

CITY OF BURTON
LEGISLATIVE COMMITTEE MEETING MINUTES
JANUARY 29, 1998, 10:00 A.M., COUNCIL CHAMBERS

MEETING CALLED TO ORDER BY Charles Cross, Chairman at 10:02 A.M.

MEMBERS PRESENT: Cross, Cox, Centilli

MEMBERS ABSENT: None

OTHERS PRESENT: J. Major, DPW Director, R. Riess, Water & Sewer Supervisor, R. LaDuke, Building Supervisor, J. Adams, Clerk's Office.

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

1. Review Section 1.11 of Ordinance 6 re/ requirement of new construction to connect to public water.
2. Recoup Fees and Charges for City Ordinance Violations. (DPW to provide resolutions)
3. Zero Tolerance Resolution re: Alcohol & Drugs by anyone using city motorized vehicles.

PRESENTATION:

Mr. Cross indicated he would like to cover the above items in the order of 3, 2 and 1, and will begin with the Zero Tolerance Resolution.

Mr. Cross introduced Mr. Don Cronin, spokesperson from the MADD organization who he invited to the meeting to give a brief introduction.

Mr. Cross said in October he spoke to Tim Herman, the County Commissioner and he gave him a copy of the zero tolerance for all employees of the County and asked that we look at it. He reviewed it and believes that it will fit our situation in Burton and hopes that other cities he contacted will look at it also. It states that anyone who uses non-prescription drugs or any type of alcohol will not be allowed any factor, whatsoever, we are not going by 0.1, it will be zero tolerance and will not accept anything less than zero, while in use of a City vehicle, whether it is a road grader, police car, administration vehicle or any member that owns or leases a vehicle. We want people to know that City people are responsible people.

AUDIENCE PARTICIPATION:

Mr. Cronin thanked Mr. Cross for asking him to attend the meeting. He is aware of the County ordinance that passed, and said any ordinance that gives elected officials and police officers the tools by which to prevent the tragedies that we see so often on the highways, is certainly a welcome addition to any municipality. MADD's function is to create the visibility that drinking and driving will kill or seriously injure. Mr. Cronin said he was glad to be able to come to the meeting and appreciates our interest.

Mr. Cross indicated to Mr. Cronin if there is any further help that MADD needs, we are here to help you.

Mr. John Stapish, 5160 E. Atherton, Burton, MI, spoke regarding employees with drug or alcohol use on the job.

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Mr. LaDuke said he sees possible problems with the zero tolerance resolution. As an example, an employee who may be at home that has had a beer or 2 and then are called in to work on the city streets, they are not impaired or drunk, but under the zero tolerance they would be in violation. He sees potential problems with this.

Mr. Cross said the employees know they are on call and they should not be drinking.

Mr. Major said our crews are on call 7 days a week, 24 hours a day.

R. LaDuke said no employees should come to work impaired. Zero tolerance is zero.

Mr. Cross further stated that the City is at stake if an employee is involved in a mishap who has violated the zero tolerance.

Mr. Major said there could be a down-side to this.

Mr. Cross asked for Committee discussion.

COMMITTEE DISCUSSION:

Mr. Cox, Mr. Centilli and Mr. Cross discussed the wording of the zero tolerance resolution. Mr. Cross read aloud the resolution (see attached).

COMMITTEE RECOMMENDATIONS:

Mr. Cox moved and Mr. Centilli seconded the following motion:

1. To approve and authorize to the City Council to add the zero tolerance resolution to the agenda for Monday night's Regular Council Meeting.
- Motion carried 3-0.

Mr. Cross asked that the resolution be added to the agenda for Monday night's Council meeting.

COMMITTEE DISCUSSION:

Mr. Cross asked for discussion regarding Item 2 to recoup fees and charges for City Ordinance Violations.

R. LaDuke indicated there were 506 complaints and code violations of which 60% adhered to notices. We spend approximately \$50,000 on code enforcement. He suggests no cost recovery on initial visit, in 10 days see if resident have complied, if additional visits, we need to recoup. The amounts spent on time involved for clerk typist is approximately \$12.00 p. hr., code enforcement \$27.00 p.hr., vehicle run approximately \$5.84, a total of about \$42.00 without administrative time and we should re-coup approximately \$50.00. We invoice the property owner and if they do not pay, it then it should be put on their taxes. Mr. LaDuke said that for rental properties, the property owner is responsible for the property.

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Mr. Major said he has no better idea than this, the problem exists and is very time consuming.

AUDIENCE PARTICIPATION:

John Stapish, 5160 E. Atherton Rd., Burton, MI, said he believes there is selective enforcement with grass cutting. Landlords are believed to be tyrants, and he believes he is the brunt of certain individuals from the City.

Mr. Cross asked that for the record to indicate that is Mr. Stapish's opinion.

Mr. Stapish further indicated that he thought the taxes residents pay is for the employees wages and the cost of doing business. He said drugstores charge 7 cents a copy and the City charges 25 cents a copy and a 10% handling fee DPW charges.

Mr. Cross noted for the record that no one else is present in the audience.

Mr. LaDuke stated if people kept their yards cut they would not have problems. The residents generate 85 to 90% of the complaints. He also said he has reminded Mr. Stapish to cut his grass and that Mr. Stapish knows the weed ordinance.

Mr. Cross asked Mr. LaDuke to have a fee structure to review at the next meeting.

Mr. Cross asked to review the next Item on the agenda 94-04.

Mr. Major said it was presented to the Legislative Committee, Paula Zelenko was on the Committee at the time, and they tried to work out a compromise and put a requirement in that when you build on a vacant piece of property with a home or building and public water is available, you will connect to it. Mr. Major said it has not been reviewed by Mr. Hamilton. Basically this has been done by Rick Riess, Paula Zelenko and myself, and we think it can work, but it needs to be refined. It makes it mandatory to a degree with an appeals process. We are trying to show them this is a good deal versus a well.

Mr. Cross indicated the average cost for a new well is between \$3,000 to \$4,000.

Mr. Riess said with a water softener system probably around \$5,000.

AUDIENCE PARTICIPATION:

John Stapish, 5160 E. Atherton, Burton, MI, said that land owners should have a choice if they want City water or a well.

Mr. Cross noted no other audience.

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COMMITTEE DISCUSSION:

Mr. Centilli asked J. Major about the wording of the ordinance.

J. Major said the ordinance would read that they will connect to the public water supply system, that is the way it was originally drafted, then they added the language for new homes and businesses that if it is available out front, connect to it, that was the initial wording.

The Committee, Mr. Major, Mr. LaDuke, Mr. Riess discussed and reviewed the ordinance.

Mr. Major suggested a possible water appeals board which could include a couple of citizens, Council members and public works members.

Mr. Cox said we are heading in the right direction. He thinks the idea is innovative and that you are looking out for the people.

J. Major said it helps us to get them to want to connect so we can do the extensions. With the land divisions we are going to run out of money and not be able to continue the extensions if we don't pay back the previous ones. That would hurt the whole program.

RECOMMENDATIONS:

Mr. Major said he would like to pass this on to the attorney to fine tune it into a presentable ordinance form to review at your next meeting.

Mr. Cross said he wants a time limit for Mr. Hamilton and to have it back in 2 weeks. Mr. Hamilton to get back with J. Major.

Mr. Cross asked Mr. LaDuke to have a revised fee schedule for the next scheduled meeting. Next meeting will be in two weeks. J. Major get in touch with Atty. Hamilton for revision and final draft. Mr. Cross said he will set up the next meeting.

Mr. Cross said to note that the Attorney does not have to be at the next meeting.

Mr. Centilli asked about the Graffiti ordinance.

Mr. Cross said it will be addressed at the next meeting.

MEETING ADJOURNED AT 11:14 a.m.

Julie R. Adams
Clerk's Office