CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 4, 2007, 7:00 P.M., COUNCIL CHAMBERS
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Councilman Ralph LaDuke led the Invocation and Pledge of Allegiance.
The Regular Meeting was called to order by Councilman Ralph LaDuke at 7:08 p.m.

MEMBERS PRESENT: Cross, LaDuke, Tinnin and Wells.
MEMBERS ABSENT: Conley, Isham and Major.
OTHERS PRESENT: D. Halstead, Fire Chief; Attorney R. Austin and G. Webster, City Clerk.

Tinnin moved and Cross seconded the following motion:

Approve and authorize the minutes of the following meeting: Regular Council Meeting on August 20, 2007 at 7:00 p.m. Motion carried 4-0.

ADMINISTRATIVE REPORT:

Chief Halstead was proud to announce that the Burton Firefighters had collected $17,517 for Muscular Dystrophy over the Labor Day Weekend.

Mr. Halstead referenced the administrative report that was distributed to Council.

COMMITTEE REPORTS:

Mr. Wells planned to set a legislative committee meeting for next Thursday to address the following topics: Bow Hunting, Cat Licensing, Ditching, No Smoking Ordinance and developing a Negotiation Committee. Mr. Austin announced he would be out of town next week.

Mr. Cross would like to receive the administrative reports by e-mail in advance of the meetings.

Mr. LaDuke reported on the Finance Meeting that was held August 28th. He said the Committee reviewed Ordinance 68-C, the collection of outstanding personal property taxes and issues dealing with the line item budget. He said the Council should initiate legal action against the Mayor for not following the intent of the budget.

OLD BUSINESS:

Discussion of old business included the following items:

The removal of a dumpster between Center and Genesee Rd, the Fenton Rd. water main, the website, Council referrals, the placement of a stop sign on Carman and the status of a ditching project on Cheyenne. It was reported that the County would be trimming trees on Maple Rd. Mr. Cross appreciated the tree being removed at the corner of Kettering and Lapeer. Mr. LaDuke planned to develop a request for service form to be submitted to the administration. He hoped some of the unresolved issues would be addressed.

AUDIENCE PARTICIPATION:

County Commissioner Jamie Curtis, 1101 Beach St., spoke in support of the County collecting delinquent personal property taxes for Burton. He provided Mr. LaDuke with a contract that was used by the City of Flint. He requested an old gas station sign be removed from the corner of Belsay and Davison Rd.

Diana Walton, 1224 Carman, spoke on the following items: a stinky house with a dilapidated roof at 1221 Carman, junk cars at 1225 Carman, open fires at 1225 Carman, the status of a stop sign on Carman and constant honking from 1221, 1225 and 1241 Carman residents. She said the Police Department has done nothing with these complaints.

Larry Flood, 4495 Belsay Rd., planned to save his comments until Mr. Kray and the full Board were present.

Warren Nimcheski, 2429 N. Genesee Rd., requested a stop sign be installed at the intersection of Risedorph and Blackthorn. He supported a stop sign for the intersection of Euston and Carman.

Lisa Williams, 1196 Carman, thanked the City for agreeing to put a streetlight on Carman. She complained about the honking on her street.

Mr. Wells planned to call the police department to see why nothing was being done about the honking.

Pauline Dargel, 6119 Hugh St., spoke on a late publication of an ordinance. She wanted to know if the year old publication was legal. She felt items 5, 6 and Ordinance 68-C should have been initiated by the administration, not the Council. She opposed the attorney receiving a 20% increase and the administration receiving a lump sum raise.

John Stapish, P.O. 190134, requested the following sites be cleaned up: crushed limestone on Atherton Rd., trees at the corner of Saginaw and Hemphill, a mound of dirt at the old driving range on Bristol Rd. and the mound of dirt near the Atherton Rd. railroad tracks. He said the public should have been informed of the new burning permit regulations. He said the 50-foot burning requirements do not accommodate the small lots in the southend.

COUNCIL DISCUSSION:

In response to Mr. Stapish's comments, Mr. Wells said the cars keep missing the turn lane on Atherton Rd. They back up and throw those rocks on the street. To alleviate the problem, Mr. Kray plans to remark the turn lanes.

Mrs. Tinnin would like Mrs. Walton's complaints addressed. The administrative report did not address these issues. She didn't think grievances should be part of the administrative report. This represents a privacy issue. She said a stop sign should be added at Risedorph and Blackthorn.

In reference to Mrs. Foster's raise, Mr. LaDuke said the Council's function was to adopt contracts and the Mayor's function was to administer those contracts. Once a tentative agreement is reached, the Council should confirm it. The Mayor does not have the authority to amend contracts. He said Mrs. Foster did not have a basis for a grievance.

Mr. LaDuke would like to set a Finance Meeting to eliminate the line item budget. Mrs. Tinnin felt a budget amendment should go before the whole Council. The Mayor, Controller and Attorney should be present at that meeting. Everyone should have a clear understanding of what is being done.

Council members would like the old gas station at Davison and Center Rd. addressed. In addition, they would like the corner of Belsay and Davison to be cleaned up. The corner is unsightly with used cars, weeds and signs. DPW should address the dirt mount at the driving range on Bristol Rd.

Mr. Austin spoke regarding his opinion on union contracts. He said once a contract was in place, it was the responsibility of the legislative branch to amend it. Mr. LaDuke said two employees in the Controller's Office were paid extra compensation under false pretences. This was a violation of the Charter. He said the employees should be notified to pay the money back. In references to charges being filed against the Mayor, Mr. Austin said the Charter permits the Council to reimburse elected officials for attorney fees. However, it does not command or require Council to pay the charges. Mr. Cross' fees were not paid. Council voted to pay for attorney fees. However, The Mayor vetoed that action. Council did not override the veto.

Mr. Wells felt there was no reason to open Ordinance 68-C. He said the administrators might not even be here in two months. He opposed raising salaries, giving one-time lump sum payments and making them retroactive from July 1, 2007. This is not saving taxpayer's money. Mr. Wells said the new administrators would have to pay 10% into their pension after the first of the year. He wanted to know if the old administrators that were confirmed would have to contribute 10%. He felt there was still work to be done on the ordinance. He opposed a 20% raise for the attorney. He felt the attorney positions should go out to bid. He spoke in support of Mrs. Foster's raise. He said the Mayor had the authority to give upgrades, fire people and lay them off. He thought Mr. LaDuke had made decisions for the whole Council, which had been purely personal.

Mr. Cross said according to the Charter, we couldn't pay for previously rendered services.

Mr. Wells felt the Council should follow up on old business issues before the next council meeting.

Mrs. Tinnin said salary increases for the union contracts were included in the budget. Any new increases should come before the Council for approval. She felt there should be a Council of a Whole meeting to address the line item budget. She wanted to know why the Mayor would call special meetings before holidays and on Fridays. There are regular council meetings to address these issues. She will not approve salary amendments or Ordinance 68-C until the Mayor brings his proposals before Council.

Mr. LaDuke spoke in support of the Charter Administrators receiving raises. He felt it was unfair not to address the wages of these employees. This has not been done since 2005. He felt Council benefits should be eliminated.

Mr. LaDuke said the Council just received information regarding the transfers. He was not prepared to address them tonight. Mr. Cross agreed that the transfers could not be addressed without five members.

Mrs. Tinnin wanted to know why the transfers weren't on the regular agenda. If these transfers were so important, the Mayor should have been present to explain what was needed. Mr. Wells supported the transfer of funds to accommodate the line item budget.

Mr. LaDuke removed item 7 from the agenda because it was approved on July 16, 2007.

In reference to item 1, Mr. Austin amended his billing to $4,435.80. The billing entry for August 27, 2007 will be adjusted and added to the next agenda.

In regards to item 2, Mr. Cross asked for clarification on the bids. Mr. Holzer said only two venders met the bid specifications. Great Lakes Service and Supplies was the lowest qualifying bid.

A brief discussion was held in reference to item 3. It was determined that the new streetlight would be installed in the public right away, not on personal property.

A brief discussion was held in reference to item 4. Mr. Austin clarified that the Council could remove or suspend the attorney at any time, under the provisions of the Charter. Mr. Cross indicated that a majority of the Council could readdress the appointment at any time. He suggested adding a clause to the guidelines indicating the appointment should be done within 30 to 60 days of the budget. In addition, the attorney's salary could be reviewed at that time.

In reference to item 6, Mr. Austin said the motion would require the necessary five votes. This would accommodate the contract and the transfer of funds. There is a potential for liability issues if a contract is passed with out funding.

Mrs. Tinnin insisted that item 6 be tabled and returned on the next agenda as two separate motions. Item 6 was removed from the agenda. It will appear on the next agenda as two separate motions.

A discussion was held in reference to Ordinance 68C. Mr. Wells said this hasn't been updated because the administration did not initiate it. These are the Mayor's appointees. He knows what he wants to give them. The finance committee has not opened Ordinance 68-C in the past. Depending on what happens with this election. None of these people may even be here. It was determined that the Mayor could adjust these salaries with a new administration. Mr. Wells supported the elimination of benefits for the Council. He was willing to waive his benefits. Mr. Austin said Council members could not waive their benefits. Mr. Wells said one of the sticking points involved MERS. He agreed with Mr. LaDuke about leveling the Mayor's retirement benefits to 15%.

Mr. LaDuke supported the elected officials giving up their benefits. He said Council members would still have the opportunity to purchase health insurance through the City at their own expense. He said the employees did deserve something. They were caught up in the politics. This has to stop. This has cost those employees money. It is not fair that the union received these things and they have been left out, because no one wants to bring it forth.

Mrs. Tinnin did not support the raises that were reflected in the proposed ordinance. She wanted to table this issue until the entire Council was present. A brief discussion was held in reference to the Teamsters contract.

Mr. Cross moved and Mr. Wells seconded the motion to: Table the Introduction of an Ordinance 68-29 C. The motion carried 4-0.

Mr. Holzer asked for clarification on the utility forman’s position. He wanted to know how to handle the pay increase. The position was posted at the regular forman’s rate. In addition, the employee was being paid a stipend for his water certification. This stipend was carried over in addition to the forman position. Based on the Attorney’s opinion, Mr. LaDuke felt the Administration did not have the authority to pay more than the contract states. Therefore, the employee would have to pay any overpayment back to the City. He felt this was a Charter violation.

Mr. Wells said that we need to have this certified person in the water department.

Mrs. Tinnin felt the Mayor needed to be present to explain these decisions. Council members felt it was the Mayor’s job to relay this information to the employee.

COUNCIL DISCUSSION ACTION:
Moved by Cross, Seconded by Wells to: Table the Introduction of an Ordinance 68-29 C.
Motion carried 4-0.

COUNCIL ACTION:

Cross moved and Wells seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from August 15, 2007 through August 29, 2007 in the amount of $4,435.80.

Motion carried 4-0.

Wells moved and Tinnin seconded the following motion:

2. Approve and authorize the low bid and purchase of the sewer mainline televising unit for the total price of $166,500.00 from Great Lakes Service and Supplies, Inc. Two other companies received the specification information, however, were not able to meet the specifications and opted not to bid the unit. Bid price and other related back-up material is enclosed. Monies for this unit were included in the sewer capitol equipment line with the new budget.

Motion carried 4-0.

Wells moved and Cross seconded the following motion:

3. Approve and authorize the Mayor and City Clerk to execute the authorization for changes in the
   standard street lighting contract with Consumers Energy Company for one (1) street light at 1334 Brady Street.

Motion carried 4-0.

Cross moved and Tinnin seconded the following motion:

4. Approve and authorize the Council's reappointment of City Attorney Richard L. Austin and Associates for the fiscal year 2007/08.

Motion carried 3-1, with Wells voting no.

Motion died for lack of support.

5. Approve and authorize Attorney Steven Spender, Spender & Robb, PC, as the City of Burton's Labor Attorney.

Motion was removed. It will be added to the next regular council agenda on September 17, 2007, as two separate motions.

6. Approve and authorize the Mayor on behalf of the City Council to enter into a contract with Gould Engineering, Inc. for the revising and updating of the City Zoning Map at a cost not to exceed $3,500.00 contingent upon approval of the City Controller, with funds to be paid out of the 2007/08 General Fund Unappropriated Surplus.

Removed from the agenda.

7. Approve and authorize the adoption of the Genesee County Hazard Mitigation Plan.

INTRODUCTION OF AN ORDINANCE:

The motion was tabled.

1. Approve and authorize the Introduction of an Ordinance No. 68-29 C, as amended, amending Ordinance No. 68 C, Compensation for Administrative Officers of the City of Burton.

Meeting adjourned at 8:45 p.m.

Gayle Webster, CMC
City Clerk