

CITY OF BURTON
LEGISLATIVE COMMITTEE MEETING MINUTES
AUGUST 19, 2002, 1:00 P.M., COUNCIL CHAMBERS

MEETING CALLED TO ORDER BY LEGISLATIVE CHAIRMAN CHARLES CROSS AT 1:00 P.M.

MEMBERS PRESENT: Bement, Wells, Cross

MEMBERS ABSENT: None

OTHERS PRESENT: Atty. Richard Hamilton, T. Strasser, Deputy Planning Official,
J. Adams, Clerk's Office

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

1. DOMESTIC VIOLENCE ORDINANCE
2. SIGN ORDINANCE

DOMESTIC VIOLENCE ORDINANCE

PRESENTATION:

Atty. Hamilton stated there has been a number of revisions to the Criminal Law at the State level since the O.J. Simpson incident relating to domestic violence and how it is being handled. Some of the differences is on a domestic case under State Law, police officers are permitted to make an arrest for a misdemeanor that was not committed in his presence. Prior to this, in order for a police officer to make an arrest a misdemeanor had to take place in his presence. Under the new State Law Statute, police officers are allowed to act as complainants and to make arrests for domestic assault and batteries. We were doing that under the auspices of the State law, making the arrest but then charging them under our assault and battery local ordinance.

Mr. Hamilton stated further, the primary difference with regards to the ordinance that Mr. Austin prepared and submitted to Council, is this now makes it a 93 day misdemeanor rather than a 90 day misdemeanor. Another provision of State Law provides for the taking of fingerprints for persons charged with 93 day misdemeanors. This will add a domestic assault and battery provision to our local ordinance which will parallel the State Law. It will support the taking of fingerprints from persons charged because the penalties are increased from 90 days, which is our Charter defined limitation, to 93 days which are permitted by the Statute for domestic assault and batteries.

Mr. Hamilton continued, the language of this ordinance exactly parallels the definition of language in the State Statutes of what is domestic violence and what is the relationship between the parties which will qualify it as a situation in which domestic assault is called for. Mr. Austin is making it an emergency ordinance which means it would only then take One Reading of An Ordinance to become effect. Apparently, the urgency of this was generated as a result of something between the Court administrators and our Police Department on some pending cases.

AUDIENCE PARTICIPATION: There was no audience present.

COMMITTEE DISCUSSION:

Mr. Bement said basically all this is doing is bringing us in line with the State Statute.

Mr. Cross commented regarding concerns of lack of publication before tonight's meeting.

Mr. Hamilton said it is not mandatory that it be done that way but apparently Mr. Austin felt there was some urgency to put that provision in the ordinance. We do not have any other options in terms of changing the language because we have to make it parallel to the State Law.

Further discussion resumed regarding an emergency ordinance.

COMMITTEE RECOMMENDATIONS:

Bement moved and Wells seconded the following motion:

1. To approve and authorize the recommendation of the Legislative Committee to place the Domestic Violence Ordinance on the agenda of the Reg. Council Meeting of August 19, 2002 at 7:30 p.m.
- Motion carried, 3-0.

SIGN ORDINANCE

PRESENTATION:

Mr. Strasser said the reason for the request of the revision of the Sign Ordinance is because of the electronic message centers that you are starting to see pop up not only here but in other communities. We have had a couple of them come before the Zoning Board of Appeals asking for a variance because the way our Sign Ordinance is interpreted, the sign cannot be intermittently lit, flashing or moving.

Mr. Strasser spoke briefly on four ordinances he has from other communities. He indicated none are real explicit and only one of the ordinances addresses the amount of time that a message can be on the screen itself which is 7 seconds. It cannot move any faster than 7 seconds. Mr. Strasser stated they are getting a lot of complaints on Ebenezer Church's on Center Rd. They are currently on notice that they are in violation.

Mr. Strasser stated further, we need an ordinance drafted and he suggests there is a limit size, 2 ft. x 4 ft., or anything that constitutes 8 square feet which would be one high, 8 ft. wide. Just to let them go as large as they can for their advertising sign is too big. It is too noticeable and hindering of the traffic situation. I also suggest the square footage that is allowed for a message center is incorporated into the square footage that is allowed for the signage. One of the reasons you have not seen a lot of these up until now is that the cost was phenomenal. It use to cost \$50,000 to construct and program, and that same sign today is around \$3,000 to \$4,000 due to computerization. So it is now very affordable. All of the sign people I have talked to say that this is going to be constant, they are selling more and more of these throughout the state and they are very effective as an advertising tool. So this will be constantly in front of the ZBA and that is why we came up with the suggestion of going through the Legislative Committee and getting an ordinance written that would allow that kind of message center.

Mr. Strasser in summary, said we do need some type of control, and again, he suggests the size and duration of the message as to how often it can change.

Mr. Hamilton said he would think the bigger the size of the sign, the less it would have to be there to be read.

Mr. Strasser said when it is flashing constantly, people will start to slow down on the road to see and read each message. With the 7 seconds in place, you are beyond the sign there before you see that it changes.

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Mr. Bement inquired regarding complaints on Ebenezer Church's sign.

Both Mr. Cross and Mr. Wells acknowledged they have also received complaints on Ebenezer Church's sign.

Discussion continued at length regarding electronic reader board signs.

COMMITTEE RECOMMENDATIONS:

Mr. Cross stated the Committee would like Mr. Hamilton to write something up to get it started, bring it back to Committee to discuss it again and possibly to have something final. He will also update Council during Committee Reports at the Council Meeting.

Meeting adjourned at 1:50 p.m.

jra