CITY OF BURTON
LEGISLATIVE SUB-COMMITTEE MEETING MINUTES
AUGUST 12, 1992 5:00 P.M.
COUNCIL CHAMBERS

The Legislative Meeting was called to order by Charles Abbey, Chairman at 5:08 P.M.

Members Present: Abbey, Walls and Zelenko.

Members Absent: None.

Others Present: Mayor Charles H. Smiley; K. McArdle, City Administrator; J. Major, DPW Director; D. Lowthian, Assessor and W. Walworth, City Clerk.

PURPOSE OF THE MEETING: Discussion And Possible Recommendation Concerning the Site Condo Ordinance, Private Drive Contracts, EDC Requests, Newspapers on Mail Boxes and Other Matters That Might Arise.

PRESENTATION:

Site Condo Ordinance:

Tom Strasser reviewed the Site Condo Ordinance. He said he wants a separate ordinance to reduce the review time.

Private Drive Contracts:

Mr. Throop reviewed the present procedures used to handle private drive grading but would like the Attorney to review a formal contract for the City to use.

Mr. Major said the Attorney should also review a process on setting up Special Assessment Districts, if requested.

EDC Request:

Mr. Lowthian said present ordinances prohibit the City from getting involved in the development of water and sewer lines inside a development. He said the EDC would like the committee to look at some revisions of the ordinances in this area, as they want to open up possibilities of Economic Development in Burton.

Newspapers on Mail Boxes:

Mr. Abbey said a person contacted the Mayor concerning newspapers on mailboxes and then the Mayor referred the matter to him, as Chairman of the Legislative Committee.

AUDIENCE PARTICIPATION:

Site Condo Ordinance:

None.

Private Drive Contracts:

Ron Bassham, 4173 Hazel Drive, wanted to be sure that the City would continue to service his street until a process is approved.

Mayor Smiley said this would probably take us to 1993 before Council finalizes a process and that he would operate as in the past until then.

Jack LeLonde, 4160 Hazel, thanked the City for continuing the service.

EDC Request:

None.

Newspapers on Mail Boxes:

LLoyd Johnson, 3241 Alpena, asked why Mr. Abbey did not return his phone call. He said the mailbox post was his own property and that if he didn't want a paper on it, he could place a red dot on the post and the paper would not be delivered. He also complained about the railroad crossings.

Mr. Abbey said that everyone has a right to be heard.

Mr .Major said that the Grand Trunk has been good about fixing their crossings in Burton, but the C & O has not been cooperative and the City is doing their best to get these done also.

Henry Hogan, publisher of the Suburban News, suggested that Mr. Abbey have the City Attorney look at this request, as the delivery of the paper is protected under the First Amendment of the Constitution. He noted that this was also true if the paper was left in the driveway.

Bill Watkins, 3255 Alpena, said he was present when Mr. Johnson made the phone call.

COMMITTEE DISCUSSION:

Site Condo Ordinance:

Mrs. Zelenko asked about other municipalities that have a site condo ordinance. She was advised Grand Blanc and Fenton.

Mrs. Walls said she needed more time to review the materials before she acts on it.

Mr. Major said he can use the Subdivision Control Ordinance until a site condo ordinance is finalized.

Private Drive Contracts:

Mrs. Walls asked that the administration continue the present practice until the Council can review and act. Mr. Major said that he would need to have the Attorney write something up.

EDC Request:

Mrs. Zelenko said she wants to see specifics on this issue before it is reviewed by the committee.

Mr. Abbey said the DPW should review and make recommendations to the Council through the committee. He said he wants an in-depth study.

Mr. Major said he would meet with the Attorney to go over the appropriate ordinances and see how this impacts other ordinances.

Mr. Major suggested a workshop with DPW, Council members and EDC members.

Mr. Abbey said he wants the Attorney to research it first and that the Mayor's office be represented at a subsequent workshop.

Newspapers on Mail Boxes:

Mr. Abbey said the person that made the complaint was present and he asked that the paper be stopped and it is still being delivered. In answer to Mr. Hogan, Mr. Abbey said he thought the City should see what its rights were in this area. Mr. Abbey said he thought that the issue should be reviewed by the Attorney.

Mrs. Zelenko asked about the procedure if a citizen did not want the paper.

Mr. Hogan said all they needed to do was call the paper and a red dot would be used. She asked if Mr. Hogan would run a notice on how a citizen could stop the paper.

Mr. Hogan said for marketing reasons he would not do that.

Mrs. Zelenko said the whole matter had gotten out of hand and no action needed to be taken, but she had no objection if the Chairman wanted the Attorney to review the matter.

Mrs. Walls said she did not want to use taxpayers money to look into this issue and that the gentleman needs to settle it with the newspaper. Mrs. Zelenko concurred.

Mr. LaDuke said since the person was present, that person could advise the paper and if no action was taken, he could come back.

Shirley Hillaker said they were setting themselves up for a civil suit. She said the issue should be addressed with the individual and not at the committee level.

Mr. Abbey disagreed and said this was the process used. Mrs. Hillaker thought all issues should not come before the committee and some should be resolved with the individual.

Mayor Smiley said the individual came in with a concern and he referred him to the Council member representing that area. He said he did not refer the matter to the Legislative Committee.

Mr. Abbey asked why the Mayor did not refer the gentleman to the Suburban News direct. Mayor Smiley said he thought the person's concern was dealing with other people and their getting papers also.

COMMITTEE RECOMMENDATIONS:

Site Condo Ordinance:

Mr. Abbey said he will set up another meeting of the committee at Monday nights meeting to review for possible first reading for the Council.

Private Drive Contracts:

The committee will review the Attorney's materials after they are completed.

EDC Request:

Moved by Walls, supported by Zelenko recommending that the Attorney be directed by the Council to review Ordinances 6, 47 and 54 followed by a workshop with the appropriate parties, and that their recommendations come back to the committee for review. Motion carried 3-0.

Newspapers on Mail Boxes:

Moved by Walls, supported by Zelenko to do nothing. Motion carried 3-0.

Other Matters:

Mrs. Walls said the Gun Ordinance was repealed and that we were going by the State Law. She asked what further action should be taken at the local level.

Mr. Abbey said the Police Department was interested in the control of businesses and not individuals. He said the matter was referred to Lt. Brawner and he is now waiting for the new Chief to react.

Mayor Smiley asked if anyone had talked to Lt. Cunningham, as he had a concern also. He said that he would get with the Chief and the Lt. to look into the matter.

Meeting Adjourned at 6:12 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml