



**CITY OF BURTON**  
**BURTON CITY COUNCIL MEETING**  
**JANUARY 7, 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: TINA CONLEY**

**B. THE PLEDGE OF ALLEGIANCE IS LED BY: TINA CONLEY**

**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   | Present |         |

**D. STAFF PRESENT**

Paula Zelenko, Mayor  
Amanda Doyle, Attorney  
Bette Bigsby, Acting Clerk  
Sue Warren, HR Director  
Robert Slattery, DPW Director  
Charles Abbey, Assistant DPW Director  
Marvin Epperson, Fire Chief  
Mike Odette, Police Chief

**E. APPROVAL OF MINUTES**

NONE

**F. ADMINISTRATIVE REPORTS**

It has been a busy start to the New Year here as we get caught up from the holiday break with new business, new housing.

Governor Snyder signed 340 Bills into law and vetoed 56. The Michigan Municipal League has been tracking these bills and will be addressing them at the Capital

Conference March 19 -20, early registration cutoff date is February 28, 2019.

Regular registration will end March 12, 2019.

In addition, Governor Gretchen Whitmer has issued several executive directives to address increased transparency with state government.

Other notables:

- ☐ The Burton Estates property closed on December 21st.
- ☐ Staff is working on the mid-year budget review for your January 22<sup>nd</sup> meeting.
- ☐ In addition, Administrators have begun work on their FY 2019-20 departmental budget proposals.
- ☐ We are still determining a date for a special meeting with the Woodhill Group and the final rate study presentation.
- ☐ And as I reported at your last meeting, the language for the action needed to initiate the process for a possible Charter revision is on your agenda as item #3.
- ☐ Grand Blanc is the only school district to notify us that they will hold an election for millage renewal in May.
- ☐ You may have received some inquiries from residents regarding the condition of the catwalk over Bristol Road. We have had engineers out to look at it. The condition known as "flaking" is a cosmetic concern not a structural one, but we are in process of addressing it. Mr. Abbey is here to elaborate on details, if you have questions.
- ☐ There are proposed amendments made to the 2017-2020 TIP. None of the amendments affect the City of Burton's projects.
- ☐ The 2019 Poverty Exemption Application and Guidelines are going to be on your January 22<sup>nd</sup> agenda for adoption.
- ☐ Today, four new police officers took the oath of office to join the ranks of the Burton Police Department. We would like to introduce them to you at your January 22<sup>nd</sup> meeting.
- ☐ As you mentioned, our former Roads Superintendent, Howard Throop, passed away on Christmas Day. He worked for the city for 27 years. Additionally, Dr.

Marvin Latchanna and Judge Earl Borradaile passed away over the holiday break, our sincere condolences to all of their families.

Lisa Easterwood from Fleis and Vanderbrink is on her way here to briefly go over the Park and Recreation Five Year Plan update. The Park and Rec Commission has worked diligently with Ms. Easterwood on developing this update and wanted you to have ample time to review prior to your consideration on January 22nd. I would like to allow Ms. Easterwood to give you an overview once she does arrive.

#### **G. COMMITTEE REPORTS**

Ms. Conley mentioned the Friends of the Library is going to be a book sale at the library she believes it will be the 24 through the 26 of January. Friends of the library would like volunteers.

#### **H. AUDIENCE PARTICIPATION**

Leo Foley introduced himself and let the Council know he was planning on running for judge in Genesee County in two years. Here to observe and learn.

Audience participation re-opened:

Bud LeGrande inquired as to how many people we have working in Burton and what their pay is. Stay with same Charter we elected to do.

#### **I. COUNCIL DISCUSSION**

Mr. Smith highlighted items from the performance dashboard on the City's website.

Mr. Martinbianco inquired about the recent stock market issues and our retirement fund.

Mr. Smith asked attorney Doyle how to go about getting the \$10.00 increase for commission members of the Zoning, Planning and Parks & Recreation Commission. Attorney Doyle stated it was done by resolution. Mr. Smith asked attorney Doyle to write the resolution for action tonight.

Mr. Wells had questions on the attorney billing. Several billing where the attorney had been in conversation with HUD over Kings Lane.

Attorney Doyle stated that when a HUD property has been foreclosed on the city has first right of refusal. She is not sure where they are in the process. Not sure if city has actively denied or refused.

Mr. Martinbianco stated that he spoke with the person in charge of foreclosed properties at the County. It looks like this may go through in mid February. If so the city would have the first right of refusal. If we decline they would just put up for bid.

Mr. Smith he handles IT for Chamber of Commerce he took a call about a group of investors interested in Kings Lane. He referred them to Amber Abbey in DPW.

Mr. Wells inquired about VIP land holdings. Wondering if it had closed. Attorney Doyle stated it had.

Mr. Wells inquired about a Rizzo property. Mr. Martinbianco memo from MASUD on 30.03 why are we paying two attorneys?

Mr. Martinbianco needed an opinion because he didn't want anything done at the table to trigger a "ME TOO" clause in another union contract. The only things that triggers the me too clause is wage oriented.

Mr. O'Keefe asked to call Chief Odette up to talk about staffing at the police department.

Chief Odette stated we are up to full staff very near future some retirement possibly one to two retirements. We are at 36 right now.

Mr. O'Keefe annual FBI law enforcement report came out. 2.17 per one thousand. Feel 36 is a great number. The one man car thing bothers him. He hopes administration keeps their eye on it.

Mr. Martinbianco asked Chief Odette why come to Burton and serve us what were the negatives. We have 4 very qualified self driven. We did lose one due to pension issues and pay. Lt. Warden, Lt. Iddins and Sgt. Kissel did interviews.

Mr. Martinbianco asked for special time for Mr. LeGrande to speak to Council

Mr. Smith asked to add item #4 to the agenda.

Approve and authorize Pursuant to 30.01(B) 2 the city to increase the rate of compensation of the Planning Commission members, Zoning Commission members and Park & Recreation Commission members of the city of Burton as follows: for all regularly scheduled monthly meetings an additional \$10.00 per meeting per will be paid to each member. In addition, the Chairperson of each commission shall receive a \$10.00 increase for a total of \$20.00 effective January 1, 2019.

Mayor asked for clarification about IQM2 meetings.

Mr. Heffner offered wording of regularly scheduled meetings.

Mayor stated they would need a budget amendment for the increase.

Mr. Martinbianco asked if we were going to need budget amendments for the Charter 5. Mayor stated it would be needed.

## **J. COUNCIL ACTION**

1. Approve and authorize the Attorney Billing (Doyle) 12/11/2018 to 12/29/2018 in the amount \$4,799.00.

|                  |                                                               |
|------------------|---------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                                    |
| <b>MOVER:</b>    | Christina Conley, Councilwoman                                |
| <b>SECONDER:</b> | Dennis O'Keefe, Councilman                                    |
| <b>AYES:</b>     | Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley |

2. Approve and authorize the payment of Attorney Billing (Masud) November 6, 2018 - November 30, 2018 in the amount \$2,033.00.

Mr. Smith replied to Mr. Legrande the reasoning for two attorneys. Always had a labor attorney as well as an attorney. The labor attorney also negotiated the labor contracts. We brought in a professional to help us.

Mr. Wells stated we had a competent labor attorney in Kellar Thoma. He doesn't believe we ever paid them \$250,000.00. He would like to see the bills from Kellar Thoma.

|                  |                                                        |
|------------------|--------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [6 TO 1]</b>                                |
| <b>MOVER:</b>    | Dennis O'Keefe, Councilman                             |
| <b>SECONDER:</b> | Christina Conley, Councilwoman                         |
| <b>AYES:</b>     | Martinbianco, Haskins, O'Keefe, Heffner, Smith, Conley |
| <b>NAYS:</b>     | Wells                                                  |

3. Approve and authorize the City of Burton through the Clerk, and with assistance from the City Attorney, place on the ballot of the next regularly scheduled general election held within the City of Burton / of the November 2019 ballot / a special election [pick one], the question of whether the City of Burton shall have a general Charter revision."

Mr. Smith stated it should be November vote.

Mr. Wells no problem looking at Charter and making changes. His point of view better to work on it with Charter Commission and work on it for a year and vote on it in 2020.

Attorney Doyle stated to create a commission and revise the Charter we have to put it on ballot there has to be a vote.

Mayor Zelenko stated the people on the commission have to be elected by the voters.

Mr. Martinbianco stated he supported Mr. Hatfield. But does not feel it needs to go on the ballot. Going to vote against.

|                  |                                               |
|------------------|-----------------------------------------------|
| <b>RESULT:</b>   | <b>FAILED [2 TO 5]</b>                        |
| <b>MOVER:</b>    | Vaughn Smith, Councilman                      |
| <b>SECONDER:</b> | Dennis O'Keefe, Councilman                    |
| <b>AYES:</b>     | O'Keefe, Smith                                |
| <b>NAYS:</b>     | Martinbianco, Haskins, Heffner, Wells, Conley |

4. Approve and authorize Pursuant to 30.01(B) 2 the city to increase the rate of compensation of the planning Commission members, Zoning Commission members and Park & Recreation Commission members of the city of Burton as follows: for all IQM2 scheduled meetings an additional \$10.00 per meeting per member shall be paid to each member. In addition, the Chairperson of each commission shall receive a \$10.00 increase for a total of \$20.00.

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|------------------|---------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                                    |
| <b>MOVER:</b>    | Duane Haskins, Vice President                                 |
| <b>SECONDER:</b> | Christina Conley, Councilwoman                                |
| <b>AYES:</b>     | Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley |

5. Approve and authorize the addition of action item #4 to agenda.

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|------------------|---------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [UNANIMOUS]</b>                                    |
| <b>MOVER:</b>    | Vaughn Smith, Councilman                                      |
| <b>SECONDER:</b> | Dennis O'Keefe, Councilman                                    |
| <b>AYES:</b>     | Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley |

## K. SECOND READING OF ORDINANCE

1. Motion to amend the second reading of Ordinance.

Ms. Conley asked to amend the Second reading to only D & G. Always a firm believer I only wanted to vote on the Chief. I am not going to vote on the five cause some of them have not been on the job a year. Chief Odette certainly deserves this. Revisit later on, on another date.

Mr. Abbey asked if this constituted a new first reading. Mr Heffner stated it did.

Mr. Wells stated with that kind of logic Chief Odette has been in his position less than anybody else.

Mayor Zelenko stated in regards to Mrs. Conley's proposed re-write of the ordinance, I would respectfully ask what conversations took place between the last council meeting's unanimous approval and tonight's last minute re-write proposal to basically single out one person. All of us and the public need to fully understand the issue.

Mr. Smith the police chief was the only one hired from within. The chances of getting this passed is better than with everyone. It was approved but there was some people had some concerns. Just want to make sure our police chief gets a raise.

Mayor Zelenko said on a separate but related and increasing concern, I would like to know how the council expects a mayor to comply with the City Charter and stay on budget when at any time, any one council member is allowed to, behind the scenes, call the city attorney and give a directive to perform a task that increases budget expenditures.

Mayor Zelenko said I have no issue with council wanting to ask the city attorney to write ordinances, resolutions, and opinions, but no one council person has the authority to give the directive. City Council members only have authority when a quorum is seated at a public meeting and the required majority vote occurs. Without it, I believe you are not only in violation of the OMA, but you may not be in compliance with the City Charter as it relates to budget control.

Mayor said further, I believe you are treading on thin ice with the Open Meetings Act. The public has a right to be a part of and weigh in on such matters. That is why we have a committee process; to openly discuss, deliberate, and decide what matters of concern to the city and citizens should be recommended to the full council for approval. To utilize the city attorney as your personal staff member and then spring it on the public at a meeting smacks of secret meetings. Especially when it appears that four or more members knew about the matter at hand prior to the meeting.

All city council business is to be done in the open, in the sunshine, not behind closed doors. This is why we have sunshine laws, the Open Meetings Act.

Mr. Heffner stated a council member called him and asked for the attorney's phone number

Mayor Zelenko stated when talking about January 2019 base salary shall be X amount of dollars; that option takes away the Mayors right to make it lower. It gives question on whether this is retroactive to when person was appointed to position. Look at 2(D) effective January 1, 2019 base salary upon appointment shall be \$92,000.00. With the shall language I can't adjust that. I don't have the flexibility to go from 78 to 89. Has to be 92. The other thing is the base salary upon appointment says \$92,000.00. Is that retroactive all the way back to his appointment?

Mr. Haskins doesn't believe the language about appointment fits in this case because he was already appointed.

Mr. Heffner stated then it would be effective January 1, 2019 it would be \$92,000.00

Mr. Martinbianco if there is contention then strike "upon appointment". There is no such thing as retroactive. The effective date could be today's date.

Mayor stated the base salary would prefer a range or an amount not to exceed the \$92,000.00. Right at section D the salary shall be an amount determined by the Mayor in accordance with the following. You have taken away any chance for that to be less than \$92,000.00.

Mr. Martinbianco stated then you should strike the above language " shall be an amount determined by the Mayor in accordance with the following" then it should say the annual salary of the Chief of Police of City of Burton shall be this amount.

Mayor Zelenko stated that she believed that any Mayor who is the executive that oversees that person to determine what their benefits would be after they have had their meeting to determine what the evaluation has been.

Mr. Martinbianco stated if that were the case everyone would be a contract employee much like the Assessor.

Mayor stated no because they were covered by an ordinance. I need that flexibility.

Mr. Heffner asked if this was the base salary. Mayor Zelenko answered yes it was and asked if that is where they wanted the salary to go. Mr. Heffner responded that he believed it was.

Mr. Heffner stated the flexibility part is in section 3 & 4 at the Mayor's discretion.

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|------------------|--------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED [4 TO 3]</b>              |
| <b>MOVER:</b>    | Christina Conley, Councilwoman       |
| <b>SECONDER:</b> | Vaughn Smith, Councilman             |
| <b>AYES:</b>     | Martinbianco, Heffner, Smith, Conley |
| <b>NAYS:</b>     | Haskins, O'Keefe, Wells              |

2. Approve and authorize the second reading of an ordinance to amend sections A, B, C, D, and E of Ordinance 30.03, Administrative Officers Compensation and Benefits Adopted.

|                |                                                               |
|----------------|---------------------------------------------------------------|
| <b>RESULT:</b> | <b>POSTPONED [0 TO 7]</b>                                     |
| <b>NAYS:</b>   | Martinbianco, Haskins, O'Keefe, Heffner, Wells, Smith, Conley |

3. Approve and authorize the second reading of amended Ordinance 30.03. An ordinance to amend Chapter 30.03 of the City of Burton Code of Ordinances by the increase in the salary of the Chief of Police of the City of Burton and to provide for the effective dates thereto.

Mr. Smith stated he wanted to vote on the second reading after they voted on the first reading. Mr. Heffner stated the original second reading would be sent to Legislative Committee.

Mr. O'Keefe stated we are voting on only one person. Legislative committee is ridiculous. Let's put it to a vote.

|                  |                                                                   |
|------------------|-------------------------------------------------------------------|
| <b>RESULT:</b>   | <b>CARRIED TO SECOND READING [4 TO 3] Next: 1/22/2019 7:00 PM</b> |
| <b>MOVER:</b>    | Duane Haskins, Vice President                                     |
| <b>SECONDER:</b> | Dennis O'Keefe, Councilman                                        |
| <b>AYES:</b>     | Martinbianco, Heffner, Smith, Conley                              |
| <b>NAYS:</b>     | Haskins, O'Keefe, Wells                                           |

Agendas and minutes may be found at [www.burtonmi.gov](http://www.burtonmi.gov)

Meeting was adjourned at 8:25 PM.