



CITY OF BURTON

BURTON LEGISLATIVE COMMITTEE MEETING

FEBRUARY 3, 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. CALL TO ORDER

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

B. STAFF PRESENT

Amber Abbey, Planning/Zoning Superintendent
Racheal Boggs, City Clerk

C. AUDIENCE PARTICIPATION

None.

D. DISCUSSION AND OR RECOMMENDATION ON THE FOLLOWING ITEMS:

A. Marijuana Ordinance

Mr. Fenner asked about distances between properties that are already zoned.

Mrs. Abbey stated we don't change zoning ordinances for specific cases. That is what the Zoning Board of Appeals is there for.

Attorney Doyle stated there is a lawsuit pending.

Mrs. Conley asked, is it 1,000 feet between churches and schools?

Mrs. Abbey said, yes and daycare centers as well.

Mr. Fenner stated one complaint he is receiving is for the property on Dort Highway. It is a race to get zoned. The 10 properties that are licensed have to apply for a variance.

Mrs. Abbey stated this is the cleanest way to handle this. I think we are doing it right. Do you want every property in Burton to be able to do it? It limits them without picking a number.

Mr. Fenner stated the other issue is when a residential property is in a commercial zone and a marijuana facility cannot be within 200 feet of them.

Mrs. Abbey stated the Zoning Board of Appeals can listen to these individual cases as they come up.

B. Antidiscrimination Ordinance

Mr Fenner asked for Attorney opinion on whether or not the city should have this ordinance.

Attorney Doyle stated I cannot tell you whether to do it or not but I can make it happen if you want it done.

Mrs. Conley asked if this will be expensive for the city.

Attorney Doyle stated there would need to be a person in charge of this, a complaint process, a complaint form, etc. This may be costly.

Mr. Martinbianco stated as a businessman in the community, I have never had an issue. I don't discriminate. I don't think it is appropriate for the city to take that advantage. I don't think it is up to the people to decide either. People of that persuasion can do whatever they want to do. As you can see from the lack of people here tonight, it is not an important issue.

Mr. Fenner stated he would like to table it until after the state acts on it.

Mr. Martinbianco would like to drop it from the agenda so we don't have to table it and act on it at the next meeting.

1. Motion to remove Antidiscrimination Ordinance from the agenda.

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

C. Roadside Stand Ordinance and Vendor Permit Review

Mrs. Abbey stated we have never had much of a need to refine the ordinance. We mainly only dealt with fireworks stands and an occasional food truck. Now there is a need to update the ordinance. The majority of communities keep this under the zoning ordinance probably for enforcement reasons. My recommendation would be to write this for the Planning Commission and let them act on it then send it to council and make this a part of the zoning ordinance. I would like to deal with temporary uses, seasonal sales, outdoor dining, food trucks, etc. We need exclusions for events such as Back to the Bricks and time limits on these. They do need a \$500.00 clean-up bond. We could make it a little more substantial for the stands that could get out of control. We could keep it to new items and don't allow used items at all. I also don't want to take away from an agricultural farm stand. We need to leave room for those.

Mr. Fenner stated he would like to address the food truck. There was a 1972 orange rambler that sat all summer and someone would show up on weekends and barbecue. If code enforcement hadn't gone out, it would still be there all winter. Do we require applicants provide a certificate of health before they operate in our city?

Mrs. Abbey said we don't because the ordinance didn't require it. It is something we can add to the new one. The county enforces this pretty well. For the firework tents, there is a fire inspection that is done.

Mr. Martinbianco stated they already have a state license so they wouldn't be permitted on our property without it.

Mrs. Abbey stated we require they get a roadside stand permit. Just because they are licensed to sell fireworks doesn't mean they get to stick a stand up anywhere. The Fire Marshall does an inspection there and we should absolutely add this to the ordinance.

Discussion ensued regarding licensing requirements.

Attorney Doyle stated she has spoken with Amber about this at lengths and she agrees this belongs in the zoning ordinance.

Mr. Martinbianco said so what you're saying Amber is that any roadside stand of any fashion has to have a permit. What about automobile being sold on the side of the road?

Mrs. Abbey stated this is not allowed. The Code Enforcement Officer will go out. You will see orange stickers on them all the time.

Mr. Martinbianco asked, have you had any violations that have been forwarded to the attorney?

Attorney Doyle stated they are only brought to me if it is a perpetual violation or one that doesn't get resolved. At that point, they request a formal hearing. Otherwise, a lot of times these tickets are just paid. They are a civil infraction and they go to the court to pay it so I don't see it.

Mr. Fenner asked, do they tow them if they are not moved after we have placed stickers on them?

Mrs. Abbey said, yes.

Discussion ensued regarding the enforcement of car sales on the side of the road.

Mr. Martinbianco stated my brother-in-law and I set up a tent on Saginaw Street at Back to the Bricks across from Trapper Joe's on our own property and give away free food. If we make this change to the ordinance, we wouldn't be able to do this anymore? Also, if people are trying to make a little money, we should allow it. I don't think this is fair.

Mrs. Abbey stated my guess is that the Planning Commission will make exceptions for certain events such as Back to the Bricks. We are not adding something we are just fixing the ordinance. There will be more requirements, more allowable uses and give specific time frames. The intent is not to hurt anyone.

Discussion ensued regarding what constitutes an event, guidelines and limitations for food trucks and roadside stands competing with businesses in Burton.

Attorney Doyle stated I think the intent here is that a roadside stand that is set up during an event such as Back to the Bricks will not be a violation.

Mrs. Abbey stated there is nobody during Back to the Bricks who is getting a permit. The way our ordinance reads right now, they should be. This is after 5:00 and on weekends so they are harder to police. The Planning Commission will probably require no permit but maybe some kind of registration so we know who you are, what you're doing and that you have Health Department approval. If you have ideas you would like to give me,

I can include it in the draft to the Planning Commission in March. It will then go to council the end of March or early April.

Mr. Fenner asked what if someone applies or tries to set a tent up during the time we are amending the ordinance.

Mrs. Abbey stated she would deny any events like that with the intention that we are proposing an ordinance that he would not comply with. It can then be appealed to the Zoning Board.

Meeting was adjourned at 6:40 PM.
