

CITY OF BURTON
COUNCIL WORKSHOP MINUTES
DECEMBER 6, 1999, 6:30 P.M., COUNCIL CHAMBERS

The Council Workshop was called to order by Paula Zelenko, President, at 6:34 P.M.

MEMBERS PRESENT: Brawner, Centilli, Cross, Hammon, Martinbianco, Tinnin and Zelenko.

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor Charles Smiley; J. Major, DPW Director; G. Webster, Clerk and C. Ladd, Deputy Clerk.

PURPOSE OF THE MEETING: DISCUSSION ON POLICY FOR PUBLIC PARTICIPATION AT MEETINGS.

PRESENTATION:

Mrs. Zelenko said she gave each Council Member a list of guidelines for public participation at the Council Meetings. She got the information from a seminar she attended. These guidelines are used throughout the State by various Councils.

COUNCIL DISCUSSION:

Mrs. Tinnin said she reviewed the guidelines and had no problem with Items 4, 8 and 10. Item #1 she questioned whether a person had to identify herself or himself prior to speaking. She said items #2 and #3 could be combined instead of being separate items. She questioned whether items #5 and #6 were violations of the Open Meetings Act.

Mr. Brawner said a registered parliamentarian gave the guidelines to Mrs. Zelenko. He asked if the guidelines given were currently in conjunction with the Open Meetings Act.

Mrs. Zelenko said she believes they are.

Mr. Cross addressed item #4 and said if the people are not signed in prior to the meeting, their address should be required. The Clerk will need the address for the record.

Mrs. Zelenko said one of the communities at the seminar said some of the citizens are fearful of retaliation if the meetings are video recorded.

Mr. Brawner inquired whether items #2 and #3 would be eliminated and allow the five minutes for the audience to speak, just as it's always been?

Mrs. Zelenko said we could decide that when the guidelines are brought to a regular meeting to be voted on. The purpose of tonight's workshop is to voice ideas on public participation. The public debate has gotten out of hand and has caused hard feelings on both sides of the fence.

Mrs. Tinnin addressed item #5, asking if all comments would be addressed to the Chair and if Council would have an opportunity to respond to the residents.

Mrs. Zelenko said that under items #5 and #6, the questions would be addressed during Council Discussion instead of audience participation.

Mrs. Tinnin said she would also agree with items #5 and #6.

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Mr. Centilli questioned item #1, signing in to speak. He asked what the process would be if someone did not sign in to speak.

Mrs. Zelenko said she is uncertain whether signing in at a meeting can be mandated. However, there are communities that are doing this now. She read the Attorney General's ruling in regards the public speaking at a meeting.

Mr. Martinbianco stated that assuming we adopt the policy making it mandatory to sign in prior to addressing the Council, then at 7:30 the list will be picked up and given to the presiding officer. At that point, each person who has signed in will be called upon to speak. Will this apply only to agenda items or will it apply to any topic.

Mrs. Zelenko said in regards to item #2, another municipality has the policy where people who want to speak on agenda items are afforded the opportunity with a minute or so longer than those who are not speaking on agenda topics.

Mr. Martinbianco asked if these guidelines would also apply to the other boards in the city or just the council meetings.

Mrs. Zelenko said she would specifically say just the council meetings.

Mr. Brawner suggested that if someone comes in late and hasn't signed in, they should be asked to do so if they wished to speak.

Mrs. Zelenko agreed with Mr. Brawner. She said the audience could be told that if they haven't signed in, please do so.

Mrs. Tinnin said would we only allow one minute for those who haven't signed in to speak. She also asked about someone who wasn't going to speak, but then changed their minds.

Mrs. Zelenko said if someone does not sign in, they could be allowed one minute to state their concerns. She said by not having long discussions, a minute is sufficient to state the problem.

Mrs. Tinnin asked what would happen if something is brought out by the administration to add to the agenda. Would the audience be allowed to speak?

Mrs. Zelenko replied yes, that if anything is added to the agenda after audience participation, then we would open audience participation again. It would be opened up for that particular item. She said a decision did not have to be made tonight. She would prefer to have another workshop prior to the December 20th regular meeting. She would like to have a policy in place by the end of January.

Mr. Martinbianco said any additions to the agenda should be kept at a minimum. He said if someone is physically handicapped, possibly they could be excused from coming to the podium to speak. He also inquired about public TV taping the meetings.

Mrs. Zelenko said the meetings may be audio or video taped by anyone, not just a member of the press.

Mr. Martinbianco said we could take some of the ideas and get feedback from individuals of what they might expect if they attend a council meeting and want it made a matter of public record. He said he thinks there should be a place at the end of the meeting for such individuals.

Mrs. Tinnin addressed item #7, concerning more than two opposing views to an issue. She said even if someone is on the same side, she would like everyone to be allowed to speak.

Mrs. Zelenko replied that people repeating the opposing views could field someone from the audience to represent them, rather than hear the same thing over and over.

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Mayor Smiley said the Council may want to call in any problems or concerns to the DPW or department heads, rather than bringing them to the meeting. Many of these matters could be taken care of in a more timely fashion if we are aware of them sooner.

Mayor Smiley stated that his administrators will no longer address questions from the audience, during the council meeting nights. We will answer their concerns in writing, at the following council meeting. If council doesn't get enough information through the backup material, you have Thursday afternoon, Friday And Monday to contact the proper administrator regarding your questions. In the future, we will be alternating the attendance of the administrators at the council meetings. This will provide for a more professional meeting.

Mr. Hammon asked the Mayor if this practice would begin this evening, regardless of what we do tonight?

Mayor Smiley replied yes. Council can have their set of rules, but as of tonight, my administration will not have dialogue with the residents or council.

Mr. Hammon referred to item #6, that Council will no longer be able to answer questions. When questions arise, they will be answered at a later date, correct?

Mrs. Zelenko said no. The intention there is to answer the questions during council discussion, not audience participation.

Mr. Hammon asked if a comment is addressed to a Council member, that Council Member should address that comment during council discussion, right?

Mrs. Zelenko replied yes. All comments will come through the Chair.

Mrs. Tinnin said this may be difficult for Council to answer some of the questions, based on the fact that they may have to get additional information from the Administration before answering the question. This is something we should think about.

Mrs. Zelenko replied that if it is a quick question from the audience and you have the answer, you may give the answer during council discussion.

Mr. Brawner reconfirmed with the Mayor, that at each Council meeting, there may be a different administrator assigned to attend. How will this be handled by the administrator that is present, will they take the questions back to the other department heads or will they have to get the information from the minutes?

Mayor Smiley said it could be handled either way. If one department head is here and the issue is for another department, he will take the information and record it and give it to the proper department for an answer. Also, the Clerk will be recording the information in the minutes. The questions or comments will be addressed at the next meeting. My intention was to stop the bickering from all sides. If the Council knows the answer and wants to address the question, that is your prerogative.

Mr. Brawner asked if this had been done before in the City.

Mayor Smiley replied not since he has been here, but he has spoken with other municipalities that do it. Other Mayor's don't attend the meetings because of situations that have occurred in the past. By handling the inquiries in this manner, it helped their meetings.

Mr. Cross asked the Mayor if an administrators wants to address the Council, does it mean that they will not be coming here with letters to read at the podium; that they also give them to us before the council meeting?

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Mayor Smiley said he cannot stop any member from speaking at that podium, as I don't have the authority.

Mr. Martinbianco asked if whomever the administrator is that may be speaking at the podium, not be treated any differently than anyone else in the audience.

Mr. Cross replied yes to Mr. Martinbianco's comment.

Mrs. Zelenko asked the Mayor if the written answer would be done at the next meeting and not mailed to the resident.

Mayor Smiley said yes, the answer would be given at the next meeting, but he doesn't want this set in stone, depending upon the type of question asked.

Mrs. Zelenko confirmed that there would be a report given at the next meeting, regarding the progress being made on the inquiry.

Meeting Adjourned at 7:02 P.M.

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML