

CITY OF BURTON
LEGISLATIVE COMMITTEE MEETING MINUTES
FEBRUARY 10, 2003, 2:00 P.M., COUNCIL CHAMBERS

MEETING CALLED TO ORDER BY CHAIRPERSON CHARLES CROSS AT 2:00 P.M.

MEMBERS PRESENT: Cross, Bement, Wells

MEMBERS ABSENT: None

OTHERS PRESENT: Atty. Richard Hamilton, Charles Abbey, Administrative Assistant,
J. Major, DPW Director, J. Adams, Clerk's Office

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

1. Cell Phones
2. Credit Cards
3. Use of City Vehicles
4. Hunting Rights in the City of Burton
5. Rotating Lighted Signs

AUDIENCE PARTICIPATION:

John Staphish, 5160 E. Atherton Rd., Burton, MI, spoke regarding hunting rights in the City. He feels Council should leave the hunting rights the way they are. The spaces for wild animals are eliminated with all the development and animals will then move into neighborhoods to eat up gardens and tear up the yards.

CELL PHONES

Mr. Cross indicated the cell phones is a City policy handed administratively. He does not believe anyone on Council has a City cell phone.

PRESENTATION:

Mr. Abbey stated the policy was implemented a few years ago. We feel it is real stringent and fair, and we are very comfortable with it. It has been working and cost efficient. If you were an essential employee that needed this type of coverage, the City paid the cell phone bill. The Mayor indicated we are getting out of that business. The way the new policy is, you have to go out and get a contract of your own. All these contracts were at least two years and they had minimum requirements. The Mayor had a policy they had to have them on 24 hrs. It seems to be working. If anyone has any problems or issues we will listen to them and take suggestions.

COMMITTEE DISCUSSION:

Mr. Bement said he read the policy and cannot see where the City can lose. If something comes up that there are circumstances the administration would question, I am sure they would check it out. I don't think you can beat the monthly allowance of \$40.00. No one has ever called me in regards with having a problem with a cell phone. I think it is very fortunate they get out of it \$40.00 a month.

Mr. Wells said he agrees with Mr. Bement. The interviews I did with employees of the City that have a cell phone, have all said they come to good use. It is a cost saving measure. You need to have one these days as far as communication to get a hold of your people. This is the same policy I have at work. They give me a stipend to pay for my cell phone and if I go over the stipend, it is up to me to pay for it. The phone is in my name and the account is in my name. Mr. Wells said he has no problem with the City's policy.

COMMITTEE RECOMMENDATIONS AND/OR ACTION:

Mr. Wells moved and Mr. Bement seconded the following motion:

1. Approve and authorize the Legislative Committee recommendation to the Burton City Council that no changes be made to City Policy #74, as it is found to be sufficient.

Motion carried, 3-0.

CITY CREDIT CARDS

Mr. Abbey stated on December 4, 1996 a resolution was adopted by a previous City Council with a 7-0 vote creating this policy on credit card use. The only difference in the administrative policy is in Section B1. We felt that we could strengthen that a little bit from an administrative standpoint because the language said circumstances which limit purchase of goods and services in the amount not in excess of budgeted allocation. The Mayor felt uncomfortable with that language. In the administrative policy it pretty much reflects that resolution but we put caps on that. We limited the amount the use can be and took Council's resolution and added some additional controls.

Mr. Cross inquired regarding the purchasing agent's review of items and documentation.

Mr. Abbey responded the purchasing agent does review it and he has a receipt before the bill gets paid. If there is not documentation or a paper trail, the ultimate responsibility is yours to prove what you claimed you purchased with that card. He has not seen a case where there has been a problem getting documentation.

Mr. Wells inquired regarding administrators credit cards.

Mr. Abbey gave an example of an off site conference with administration in Grand Rapids concerning the City's pension. Mrs. Tinnin did not have a city credit card so he put her room on his card. If he had not been there, she would have had to have some type of means to secure that room, or pay cash for it. It was a covered seminar for her, so she should not have had to pay for it.

Mr. Wells said he sees no problem with city credit cards and in today's business it is necessary.

Mr. Abbey gave other examples where the city credit cards have been convenient. He spoke regarding the gas spill at the Admiral station on Saginaw St.

Mr. Wells re-iterated he does not see any problems with the City policy or administrative policy on credit cards. They just had their budget audit meeting and were told by Dupuis & Ryden there is no abuse going on.

Mr. Cross said the City Policy #54 is tighter than what Council originally wrote in 1998. They have added more to it and tightened it up more.

Mr. Bement expressed the same comments as Mr. Wells. He also does not see any problem with it and he would leave it exactly as is. You have to have faith in the City administration and if there is a problem with a credit card, it is their job to take a look at it.

Discussion continued regarding city credit cards. Mr. Hamilton inquired as to the number of credit cards in use.

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Mr. Abbey indicated approximately 5 or 6, he knows the figure is less than 10. They are each assigned to an individual and they have different limits depending on the job and responsibility.

Mr. Cross asked if each card is a separate account.

Mr. Abbey responded they are all individual accounts within the master account.

COMMITTEE RECOMMENDATIONS:

Bement moved and Wells seconded the following motion:

1. Approve and authorize the Legislative Committee recommendation to the Burton City Council that no changes be made to the City Credit Card Policy or Administrative Policy #54, as it is found to be sufficient.
- Motion carried, 3-0.

USE OF CITY VEHICLES

Mr. Cross asked if vehicles are being turned in if a person is on sick leave.

Mr. Abbey stated if someone goes on a week's vacation they are suppose to bring the vehicle back to the yard, or if they are on an extended sick leave. They do not turn the vehicles in on a day-to-day basis. He does not know of anyone that has gone on an extended leave.

Mr. Bement inquired as to how the City Vehicle Policy got on the Legislative agenda.

Mr. Cross replied cell phones, credit cards and use of city vehicles was requested by Councilperson Tinnin. I told her we would look at it and see if there needed to be any revisions.

Mr. Wells inquired regarding the number of vehicles that are driven home.

Mr. Abbey stated the persons that drive a city vehicle home.

Mrs. Wells expressed that in other words, no one that is not on 24 hours a day call drives a vehicle home.

Mr. Abbey responded that is correct. The federal government allows 36 cents a mile for people to use their own vehicles. I can show you and it is most evident that we make out the way we are doing it and in fact, the taxpayers actually save money this way. Mr. Abbey referred again to the Admiral oil spill and stated you cannot run a business this large with this number of employees and not have transportation and communication.

Mr. Wells said the liability would be enormous if they were driving their own vehicles.

Mr. Hamilton stated we have the same liability whether they are driving a personal vehicle on city business or a city vehicle on city business.

Mr. Abbey interjected, except you have a blanket insurance policy on these vehicles. I am not sure you wouldn't be responsible for the additional cost for that personal vehicle for that person.

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Mr. Hamilton said he believes that is included in the mileage allowances. If people were to use their personal vehicle on public business they would be entitled to be re-imbursed for that, included within the 36 cents a mile which is the allowable amount (an amount for the insurance, maintenance, upkeep and capital expenses, the cost of operating a vehicle).

Mr. Wells stated at least if they are in a city vehicle we can keep track of them.

Mr. Bement said he recently seen an article in a magazine that indicated with the buys you get on the cars and the usage, it is probably cheaper to have something like that. I don't see anything wrong with this policy.

Mr. Abbey said a good share of those vehicles has been depreciated and passed down several times. Some have 150,000 miles on them. Mine is a 1997 Buick which was the Mayor's old car he passed down. In the future if there are any new purchases, we will do the same thing and pass it down. It may go through 3 or 4 people before it is sold off at auction one day.

Mr. Wells commented regarding the State cuts that are taking place.

Mr. Abbey said the City is in very good shape and financially sound. You have seen the Standard and Poors reviews and our independent auditors recommends what your budget reserves should be. We are almost double of what the national average is.

COMMITTEE RECOMMENDATIONS:

Wells moved and Bement seconded the following motion:

1. Approve and authorize Legislative Committee recommendation to the Burton City Council that no changes be made to the Use of City Vehicles Policy as it is found to be sufficient.

Motion carried, 3-0.

HUNTING RIGHTS IN THE CITY OF BURTON

Mr. Cross expressed that over half of Section 22 in the city is developed. Sections 23, 24 and Section 27 is 1/3 developed. Mr. Cross inquired regarding development in Section 26.

Mr. Major replied, if taken into account the 500 ft. from any structure and not just look at the sections, you will find it very difficult to hunt in those sections you just spoke of. You may be able to find a location but start mapping that out and walking those distances around with those new subdivision in the southeast corner, and I don't think we have any areas of appreciable size that is left.

Mr. Cross said in that case, we are looking at police enforcement. If persons are out there with guns, you can't hunt closer than 500 ft. of a home. You cannot discharge any firearms closer than 300 ft.

Mr. Bement said he personally has not heard of any problems with hunting in Burton. I know kids use to hunt in the area off of Lippincott for rabbits and pheasants. He does not see any reason to change the ordinance. Enforcement has to take place. If someone is shooting 200 ft. from your house, you need to have someone come and check it out. Mr. Bement stated further, he feels communication has to be set up. He suggests when hunting starts up they can have the Suburban newspaper remind people the sections in Burton where they can hunt and state they have to be 500 ft. from any structures. I think we need to do that.

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Mr. Hamilton said he cannot recall but maybe 3 or 4 times in 20 years, citations for violations of these sections of the ordinances. That may be a function of a police officer going out and saying you are not suppose to be here. I have had a few cases for discharging a firearm too close to a house, but not a lot of them.

COMMITTEE RECOMMENDATIONS:

Bement moved and Wells seconded the following motion:

1. Approve and authorize the Legislative Committee recommendation to Burton City Council that no changes be made to the Hunting Rights in the City of Burton, and to place an article in the newspaper when hunting season opens as to where people can hunt and the type of shells they can use.

Motion carried, 3-0.

ROTATING LIGHTING SIGNS

Mr. Cross addressed the new revolving signs. He said in the fall this was referred to him and the Legislative Committee met and asked Mr. Hamilton to write something up to refer back for adoption. The Zoning Board is seeing more and more requests for them and they wanted some kind of guidelines.

Mr. Hamilton said these signs are relatively new. He spoke to Bill Carr Signs because they placed some of these signs and asked what they thought was appropriate in terms of regulation. He also undertook a search of municipal ordinances to determine other municipalities that dealt with this problem before. He has some suggestions from the sign company as well as a copy of a sign ordinance that the City of Milford utilized. He came up with this proposed ordinance before you today.

Mr. Hamilton stated further, to tell you I understand what a .08 foot candles or luminary brightness of 2,400 ft. lamberts mean, or how we would ever know, I can't. My thought is we might add a section into this ordinance which says that we have some sort of permitting or licensing process that would attach to these kind of signs. It would require an architect to certify that was the level of those lights prior to issuing a permit.

Mr. Hamilton said he does not propose to do this to an amendment of the Zoning Ordinance because we have some existing signs out there and I did not want to get into an issue of non-conforming uses that would attach if we had inserted this into the existing sign portion of the Zoning Ordinance. I am proposing this ordinance as a separate police power ordinance and not a Zoning Ordinance, which means it doesn't go through the Planning Commission or comes through the City Council with a recommendation from the Planning Commission. This will just be a straight ordinance to be adopted by the City Council.

Mr. Bement inquired regarding Bill Carr Signs input.

Mr. Hamilton responded, the text of those signs are moving so fast that there is multiple messages and people's attention are drawn to the signs instead of the road. That is a function of how fast those signs are changing. If you slow it down a bit you will see one message by the time it takes you to get by the sign and you are not waiting for the next one to come through. Bill Carr Signs suggestion was every 7 seconds be used as a time within which those text messages would rotate. Milford had 5 seconds. I slowed it down and put the 7 seconds in there because that will keep it from a continuous text.

Mr. Bement inquired further if Bill Carr Signs thought the language was fair enough.

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Mr. Hamilton said he spoke to Mike Ellithorpe who works with Bill Carr Signs. He said you are not going to have a lot of them because they are very expensive. This was kind of brought to a point because of the church sign by Lippincott and Center. Mr. Ellithorpe said before I had spoke to him, the sign company went to the church and told them to slow the sign down and damper the brightness down because they were losing the affect of the sign.

Mr. Abbey indicated Mr. Ellithorpe was to be present tonight after having conversations with Mr. Hamilton regarding this proposed ordinance. He got held up in Detroit due to the weather and could not be here. My only concern is I am not sure I know what 2400 ft. lamberts are either. When a Council creates an ordinance we are suppose to enforce it. Mr. Abbey asked if there is some type of monitoring system to know if they are in violation.

Mr. Hamilton responded there is a system where that can be measured. We do not have the capability on a day-to-day basis to do that. It is similar to the problem we have with our sound ordinance. I think the best method of enforcement is pre-enforcement and that would be requiring a permit for the sign, that would have a certification from the designer or engineer that prepared the sign that it meets the specifications required by the City. Apparently, this particular sign on Center Road has the capabilities of adjusting even the brightness. You want to have some sort of a lock on it that it would not exceed whatever level you design to. It is not uncommon. I know when Davison Township goes through a site plan review, they require the site plan include an engineering statement as to the number of foot candles, such as lighting of parking lots so you don't get a lot of light splash. They also require a showing of a light pattern so you don't get a lot of light bleeding off onto adjoining properties. These are things architects and engineers are use to dealing with. We just have not required them to show us what they are doing before they put up a sign. We are generally just regulating sizing in our ordinance up to this point.

Mr. Major inquired regarding adding a modification to obtain some type of certification to at least keep a handle on this.

Mr. Hamilton said you could administratively require that when you issue a site permit or a sign permit, we want certification that the sign they propose to erect would operate within the scope of our ordinance requirement.

Mr. Cross asked if they need to put this in the ordinance.

Mr. Hamilton said he can modify to either put a renewable license on it, where every year they have to get the license renewed, or a permit process for the installation of these with the certification of compliance by a registered engineer.

Mr. Abbey said we like the certification method. These annual re-certifications are a problem especially when you talk about the number of personnel we have to go out and enforce these things.

Mr. Cross said he does not like the idea of bringing them back to the Zoning Board every year for a sign. It is too much for the owner of that sign, our Zoning Board and code enforcement. If they do it correctly the first time and submit the paperwork, then on a complaint basis we have a neighbor who says they cranked the light up, at that point we can go out there. But I don't want to bring them back every year.

Mr. Hamilton said he can add a section to put a permit process into it and the Department of Public Works responsible for the permitting.

Mr. Cross asked how the process would work.

Mr. Major said that was one of his questions on who can complain. In some cases it is motorists going down the highway but typically it is the adjacent property owner that complains.

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Mr. Cross asked Mr. Hamilton to have these changes by next Monday to give Council to add as a First Reading.

Mr. Major asked for clarification that it will be code enforcement.

Mr. Hamilton said the permit will be issued out of the Department of Public Works.

Mr. Abbey asked who would write the citation, would it come under building or police powers.

Mr. Hamilton replied the authority of the code official to issue citations is controlled by either resolution or an ordinance of the city. If we want the code enforcement officer to issue that we may have to amend that resolution.

Mr. Abbey said clearly the police are not going to want to go out and have to deal with these kinds of complaints, they are not criminal by nature.

Mr. Hamilton said in that same section, he could provide enforcement by the code enforcement officer. Then we would not have to change the other resolution.

COMMITTEE RECOMMENDATIONS:

Wells moved and Bement seconded the following motion:

1. Approve and authorize Legislative Committee recommendation to the Burton City Council that the City Attorney, Mr. Hamilton make changes to the Rotating Lighting Sign Ordinance, and have as First Reading of an Ordinance for the City Council meeting scheduled for Monday, February 17, 2003.

Motion carried, 3-0.

Meeting adjourned at 3:05 p.m.

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