



CITY OF BURTON
BURTON LEGISLATIVE COMMITTEE MEETING
MAY 17, 2021
MINUTES

Council Chambers

Regular Meeting

6:30 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Chair Gregory Fenner at 6:30 PM.

A. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Councilman	Present	
Gregory Fenner	Chair	Present	
Christina Conley	Councilwoman	Present	

B. STAFF PRESENT

Racheal Boggs, City Clerk
Amanda Doyle, City Attorney

C. APPROVAL OF MINUTES

1. Legislative Committee - Regular Meeting - Apr 19, 2021 6:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Christina Conley, Councilwoman
SECONDER:	Gregory Fenner, Chair
AYES:	Martinbianco, Fenner, Conley

D. AUDIENCE PARTICIPATION

John Stapish, PO Box 190134 Burton, Michigan stated he is against the pay raise for the City Attorney.

E. COUNCIL DISCUSSION ON THE FOLLOWING ITEMS.

1. Discussion and possible recommendation on City Attorney hourly rate increase.

Mr. Martinbianco asked Attorney Doyle, if she still uses Mr. Joliat on cases.

Attorney Doyle said, yes. I still use Mr. Joliat from time to time when necessary.

Mr. Martinbianco asked, if it was difficult during Covid?

Attorney Doyle said, yes. It has been better in some ways, but incredibly difficult in other ways.

Mr. Martinbianco asked, who audits what the district court rebates us back? Does

that come before you or does that go to the Treasurer's office?

Attorney Doyle stated it goes to the Treasurer's office. I am sure I could have access to that information though. In municipal civil infractions, the majority of that goes directly to the city. The problem is that it takes a while, so what I have started doing in conjunction with Amber Abbey and Frank Cherveney is bypassing the court entirely. When we remedy these code violations we tell people to go to the Department of Public Works and pay them directly.

Mr. Martinbianco asked, is there any kind of incentive we could offer people to come to the Department of Public works and pay directly?

Attorney Doyle stated we do when there are plea offers and negotiations with the blight matters. I do not see them unless they are habitual or unless they are serious. In serious matters, they have to go before the judge.

Mr. Martinbianco stated in addition to the City of Burton, I see you also work with Montrose Township, Genesee Township, City of Mount Morris and Monitor township.

Attorney Doyle said, yes. I no longer work with Monitor Township.

Mr. Martianbianco stated I ask that question because I want to make sure the concerns of the city are handled. In my opinion you have done a great job taking care of that.

Attorney Doyle said, thank you. The City of Burton makes up 75-80 percent of my time.

Mrs. Conley asked, do you know when the courts plan on opening?

Attorney Doyle stated I believe the Circuit Court jury trials will resume in June. It is my understanding that the District Court will not be opening up for jury trials, but they will be opening up for in jail preliminary exams. At this time, we are scheduling jury trials out to September just in case. If we can have them earlier, we will reschedule.

Mr. Fenner asked, when you say the City of Burton makes up about 75-80 percent of your time, our city is the largest single population of people you work with correct?

Attorney Doyle said, yes that is correct.

Mr. Fenner asked, did you receive any kind of PPE or hazard pay through Covid?

Attorney Doyle stated I did not receive hazard pay. I was not required to be anywhere in person. Everything I needed to do, I could do via Zoom or on the phone. I did receive benefits for small business.

Mr. Fenner asked, on average how many hours do you bill the City monthly?

Attorney Doyle stated on average 27-30 hours every pay period.

Mr. Fenner stated that would be around 50-60 hours a month.

Mr. Martinbianco made a motion to send to City Council an increase to the City Attorney's hourly rate to \$140.00, effective July 1, 2021.

RESULT:	RECOMMENDED [UNANIMOUS]	Next: 6/7/2021 7:00 PM
MOVER:	Tom Martinbianco, Councilman	
SECONDER:	Christina Conley, Councilwoman	
AYES:	Martinbianco, Fenner, Conley	

Meeting was adjourned at 6:46 PM.



CITY OF BURTON

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APRIL 19, 2021

MINUTES

Council Chambers

Regular Meeting

6:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

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A. MEETING INFORMATION

Legislative Meeting

Hosted by Racheal Boggs

<https://cityofburton.my.webex.com/cityofburton.my/j.php?MTID=m7ffdbd90a7261fe44697c69fa35ff6d5>

Monday, Apr 19, 2021 6:00 pm | 1 hour | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 182 743 7016

Password: LEG2021 (5342021 from phones and video systems)

Join by video system

Dial 1827437016@webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-415-655-0001 US Toll

Access code: 182 743 7016

B. CALL TO ORDER

Committee members attending through the virtual forum must state their name and physical location for the record.

Mrs. Conley, Burton, MI

Mr. Martinbianco, Burton, MI

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Council Member	Remote	
Gregory Fenner	Chairman	Present	
Christina Conley	Council Member	Remote	

C. STAFF PRESENT

Duane Haskins, Mayor

Racheal Boggs, City Clerk

Charles Abbey, DPW Director/HR

Amanda Doyle, City Attorney

Ann Abbey, Assessor

Steve Phillips, IT Director

D. APPROVAL OF MINUTES

1. Legislative Committee - Regular Meeting - Apr 5, 2021 6:30 PM

Mr. Martinbianco expressed displeasure of the administration adding the option B to the last Legislative meeting agenda regarding the Clerk and Assessor.

Mrs. Conley stated she wished the last meeting had been cancelled due to not having the proper comparables.

Discussion ensued regarding the previous Legislative meeting.

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Tom Martinbianco, Council Member
SECONDER:	Christina Conley, Council Member
AYES:	Martinbianco, Fenner, Conley

E. AUDIENCE PARTICIPATION

Public comment may be sent to: publiccomment@burtonmi.gov. Comments received prior to the meeting will be read into the record.

None.

F. COUNCIL DISCUSSION ON THE FOLLOWING ITEMS.

Mr. Martinbianco would like to recommend to strike the language on both sections of the ordinance that states an amount determined by the Mayor.

1. Discussion and possible recommendations on Chapter 30.03 of the Burton City Charter.

- G. Motion to amend Ordinance 30.03 (B) Treasurer as follows: The annual salary of the Treasurer of the City of Burton shall be an amount determined by the Mayor in accordance with the following: July 1, 2021 - \$71,000, December 31, 2021 - \$73,000, December 31, 2022 - not exceed \$75,000 until modified by ordinance.

Mr. Martinbianco stated based on the analysis I have done, for the Treasurer, I recommend effective July 1, 2021: \$72,000, July 1, 2022: \$74,000, July 1, 2023: \$76,000.

Mrs. Conley stated the Treasurers salary will be \$70,000 on December 31st so wouldn't we go from that raise or no?

Mr. Fenner stated we can boost it up immediately but, we want to coincide all of our Charter Five with the date of December 31st. I would prefer to see us give a raise immediately and then the next to occur on December 31, 2021 and go from there. This way, they are all on the same schedule.

Mr. Martinbianco stated he agrees with the December 31st dates. We can back those numbers up by \$1,000.

Mrs. Conley stated we want the raises to go through December 31, 2022 so everyone is on the same page.

Mr. Fenner recommended beginning July 1, 2021 to give immediate relief and then another increase on December 31, 2021 and December 31, 2022.

Mr. Martinbianco stated using that logic we can do July 1, 2021 at \$72,000.

Mr. Fenner asked the administration what year the other Charter Five members raises expire.

Mayor Haskins stated December 31, 2022.

Mr. Fenner stated he suggests to increase on July 1, 2021 to \$71,000, December 31, 2021 to \$73,000 and December 31, 2022 to \$75,000.

Mr. Martinbianco stated I am good with that. The numbers make sense.

Mrs. Conley agreed.

Mr. Fenner stated let's discuss the language. Mr. Martinbianco wants to strike the language regarding the Mayor's discretion. I feel there is a purpose to this language. If someone is not performing to the job specifications, the Mayor has the option not to give an increase. He is their boss. We are allowing raises up to these points. If he doesn't feel they warrant the increase, this is his option not to. Is that how you see it Mr. Martinbianco?

Mr. Martinbianco stated no that is not how it has been done in the past. If they are not performing at that level, it is the responsibility of the Mayor to discharge that person. It is a big responsibility and if they have not met it, in the best interest of the community, he should discharge the person.

Attorney Doyle stated in 2019, that language was put in the ordinance by the council so the Mayor could have this discretion.

Mr. Fenner stated if we have a new hire and they are taking awhile to get up to speed. I don't want to run through Clerks, Assessors and Treasurers just because they are not quite there yet but are getting better. Should we send this to council with both option A and B again? This is a committee and we should come to some sort of compromise.

Mr. Abbey stated one of the things this does is if we have a new person, it gives us some discretion. It also gives them an incentive to get to the top pay when they are proficient at all areas of their job. I think you take that away when you eliminate the language. From a managing standpoint, it takes one of the tools away to give people the incentive to get the top performing position.

Mr. Martinbianco stated he agrees this is a good logic. There is a good pool of people out there with great qualifications that can come in and perform at the top level right when they get here or they shouldn't be here. We are trying to do the best for our taxpayers. Your logic may work well in other areas but not in public service, in my judgment.

Mr. Abbey stated we have different schools of thought. What you are doing today is getting these pay scales more competitive with others around the state and county. This makes it easier to adopt your philosophy where you can attract highly qualified people.

What we were finding is that people were coming in with outside experience not necessarily in municipal work, which is unique.

Mr. Fenner stated what I would suggest is forwarding the A & B option to council.

Mrs. Conley stated B was voted on last time, we need to be comparable to what we did last time so they are all on the same page, right?

Mr. Fenner stated the Legislative Committee can set the language in these ordinances. I suggest we forward the A & B again and see where it falls.

Discussion continued on whether to send two options to City Council.

Mr. Martibianco stated I do not like the A & B choice. I saw what happened last time and have no false expectations that something will be different and it will probably go the same way. Keep in mind, we offer one of the best benefit packages in the State of Michigan with respect to retirement contributions, healthcare and healthcare retirement. That all has to be factored in. It is not about personalities.

Mr. Fenner stated I am good with only the option B. I am giving you the A & B option. I am good with keeping the wording and dates the same and feel it will be a lot easier for this administration and the next administration.

Mr. Martibianco concurred.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Gregory Fenner, Chairman
SECONDER:	Christina Conley, Council Member
AYES:	Martinbianco, Fenner, Conley

- H. Motion to amend Ordinance 30.03 (E) Fire Chief as follows: The annual salary of the Fire Chief of the City of Burton shall be an amount determined by the Mayor in accordance with the following: July 1, 2021 - \$73,000, December 31, 2021 - \$75,000, December 31, 2022 - not exceed \$78,000 until modified by ordinance.

Mr. Martinbianco stated I looked at the comparables, SEV and city sizes. I would like to do the same as we did with the Treasurer, \$71,000, \$73,000 and \$75,000 with the same dates we talked about.

Mr. Fenner stated the Fire Chief is due to get \$72,000 on December 31, 2021.

Mr. Martinbianco asked how that happened.

Mayor Haskins stated if you recall, in 2019 the Fire Chief, Treasurer and Police Chief were all afforded the increases you set forth. They all expire December 31, 2021. The Fire Chief didn't get appointed at that time until after the former Fire Chief left.

Mr. Martinbianco stated in fairness, I would say we do a continuation of that salary up until December 31, 2021 and then an increase to \$74,000 December of 2022 and \$75,000 December of 2023 until modified by ordinance.

Mr. Fenner stated the others end in 2022.

Mrs. Conley stated I will disagree. The Fire Chief deserves more. Our first responders are important to our city. We need to give him a little more.

Mr. Martinbianco stated I am looking at the same comparables as you are. Can you explain to me what his daily responsibilities are?

Mrs. Conley stated he is on-call 24/7 and has to look over all the men. He has to look over every fire station to make sure things are right. He represents our city well and is respected. He has been here for 25 years and worked under all the other chiefs. He worked his way up. I believe it is his turn. He does a lot for our city. When people go into fires and fight for our residents, that's big. Our whole fire department is big to our residents and he makes it happen. They have a good team. It is my opinion that he deserves more.

Mr. Martinbianco stated as I have stated in the past, you have to keep the personalities out of it. It is about what that job commands. If you offer him \$75,000 and he decides to leave to another municipality then, we made a mistake in letting him go. Yes, he has been awesome and nobody can compare to the job our fire department does. It is not about personality, it is about a good range of pay for the job.

Mr. Fenner stated please keep in mind that we do have a full time Assistant Fire Chief that makes \$60,000 on top of the Fire Chief. I don't know how much of a load that takes off the chief. I recommend \$72,000 on July 1, 2021, \$74,000 on December 31, 2021 and \$76,000 on December 31, 2022. That gets him a raise sooner and closer to the average in the comparables.

Mr. Martinbianco stated I am good with that.

Mr. Fenner asked Mrs. Conley her opinion of this.

Mrs. Conley stated it doesn't matter what I think. You guys are going to do what you want. I think he deserves more than \$76,000. You have it figured out and I don't think it matters what I've got to say.

Mr. Martinbianco stated it does matter what you have to say. This is reasonable and a great approach.

Mayor Haskins stated I would like to concur with Mrs. Conley on some of these issues. In my experience in law enforcement and the fire department, all these things are 100% accurate. I get that you don't let personalities get in the way. The Fire Chief does do a lot and you all recognize that. If this is going to be the time to try to show the Charter Five that you recognize all the hard work they are doing, by getting them to a decent rate of pay, I agree with it. The only thing I wish is that our office was included more with this so we could have more discussions. I would ask that if this is the change you are going to make to do it appropriately now.

Mrs. Conley stated I would like to see his pay increase on July 1, 2021 to \$73,000, December 31, 2021 \$75,000 and December 31, 2022 \$78,000.

Mr. Fenner asked if Mr. Martinbianco can go with that.

Mr. Martinbianco said, no.

Mrs. Conley stated these are not union positions.

Mr. Fenner stated it is not exceedingly more than what we have just talked about, Mr. Martibianco. Can we make a compromise?

Mr. Martinbianco stated I can compromise on the dates but, her numbres are way out of the ballpark. If the Mayor looks at the five year plan he talked about, this puts things out of sync at the fire department.

Mr. Fenner asked if we would like to take both options to council and let them decide.

Mr. Martinbianco stated that is not fair to the Fire Chief.

Mr. Fenner stated there are three of us here out of seven council members trying to decide a fair amount.

Mr. Abbey stated I think Mr. Martinbianco has a valid point. This committee is the working group that takes recommendations to the rest of your colleagues. That is why we have there sub-groups. That is the idea behind the committee process. Otherwise, there is no point in holding these meetings.

Discussion ensued regarding sending A & B options to council and the differences between both options.

Mrs. Conley asked if this will be the first reading at tonight's council meeting.

Mr. Martibianco thinks having it on the next council meeting is better because it gives everyone more time to digest it.

Mr. Fenner agreed.

Mrs. Conley said thank to the administration for the comparables and I am sorry about the mix-up last week. I am hoping we can move forward from now on.

RESULT:	CARRIED [2 TO 1]
MOVER:	Christina Conley, Council Member
SECONDER:	Gregory Fenner, Chairman
AYES:	Fenner, Conley
NAYS:	Martinbianco

Meeting was adjourned at 6:47 PM.

Minutes Acceptance: Minutes of Apr 19, 2021 6:00 PM (Approval of Minutes)



SCHEDULED

AGENDA ITEM (ID # 5107)

DOC ID: 5107

Discussion and possible recommendation on City Attorney hourly rate increase.

COMMENTS - Current Meeting:

Mr. Martinbianco asked Attorney Doyle, if she still uses Mr. Joliat on cases.

Attorney Doyle said, yes. I still use Mr. Joliat from time to time when necessary.

Mr. Martinbianco asked, if it was difficult during Covid?

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ATTACHMENTS:

- Attorney Fees Comparison 5-17-21 (PDF)

RESULT:	RECOMMENDED [UNANIMOUS]	Next: 6/7/2021 7:00 PM
MOVER:	Tom Martinbianco, Councilman	
SECONDER:	Christina Conley, Councilwoman	
AYES:	Tom Martinbianco, Gregory Fenner, Christina Conley	

Table 1

	Municipal Attorney Fees by Jurisdiction and Attorney					
Jurisdiction	Attorney	Hourly Rate				
Argentine Township	Bill Delzer	\$125.00				
Atlas Township	Bill Delzer	\$125.00				
City of Burton	Amanda Doyle	\$125.00				
City of Flushing	Matt McKone	\$125.00				
City of Mt Morris	Amanda Doyle	\$125.00				
City of New Lothrop	Matt McKone	\$135.00				
City of Swartz Creek	Mike Gildner	\$140.00				
Davison Township	Bill Delzer	\$125.00				
Fenton Township	Jack Belzer	\$140.00				
Gaines Township	Mike Gildner	\$140.00				
Grand Blanc Township	Bill Delzer	\$125.00				
Montrose Township	Amanda Doyle	FLAT MONTHLY FEE				
Mundy Township	Jack Belzer	\$140.00				

Attachment: Attorney Fees Comparison 5-17-21 (5107 : City Attorney Hourly Rate)