



CITY OF BURTON
BURTON CITY COUNCIL MEETING
APRIL 15, 2019
MINUTES

Council Chambers

Regular Meeting

7:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Steven Heffner at 7:00 PM.

A. INVOCATION LED BY: TOM MARTINBIANCO

B. THE PLEDGE OF ALLEGIANCE IS LED BY: TOM MARTINBAINCO

C. ROLL CALL

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Councilman	Present	
Duane Haskins	Vice President	Present	
Dennis O'Keefe	Councilman	Present	
Steven Heffner	President	Present	
Danny Wells	Councilman	Present	
Vaughn Smith	Councilman	Present	
Christina Conley	Councilwoman	Excused	

D. STAFF PRESENT

Paula Zelenko, Mayor
Rik Hayman, Chief of Staff
Amanda Doyle, Attorney
Bette Bigsby, Acting City Clerk
Alice Bryce, Treasurer
Robert Slattery, DPW Director
Charles Abbey, Deputy DPW Director
Mike Odette, Police Chief

E. APPROVAL OF MINUTES

1. City Council - Regular Meeting - Apr 1, 2019 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Duane Haskins, Vice President
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith
EXCUSED:	Conley

F. ADMINISTRATIVE REPORTS

Admin Report for 15 April 2019

Thank you Mr. President,

In your packet are the Revenue and Expense report for March, the investment report, Mayor's Credit Card statement, and the proposed budget workshop dates. I realize the agenda states the proposed budget **hearings**, it should state **workshops**. Along that thought, Item #6 is setting the public hearing for the proposed budget. I would suggest that we set it for 6 pm on May 6th.

This would allow the administrative overview as a presentation and followed by the public hearing. In addition, on May 6th we could finalize the workshop dates.

The 5 Year Forecasts booklets will be available this week. A new file had to be set up at Forecast 5 and our booklet binder broke. New one expected any day.

As you requested, Mr. President, we have placed the items on the agenda in regards to the Southmoor Golf Course, Papa Joe's Pizza and All Star Sports Bar delinquent Personal Property Tax forgiveness and payment plan.

Respectfully, Mr. President, the administration would request that these items be sent to committee for further discussion and to allow time for the city attorney to complete the requested research and opinion. I believe that moving forward tonight without thorough public discussion, such as input from the treasurer, assessor, and controller, is necessary before the council makes a final decision.

The amendment to the Water and Sewer Ordinances are on for first reading tonight. Woodhill Group representative, Mike Leisch, is present tonight, along with workgroup members: Councilmen Smith and Martinbianco, Mr. Abbey, and Mrs. Bryce.

Ordinance 91.05 regulating litter, solicited and unsolicited printed matter is on second reading tonight.

Lastly, again this year, I have placed in each of your boxes the MSU Extension White Paper, ***Service Solvency: An Analysis of the Ability of Michigan Cities to Provide an Adequate Level of Public Services***. The report explains the revenue restrictions in Michigan and the increasing number of service insolvent cities. So as we begin the 2019-20 FY budget process and discuss our cash solvency, budgetary solvency, and long-term solvency, I am hoping that you will take the time to review this report and have further discussions on Burton's service-level solvency.

1. Revenue and Expenditure Report as of March 31, 2019
2. April 2019 Investment Report
3. Credit Card statement
4. Proposed Budget Hearing Dates for the 2019-2020 fiscal year budget.

G. COMMITTEE REPORTS

None

H. AUDIENCE PARTICIPATION

Kevin Burge spoke about the street sweeping contract.

John Stapish stated he would not recommend Neil Martz for appointment to the Downtown Development Authority. He would recommend Joey Richvalsky for Zoning board. Inquired if the ordinances on the agenda were going to raise the water and sewer rates.

Genevieve Fields spoke about issues with recycling and the decline of profit for waste management companies.

I. COUNCIL DISCUSSION

Mr. Smith wondered about the response to Kevin Burge on street sweeping. He also wanted to know about the issue with recycling. He spoke about a workshop on social media with a representative from Michigan Municipal League. He spoke about the Baton death march and possibly naming part of I-69 for the march.

Mr. Slattery spoke about the fall street sweeping.

Mr. Martinbianco - spoke on occupied properties owner occupied properties. What can be done to get them off the sale.

Mr. Smith questions on Ordinances. Could Mr. Martinbianco explain what the Ordinances address.

Mike Lesitch from Woodhill group. Tonight's agenda items refer to material specifications. No rate increase in the ordinance. Removed Fire hydrant rental.

Mr. Wells wondered if all the budget workshops would start at 6:00 PM. Looking at item number 10-14 brought back memory of Personal Property Taxes owed to us from Crank's hotel and Autumn Lounge. Wondered how many other businesses are in arrears? Mayor responded it is over \$320,000.00. Mr. Wells would like to see that information.

Mr. O'Keefe wondered if after we send out letters what are the options we have available for those delinquent taxes. He would like to know when the 5 year forecast is available so he can come and get it since it is on the agenda for May 6th for discussion.

Mr. Smith talked about the condition of Belsay Road in front of Bentley Florist. Mr. Abbey and Mr. Slattery spoke about the amount of money we are spending trying to keep the road repaired as well as a possible solution for a temporary fix this summer. It is the next project on the TIP for funding.

Mr. Heffner asked Ms. Doyle's thought on items 10-15.

Ms. Doyle responded the City has the right to waive fees and penalties. Item numbers 10 and 11 are up to city. In regard to items 12 & 13 payment plans are acceptable as long as they pay. Can't contract with anyone in default to the City. Mr. Martinbianco said he was concerned about item numbers 14 and 15. Can't see spending good money to lose money.

Mr. Heffner introduced Mr. Boji. Bad deals made. He was not part of them. They would like to square up on these taxes. Believes there were some errors on assessment on golf carts they don't own. They lease. From 2015 to today they were exempt from those taxes. Father's CPA filed an exemption and was denied from the Assessor's office. Someone from his family should have called and asked why the exemption was denied. .

Mr. Haskins wondered how other bills are facilitated such as water, sewer bills are they up to date. Mr. Boji answered the Property taxes are up to date.

Mr. Hayman stated the property taxes are up to date. What is not up to date is the sewer bill it has been delinquent all year. It rolls over to taxes and fees are added and delinquent about \$21,000.00.

Mr. Wells would like to know what the rush is to pass this tonight. He would like to see it go to committee and see what the options are to recoup \$320,000.00.

Mr. Boji would like to see the fees and penalties waived.

Mr. Smith stated he would like to schedule a special meeting.

Mr. O'Keefe not prepared to vote on this tonight. More discussion more questions. He would like a committee of the whole with the Treasurer and Assessor.

Mr. Wells tabling motion for 10-15. Mr. Martinbianco seconded the motion. Motion passed

Mr. Haskins asked for an update on the library for Mr. Shustock.

Mr. Abbey responded the package has been ordered and will be delivered next Monday. Bids for labor only. Commence on Monday weather permitting. Don't have yet from Consumers Energy. Closest pole on Atherton road in pretty rough shape. Going to get pole changes at same time.

Mr. Heffner stated the Easter Egg Hunt went well.

Mr. Smith stated a resident complained about not hearing council very well on microphones.

J. COUNCIL ACTION

1. Approve and authorize the Attorney Billing (Doyle) 3/27/2019 to 4/09/2019 in the amount \$6,160.75.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Duane Haskins, Vice President
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith
EXCUSED:	Conley

2. Approve and authorize the payment of Attorney Billing (Masud) March 5, 2019 - March 29, 2019 in the amount \$1,115.50.

Mr. Haskins wondered about some items that dealt with the former Clerk. Mr. Martinbianco stated it should all be handled by MML attorney.

Mr. Wells stated that as he looked through the bills most of this should be handled through our HR person.

RESULT: CARRIED [5 TO 1]
MOVER: Dennis O'Keefe, Councilman
SECONDER: Vaughn Smith, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Heffner, Smith
NAYS: Wells
EXCUSED: Conley

3. Approve and authorize the request for Solicitation License for Chad Prieur, TruGreen Lawn Care, 6272 Taylor Drive. Flint, MI 48507.

RESULT: CARRIED [UNANIMOUS]
MOVER: Duane Haskins, Vice President
SECONDER: Tom Martinbianco, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith
EXCUSED: Conley

4. Approve and authorize the Mayor and City Clerk to execute an Advance Construct Contract with the Michigan Department of Transportation for hot mix asphalt cold milling and resurfacing work, including aggregate base, pavement repair, miscellaneous concrete curb and gutter, and concrete sidewalk ramp installation work; and all together with necessary related work along Center Road from Davison Road northerly to Dolphaine Street in the City of Burton, Genesee County (DPW project No. 18-006-P), MDOT Control Section EDFC 25000, Job number 130633CON, Federal Project Number 1900(578) at an estimated total cost of \$2,251,700, of which the City of Burton's final cost will be approximately \$417,200.

RESULT: CARRIED [UNANIMOUS]
MOVER: Danny Wells, Councilman
SECONDER: Dennis O'Keefe, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith
EXCUSED: Conley

5. Approve and Authorize the Mayor and City Clerk to execute a contract with OHM Advisors, G3101 West Bristol Road, Flint, MI 48507, for Construction Engineering of Center Road from Davison Road to Dolphaine Street (DPW Project No. 18-006-P), at an estimated cost of \$185,610.89, contingent upon approval of the City Attorney.

RESULT: CARRIED [UNANIMOUS]
MOVER: Dennis O'Keefe, Councilman
SECONDER: Tom Martinbianco, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith
EXCUSED: Conley

6. Approve and authorize a special city council meeting for the purpose of a public hearing to consider any objections and/or favorable comments relative to the 2019-2020 proposed budget on May 6, 2019 at 6:00 PM.

RESULT: CARRIED [UNANIMOUS]
MOVER: Duane Haskins, Vice President
SECONDER: Vaughn Smith, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith
EXCUSED: Conley

7. Approve and authorize the acceptance of the lowest responsible bid and allow the Mayor and Clerk to enter into a contract, contingent upon receipt of the required bonds and insurance documents, on behalf of the City of Burton with National Industrial Maintenance, Inc. , 4400 Stecker St., Dearborn, MI 48126-3895, for the 2019-2020 Street Sweeping Contract in an amount not to exceed \$ 178,706.11.

Mr. Heffner inquired how many street sweeps that is. Mr. Slattery answered it was two sweeps for two years. The last sweep will actually be in the 20-21 budget year.

RESULT: CARRIED [UNANIMOUS]
MOVER: Dennis O'Keefe, Councilman
SECONDER: Vaughn Smith, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith
EXCUSED: Conley

8. Approve and authorize the Mayor's appointment of Neil R. Martz, 1441 Allen Street, Burton, MI 48529 as our resident member to the Downtown Development Authority, with a term ending January 2023.

RESULT: CARRIED [UNANIMOUS]
MOVER: Danny Wells, Councilman
SECONDER: Tom Martinbianco, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith
EXCUSED: Conley

9. Approve and authorize the Council appointment of Joey Richvalsky to City of Burton Zoning Board of Appeals Alternate, term serving April 2019 through March 2022.

RESULT: CARRIED [UNANIMOUS]
MOVER: Danny Wells, Councilman
SECONDER: Dennis O'Keefe, Councilman
AYES: Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith
EXCUSED: Conley

10. Approve and Authorize a waiver of payment on all outstanding fees and penalties attached to the delinquent personal property taxes for Southmoor Golf Course, 4312 S. Dort Highway, Burton, MI 48519 (Parcel No. 59-80-618-013), totaling \$3,383.57.

RESULT:	POSTPONED [UNANIMOUS]	Next: 5/20/2019 7:00 PM
MOVER:	Danny Wells, Councilman	
SECONDER:	Tom Martinbianco, Councilman	
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith	
EXCUSED:	Conley	

11. Approve and Authorize a waiver of payment on all outstanding fees and penalties attached to the delinquent personal property taxes for Papa Joe's Pizza/All Star Sports Bar, 4312 S. Dort Highway, Burton, MI 48519 (Parcel No. 59-80-595-610), totaling \$2,195.78.

RESULT:	POSTPONED [UNANIMOUS]	Next: 5/20/2019 7:00 PM
MOVER:	Danny Wells, Councilman	
SECONDER:	Tom Martinbianco, Councilman	
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith	
EXCUSED:	Conley	

12. Approve and Authorize a payment plan on the delinquent personal property taxes for Southmoor Golf Course, 4312 S. Dort Highway, Burton, MI 48519 (Parcel No. 59-80-618-013), in monthly installments of no less than \$_____ to be paid in full by _____.

RESULT:	POSTPONED [UNANIMOUS]	Next: 5/20/2019 7:00 PM
MOVER:	Danny Wells, Councilman	
SECONDER:	Tom Martinbianco, Councilman	
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith	
EXCUSED:	Conley	

13. Approve and Authorize a payment plan on the delinquent personal property taxes for Papa Joe's Pizza/All Star Sports Bar, 4312 S. Dort Highway, Burton, MI 48519 (Parcel No. 59-80-595-610), in monthly installments of no less than \$_____ to be paid in full by _____.

RESULT:	POSTPONED [UNANIMOUS]	Next: 5/20/2019 7:00 PM
MOVER:	Danny Wells, Councilman	
SECONDER:	Tom Martinbianco, Councilman	
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith	
EXCUSED:	Conley	

14. Approve and authorize the City Attorney to research and provide written opinion as to the advisability of seeking Circuit Court action to waive the delinquent personal property taxes for Summer and Winter 2013 for Southmoor Golf Course, 4312 S. Dort Highway, Burton, MI 48519 (Parcel No. 59-80-618-013) for a total of \$3,964.96.

RESULT:	POSTPONED [UNANIMOUS]	Next: 5/20/2019 7:00 PM
MOVER:	Danny Wells, Councilman	
SECONDER:	Tom Martinbianco, Councilman	
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith	
EXCUSED:	Conley	

15. Approve and authorize the City Attorney to research and provide written opinion as to the advisability of seeking Circuit Court action to waive the delinquent personal property taxes for Summer and Winter 2013 for Papa Joe's Pizza/All Star Sports Bar, 4312 S. Dort Highway, Burton, MI 48519 (Parcel No. 59-80-595-610) for a total of \$2,590.44.

RESULT:	POSTPONED [UNANIMOUS]	Next: 5/20/2019 7:00 PM
MOVER:	Danny Wells, Councilman	
SECONDER:	Tom Martinbianco, Councilman	
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith	
EXCUSED:	Conley	

K. FIRST READING OF ORDINANCE

1. Approve and authorize the second reading of Ordinance 2019 - ____ - 51; An ordinance amending Chapter 51, the Water Ordinance, of the City of Burton Code of Ordinances to update building materials and standards, to revise process for connection and treatment charges and for fees and billings, and to provide the penalty for the violation thereof.

RESULT:	CARRIED TO SECOND READING [UNANIMOUS]	Next:
	5/6/2019 7:00 PM	
MOVER:	Duane Haskins, Vice President	
SECONDER:	Vaughn Smith, Councilman	
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith	
EXCUSED:	Conley	

2. Approve and authorize the second reading of Ordinance 2019 - ____ - 52; An ordinance amending Chapter 52, the Sewer Ordinance, of the City of Burton Code of Ordinances to update building materials and standards, to revise process for connection and treatment charges and for fees and billings, and to provide the penalty for the violation thereof.

RESULT:	CARRIED TO SECOND READING [UNANIMOUS]	Next:
	5/6/2019 7:00 PM	
MOVER:	Dennis O'Keefe, Councilman	
SECONDER:	Duane Haskins, Vice President	
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith	
EXCUSED:	Conley	

L. SECOND READING OF ORDINANCE

1. Approve and authorize second reading of ordinance 91.05, which shall amend the City of Burton Code of Ordinances by the addition of an ordinance regulating litter and solicited and unsolicited printed matter and providing for the penalty for violation thereof.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Duane Haskins, Vice President
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith
EXCUSED:	Conley

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

Meeting was adjourned at 8:38 PM.
