



CITY OF BURTON

BURTON LEGISLATIVE COMMITTEE MEETING

JULY 6, 2020

MINUTES

Council Chambers

Regular Meeting

6:00 PM

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

This meeting was opened by Legislative Chair Gregory Fenner at 6:15 PM.

A. MEETING INFORMATION

Legislative Meeting

Hosted by Racheal Boggs

Monday, Jul 6, 2020 6:00 pm | 50 minutes | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 126 350 0220

Password: H3q3STBpRH8 (43737827 from phones and video systems)

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PUBLIC COMMENT FOR THIS MEETING MAY BE SENT TO: publiccomment@burtonmi.gov

B. CALL TO ORDER

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

C. STAFF PRESENT

Racheal Boggs, City Clerk

Charles Abbey, DPW Director

Amanda Doyle, City Attorney

D. AUDIENCE PARTICIPATION

PUBLIC COMMENTS FOR THIS MEETING MAY BE SENT TO: publiccomment@burtonmi.gov

Public Comments received prior to the meeting will be read into the public record.

Ms. Boggs read the following into the public record:

Kevin Burge 1415 S. Genevieve Street made a comment regarding the grass clippings in the road ways. I have had motorcycles in the past and wet roads are no fun but adding grass clippings to the mix makes it like ice. If we could get an ordinance for grass and debris it could help with the clogging of the drains. There is always the one house that blows their clippings in the roads making the neighborhoods look bad when everyone else is trying to make it look good. It might be hard to enforce but we could at least try. Right now we could rake leaves into the road with no way to stop it.

E. COUNCIL DISCUSSION ON THE FOLLOWING ITEMS.

A. Discussion on Police Policy

Mrs. Conley stated I don't think it is necessary what is going on in the department. It is my understanding that they are wanting to know if there is one officer that is continuously getting in trouble, we would like to be notified. We don't need to know what the police are doing all the time.

Mr. Fenner stated I am almost on the same page. I would like to be made aware if it was a really serious violation, but I don't need to know if a police officer didn't use his turn signal turning into McDonald's. We don't need to micro manage, I want the Police Chief to do his job. Which would be to sort through these, figure out which ones have merit, do an investigation and let us know that there is an investigation underway.

Mrs. Conley stated we don't want to micro manage either and I don't think the rest of the council does either. They are just saying if one officer has a lot of complaints on him, we would like to know about it.

Mr. Fenner asked if we want to put a number on the amount of complaints against a single officer before the council is notified. The merit of the complaint is more important to me than the number of them.

Mrs. Conley stated we are just discussing this today and I think if we take it to the council tonight we can open it up for more discussion.

Mr. Fenner stated it seems like it was discussed and then brought down here for our discussion and stamp of approval.

Mrs. Conley stated I think it was brought to us also because it was given to everyone that night and they didn't get to look at it. We did it this way so they have time to digest it and look over it. Then they can ask questions if they have any at the council meeting tonight if we choose to take it there.

Mr. Fenner asked how does this work with two people for a vote. Can we vote to take it to council or not to take it to council?

Mrs. Conley asked can we go over the firearms and the grass clippings and take them all over to council or do you want us to vote on each one separately?

Ms. Boggs stated the City Attorney is with us.

Attorney Doyle asked for the committee to repeat the question.

Mr. Abbey stated they have three issues they are going to bring up tonight to refer them to council. With only two or the three Legislative members here, does it constitute the quorum? Do they need to vote on them all individually or just report them all out in the

format if they want them to go to council?

Attorney Doyle stated she would take all three issues as individual votes.

Mr. Fenner asked Mr. Martinbianco if he has been present for the entire discussion. We have added a grass clippings motion to the agenda. Right now we are currently on the police policy and we are discussing whether we should forward this to council or not.

Mr. Martinbianco stated I just wonder if we are going to stir up a hornets nest with the unions. Some of these policies might be an invasion on their right to privacy although I do agree that if there are such things in the progression of discipline the council should have some basic knowledge of it. We will end up in executive session anyway if there is any type of litigation filed.

Mr. Abbey stated it makes sense to only be notified of serious discipline actions because there are residents that call and complain about an officers handling each and every day. We have to try to weed through them to see if there is merit or if we just have a disgruntled resident that is mad over an issue and think it got handled improperly. Some of that is really subjective and needs to be weighed on merit.

Mr. Martinbianco stated at that point we have to trust the value of judgment and who makes that call whether or not it is of such severity that the council should be made aware of it for the reason that we may have to go into executive session because maybe there is going to be a lawsuit filed. That makes sense to me. Going back to what Mr. Fenner stated, when does the micro-managing begin and how much of that should the council be informed about. I am not sure we can draw that line or whom is best equipped to make that call.

Mr. Fenner stated one example I used was that if an officer doesn't use his turn signal going into get lunch, we don't need to know that. We need to decide if there should be wording in there that we get notified if there are a certain number of violations or a certain standard of violations that should be reported.

Mr. Martinbianco stated that would make sense.

Attorney Doyle stated in light of some of the issues that Mr. Martinbianco and Mrs. Conley have brought up, wouldn't it make sense to trust that your Police Chief would only bring you the important complaints and not put another policy in place.

Mr. Fenner stated I completely agree with that. I just want to make sure we are all on the same page before we sign off on this. We have to trust our Police Chief. If anyone wanted to see how many complaints are logged every month they could just send a FOIA request. I am in favor of what we have here.

Mr. Martinbianco stated I am good with that.

Mr. Fenner asked if we need a motion to squash this?

Mr. Abbey stated I don't think you have to do that Mr. Chairman. If a motion doesn't go out of committee then it dies in committee.

F. COUNCIL ACTION

1. Motion to add Grass Clippings Ordinance to the agenda.

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

2. Motion to table Grass, Leaves, and Snow Removal Ordinance until the next Legislative Meeting in two weeks.

Mr. Fenner stated onto the grass clipping, leaves and snow in the roadways. As I read the ordinance it does tell you to have the sidewalks clear. It also states it is not to go into the road so there is an ordinance and it common sense not to do that. I have some pictures on my phone of some drains being clogged with grass and leaves. Then we are also talking about the bikers and the safety issues for them. There are a couple cities that have a hazard ordinance. Maybe this is another thing that we should wait the two weeks and then take another look at. Any other comments on that?

Mrs. Conley stated I agree with that.

Mr. Martinbianco expressed agreement.

Mr. Fenner stated the ordinance currently does not state to keep the sidewalks clear. It does state that it cannot go into the road. Drains are being clogged and this is unsafe for motorcycles and bikers. Other cities have hazard ordinances. Maybe we should also revisit this in two weeks.

Mrs. Conley and Mr. Martinbianco agreed.

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

3. Motion to table Firearms Ordinance until the next Legislative Meeting in two weeks.

Mr. Fenner stated my understanding is that our current firearm ordinance is you can fire any type of gun in the City of Burton as long as it is 450 feet from any structure. In today's world, we have many rifles that hold up to a mile. When this was put it place, we probably didn't have a subdivision within every mile. But, I also understand that some residents like to go do some skeet shooting on 10 acres which wouldn't be harmful and they should be allowed to do that. So, any suggestions to shotgun usage?

Mr. Martinbianco stated I will point out one instance, I am not sure if he is still there because I have not heard him shoot in a while, but there was a firearms instructor that was primarily for 9mm and 45cal that lived on Belsay Road who has 10 acres and was conducting classes there. I can not attest to if he is licensed or not. As you pointed out, there is a subdivision on almost every corner now. The 450 set back will be almost impossible in most areas of the city. There are some areas where a

shotgun might be okay. Back in the day, I think it might have been 20 gauge and smaller. Everybody was shooting a 12 gauge. If we did craft something we would have to be very careful on what it would include and where we would put it.

Mrs. Conley stated I have had a lot of complaints about gun firing in our area. Where I live, there are woods nearby. To say people can shoot guns there, I am totally against it because kids are always curious. There may be a no trespassing sign but its always cool to make a camp somewhere. I have a gentleman who walks on my property in the woods, he is 90 years old. To have somebody shooting a gun and have someone else in the woods, you are going to have to live with it. I am totally against it in residential areas. We have gun clubs and other areas available. I have spoke to other people and it worries them also.

Mr. Fenner asked for the attorney to weigh in on how other municipalities handle this.

Attorney Doyle stated it varies, obviously. Many of them around here have the 450 feet requirement. Some in Livingston county, you cannot do them anywhere within the city limits. Others have more specific, more detailed ordinances. It depends on the make-up of your city. You can pretty much do whatever you would like from allowing it to completely banning it.

Mr. Abbey stated the 450 feet is a state law.

Mr. Fenner stated I can't imagine, for example, in the City of Flint, Where are you going to get any firearm practice?

Attorney Doyle stated you are correct, and Mr. Abbey is actually correct. I don't mean anywhere and everywhere. The minimum is 450 feet. I do know you can't just go shoot a gun anywhere. However, when you get up into communities like Montrose and Flushing, Goodrich, places with bigger properties, you can.

Mr. Fenner stated I agree with you, when we talk about those municipalities what are their ordinances? I can't imagine they are allowing within 450 feet in the City of Grand Blanc but maybe the Township.

Attorney Doyle said, absolutely. Here is the problem, Burton was initially a Township so we have a lot of those characteristics. Not many anymore but there are still some. Like you were all eluding to, there are properties that have 10 acres. For purposes of this ordinance, I don't know if we can treat Burton as a city like Grand Blanc or a city like Flint versus a township like Montrose or Flushing. That is your call.

Mr. Fenner stated I am open to suggestions here as to where we want to go. I am assuming we need to take something very specific to council as opposed to just saying we want to change the ordinance. We have to come up with a plan.

Mr. Conley stated I think having a discussion with council on this topic would help us too. They may have incidents to discuss that we are not aware of. I just do not think guns should go off by neighborhoods at all.

Mr. Martinbianco stated it sounds like we need some more input and I don't know if the MML can provide any kind of guidance one way or the other. At this point, I think we should take a couple of weeks to take a look at some different options and then come back to the Legislative Committee to see if we can put something together that will make sense and not discriminate against anybody. I understand Tina's concern. This is a big thing and it will get misconstrued in a lot of cases.

Mr. Fenner stated we want to keep people safe and I know that times have changed from the time when we were a township to now being a city. We have a different make-up. I am at least in favor of having time restrictions.

Mr. Martinbianco expressed agreement. I would like to table this Item to our next Legislative Committee meeting, at least two weeks.

Mrs. Conley stated I am not against guns, I just don't want them shot in residential areas.

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

Meeting was adjourned at 6:45 PM.
