



CITY OF BURTON

CITY COUNCIL MEETING

JULY 20, 2026

MINUTES

Council Chambers

Regular Meeting

7:00 PM

**4303 S. Center Road
Burton, MI 48519**

A. Call To Order

President Fenner called the meeting to order at 7:00 PM.

B. Invocation

LED BY: Councilman John Wright

Mr. Fenner led the invocation and Pledge of Allegiance in Mr. Wright's absence.

C. Pledge of Allegiance to the Flag of the United States of America

LED BY: Councilman John Wright

D. Roll Call

Present: Council President Gregory Fenner, Council Member Candice Miller, Council Member Steven Heffner, Council Member Ellen Ellenburg, Council Member Kris Johns, Council Member Tina Conley

Absent: Council Member John Wright (Excused)

E. Approval of Agenda

1. Approve the agenda as presented.

Motion by Council Member Miller, second by Council Member Conley, to Approve.

Voting Yes: Gregory Fenner, Candice Miller, Steven Heffner, Ellen Ellenburg, Kris Johns, Tina Conley

Voting No: None

Motion Passed 6 - 0.

F. Staff Present

Duane Haskins, Mayor

Racheal Boggs, City Clerk

Charles Abbey, DPW Director

Ted Valley, HR Director

Amber Abbey, Deputy DPW Director

Brian Ross, Police Chief

Kirk Wilkinson, Fire Chief

Amanda Odette, City Attorney

G. Approval of Minutes

1. City Council Regular Meeting June 15, 2026 at 7:00 PM.
City Council Regular Meeting July 6, 2026 at 7:00 PM.

Motion by Council Member Miller, second by Council Member Conley, to Approve.

Voting Yes: Gregory Fenner, Candice Miller, Steven Heffner, Ellen Ellenburg, Kris Johns, Tina Conley

Voting No: None

Motion Passed 6 - 0.

H. Administrative Reports

Mayor Haskins reported the following:

I hope everyone is doing well with the heat wave that is subsiding a little bit. With the storms that are coming, I hope everyone is prepared. Update on the Genesee Road project: We are hoping to open it up within three weeks. The timetables are related to weather. Saturday, July 25th is the first day of Early Voting at City Hall. We will be open from 9 AM - 5 PM for nine days, through August 2nd. Our MERS actuarial report came in, and we are funded at 72.5%, which is very good news. Everything we have been doing is working, and we are hoping that it continues in this direction.

1. Investment Report
2. Financial Report through 06.30.26

I. Committee Reports

Mr. Heffner stated that he would like to make a motion that we go into closed session under section D of the Open Meetings Act to discuss the purchase of property.

Mr. Johns stated the Parks & Recreation Commission met and it went very well. We are discussing Q4 events. The administration has a lot of great things in action.

Mrs. Ellenburg stated the Metropolitan Alliance meeting is canceled for this coming Wednesday. Mr. Dargel has been a huge help on this committee. The 911 Consortium met last Tuesday and everything is going as planned with them.

J. Audience Participation

Now is the time set-aside for members of the audience to address the Burton City Council. I would ask each individual to give their name and address for the record and to limit their comments to three (3) minutes and to speak on the topics germane to City business.

Mike Wilson of 2273 Dudley Street spoke about a violation regarding his bushes and would like to work with the city. He provided the council with pictures and documents.

Lucinda Talcott of 3053 Myrton Street addressed concerns about the city cutting her wildflowers and provided documents to the council.

Jim Craig of 6295 Hidden Trails stated the Burton Walking Club will walk at For-Mar on Wednesday at 7:00 PM.

Richard Richardson of 2226 Ridgemoor Court discussed the ditching in his front yard and the condition of Potter Road.

Rick Fuhst of 1072 Forest Avenue spoke about the reading of ordinance, chapter 157 and an issue with the train on Belsay Road.

Patrick Dargel of 6119 Hugh Street discussed the public interest in approving case 339, ordinance chapter 157.

K. Council Discussion

Mr. Fenner asked Mr. Abbey if he had a response to any of the public comments.

Mr. Abbey stated I have visited the property on Ridgemoor Court. We are working on a game plan. I am not sure if it will satisfy the area where there are slopes because of the engineering, but it is obvious that the back of the ditch line didn't grow. We will be in touch with you and are trying to get a plan to fix that. Potter Road is on our radar. We do passer ratings through the county every year. We have done a lot of roads the last few years and have a lot more to do. Some roads we get funding for and others we have to pay out of the budget and save up for them. The flowers on Myrton Street, I know very little about. I was just given some pictures tonight. A week or so ago, I saw other pictures, and we are glad to show you that. We don't just go out looking for people's wildflowers. These are complaints from neighbors. Code enforcement comes out and measures the grass and weeds and if they don't meet the requirements in the ordinance, we do nothing. If it does, it gets cut.

Mayor Haskins stated the ordinance states that weeds have to be under 10 inches.

Mr. Abbey stated that we follow the ordinances. If the council wants to change the ordinances, then change them, but if it's on the books, it's the law and if we get a complaint, we are obligated to follow it. We are happy to have a discussion with you.

Council discussion about the distinction between flowers and grass and making it clear in the ordinance.

Mr. Fenner asked Mr. Abbey to address Mr. Wilson's property.

Mr. Abbey stated I was out at Mr. Wilson's home today at 12:15 PM. I looked at it again, drove it in different directions. I looked at the trees and all the neighbor's trees. They are in violation. I am willing to keep an open mind and talk to him about a compromise. When they were planted 19 years ago, they were obviously small. Now they're big. They are growing over the asphalt road. I don't know how the mail truck gets to your mailbox. I am surprised the plow trucks haven't taken them out, to be honest. You can go around the 24 square miles of this city and see a lot of violations. We have one Code Enforcer, so we work on a complaint basis. When we get a complaint, we have to investigate it. If we see a violation, we have no choice but to act. We do work with people. We give them time and tell them what's required, but that is the way the law works.

L. Council Action

1. Approve and authorize the payment of Attorney Billing (Odette) invoices 1109 & 1110, 7/1/26 to 7/15/26, in the amount of \$1,770.00.

Motion by Council Member Conley, second by Council Member Miller, to Approve.

Voting Yes: Gregory Fenner, Candice Miller, Steven Heffner, Ellen Ellenburg, Kris Johns, Tina Conley

Voting No: None

Motion Passed 6 - 0.

2. Approve and authorize the payment of Attorney Billing (Miller Johnson) invoice 2078656, 6/1/26 to 6/30/26, in the amount of \$1,082.80.

Motion by Council Member Miller, second by Council Member Heffner, to Approve.

Voting Yes: Gregory Fenner, Candice Miller, Steven Heffner, Ellen Ellenburg, Kris Johns, Tina Conley

Voting No: None

Motion Passed 6 - 0.

3. Approve and authorize the MERS Defined Benefit and Defined Contribution Plan Addendum.

Motion by Council President Fenner, second by Council Member Miller, to Approve.

Voting Yes: Gregory Fenner, Candice Miller, Steven Heffner, Ellen Ellenburg, Kris Johns, Tina Conley

Voting No: None

Motion Passed 6 - 0.

4. Approve and authorize the acceptance of a paving petition for Montcalm and Day St in Section 35, using open ditch gravel to asphalt pavement standards.

Motion by Council Member Conley, second by Council Member Miller, to Approve.

Voting Yes: Gregory Fenner, Candice Miller, Steven Heffner, Ellen Ellenburg, Kris Johns, Tina Conley

Voting No: None

Motion Passed 6 - 0.

5. Approve and authorize that improvement to Montcalm and Day St to be assessed against the lands and premises as indicated in Chapter 150.

A. Proceed with the district for improvement of open ditch gravel to asphalt pavement improvement.

B. Place preliminary district maps and cost estimates with the intention of City Council to provide a 50% match, on file with the Clerk's Office for examination.

C. Determine improvement to be necessary.

D. Accept cost estimate.

Mr. Fenner stated they have applied to this program for this particular road four times, and they finally got enough people to do it. We are happy to see more paving being done in the city.

Motion by Council Member Heffner, second by Council Member Conley, to Approve.

Voting Yes: Gregory Fenner, Candice Miller, Steven Heffner, Ellen Ellenburg, Kris Johns, Tina Conley

Voting No: None

Motion Passed 6 - 0.

6. Authorize the City Clerk to Set First Public Hearing for Thursday, September 10, 2026, at 5:30 p.m. at City Hall, or any later date of City Council choice; (a minimum of fourteen (14) days is required between this Council meeting and the proposed public hearing

date), and instruct the Clerk's Office, to publish and mail notices to hear and consider any favorable comments and/or objections which may be submitted by any interested person with respect to the making of the improvements and to the assessing of the cost of the improvements to the lands in the aforesaid special assessment district Montcalm and Day Street Project #26-012-P.

Motion by Council Member Heffner, second by Council Member Miller, to Approve.
Voting Yes: Gregory Fenner, Candice Miller, Steven Heffner, Ellen Ellenburg, Kris Johns, Tina Conley
Voting No: None
Motion Passed 6 - 0.

7. Approve and authorize the Mayor and Clerk to execute a contract with Ace-Saginaw Paving Company, 115 S. Averill Ave. Flint, MI 48506 for the Burton Estates Road Resurfacing 26-004-P in the amount of \$602,566.25.

Motion by Council Member Conley, second by Council Member Miller, to Approve.
Voting Yes: Gregory Fenner, Candice Miller, Steven Heffner, Ellen Ellenburg, Kris Johns, Tina Conley
Voting No: None
Motion Passed 6 - 0.

8. Approve a budget amendment within the Local Streets Fund as follows;
Increase 203-451-802.636 Burton Estates by \$33,500 and Decrease 101-000-285.000 Site Permit Deposits by \$33,500.

Motion by Council Member Conley, second by Council Member Miller, to Approve.
Voting Yes: Gregory Fenner, Candice Miller, Steven Heffner, Ellen Ellenburg, Kris Johns, Tina Conley
Voting No: None
Motion Passed 6 - 0.

M. First Reading of Ordinance

1. Case No. 339 City of Burton, Michigan

The City Planning Commission will review and amend chapter 157,

AN ORDINANCE AMENDING, CHAPTER 157 OF THE CODE OF
ORDINANCES OF THE CITY OF BURTON BY THE AMENDMENT OF THE C-
2 GENERAL BUSINESS PERMITTED USES AFTER SPECIAL APPROVAL.

Mrs. Miller stated, I do not agree with a special approval for a type of business to come into the city. I would not support this.

Mayor Haskins asked, Why do you not support this particular one? We have several of these.

Mrs. Abbey stated if you look at the ordinance, there are multiple types of businesses that require special use approvals. This isn't singling any particular business out. It is taking a business that is getting over-burdened in our city, and allowing us to have a special look at that particular location versus a permitted use where we have no opportunity to say no to a particular location. We can only say yes or no to certain aspects of the site. It allows the Planning Commission some extra discretion and it also allows the City Council to hear the appeals if it is denied. It gives the city more power to

allow these businesses or to not allow them when they don't make sense. This is so we don't end up in a situation where every corner is a gas station and then every corner goes out of business, and now we are fighting demolition and removal of tanks. We need to allow these C2 zones to remain for other permitted uses to come in as well.

Mr. Heffner asked, wouldn't we essentially be picking winners and losers by not letting the free market dictate that?

Mrs. Abbey said no, we would be allowing the Planning Commission process as allowed by the Zoning Enabling Act, to take effect and allow us to have discretion, which is allowed by the Planning Commission through the State of Michigan laws they created in 2006. This allows us discretion over the sites and where they go.

Mr. Abbey stated if that is the case, why do we have permitted uses for anything else that has to have special use permits? Are we picking winners and losers in those industries?

Mr. Heffner said, we probably shouldn't be, in my opinion.

Mrs. Abbey said, that's not our decision. The state decided that for us in 2006. They decide how zoning laws occur, so we have to follow them. This is a mechanism to protect the city and keep properties from being gobbled up by putting gas stations on every corner. They are going everywhere in every C2 use that we have, even when they don't fit.

Mr. Heffner said, you did say this wasn't for one particular business, but you keep mentioning gas stations.

Mrs. Abbey stated this particular change is for one use. Mr. Heffner, you just did a special use permit at our last Planning Commission meeting.

Mr. Heffner said it was for a cement plant. The Planning Commission had the authority to approve it or not approve it. We had that mechanism already.

Mrs. Abbey stated only because it was a special use permit. You didn't have it on the site plan. The site plan is the approval of the site as it is permitted. A special use permit allows you to say yes or no for the use.

Mr. Heffner said, I know on the corner of Center and Bristol there is going to be a Tim Horton's, and they are going to sell gas. But, it's a Tim Horton's.

Mrs. Abbey responded it's not just a Tim Horton's. It's a convenience store that sells gas that happens to have a Tim Horton's.

Mr. Heffner stated if you go into Flint or Genesee, there is a gas station with a laundromat, offices, and McDonald's, and they sell gas. The technical gas stations of the past don't exist anymore. These are businesses that have supplemented their income by trying to sell gas.

Mrs. Miller stated the consumer will make the decision whether there's too many or not and put some out of business.

Mr. Fenner stated we are not limiting the number of gas stations, we are just trying to

limit where they go. For example, the old 7-11 on Saginaw Street and Judd Road next to the barbershop is advertised as a C2 zoned property. Why would they advertise it that way?

Mr. Heffner stated they would have to get a special use to put in a gas station.

Mr. Fenner said, no they wouldn't, but that's what we are trying to pass.

Mr. Heffner said they would have to go in front of the Zoning Board just like the corner of Dort and Hemphill.

Mrs. Abbey said, no, they don't. That was zoned industrial.

Mr. Fenner stated that right now, the old 7-11 next to the barbershop could be sold tomorrow and a gas station can go in. It's zoned C2 and we don't have special use for gas stations. The neighbor behind them would complain, neighboring businesses would complain. This is right across from Admiral Gas Station. No one would be happy. This is a case of us saying where they can go, not necessarily that we don't need anymore.

Mr. Abbey stated you are not picking on an industry, you are just giving us some discretion to see if it makes sense for the community in specific areas.

Mrs. Abbey stated the Planning Commission held a Public Hearing on July 14th and this passed unanimously, 7-0. Everyone on the Planning Commission agreed that this should be approved.

Mr. Heffner stated at Planning Commission when I voted yes, I said there will be discussion about this at the City Council meeting because I am not for this. If you would've listened good, you would have heard that.

Mrs. Abbey said I listened very well. My point was you voted yes.

Mr. Heffner said I am voting no tonight.

Mrs. Miller said when the business comes in to begin with, they do all the investigation on the traffic flow and whether they would have the consumers to support that business. They do that investigation, so I don't see it as our role.

Mayor Haskins said they may do their homework, but why do we have vacant buildings? Sometimes businesses just don't work out. These are provisions that protect our city and investments. This isn't the end all, do-all. It always comes back to council, so that's why I am confused about why it's a big deal.

Mr. Fenner stated every business on Saginaw Street is zoned C2, and there are half a dozen buildings or more for sale right now. Theoretically, right now, every one of them could be a gas station. We couldn't stop it and the neighbors wouldn't be happy. Approving this gives us the option to say we can see one making sense here, but not next to these five houses or not next to a gas station that is already there.

Mrs. Abbey stated that one of the Planning Commission members mentioned that this also allows the Planning Commission to make business owners prove that the business will work in the location, so we have the chance to feel good about it. With a permitted use, they don't have the discretion to require a report like that.

Mr. Abbey stated this gives us options. Do we want every corner to be a gas station and no other businesses to exist in our city? People want a nice restaurant and other things. If we take up every available area and every available space for gas stations, how are we ever going to get these other businesses? We get inquiries from businesses all the time. You don't get them, we do. There are only so many prime locations in the city. You hear people complaining in public meetings and on Facebook all the time about the number of gas stations going in. I'm not opposed to any industry. If they create jobs, pay their taxes, and keep their places nice, God bless them all. Do you want to be a one-industry town? This gives us options.

Mr. Fenner stated we received two public comments here tonight in support of this.

Mrs. Miller said, I think supply and demand will dictate whether a gas station can survive in a specific area. I don't think another gas station is going to go in with so much competition in one area. That is their decision and should not be ours.

Mayor Haskins stated that as a city leader, on City Council, you should be concerned about vacant buildings when they open up and have to close down. We then have to worry about blight, vandalism, the whole works. This is not harming anyone. This is the first reading. It's obviously going to fail by a 3-3 vote. This gives tools to the Planning Commission and the City Council.

Mr. Ellenburg stated this was approved by our Planning Commission as a recommendation to City Council. Mr. Heffner is on planning and voted yes. They did their research on it because that's their job. If Mr. Heffner didn't support it, he should've voted no at the Planning meeting. It was coming to council either way, but now you have made your vote known and have round-robinbed the votes. This is a subject that is important. If we don't need the advice of a Planning Commission, then why do we have them?

Mrs. Conley said, I drove around Burton today and I feel that since I have been on council that we have more blight going on in our city. In order to bring new businesses here, we have to clean it up. We really do because, like I said, there is so much blight here. It's my opinion that the Code Enforcer shouldn't have to work just on a complaint basis. We would have more businesses if we cleaned up our city.

Mr. Fenner asked, does this pertain to the agenda item for special use for gas stations?

Mrs. Ellenburg said, I would like to table this until the next meeting, when we have a full council. This also allows us to do more research and some homework on this. I would like to speak with Mrs. Abbey further and get clarity.

Motion by Council Member Ellenburg, second by City Council Member Johns, to Table.

Voting Yes: Gregory Fenner, Ellen Ellenburg, Kris Johns

Voting No: Candice Miller, Steven Heffner, Tina Conley

Motion Failed 3 - 3.

Motion by Council Member Ellenburg, second by City Council Member Johns, to Approve.

Voting Yes: Gregory Fenner, Ellen Ellenburg, Kris Johns

Voting No: Candice Miller, Steven Heffner, Tina Conley

Motion Failed 3 - 3.

Mrs. Conley reiterated that if we want new businesses, we have to show them that we

care about our city. I drove around the city and it's bad. I don't think we should just take reports from neighbors that don't like something because that starts a feud between neighbors. I think if the Code Enforcer sees something, they should stop and address it then. That will help clean up our city.

Mayor Haskins stated, we have the facts and statistics to prove that in the history of the city, under any administration, we have done more with blight than any other administration before us. Mrs. Conley, you want to sit here in a public meeting and say our city is so horrible with blight. I totally disagree with you, 100%. If you see so much blight, why are you not calling it in so we can take care of it?

Mrs. Conley said, I guess I'll have to start calling it in.

Mr. Abbey stated that this is not as easy as you think. Code Enforcement takes a long time. There is a process, by law and ordinances. We have to follow it. They go into the court system and our attorney can attest to this, it takes a long time. There are postponements, attorneys ask for adjournments. When the courts do rule, they give them another 45–60 days. Then, we are 6 months into the process. We live in the city and have to have some controls. It's easy to sit back and cherry-pick. If you want us to do this, we are going from A-Z down every road, house by house, and I will tell you where the heat is coming — right back here, so be prepared for it. When we start down that path, I don't think any of you can live with that. The way people live is what they were raised with, and they don't see anything wrong with it. This is the toughest job in the city. We are going into someone's private space and telling them how to live. We have towed 40 cars this year. We get rid of a car and three months later, there's another one there. It is a never-ending battle. It is a very difficult thing to do, especially in the lower income areas, because they don't always have the means to take care of it. They have the best intentions, but don't always have the money. It's easy for you to sit there and Monday morning quarterback, but I am out there every day with them. I know what they go through. People get fighting mad and the police are called on several of them every month.

N. Meeting Adjournment

The next regularly scheduled meeting will be held on August 6, 2026 @ 7:00 PM.

Agendas and minutes may be found at www.burtonmi.gov.

President Fenner adjourned the meeting at 7:50 PM.

[MIN_SIGNATURES]