



CITY OF BURTON
BURTON CITY COUNCIL MEETING
MAY 15, 2017
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: MR. HEFFNER

Mr. Heffner gave a moment of silence for Burton's three fallen Heroes: Karl Lubengood, Russell Herrick, Terry Thompson.

B. THE PLEDGE OF ALLEGIANCE IS LED BY: MR. HEFFNER

C. ROLL CALL

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

D. STAFF PRESENT

Paula Zelenko, Mayor	Rik Hayman, Chief of Staff
Teresa Karsney, Clerk	Ginger Burke-Miller, Controller
Robert Slattery, DPW Director	Marvin Epperson, Fire Chief

E. APPROVAL OF MINUTES

1. City Council - Regular Meeting - May 1, 2017 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Christina Conley, Councilwoman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Martinbianco, Haskins, Heffner, Hatfield, Conley, O'Keefe, Smith

F. ADMINISTRATIVE REPORTS

Mayor Zelenko stated thank you Mr. President for the moment of silence for Burton's three fallen heroes. Chief Osterholzer and I had the privilege of attending the Peace Officer Memorial ceremony morning.

Please note the April Revenue and Expenditure report is in your packet.

Mayor Zelenko presented the agenda items.

On May 24th at noon, the Equality Caucus of Michigan will be holding an informational event here at City Hall and have asked me to invite the City Council.

As you know, preparations are in full swing for Memorial Day festivities.

1. Revenue and Expenditure April 2017

G. COMMITTEE REPORTS

Mrs. Conley stated that The City of Burton Park and Recreation Junk in the Trunk is Saturday May 27 2017 in the City Hall Parking lot. Preregistration is \$10.00 if paid by May 24th. Late or on site registration is \$20.00. Memorial Day Parade is Monday, May 29, 2017, lineup for the parade will start at 1:00 p.m. and parade will start at 2:00 p.m. Still looking for volunteers for that day.

1. Motion to add as Item 11, Library Parking lot from FY 16/17 budget decrease from \$30,000 to \$10,000 (4001-0000-903.0000).

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

2. Motion to add as Item 12, To remove \$60,000 from 1001-6090-974.7049 from FY 16/17 budget.

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

H. AUDIENCE PARTICIPATION

Council received comments from the following people:

Sadonna Myers: Trees that need to be removed at Library, barn (where, when and how big), cleanup the library for Memorial Day.

Anthony Lachcik of Burton - Council disrespecting the neighborhood where employees live and putting down the city employees.

John Stapish of Burton - He received no reply on his question about house numbers on every house. Thought the benefits for Council should be considered that Mr. Hatfield brought up. No reponse on the sidewalk distance from the curbs.

Randy Hendrick of Burton - About repair to N. Center Road

Allan Bontumasi of Burton - About DPW workers doing a great job. Would rather had the reduction in taxes put to roads instead of getting it back.

Chris Howser of Burton - Council misconception about DPW being lazy. Council states that residents can't take any more hits but neither can the City employees.

Mr. Haskins called point of order: he has never heard anything directly from City Council stating the DPW is lazy. Where is this coming from?

Mr. Howser stated it is coming from multiple people including residents.

Judy Estes of Burton - Thank you for having the houses demolished.

Brandon Verdier of Burton - Panhandlers Ordinance

I. COUNCIL DISCUSSION

Mr. Smith addressed residents leaving Burton, legacy costs, roads and lack of money to fix them. I would like to see the residents put together a committee for roads. I get multiple complaints from residents about the DPW that I pass on to the Mayor. There are only 6 employees back there and I know they work hard. In this economy, we don't have enough money to make everyone happy. I have been negligent on getting the house numbers for Mr. Stapish, I would like to ask the administration to get clarification on that.

Mr. Hatfield stated we are the only state in the country that declined in revenue sharing and this took the money out of our budget to fix the roads. This council promised to use the 6.5 mills to attack legacy debt and I think we need to continue doing that. Last year, the council approved a budget at 4.707 mills then we lowered the operating mills to 4.0 and had to go back and cut the budget. I voted no because in my opinion, that is not being wise with the city's money. I would have liked to have seen that money pay our debt but I would have accepted using it to fix some roads. We will have to fix the roads a little at a time. If the citizens want to come together with a road millage proposal, other communities have done that. I urge you to write your Congressman and State Reps to get our revenue sharing back.

Mr. Haskins discussed the drug paraphernalia law. This is not a new ordinance, it is just tightening up the language because it was vague and confusing in the courts. This is for people who are doing it illegally. Regarding the panhandling ordinance, we have had numerous complaints about this and it is tough to determine who is actually in need and who is running a scam. How is the traffic control order for the stop signs going on Judd Road?

Mr. Slattery stated he is currently doing a traffic study there based on the recommendation of the Michigan Manual and the National Manual of Uniform Traffic Control Devices. We are collecting speeds and traffic counts on Judd Road from Saginaw Street to Dort Highway and on Barnes, Columbine and Fern. We are also getting accident counts on Judd Road. I have talked with the Police Chief and he concurs that we need to look at this very carefully before placing stop signs there. Additionally, I am told by the Michigan State Police that a traffic study should be done and that once you put a stop sign in place it is difficult to remove it without negative implications, accidents perhaps. I will report back with a recommendation when the traffic study is complete.

Mr. Haskins stated this wasn't developed for traffic crashes but for the speeds and the kids playing in that area. The residents have addressed this numerous times. Unless the state tells us it is illegal to put stop signs there, this council voted unanimously to put them there so they need to be put in.

Mr. Slattery stated it isn't exactly against the law but it is against the better judgement of all traffic professionals. I don't want to be responsible for causing accidents there. I am doing my due diligence. It's a truism in the road industry that stop signs do not work for speed control they essentially tend to increase speeds between stop signs.

Mr. Martinbianco stated this is similar to when we put stop signs in on Term Street between Atherton and Lippincott which we did without a traffic study.

Chief Osterholzer stated we do get many complaints about speeding on Judd Road and we cannot monitor it with traffic enforcement around the clock. Mr. Slattery showed me the legislation and we felt it wise to do the traffic study and prudent to have the traffic study results before coming back to City Council with our recommendation.

Mr. Haskins stated this should have been brought to the council 4-6 weeks ago so we could have addressed it.

Mr. Slattery stated we are doing it the right way, the professional way. I apologize if I didn't report this to you soon enough.

Mr. Haskins said this council didn't give a directive to do a traffic study the directive of the City Council with a 7-0 vote was to put in stop signs. They need to be put up.

Mayor Zelenko said if we do this, you will assume the liability.

Mr. Heffner said, of course.

Mr. Haskins stated the decrease to 4.0 mills didn't stop a single road project. Thank you to the DPW workers that are out there working hard. The residents have noticed.

Council discussion on the pros and cons of the county taking over the roads in the city.

J. COUNCIL ACTION

1. Approve and authorize the Attorney Billing (Amanda Doyle) 04/26/17 to 05/09/17 in the amount \$5,302.25.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Duane Haskins, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Haskins, Heffner, Hatfield, Conley, O'Keefe, Smith

2. Approve and authorize the Attorney Billing (Masud) 04/04/17 to 04/28/17 in the amount \$3,668.13.

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

3. Discussion and possible action on Fire Department Policy/Promotion of City Businesses.

Council tabled because this should not be just the fire department it should be city wide policy.

RESULT: TABLED [4 TO 3]
MOVER: Tom Martinbianco, Councilman
SECONDER: Vaughn Smith, Councilman
AYES: Martinbianco, Heffner, Conley, Smith
NAYS: Haskins, Hatfield, O'Keefe

4. Approve and authorize the Mayor and City Clerk to execute a contract with Chippewa Asphalt Paving Co. P.O. Box 515, 2415 E. Vienna Rd., Clio MI, 48420 for the Resurfacing of the DPW Public Parking Lot, for the amount of \$21,000.00.

RESULT: TABLED [4 TO 3]
MOVER: Duane Haskins, Councilman
SECONDER: Christina Conley, Councilwoman
AYES: Haskins, Heffner, Conley, Smith
NAYS: Martinbianco, Hatfield, O'Keefe

5. Approve and authorize the Mayor's appointment of Toby Bauldry, 1141 Sunnydale St. Burton, MI 48509, to the City of Burton Park and Recreation Commission as the Bentley Community Schools Representative, Term to expire June 2019.

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

6. Approve and authorize the Mayor's appointment of Genevieve Field, 2412 Covert Road, Burton, MI 48509 to the City of Burton Park and Recreation Commission. Term to expire June 2019.

RESULT: CARRIED [UNANIMOUS]
MOVER: Christina Conley, Councilwoman
SECONDER: Duane Haskins, Councilman
AYES: Martinbianco, Haskins, Heffner, Hatfield, Conley, O'Keefe, Smith

7. Approve and authorize the first approval of two of the sale of parcel #59-30-577-240 Vacant Lot on Allen Street to Terri Hutchison, 1152 Allen Street, Burton, MI 48529 for \$100.

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

8. Approve and authorize a Resolution 2017-6 of intent to sell City-Owned real property at a predetermined cash price of \$100 for parcel #59-30-577-241 Vacant Lot on Allen Street.

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

9. Approve and authorize a Resolution 2017-7 of intent to sell City-Owned real property at a predetermined cash price of \$100 for parcel #59-30-577-242.

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

10. Approve and authorize a Resolution 2017-8 of intent to sell City-Owned real property at a predetermined cash price of \$100 for parcel #59-30-577-243.

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

11. Library Parking lot from FY 16/17 budget decrease from \$30,000 to \$10,000 (4001-0000-903.0000).

Mr. Hatfield feels that Council can not reduce the current Fiscal Year 2016-2017 because of Section 7.6 section (b) of the Charter.

Mayor Zelenko stated she is not recommending this reduction.

RESULT:	CARRIED [5 TO 2]
MOVER:	Duane Haskins, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Haskins, Heffner, Conley, Smith
NAYS:	Hatfield, O'Keefe

12. To remove \$60,000 from 1001-6090-974.7049 from FY 16/17 budget

RESULT:	CARRIED [5 TO 2]
MOVER:	Duane Haskins, Councilman
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, Haskins, Heffner, Conley, Smith
NAYS:	Hatfield, O'Keefe

K. FIRST READING OF ORDINANCE

1. Approve and authorize the first reading of Ordinance 2017-1-132.02, an Ordinance amending Chapter 132, section 02 of the City of Burton code of ordinances to provide for the penalty for a minor in possession of alcoholic beverages violation as a civil infraction pursuant to state law.

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

2. Approve and authorize the first reading of an Ordinance 2017-2-143.01, an ordinance amending Chapter 143 of the City of Burton code of ordinances by the addition of language prohibiting the contributing to the delinquency of a minor and providing the penalty for the violation thereof.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Christina Conley, Councilwoman
AYES:	Martinbianco, Haskins, Heffner, Hatfield, Conley, O'Keefe, Smith

3. Approve and authorize the first reading of an Ordinance 2017-3-130.02, an ordinance amending Chapter 130, Section 02 of the City of Burton Code of Ordinances to provide for a 93 day penalty for ordinance violations which substantially correspond to violations of State law.

RESULT: CARRIED [6 TO 1]
MOVER: Steven Hatfield, Councilman
SECONDER: Dennis O'Keefe, Councilman
AYES: Haskins, Heffner, Hatfield, Conley, O'Keefe, Smith
NAYS: Martinbianco

- 4. Approve and authorize Ordinance 2017-4-137.03, an ordinance amending Chapter 137 of the City of Burton code of ordinances by the addition of language prohibiting drug tools and paraphernalia and by providing the penalty for the violation thereof.

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

- 5. Approve and authorize Ordinance No 2017-5-115.02, an ordinance amending Chapter 115 of the City of Burton code of ordinances to require cash deposits for new constructions, constructions in the right-of-way and any other construction.

RESULT: CARRIED [UNANIMOUS]
MOVER: Steven Hatfield, Councilman
SECONDER: Christina Conley, Councilwoman
AYES: Martinbianco, Haskins, Heffner, Hatfield, Conley, O'Keefe, Smith

- 6. Approve and authorize Ordinance No 2017-6-115.03, an ordinance amending Chapter 115 of the City of Burton code of ordinances to provide for the receipt, use and return of deposits made with the City.

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

Meeting was adjourned at 9:04 PM.