CITY OF BURTON
SPECIAL COUNCIL MEETING MINUTES
DECEMBER 20, 1999, 6:00 P.M., COUNCIL CHAMBERS

The Special Meeting was called to order by Paula Zelenko, Council President, at 6:00 P.M.

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

MEMBERS ABSENT: None.

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

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

PRESENTATION:

Mrs. Zelenko said she gave the Council a copy of the revised guidelines. The meetings of the Council are just that, meetings of the Council. We were elected to conduct the business of the City. Although public participation is welcomed and encouraged, it's not the time for public debate between citizens and between council and citizens and administration. By having these guidelines in place, it's not the intent to limit the public input, but to limit the often verbal sparring, show boating that lends to political animosity and hard feelings. The Open Meetings act requires the meetings to be open to the public and includes the right of a person in the audience to address the Council. It further states that a person not be required to register in advance to attend the meeting, but that it is reasonable to require a person to identify themselves and give advance indication they wish to address the public body. The public body may also adopt rules for time limits to which a member of the public may address the public body. Robert Rules of Order states that all comments must come through the Chair. This comes from the 9th Edition Pages 22 and 327. Our Charter in Section 4.7, Paragraph G and I also addresses this issue as well. If a concern is brought to the attention of the public, and the Council has information regarding this concern, it may be addressed by
the members of the Council. If a member of the Council is not certain of the information, they should state this also.

Mrs. Zelenko said she asked Attorney Austin here this evening to assist us in staying within the Open Meetings Act.

AUDIENCE PARTICIPATION:

There was no one in the audience who wished to speak.

COUNCIL DISCUSSION:

Mr. Hammon asked what items had been deleted from the first set of guidelines.

Mrs. Zelenko replied there were concerns about Items #2 and #3 and that two minutes was not enough time for a person to address the Council. Item #3 was deleted, showing that all of those signing to speak would be allowed three minutes. People addressing the agenda items would be allowed to speak first. Possibly we should consider having another public participation session after our Council Action for the items not on the agenda, like Mr. Martinbianco
suggested. I spoke with Mr. Austin today and he had some concerns with Item #7. Also, I spoke with some of the citizens in regards to Item #9, and they think everyone should have the right to speak. If they only speak for three minutes, we should be able to keep this under control. Item #10was changed a little so that it is more specific on who
the citizens were when giving a presentation to the Council. Possibly we should consider having a guest presentation portion on the agenda following the Administration's report.

Mrs. Tinnin said if one of the Council members has a question for the audience, it wouldn't be out of the ordinary to to ask them to step back to podium to answer their question.

Mrs. Zelenko said they can address their concerns to me and then we could ask the person in the audience the question. If it is a topic that will cause a lot of discussion, perhaps we should hold a meeting just for that topic.

Mr. Martinbianco spoke in regards to Item #1. He said the people should be allowed to discuss those issues that may be outside the scope of the agenda items that evening. Also, he addressed Item #3, which says that the person's address will be included prior to them speaking at the meeting. We may have to set aside several minutes for the audience to bring their concerns about a certain topic to the Council for their consideration. We may have overlooked some issues of importance for individuals that may need to be addressed. Is it your intention, under Item #6, to have e security here at every meeting?

Mrs. Zelenko replied no, but it should be understood that they are only a phone call away.

Mr. Cross suggested instead of using the term security in Item #6, this could be defined as Burton Police Department.

Mrs. Zelenko agreed.

Mrs. Tinnin suggested the list for the public to sign in would be open or placed in a privacy container, should the person not want their address publicized or their topic known to others.

Mr. Martinbianco said this forum will allow the public to interact with their elected officials. It is important to encourage, not discourage public comment and provide information to the public.

Mr. Centilli said if we have another Audience Participation after the Council Action, for those items not specifically listed on the agenda, would there be a time limit of three minutes.

Mrs. Zelenko advised yes, the public could speak for three minutes. She said it works well for the Parks and Recreation agenda.

Mr. Hammon questioned in Item #3, regarding the video recording of a meeting, are you going to tell them they don't have to give their address, but will ask for it and if they refuse to give it, then they will not be allowed to speak.

Mrs. Zelenko replied that if they have already signed in prior to the meeting, identifying themselves, including their name and address, so we can have that for the record.

Mr. Hammon asked if they have not signed in, then they will not be allowed to speak, right?

Mrs. Zelenko replied that is correct.

Mr. Brawner asked if someone comes in late to the meeting, could they still sign up to speak?

Mrs. Zelenko replied yes, as long as the audience participation portion of the agenda was not over.

Mrs. Tinnin asked who would be monitoring this activity.

Mrs. Zelenko replied possibly the Clerk's Office or anyone of the Council.

Mr. Hammon suggested that just because someone doesn't sign in, they can't be stopped from speaking.

Mr. Austin read the Attorney General's Opinion #5183 that dates back to 1977. The people wishing to speak should identify themselves and give advance notification that he/she wishes to speak. The Opinion states that a person

should be encouraged to speak and to give their name and address and topic prior to the public discussion, but if they arrive
Late, but before the conclusion of the audience participation, they should be allowed to speak, but should also give Their name publicly instead of putting it in the privacy box.

Discussion was held concerning the names of the people who wished to speak. Mr. Austin that list would be given to the Chair and then it would be given to the Clerk and made a part of the minutes.

Mr. Cross said if a person didn't want to give their address in the past, we have allowed them not to, but just give it to the Clerk. They could walk over and give it to her or write it down on a piece of paper. I've only known of one incident like this in 16 years.

Mr. Martinbianco asked if any thing has been suggested to accommodate people with physical disabilities, such as deafness, language barriers, etc.

Mr. Austin said if the notification is given that a person is deaf and needs to speak to the Council, we could make arrangements for an interpreter. If someone just shows up at the meeting, it would be more difficult to accommodate him or her.

Mr. Cross suggested that the local churches would most likely have someone who would be available to attend the meeting and accommodate this particular individual.

Mr. Martinbianco questioned whether Council could waive the three minute time limit and by a vote of the Council, give the person an additional two or three minutes to speak.

Mr. Austin said this could be done, however, he thinks Council should include the additional time now, when the Guidelines are being set. A brief discussion continued on this topic.

Mr. Cross said he doesn't like the idea of having the public speak two times and would prefer leaving this as it is now. We could go to non-agenda items after the Council Action.

Mr. Hammon asked Mrs. Zelenko if she is looking for a vote on the guidelines this evening. He was advised no.

Mrs. Zelenko said she would like to have the guidelines in place by the end of January. She wants to give Council ample time to think about them before voting on them.

COUNCIL ACTION:

There was no action taken.

Meeting Adjourned at 6:32 P.M.

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML