



CITY OF BURTON
BURTON CITY COUNCIL MEETING
JUNE 17, 2019
MINUTES

Council Chambers

Budget Workshop

6:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by President Steven Heffner at 6:00 PM.

A. CALL TO ORDER

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	

B. STAFF PRESENT

Paula Zelenko, Mayor
Rik Hayman, Chief of Staff
Bob Slattery, DPW Director
Charles Abbey, Deputy DPW Director
Karen Moffitt, Controller
Sue Warren, HR Director
Mike Odette, Police Chief
Kirk Wilkinson, Assistant Fire Chief
Racheal Boggs, Deputy Clerk

C. PRESENTATION & DISCUSSION

Mayor Zelenko stated she received the body cam information from the Police Chief and it has been provided to you tonight. This includes cost as well as pros and cons of using body cameras. The cons mainly relate to storage and redaction for FOIA. Also, July 1, 2022 will be the City of Burton's 50th birthday. One of our Firefighters who is also a Parks & Recreation Board Member, Jeremy Scharrer has taken it upon himself to begin organizing a committee for the celebration. Please keep this in your mind for the upcoming year that we may need to put some money away for this event.

D. INFORMATION ITEMS

1. Budget Workshop Recommended Changes

Mr. Heffner turned the meeting over to Finance Chair, Mr. Smith.

Mr. Smith summarized the budget workshop notes:

Police- parking lot, combining tanks, complete repair versus repairing holes in the parking lot we took straw poll votes and voted yes.

Fire- ladder truck we voted yes.

Motor pool - natural gas we will look at later because it will be a long process.

Discussion on five year forecast and to carry out the fund balance and assets for the future.

Mr. Smith stated we voted yes on the solar powered stop signs at Vassar and Bristol but we are waiting on accident statistics from the Police Department to make sure this is the best place to put the signs.

Mr. Slattery stated there is one at Bristol and Irish. There were four different intersections that were candidates for this type of traffic/accident control. We have an intersection ranking report that I can get to you that shows the amount and types of accidents at each intersection; critical, fatal, etc.

Mr. Martinbianco stated Lippincott and Genesee, Genesee and Atherton and Center and Atherton are all good candidates. He would like this feedback from the Police Department on a semiannual basis.

Mr. Smith continued with the budget workshop notes:

Mayor leasing a new car - we voted yes. We were waiting for more information.

Mayor Zelenko stated we can piggy back on the county bid now it's just a matter of finding a vehicle. We were looking at a Trailblazer but it didn't have all wheel drive. Other options were the Traverse at just under \$33,000 and the Tahoe but we have yet to get a price.

Ms. Moffitt stated we put in \$50,000 for Mayor's vehicle.

Mr. O'Keefe suggests to stay with the Tahoe because we can always use it as an emergency 4 wheel drive vehicle. Council agreed.

Mr. Smith asked for the opinion of the Police Chief.

Chief Odette stated we should be ok with the two vehicles we have but in an emergency, the more the better.

Mr. Smith stated the next thing we voted yes on was the \$48,000 form the general fund for the Mayor's back pay.

Mr. Martinbianco asked if we received any written documentation to indicate if it was possible or legal.

Mayor Zelenko stated the last time the salary commission met they wanted to move forward with cost of living for the Mayor's salary like they did the last time they met which was 2003. In 2003, they added CPI to the Mayor's salary. You received

minutes back then and had 30 days to vote it down or let it ride. The motion that was approved stated Motion to approve and authorize the Mayor's salary to be frozen at its current rate with the cost of living through November 2013. They also approved the City Council's salary to be frozen until November 2013. I have not received cost of living since I have been the mayor. There was a former controller who had differing opinions about it. I am asking for it to be changed and to be paid for what I am due. Rather than putting a date on it, it might as well have said until the next time we meet. I believe that was the intent.

Mr. Martinbianco asked who calls the salary commission to order.

Mayor Zelenko said, the Clerk. However, that was an issue because the Clerk at that time abruptly resigned and we were on a fast track to find a new Clerk. A new Clerk was appointed right about the time the Salary Commission was meeting in October. We had an Election going on at the time and the Clerk didn't know to call the Salary Commission.

Mr. Martinbianco is concerned about the fringe benefits. I am pretty sure the Salary Commission has nothing to do with benefits. So, what is the Mayor's salary going to be in the 2020 fiscal year and what is going to happen with the fringe benefit roll up?

Ms. Moffitt stated the salary is \$85,247.30. I rounded it to \$86,000. The payment due for back pay is \$41,158.80 and that has been included in the fringe line. In addition to that is \$6,173.82 which is the 15% ICMA on the Mayor's salary, FICA and anyone else's benefits in that department.

Salary Commission Members, Mr. Ellithorpe and Mr. Gorang spoke regarding the intentions of the Salary Commission during the meeting on Oct 18, 2011. The intention was not to eliminate the CPI in November of 2013. The intention was to freeze only the salary rate and to continue with the CPI. The mayor is owed the CPI from 2011 until the end of her term. As you can see, prior to the 2011 meeting, the last time the Salary Commission met was 2003. In 2003 we started the CPI. Reviewing the minutes from these meeting, it is apparent that the intent was to keep the mayor's salary with the cost of living. If we had met in 2013 or 2015 we most likely would have kept the cost of living to be fair.

Mr. Martinbianco asked if the Salary Commission meets this November, do you have to put in the CPI.

Mr. Gorang stated we intended to keep the base pay the same but still add the cost of living. We feel the with the responsibilities of the mayor regardless of who holds the position, it is necessary to stay competitive by keeping up with the CPI.

Mr. Martinbianco asked what parameters the Salary Commission uses to make these determinations. Do you compare to other municipalities?

Mr. Ellithorpe stated we used the population of 30,000 and looked at other cities and townships and tried to stay within a certain area. We are not concerned with fringe benefits.

Mr. Martinbianco stated that is the problem here.

Mr. Abbey stated addressing wages for public officials is always an uncomfortable thing to do. Every odd year we should be calling the Salary Commission together. At that time, they can keep salaries the same or make a change but then it is part of the public record.

Discussion regarding the intentions of the Salary Commission, cost of living, fringe benefits and pension.

Mr. Heffner would like to hear the attorneys position on this. Is this action appropriate and legal?

Attorney Doyle said she believes there is back pay owed. The appropriate amount may be determined by the City Council. After reviewing the charter, ordinance and the home rule city act, the Salary Commission should meet every two years. In 2001 there was an assumption that they were going to meet again in two years which did not occur. I cannot speak to the intent of the Salary Commission however, I can read the minutes. The resolution clearly states to freeze the mayor's salary and include CPI through 2013. With that said, I believe the mayor is definitely entitled to the CPI from 2011 through 2013. I feel the mayor's position is entitled to whatever the difference is between what the pay was, what it should have been and what it would have remained in 2013 through now. In regards to the continued cost of living increase, that is a council determination.

Mr. Martinbianco stated the City Charter indicates anything after 2013 is off the table because the Salary Commission was never called back. I will support the cost of living up to 2013. Any cost of living beyond 2013 would have had to be adjudicated by the Salary Commission and they did not meet to do that regardless of whose fault it was. I will not support whatever the balance is between 2013 and 2019.

Attorney Doyle stated her opinion is that continuing with the CPI was the last decision the Salary Commission made and it would continue until they met again.

Mr. Wells stated common sense tells you that if you are getting a cost of living raise it should not stop at 2013 unless someone changes it. We should make the Mayor whole.

Mr. Martinbianco stated if that portion of CPI from 2013 to present is recognized, we are going to have problems with fringe benefit packages impacted by it.

Mr. O'Keefe stated we need to take another straw poll vote on this tonight.

Mrs. Conley asked how many council members were here in 2013. I wasn't here so I don't know what's going on, never saw any minutes or got anything from the Salary Commission and I don't feel comfortable about this at all.

Mr. Haskins stated he remembers this from 2013. He stated he was upset about the cost of living increase because we were under such hard times but approved it because it was fair and just and he trusted the intent of the Salary Commission.

Mr. Heffner stated the way he reads the motion is that they froze the Mayors salary until they could meet again in 2013. It didn't say anything about the cost of living freezing or going away. I believe it was there and we voted on it.

Mayor Zelenko stated there would have been a comma or the word and if they wanted it to be separate.

Mr. Smith stated we voted yes on DDA and Parks & Rec being added to IQM2 for recording. We voted yes on the Senior Center parking lot in the amount of \$30,000 with the understanding that it may take more than that. We voted yes on the additional tornado sirens and the planer. We don't all agree on all these items but we have to vote tonight on the budget in it's entirety so where do we go from here?

Mr. Martinbinaco stated if anyone feels they want to pull an item out they can do that and offer an amendment which will require support and four votes. However, if there is another money transfer, it will require five votes.

Mr. O'Keefe stated the format we have used is the straw poll vote.

Discussion on adopting the budget on a line item basis.

Attorney Doyle stated if you are voting on the budget as a whole, taking things out and voting on them separately isn't voting on the budget as a whole. Prior to the vote on the budget, anyone can offer an amendment.

Mayor Zelenko stated in the last 10 years, the way it has been done is to approve and authorize the budget with the following amendments and you reference the sheet we are working from.

Meeting was adjourned at 7:15 PM.
