CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 20, 2010, 7:00 P.M., COUNCIL CHAMBERS
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The Regular Meeting was called to order by President Steven Heffner at 7:10 p.m.

Pastor Edward Norton of Faith Tabernacle Church led the Invocation and Councilman Vaughn Smith led the Pledge of Allegiance.

Mr. Heffner indicated that Councilwoman Ellen Ellenburg's mother had a heart attack. He wanted everyone to remember her in their prayers.

MEMBERS PRESENT: Haskins, Heffner, Martinbianco, Smith, Wells and Zelenko.
MEMBERS ABSENT: Ellenburg.
OTHERS PRESENT: Mayor C. Smiley; D. Halstead, Fire Chief; Attorney R. Austin and G. Webster, City Clerk.

Haskins moved and Smith seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Council Meeting of September 7, 2010 at 6:30 pm. and Regular Council Meeting of September 7, 2010 at 7:00 pm. Motion carried 6-0.

ADMINISTRATIVE REPORT:

The Mayor said that Lowe's did a fabulous job at Kelly Lake completing several projects. In addition, employees worked on Friday and Saturday to help beautify the area. He was proud of all the work that has been done at the park.

The Mayor was thankful for all the wonderful events that were held in the City. He was proud of the Council members, employees and volunteers that have participated in these successful events. The Trick or Treat Trail Committee is planning for another successful event at Kelly Lake in October.

COMMITTEE REPORTS:

Mr. Martinbianco reported on the Finance Meeting that was held September 15th. The committee reviewed information relating to the $4.5 million bond sale and the THA Agreement. The passage of the millage reflected the citizens' desire to proceed with the fire station renovations. There seems to be appropriate language in place and additional financial information was provided. The committee recommended moving this issue forward to the full Council. These items appear on the agenda as Items 17 and 18. He appreciated the insight from the committee and Mr. Halstead. He said the fire department would still need to maintain some cost control elements in the next fiscal year.

Mr. Haskins said the Music at the Mall concert series would continue with Magic 5 performing on September 25th from 6-8 p.m. at Courtland Center. He said the concerts have provided fun free entertainment. He invited everyone to come out and enjoy the fall music event.

Mr. Wells checked with City departments and no Back to the Bricks videos were submitted. He suggested the Public Access Committee get the word out earlier next year. He would like the PAC to check out several websites. He said Belmont, Texas had a good interactive website that didn't cost a lot of money. It was partially funded with grant money. He suggested Burton find a Sister City.

AUDIENCE PARTICIPATION:

Rick Fuhst, 1208 S. Genesee Rd., opposed the billing for the City mowing his lawn. He discussed the weed-cutting ordinance. He didn't want to pay for something that was illegally done.

Warren Nimcheski, 2429 N. Genesee Rd., spoke regarding the fire station renovations. Instead of renovating Station 3, he felt the money would be better spent on building a new smaller station at a nearby location. He felt the current facility was in disrepair and the bays were too small to hold two fire trucks. He referred to someone moving a rig out of the station to satisfy MIOSHA.

Joe Orvis, 2058 Eugene, opposed the City lawn-cutting bill. He said his grass was not 10 inches when it was mowed. He said workers mowed his garden and maple trees. He felt the grass cutting contractors were freelancing jobs. He didn't plan to pay the bill.

John Stapish, P.O. Box 190134, agreed with Mr. Orvis regarding lawn cutting. He insinuated that the lawn company was turning in high grass complaints, not the residents. In addition, he asked for clarification on the fire department purchasing land and the final payment of the Police/Fire facility bond. He wanted a list of all items included in the fire department bond project.

Jim Schstock, 1346 Howe Rd., wanted to know when road repairs were going to done on Springfield and Howe Rd. He suggested the road repairs be done before winter so the roads don't crumble.

COUNCIL DISCUSSION:

Mr. Wells hoped to work out the lawn billing issues with Mr. Orvis and Mr. Fuhst. He wanted to more information on the lawn moving complaints. He hoped the company wasn't calling in job locations. He suggested DPW take the names of the people filing complaints and reveal who did it. He would like Mr. Heffner to meet with the Mayor to discuss the mowing situation. Mr. Haskins suggested residents call the police if they feel the lawn contractors are doing something illegal.

Mr. Haskins appreciated Mr. Nimcheski's comments regarding Station 3. He suggested a committee be formed consisting of the Fire Chief, a Council member and firefighter representatives to discuss station renovations. He agreed that the bay was too small at Station 3 to accommodate two trucks. Hopefully, renovations at Station 1 and 3 will address the valid concerns and make these stations safe and useful for the time being. He felt it was necessary to rebuilt Station 2.

Mr. Haskins said the Parks Commission is going to be hosting the Trick or Treat Trail October 23rd from 4-7 p.m. at Kelly Lake. The committee is looking for sponsors and volunteers to help with the event. There are several activities planned, including the hayride, pumpkin patch and bounce house. In the past, there has been a good turn out and everyone seemed to have a great time.

In response to Mr. Stapish's comments, Mr. Martinbianco said the Police/Fire Dept lease has expired. However, those departments still reflect a 20% decline in their general fund-operating budget. He said the City paid market value for property next to the fire station, which proved to be valuable for redevelopment. That is where the new Station 2 will be located. He still had concerns with the 5% market rate on the bonds. He wanted to know what the construction costs would be for the project. There are still some decisions to be made. We plan to build Station 2 and make renovations to Station 1 and 3. The project will move forward and be done in the best interest of our taxpayers.

Mrs. Zelenko asked for clarification on repairs to Springfield and Howe Rd. The Mayor said crews would be out crack sealing every day. They have been doing an excellent job on the roads year after year.

Mr. Martinbianco requested that the bumps on Belsay Rd between Atherton Rd and I-69 be repaired at the last meeting. Other communities have taken care of the problem. In addition, he said Bristol and Lapeer roads needed to be micro-surfaced.

Mrs. Zelenko remembered when we had Sister Cities and we participated in Mayor Exchange activities. She thought these activities were interesting and everyone had a good time.

Mr. Smith wanted to know if Mr. Nimcheski's concerns with the Station 3 were valid. Mr. Haskins agreed that his concerns were valid. He asked for clarification on what has been done to address Station 3 problems. Mr. Halstead said basically all the issues have been addressed through renovations. He invited MIOSHA to come to the City. They did have some concerns with the size of bay. However, they have never moved a rig out of the station to satisfy MIOSHA. He gave more detailed information on the renovations. He said this work would make the station more livable and comfortable for the firefighters.

Mr. Wells announced that one of their own, Councilwoman Ellen Ellenburg was selected as Burton's Best Public Official. She works very hard and is active in the community. She has appeared on the front cover of the Burton View on many occasions. He congratulated her for the award. In addition, he congratulated Liz Moss for being selected Burton's Best Resident of the year. She works very had in community. Lt. Tom Osterholzer was recognized for organizing police protection for the Back to the Bricks event. He did a great job.

Mr. Haskins moved and Mr. Smith seconded the following motion: Approve and authorize Council to take a 5-10 minute break. Motion carried by a consensus of the Council.

The Regular Council Meeting recessed at 8:00 p.m.
The Regular Council Meeting resumed at 8:25 p.m.

In reference to Items 3 and 4, selecting the delegate and alternate to the MML convention, Mrs. Webster said the deadline had passed for the submission of these resolutions.

Mr. Martinbianco moved and Mr. Haskins seconded the following motion: Approve and authorize Council to remove Items 3 and 4 from the agenda. (Re: Delegate and alternate MML Convention Sept. 21-24, 2010.) Motion carried 6-0.

In regards to Item 6, Mr. Haskins was honored to be selected as the alternate to the NLC Annual Business Meeting. However, he was not sure he would be able to attend. He asked if anyone was interested in attending. No one was interested. Mr. Haskins accepted the alternate position.

Mr. Wells wanted to know if there was money in the budget to attend the conference. Mr. Martinbianco said the funds were not budgeted for the conference. A transfer would be necessary at that point in time.

Mrs. Zelenko moved and Mr. Wells seconded the following motion: Approve and authorize Council to vote on the Mayor's appointments Items 10–16 in a block. Motion carried 6-0.

A motion was voted on to approve the appointments.

In reference to Item 17, Mr. Martinbianco said in February 2008 the Council did authorize the $11.1 million in future bond obligations. This $4.5 million obligation falls within that range. He said the Council was advised to keep the amount at $4.5 million. They are not anticipating the construction costs will be that large. He anticipated a commission would be established to help oversee the distribution of funds. He thanked Council members for being considerate while language and other pertinent information was reviewed. He was disappointed with numbers presented by the Bond Counsel. He said the Council reserves the right to approve or reject anything that is presented to them. He said these resolutions put us one step closer to our goal.

COUNCIL DISCUSSION ACTION:

Mr. Haskins moved and Mr. Smith seconded the following motion: Approve and authorize the Council to take a 5-10 minute break. Motion carried by a consensus of the Council.

Mr. Martinbianco moved and Mr. Haskins seconded the following motion: Approve and authorize Council to remove Items 3 and 4 from the agenda. (Re: Delegate and alternate MML Convention Sept. 21-24, 2010.) Motion carried 6-0.

Mrs. Zelenko moved and Mr. Wells seconded the following motion: Approve and authorize Council to vote on the Mayor's appointments Items 10–16 in a block. Motion carried 6-0.

COUNCIL ACTION:

Haskins moved and Zelenko seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from September 1, 2010 through September 15, 2010 in the amount of $3,508.50.

Motion carried 6-0.

Haskins moved and Zelenko seconded the following motion:

2. Approve and authorize the Attorney Billing (Keller Thoma) 440 East Congress, 5th Floor, Detroit, MI 48226, for the month of August in the amount of $330.56

Motion carried 6-0.

Removed from the agenda.

3. Approve and authorize ______________ as the delegate to the annual MML Convention to be held at the Hyatt Regency Hotel Dearborn, Michigan on September 21-24, 2010.

Removed from the agenda.

4. Approve and authorize ______________ as the alternate to the annual MML Convention to be held at the Hyatt Regency Hotel Dearborn, Michigan on September 21-24, 2010.

Haskins moved and Martinbianco seconded the following motion:

5. Approve and authorize Council President Steven Heffner as the delegate to the Annual NLC Business Meeting to be held in Denver, CO on December 4, 2010.

Motion carried 6-0.

Martinbianco moved and Zelenko seconded the following motion:

6. Approve and authorize Vice President Duane Haskins as the alternate to the Annual NLC Business Meeting to be held in Denver, CO on December 4, 2010.

Motion carried 6-0.

Haskins moved and Smith seconded the following motion:

7. Approve and authorize Douglas McLeod to purchase five (5) years of MERS pension generic service time. The total cost of $23,647.00 will be at the employee's expense.

Motion carried 6-0.

Haskins moved and Smith seconded the following motion:

8. Approve and authorize the Resolution To Sell Real Estate and authorizing the Mayor and the Clerk to execute any and all documents to effectuate the sale of the property described as: Lot 37, Trail Ridge Estates Subdivision, to Willard Crystal and Linda Crystal, his wife, for the sum of Thirty Thousand ($30,000.00) Dollars, per final adoption per City Charter Section 11.3(a)(1).

Motion carried 6-0.

Haskins moved and Martinbianco seconded the following motion:

9. Approve and authorize the scheduling of a public hearing for a Special City Council Meeting of Monday, October 18, 2010 at 6:45 p.m. to discuss the vacating of the 30' of unimproved Milano St R.O.W. adjacent to lot 23 Torino Gardens. Should the Council find this favorable or any other date and time Council prefers, allowing four weeks notice to property taxpayers and journal ads per Ordinance.

Motion carried 6-0.

Haskins moved and Smith seconded the following motion:

10. Approve and authorize the Mayor's reappointment of Gerald Grantner, 1409 Clairwood, Burton, MI 48509, to the Planning Commission. Term expiring September 2013.

Motion carried 6-0.

Haskins moved and Smith seconded the following motion:

11. Approve and authorize the Mayor's reappointment of Gregory Fenner, 2308 Chestnut Ln., Burton, MI 48509, to the Downtown Development Authority. Term expiring September 2014.

Motion carried 6-0.

Haskins moved and Smith seconded the following motion:

12. Approve and authorize the Mayor's reappointment of Tammy Gwinn, 1373 Friel, Burton, MI 48529, to the Parks and Recreation Commission. Term expiring September 2013.

Motion carried 6-0.

Haskins moved and Smith seconded the following motion:

13. Approve and authorize the Mayor's reappointment of Laura Flewelling, 2497 Covert, Burton, MI 48509, to the Parks and Recreation Commission. Term expiring September 2013.

Motion carried 6-0.

Haskins moved and Smith seconded the following motion:

14. Approve and authorize the Mayor's reappointment of Bonnie Hoffmeyer, 6215 Surrey Ln., Burton, MI 48519, to the Salary Commission. Term expiring September 2016.

Motion carried 6-0.

Haskins moved and Smith seconded the following motion:

15. Approve and authorize the Mayor's appointment of John Howser, 1099 Forest Ave. Burton, MI, 48509 to the Salary Commission, to fill the unexpired term of Steve Hamman. Term expiring October 2012.

Motion carried 6-0.

Haskins moved and Smith seconded the following motion:

16. Approve and authorize the Mayor's appointment of Dale Dunsmore, 2156 Judd Rd. Burton, MI, 48529 to the Salary Commission, to fill the unexpired term of Jimmy King. Term expiring May 2014.

Motion carried 6-0.

Haskins moved and Wells seconded the following motion:

17. Approve and authorize the approval of the Bond Authorizing/Official Notice of Sale Resolutions for and an amount not to exceed $4,500,000 of 2010 General Obligation Limited Tax Bonds for the purpose of acquiring land, constructing, furnishing, and equipping a new fire station and renovating two (2) existing fire stations.

Motion carried 6-0.

Haskins moved and Smith seconded the following motion:

18. Approve and authorize the Mayor and City Clerk to enter into an agreement with THA Architects & Engineers to provide architectural services for the fire station construction/renovation project. Any preliminary expenses paid by the City will be reimbursed to it from the bond proceeds upon receipt.

Motion carried 6-0.

MEETING ADJOURNED AT 8:40 P.M.

Gayle K. Webster, MMC
City Clerk