a couple of months. Everything is now under control and there appears to be no problems.

A discussion was held in reference to the firefighters that are prohibited from performing any of their duties while running for elective office. Mr. Joliat indicated this stipulation was written into their collective bargaining agreement. If council were to interfere or address this issue, it could potentially trigger an unfair labor practice.

Mrs. Tinnin was concerned that Cernet was not in compliance with their previous site plans. She felt we should not reward the company with a new variance, if they are not in compliance with previous regulations. She felt we needed some kind of consistency.

Mr. Kray said new software has been added to alert DPW officials when businesses are not in compliance with their site plans.

Discussion continued on the sidewalk issue. Mr. LaDuke thought concise language should be drafted to regulate sidewalks. He didn't feel the new text change would address overall issues. Council members suggested changing the language to require new construction to add sidewalks, while allowing existing businesses to add accessory buildings without the requirements. Council planned to review the sidewalk issue prior to holding a second public hearing.

Mr. Isham told residents to document information when calling city offices. This will help Council research unresolved complaints.

Mr. Isham said the negotiating team was made up of the Finance Committee members.

In reply to Mrs. Bolen's comments, Mr. Isham said the Mayor made the last Park's appointment and it did come before the Council.

There was a brief discussion in reference to Rockies' kayak demonstrations at Kelly Lake. These types of boats do not have motors. Mr. Isham noted that kayaking was an up and coming sport.

Mr. Wells would like to see the City move forward and continue to put in sidewalks. He hoped any text changes would be very specific. Mr. Wells and Mr. Cross supported adding sidewalks to our community.

Mrs. Tinnin wanted to know if vacant home owners were contacted before high grass was cut.

Homeowners are not contacted before high grass is mowed. It is the owner's responsibility to maintain their properties. A notice is put in the paper ever year in reference to this issue.

Discussion was held on the agenda budget transfers. Mr. Wells suggested eliminating line item budgets. Then many of these items would not have to come before Council. It creates a lot more work for everyone involved. Mrs. Tinnin explained that these were interdepartmental transfers. One line is simply using money from another line within the same budgeted department.

In reference to Item 10, Mr. Major asked the administration to furnish more documentation. He wanted to know how the architectural firm received the authorization to do the work. He was not aware of any contract for Hull-Stephens to do architectural work. These contracts should come to Council for authorization.

Mr. Kray had two invoices from Hull-Stephens, one for $225.00 dated October 11, 2006 and one for $517.50, dated February 15, 2007 to do the Senior Center work. In addition, he had an invoice for Creekwood Architecture for $2,000.00, December 5, 2006, to do the work at the Police Department.

Mr. Major said these projects should have been generated from the DPW. He wanted to know if Mr. Kray had contacted these companies to do the work. Mr. Kray did not initiate these projects. Mr. Major said that someone circumvented the City Council and the Charter when they authorized these companies to do the work. He said this was a Charter violation.

Mr. Cross said the agenda items did not indicate where they were going to transfer the money from to pay for these projects.

Moved by Cross, seconded by Major to table Items 10, 11 and 12 until the next Regular Council Meeting on June 4, 2007. The motion carried 6-0.

These construction items need to come back in the proper form. They did not know what they would do about the Charter violation. Mr. Kray indicated the total invoices were paid out of the respective maintenance budgets. There was discussion on the timetable to get the ADA related work completed.

Item 13 was amended to reflect a public hearing date of June 18, 2007 at 6:30 p.m. Mr. LaDuke opposed the proposed sidewalk text change. He thought the text still needed to be modified and was not ready for a public hearing. Mr. Wells said this would give Council time to come up with some ideas and speak with the attorney.

In reference to Item 14, Mr. Major felt this project should be funded out of Drains-at-large, not Major Street funds. Proper permission and easements still needed to be granted for this project. Mr. LaDuke felt we were setting precedence by paying for these isolated drains with public funds. He said others would want to take advantage of this situation. Mr. Major said some of these problems were created as new subdivisions were added. He felt these types of problems should be corrected. Mr. LaDuke and Mrs. Tinnin felt the developers should take care of drainage problems, not the taxpayers. Others felt it was the City’s fault and it should be fixed at a relatively low cost.

Moved by Major, seconded by Cross to add as Item 16 to: Approve and authorize the transfer of $1,750.00 from 2006-2007 Unappropriated Surplus to the proposed relief drain project at 5245 Maple and 5217 Maple Ave. Motion carried 5-1, with LaDuke voting no.

Mr. Cross wanted Council to be informed prior to all ribbon cutting ceremonies in the future.

Mr. Isham gave an update on the pretrial conference for Teamsters Local 214. He said the trial would begin May 22, 2007 at 10:00 a.m. in Detroit. Mr. Isham will be representing the Council and the Mayor will be representing the union. He will keep the Council up-to-date on any future correspondence.

COUNCIL DISCUSSION ACTION:

Moved by Cross, seconded by Major to: Table Items 10, 11 and 12 until the next Regular Council Meeting on June 4, 2007. Motion carried 6-0.

Moved by Major, Seconded by Cross to add to the agenda as Item 16: Approve and authorize the transfer of $1,750.00 from 2006-2007 Unappropriated Surplus to the proposed relief drain project at 5245 Maple and 5217 Maple Ave. Motion carried 5-1, with LaDuke voting no.

COUNCIL ACTION:

Wells moved and Cross seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from May 2, 2007 through May 16, 2007 in the amount of $2,977.40.

Motion carried 6-0.

LaDuke moved and Wells seconded the following motion:

2. Approve and authorize a budget transfer of $17,500 from Major Street – Surface Contractual to Major Street – Surface Salaries Permanent.

Motion carried 5-1, with Cross voting no.

Wells moved and Major seconded the following motion:

3. Approve and authorize a budget transfer of $4,000 from Major Street – Surface Contractual to Major Street – Surface Materials & Gravel.

Motion carried 6-0.

Major moved and LaDuke seconded the following motion:

4. Approve and authorize a budget transfer of $250 from Major Street – Trees & Shrubs Supervision Salaries to Major Street – Traffic Supervision Salaries.

Motion carried 5-1, with Cross voting no.

LaDuke moved and Major seconded the following motion:

5. Approve and authorize a budget transfer of $500 from Major Street – Winter Maintenance Salaries Permanent to Major Street – Winter Maintenance Supervision Salaries.

Motion carried 5-1, with Cross no.

Major moved and Tinnin seconded the following motion:

6. Approve and authorize a budget transfer of $10,000 from Sewer – Operating Supplies to Sewer – Computer Charges.

Motion carried 6-0.

LaDuke moved and Wells seconded the following motion:

7. Approve and authorize a budget transfer of $20,000 from Water – Equipment Rental to Water - Pipes & Fittings.

Motion carried 6-0.

Major moved and Cross seconded the following motion:

8. Approve and authorize the calling of a Public Hearing on June 4, 2007 at 6:30 p.m. The hearing is for considering the proposed additional mills to be levied on the 2007 tax roll for General Fund operating purposes. This hearing is pursuant to Act 5, P.A. of 1982, as amended.

Motion carried 6-0.

Cross moved and Wells seconded the following motion:

9. Approve and authorize the calling of a Public Hearing on June 4, 2007 at 6:45 p.m. The hearing is for considering the proposed additional mills to be levied on the 2007 tax roll for the operation of the City of Burton Downtown Development Authority. This hearing is pursuant to Act 5, P.A. of 1982, as amended.

Motion carried 6-0.

Tabled until the next Regular Council Meeting on June 4, 2007.

10. Approve and authorize the low bid of US Construction, 2346 W. Warren, Detroit, MI 48208. The low bid of $25,000.00 for the building improvements to the Police Administration Building.

Tabled until the next Regular Council Meeting on June 4, 2007.

11. Approve and authorize the low bid of US Construction, 2346 W. Warren, Detroit, MI 48208. The low bid of $25,000.00 for the building improvements to the Burton Senior Center.

Tabled until the next Regular Council Meeting on June 4, 2007.

12. Approve and authorize the Mayor and Clerk to enter into a contract with US Construction, 2346 W. Warren, Detroit, MI 48208. The amount as specified on the bid proposal.

Wells moved and Cross seconded the following motion as amended:

13. Approve and authorize the setting of a 2nd Public Hearing for Zoning Case #303, Ordinance 19 Section 5.37 Text change (Site Plan Review) for June 18, 2007 at 6:30 p.m.

Motion carried 5-1, with LaDuke voting no.

Major moved and Wells seconded the following motion:

14. Approve and authorize the Mayor and City Clerk to enter into a contract with Doan's Landscaping in the amount of $1,750.00 to provide drainage relief at 5245 Maple and 5217 Maple.

Motion carried 5-1, with LaDuke voting no.

Wells moved and Major seconded the following motion:

15. Approve and authorize a budget increase of $17,000 to Building – Weed Cutting Revenue and an increase of $17,000 to Building – Weed Cutting Expense.

Motion carried 6-0.

Wells moved and Cross seconded the following motion:

16. Approve and authorize the transfer of $1,750.00 from 2006-2007 Unappropriated Surplus to the proposed relief drain project at 5245 Maple and 5217 Maple Ave.

Motion carried 5-1, with LaDuke voting no.

Meeting adjourned at 9:10 p.m.

Gayle Webster, CMC
City Clerk