

CITY OF BURTON
COMMITTEE OF THE WHOLE
FINANCE SUB-COMMITTEE MEETING MINUTES
JANUARY 26, 1993, 6:30 P.M., COUNCIL CHAMBERS

This Finance Committee Meeting was called to order by Chairman Hammon at 7:45 P.M.

Members Present: T. Hammon, T. Martinbianco, C. Abbey, K. Cox, C. Cross, A. Walls, and P. Zelenko.

Others Present: Dr. E. Burton, Superintendent Bentley Schools; B. Kitchen, J. Grantner, D. Austin, Bentley School Board Members; R. Austin, Assistant City Attorney; B. Becker, Controller; J. Brown, Clerk's Office.

PURPOSE OF THE MEETING: Discussion with Bentley Board of Education concerning crossing guards and other matters that might arise.

PRESENTATION:

B. Becker, who was representing the City, explained that he had no new information other than a letter from R. LaDuke which all those present had received.

AUDIENCE PARTICIPATION:

None

COMMITTEE DISCUSSION:

T. Hammon stated that he felt it was time to resolve this issue, and hopefully the Committee would direct the City Attorney to draw up an agreement. He feels the city is responsible for two (2) crossing guards in the amount of \$16,000.

C. Cross read into the record the letter from R. LaDuke. (see attachment).

C. Cross referred to a letter from D. Lowthian, Assessor regarding a Special Assessment District in the amount of \$13,948. He asked if this was considered in the amount of \$16,000.00. T. Martinbianco explained, no it wasn't.

T. Hammon asked the City Attorney if this board could make a decision at this meeting. R. Austin suggested directing him to draft a document to be reviewed at the next Council meeting for approval. He said he could have the document ready by Wednesday afternoon for review. C. Abbey asked if the Administration had a position. B. Becker said to his knowledge they had no formal position on this issue. A. Walls spoke on not feeling comfortable entering into an agreement for this expenditure. More discussion followed on the problems on crossing guards. D. Austin, Bentley, reviewed the problems there have been since 1989 when R. LaDuke was Board President. T. Hammon again stated that some sort of compromise should be reached. C. Abbey said litigation doesn't benefit anyone. He said the City and Bentley have always had a good relationship he would like to resolve this once and for all. C. Cross asked if there would be a guard on Roberta. D. Austin, Bentley, explained.

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T. Martinbianco said that accepting the state law is the responsibility of the City. Discussion on future decisions by future Boards followed. T. Hammon suggested drawing up a contract that would be difficult to change. B. Becker spoke on the other two school districts asking for similar funds. Attorney R. Austin spoke on this issue, he suggested adding "no expectation" of a greater re-imbursement. he reviewed the Attorney General's opinion and the conclusion was "they don't know" specifically where the responsibility lies. T. Hammon said he can understand if some members are uncomfortable but they should be proud of themselves in having reached a settlement and taking care of this problem.

Moved by Zelenko, supported by Cox to direct our City Attorney to prepare settlement agreement with the City of Burton in the matter of payment for Bentley School crossing guards in the amount of \$16,000 for City Council review and possible adoption.

R. Austin, attorney, said if this went to litigation, he doubted if the city would be successful and the legal cost to get it to the Supreme Court would be prohibitive, also it would take many years. He said Council can't be properly criticized for this agreement.

Roll call showed motion carried 7-0.

Meeting adjourned 7:30 P.M.

Respectfully submitted by:

Jeanette Brown,
Clerk's Office