

CITY OF BURTON
LEGISLATIVE SUB-COMMITTEE MEETING MINUTES
FEBRUARY 20, 1997 9:00 A.M. COUNCIL CHAMBERS

This Legislative Meeting is called to order by Chairman Martinbianco at 9:10 A.M.

Members Present: T. Martinbianco, C. Cross, and C. Abbey.

Members Absent: None

Others Present: R. LaDuke, Building Supervisor; J. Brown, Clerk's Office.

PURPOSE OF THE MEETING: Discussion and Possible Recommendation Concerning

the following items:

- Manufactured
1. Building Ordinances Pertaining to Pre-Homes
 2. Code of Ethics
 3. Renotification Requirements
 4. Cellular Phones

Chairman Martinbianco stated that C. Cross was to research Item No. 4, Cellular phones. C. Cross said he has been researching but all information from the City of Flint is not back yet. T. Martinbianco said this item would then be rescheduled for a later meeting.

Chairman Martinbianco stated that Item 2, Code of Ethics would be reviewed by C. Abbey. Mr. Abbey said this draft is from a year and a half ago and he has modified it because the city attorney found some problems with the language. This ordinance will attempt to give some direction in the do's and don'ts to Burton Officials and employees. Section 1 Purpose. Mr. Abbey read aloud this section and said that sometimes something in our private life may be permissable but in our public lives it would not.

Section 2 Definitions. He explained these: "City Official/employee"; "Decision making"; "Substantial"; "Compensation"; "Official Duties".

Section 3 Grattituties

Section 4 Preferential Treatment

Section 5 Use of Information

Section 6 Full Disclosure

Section 7 Doing Business with the City

Section 8 Suppression of Public Information

Section 9 Use of City Property
Section 10 Penalties

AUDIENCE PARTICIPATION.

L. Petrella, 1081 Howe, spoke on correspondence to our State Senator regarding this ordinance. T. Martinbianco said he has a copy of a letter that was sent to the State. Mr. Petrella said he would like a copy of it. Mr. Petrella asked what caused the changes from the original draft. Mr. Abbey said the original was wordy and lengthy. Mr. Petrella said he

LEGISLATIVE COMMITTEE MEETING MINUTES
FEBRUARY 20, 1997 9:00 A.M.

PAGE 2

would like to see passage of this ordinance. He thanked Mr. Abbey for working so hard on this.

J. Stapish, 5160 E. Atherton, spoke on some problems he has had with the City.

P. Dargel, 6119 Hugh, spoke on individuals that she felt were involved in a conflict of interest situation. Mr. Martinbianco said if she felt aggrieved, she could take that individual to court, since we don't have a Board of Conduct to handle those matters. Mr. Abbey said we haven't set up a Board, that was not our focus, getting an ordinance in place to see how it well it will work was first. He explained the investigative process that will occur if there are any violations or appearances of violations. He said the elected officials will police themselves and each other.

R. LaDuke said in theory he had no problem with this ordinance but speaking from the SEIU standpoint the contract would have to be opened and re-negotiated because there are work rules that govern each employee in the DPW now. He asked who would defend an employee if he was accused of violating the Ethics ordinance. He feels this ordinance would violate the SEIU contract.

COMMITTEE DISCUSSION:

Mr. Martinbianco and Mr. Abbey did not feel that this ordinance would violate present work rules. It can be modified and if the work rules were submitted to this committee they could work to see that the ordinance would not be in conflict with the work rules. Mr. Abbey said this document allows Council to get something in place, they must start somewhere and it can always be modified.

Mr. Cross said he is a new member of this committee and he wishes to commend Mr. Abbey on the time and work he has spent on drafting this ordinance.

Discussion on defense for officials, Council members, and employees followed.

Mr. Cross spoke on residents perception. Mr. Abbey said "perception is truth" in people's minds. Mr. Abbey commented on people thinking that Council

members benefit from being on Council and receiving "gratituties" and such.

He feels they have an obligation to squelch that. In the audience, Alta Walls

said she feels that this is going to become a "political issue" and someone

is going to use it this year. She said these ordinances are costly to be published and she thought that we had far too many ordinances.

However she

urged this committee to recommend to Council to pass this ordinance.

Mr. Martinbianco and Mr. Cross discussed the wording for a new Section 10 and

make the present Section 10 number 11. It should read similar to the following:

"In the case that this ordinance is contested, Standards of Conduct Board shall

be appointed by the City Council." Mr. Cross felt that half be the Mayor's

appointments and half Council appointments. Mr. Abbey felt that two from the

city, such as the Personnel Director and the Police Chief and three from the

public should sit on the board. Lengthy discussion on how the board would be

appointed followed. Mr. Abbey said they should get the ordinance in place and

then proceed from there. LEGISLATIVE SUB-COMMITTEE MEETING MINUTES

FEBRUARY 20, 1997 9:00 A.M.

PAGE 3

Discussion on "gratituties", "use of information", and use of city facilities

for personal use, was held. R. LaDuke said their work policy was that no employees may use city facilities for their own personal use, there are progressive steps for discipline if necessary.

Mr. Martinbianco said Item 10 on the ordinance draft will become Item 11 and the new Item 10 shall read "In the case that this ordinance is contested, Standards of Conduct Board shall be appointed by the City Council."

Moved by Abbey, seconded by Cross to recommend to the full Council at the next

regular Council meeting of March 3rd., adoption of the First Reading of this

ordinance known as the Code of Ethics with the addition of the new Item 10.

Motion carried 3-0.

T. Martinbianco said the second item for discussion is the Building Ordinances pertaining to Pre-Manufactured homes. He said that the Mayor had announced that he has assembled a " Blue Ribbon Panel" to discuss the merits of these homes and what they can do and cannot do with these homes. The Legislative Committee is still in the process of assembling information. He did receive from the State of Michigan Department of Commerce Securities Bureau and also from the Michigan Township Association some literature. He is waiting to hear from the Michigan Municipal League. He asked R. LaDuke if his committee had anything to offer. R. LaDuke said they are just in the process of gathering information and will share with the Legislative Committee when he receives it.

In the audience, John Stapish, 5160 E. Atherton, spoke on the requirements for these types of homes.

Mr. Abbey said he must excuse himself from the meeting due to an appointment he has. He left the meeting at 10:40 A.M.

P. Dargel, 6119 Hugh, spoke on the material she has covering manufactured homes and foundation heights, and basements for these homes. Bob Centilli, 4479 Lawnwood Lane, spoke on adopting an ordinance that would require a pitch roof with eaves, a standard porch with foundation and other things that would make these homes fit into most neighborhoods.

Committee discussion:

Mr. Cross spoke on regulating porches. He feels wooden porches deteriorate so quickly that a porch with a foundation and a gable roof should be required. R. LaDuke said there have been thirty-three of these manufactured homes since 1992. Lengthy discussion followed. If these applicants are sent to the Building Board of Review, then all applicants must go before that Board. Mr. LaDuke said esthetics is the main problem with these homes. He is sure that the City could improve on what they are doing with these homes. Mr. Martinbianco said that this committee must wait to hear from the administrative committee before making a decision on what to do about these

homes. Mr. Cross concurred, and suggested they await information from the modular homes Blue Ribbon Committee.
LEGISLATIVE SUB-COMMITTEE MEETING MINUTES
FEBRUARY 20, 1997 9:00 A.M.

PAGE 4

Mr. Martinbianco reviewed the items and said #4, Cellular phones, would be tabled until more information is available, at the next Legislative Meeting.

Item 3 - Renotification Requirements.

Mr. Martinbianco explained that when a zoning case or something similar is scheduled and published and the developer asks for postponement, it should be required, he state a date when this meeting can be heard and also be responsible for re-notification of this case. Mr. Cross concurred.

P. Dargel, 6119 Hugh, spoke on process of notification and re-zoning and "comcept review".

Lengthy board discussion followed. The bottom line was that the person or persons asking for a case to be tabled or postponed indefinitely should be assessed the cost of re-notification. Mr. Martinbianco said he would like a little more time to gather information on this item. The committee will set another meeting in about a week.

Meeting adjourned 11:20 A.M.

