CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
DECEMBER 7, 2009, 7:00 P.M., COUNCIL CHAMBERS
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Council President Steve Heffner led the Invocation and Pledge of Allegiance.
The Regular Meeting was called to order at 7:09 p.m.

MEMBERS PRESENT: Ellenburg, Haskins, Heffner, Martinbianco, Smith, Wells and Zelenko.
MEMBERS ABSENT: None.
OTHERS PRESENT: Mayor C. Smiley; G. Kray, DPW Director; Attorney R. Austin and G. Webster, City Clerk.

Mr. Haskins moved and Mrs. Ellenburg seconded the motion to accept the minutes.

Mrs. Zelenko offered an amendment to the proposed November 24th minutes to reflect the addition of the following sentence. "Mr. Martinbianco indicated that Clarice St. might get added under the presumption that it is a qualifying area." Mrs. Webster will note the change in the minutes.

Zelenko moved and Martinbianco seconded the following motion:

Approve and authorize the minutes of the following meetings: Regular Council Meeting on November 16, 2009 at 7:00 p.m., and the Special Council Meeting on November 24, 2009 at 4:00 p.m., as amended. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley welcomed our newest council member, Vaughn Smith. The Mayor received two E-mails supporting the paving of Clarice St. If the street does not qualify in the low-income eligible zone, another option would be to conduct an income survey. He said some people are reluctant to fill out an income survey. As long as residents are willing to fill out the income survey, and it meets the guidelines, it could qualify as an eligible project.

Mayor Smiley requested a Special Council Meeting be set for December 21, 2009 at 6:30 p.m. for the purpose of discussion and possible action regarding Schmald Tool & Die being designated as a Renaissance Recovery Zone. This will be an extension to the current five-year abatement the company has received. The deadline for this program is January 1, 2010.

Mayor Smiley spoke regarding budgetary issues. He said the budget was balanced when it was presented to Council. This was possible because the employees agreed to give up their vacation days. He was proud that the employees were working with the administration to help meet two specific goals. One was to keep current employees on the payroll. The second goal was to provide the same level of customer service. The budget was on track until state legislators cut $271,000 in state shared revenues. He provided Council with an outline of state shared revenue funding since 1998. The City has received $401,000 less than anticipated since we adopted our budget.
The Mayor has met with union members and the administration to formulate a plan to accommodate the loss of revenues, and still meet our two objectives. State shared revenues are part of the General Fund budget. The Police Department makes up 50% of that fund. Therefore, they are going to make up approximately $130,000 of the shortfall.

The Police Department is going to eliminate their SWAT Team and the Office of Highway Safety Planning. They plan to reduce overtime, charge for BPT testing and reduce the number vehicles that are taken home. He discussed other options being considered to save money. He hoped sponsors would support the Memorial Day Parade and the Gus Macker. The cleaning contract will be eliminated. There will be $17,000 recaptured from the Parks Department. There will be a hiring freeze on General Fund employees. Conferences and workshops will be strictly monitored. We will survey fee structures to determine if we are charging the same as other municipalities.

Mayor Smiley believed the State would come back. If we stay focused and work hard, we will be leaps and bounds ahead of other municipalities. He said there are great things happening in our City. Employees understand the situation and have stepped forward to do what they could to make this a City to be proud of. The unions and administration are working hard to help resolve financial difficulties. He welcomed any suggestions from the Council. He opposed state leadership balancing their budget on the backs of the schools and local governments. He said they needed to look at other ways to strengthen the State budget.

Mr. Kray provided Council members with a CDBG map that reflected eligible areas.

Mr. Martinbianco thanked the Mayor for his comments regarding financial issues. He said the taxpayers received a similar letter from the Mayor with their tax bills. He indicated that the 2010 census would be an important factor, which would determine state funding. It is necessary to have an accurate count. He agreed that the State did not provide the funding we anticipated. He was concerned that Council was not mentioned as participants in determining some of the hard financial decisions that needed to be made, such as the sewer rate increase. It had to be done.

A brief discussion was held in reference to the upcoming 2010 calendar. Mr. Wells had some concerns with the rescheduled dates. There was a consensus to have the calendar printed as written.

COMMITTEE REPORTS:

Mr. Heffner said there would be a Parks Meeting held Wednesday, December 9th at 5:00 p.m.

Mr. Heffner reviewed the new Council Committee Appointments. (A list of the Council Committee Appointments are available in the Clerk's Office) Mr. Heffner created a new Public Access Committee that basically would give the public more access to information. He planned to update the website and provide a link to every department.

Mr. Wells had a meeting with MTA officials to discuss Your Ride and other senior transportation programs. He felt these were valuable programs that provide door-to-door services for seniors. He wanted to make sure improvements were made to the programs making them available and reliable to residents that needed to use the service. More meetings are planned for the future.

AUDIENCE PARTICIPATION:

County Drain Commissioner Jeff Wright, 2174 Sycamore, congratulated the recently elected Council members. He gave an update on the water pipeline and addressed questions relating to the recent sewer rate increases. The water pipeline proposal for Lake Huron is moving forward. Several municipalities have become a part of this process. They are considering what public act would allow the pipeline to be built. Detroit is planning to raise water rates another 10 to 12% at the first of the year. This means we have endured a total rate increase of 35% in the last 18 months. He predicted water rates would raise 10-15% annually for the next seven years. We are spending enough to purchase water, as it would cost to build our own system.

The County has done some maintenance to alleviate flooding in the Gilkey Creek area. More work is planned for the Spring. The Drain Commission has received a $500,000 federal grant to implement and create a regional detention basin on Gilkey Creek. This will greatly reduce flooding in the Lippincott, Lapeer Rd. and Court St area.

Mr. Wright said basically, the sewer rate increase was due to payments on debt service and increases in electrical and chemical costs. He invited people to attend water and waste meetings that are held on the 3rd Thursday of the month. He welcomed input from the public on these issues.

Bob Walls, 2400 Meadowcroft, supported using community development funds to pave Clarice St. He said the street is in disrepair. It is the only school on a gravel road. He suggested Council members give Mrs. Webster support in getting the schools to follow Atherton's example by moving all school elections to the Fall. It would save the schools money, it would help Mrs. Webster and the school elections would not interfere with your meetings.

Gary Isham, 3443 Saxon St., supported the efforts to have Clarice St. paved with CD money. He said the school is on a messy gravel road. He suggested money be allocated for the paving so Atherton Schools will be made whole, like the rest of the school districts in the City.

Cynthia Gentilini, 3094 Eastgate, has children in Van Y Elementary. She has fought the muddy potholes on Clarice St. year round for years. It has caused damage to vehicles. She supported spending CD dollars to pave the street. It is the only school on a gravel road.

Don Embury, 4407 Chicory Ln., supported CD dollars being spent to pave Clarice St. He said the street is a safety hazard. Van Y supported the efforts of a community garden. Atherton is willing to give back to their community with funds and personnel. He asked that Burton give back to the school by providing a safe road. It is the only school on a gravel road.

Diane Walton, 4489 Lippincott, complained about discrepancies in her billings as they relate to the water affidavits. She suggested the City revise the ordinance shortening the time to bill customers and how long they wait to collect and turn off the water. She said the affidavit of responsibility creates a financial hardship for the landlords.

Mark Madden, Superintendent of Atherton Schools, was present to support the community, the board of education and students. He asked Council to please consider paving Clarice St.

Vickie Morgan, 4195 Springfield, wanted Council to consider changing an ordinance so she could keep chickens in her yard. Her lot is less than an acre and the ordinance does not allow her to raise chickens. She wants to collect the fresh eggs.

Tammy Bates, 5453 Raymond Ave., spoke in opposition to the sewer rate increase for well customers. She felt well customers were being hit harder than other water customers. She wanted all fees equal. She received a tax bill for having a business in her home. She just lost her last job today. After 23 years, she was hit with a tax bill from the City. She cannot afford these charges.

Liz Moss, 1382 Ready Ave., supported the option for residents to raise chickens. She suggested the ordinance be changed to allow for this type of activity.

John Stapish, PO Box 190134, said if the residents were concerned with paving Clarice St., they would have taken out a petition. He suggested DPW put more gravel on Clarice St. to fixed the potholes. He opposed Atherton Schools going out for a tax millage increase. He felt there was selective code enforcement in the City. Some lots are being ignored, while the City is mowing others.

Scott Hynes, 4370 Sunnymead, Atherton School Board, clarified that the bond millage was for 11 million dollars, which is equivalent to 46 cents a day. He said children's safety and vehicle maintenance was a concern with Clarice St. He supported the paving.

Kevin Rush, 5215 Cyprus Circle, opposed cutting funding in the police department. He said there has been a dramatic increase in home robberies. He suggested increasing court fees, such as handling civil infractions, implementing responsibility fees for drunk driving offenses, additional fees for multiple offenders, charging for probation oversight fees, work release fees and charging fees for the BPT testing and other lab work. The collection of fees for these types of things may save an officer's job.

Michelle Miller, 3371 E. Maple Ave., supported paving Clarice St. with CD funds. Van Y is the only school on a gravel road.

Mary Wright, 2021 Howe Rd., opposed CD funds being used to add sidewalks to Howe Rd. She said only a couple of people walk down the road. She suggested these funds be used to pave Clarice St.

COUNCIL DISCUSSION:

Mr. Wells appreciated Mr. Rush's input on how we could collect additional fees. He referred to Clarice St. He supported paving school roads. He feels this is a safety issue. He was proud of the Atherton School Board being present to address this issue. He said they should continue the effort to move this project forward.
Mr. Wells asked Mrs. Walton to provide a copy of her affidavit. Mr. Martinbianco said this has been an ongoing issue with Mrs. Walton. There have been other instances that indicate there may be a flaw in how the affidavit system works. He suggested the committee investigate this issue. He

didn't think this should be reviewed on an individual basis, however the general affidavit process could be addressed.

Mr. Martinbianco thought it might be difficult to increase criminal related fees, due to the fact these people have very little money. He is willing to investigate these issues with the Finance Committee.

Mr. Wells thought Mr. Walls had an excellent idea to move the school elections to the Fall. He planned to discuss this issue with the City Clerk.

Mr. Wells was open to reviewing the idea of allowing chickens in Burton.

Mr. Haskins moved and Mr. Wells seconded to add to the agenda as Item #4: Approve and authorize the request of the Atherton Band Boosters, Burton, Michigan, of Genesee County, that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming license. All proceeds raised by this organization shall be used solely for the purpose stated. Motion carried 7-0.

Jerry Cutting, Atherton Band Boosters, thanked the Council for their support.

Mr. Austin spoke regarding the water affidavit issue. A lawsuit was filed by SNJ Properties, which challenged the method by which the City was receiving affidavit of non-responsibilities and how the deposits were being posted. Mr. Austin filed a motion for summary disposition on that case. Judge Hughes heard the case last week. He granted the motion, ruling that the complaint failed to state a cause of action. The Plaintiffs plan to appeal in circuit court. He wanted to inform Council of this litigation before they addressed the issue. Mr. Austin said a transcript would be made available through the court. He will keep Council updated on this issue.

Moved by Haskins, Seconded by Wells to set a Special Council Meeting for December 21, 2009 at 6:00 p.m. for the purpose of discussion and possible action regarding Schmald Tool & Die being designated as a Renaissance Recovery Zone. Motion carried 7-0.

Mr. Wells would like more information from Laurie Moncrieff regarding the proposed Renaissance Recovery Zone. The Mayor will let her know that Council will need more information prior to the meeting.

Mr. Martinbianco said the City went through a lot to help Schmald secure a five-year abatement. It is his understanding they have secured some international contracts, which will require them to have some tax abatements. He wanted to know if this would create more jobs. Mayor Smiley did not know if they were required to have a tax abatement. Ms. Moncrieff has requested more time on the abatement. He said it was up to the Council if they wanted to grant the abatement.

Mr. Martinbianco said there were two objectives to be met, one to extend the tax abatement and the other to create jobs. The Mayor clarified that Mrs. Moncrieff requested that the current Renaissance Recovery Zone be extended for 5 to 10 more years.

Mr. Haskins supported Clarice St. being paved. He suggested an income survey to see if the area qualified for funding. Mrs. Zelenko thought the income survey forms were available at the County. She said sometimes residents were not willing to fill out the income survey because they did not want to give personal information. Clarice St. does not fall in an eligible funding area at this time.

Mr. Haskins did not have a problem allowing people to keep chickens, but not roosters.

Mr. Haskins said there were several good suggestions on raising extra revenue for the City.

Mrs. Zelenko spoke regarding the upcoming census. In order for Burton to have a complete census count, she said it was very important that residents that leave the state for the winter months designate Burton as their primary residence.

Mrs. Zelenko supported Clarice St. being paved. It could be put on the list for CD funding next year, if the census approves this as a qualifying area. Residents can participate in an income survey to move the process along. Another option is to submit a petition to have the road paved.

Mrs. Zelenko suggested the legislative and finance committee have a joint meeting to address the water affidavit issue. In response to Mrs. Wright's comments regarding sidewalks on Howe Rd., Mrs. Zelenko said this probably wouldn't happen. She will put the topic of chickens, a wind turbine ordinance and a couple of police ordinances on the legislative calendar. She will be setting a legislative meeting at the next council meeting.

Mr. Wells discussed the possibility of Your Ride accommodating transportation for seniors to attend council meetings. The Your Ride representative indicated he would try and work something out. Mr. Martinbianco supported these efforts. He suggested meeting with Mr. Foy or Mr. Benning regarding these transportation issues.

Mr. Wells would like the Council to put a resolution together asking all County officials to meet and hold a Genesee County Economic Submit meeting.

Mr. Haskins support the paving of Decamp St. with community development funds. It is the last gravel street in that area. If funds were available, he would like this considered.

Mr. Martinbianco said there would be a limited amount of CD allocations over the next three years. If our investigation finds that Clarice St. is the prevalent of the two, then that would take precedence over DeCamp. He did not think DeCamp was mentioned earlier. However, Clarice was within the scope of the discussion that would take priority. After speaking with a representative from the Genesee County, he felt the project had to be specifically mentioned at our public hearing.

COUNCIL DISCUSSION ACTION:

Haskins moved and Wells seconded to add to the agenda as Item #4: Approve and authorize the request of the Atherton Band Boosters, Burton, Michigan, of Genesee County, that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming license. All proceeds raised by this organization shall be used solely for the purpose stated. Motion carried 7-0.

Haskins moved and Wells seconded to: Approve and authorize Council to set a Special Council Meeting for December 21, 2009 at 6:00 p.m. for the purpose of discussion and possible action regarding Schmald Tool & Die being designated as a Renaissance Recovery Zone.
Motion carried 7-0.

COUNCIL ACTION:

Haskins moved and Zelenko seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from November 11, 2009 through December 2, 2009 in the amount of $8,479.86.

Motion carried 7-0.

Haskins moved and Wells seconded the following motion:

2. Approve and authorize the current estimated allocation of $246,245.00 for the 2010-2012 Community Development Block Grant Program monies as follows:

PROJECT NAME	ALLOCATION %	ALLOCATION $
Gravel St. Paving/Sidewalks	29%	$71,411.05
Senior Citizen's Director Salary	15%	36,936.75
Watermain	27%	66,486.15
Code Enforcement Salary	29%	71,411.05

Motion carried 7-0.

Haskins moved and Martinbianco seconded the following motion:

3. Approve and authorize a Resolution Authorizing Sale and authorize the Mayor to execute a Purchase Agreement, and other necessary documents to give Council's initial approval for the sale of the property located at 1418 Norton Street for the sum of $5,000.00, and to set council meeting of January 4, 2010, as the date for final approval pursuant to Section 11.3(a) of the Burton City Charter.

Motion carried 7-0.

Haskins moved and Zelenko seconded the following motion:

4. Approve and authorize the request of the Atherton Band Boosters, Burton, Michigan, of Genesee County, that they be recognized as a nonprofit organization operating in the

community for the purpose of obtaining charitable gaming license. All proceeds raised by this organization shall be used solely for the purpose stated.

Motion carried 7-0.

Meeting adjourned at 9:10 p.m.

Gayle K. Webster, CMC
City Clerk