CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
DECEMBER 17, 2007, 7:00 P.M., COUNCIL CHAMBERS
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Council President Tom Martinbianco led the Invocation and Pledge of Allegiance.

The Regular Meeting was called to order by President Tom Martinbianco at 7:00 P.M.

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

Tinnin moved and Wells seconded the following motion:

Approve and authorize the minutes of the following meetings: Special Council Meeting on November 26, 2007 at 5:00 p.m., December 3, 2007 at 6:30 p.m., and the Regular Council Meeting on December 3, 2007 at 7:00 p.m. Motion carried 6-0.

ADMINISTRATIVE REPORT:

FANG Commander, Lt. Mitch Krugielki, gave a presentation on the FY2007 Annual Report. As a result of several criminal investigations FANG has removed $8,000,000.00 in drugs from Genesee County Streets this year. Due to the high number of forfeitures, this group plans to return 60% of of the annual dues to the communities. The City of Burton will receive $17,770.18. This will be given to the City in two payments. Mr. Krugielki presented the Mayor Smiley with a check for $8,853.59. The Mayor said that the FANG group has done a good job. He was proud of their efforts and operations to fight drugs.

The Mayor reviewed the Department of Treasury's Fiscal Distress Report. He was very pleased to announce that this study rated the City of Burton with the best score of zero, which reflects no fiscal distress. This information will be put on the state website and we will be able to compare our city to others around the state.

In the near future, the Mayor would like to hold a workshop to discuss paving of gravel roads. He would like to schedule a date to meet with Mr. Bendzinski and Mr. Neiman to talk about the public hearings. A couple years ago, the Council initiated the paving districts by a 7-0 over vote. We need to continue the process.

The Mayor wished everyone a very Merry Christmas and a Happy New Year. He reminded everyone that City Hall would be closed from December 24, 2007 through January 1, 2008. Emergency personnel will be available. The City Clerk has put together a calendar for the upcoming year. If there are any problems, please let her know.

Moved by Mr. Wells, Seconded by Mr. Haskins to adopt the 2008 Council Meeting Calendar as written. The motion was approved by consensus of the Council.

In regards to Item 2, the Mayor asked the Council to confirm the appointments of his five Charter Administrators.

The Mayor said that Mrs. Flewelling was pleased that the Council could participate in the Tree Lighting Ceremony. Mr. Martinbianco did a great job as MC and Mr. Wells did a great job representing the Mayor.

On behalf of the XI Beta Epilon Sorority, Paula Zelenko presented the Mayor with two checks for one hundred dollars. She said these contributions were to assist with the efforts of the Police-Fire Memorial and the Cancer Survivor Park.

COMMITTEE REPORTS:

Mrs. Ellenburg attended a Foreclosure Seminar in Lansing on December 5, 2007. If anyone is having problems with foreclosure they should contact Mrs. Heidenberger, Ms. Moss or Mrs. Ellenburg for the information. The foreclosure information will be available for members in the Council's conference room.

Mrs. Ellenburg said the Tree Lighting Ceremony was a success and there was a good turn out. In addition, she attended a 100-year birthday celebration Lawrence Schneeberger at Lockwood Senior Center.

Mrs. Ellenburg has been in contact with Sadona Meyers, the president of Friends of the Library. They are having a book sale on January 25th and 26th. They are raising money for the library expansion. Mrs. Ellenburg has arranged to have a thermometer sign donated for the event to bring public awareness to their project.

AUDIENCE PARTICIPATION:

Don Sanderlin, 4460 Killarney Park, felt permits and inspections should be required when building handicap ramps. He spoke regarding a newspaper article that indicated volunteers were needed to build ramps.

John Stapish, P.O. Box 190134, requested more information on Item 16 regarding a grievance settlement for Mrs. Foster.

COUNCIL DISCUSSION:

Mr. Martinbianco said the Tree Lighting ceremony went well. The crowd was a great representation of our community. He acknowledged that things were going great at the Senior Citizen Center as well. He gave the seniors high marks for the programs that they offered. He hoped everyone had a great holiday weekend.

Mr. Wells asked for an update on the codification of ordinances. Mr. Austin said the final revision has been sent to American Legal. They have 45 days to send us the final product. Once this is done, we will begin the final adoption process. This will start at the Planning Commission level. They will hold a public hearing to address the zoning ordinance revisions. After the ordinances are adopted, they will be available on the website. Revisions will be made as needed. Mr. Martinbianco asked that firewalls be built into the system to prevent someone from changing the ordinances. In addition, he wanted Bonnie's work on the ordinances billed at her wages. Mr. Austin indicated that all her work was billed at her wages.

Mr. Wells requested a computer be placed in the Council's conference room. This would be beneficial for council members to do research.

In reference to Item 2, Mr. Martinbianco wanted to know long it would take the Mayor to find a permanent police chief. The Mayor indicated that he planned to fill the position within 60 days.

Mrs. Tinnin suggested a candidate form be added to the website for people interested in applying for board positions.

Mr. Wells suggested the City hold an educational program to inform the public on the duties and responsibilities of the Planning and Zoning Boards.

It was clarified that the Guidelines for Granting Poverty Tax Exemptions were based on income, household members and SEV. This would allow for some tax relief for qualifying individuals.

In reference to Item 14, Mrs. Tinnin clarified that the Council had already approved $460,000 on August 2, 2006 for Rowe's engineering contract for gravel street paving. She wanted to know if additional roads, curbed intersections and drainage had been added to this project.

Mr. Kray said ½ of a mile of gravel roads, along with alignment and drainage issues were added during the design of this project. This work has been performed over the last 1½ years.

Mrs. Tinnin was concerned that there have not been any public hearings to determine if these projects will continue. There has been $460,000 expended already, now there will be an additional $250,000 in expenditures. Mr. Kray suggested this be referred to the finance committee for further discussion. He said these cost have already been incurred. Of that amount, $75,000.00 has been for DPW workers.

Moved by Wells, Seconded by Tinnin to: Refer Item 14 to the Finance Committee after the first of the year. (Re: $250,000 transfer for DPW Job #P-05-007) Motion carried 6-0.

Mr. Haskins felt the no smoking resolution should go back to the Legislative Committee for further discussion. He would like to know if it could be abolished or clarified better. It refers to the use of tobacco products in designated smoking areas. This would not pertain to chewing tobacco.

Moved by Haskins, Seconded by Tinnin to: Refer Item 15 to the Legislative Committee for review after the first of the year. (Re: Resolution Establishing Designated Smoking Areas with the City of Burton) Motion carried 6-0.

Mr. Austin said the reason for this resolution was because the No Smoking Ordinance that was adopted required a resolution designating a smoking area. The ordinance was not in effect at this time, due to the lack of publication, pending the approval of a resolution. This ordinance mirrors the County ordinance. He felt there was some objection to chewing tobacco being outlawed, as well. He had no objection to the Council reviewing the no smoking ordinance. Several members felt as long as people were smoking outside the building, it would not bother others.

Mr. Martinbianco indicated that the Council had received information in reference to Mrs. Foster's grievance. Mr. Wells questioned why the grievance would come before Council.

The Mayor indicated that the Police Officers grievance came before Council. This dealt with over time issues associated with the line item budget. This was resolved quickly. If Council chooses not to resolve Mrs. Foster's grievance, it will go to arbitration.

Mr. Wells felt the labor attorney would cost more to handle the case then the cost to settle the grievance. He preferred to settle this issue and move forward. Mrs. Ellenburg agreed with Mr. Wells comments.

Mr. Austin indicated that Mrs. Foster was exposed to a lot of extra hours to accommodate the line item budget.

Mrs. Tinnin felt there was a chance they could win the arbitration. Mrs. Foster was on a set salary at that time. She did know Karen worked very hard and it was very trying for her. She is probably deserving of the extra money. However, she does not want to set precedence. She wanted to know if a transfer was required for the money.

The Mayor did not plan to transfer funds at this time. Hopefully, the departmental budget could absorb that amount. He said this resolution was just going to settle the grievance.

Mr. Martinbianco understood Mrs. Tinnin's concerns on setting precedence. He wanted assurance that issue would be resolved.

Mr. Wells felt these types of grievances should not come before Council. There was some discussion that the Administration would meet with the Legislative Chair and resolve this issue.

Mrs. Johnson gave a brief explanation on the submission of the Genesee County Senior Center 2008 Track One Grant Application. She said this should prove to be very beneficial in providing our seniors with good programs and services.

Mr. Kray planned to start the demolition process for Palace Gardens the first meeting in January.

COUNCIL DISCUSSION ACTION:

Moved by Mr. Wells, Seconded by Mr. Haskins to: Adopt the 2008 Council Meeting Calendar as written. The motion was approved by consensus of the Council.

Moved by Wells, Seconded by Tinnin to: Refer Item 14 to the Finance Committee after the first of the year. (Re: $250,000 transfer for DPW Job #P-05-007) Motion carried 6-0.

Moved by Haskins, Seconded by Tinnin to: Refer Item 15 to the Legislative Committee for review after the first of the year. (Re: Resolution Establishing Designated Smoking Areas with the City of Burton) Motion carried 6-0.

COUNCIL ACTION:

Wells moved and Tinnin seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from November 28, 2007 through December 12, 2007 in the amount of $6,947.10.

Motion carried 6-0.

Wells moved and Ellenburg seconded the following motion:

2. Approve and authorize the Mayor's appointments as follows: Diane Heidenberger; Assessor, Gayle Webster, City Clerk; Doug Halstead, Fire Chief, Lt. Tom Osterholzer, Police Chief (Interim), Iris Piske, Treasurer.

Motion carried 6-0.

Wells moved and Ellenburg seconded the following motion:

3. Approve and authorize the reappointment of Gerald Grantner, 1409 Clairwood Dr., Burton, MI 48509, to the Planning Commission. Term to expire September 2010.

Motion carried 6-0.

Wells moved and Heffner seconded the following motion:

4. Approve and authorize the reappointment of Les Bertram, 3280 Shannon Rd., Burton, MI 48529, to the Planning Commission. Term to expire January 2011.

Motion carried 6-0.

Wells moved and Tinnin seconded the following motion:

5. Approve and authorize the reappointment of Bobbie Weatherford, 3084 S. Genesee Rd., Burton, MI 48519, to the Zoning Board of Appeals. Term to expire January 2011.

Motion carried 6-0.

Tinnin moved and Wells seconded the following motion:

6. Approve and authorize the reappointment of Steve Welch, 5272 White Pines, Grand Blanc, MI 48439, to the Zoning Board of Appeals. Term to expire March 2011.

Motion carried 6-0.

Wells moved and Tinnin seconded the following motion:

7. Approve and authorize that the City of Burton Board of Review will be in session from March 10 through March 12, and on March 18, 2008. Meeting times will be from 9:00 a.m. to 12:00

p.m. and 2:00 p.m. to 5:00 p.m., with the exception of March 12, when the Board will meet from 3:00 p.m. to 9:00 p.m. All meetings will be held at Burton City Hall, 4303 S. Center Rd., Burton, Michigan.

Motion carried 6-0.

Wells moved and Ellenburg seconded the following motion:

8. Approve and authorize that a resident taxpayer may file their Board of Review appeal by letter, without a personal appearance being required. This is pursuant to Section 211.30 M.C.L.

Motion carried 6-0.

Wells moved and Tinnin seconded the following motion:

9. Approve and authorize the City of Burton Guidelines for Granting Poverty Tax Exemption. These guidelines are pursuant to P.A. 390 of 1994, and as further amended by P.A. 620 of 2002.

Motion carried 6-0.

Wells moved and Tinnin seconded the following motion:

10. Approve an authorize the Resolution Of Intent To Sell Real Estate and Authorizing Sale to give
tentative approval for the sale of the property described as Lot 493 Bendlecrest (Parcel No. 59-32-502-017) to Select Portfolio Servicing, Inc., for the sum of $3,179.79, and place the Resolution on the Council agenda for January 21, 2008, for final adoption per City Charter Section 11.3(a)(1).

Motion carried 6-0.

Wells moved and Ellenburg seconded the following motion:

11. Approve and authorize the issuance of a permanent Traffic Control Order for a stop sign to be erected on westbound Potter Road at Egleston Avenue.

Motion carried 6-0.

Wells moved and Tinnin seconded the following motion:

12. Approve and authorize the City of Burton to enter into a contract with Rowe, Inc., 6211 Taylor Drive, Flint, MI 48507, for the purpose of preparing 5 FY 2009 Safety Project Applications for the following projects: Center Rd. at Court St., Belsay Rd. at Potter Rd., Belsay Rd. at Lapeer Rd., Genesee Rd. at Lapeer Rd. and Center Rd. at Atherton Rd. These Applications will be performed at a price not to exceed $7,500.00 to be paid from the 2007/08 Major Street Surface Maintenance Contractual Line item.

Motion carried 6-0.

Wells moved and Tinnin seconded the following motion:

13. Approve and authorize Council to support the following FY 2009 Safety Projects for Intersection Safety and Signal upgrades:
    A. Center Rd. at Court St. – Signal upgrades.
    B. Belsay Rd. at Potter Rd. – Signalized intersection with turn lanes.
    C. Belsay Rd. at Lapeer Rd. – Additional Northbound turn lane.
    D. Genesee Rd. at Lapeer Rd. – Signalized intersection with turn lanes.
    E. Center Rd. at Atherton Rd. – Additional eastbound thru lanes and signal upgrades.

Motion carried 6-0.

Referred to the Finance Committee.

14. Approve and authorize the City Controller to transfer two hundred fifty thousand dollars ($250,000.00) from 2007-2008 Local Street Unappropriated Surplus to DPW Job #P-05-007.

Referred to the Legislative Committee.

15. Approve and authorize a Resolution Establishing Designated Smoking Areas Within the City of Burton.

Wells moved and Haskins seconded the following motion:

16. Approve and authorize the settlement of a grievance filed by Teamsters Local 214 on behalf of Karen Foster, relative to the removal of a salary adjustment granted due to the additional duties required as a result of the imposition of line item budgeting.

Motion carried 6-0.

Wells moved and Heffner seconded the following motion:

17. Approve and authorize a resolution approving Submission of a Genesee County Senior Center 2008 Track One Grant Application as written.

Motion carried 6-0.

SECOND READING OF AN ORDINANCE:

Wells moved and Tinnin seconded the following motion:

1. Approve and authorize the Second Reading of an Ordinance for Zoning Case #306, Davison Rd., West of Genesee Rd. (55.62 acres), by DPG Burton, LLC, 6024 W. Maple, West Bloomfield, MI 48322, for R1-B Residential to M-2 Industrial for Industrial Development, contractual obligation, and other uses by the proposed zoning district.

Motion carried 6-0.

Meeting adjourned at 8:25 p.m.

Gayle Webster, CMC
City Clerk