CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
JULY 18, 2011, 7:00 P.M., COUNCIL CHAMBERS
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Councilman Dennis O'Keefe led the Invocation and Pledge of Allegiance.
The Regular Meeting was called to order by President Steven Heffner at 7:05 p.m.

MEMBERS PRESENT: Heffner, Ellenburg, Martinbianco, O'Keefe, Wells, Smith and Haskins.
MEMBERS ABSENT: None.
OTHERS PRESENT: Mayor P. Zelenko, Atty. R. Austin and J. Adams, City Clerk.

Haskins moved and Ellenburg seconded the following motion:
Approve and authorize the minutes of the following meeting: Regular Council Meeting on July 5, 2011 at 7:00 p.m. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Zelenko said Council's ordinance books might need updating. You can bring them to the office for Brenda Moulton to update those for you. Her appointments of Debra Dunsmore as the Bendle Representative to the Parks & Recreation Commission, and Kevin Burge to the Planning Commission are on the agenda tonight. A Professional Service Agreement from Plante & Moran will be placed on Council's August 4th meeting agenda. Today we received the change of status confirmation from Washington DC on the COPS Grant. The two officers placed on layoff will return to work on Monday. Mike Brown from the Flint Area Reinvestment Office is here to give a presentation on the "Future Genesee", a voluntary effort with local communities in Genesee County exploring ways of delivering public services in a more effective and efficient manner and governmental restructuring. Item #4 is a resolution supporting Future Genesee. This is a good approach to help find ways to comply with some of the best practices that our new Governor and State Legislature are requiring in order to compete for Revenue Sharing dollars we lost. She urges Council to support the resolution.

Mike Brown, 1005 Kengsington Ave., Flint, MI, stated he is the President of the Flint Area Reinvestment Office. Our program started by the Mott Foundation in 2009 with the main focus to build collaborative efforts in the community whether it is with non-profits or between governments around issues that we are all facing. We worked with the Genesee Regional Chamber of Commerce in submitting an economic development playbook to the new Governor. It has 100 economic development projects from communities throughout Genesee County. The idea was to make sure we were all reading off the same sheet of music for the new Governor. When they asked us what Flint or Genesee County need, we would have at least something to go by. That is one example of a collaborative effort. Subsequent to that, the Governor and business leaders of Michigan called together a group on April 7th in Lansing to focus on urban visioning. They invited 19 communities from around the State: Benton Harbor, Kalamazoo, Muskegon, Flint and Genesee County. We presented economic development strategies and one of the issues that came to the forefront was what are we doing statewide around shared services.

Mr. Brown stated further that a few of the township supervisors, city councilmen and other political leaders in the community asked the Flint Reinvestment Office to consider facilitating discussion around shared services. I said we would consider it if the political units in the County believe it is a good idea. That is why this resolution is before you. It is non-binding, voluntary, and we envision about 25 to 35 citizens. Our office will pay for some facilitators around the discussion. We plan to utilize the elected officials as resource people. For example, if it is a fire authority with multiple units, or Countywide purchasing that could help us bring costs down for each unit, parks, or really anything would be on the table. We envision a 60 day process that we would come back and make a report to the units with some recommendations and that would be back in your laps to pursue the recommendation at that point.

Mr. Martinbianco said on the agenda tonight we have revisions to our purchasing guidelines that will engage institutions or subcommittees such as yours. How can we be more intimate with the process from our level so we can make sure our input is in there and understood when a collaborative decision is ultimately reached.

Mr. Brown replied we are asking each unit to submit a name of a citizen participant and that is one way Burton would be involved at the table. We will pull each of you in as you want to, to talk about certain issues. If consolidation of parks is on the table and we want to talk about that, we would invite different units in to give their input into that. Northeastern Ohio has 6 counties collaborating on a purchasing collaborative saving substantial amounts of money. We would bring different expertise in and then you would have an opportunity to participate in that discussion as it goes forward.

Mr. Brown said you raised an issue that he hasn't really thought through the most efficient way to keep you informed as the process goes on. We do want to have the input as we go from the elected officials.

Mr. Martinbianco said you raised an interesting issue when you talked about Northeast Ohio. Could this program go outside of our circle and become a regional issue with respect to some shared services on a greater basis starting with more commodity purchases and be beneficial to everybody in a mid-west region.

Mr. Brown said I think we have to start small, what is tangible, and if we get some successes then that will breed more trust and more cooperation.

Mr. Smith inquired regarding the location of the committee.

Mr. Brown said they are located in the Mott Foundation Building in downtown Flint. We don't need to have every meeting there and we could possibly meet here for one of the meetings.

Mr. Smith inquired regarding the funding.

Mr. Brown said we get our funding from four sources: the Community Foundation of Greater Flint, Mott Foundation, Ruth Mott Foundation and United Way. We asked former Lt. Governor John Cherry to Chair the group. We would wait for names from the units before we formed the committee. The process of where we are right now is we asked each of the units to consider this resolution to show there is support for at least having the discussion. We are going to spend time and money on this and we don't want to get out front if folks say don't bother and we are not going to participate. Verbally, we have gotten a lot of feedback. The State of Michigan is tying these shared services to revenue sharing, so it seems like this is in our best interest to have this discussion now.

Mrs. Ellenburg said this is exactly what the Governor's administration is going for that we work together so we can get some of our revenue back. Being part of this will help us in the right direction.

Mr. Brown said the whole idea is to operate more efficiently and connect with some of that State Revenue that has been lost to our local units.

Mr. Wells said he has high praise for all your efforts with the City of Flint. He asked Mr. Brown if this is a non-profit organization he is working with.

Mr. Brown replied it is. It is under the auspices of the Premacivitas Foundation. It is a Foundation created by the President of Michigan State University Lou Anna Simon. When Mott created us, we had to land somewhere under a non-profit or create a new one and we decided it would be good to connect with them. It has also brought resources from Michigan State in that it will help us in this process.

COMMITTEE REPORTS:

Mrs. Ellenburg said the book sale for the Memorial Library at Center and Atherton Rd. is scheduled for July 28th, from 12:00 p.m. to 6:00 p.m. July 30th it is from 9:00 a.m. to 3:00 p.m. Their next project will be trying to put money together for the parking lot.

Mr. Wells said the Public Access Committee met last Wednesday regarding bids that went out for our new website. We received 2 bids after the fact. After careful consideration, the Committee decided to take those 2 bids and take the best of them, instead of starting all over again. He would like to schedule a Public Access Committee Meeting on July 20th at 3:00 p.m. We will bring in Brad Johnson for that meeting and have discussion with him. After that, we will schedule another meeting and bring the other person in. We are already close to August and we wanted to have part of the website up by September 1st.

Mrs. Ellenburg said she spoke to the Finance Chair and we would like to set up a meeting for August 15th at 5:30 p.m. with the Finance Committee and Legislative Committee to go over Ordinance 68-C and 30.31. She felt it would be good for both Committees to have discussion on how we can change it and make it better for the City

Mr. Martinbianco acknowledged the Finance Committee would sit in on a joint committee for that discussion.

Mr. Martinbianco referenced the Introduction of an Ordinance, Ordinance 2011-2-32.18 on the agenda**.** The Committee met twice and they were given very good information from the acting purchasing agent Brenda Moulton and members of the Administration. They brought forth some proposed changes, offered more flexibility in the purchasing program and allow us to engage with purchasing groups that are abundant in the State driven by the Legislature and Governor's Office. This will promote a lot of what Mr. Brown spoke about this evening. Mr. Martinbianco reviewed the changes. He said the Committee recommended the revisions.

Mr. Wells asked if there was any reason the Legislative Committee couldn't meet before August 15th on Ordinance 68-C. His concerns are that others may follow suit and go on sick leave.

Mrs. Ellenburg said she feels there is a lot to cover. The date of August 15th works for her. We have an election and I didn't want to do it the Monday before Election Day because I felt it would be a rush for our Clerk and the people that are running.

Mr. Wells said he is one of those running and he just scheduled a Public Access Committee Meeting for July 20th. He thinks we can get the ball rolling and find out what we can do about that. We can't afford to pay people 100% of their pay. He would like her to reconsider the date.

Mr. Haskins said Parks & Recreation met and discussed planning and trying to get things going. The Chair is supposed to meet with the Mayor and get some things worked out. The biggest thing is trying to get the 5 Year Plan implemented so we can actually qualify for grant money

Mr. Heffner announced a change in Item #1. The amount should be $5,211.50.

AUDIENCE PARTICIPATION:

Gerald Johnston, 2058 Valley Forge, asked who is in charge of watching the building of Fire Station #2. He said the building was moved to the south a little too far. I feel they have created more of an insurance hazard for us. They put a 3 ½ foot below grade of the entry road on Belsay Rd. They said it would be a slow gradual incline when you go out onto Belsay Rd. When it rains, the water is going to run into that brand new building. Do we have substantial sanitary drains in front of the building to keep the water from flooding that building out? I thought at one point we had a walkway to the south side of the building, it doesn't look like there is going to be enough room to put a walkway and it looks like we are impeaching on the gentleman's property line on the back side of Martha. They shot the grade off of Martha instead of coming off of Belsay Rd. The building is 3 foot lower in the front. The picture we have at the station everything is all level playing field. Someone dropped the ball and I just want to know whom.

Robert Wolfe, 4410 S. Center Rd., said he approached Council 2 months ago about the barking dogs and the problems next door. The house is a junkyard. He went to Court and never seen the Judge. The Attorney told his neighbor he had to get rid of the dogs in 5 days and they are still there. Mr. Wolfe expressed further frustrations of the judicial process.

John Stapish, PO Box 190134, spoke of concerns regarding the run down motel on Center Rd. by Court St. that is in the City of Flint bordering Burton.

COUNCIL DISCUSSION:

Mr. Martinbianco referenced the Attorney Billing regarding the Michigan Attorney General's Opinion 7259, relative to medical marijuana. Specifically our Medical Marijuana Ordinance and some of the preliminary proposed revisions that may impact it. He asked Mr. Austin if we are in the learning stages of that.

Mr. Austin said with the Attorney General's Opinion, recent Michigan Court of Appeals Opinion, and with 2 Circuit Court decisions, the most recent out of Midland's County Circuit Court, the Michigan Marijuana Legislation is now in a state of flux. Several communities have adopted long term moratoriums on the adoption of any medical marijuana legislation. I faxed to Amber Frost in DPW the recent Attorney General's Opinion. We discussed it and I asked her whether or not recent inquiries on the establishment of any medical marijuana facilities, distribution facilities in particular because that is what the Attorney General Opinion focused in on. There is only one space available in the City of Burton with spacing requirements that we have in our ordinance for development. At this point the statute is in a state of flux. Rather than rush in and amend our ordinance at this point, we didn't think it would be cost effective given there will probably not be any development in that area because there are no places to develop. Mr. Austin stated further, if anyone from Council, especially those on Legislative or Finance would like to discuss this further, he would be happy to discuss it or they can with Amber. At this point we are inclined to let this ordinance set there, let's see what the developments are at the Court of Appeals or Supreme Court level before we go about making any further revisions to our ordinance.

Mr. Martinbianco said he was concerned if it would require a resolution to temporary suspend any further execution of those types of permits under the scope of the ordinance. There is only one site identified that would be legally able to do it. Anything else would require ZBA approval should they come in and have to prove hardship and prove they have a reason to be able to do it and occupy that particular site within the scope of the ordinance.

Mr. Austin said at that one site there is already an existing structure and it is a substantial structure. While it is vacant, it would be a very expensive structure to go in for a new fledging business to go in and purchase it. So far there has been no interest. We could adopt a moratorium but you would be doing it for one site. At this point, our thought process is to take no action.

Mr. Martinbianco said Mr. Johnston raised several issues about some deviations in construction practices at Station #2. He has not been over to Station 1 or 3 to evaluate and compare what the prints say. Geo-thermal well drillers are not regulated by any State or County agency. He would like to get a full architectural status of what they did, their production process, how deep they drilled, where they drilled, how they grouted the joints and any other environmental impact it might have on that immediate area. I raised concern with the Mayor on the contaminated site across Lapeer Rd. that had been determined to be a contaminated site years ago. I am concerned if they didn't follow normal well drilling grouting procedures, there could be leakage. If there is anything left on that site from those underground tank problems, it could be leaking in and substantially impair the quality of water particularly over in Lapeer Heights. I think Council deserves a full up-to-date evaluation from THA of the construction progress at each site, documenting each one of the issues at each site that they have either run into and ameliorated, or in the case of the new construction at Station #2, any deviation they made to their construction scheme, to the placement of building on the grounds on the building template, and anything they changed in terms of grade and the geo-thermal wells that were installed. THA should be able to give us an up-to-date performance program on that, and put their stamp on it because they are going to be ultimately responsible if there are problems down the road. Mr. Martinbianco said he would like Ms. Adams to forward this information to Mayor Zelenko.

Mr. Wells said Mr. Johnston brought up the question of who is overseeing the project. Mr. Haskins had brought up before on having a committee formed for any kind of overrides and/or problems that came about to forward to Council and update bi-weekly or at least every Council meeting. We haven't heard any of that. I am hearing about problems myself. Station #1 should already be finished and that has come to a complete standstill. Station #3 it seems like there is nothing going on there. Station #2 I have heard problems that were spoke about and maybe bigger problems down the road. I would like to find out what is going on there and who is calling the shots there. I don't think it is too late to set up some kind of committee. Maybe Mr. Haskins can head that up for us. That would be Council President's call.

Mr. Heffner said on Friday he seen work being done at Station #1.

Mr. Wells said he is happy the two police officers are coming back. We have known about that grant for a long time. I would like to find out how much it cost to lay them off for 18 days, disrupt their lives and the lives of our other officers over there, just to prove a point. We knew that grant was coming in. I think in the future it is incumbent of us to think about our residents and employees. Turning their lives upside down for a while is just not worth it.

Mrs. Ellenburg inquired about Mr. Wolfe's dog situation.
Mr. Austin explained there were 4 dogs next door to him. The property owner next door to him got rid of 2 of the 4 dogs in negotiations with us. That left 2 dogs. The owner said these dogs are family pets and he would take them inside the home in the evenings. I said we would try that. Mr. Wolfe was skeptical having lived with the problem for so long. I adjourned the matter for a week or 12 days to give him that opportunity. I subpoenaed the case for trial and the dogs were outside still disrupting Mr. Wolfe and his wife and barking throughout the evening.

Mr. Austin stated further, the gentleman had been coming to Court for a long period of time and I told him he had until Tuesday to remove or destroy the dogs. Mr. Wolfe was present in Court at that point. The defendant didn't appear and I issued a bench warrant for his arrest. The Court was having night Court the next night and I gave the Court the defendant's name in hopes they would go out and arrest him for having lied to me and failing to appear in Court. They didn't arrest him. There is an outstanding bench warrant for his arrest and I will inform the police department. I made a notation on the file that the dogs are to be removed before he is to be allowed out on bond, when he is picked up on the bench warrant.

Mrs. Ellenburg inquired regarding a conference call with Ms. Hilts.

Mr. Austin indicated that in the last Council Meeting, Mr. Haskins gave some advice on the situation. Ms. Hilts came up to him after the meeting and said she would skip the conference call.

Mr. Haskins said he agrees that we need to get some answers on the Fire Stations whether the architect is called in, the Fire Chief, or to hold a special meeting. There are numerous concerns with all three of the stations. Mr. Haskins indicated further he agrees with Mr. Stapish that the hotel on Center Rd. is an eyesore.

Mr. Heffner asked for a couple of Council members to go with him to Fire Station #2 to review the site. Mrs. Ellenburg and Mr. Smith both stated they would go also.

Mr. Heffner addressed Mr. Wells regarding the police grant. He believes we had to lay off the officers before we could accept the grant to re-hire them.

Mr. Wells said the grant was actually to hire 2 more.
Mr. Heffner said it has been re-classified as a re-hire. Mr. Wells said that is his point exactly.

Mr. Heffner said when he travels north on Center Rd. the hotel is an eyesore. He wished the City of Flint would get on the ball and tear it down.

Mr. Martinbianco said we are still trying to shop one of the premier shopping centers in eastern Genesee County and it is pretty difficult to do that with the hotel across the street. We may need to prepare a resolution encouraging the City of Flint, sending it to Flint City Council, and give them a copy of our ordinance on abandoned sites and structures. We can emphasize that it is a communal eyesore and one of the first things they seen when you get off I-69 traveling north on Center Rd.

Mr. Haskins said someone from the audience indicated to him the hotel is scheduled to be demolished.

In reference to Item #2, Mr. Wells thanked Mrs. Dunsmore for offering her time. He looks forward to working with her and watching Parks & Recreation grow. He hopes she can help them spearhead getting the 5-year plan going and start bringing in grant money.

In reference to Item #3, Mr. Wells said it is good to see some new names for appointments. He hopes people start sending their resumes in so we can bring in a new wave of residents. He is glad to see Mr. Burge staying involved in the City. Mr. Heffner said once the website is up and running we can advertise all these positions.

In reference to the Introduction of an Ordinance, Mr. Wells expressed that Mr. Martinbianco, the Finance Chairman, did a great job at that meeting. We had great discussion. Mr. Heffner said Mr. Martinbianco put a lot of time and effort into this.

Mr. Heffner indicated the former employer of Controller Ginger Burke-Miller just a received a grant that she had worked on there. He is hopeful we will get the grant for the LED lights. We should receive word on that in the next couple of weeks.

Mr. Heffner invited everyone to Courtland Center this Saturday from 6:00 p.m. to 8:00 p.m. to hear the Cruise Brothers.

Mr. Haskins said he agrees with Mr. Wells to see if there is any way to get a meeting prior to August 15th on Ordinance 68-C. He wants to have knowledge about it before they meet with Finance.

Mr. Heffner expressed having a special workshop for Council as a Whole.
Council acknowledged they are all in agreement with that. Mrs. Ellenburg will schedule a meeting.

COUNCIL ACTION:

Haskins moved and Ellenburg seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from June 30, 2011 through July 13, 2011 in the amount of $5,211.50.

Motion carried 7-0.

Wells moved and Haskins seconded the following motion:

2. Approve and authorize the Mayor's appointment of Bendle School Representative Debra Dunsmore, 2156 Judd Rd., Burton, MI 48529, to the Parks & Recreation Commission, filling the unexpired term of June 2012.

Motion carried 7-0.

Martinbianco moved and Ellenburg seconded the following motion:

3. Approve and authorize the Mayor's appointment of Kevin Burge, 1415 S. Genevieve, Burton, MI 48509, to the Planning Commission, filling Matt Cummings position. Term expires June 2014.

Motion carried 7-0.

Haskins moved and Ellenburg seconded the following motion:

4. Approve and authorize a Resolution supporting the process in Genesee County to discuss Shared Services agreements and governmental service delivery structure to be led by the Flint Area Reinvestment Office.

Motion carried 7-0.

INTRODUCTION OF AN ORDINANCE:

Haskins moved and Martinbianco seconded the following motion:

1. Approve and authorize the Introduction of an Ordinance, Ordinance 2011-2-32.18, an Ordinance Amending Section 32.18 of the City of Burton Code of Ordinances to provide for and regulate the process and procedure of competitive bidding for the purchase of goods and services for City use.

Motion carried 7-0.

Meeting adjourned at 8:10 p.m.

Julie Adams, City Clerk