

CITY OF BURTON
REGULAR COUNCIL MEETING MINUTES
FEBRUARY 16, 2009, 7:00 P.M., COUNCIL CHAMBERS
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Councilman Steve Heffner led the Invocation and Pledge of Allegiance.
The Regular Meeting is called to order by Council President Tom Martinbianco at 7:00 p.m.

MEMBERS PRESENT: Martinbianco, Heffner, Zelenko, Ellenburg, Tinnin, Haskins and Conley.

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor C. Smiley, K. McArdle, Admin. Asst./Personnel Director, Fire Chief D. Halstead, Atty. M. Joliat, J. Johnson, Senior Citizen Dir., and J. Adams, Deputy City Clerk.

Haskins moved and Heffner seconded the following motion:
Approve and authorize the minutes of the Regular Council Meeting on February 2, 2009 at 7:00 p.m. Motion carried 7-0.

ADMINISTRATIVE REPORT:

Mayor Smiley stated the Burton Senior Citizen Director Jean Johnson will give a presentation tonight. She has been working with other directors on a countywide effort.

Jean Johnson said the video she will present was produced countywide to show services, programs, and what we have to offer at senior centers.

The video was presented. Some of the highlights included nutrition, health, and transportation programs, educational opportunities, recreational and social programs, information and referral, and volunteer opportunities. Genesee County has over 67,000 senior citizens. According to the National Council on Aging, senior centers are located in the heart of the community and considered the focal point and point of entry to the aging network. Genesee County has 16 senior centers providing a multitude of senior opportunities.

Mayor Smiley stated since the adoption of the millage, two employees now work with Jean Johnson. The Mayor introduced Jennifer Ackley, her clerical assistant, and Joe Florida who drives the senior van. He has heard a lot of praise for the entire senior citizen center, volunteers and employees.

Mr. Martinbianco expressed he appreciates the presentation and insight to the many services offered at the Center.

Mayor Smiley stated Council received a book from the Fire Department on information put together by Chief Halstead. As we get into the month of March, he will start to put the budget together with Karen Foster and staff for the next fiscal year. If any Council members would like to give some input on things they need, please let him know.

Mr. Martinbianco referenced the government's stimulus package and where the City stands in line to advance some of our projects. We should discuss this in the next couple of weeks and get together our projects that need to be addressed as soon as we can.

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COMMITTEE REPORTS:

Mr. Heffner said the Parks & Recreation's 5 Year Plan is 99.9% completed. It will be submitted to the public on March 11th.

Mr. Martinbianco inquired regarding the process once it is submitted for public approval.

Mr. Heffner replied after the Commission's approval, the public can view it for 30 days, and then it will go to Council for approval.

Mr. Heffner mentioned the Gusmacker. They are in need of volunteers for the Memorial Day weekend.

Mrs. Ellenburg stated the library had their book sale a couple of weeks ago. It was successful and the sale made about \$800.00. More book sales are planned for the year. She would like to thank the DPW for their help with moving the books. They would like to meet with the Mayor first to discuss their plans and then come before Council.

Mrs. Tinnin indicated in Council's backup information there is a letter from Attorney Austin concerning a couple of ordinance amendments. In Chapter 131 of the new codified ordinance, a small change is needed regarding who is authorized to issue civil infractions, whether it be the Fire Chief or Assistant Fire Chief. Chapter 93 deals with four different sections on vehicle accidents at a fire scene as far as public safety and fire emergency incidents, and what gives rise to the assessment of the cost. It is somewhat legislative and financial in nature, and encompasses the Council in one-way or the other. She would like to have a Council Meeting of the Whole at 6:30 p.m. prior to the next Regular Council Meeting to address these two ordinances.

AUDIENCE PARTICIPATION:

Bud LeGrande, 2105 E. Buder, congratulated DPW in taking care of our roads. He criticized Grand Blanc's statement that Burton uses more salt. He feels Grand Blanc is neglecting their citizens and Burton is doing a fine job. Mr. LeGrande spoke further concerning high Consumer Energy bills and how it is affecting retirees and many families. He stressed that there is a great need for a cap on raising utility bills.

Carl Fenner, 1146 Kettering St., addressed road repairs for potholes, street resurfacing and repairs at railroad tracks.

Mr. Martinbianco indicated Mr. Howarth, the DPW Street Superintendent, has done a fantastic job with the City streets. The winter weather has been a major problem with the road conditions. Given the nature of the winter, it pops everything back out of the ruts and potholes after being filled in.

John Stapish, PO Box 190134, spoke regarding damage to a door and bills he received years ago that he feels were never addressed. Mr. Stapish submitted a document to Council.

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Mr. Martinbianco indicated Mr. Stapish's document is dated 1984 and many years have passed concerning his situation.

Pat Starnes, 3266 S. Dort Hwy., stated the repairs being made at Palace Gardens on Dort Hwy. The corner of the building is fixed and beams have been put back. Awnings are being redone and painting, electrical and blue prints have also been addressed.

Mr. Martinbianco said he has been impressed with the rehabilitation being done there and doesn't see any reason why we can't extend him another 30 days given the progress being made. Mr. Martinbianco stated to Mr. Starnes that he should take the plans and architectural renderings to DPW tomorrow.

COUNCIL DISCUSSION:

Mr. Haskins stated he attended the dinner for the Police Officer of the Year award and Fire Fighter of the Year award. The police officer award was given to Lt. Osterholzer and the Fire Fighter award was given to Stan DeFreese. He asked everyone to keep Stan in their prayers. He is ill in the hospital and not doing very well.

Mr. Martinbianco asked for a moment of silence for Stan DeFreese.

Mr. Martinbianco said he has been a dedicated fire fighter for many years and we appreciate that.

Mr. Martinbianco reiterated concerns of the stimulus package and the Mayor going to Lansing. He said the remediation along Lapeer Rd. and Bristol Rd. are real safety issues. Other projects may be shovel ready. He does not want to get behind some townships and other cities that have more clout. We have to be ready with these projects. The water line is a serious matter that closes the loop and provides fire protection, and anticipated revenue from perhaps other people will be a good thing. Baker College may want to move further out on the Burton side of Fenton Road. When we go to Lansing we need to do our best to lobby.

Mr. Martinbianco asked Chief Halstead to summarize the changes to the two ordinances that Council will address in a few weeks.

Fire Chief Doug Halstead expressed they would like changes in the wording on the ability to write civil infractions. It was changed from the old ordinance book to the new, and the word Fire Chief was left out. In the Fire Cost Recovery Ordinance, we want our billings to stand on solid ground and make sure there is no ambiguity in the language.

Mr. Martinbianco said Grand Blanc is just now thinking of codifying their ordinances. We are ahead of the curve and I am very proud of the accomplishments that have been made.

Mrs. Tinnin inquired as to Council receiving a copy of the water study.

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Mr. Martinbianco said they would need a copy of the water study before budget time because there may be some analysis that we have to take into account and other information we need to be alerted to.

Mayor Smiley said the water study is just being completed and he will have copies for Council.

Mrs. Ellenburg said she wants to thank Chief Halstead for his report. It was very thorough. She was impressed with our response time for our fire department. We are way under what it is suppose to be, which is 7 minutes, and we are hitting 5.6. I am proud of our fire department being handled so well. Our residents should be very proud too.

Chief Halstead thanked Mrs. Ellenburg for her comments. We have had in the past the fastest response time in Genesee County, and he believes it would hold true now.

Chief Halstead mentioned the importance of a new fire station.

Mr. Martinbianco said it is high on our priority list.

Mr. Haskins stated he would like to hear more information concerning Item 6.

In reference to Item 6, James Russell, 6092 Bellingham Ct., stated there is a legal easement on the deed and he would like to put a house on the property. It is located behind Walker Farms by Dortch Drive off of Genesee Rd. There is 5.68 acres. He has a utilities easement.

Mr. Martinbianco asked if there was a septic system.

Mr. Russell said it is an engineered grinder pump system pumping into City sewer, from that location through the easement to the sewer.

Attorney Joliat suggested adding to the motion, with condition of approval of the City Attorney. Mrs. Tinnin, maker of the motion, agreed to add that language to Item 6.

Mr. Martinbianco expressed to Mr. Russell to see the Attorney after the meeting and provide any other information he may need.

In reference to Item 8, Mr. Martinbianco stated he thought we had a generous amount of \$70,000 and we have always tried to keep it at a base rate. The County for whatever purposes in drains-at-large, executed projects 25% more than what we anticipated.

Mayor Smiley said the Drain Commissioner has been aggressively addressing the drains throughout the County and in our City. We can speak to him as it relates to our budget.

Mr. Martinbianco referenced the flooding situation at Genesee and Atherton Road, and the use of a 6 inch pipe which he feels is inadequate.

Mayor Smiley indicated he has the DPW crew out to survey the entire drainage district and look at options to alleviate the problem. In the future, we may need to have Council make the drains necessary there.

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Discussion ensued further concerning Coin and Connecticut Streets, and other areas involved with drainage problems. Mayor Smiley reiterated that he is having this area looked at.

In reference to the Second Reading of an Ordinance, Mrs. Tinnin asked how much this total package costs and how much will be required to transfer from General Fund to accommodate the increases.

Mayor Smiley said the pay raise would take effect the week of March 16th. He sees no problem with the budget absorbing that. Come July will be the next fiscal year and it will already be included.

Mrs. Tinnin questioned further the date that the health care savings will go into effect.

Mr. McArdle said it was in effect as of February 1st with the exception of Council till they vote on this ordinance. This will be in effect for Council next month. There is a savings of around \$200,000 to \$250,000.

Mrs. Tinnin asked to clarify that they shouldn't see any transfers from General Fund for these raises.

Mayor Smiley responded that unless something unforeseen happens, he does not see any problems.

Mrs. Tinnin questioned the 10 days added back in the ordinance.

Mayor Smiley said administration gets no monetary value on vacation days.

Mr. McArdle indicated Charter administrators have been without a raise since 2005. Union personnel received raises because of contract negotiations and the Charter five did not. He feels they have done a great job running the City.

Mrs. Tinnin said she agrees they do a great job and are hard working individuals, but they are salary and they are paid the highest salary in the City of Burton as public officials. Salary and hourly are two different things. When you are represented by a bargaining unit, you bargain what your wages and fringe benefits are going to be for each and every year of that contract. When you take a salary job, they take that job knowing they are going to get paid a certain salary. There are no guarantees they are going to get a raise each and every year, because they are paid the highest salary.

Mr. McArdle said they are members of a non-union and representatives of the City. They depend upon the Council, Mayor and his staff to take care of them. We are their bargaining unit. I think they deserve the same consideration as everybody.

Mr. Martinbianco commented that they are at-will employees and can be subject to discharge.

Mrs. Conley asked why they didn't have an increase since 2005 when the economy was better than what it is now.

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Mr. McArdle said they had a raise in 2005. In 2006, 2007 and 2008, the Mayor asked them to cut corners with the budget. The unions had contracts. In 2008, all of the unions did not take a raise.

Mrs. Tinnin said she received a copy of the MERS actuarial and Council should also have a copy. They really need to look it over. She feels there are some grave inequities with the way the pensions are handled in Burton. I think every employee should be under one blanket plan with MERS and paying the same amount out of their pocket each week. As far as she knows, the Charter Administrators pay nothing out of pocket each and every week. There are City employees in bargaining units that are paying out of their pocket. This next year coming up in July, AFSCME will be reducing the amount they pay every week. It is going back down to 5.04. They have been paying from the very initiation of the MERS pension system. Patrol Officers will be paying more. They are going up to 6.49. Last year they paid 4.71. There cost is going up even though they pooled the 2 units together. All these different bargaining units are paying different amounts into their portion. This is the employees portion into the pension system. There are some that are paying absolutely nothing. A few employees that are left in SEIU are giving up tenure time and paid days that were given previous, and that is their concept of paying. When you take a unit, and they have been paying from initiation and it has been coming out of their weekly paycheck, they are truly giving up something of value in exchange for that valuable pension when they retire.

Mrs. Tinnin stated further, when I am asked to approve something I want to see that everyone in the City is paying their fair share and everybody is getting some equality out of what they are going to get in the future. I have a huge problem adopting a package like the Charter administrators are getting, and the new Teamsters are going to soon come forward and want their increases.

Mr. McArdle responded by saying each union negotiates their MERS pensions in part of the negotiations. This Council voted 7-0 on each one of the union contracts that came here with a different MERS agreement with each one. Each one of the police is different, AFSCME and SEIU are all different. These negotiations were done by employees in those unions giving up things.

Mr. McArdle stated further, SEIU gave up days off and 5% of their money and wages, and they made the necessary moves back along time ago to pay to MERS rather than have MERS taken out of them. The AFSCME union didn't want to do that. They wanted it taken out of the union based on so much per week. Karen Foster takes their percentage right out of their check. When the police negotiated, they wanted it set on a two tier for new officers hiring in and the old ones that was there. So each one was negotiated with the various unions. There was no way you could put together a package that covered everybody, because the police and fire have ACT 312 that entitles them to go to arbitration.

Mrs. Tinnin said there is nothing to prevent you as the negotiator of these packages, to make sure that everybody including the Charter employees and the new Teamsters unit, from paying a portion of their cost into this pension system.

Mr. McArdle said if they would be willing to do that. He hasn't found a union yet that is willing to give up something they already got.

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Mrs. Tinnin said they could be asked to pay a portion like everybody is over and above a certain cost that the others are paying.

Mr. McArdle said we made offers to the unions, and they were not interested in those type of things. We went to mediation in one area and the mediator even agreed we could not take away something they already had. We contacted MERS to try to get one unit for everybody and we have to be 65% funded or we can't do it.

Mrs. Tinnin said there is nothing that prevents you from requesting that each and every employee contribute a portion to cover the cost of the pension.

Mr. McArdle said he thought we did when we asked them to give up their 5% and days off. We figured it out what that amounted to dollar wise. They also don't get tenure.

Mrs. Tinnin said she looked at the pension. In 1993, we owed at that point \$2,200,000. In 2007, we owed 18 million unfunded liability. We are at 47% funded liability. Back in 1991, we were all fully funded. Everybody had 15% paid for by the taxpayers of Burton, everybody was all fully funded. We have a problem and it needs to be addressed. If you don't accelerate that funding and get to that 60% level, you are leaving this huge liability for the next person to deal with. It is a problem when you are paying a 1.3 million every year for a pension system and you are 47% funded.

Mayor Smiley stated we are ahead based on MERS on our percentage of funded.

Mrs. Tinnin said you are paying the minimum cost.

Mr. McArdle said there is no way you are going to be fully funded till the employee has worked the 25 years or the necessary time to retire. You don't automatically get fully funded 100% from the day the person got hired in because it would cost too much money.

Mr. Haskins said the Charter 5 has not had a raise since 2005. If the Second Reading is approved, the Charter administrators will still be 3% behind what the unions are getting already. Because you make good money does not mean you don't deserve a raise. Regarding the pension, even where I work there are different steps of people paying different amounts into their pension plans.

Mr. McArdle stated SEIU is paying with their days off and they gave their tenure rights away. When they move to a job, they don't get tenure. They gave up these things that would have been money in their pocket. That goes into the cost of the MERS.

Mr. Martinbianco suggested at some point, maybe Mr. McArdle can put together a summarization for Council.

COUNCIL DISCUSSION ACTION:

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Moved by Tinnin, Seconded by Heffner to add as Item 10: Approve and authorize to set a Council Meeting of the Whole on March 2, 2009 at 6:30 p.m., to address Fire Department issues relative to potential ordinance changes. Motion carried 7-0.

COUNCIL ACTION:

Haskins moved and Zelenko seconded the following motion:

1. Approve and authorize the Attorney Billing (Richard Austin) from January 18, 2009 through February 11, 2009 in the amount of \$4,912.40.

Motion carried 7-0.

Ellenburg moved and Conley seconded the following motion:

2. Approve and authorize the Attorney Billing (Keller Thoma) 440 East Congress, 5th Floor, Detroit, MI 48226, for the month of January in the amount of \$330.00.

Motion carried 7-0.

Haskins moved and Conley seconded the following motion:

3. Approve and authorize moving the Regular Council Meeting scheduled for March 16, 2009 at 7:00 p.m., to March 23, 2009 at 7:00 p.m.

Motion carried 7-0.

Haskins moved and Conley seconded the following motion:

4. Approve and authorize the Mayor's appointment of Dennis O'Keefe, as an alternate to the 2009

March Board of Review.

Motion carried 7-0.

Ellenburg moved and Heffner seconded the following motion:

5. Approve and authorize Mayor Charles Smiley or Controller Karen Foster as designated signatories for Community Development Block Grant Reimbursements.

Motion carried 7-0.

Haskins moved and Tinnin seconded the following motion:

6. Approve and authorize the request of James Russell, 6092 Bellingham Ct., Burton, MI 48519, Parcel #59-23-100-030, for City Council to grant a waiver from Ordinance 151.24; Building permits restricted on land not accessible by a public road, with the condition of approval of the City Attorney.

Motion carried 7-0.

Haskins moved and Heffner seconded the following motion:

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7. Approve and authorize the Department of Public Works on behalf of the City of Burton and its City Council, authority to apply to the Michigan Department of Transportation (M-DOT) for the annual State Trunkline Right of Way permit and/or other necessary right-of-way permits for public purposes by the Department of Public Works personnel as: Gregory A. Kray, DPW Director; Randy Howarth, Street Sup't, Chris Howser; Road Dept. Foreman, Dave Marshke; Water Department Foreman, Peter Wingblad; Civil Engineering Tech.; and Mike Holzer, Utilities Supervisor.

Motion carried 7-0.

Ellenburg moved and Zelenko seconded the following motion:

8. Approve and authorize a transfer of funds in the amount of \$23,535 from General Fund-Contingency to Public Service-Drains At Large.

Motion carried 7-0.

Heffner moved and Conley seconded the following motion:

9. Approve and authorize the incorporation of the Senior Citizens Millage allocation into the 2008– 2009 City of Burton Senior Citizens Center Fund Budget.

Motion carried 7-0.

Haskins moved and Zelenko seconded the following motion:

10. Approve and authorize to schedule a City Council Meeting of the Whole for Monday, March 2, 2009 at 6:30 p.m., to address Fire Department issues relative to potential ordinance changes.

Motion carried 7-0.

SECOND READING OF AN ORDINANCE:

Haskins moved and Heffner seconded the following motion:

1. Approve and authorize the Second Reading of an Ordinance, an amendment to Ordinance No. 30.03 Administrative Officers; Compensation and Benefits Adopted.

Motion carried 5-2, with Tinnin and Conley voting no.

Meeting adjourned at 8:25 p.m.

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