

CITY OF BURTON
COMMITTEE OF THE WHOLE MEETING MINUTES
MAY 5, 2004, 6:00 P.M., COUNCIL CHAMBERS
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Danny Wells, President, called the Committee of the Whole Meeting to order at 6:00 P.M.

MEMBERS PRESENT: Bement, Centilli, Cross, Curtis, Isham, Martinbianco and Wells.

MEMBERS ABSENT: None.

OTHERS PRESENT: Mayor C. Smiley; Attorney R. Hamilton and G. Webster, City Clerk.

PURPOSE OF THE MEETING: Discussion and possible action concerning the following items:

1. Fire Ordinance Cost Recovery
2. Fees for new developments- Land Revitalization and Redemption Act
3. Citizens Committee on ways to raise revenue
4. Spot blight condemnation ordinance
5. Special tax for advertising (Act 359)

PRESENTATION:

Informational packets were provided to Council.

AUDIENCE PARTICIPATION:

None.

COUNCIL DISCUSSION:

1. Fire Ordinance Cost Recovery

Mr. Hamilton said this ordinance would allow us to levy a charge for services, equipment and material for public safety response calls. This would primarily be used for house fires and auto accidents. This is a means of recouping costs, which are otherwise funded by the general fund. It provides a billing, collection and appeal process.

A brief discussion was held in reference to using this same type of mechanism to collect charges related to OUIL cases.

There was a general consensus to incorporate OUIL reimbursement into Ordinance 67C, which covers the Motor Vehicle Code.

A \$500.00 cost recovery reimbursement is included in our insurance policies. If the City of Burton does not levy the charge, the insurance companies will absorb this money. Many governmental units around the state are using a similar cost recovery ordinance. An appeal process has been built into the ordinance to help determine hardship cases.

Council reviewed and amended various sections to The Public Safety, Fire and Public Utility Emergency Response Cost Recovery Ordinance. The following revisions were made. (A copy of the proposed ordinance, as amended, is on file in Clerk's Office.)

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Assessable Costs, Section 2, Page 1

...mean those costs for services, equipment and material incurred by the City...

False Alarm, Section 2, Page 2

...be based on a report to the Mayor by the most senior person responding to a false alarm and the determination by the Mayor subject to an appeal as provided in Section 4 thereof.

Hazardous Materials, Section 2, Page 2

...which are or are potentially harmful to persons or the environment as determined by the fire chief ...

Illegal Fire, Section 2, Page 2

...violation of a "no burning " ban or order or burning without a permit as required.

Section 4, Page 4

If responsible party shall appeal assessable costs determination of the Mayor, such costs, if upheld, in whole or in part, shall be due and payable thirty (30) days from the date of determination of the appeal of the decision of the Mayor to the City Council and any late payment fees shall apply thereafter.

Moved by Curtis, Seconded by Isham, to adopt an ordinance to establish Public Safety, Fire and Public Utility Emergency Response Cost Recovery within the City of Burton, with designated text changes, and make this an agenda item on the May 17th Council Meeting for a first reading of an ordinance.

2. Fees for new developments- Land Revitalization and Redemption Act

Mr. Curtis said that Mr. Hamilton planned to draft a resolution regarding land revitalization for the May 17th meeting. Mr. Curtis hoped that Council would support this resolution with a 7-0 vote. It would then be sent on to MML and distributed to other municipalities. This would be part of a grass roots effort to lobby the State for those types of fees.

Mr. Hamilton said the problem with the development fees is a constitutional issue. The resolution would request that the question of the ability to levy those fees be put into an initiative petition for a constitutional amendment to permit and specifically authorize fees of that nature to be levied by municipalities throughout the state. This would deal with the issue of impact fees. The Land revitalization and redemption act is different. It permits municipalities to adopt an ordinance and procedure whereby they could take blight property through condemnation, fix the property and put it back on the market for redevelopment. That is a permissive act, which we are currently authorized to do. That policy relates to the availability of funds for us to acquire those blighted properties. It would be seed money in effect. Once you have your seed money, you can recapture your investment by the sale and invest it in another sale.

Mr. Curtis would like this put on the books, when funds are freed up it could be used to do some blight clean-up.

Mr. Hamilton said the problem is that we do not have the seed money to fund the condemnation to acquire these properties.

Mr. Isham said that Genesee County was quite active in the Land Revitalization and Redemption Act, but that is on delinquent property.

Mr. Hamilton said this would cover blighted property when taxes are being paid. If it is a homestead property, it doesn't qualify as blighted property. What you are dealing with is abandoned, non-occupied property, or rental property that has not been maintained. Basically, once we find the property we want to use this on, we can use the statute by adopting a resolution designating it to blighted property.

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Mr. Hamilton said that he would draft a resolution for fees for development so it could be added to the May 17th meeting. Then it could be sent to MML members to see if we could get some movement. A lot of organizations will lobby strongly against those kinds of fees. You will need a broad base of support to go for a constitutional amendment.

Mr. Isham opposed this type of action because it would impact so many people in these hard times. In addition, he thought the fees would be passed on to the consumer.

3. Citizens Committee ways to raise revenue

Council set up a subcommittee to address issues dealing with the Citizens Committee. The subcommittee will set guidelines for establishing a citizens committee. Guidelines would include the number of participants, the duration of the appointments, a format for meetings and the objective of the committee. Mr. Centilli, Mr. Curtis and Mr. Wells volunteered to set on the subcommittee.

Mayor Smiley would like the committee to be made up from a vast majority of residents and organizations from the entire City. He hoped that the committee would brainstorm ways to raise revenue for the City. After coming to some conclusions on this issue, he hoped the committee would spread support throughout the community to help implement their ideas. Some ideas included implementing an income tax, a Headlee override, increasing the millage or enhancing user fees.

4. Spot blight condemnation ordinance

Spot blight condemnation was covered in the early topic dealing with Fees for New Developments - Land Revitalization and Redemption Act. No further discussion was held.

5. Special tax for advertising (Act 359)

Mr. Hamilton said that was an old statute that authorized us to do advertising. This was made unnecessary by the adoption of the Home Rule City Act. This authorizes the levy of millage through a vote of the people. It is an authorizing act making it a legitimate public activity to advertise from a municipality. The problem is that we are at our millage limitation at this time. In order to levy the millage, we would have to open up our City Charter.

Mr. Martinbianco didn't feel we had the need to advertise, because development is so favorable in our area. In addition, he didn't feel there was enough M-1 property left to advertise.

Mr. Curtis said his intent was to use that money for parks and recreation. Under the aspects of this program, up to \$50,000 could be used to fund parks programs. He wasn't looking at the money for advertisement.

No action was taken on this issue.

COUNCIL ACTION:

Moved by Curtis, Seconded by Isham, to adopt an ordinance to establish Public Safety, Fire and Public Utility Emergency Response Cost Recovery within the City of Burton, with designated text changes, and make this an agenda item on the May 17th Council Meeting for a first reading of an ordinance. Motion carried 7-0.

Meeting Adjourned at 7:35 P.M.

Gayle Webster
Burton City Clerk

