

CITY OF BURTON
LEGISLATIVE COMMITTEE MEETING MINUTES
MARCH 3, 1998, 4:00 P.M., COUNCIL CHAMBERS

MEETING CALLED TO ORDER BY Chairman Charles Cross at 4:12 P.M.

MEMBERS PRESENT: Cross, Centilli

MEMBERS ABSENT: Cox

OTHERS PRESENT: J. Adams, Clerks Office

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

1. Graffiti Ordinance
2. Parental Guidance
3. Attorney Resolution

PRESENTATION:

Cross indicated the Attorney Resolution would be discussed first on the agenda. No formal presentation given.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., Burton, MI spoke regarding the City Attorney Resolution. She did not hear any rationale offered by the City Attorney to change his status of his current assignment and would endorse his remaining in the position he is with Mr. Austin taking care of the court procedures.

Cross read aloud the proposed attorney resolution to the audience. (See attached ordinance)

John Stapish 5160 E. Atherton, Burton, MI spoke on the resolution.

COMMITTEE DISCUSSION:

Cross reviewed the Liquor Control letter dated 1-21-98 and received 3-2-98. The letters states he is contractually prohibited in enforcing and controlling. With operating that bar, this can jeopardize cases unless he comes up with something. Mr. Cross indicated he spoke with Mr. Hamilton two weeks ago and felt he did not give sufficient reasons.

COMMITTEE RECOMMENDATIONS:

Centilli and Cross agreed to support no action at this time and noted tabled unless further notice. They will discuss this matter further with Mr. Hamilton.

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PRESENTATION:

Parental Guidance - no formal presentation given at this time.

AUDIENCE PARTICIPATION:

John Stapish, 5160 E. Atherton Rd., Burton, MI asked for the proposed parental guidance ordinance to be read aloud.

Cross indicated John Beulieu of Burton, a neighborhood block club leader, obtained a parental guidance ordinance from the City of Lapeer. He feels it is a well written ordinance and it would be beneficial for the City of Burton that parents will have to take more responsibility. Cross read aloud the ordinance. (See attached ordinance)

Cross stated the law is not here to create any problems and the ordinance will help strengthen our situation. As a minor that is picked up, we really cannot do anything with them, so this ordinance puts the responsibility and burden back onto the household (parents/guardian).

Pauline Dargel, 6119 Hugh St., Burton, MI spoke regarding 17 year olds with past histories of theft, larceny, etc., in relation to the ordinance.

Cross indicated the age of 17 is borderline and judges can go either way of juvenile or an adult.

Pauline Dargel asked if there were any conflicts with the proposed ordinance.

Cross said the City Attorney indicated there are no problems. The City of Lapeer's ordinance states any person under the age of 18 and we are patterning it after this. The legal staff reviewed other ordinances around the state and this ordinance will strengthen the problems with gang members who keep getting through the system.

John Stapish spoke regarding the cost of the penalties. He stated that State law indicates you can sue the parents and they are liable up to \$2,300 worth of damage. They might increase it up to \$2,500 and thinks this could be added to the information of the proposed ordinance.

Cross re-read Section 4, B from the ordinance that states any parent who has violated this ordinance shall be civically responsible for all of the damages and costs, etc. It will put the total cost of the penalty on the parents. With repetitive situations, enforcing Section 5 of the penalty strengthens the procedures. Lapeer is enforcing 18 and under and there are enough laws dealing with 18 yr. olds.

Mary Crawford, 6203 Briggs, Burton, MI, said she thinks this is a good ordinance. The parents are responsible for the child even if both parents are working and something occurs.

Cross spoke on Section 2, B4 regarding attending school sessions and Item 5 on proper supervision. The curfew law states for parents to pick up the child.

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COMMITTEE DISCUSSION:

Centilli asked what constitutes between a minor and an adult.

Cross stated that a 17 yr. old can be prosecuted as an adult, judges discretion, even including ages of 12, 13 and 14 depending on the severity of the situation. The legal staff did not want 18 used at all and the curfew laws pertain to 17 and under.

COMMITTEE RECOMMENDATION:

Centilli moved and Cross seconded the following motion:

1. Approve and authorize recommendation of the Parental Guidance Ordinance to the City Council for adoption as written.

Motion carried, 2-0.

PRESENTATION:

Graffiti Ordinance #67-C

Cross noted no presentation.

COMMITTEE DISCUSSION:

Centilli said he likes the ordinance as is.

Cross noted one problem with the ordinance. He read aloud Section 3, A, B and C and stated Seeley's Drugs has been marked with graffiti 2 or 3 times and does not like the idea of the 7 days for businesses to take care of the graffiti or DPW paints it and they are billed. With the repetitiveness of this crime, he does not want to run small business owners out of business, then we have vacant buildings.

Centilli said to give a 7 day notice and if they do not do something, then we have the right to send in the DPW to do it.

Cross said we have block clubs volunteering to paint the graffiti, I just have a problem with holding business owners responsible. We can do it through block clubs, or if they do not have the money, look at other avenues.

Centilli asked how other cities handle this.

Cross said he had information from Ypsilanti which states they must remove the graffiti no later than 5 business days. City of Flint has this ordinance and business people are protesting it.

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Centilli stated someone has to remove it. Notification is the only way to handle this and we could possibly give 10 days to take care of the graffiti.

Mary Crawford stated that is not their territory, it is ours - our neighborhood. Gangs communicate by writing on buildings and they use the painting of graffiti or violence. By leaving the graffiti we are allowing them to communicate with each other. We must get the graffiti off, we do not want a gang war in the City and innocent people hurt or killed. Volunteer groups can out-paint them. Business owners need to take it off the next day and not wait until the 10th day to remove it.

John Stapish said instead of punishing the victim take the guilty and punish them. The rights of the criminal have more rights then the victims.

Cross said it is hard to catch them.

Centilli said that gang members will not tell on other gang members.

Pauline Dargel said the wording of the ordinance talks about the amount of days, weather permitting.

Cross said Item D, Section 2 speaks on weather permitting.

Pauline Dargel spoke on painting done on different construction materials such as bricks or cement blocks and the type of cleansing and removal that would be done.

Cross spoke on paint with a clear coating that was tried on Seeley Drugs.

Mary Crawford indicated that it is very expensive.

Cross mentioned fund raisers, volunteer crews and block clubs.

Mary Crawford said the volunteer groups cannot afford to buy the paint, the business owners would have to purchase it. She stated that it would be more costly for business owners to hire a contractor to paint versus buying the paint and letting volunteers paint it.

Centilli said we contact the store owner, if they don't take care of the graffiti then we have to enforce something. There are volunteer groups willing to paint it for them.

Karen Howe, 6051 Bellingham Ct., Burton, MI, spoke on the need for business owners to take care of graffiti on their buildings and mentioned the block clubs willing to help.

COMMITTEE DISCUSSION:

Cross said he still opposes some items but has no better ideas and wants the ordinance. He is willing to try on a 1 year basis and will review it personally. He is concerned with the repetitive graffiti painting on businesses. We do not want businesses to go out of business and then have to deal with vacant buildings and vandalism.

Centilli indicated if we do have any problems, we can use volunteer crews with the businesses having to supply the paint.

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COMMITTEE RECOMMENDATION:

Centilli moved and Cross seconded the following motion:

1. Approve and authorize the recommendation to City Council of Ordinance #67-C as written, and refer to Council for informal review in one year. If any complaints are received, this ordinance is to be referred back to Committee for their review.

Motion carried, 2-0.

MEETING ADJOURNED AT 5:15 P.M.

Julie R. Adams
Clerks Office