

CITY OF BURTON
LEGISLATIVE COMMITTEE MEETING MINUTES
MAY 22, 2006, 5:00 P.M., COUNCIL CHAMBERS
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The Meeting is called to order by Chairperson Jamie Curtis at 5:13 P.M.

MEMBERS PRESENT: Curtis and Isham.

MEMBERS ABSENT: Conley.

OTHERS PRESENT: M. Joliat, Attorney, J. Adams, Deputy City Clerk,
Councilpersons Cross and Tinnin.

PURPOSE OF THE MEETING: DISCUSSION AND REVIEW OF THE FOLLOWING:

1. Proposed Ordinance 100-C (Regulating the Construction of Power Lines).
2. Ordinance 5-C (Section 4, Bids and Contract Renewals).

PRESENTATION:

Proposed Ordinance 100-C

Mr. Joliat stated Council requested additional work on the proposed Ordinance 100-C. It would expand the area of regulation so it includes not just the rights-of-way but also, all property and required notification. Mr. Joliat reviewed additional language in Section 2, Paragraph B. (private property adjacent to streets are within 500 ft. of any residentially zoned district).

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., commented regarding the proposed ordinance being adopted and then taken back at the next meeting. She feels there was no opportunity for the public to speak and not being in compliance with the Open Meeting Act. Mrs. Dargel asked for clarification of newly developed areas in the city, and the existing developed portions that would be located closer than the 500 ft.

Robert Spose, 4090 Maplewood Meadows, stated he supports the proposed Ordinance. He questioned if this ordinance would protect the residents when it is implemented.

Mr. Joliat clarified the First Reading of an Ordinance, when it is introduced, and the Second Reading being a public hearing. There is one clause to the amendment of the proposed ordinance. This ordinance would protect future residential developments.

COUNCIL DISCUSSION:

Mr. Isham expressed that Consumers started clearing out a pathway where utilities are going to run. He inquired if this constitutes the project has begun, or if the ordinance is passed, would they be grand fathered in with the 500 ft. clause.

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Mr. Joliat does not believe they would be grand fathered in. It is their property and subject to the ordinances, State law, rules and regulations, they can do anything they want with the property. At some point in time, their activity may trigger grand father rights. But their activity is so far in cleaning up the debris and complaints about junk on their property, at this point, I don't think it gives rise to any grand father rights.

COMMITTEE RECOMMENDATIONS:

Isham moved and Curtis seconded the following motion:

1. The Legislative Committee recommendation to send the amended proposed Ordinance 100-C for a First Reading of an Ordinance to the full Council for approval.

Motion carried 2-0.

PRESENTATION:

Ordinance 5-C

Mr. Joliat said the area of governmental concern is the length of contracts in light of competitive bidding. The current situation does not violate any provisions of Charter or State law. Contracts are awarded to the lowest responsible bidder. Certain contracts have had automatic renewable clauses with price escalators or options to renew, which have been exercised. When exercised, they come back to Council for approval by a majority vote. He understands the ordinance amendment would have some restrictions on that. If an amendment to a contract is made, it would require 5 or more votes of Council to amend a contract.

Brief discussion was held on change orders. Mr. Joliat said there are times undisclosed and undiscoverable conditions happen that you can't anticipate. Any amendment to a contract has to be in writing and approved by Council.

AUDIENCE PARTICIPATION:

Mrs. Dargel commented regarding legal notices placed in the newspaper each year on weed cutting, and contracts being reviewed each year to see if they need to be renewed or go back out for bids.

Laurie Tinnin, 2340 Harmony Dr., spoke regarding the City Charter 11.3, Limitation on contractual power. Under B states no contract shall be made with a person who is in default to the city. She feels this needs to be added to Ordinance 5. Under E in the Charter, it states no contract shall be amended after it has been made except by 5 or more members of the Council. She feels this also needs to be added in Ordinance 5. Mrs. Tinnin commented further on competitive bids and various contracts.

Charles Cross, 1092 S. Packard, expressed Council seeing a copy of the contract along with the bid sheets. Tentative contracts should be included.

COMMITTEE DISCUSSION:

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The Committee discussed and stated the following list of changes they want in place for Council:

1) A report of expenditures a week prior to a Council meeting, 2) Action items for contracts to have back up material including the contracts and details of the contracts as well as the low bid, 3) Sealed bids and the open bid process will go before Council.

The Committee requests to know the designee of the Mayor.

COMMITTEE RECOMMENDATIONS:

The Legislative Committee requests the Attorney to reduce to writing as an amendment to Ordinance 5-C and to meet back to the Legislative Committee to review and make a recommendation to the full City Council.

The Legislative Committee will meet on Tuesday, May 30, 2006 at 5:00 p.m.

Meeting adjourned at 5:40 p.m.

jra