

CITY OF BURTON
LEGISLATIVE COMMITTEE MEETING MINUTES
JULY 15, 1999, 4:00 P.M., COUNCIL CHAMBERS

The Meeting was called to order by Charles Cross, Chairman, at 4:00 P.M.

MEMBERS PRESENT: Cross, Centilli and Cox.

MEMBERS ABSENT: None.

OTHERS PRESENT: Attorney R. Austin; D. Halstead, Fire Chief and G. Webster, City Clerk.

PURPOSE OF THE MEETING: DISCUSSION AND POSSIBLE RECOMMENDATIONS
CONCERNING THE FOLLOWING ITEM:
1. Fire Cost Recovery Ordinance.

PRESENTATION:

None.

AUDIENCE PARTICIPATION:

Kevin Burge, 1415 S. Genevieve, spoke in favor of passing a fire cost recovery ordinance. He referred to a November 1998 newspaper article, regarding a cost recovery ordinance for Monitor Township that Mr. Austin had drafted. He thought these types of ordinances were common place. He wanted to know if the attorney had heard of any problems with these types of ordinances. Fire equipment is very costly and this ordinance would help generate money for departmental needs. He suggested the city implement the ordinance for at least a year and then reviews the results.

Attorney Austin said to his knowledge, none of these ordinances have been litigated.

COMMITTEE DISCUSSION:

Mr. Cross and Mr. Austin met and reviewed an older version of the cost recovery ordinance and made some revisions.

Mr. Austin referenced the new version of the cost recovery ordinance and pointed out the differences in the two documents. He said Mr. Cross detailed what he thought was important aspects to the recovery ordinance and he simply put it into a constitutional approach. The second paragraph of the new version limits the application to accidents, fire emergencies and public safety incidents only, which occur on public roads or road right of ways. This ordinance would not recoup costs for structure fires, nor would it address situations like gasoline spills. The new ordinance is not discretionary. The costs are assessed in each and every case.

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Mr. Cox was concerned with people who are not insured. He has researched cost recovery ordinances and found that it was common practice for townships, but rare for cities. He thinks the residents are already paying for fire protection in the form of taxes and suggested this ordinance may constitute additional taxation.

Mr. Austin said cost recovery ordinances are generally implemented at the township level because they have such a shortage of funds. Burton has a fully funded, more sophisticated fire department comparatively speaking.

Mr. Cox said the estimated amount this ordinance would generate is \$60,000. This figure does not include collection cost. He questioned if it would even be worth the effort.

Mr. Cox discussed the fire department's vehicles, equipment, and budget. He did not agree with either document as they are written.

Fire Chief Doug Halstead explained the main focus of his proposed ordinance would deal with habitable structures. Brush and grass fires would be exempt. Most homeowner policies contain a clause allocating reimbursement of \$500 for the cost of a structure fire. He thinks the fire department is entitled to collect that allocation. In addition, his proposed ordinance would cover such things as the recent gas spill at the Admiral Station and other hazardous waste incidents. The newer version would not cover such things as the recent gas spill, because it was not in the right-of-way. The Chief thinks we need an innovative way to help recoup costs when possible. He would like his version of the ordinance implemented for one year and then reviewed to determine if it should be continued.

Discussion continued on the two versions of the cost recovery ordinance.

Attorney Austin suggested either version of the ordinance could be revised.

Mr. Cox suggested a burning permit user fee could be implemented for open fires. This might be a good alternative to recoup costs.

Mr. Halstead said the city does issue a huge number of burning permits and fire-related calls associated with open burning. He has been working on an ordinance that addresses burning permit fees and thinks it is a worthwhile cause to address. He will forward a copy of this information to Mr. Cross for review.

Mr. Austin thought the first version of the cost recovery ordinance contained a discriminatory clause that needed to be revised. He referenced Section 3, (b), (c), and (d), which referred to the Mayor or designee setting and assessing fees. He preferred a specific fee be set and a committee be created to address hardship cases.

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Chief Halstead said he had previously suggested a review committee to oversee hardship cases. He is in complete agreement that this section should be revised.

Mr. Cross would like to see the new version of the ordinance implemented for one year. It could be reviewed at a later date for needed additions or deletions.

Mr. Cox suggested adding a hazardous spill section to the new version or perhaps a blended version of the two documents. In addition, he would like to see burning permit issues addressed in this ordinance.

The possibility of adding burning permit fees to this ordinance was discussed.

Mr. Centilli suggested adding a phrase to the original version of the cost recovery ordinance. It could state that structure fire fees would not exceed the allotted insurance premium reimbursement, capping the assessed cost at no more than \$500. He said if the money is available for the city to collect, it would be beneficial for us to do so.

Discussion continued on the cost recovery ordinance.

Consensus of the committee was to send the cost recovery ordinance back to the attorney for some needed revisions.

Mr. Cox would like to see burning permits added to the final ordinance.

Chief Halstead will give Mr. Cross pertinent information on burning permits.

The committee suggested the following changes for the cost recovery ordinance: Include all hazardous spill situations so the responsible party would have to pay related costs. Blend the two ordinances with a \$500 cap on insurance reimbursements. Have Section 3 removed which designates the Mayor as the assessing party and establish a three-person board of review to oversee hardship cases.

Chief Halstead would like to keep some initial clauses referencing false alarms and hazardous waste.

Another legislative meeting will be held after the attorney makes the needed revisions.

COMMITTEE RECOMMENDATIONS: None.

MEETING ADJOURNED AT 5:15 P.M.

Gayle K. Webster, City Clerk