

CITY OF BURTON  
REGULAR COUNCIL MEETING MINUTES  
JUNE 21, 2010, 7:00 P.M., COUNCIL CHAMBERS  
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Councilman Duane Haskins led the Invocation and Pledge of Allegiance.  
The Regular Meeting was called to order by President Steven Heffner at 7:10 p.m.

MEMBERS PRESENT: Haskins, Heffner, Martinbianco, Smith, Wells and Zelenko.  
MEMBERS ABSENT: Ellenburg.  
OTHERS PRESENT: Mayor C. Smiley; K. Foster, Controller; Attorney R. Austin and  
G. Webster, City Clerk.

Haskins moved and Smith seconded the following motion:

Approve and authorize the minutes of the following meeting: Regular Council Meeting on  
Monday, June 7, 2010 at 7:00 p.m. Motion carried 6-0.

ADMINISTRATIVE REPORT:

There was no Administrative Report.

COMMITTEE REPORTS:

Mrs. Zelenko scheduled a Legislative Meeting for July 6<sup>th</sup> at 4:00 p.m. for the purpose of  
discussion on the Water Affidavit Ordinance.

Mr. Wells reported that the Public Access Committee attended two classes regarding social media  
in Lansing on June 10, 2010. He said the classes proved to be interesting and beneficial. He felt the  
City should adopt a social media policy similar to the one being worked on by MML. He planned  
to distribute some information from the classes. For more information on this topic contact the  
Public Access Committee. He planned to set a meeting in the near future.

AUDIENCE PARTICIPATION:

Herb Merrell, 4098 S. Center Rd., complained about the loud speakers and noise coming from  
Sharky's Bar at 1:43 a.m. in the morning. He called 911 and an officer did not come to his home.  
He wanted a permanent solution to this ongoing problem. He suggested Council pass an ordinance  
designating no outside speakers.

Rick Fuhst, 1208 Genesee Rd., opposed a neighbor painting their house bright purple. He wanted  
the City to require standard paint colors for homes. He asked for clarification on the budget  
transfers listed on the agenda.

COUNCIL DISCUSSION:

In response to Mr. Fuhst's comments, Mr. Martinbianco said the budget transfers related to Trail  
Ridge and Burton Estates. The City hopes to recoup this cost after the land is sold. Regarding the  
purple paint, he did not want to interfere with homeowners' individual selection of paint color.

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Mr. Martinbianco would like the noise problems at Sharky's resolved. He suggested the Legislative Committee discuss the issue of eliminating outside speakers. He spoke regarding non-conforming uses and not allowing grandfather rights. He questioned why there was no police presence after the 911 call.

In reference to the Lease & Service Agreement with the Genesee Library, Mr. Martinbianco said he received a copy of a letter from the library dated June 11<sup>th</sup>. He referenced an amendment to the 2008-2017 contract. He was concerned that our taxpayers were already paying a library millage. This contract discusses closures, curtailing services and additional language. Because of the last minute distribution of this document, he still had several questions that needed to be answered. He said they want the City to foot the bill for all facets of the physical facility. Yet, they will not consult us on operational procedures. He said we have gone through a very hard budget process this year. He wanted our Attorney to determine the financial impact of the contract.

Moved by Martinbianco, seconded by Zelenko to: Approve and authorize Council to table Item #9. Motion carried 4-2, with Haskins and Wells voting no.

Mr. Wells said that he could hear the noise from Sharky's in his backyard at night. He said we should enforce the current noise ordinance we have in place. He is not in favor of making up a new law, when the current ordinance should address the issue. He suggested an officer go to the bar and tell them the City has received a complaint. They could take the decibel meter with them to gauge the noise level. Tell them this is a warning. If it happens again, a ticket will be issued.

Mr. Wells voted no to table the library agreement because he had more questions. He doesn't necessarily disagree with Mr. Martinbianco comments. He didn't have time to speak to the Attorney in reference to this issue. He said the library was important to Burton. It is one of the busiest in Genesee County. He wanted to make sure the libraries were not closed.

Mr. Martinbianco said we should investigate these agreements within the next couple of weeks. A County library millage was passed two years ago, knowing exactly what we would pay. Now, they are having the same financial problems. County budgets are set in October and they are beginning to make plans. He thought they were expecting us to bear more of a financial burden. He felt these legal issues needed to be addressed. We have already passed our budget. We are committed to that. He said that this does not diminish the importance of planned projects, such as cleaning up the old Webb property and taking down the fence. Most of this work can be done with volunteers.

While Mr. Austin is out of town, Mr. Joliat will address the library agreement. He will contact Mr. Martinbianco on this issue. Mr. Martinbianco will keep Council members updated with details relating to the agreement.

Mr. Smith acknowledged that the libraries have a lot of patrons. However, he needed more time to review the lengthy agreement to better understand the financial impact it would have on Burton.

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In reference to Sharky's, Mr. Haskins indicated that the Police Chief did speak to the owner regarding the noise complaint. The Chief indicated that the business would be cited for noise violations.

Mr. Haskins is a union steward at the County. He said the County plans to cut a \$1.5 million deficit right now. They are not waiting until October. They are making cuts across the board, including the libraries. All County departments have until July 2<sup>nd</sup> to make reductions. The next Council meeting is July 6<sup>th</sup>. He voted no because he doesn't want to see our library closed. Mr. Martinbianco said the document does not refer to a specific date.

Mr. Wells wanted to have a say in what happens to the libraries. He would like a couple weeks to review and understand the agreement. Mr. Heffner said the Memorial Library is one of the busiest libraries in the County and Burton is the second largest City in the County. He wouldn't think they would close those libraries. He would like to take the time to review the document.

In regards to Item 2, Mr. Martinbianco asked for clarification on the Planning Commissions recommendation. He thought they moved to reject Zoning Case 308. Several Council members agreed that the Planning Commission voted no on this issue.

Mr. Smith said there were more people at the Planning Meeting that were against having chickens than were for it. There was only one person that supported the chicken ordinance. He represents all the residents, therefore he voted no.

Mrs. Zelenko said there seems to be a lack of enthusiasm for the chickens. The Legislative Committee has spent a lot of time and effort researching the issue. She felt there was a movement going around the Country and State to do this. She felt we should continue with the public hearing to see if there is a renewed interest on this issue.

Mr. Wells agreed with Mrs. Zelenko. He felt this was an opportunity to take this to the next level. He said there has been a lot of discussion on the topic. Some people didn't know it was being addressed at the meeting. He said if someone wants chickens bad enough, they would have them. This gives us the opportunity to regulate them.

Mrs. Foster indicated that the Track One Grant Application allocated funding for the Senior Millage. This application must be submitted for a share of the funding. This is done on a yearly basis.

### COUNCIL DISCUSSION ACTION:

Moved by Martinbianco, seconded by Zelenko to: Approve and authorize Council to table Item #9. Motion carried 4-2, with Haskins and Wells voting no.

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COUNCIL ACTION:

Haskins moved and Smith seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from June 2, 2010 through June 16, 2010, in the amount of \$6,852.50.

Motion carried 6-0.

Haskins moved and Zelenko seconded the following motion:

2. Approve and authorize the setting of a 2<sup>nd</sup> Public Hearing for Zoning Case #308, on Tuesday, July 6, 2010 at 6:30 p.m. (Chapter 157 of the Code of Ordinances, Zoning Ordinance, regulations which permit and regulate the keeping of chickens as permitted accessory use within the City of Burton, and providing for the penalties for the violation of such regulations.)

Motion carried 4-2, with Martinbianco and Smith voting no.

Haskins moved and Martinbianco seconded the following motion:

3. Approve and authorize the transfer of up to \$271,475 from Local Street-Contingency to P-03-01 Debt Service Fund.

Motion carried 6-0.

Zelenko moved and Haskins seconded the following motion:

4. Approve and authorize the transfer of up to \$179,950 from Local Streets-Contingency to P-04-01 Debt Service Fund.

Motion carried 6-0.

Haskins moved and Martinbianco seconded the following motion:

5. Approve and authorize the ten (10) year Local Street/Sewer debt schedule for up to \$451,425 at market interest rate earned on Sewer Elga Credit Union Legacy Savings account. (Total amount borrowed to be determined by sum of needed year end transfers from Local Street to two Paving Special Assessment Debt Service Funds.)

Motion carried 6-0.

Zelenko moved and Haskins seconded the following motion:

6. Approve and authorize the transfer of up to \$67,050 from Sewer-Unappropriated Surplus to SS-04-01 Debt Service Fund.

Motion carried 6-0.

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Haskins moved and Zelenko seconded the following motion:

7. Approve and authorize the transfer of up to \$31,050 from Water-Unappropriated Surplus to W-04-01 Debt Service Fund.

Motion carried 6-0.

Zelenko moved and Haskins seconded the following motion:

8. Approve and authorize a Resolution Approving Submission of a Genesee County Senior Center 2011 Track One Grant Application.

Motion carried 6-0.

Motion was tabled.

9. Approve and authorize a Lease & Service Agreement with the Genesee District Library.

Meeting adjourned at 7:56 p.m.

Gayle K. Webster, MMC  
City Clerk