CITY OF BURTON
LEGISLATIVE SUB-COMMITTEE MEETING MINUTES
JANUARY 29, 1992, BURTON CITY HALL, COUNCIL CHAMBERS

The Legislative Meeting was called to order by Charles Abbey, Chairman, at 5:05 P.M.

Members Present: Walls, Zelenko and Abbey.

Members Absent: None.

Others Present: Mayor Charles H. Smiley; K. McArdle, City Administrator; J. Major, DPW Director; C. Sanford, Fire Chief; H. Clark, Police Chief; R. LaDuke, Building Supervisor; W. Walworth, City Clerk.

PURPOSE OF THE MEETING: Discussion And Possible Recommendation Concerning Ordinance No. 67 C, Article XVI Concerning Pornography; Methods of Advertising And Other Matters That Might Arise.

PRESENTATION:

VIDEOS:

Mayor Smiley asked the committee to review Ordinance 68 as it related to X Rated videos on display in stores. He said he had some complaints on the matter.

ELECTIONS:

Mr. Walworth explained that the federal government now requires social security tax be taken from anyone who earns over $100 a year. He said that this was not fair to election inspectors who work two days a year for sixteen hours a day. He said there is legislation in congress to place the limit at $500 and he wants authority to send a letter to Congressman Kildee to support this legislation to protect the election inspectors.

ORDINANCES:

Mr. Abbey said he wanted the committee to look at ordinances which are outdated and or unenforceable. He said he wants his committee to address these issues over the next year.

ADVERTISING:

Mr. LaDuke has put together a book for the committee to review on advertising and associated fees.

BOCA:

Mr. LaDuke said the Council will be asked to act on the first reading of the BOCA code ordinances next Monday. He said they will be presented as written, without restrictions.

ATTORNEY:

Mr. Abbey said he thinks the committee should address the process of appointing and/or reappointing an Attorney. He did not think it should be addressed every year at budget time and the attorney should function for Council until they determine otherwise.

AUDIENCE PARTICIPATION:

VIDEOS:None.

ELECTIONS:None.

ORDINANCES:None.

ADVERTISING:None.

BOCA:None.

ATTORNEY:None.

COMMITTEE DISCUSSION:

VIDEOS:

Mr. LaDuke said the store in question has complied with their request to place the materials in a separate room.

Mr. Abbey asked how far the Council should go and if the Council should strengthen the ordinance. He noted that the Supreme Court was still having problems in this area and in definitions.

Chief Clark said the courts are struggling with this problem. He also noted that the ordinance asked the person to "take prompt action to remove etc." and that is what his officers are doing.

Mayor Smiley said he did not want pictures displayed on the video cover. He thinks the videos should be treated the same as magazines which are required to have a covering.

The committee said there should be a separate room or have materials covered.

Mr. LaDuke suggested that a uniform officer be sent on a complaint instead of one of his staff.

ELECTIONS:

The committee concurred with the Clerk's recommendation.

ORDINANCES:

Mr. Abbey asked if the committee needed to address the criteria in hiring employees and if uniform guidelines need to be developed.

Mr. McArdle said the qualifications is the responsibility of the Mayor and Supervisors and that he was developing job descriptions for all positions which are not spelled out.

ADVERTISING:

Mr. Walworth noted that the Council had passed a resolution allowing the City to use either the Suburban News or the Flint Journal to advertise notices. He said the cost to just use the Journal would be very expensive, especially in these times of restricted resources. He also noted that all people do not get the News or the Journal and there was not a newspaper which would cover all people in the community.

The Mayor reminded the committee that to increase the distance for notification would also increase the fees.

Mr. Abbey said with revenues flat, that we would have to look at increased fees, if we made any changes to the ordinance.

BOCA:

Mr. McArdle said we will need better guidelines in the future, especially in light of the Boulder Creek fire.

Mr. LaDuke noted that the BOCA code requires a good reason or consent of the resident for the City to go into a house for an inspection or problem.

Mr. McArdle noted that the City must have just cause to go in without permission.

Mr. LaDuke said he had an abbreviated version of BOCA in his office if any of the Council members would like to look at it.

ATTORNEY:

Mrs. Walls suggested that the rules could be incorporated in the Attorney Guidelines and then adopted by Council.

Mr. McArdle suggested that the Council meet with the Attorney, from time to time, to work out any differences both parties may have.

Mr. Abbey said he was concerned with the phone calls building over time and these could be handled by the parties meeting occasionally.

COMMITTEE RECOMMENDATIONS:

VIDEOS:

Mr. Abbey will make a report to the full Council and recommend the ordinance not be changed at this time. The situation will be monitored and brought back to the committee if a problem surfaces.

ELECTIONS:

Moved by Walls, supported by Zelenko to recommend to Council that they support the resolution on the agenda to send a letter to Congressman Kildee concerning the change in the social security tax for election inspectors. Motion carried 3-0.

ORDINANCES:

Mr. Abbey will meet with Mr. McArdle to see if there is anything the committee needs to address.

ADVERTISING:

Mr. Abbey will give a report to Council on the fee discussion.

BOCA:

Mr. Abbey said he will take the BOCA to Council and they can adopt or refer to the committee for added study.

ATTORNEY:

Mr. Abbey asked the Clerk to hold on the advertising until the committee could review the guidelines. He asked the Clerk to get a copy of the guidelines to each committee member and he would set another legislative meeting at next Monday's meeting.

Meeting Adjourned at 6:30 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml