

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
NOVEMBER 10, 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 7:15 p.m.

MEMBERS PRESENT: Heffner, Ellenburg, Martinbianco, O'Keefe, Wells, Smith and Haskins.

MEMBERS ABSENT: None.

OTHERS PRESENT: Atty. R. Austin, G. Burke-Miller and J. Adams, City Clerk.

Haskins moved and Ellenburg seconded the following motion:

Approve and authorize the minutes of the Regular Council Meeting on October 17, 2011 at 7:00 p.m. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mr. Heffner said due to the Mayor's annual commitment to a charity auction, she would not be in attendance tonight. She asked that he read her Administrative Report. Controller Ginger Burke-Miller is representing administration to address concerns regarding tonight's agenda. As you are aware, the Treasurer abruptly resigned last week. She is accepting resumes and holding interviews to fill this position. Yesterday sealed bids were open for writing a new 5 year Parks & Recreation plan. Two local engineering firms were the only bidders. The Parks & Recreation Commission did not have a quorum at their scheduled meeting last night so they were not able to make a formal recommendation to you. She provided information to Council on the bids and proposals. Due to the tight timeline for the plan approval and grant deadlines, she is asking Council to make a decision on which engineering firm to contract with at the November 21st Regular Council Meeting. November 21st is the night of the Inauguration Ceremony for the newly elected City officials. The Regular 7:00 p.m. Meeting of the Burton City Council will be held at the Burton Senior Center. In keeping with past practices, she will do her best to keep the agenda light. As directed by our City Charter at 8:00 p.m., each newly elected official will be sworn into office. If you wish to have one of our Judges administer your Oath of Office, it is up to you to make that request and arrange for the official to be at the 8:00 p.m. meeting. City Clerk Julie Adams will administer your Oath of Office if you do not make other arrangements. There will be a reception and refreshments immediately following. Invitations are currently being printed and will be put in your Council boxes as soon as we receive them so you can send special notice to a few of your family and friends. This is going to be a busy time of year for all of us. I am asking your cooperation in checking your Council boxes often for information on upcoming events and issues. Congratulations to Council member Ellenburg, Haskins, Heffner, Martinbianco and O'Keefe on your successful campaigns. I look forward to working with each one of you.

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COMMITTEE REPORTS:

Mrs. Ellenburg said we have the revised Ordinance 30.03 that we have been working on. A meeting is scheduled for November 17th at 6:00 p.m. She asks that Council look over the information and discuss it at that meeting. There have been concerns of dogs and pit bulls. We are getting a lot of information on dogs. Mr. Austin provided Saginaw's ordinance about doing something with 5 dogs. The Mayor has received a lot of information. Mrs. Ellenburg indicated further she feels it is better to wait until the positions are appointed by whoever the next Chair will be and then we can work on the dog situation and how we want to handle that.

Mr. Martinbianco said he would talk about agenda Item #2, in addition to Items #4 and #5. It is a proforma, authorization which call for a continued disclosure certificate of \$2.5 million Gilkey Creek and Branch Drain Series 2011 Bonds. This implicates the City for our portion of those drains we are responsible for. We have Major Streets and Local Streets and some other pertinences to put in place with respect of the Gilkey Creek and Branch Drain bonds. The Finance Committee made some recommendations relative to the approval and authorization of refunding some bond issues both within the Building Authority and General Obligation Limited Tax Bonds. Mr. Bendzinski is present tonight and he would like him to come forward and address those issues he brought forward to the Finance Committee.

Robert Bendzinski, business address of 6150 Griswold, Detroit, MI, Bendzinski & Company, stated Council has a resolution before them that authorizes the issuance of 2011 General Obligation Limited Tax Notes. Also here tonight is a repress from Miller Canfield, Laura Bassett. Miller Canfield prepared the resolution in accordance with specifications we discussed at the Finance Committee Meeting. It refunds the 2002 Building Authority Bonds. The paramount is an amount not to exceed \$1, 300,000. In order to do this transaction, there must be at least a \$60,000 gross savings in order to do the transaction. If there isn't a \$60,000 savings to the City, over the remaining life of the bonds, then the transaction will not get completed. Bonds are not extended beyond the original date of their maturity so we are not extending that to make that savings. We are refinancing the 2013 through 2021 maturities. They will all go away and the new bonds will be outstanding, so you won't have two bonds. We anticipate the transaction will close sometime the end of November. So this will take place quite rapidly. The marketing agent is Leonard Capital Markets. They will talk to small or large banks that may be interested in this that will buy the entire deal. They will come back to us and will give us an offer to buy the bonds and we will review it. If it meets the criteria of \$60,000 or more, we will present it to the Finance Director and ask for approval on it.

Mr. Bendzinski stated further, the other item on the agenda is under ordinances, which is very much the same except State law requires you issue revenue bonds with an ordinance as opposed to a resolution. This will refinance the 1998 bonds issued. It spells out all the details, it protects bond holders in the same fashion the 1998 did, so the security provisions and all the covenants set forth in there will not change. This resolution requires that the gross savings be \$100,000. The reason for that is the revenue bond is a little bit larger than the bonds that we are refunding from the Building Authority so that was our recommendation.

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Mr. Bendzinski stated further, the Finance Committee made that recommendation, passed that motion and that is what we set forth in the resolution. We are refinancing 2012 through 2019 maturities, so all those bonds go away and you end up with a new bond issue. You won't be paying on 2 different bond issues. Hopefully we will do this transaction in the next few weeks and the City will save some money.

Mr. Martinbianco said Mr. Bendzinski has been with us for almost 30 years. He thanked him and Ms. Bassett from Miller Canfield for being here.

Mr. Martinbianco inquired regarding a number being placed in the Adoption of an Ordinance. Mr. Austin said the clerks would number it. It will be 2011-____, and the next ordinance number. This is one of those strange ordinances that require only one reading.

Mr. Martinbianco said the final analysis will save the City collectively \$16,000 a year between the Building Authority Bond and the General Obligation Bond. While those will be distinct and distributed amongst different issues, they are very discreet but contributing to what we think will help take care of our problem in the future.

AUDIENCE PARTICIPATION:

Alisa Nielsen, 1200 Norton St., stated she is 13 years old and attends Carman-Ainsworth Middle School. She is the victim of a vicious dog attack. In the past 5 years, she had 7 reconstructive surgeries to repair the damage that was done to me, and she has more surgeries to go. Alisa distributed to Council pictures. She continued that a chocolate lab attacked her. All dogs have the ability to attack. She is the proud owner of a rottweiler. I believe all dog owners should be held accountable for their dog's actions, not just the 5 breeds listed in the Burton Newspaper. It is only fair to make all dog owners in the City register their dog and not just the ones listed in the paper.

Brad Johnson, 1358 Norton, said the City's website is close to being completed. We completed the software portion of the website and is wrapping up documentation. We are working on setting up a meeting with the Mayor and City employees to do some training. At that point, it should conclude the website project. The City still has their part to do as far as adding new content to the website with the departments, but we are very close to wrapping things up.

Bud LeGrande, 2105 E. Buder, stated he had a retriever dog and it never bit anyone. Owners should be held responsible if their dog bites. Mr. LeGrande congratulated Council members on winning their election. He hopes everyone works together.

Walter Sampson, 805 Alvord, stated he picked up a dog that was starving. It had bones protruding due to starvation. He was walking it to the vet and slipped on ice, fell and was knocked out. The dog instinctively went under my arm and got me up. My wife is in a wheelchair and the dog picked her up the same way when she fell. The breed of dog was pit bull. Owners have to be responsible for their dogs. The leash law should work. His dogs never leave the yard without their leashes on.

Howard Burgess, 5483 Van Slyke Rd., stated he likes to say he is a professional dog trainer. He donated one of the police dogs RJ handled by Officer Abraham. Mr. Burgess said he was also

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hospitalized severely. It wasn't a pit bull or a German shepherd. People have to be responsible and banning any breed of dog is simply not going to fix the problem. That is a false sense of security to the public. There already is an extensive dangerous dog ordinance in Genesee County that is probably as good as you can get. It is all breeds of dogs across the board. Singling out a specific breed you are looking at possible lawsuits from mis-identification. If someone had a lab-boxer mix, it is not a pit bull or a bullmastiff. It is not going to work.

Don Chilner, 1171 Arapaho Dr., said he doesn't believe in punishing responsible dog owners. I never had a problem with my dogs. I use to live down in Dearborn Heights and there is a lot of dog fighting in Detroit. The vet I take my dogs to rescued them. It is a sad situation down there. There are laws on the books in Michigan. It is a felony to fight dogs. It is \$5,000 to \$50,000. Judges give a fine or 3 months probation and tell them they can't own any more dogs but as soon as they walk out of the Courthouse, they are getting more dogs to do the same thing. If people are getting slapped on the wrists, it is not going to solve the problem. Mr. Chilner said 2 Labradors attacked him in his own yard. If it weren't for his wife's pepper spray they would have got him. If they are running in a pack, they are dangerous.

COUNCIL DISCUSSION:

Mr. Wells apologized for being tardy coming to the meeting. He is proud of Alisa coming up tonight to tell her story. We saw her last week when we were out hitting doors and she told us her story and she was a little upset with the articles in the paper. We encouraged her to come to Council meetings. Mr. Wells said he seen the dog that was attacked by the pit bull over in Shenandoah Estates. When you see his eye tore out, ear bit off and the neck slashed open, it is terrifying. The dog will probably not make it. Your first instinct is to think it is a horrible crime. I was bitten by 3 or 4 dogs but none were pit bulls. You have a great point and we need to take this into consideration when we look at this ordinance and move forward. This is the kind of input we need here.

Mr. O'Keefe wished Mr. Heffner a happy birthday. Mr. Heffner served in the United States Marine Corp. and we should all be proud of him. He will be at the Veterans Memorial at 11:00 a.m. Tomorrow there will be a ceremony there and we will pay homage to you. Mr. O'Keefe stated further he is proud of Alisha for having the courage to come forward. She will be a great citizen. This is not a cookie-cutter one size fits all on the dogs. Mr. Burgess referenced the Genesee County ordinance and we need to look at it. It is rumored there will be huge cuts at Animal Control. Our police officers are not equipped to deal with these types of issues. Maybe we could speak with Jamie Curtis regarding this. We heard from a lot of residents and encourage input at the podium. We will gather information and try to make the best decision.

Mr. Austin said he will find whatever Genesee County has on the books and provide it to all of you.

Mr. Martinbianco said a lot of the non-predatory dog species were brought in for either being a pet value or a defense value. We will have to discuss and figure out if they are bringing them in because they want defense at their household or just a pet.

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Mrs. Ellenburg said she applauds Alisha and seeing those pictures brought tears to her eyes. She is beautiful and she is proud of those doctors. As door knocking I think every person in Burton has a dog. I feel owners need to have responsibility. Once we get all the information together we will make the best for our residents. It would be nice to have Alisha involved in this or at least your input. If you would like to do research bring it to us. She thanked her for coming tonight.

Mr. Wells said the Nielsons have a sign on their home that says dangerous dog on the premises. Most of the houses you go up to have that sign. It is always the 3-5% that don't do things right that causes us to write these expensive ordinances. Mr. Wells said he is going to get a hold of the Chairman of the slogan contest to see how they are coming along with that.

Mr. Heffner said he is also proud of Alisha. He grew up next door to her mother and he is really proud of her to come up and speak the way she did. He agrees with everything she said. He had a Doberman pinscher that recently died of cancer and now he owns a pit bull. It is his opinion that mean people make mean dogs. They are not born mean.

Mr. Smith said he is a jogger and every time he goes out, he has issues with dogs. A neighbor's dog bit him.

Mr. Austin said we already have an ordinance on the books, Section 133.03A, making it unlawful for a dog to run at large. If you are out there jogging and there is a dog running at large, it is already contrary to our existing ordinance. The dog owner would be in violation of the ordinance.

Brief discussion ensued regarding reporting an incident. Mr. Austin said typically if there is a bite involved, these cases are resolved at the pre-trial level and it involves getting rid of the dog. In order for us to enforce these ordinances, they must be reported to the police department. They step in and write a ticket.

Mr. Austin said there are numerous dog ordinances and he provided Council with two. The Allen Park ordinance is 9 to 12 pages long. They specifically explain how to identify one of these dogs by how far back and how broad the eyes are, etc. I am not recommending any of these ordinances. I think the Legislative Committee needs to hear from people that are knowledgeable like this gentleman tonight that spoke. I think we do need to hear testimony from people that know what they are talking about. I will be interested to see what the County has on the books and he will get a copy of that. We will do our research, due diligence.

Mr. Haskins asked Mr. Austin what he quoted for the newspaper.

Mr. Austin said he referenced the City of Saginaw's ordinance in the Council meeting. It essentially talked about 5 breeds in their ordinance and it is more registration type ordinance and requires the owners of these 5 identifiable breeds register their dogs and put a sign in their yard dangerous dogs. That is the Saginaw model and we spoke briefly about it at the last Council

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meeting. He didn't speak privately with the press at all other than what we spoke about in the meeting.

Mr. Haskins said he stated in the prior Council meeting that pit bulls in his opinion, are very unpredictable. Whether we have the right to ban them, I am not saying that what so ever. I just gave the incident of my one friend's that got bitten. This is something that has to be delved into very carefully and precisely, and regulating things we can't handle.

Mr. Haskins expressed congratulations to everyone that won their election. He told Alisha she did a great job. Mr. Haskins thanked Mr. Austin for his clarification.

Mr. Wells said he wants to be clear that we are not talking about banning any dogs. We are talking about getting a certification.

Mr. Austin said ordinances are all over the ballpark. I am not advocating anything. The Allen Park ordinance I provided to you actually goes so far to ban certain breed of dog. I am not suggesting that is where you want to go on it. I just provided that as the other end of the spectrum. I put a call into the Allen Park Attorney's office today. I got his voicemail and he didn't get back to me. I wanted to ask him how that ordinance is working for them, if it is being enforced and those kinds of questions. I didn't get a chance to talk with him so I have no report to give you on that.

Mr. Wells said he is not interested in any more unenforceable ordinances and wasting any money on those at all.

In reference to Item #1, Mr. Wells brought up the date of 10/13, a telephone conversation with Julie Adams on a FOIA inquiry. He asked if it was regarding his FOIA. Mr. Austin replied yes. Mr. Wells inquired regarding 10/24, 10/25 and 10/26. Now we are up to \$122.00 in attorney fees. He questioned the \$700.00 amount for the same FOIA request he got from the City of Flint for \$14.52. They were stonewalling me on that FOIA and it is illegal. Mr. Austin responded that by the time it got to him, they already incurred some \$700.00 in charges. Mr. Wells said I told them to stop the FOIA and wait till you hear from my attorney. Mr. Austin said the one question they had for me is do they bill you for the charges they already incurred. I told them no, you don't bill Mr. Wells for those charges incurred because we had a similar case involving a councilperson in the City who made a similar request and been informed of a very large charge after the charge had incurred and that council person said to forget about and they were then not charged for the cost. I said do not bill Mr. Wells for the costs incurred. Mr. Wells said there is no way it should have been \$700.00 or \$30.00. We are at \$125.00 to you now for something as simple as that, give him what he wants. They stonewalled me on the information that I asked for.

Mr. Martinbianco said he would defer to the City Clerk as to why those charges in that amount would have been implemented when State Law would dictate otherwise, or there was some justification they offered you to tell you there was a \$700.00 bill, I would be interested in hearing that.

Mr. Wells said he has the paperwork from the City of Flint and got all the same documentation from them, from years ago when these guys worked there. It took them 20 minutes to get it. They

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went through the 5 days because they are short-handed. It took them 11 days to get and I granted them the extra time. They billed me for 20 minutes. It is a keystroke. To be charged \$125.00 on Mr. Austin's behalf on something you know is absolutely wrong really upsets me.

Mr. Austin said I didn't tell them to bill you. I got calls from the Clerk's office indicating we have already incurred charges of this much and Mr. Wells told us to stop working on the FOIA. That is when it got to me, not before. Another part of the FOIA request I learned later, was able to be fulfilled and provided to you.

Mr. Austin stated further, I assumed you were given some of the information you requested and I instructed the Clerk's office on one of these telephone conversations to provide you the information you were seeking, even though at this point you said to stop, you will hear from my attorney. I said to give him the information he asked for because that information can be provided to him at little or no cost. That was the substance of one of these conversations. The other conversations, I don't remember the exact substance of them.

Mr. Wells said it is water under the bridge now but when I see those charges on there, I am infuriated. I think Julie told me there were 2 people in on Saturday overtime pulling those documents. They are not documents that have to be pulled. They are documents that are in a computer or in a file somewhere.

Mr. Austin said he didn't give counsel to the Clerk's office on how to pull that information. Mr. Wells said I am not blaming Julie because I could tell she was the messenger. I could tell she felt bad telling me that.

Ms. Adams explained she was informed there was a lot of research and detail to obtain for the 3 FOIA requests.

Mr. Wells said he is disgusted about the whole situation and it should never have come to that. I didn't get Flint's till Friday. Their attorney was in there and I had the letter Ms. Adams wrote me and he said \$14.52. All their FOIA's go through their law offices and he happened to be at their counter. I showed him what Burton was going to charge me and he said that was illegal.

Mr. Austin said he had no idea who performed what work. All I know is I asked our Clerk if the lowest paid employee, or employees, able to do the work and she assured me that they were. I wasn't here at City Hall when the work was being done or what they had to do to retrieve the information. I don't even know what information you requested.

Mr. Austin stated further, the most critical question they asked me was do we charge them for the work we did that he now says he doesn't want. I responded do not charge him. That was my directive on that.

Mr. Wells said we need to change the way we do our FOIAs then. If someone comes in and they say I want this, this and this, you should be able to say it is going to be approximately this much money and I need this much down. You don't roll up a \$700.00 bill and say I need half of this now with another \$135.00 in attorney fees because you don't really know what is going on. I just

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don't get it. When I saw the discrepancy in prices between 2 cities and Flint is broker than we are, they still are doing their job correctly.

Mr. Martinbianco said we spent \$125.00 chasing our tails over an issue that should have been resolved without question. One of the great things that have been done with the Public Access Committee is being able to have so many more things on line and so much more information; I think that may take care of some of the issues, but not all of them.

Mr. Martinbianco said he has questions relative to the departure of the City Treasurer and some of the billings on the City Attorney's bill that are probably relative to that. He would like Mr. Austin to speak on each one of those issues. Mr. Martinbianco inquired the billing on 10/12, a conference with Mayor Zelenko, the Assessor and Controller regarding City business. He asked if it had anything to do with the departure of the City Treasurer. On 10/18, a 15-minute conversation relative to a State of Michigan levy with Jackie Beutler.

Mr. Austin said this was a levy received by Mrs. Beutler in her office on an employee's spouse. I contacted the State of Michigan on behalf of the City about that and received clarification. It was an improper levy and we didn't withhold wages of our employee even though the State of Michigan submitted a levy.

Mr. Martinbianco inquired regarding 10/31, a 30 minute conversation with the Dpt. of Treasury and our Assessor relative to Blackberry Creek. It included the Treasurer, Controller and Assessor.

Mr. Austin responded we have had several conversations with the Dpt. of Treasury regarding Blackberry Creek and whether the payment in lieu of taxes payment we have already submitted to the State, was submitted in error, or whether there are additional payments due. There has been communications to the State. The Assessor has done some computations now and we are still in the process of making some determinations. We have a preliminary conclusion, but at this point it is preliminary. But we have had a number of communications with the Dpt. of the Treasury. Mr. Joliat had the last one.

Mr. Martinbianco inquired regarding the pilot we have in place with Blackberry Creek would involve MSHDA or the Michigan Dpt. of Treasury. We collect half of what their normal tax would be due and we keep that. Mr. Martinbianco and Mr. Austin concurred for a Finance Committee Meeting to look into this.

Mr. Austin said that by then, we would be able to give you the final answer as to how it all shakes out. Mr. Martinbianco asked for a timetable. Mr. Austin replied within a week. We have a preliminary answer and will have a final answer within a week.

Mr. Martinbianco questioned on the billing "City business". He said it is kind of generic. Mr. Austin said when he sits in on those meetings, we discuss a number of different topics. Mrs. Burke-Miller interjected she believes the conversation was for the bundling of the Mallard Ponds.

Mr. Austin said that is when the bundling option in the big bundle came up; that option first came to light.

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Mr. Smith asked Mr. Austin if he is City Attorney for any other cities besides Burton. Mr. Austin replied he is the Township Attorney for Montrose Township and Monitor Township and he does other work for some other townships.

Mr. Smith inquired regarding our FOIA procedures compare to other municipalities. Mr. Austin said the procedures we have in place are essentially the same. State Law governs the procedures. You have 5 days to respond to a submitted FOIA request. If you need additional time, they must state a reason and they can request up to ten additional days to go forward. The Clerk's Office or the person in charge, the FOIA Coordinator, must provide the information. The lowest paid employee capable of retrieving the information must retrieve it. The information has to be provided at cost; you can't be making a profit from it. There are certain guidelines and procedures are all the same. There shouldn't be a dramatic difference from one municipality or jurisdiction to another as far as retrieving or the retrieval of the exact same information. If it is all computerized, there should be no difference from one jurisdiction to another as to the cost of the retrieval of that information.

Mr. Austin stated further he did not see the FOIA request nor asked what information was requested. It doesn't matter what information was requested, if it exists he is entitled to it. The Clerk tells me the information requested could not be retrieved with a keystroke of a computer, it had to be retrieved by hand and it took man-hours of work to retrieve it. If it takes man-hours of work to retrieve it, the lowest paid employee in that department is assigned to do it. It used to be that we did give estimates of cost when we knew the bill was going to exceed a certain level. In this case, when Mr. Wells was told what the cost already was run up to, he said to stop and you would be hearing from my attorney. That is when I got the first call from Ms. Adams. She asked if we bill Mr. Wells for the time we already have in this request. We had a past precedent very similar to that and I said not to bill Mr. Wells for that. We didn't give him an estimate.

Mr. Smith said we just spent \$85,000 on technology. Any citizen should be able to access information. We should be very transparent in our government. He asked if the situation was rectified or do we still have the situation for anyone else that comes in here requesting a very detailed FOIA request.

Ms. Adams replied there are a lot of particulars to the three major FOIA requests that came into the office by Mr. Wells. A lot of research was requested and one request was going back 4 years. The department handling his requests determined the costs involved to complete it. Before they went any further with the work that was involved, they requested a deposit.

Mr. Smith inquired to Mrs. Burke-Miller of the FOIA requests. Mrs. Burke-Miller explained that in this particular incident, Jackie Beutler was working on pulling the information and informed her she had a certain number of hours already put into the project at that point. She told her to hold on, it was pretty high and she needed to let Julie know that you have that much time invested in it. She was pulling boxes and pulling out information for several years back on travel for particular individuals. When you have people travel, you have hotel charges, expense reports, and you are dissecting and trying to separate out. You have many times several people traveling together, at least one or two people going. To say you just want travel for

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one individual is a lot of work to try and go through. In fact, he was requesting two people their travel from two different departments plus all their benefits and every single thing related to that person being employed with the city. That is a lot of information.

Mr. Smith asked if there was no way to create a database for this information. Is there an electronic ledger in the future for any of this?

Mrs. Burke-Miller said our financial information, the BS&A module with pervasive only maintains 2 years worth on the system itself. Then to go back, you are looking through GL activity reports trying to figure out the different aspects.

Mr. Smith said would there be any way in the future using technology you have available to you, or going to have available to you, to expedite this process and make it not so costly.

Mrs. Burke-Miller replied she would have to think if there is a way to do this. At this point, when you have invoices, and Jackie is paying the invoice in whole and not an invoice pertaining to just Chief Halstead or an invoice pertaining to just Chief Benthall, she is paying one vendor. Then to create a separate database that is just all travel, that is doing duplicate work almost. When these types of requests come in, it is a lot of work.

Mr. Smith asked if there isn't a database for each employee or elected official for their length of time with the city? Are there any plans for that?

Mrs. Burke-Miller replied no not currently.

Mr. Smith asked do you think it would be useful or not?

Mrs. Burke-Miller responded if we get people asking specifically for travel for one particular individual, we can set it up with a GL account number so each individual in the City has their own travel line item.

Mr. Wells said he had earlier asked for the last 4 years of travel for Mr. Heffner and Mrs. Ellenburg. It took 3 days to get it and it didn't cost me anything, 4 years and very detailed. All I wanted was Halstead and Benthall's last 4 years. He asked what was the difference.

Mrs. Burke-Miller replied the difference is there is a lot more on the FOIA request then just travel.

Mr. Wells asked if their pensions could be pulled up and what they are making per hour now. It was very simple stuff and I tried to make it simple. He asked if Jackie was the lowest paid employee that can do that job on a Saturday.

Mrs. Burke-Miller responded that she was in working overtime. I instructed her that when she figured her time to not put in overtime pay. What you were quoted did not include overtime.

Mr. Wells said he doesn't see the difference in rationale between 4 years of a Council persons travel and 4 years of a Police Chief and Fire Chief.

Mrs. Burke-Miller stressed to Mr. Wells that he was asking for a lot more information.

Mr. Wells said he asked what their pension is, what their salary is now and what their benefits are now, that is keystrokes. They told me it is on the same computer software that we have. It has

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been 20 some years since they worked at Flint and they were able to get it relatively inexpensively. It went through their law offices and that maybe why the Clerk's office didn't know about it.

Mr. Smith said if we could make the system better. It has happened twice and he hates to see it happen on going again. It will happen again if we don't fix the system somehow.

Mrs. Burke-Miller stated there are several processes that even though we have computers, have been done manual for years here. As several of you are aware, I am trying to do my best to get things integrated, to get things working the way we should be working in the year 2011.

Mr. Smith stated Mrs. Burke-Miller has done a great job during your time here. He thanked both Mrs. Adams and Mrs. Burke-Miller for answering questions.

Mr. Wells said he would not have brought it up but he didn't get his agenda till he walked in here tonight and when we were going to do the attorney billing and I seen the FOIA requests and the \$135.00 jumped out at me, it infuriated me. I don't think I am out of line with that.

Mr. Heffner said he got his FOIA in 4 days to get the travel expenses of Council, and he was not charged anything. I am wondering why there wasn't a charge on that. Shouldn't there have been a \$5.00 nominal fee.

Mrs. Burke-Miller said Jackie had been asked to put together some of that information for Council and she knew once a couple of people were asked, she starting putting together for the other as well. The one requested by Mr. Wells was much – much more comprehensive.

Mr. Martinbianco called the question. Mr. Haskins said he would like to challenge that because he has a question.

Mr. Austin said calling the question does not cut off debate unless there is a 3/5 vote in favor of cutting off debate. No one person can cut off debate by stating "I call the question".

Martinbianco called the question to call off debate to Item #1, Ellenburg seconded. Motion failed 6-1, with O'Keefe, Wells, Smith, Haskins, Heffner and Ellenburg voting no.

Mr. Haskins said regarding FOIA's, law dictates if there is going to be costs involved, estimates are presented first. You pay the estimate and if it was done less than the estimate, you get a refund back on it. He asked if the law is followed, or are there other means we dictate to run by.

Mr. Austin said the actual law does not require that. We have in the past used the estimate process and it has worked well. Julie might not have been aware of all the work that Mrs. Beutler was doing in the Controller's office.

Mr. Haskins asked Mr. Austin to look further into this.

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Haskins called the question to Item #1, Martinbianco seconded.
Motion carried 7-0.

In reference to Item #5, Mr. Martinbianco said by this resolution authorizing a new geo bond, we are in the process of saving the City approximately \$16,000 a year, given the stop loss limits that we indicated with our bond counsel; they are in support of that as well. It will save \$6,000 a year for the water fund and \$10,000 a year in the General Fund. It makes you wonder why the interest rates were so high in the later end of the bond issue. If we have to do any further bond improvements which we will do with respect to roads and ACT 51 issues down the road as well as potential reimprovements to the south end water system. We have been assured our bond rating will be held in tack.

Mr. Heffner said he would like to commend the Finance Committee for bringing this to us. Mr. Wells said Mrs. Burke-Miller needs to be mentioned too, this was her brain-child and she worked with Mr. Bendzinski. There is no question she is working to save the City money.

Mr. Heffner announced the re-opening of the Bourbon Street Bar and Saginaw St.

COUNCIL ACTION:

Haskins moved and Ellenburg seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from October 12, 2011 through November 2, 2011, in the amount of \$7,810.75.

Motion carried 6-1, with Haskins voting no.

Wells moved and Haskins seconded the following motion:

2. Approve and authorize the Mayor's re-appointment of Mike Ellithorpe, 2222 McLaren St., Burton, MI 48529, to the Salary Commission. Term expiring October 2015.

Motion carried 7-0.

Haskins moved and O'Keefe seconded the following motion:

3. Approve and authorize the Continuing Disclosure Certificate for the \$2,460,000 Gilkey Creek and Branch Drain Bonds, Series 2011.

Motion carried 7-0.

Removed.

4. Approve and authorize the refunding Bond Issue for the Building Authority Bonds, Series 2002.

Martinbianco moved and Ellenburg seconded the following motion:

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5. Approve and authorize a Resolution Authorizing 2011 General Obligation Limited Tax Refunding Bond.
Motion carried 7-0.

ADOPTION OF AN ORDINANCE:

Wells moved and Ellenburg seconded the following motion:

1. Approve and authorize the Adoption of an Ordinance, Ordinance _____, Providing for the Issuance and Sale of Revenue Bonds Refunding the Water Supply and Sewer Disposal System Revenue Bonds Series 1998.
Motion carried 7-0.

Meeting adjourned at 8:55 p.m.

Julie Adams, City Clerk