



CITY OF BURTON

BURTON LEGISLATIVE COMMITTEE MEETING

MARCH 15, 2021

MINUTES

Virtual Meeting

Regular Meeting

6:00 PM

**4303 S. CENTER ROAD
BURTON, MI 48519**

This meeting was opened by Chairman Gregory Fenner at 6:00 PM.

A. MEETING INFORMATION

Legislative Meeting

Hosted by Racheal Boggs

<https://cityofburton.my.webex.com/cityofburton.my/j.php?MTID=m60a1021aaec43c00008fa848387ea69a>

Monday, Mar 15, 2021 6:00 pm | 1 hour | (UTC-05:00) Eastern Time (US & Canada)

Meeting number: 182 632 9875

Password: Leg2021 (5342021 from phones and video systems)

Join by video system

Dial 1826329875@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: 182 632 9875

B. CALL TO ORDER

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

C. STAFF PRESENT

Duane Haskins, Mayor

Racheal Boggs, City Clerk

Charles Abbey, DPW Director/HR

Ann Abbey, Assessor

Amanda Doyle, Attorney

Steve Phillips, IT Director

D. APPROVAL OF MINUTES

1. Legislative Committee - Regular Meeting - Sep 8, 2020 6:00 PM

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. AGENDA ITEMS

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

Mr. Fenner stated we are here today to discuss possible recommendations of Ordinance 30.03 for the Assessor and Clerk.

Mrs. Conley stated she would like to add the Fire Chief position as well.

Mr. Fenner stated unfortunately, we do not have the comparables for the Fire Chief.

Mr. Martinbianco stated for that reason, we should only discuss the Clerk and Assessor at this time. I appreciate this being brought forth but we should look at it at a later date. In a close community, where ever body knows every body, it is tough to differentiate between the person and the position. This is why we use the Michigan Municipal League and use comparables of other municipalities and comparable jobs. There are different circumstances with respect to benefits and retirements. It is about the position relative to where everyone else is at. We have attracted some good candidates and candidates that want to stay with us. I think this is important to note.

Mrs. Conley would like to schedule a meeting to discuss the Fire Chief's salary.

Mr. Martinbianco wants to know when we will get back to in person meetings. I am a little uncomfortable because I am waiting for my shot. Do we have areas in Council Chambers where we can get together?

Mr. Fenner stated I have been here in person the whole time, Mrs. Conley, Mr. Wells and Mr. Smith are also here. Are we prohibited from meeting in person as a council? We do have sneeze shields placed between each seat. We wear masks until we take our seats. I prefer in person. What do we have to do to make you comfortable, Mr. Martinbianco? There are only three of us, we can safely socially distance in person.

The Legislative Committee scheduled a Legislative Meeting to take place in Council Chambers prior to the next City Council Meeting, Monday, April 5, 2021 at 6:30 PM.

2. Motion to amend Ordinance 30.03 (C) Assessor as follows: Strike the language amount determined by the Mayor and increase the annual salary of the Assessor beginning July 1, 2021 to \$80,000, July 1, 2022 increase to \$83,000, July 1, 2023 increase to and not exceed \$86,000 until changed by ordinance.

Mr. Fenner stated regarding the Assessor, looking at the comparables, one that sticks out is the City of Port Huron. The other is Grand Blanc Township. These have similar number of parcels, number of residents and level of education.

Mr. Martinbianco stated an Assessor is a more unique position than most attorneys. No disrespect to our City Attorney. They have a unique skill. Mr. Fowler highly recommended Mrs. Abbey and she has done a remarkable job and maintaining and evaluating our assessments. One of the first things we have to do with this ordinance is to strike the language where it says amount determined by the Mayor. This has to be a stand alone ordinance. My thought is we do a step increase beginning July 1, 2021 starting at \$80,000, July 1, 2022 increase to \$83,000, July 1, 2023 increase to \$86,000 until changed by ordinance. This doesn't put us at the top end or the low end. This gives us an opportunity to reevaluate at that point.

Mr. Fenner stated you are not too far off from what I was looking at. This is reasonable, I think.

Mrs. Conley stated this is fine with me.

Mr. Martinbianco stated I am not sure if this has to go to the Finance Committee or not. We are implementing plans for the next fiscal year. We can debate it further when we go to budget.

Mr. Fenner asked when Mrs. Abbey became the Assessor. How long has she been a level 3 Assessor?

Mrs. Abbey stated I became a level 3 in October or November of 2018. I have been the Assessor since July 3, 2019.

Mr. Fenner stated with three years as a level 3 Assessor, I don't know if we are under paying her to begin with.

Mr. Martinbianco stated I cannot emphasize this enough, we are talking about the position. We are blessed to have Mrs. Abbey doing the job she has done and with her level of skill. I think our numbers are in line with the three step approach. I also want to emphasize the importance of removing the language of amount determined by the Mayor. This is a Charter position and the council's decision.

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

3. Motion to amend Ordinance 30.03 (A) Clerk as follows: Strike the language amount determined by the Mayor and increase the annual salary of the Clerk beginning July 1, 2021 to \$70,000, July 1, 2022 increase to \$72,000, July 1, 2023 increase to and not exceed \$75,000 until changed by ordinance.

Mr. Fenner stated the Clerk salary has not been modified since 2009. We all know the elections are different than they have been in the past with all the extra work involved. The Clerk has a few more comparables of cities similar to ours. The City of Port Huron or Eastpointe are very similar to our city and what they are paying our Clerks is very different to what we are paying our Clerk currently. I would recommend, similar to what Mr. Martinbianco did with the Assessor, July 1, 2021 increase to \$74,000, July 1, 2022 increase to \$76,000 and July 1, 2023 increase to \$78,000.

Mr. Martinbianco stated I guess yours and my numbers are going to vary. Our Clerk's Office has done nothing but a stand out job in everything they have done and I really appreciate it. I am thinking is that is too big of a jump. I was thinking more about \$67,000 on July 1, 2021, \$70,000 on July 1, 2022 and \$73,000 on July 1, 2023. I don't know how many elections are going to be encompassed in that which is one of the biggest focuses. We have all the other things that transpire in the office. I would like to ask the Mayor, will we have a Deputy Clerk? I see we have two assigned positions but neither are a Deputy. What are we going to do about that?

Mayor Haskins stated at this time, we do not have a Deputy Clerk. Hopefully, in the future, we can get to the point where we can have one. We have two fairly new employees in the Clerk's Office. Eventually, we would like to get to that point.

Mr. Fenner said so what you are suggesting is that we are eventually going to hire a Deputy Clerk.

Mayor Haskins stated there will still be three people in the office. The Clerk and potentially one of the employees will be moved up to a Deputy. I do not plan for a fourth position in the office anytime soon. This has not even been discussed.

Mr. Fenner stated this position has not been modified at all, in 10 years. The last time we discussed this ordinance and not that long ago, we gave a \$22,000 raise to the Police Chief. That was a pretty substantial increase.

Mr. Martinbianco stated I can tell why it was substantial, we have somebody that has to be the Chief administrator of 34-38 people compared to somebody who has to be in an office administering to two people.

Mr. Fenner stated we are not matching his salary I am just suggesting that a large jump is not unusual. There is a precedence that we gave a large increase because of what we feel that employee has to deal with. I am looking at just the comparable

salaries to cities like Port Huron and Bay City.

Mr. Martinbianco stated have you ever seen what they put up with in Bay City? It is an incredible town. They are nothing like what we have here. We are really placid compared to most communities like Bay City, Port Huron or Madison Heights.

Mr. Fenner stated look at the City of Clawson with a population of 12,000, 5 precincts, with a Clerk and Deputy Clerk and this person is at \$72,000. In Howell, there are only 3 precincts. Our Clerk is well below the average of what other municipalities pay. We will need to negotiate this one. How about \$73,000, \$75,000 and \$77,000?

Mr. Martinbianco stated for a community like Burton, that is a large number. I can go with \$67,000, \$72,000 and \$75,000.

Mr. Fenner stated those are not unreasonable and they are getting closer to the numbers I was thinking.

Mr. Martinbianco stated go back to the when the last time this was discussed in 2009 situation and what the salary was then. You also have to go back and look at all the roll ups and fringe benefits that come into play.

Mr. Fenner asked, are you comfortable with \$70,000, \$72,000 and \$75,000?

Mr. Martinbianco said, I am good with that.

Mr. Fenner stated this is a fair compromise between my numbers and your numbers. Mrs. Conley, what are your thoughts?

Mrs. Conley stated that is fine with me.

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

Meeting was adjourned at 6:30 PM.



CITY OF BURTON

BURTON LEGISLATIVE COMMITTEE MEETING

SEPTEMBER 8, 2020

MINUTES

Council Chambers

Regular Meeting

6:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Chair Gregory Fenner at 6:00 PM.

A. MEETING INFORMATION

Legislative Committee Meeting
Hosted by Racheal Boggs

Tuesday, Sep 8, 2020 6:00 pm | 1 hour | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 126 533 6302

Password: LC2020 (522020 from phones and video systems)

<https://cityofburton.my.webex.com/cityofburton.my/j.php?MTID=mcafe0d94225018ee04f49ed4cf99dcdc>

Join by video system

Dial 1265336302@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: 126 533 6302

B. CALL TO ORDER

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

C. STAFF PRESENT

Charles Abbey, DPW Director/HR

Racheal Boggs, City Clerk

Amanda Doyle, City Attorney

D. APPROVAL OF MINUTES

Mr. Fenner asked for a consent agenda for approval of all meeting minutes.

Minutes Acceptance: Minutes of Sep 8, 2020 6:00 PM (Approval of Minutes)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Gregory Fenner, Chair
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, Fenner
EXCUSED:	Conley

1. Legislative Committee - Regular Meeting - Feb 3, 2020 6:00 PM
2. Legislative Committee - Regular Meeting - Jul 6, 2020 6:00 PM
3. Legislative Committee - Regular Meeting - Jul 20, 2020 5:30 PM

E. AUDIENCE PARTICIPATION

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

F. AGENDA ITEMS

1. Amendment to Firearms Ordinance 139.02

Mr. Martinbianco stated the only issue he has is with pneumatic guns. Are they included in the ordinance?

Attorney Doyle stated I suppose technically, they would. That is not the way it is intended. It is a projectile. Refer to section (F) the wording here covers a nail gun. The equipment and devices used in the construction industry are allowed under this section.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tom Martinbianco, Councilman
SECONDER:	Gregory Fenner, Chair
AYES:	Martinbianco, Fenner
EXCUSED:	Conley

2. Amendment to Weeds, Grasses and Brush Ordinance 91.01

Mr. Fenner stated this was brought to us from a citizen who was concerned about grass clippings being discharged into the road causing it to be unsafe for motorcycles and damaging our sewer system. It is intended to prevent people from discharging grass, leaves and vegetation into the road.

Mr. Martinbianco asked who is responsible in the case where there is a lawn care company hired to do the work. Is the property owner held responsible? What are the penalties for violation?

Attorney Doyle stated it is a civil infraction pursuant to Chapter 131 of the City Code of Ordinances. It is included in the last part of this ordinance.

Minutes Acceptance: Minutes of Sep 8, 2020 6:00 PM (Approval of Minutes)

Mr. Fenner stated as I am reading it, it says no person shall operate equipment in a manner as to cause the discharge. If the homeowner hired someone, they wouldn't be the one operating the equipment.

Attorney Doyle stated I agree with you however, you could also argue that if you hired them and they did the work and left and you did not clean up after them, you allowed it to remain in the roadway which is also prohibited. With the way the ordinance is constructed, you could site either the company or the homeowner. For instance, if you find a company who habitually employs this behavior, that might be something you could consider. Generally, I would say that it is the homeowner's responsibility.

Mr. Martinbianco stated ultimately, the responsibility falls on the homeowner. They should preempt the lawn care service by telling them they can't blow it in the road. Once this is published, everybody will understand what it is all about. Too many of our storm drains get filled and compacted with this stuff and the roads can't drain as they properly should. This will do a lot for our storm drain management especially in the paved areas. Relative to the non-curb and gutter streets, are they allowed to blow it in the road? One of the issues is there are some ditches that are un-navigable. They will shoot it into the ditch area and the culverts will be clogged and the city will have to clean them out.

Attorney Doyle stated the ordinance states adjacent to a public street so, as long as it is not a private road, the property owner is required to keep the clippings from the public road.

Mr. Martinbianco stated we have many heavily forested areas such as Lapeer Heights. Leaves fall in the road and it is the city's responsibility there. As long as we have that differentiation made, I don't have a problem with that.

Mr. Fenner stated the clear point is not to let it remain in the road. In my case, I have a bagger and some clippings will inadvertently fall down into the road. I use my leaf blower to blow it off the curb and back into the grass before I am done mowing.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Gregory Fenner, Chair
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, Fenner
EXCUSED:	Conley

Meeting was adjourned at 6:24 PM.



SCHEDULED

AGENDA ITEM (ID # 5022)

DOC ID: 5022

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

COMMENTS - Current Meeting:

Mr. Fenner stated we are here today to discuss possible recommendations of Ordinance 30.03 for the Assessor and Clerk.

Mrs. Conley stated she would like to add the Fire Chief position as well.

Mr. Fenner stated unfortunately, we do not have the comparables for the Fire Chief.

Mr. Martinbianco stated for that reason, we should only discuss the Clerk and Assessor at this time. I appreciate this being brought forth but we should look at it at a later date. In a close community, where ever body knows every body, it is tough to differentiate between the person and the position. This is why we use the Michigan Municipal League and use comparables of other municipalities and comparable jobs. There are different circumstances with respect to benefits and retirements. It is about the position relative to where everyone else is at. We have attracted some good candidates and candidates that want to stay with us. I think this is important to note.

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Mr. Martinbianco wants to know when we will get back to in person meetings. I am a little uncomfortable because I am waiting for my shot. Do we have areas in Council Chambers where we can get together?

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The Legislative Committee scheduled a Legislative Meeting to take place in Council Chambers prior to the next City Council Meeting, Monday, April 5, 2021 at 6:30 PM.

ATTACHMENTS:

- CH 30.03 Administrative Officers (PDF)

§ 30.03 ADMINISTRATIVE OFFICERS; COMPENSATION AND BENEFITS ADOPTED.

(A) The annual salary of the Clerk of the City of Burton shall be an amount determined by the Mayor not in excess of the following amounts for the periods set forth:

(1) March 9, 2009 — \$58,241.42.

(2) July 1, 2009 until modified by ordinance: \$60,571.08.

(B) The annual salary of the Treasurer of the City of Burton shall be an amount determined by the Mayor in accordance with the following:

(1) December 17, 2018 — \$60,643.91.

(2) Effective January 1, 2019 the base salary upon appointment shall be \$65,000.00.

(3) Effective December 31, 2019 and upon fulfillment of 12 months of continuous service as Treasurer, the salary shall not exceed \$68,000.00.

(4) Effective December 31, 2020 and upon fulfillment of 24 months of continuous Service as Treasurer, the salary shall not exceed \$70,000.00.

(C) The annual salary of the Assessor of the City of Burton shall be an amount determined by the Mayor not in excess of the following amounts for the periods set forth:

(1) March 9, 2009 — \$72,704.27.

(2) July 1, 2009 until modified by ordinance: \$75,612.44.

(D) The annual salary of the Chief of Police of the City of Burton shall be an amount determined by the Mayor in accordance with the following:

(1) December 17, 2018 — \$70,169.55.

(2) Effective January 1, 2019 the base salary upon appointment shall be \$92,000.00.

(3) Effective December 31, 2019 and upon fulfillment of 12 months of continuous service as Chief of Police, the salary shall not exceed \$93,500.00.

(4) Effective December 31, 2020 and upon fulfillment of 24 months of continuous service as Chief of Police, the salary shall not exceed \$95,000.00.

(E) 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:

(1) December 17, 2018 — \$60,571.08.

(2) Effective January 1, 2019 the base salary upon appointment shall be \$68,000.00.

(3) Effective December 31, 2019 and upon fulfillment of 12 months of continuous service as Fire Chief, the salary shall not exceed \$70,000.00.

(4) Effective December 31, 2020 and upon fulfillment of 24 months of continuous service as Fire Chief, the salary shall not exceed \$72,000.00.