

CITY OF BURTON
LEGISLATIVE COMMITTEE MEETING MINUTES
JANUARY 15, 1998, 10:00 A.M., COUNCIL CHAMBERS

Meeting was called to order by Charles Cross, Chairman, at 10:20 A.M.

MEMBERS PRESENT: Centilli, Cox and Cross.

MEMBERS ABSENT: None.

OTHERS PRESENT: D. Halstead, Fire Chief; R. Hamilton, Attorney; R. LaDuke, Building Supervisor; J. Adams, Clerk's Office and C. Ladd, Deputy City Clerk.

PURPOSE OF THE MEETING: DISCUSSION AND POSSIBLE RECOMMENDATIONS
CONCERNING THE FOLLOWING ITEMS:

1. Cost Recovery Ordinance-Fire Department
2. Curbstoning
3. Graffiti Ordinance
4. Zero Tolerance for Employees

PRESENTATION:

ALCOHOL AND TOBACCO ORDINANCES:

Mr. Cross said the two ordinances pertaining to alcohol and tobacco were given to the Committee and to Lt. Mark Cunningham. Lt. Cunningham has no problem with the ordinance as presented to him. The Committee can make a recommendation to the City Council.

COST RECOVERY ORDINANCE:

Doug Halstead, Fire Chief, gave a brief background regarding the foundation for asking for this ordinance to be adopted. He explained that the insurance companies are only allowed to collect no more than 6% on a fire, per state law. He said he thinks the best way to recover some of the costs incurred from fires for services rendered, is to charge the people who have the fires and not assess the costs to the entire community. It is costly to maintain three (3) fire stations with a crew of 65 firemen. Also, the firemen must be kept up to date on their training. The fire trucks have to be maintained because we are using trucks that are 20 years or older. Once there is a fire, we will send the person a bill and they can send it on to their insurance company. This ordinance will help add to our capital improvement budget and will also cover the Police and DPW Departments expenses, if they are involved.

CURBSTONING

Mr. LaDuke explained that there is a problem in the City with people parking vehicles on corners with for sale signs in them and then moving from one corner to another. At the present time we have a process in which we tag the vehicles and give them notice to remove the cars from the corner, but the owners move them for a day or so and then bring them back again. This is costly to the City to have a Code Enforcement Officer getting the vehicles off the corners. We need to recoup some of the costs incurred. This is very similar to the Fire Chief's request.

GRAFFITI ORDINANCE:

Mr. Cross said the Graffiti Ordinance would be discussed at another Legislative Meeting.

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ZERO TOLERANCE FOR EMPLOYEES:

Mr. Cross stated that the City of Flint adopted such an ordinance, based on the ordinance that Genesee County has regarding zero tolerance of drugs and alcohol for employees. He said Mr. Major believes this issue is addressed under the City Policies and Work Rules. He noted that he is uncertain that it covers anyone other than employees and thinks elected and appointed officials should also be included.

Mr. Hamilton said if this issue is addressed in the union contracts, then it only applies to those who are covered under the contracts, not elected or appointed officials. After reviewing the County ordinance, Attorney Hamilton said he didn't see a problem with it, but he said he would have to look at the labor contracts and we may have to bargain language into them. He said he would speak with the Personnel Director to see what the language is.

Mr. LaDuke said there is language in the work rules but not in the union contracts.

Mr. Hamilton said he will review the Zero Tolerance Ordinance and bring back to the next meeting.

AUDIENCE PARTICIPATION:

ALCOHOL AND TOBACCO ORDINANCES:

John Stapish, 5160 E. Atherton Rd., asked Mr. Cross to read what the ordinance was about.

Mr. Cross gave a brief explanation of the proposed ordinances regarding alcohol and tobacco.

COST RECOVERY ORDINANCE:

John Stapish, 5160 E. Atherton Rd., said he is against this ordinance being adopted. It sounds like a good idea on the surface, but could cause insurance rates to be increased. He asked about the use of CD funds for purchasing fire trucks.

Mr. Cross said he spoke with a couple of insurance agents and was informed this would not cause a rate increase. This will only be used when there is a fire.

Chief Halstead said this ordinance will have nothing to do with increasing insurance rates. He said on an individual basis, we are not talking about a great deal of money, perhaps on an average of \$500.00 per home per fire. Chief Halstead said he has received approximately \$50,000.00 from CD funds over the past two years. Fire trucks cannot be purchased for this amount of money because they start at about \$104,000.00. If there is a need for an aerial truck, I have contracted with some of the other communities who have them for us to use.

Mr. LaDuke asked if this process would be utilized for every fire and also, what happens if the person doesn't have insurance.

Chief Halstead replied this is for fire emergencies only where we have structure damage and the ordinance is set up so that if a person doesn't have insurance, then the costs would be sent to the Mayor for his approval or denial and if denied, then the person could appeal the decision to the City Council. If the decision is made to deny, then the City would incur the costs.

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CURBSTONING:

John Stapish, 5160 E. Atherton Rd., asked if the Committee is interested in stopping the curbstoning or in the fees that this could generate. He asked if this ordinance would include someone who wishes to sell their own vehicle. He was advised no, only those people who are habitual offenders of selling vehicles from corners throughout the City.

COMMITTEE DISCUSSION:

ALCOHOL AND TOBACCO ORDINANCES: None

COST RECOVERY ORDINANCE:

Mr. Cox said he spoke with Chief Halstead before the dollar value for this ordinance. He said in some instances, the amount could be over \$500.00.

Chief Halstead said \$500.00 is a reasonable amount because most other departments charge \$500.00 for the first hour they are at a fire and we only charge \$250.00. I think in terms of not wanting to hurt the residents when considering the charges.

Attorney Hamilton reviewed the process and noted that the Fire Chief informs the Controller of the incident, then the Controller determines the costs incurred. The information is given to the Mayor for his decision in whether to charge the resident. If the Mayor approves, then the resident is charged and it is turned into their insurance company. If the resident wants to challenge the Mayor's decision, it will then go to the City Council. If the resident is without insurance, and the Mayor denies payment, then the City would most likely eat the cost.

Mr. Cox said he has no problem with the process.

Mr. Cross said he thinks this will turn into a political thing and doesn't agree with the Mayor and Council making the determinations. He said he would like to see this section changed to have a three member board to make the determination and take the politics out of this ordinance.

Mr. Centilli said he agreed with the three member board.

Further discussion continued regarding the issue of who would make the determination on whether the costs should be approved or denied.

Mr. Cross said he would not agree to recommending approval of the ordinance with Section 3, Items C and D as they are written.

Mr. Hamilton asked Chief Halstead approximately how many times last year this ordinance would have been put to use. He was advised by the Chief that there were very few incidents last year. Mr. Hamilton suggested using the appeal board and eliminating the Council in the ordinance.

Mr. Cross asked if there would be a minimum and maximum on the recovery costs. Chief Halstead no, because the cost depends upon the manpower and equipment that will be utilized. The costs will depend on what we are charged.

Mr. Centilli asked if the structure was a rental unit, who would be responsible for paying the cost, the renter or the homeowner? He was advised by the Attorney it is the party responsible for structure.

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CURBSTONING:

Mr. Hamilton said a simple solution would be to impound the vehicles. The Code Enforcement Officer could

then use the 24 Notice procedure for what appears to be fresh ordinance violations.

Mr. LaDuke said he would like to see a fee charged for those who continue to violate and hold the vehicle until the fee is paid.

Mr. Cox stated that a number of people will jump title and they are licensed dealers. If the title is not into the dealer's name and the vehicle is impounded, then it can lead to problems for the owner of the vehicle. He said if there is a fee at the time of impound, it puts the burden of cost to the person creating the situation.

Discussion continued regarding the procedure.

Mr. Hamilton suggested removing the 24 hour notice procedure in Section 6.

Mr. Cross said the Committee Members can review the agenda items and decide which items they want to address at the next meeting.

Mr. Cox noted that there is an article in the MML magazine on graffiti. He said it may be helpful to read this prior to the next meeting.

COMMITTEE RECOMMENDATIONS:

Cox moved and Centilli seconded the following motion:

1. Approve and authorize Committee recommendation to refer the alcohol and tobacco ordinance to the City Council for placement on the January 19, 1998 regular agenda.
Motion carried 3-0.

Cox moved and Centilli seconded the following motion:

2. Approve and authorize Committee recommendation to refer the Cost Recovery Ordinance to the City Council with the changes in Section 4 to have a three (3) member appeal board consisting of 3 residents appointed by the City Council.
Motion carried 3-0.

Cox moved and Centilli seconded the following motion:

3. Approve and authorize Committee recommendation to refer Ordinance No. 84-C to the City Council for agenda on January 19, 1998 for first reading, and eliminate the 24 hour notice from Section 6 of the ordinance and assess a fee for the impounding of any vehicle. Also, place a resolution on the agenda setting the fee for impounding of the vehicles.
Motion carried 3-0.

Meeting Adjourned at 11:55 A.M.

Cheryl M. Ladd, CMC/AAE