



CITY OF BURTON

BURTON LEGISLATIVE COMMITTEE MEETING

NOVEMBER 9, 2017

MINUTES

Council Chambers

Regular Meeting

5:30 PM

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

This meeting was opened by Councilman Dennis O'Keefe at 5:30 PM.

A. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Councilman	Late	5:40 PM
Duane Haskins	Chairman	Present	
Dennis O'Keefe	Councilman	Present	

B. STAFF PRESENT

Rik Hayman, Chief of Staff
Marcy Kimball, Clerk's Office

C. APPROVAL OF MINUTES

1. Legislative Committee - Regular Meeting - May 1, 2017 6:00 PM

RESULT:	ACCEPTED [2 TO 0]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Duane Haskins, Chairman
AYES:	Haskins, O'Keefe
AWAY:	Martinbianco

D. AUDIENCE PARTICIPATION

Genevieve Field of Burton spoke regarding the ordinance on the agenda and encourages the board to move it forward to Council.

John Stapish of Burton spoke regarding the way the flags are flown and handled.

E. COUNCIL DISCUSSION AND POSSIBLE RECOMMENDATIONS ON THE FOLLOWING ITEMS:

1. Approve and authorize the second reading of an ordinance to repeal Chapter 153, the City of Burton Sign Ordinance, and to replace it with a new Chapter 153, which shall regulate signs within the City of Burton and which provides for the penalty for the violation thereof.

Attorney Doyle stated this was previously before you and it was decided to move it to council for discussion and approval rather than make a recommendation. June 22nd I wrote a letter to the legislative committee members indicating that I had

addressed some of your concerns. Section 153.06A was added to the list of penalties. As far as allowing signage for events, you will need to decide how many days you will allow the sign to stay up and how many times this would be allowed per year. The responsible party would be considered as the owner of the land in which the sign is placed. Those in violation would be subject to removal and confiscation by the City. In the case of election signs, if the property owner indicates that the sign is there without their permission, the sign owner would be held liable. You will need to make recommendations to Council, the duration that a sign can stay up and the type of signs allowed.

Mr. Haskins said I am concerned about who will enforce this ordinance and how it will be resolved.

Mrs. Abbey spoke regarding temporary commercial signs not being allowed. We have a lot of issues with commercial signs right now that our ordinance does not address in the way that it should. If a sign is in violation a notice would be sent and they would have 10 days to remove it.

Mr. O'Keefe said many residents do not like signs, such as election signs, in their community or in their yard. If they do allow a sign, they want to see it gone soon after the event. My suggestion would be to put a time frame of no more than 60 days per year.

Mrs. Abbey stated normally we notify the candidate if their sign is in violation and needs to be picked up unless it is in the right-of-way. I think it would be reasonable to give them 3 days after the event to have their signs picked up.

Mr. Haskins said before this board moves this forward to Council, I would like to change the language of the motion to include the word "event". If Attorney Doyle would make this change, we could put it on the December 4, 2017 Council Meeting agenda.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, Haskins, O'Keefe

2. Motion to recommend the Wireless Communication Ordinance to Council.

Attorney Doyle stated different companies are asking communities to allow them to put up wireless communication facilities. If you don't respond appropriately you will have a gigantic metal pole in your right-of-way. We need to know how to appropriately respond, how to monitor them and be able to set limits and guidelines. Something this large next to a road is dangerous and we don't want them everywhere. Our main concern is for public health, safety and welfare.

Mrs. Abbey said basically it is for data transfer, they are called small cell wireless. Companies are hired to put these poles in for cell phone carriers. They like to put them up in right-of-ways because it is cheaper for them. Our ordinance limits the towers to 40 feet tall, encourages using existing wood poles as opposed to metal poles if possible, limit where they are located, how close their equipment is to

sidewalks and the edge of the road and they would have to apply for a permit. If we do allow them in our right of way, we would receive compensation because we own the right-of-way. We would have to have licensing done along with an ordinance.

Mr. O'Keefe asked if all the bases are covered on this.

Mrs. Abbey stated yes to the best of our knowledge, however this is new to all communities. If something changes, we may need to make an adjustment to the ordinance down the road. We recommend permits fees as follows: Tier 1 with low traffic areas, \$25 per month per pole; Tier 2 with medium traffic residential areas, \$75 per month; \$150 per month per pole for Tier 3, commercial/industrial areas or any type of downtown corridor, and a Tier 4 for other. The ordinance would allow us to make the decision as to whether or not the area they want to place them in would be appropriate. We need to put something in place now, before we get a swarm of companies asking for this. We can always make a change if we need to.

Mr. Martinbianco recommends eliminate the Tier 1 area and allow them to put these up in commercial areas with proper permit, also raise the fees.

Motion to recommend the Wireless Communication Ordinance to Council with the elimination of Tier 1 area and allow them to put these up in commercial areas with proper permit and also raise the fees.

RESULT:	CARRIED AS AMENDED [UNANIMOUS]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, Haskins, O'Keefe

3. Discussion and Recommendations regarding Civil Rights Ordinance.

Mr. Haskins stated I have spoken to State Representative Tim Sneller and he told me that they are working on this.

Attorney Doyle said we should institute some kind of civil rights commission. If this goes through, we will have a good nondiscriminatory ordinance on our books. One suggestion would be to set up a committee or commission that the complaints would go to. They would review and determine whether or not to send these to the City Attorney for review. The City Attorney would then decide whether or not to process them as a civil infraction. I have prepared a resolution on this ordinance.

Mr. Haskins stated there is a lot more to it than just drafting an ordinance and putting it in place. Our City is not ready to facilitate everything that would be needed for this, as far as setting up commissions and enforcement. We need to bring in someone that is well-versed in this. We can't pass an ordinance without knowing how this will be enforced.

Attorney Doyle said I have prepared a resolution for a city wide nondiscrimination policy.

Mr. Hayman suggested bring in facilitators from the Department of Justice and the Michigan Civil Rights Commission to make some suggestions to Council and

Administration on how to move forward. I have been in touch with the Department of Justice and they are willing to speak with administration and come before the Legislative Committee to discuss this.

Mr. O'Keefe said he would like this to come before a full Council in a workshop meeting.

Mr. Martinbianco said he would like to table the item until the next Legislative meeting. I am concerned how this may or may not affect union contracts and whether or not the unions would have to sign on to this as well.

RESULT:	TABLED [UNANIMOUS]
MOVER:	Tom Martinbianco, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Martinbianco, Haskins, O'Keefe

4. Approve and Authorize the second reading of an ordinance amending the City of Burton Code of Ordinances by the addition of Chapter 33 - City Property, generally, and by adding section 33.01 regarding the display of flags on city-owned property and providing the penalties for violation thereof.

Discussion regarding removal of signs, penalties and types of flags allowed.

Mr. O'Keefe motioned to send this to Council for their approval with the removal of Subsection A (2) of Section 1 in their recommendation of the ordinance to the full Council.

RESULT:	CARRIED AS AMENDED [UNANIMOUS]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, Haskins, O'Keefe

Meeting was adjourned at 7:03 PM.
