

CITY OF BURTON  
LEGISLATIVE SUB-COMMITTEE MEETING MINUTES  
FEBRUARY 12, 1992, 6:00 P.M., COUNCIL CHAMBERS

The Legislative Meeting was called to order by Charles Abbey, Chairman at 6:05 P.M.

Members Present: Abbey, Walls and Zelenko.

Members Absent: None.

Others Present: H. Clark, Police Chief; W. Walworth, City Clerk and R. LaDuke, Building Supervisor.

PURPOSE OF THE MEETING: Discussion And Possible Recommendation Concerning Attorney Guidelines; Gun Ordinance No. 70 C; BOCA Ordinance No. 79 C and Other Matters That Might Arise.

PRESENTATION:

ORD 79C-BOCA:

Mr. LaDuke said the Ordinance was approved in 1987 after a lengthy discussion. He said that the DPW is trying to get the changes to the Council as soon as possible after BOCA makes revisions.

ORD 70C-GUN CONTROL:

Chief Clark reviewed the reasons for the ordinance and the events in 1983, concerning the death of the Burton Officer. He reviewed the need to regulate storage of guns.

ATTORNEY GUIDELINES:

Mr. Abbey asked for discussion on revising the present attorney guidelines as they relate to reaffirming, reappointing and billing practices.

WATER FEES:

None.

DOMESTIC VIOLENCE:

Chief Clark said domestic violence is a serious problem and representatives of the City will be meeting with Dr. Suci to draw up some guidelines as to how the City Police will handle this problem. These will then be brought to the Attorney and the Council for consideration.

AUDIENCE PARTICIPATION:

ORD 79C-BOCA:

John Stapish, 5160 E. Atherton Rd., spoke against the revision of this Ordinance, included the right of entry without permission.

Sam Ancic, 6183 Greenview Dr., expressed concern on the ordinance changes and advised the committee to be careful what they pass.

Jim Townsend, 2051 Covert Rd., said he was neutral on the issue and gave examples for both sides of the issue.

ORD 70C-GUN CONTROL:

Jack Carso, 6136 Brookwood Dr., expressed concern on who is a dealer, which the ordinance does not clearly define. He said the State enacted a law in 1990 which does not allow a city to pass an ordinance in this area that conflicts with State and Federal regulations. He asked that the ordinance be reviewed in that area, along with a clear definition of a dealer, the role of the firearms appeal board and protection of owners of guns.

ATTORNEY GUIDELINES:

Jim Townsend thought the charter spelled out the attorney matter and that the Council cannot supersede those regulations.

Sally Verdoux, P.O Box 621, Davison, asked if there were guidelines or a job description for the Attorney.

Mr. Abbey said they were spelled out in the Charter. She also asked if he was the criminal prosecuting attorney for the City. She was advised yes. She also requested there be an evaluation process for the attorney, such as a card to be sent back to the City by those involved in a case the attorney might handle. She also asked about psychological testing before hiring.

Doris Suci, 4190 Townview Dr., Flint, suggested badges for identification of staff and an indication of who was in charge in addition to the evaluation card.

Mr. Stapish asked if there could be restrictions on employees calling the attorney in light of the billings being so large. He asked about who will advise the City if Mr. Hamilton and Mr. Austin are both tied up.

Mr. Abbey said that the firm is now looking at hiring a third partner.

Sam Ancic asked about residency.

Mr. Abbey said that the Attorney is a resident of Burton and the Council had the flexibility to waive the residency requirement for any administrative officer of the City, by a majority vote of the Council.

WATER FEES:

John Stapish raised concerns on the high water fees in the City.

DOMESTIC VIOLENCE:

Sally Verdoux said that domestic violence was a public issue which needs to be heard in Burton. She spoke extensively on the problem and gave materials to the committee to be distributed to the Council.

Doris Suciou said it was difficult to get people to come forward and this issue must be addressed. She said at this point, her main objective was to get the form presented, adopted for use by the Burton City Police Department. She said this is not a woman's issue, but is a human issue. She said there is no ordinance in Burton on the matter, which would be stronger than a policy.

Mr. Hammon said it was not his intent for the committee to come up with a policy, but he wanted the form to be implemented right away.

Colette Metcalf, 3247 S. Belsay, thanked everyone for listening to their concerns tonight and wanted results, if the form is adopted, including the advertisement of the number to call for help.

COMMITTEE DISCUSSION:

ORD 79C-BOCA:

Mrs. Zelenko asked if a tenant can take a landlord to court if they don't fix a place up.

Mr. LaDuke replied that it is difficult to go to court and very expensive. He said the City won't go in without the owners permission under the present ordinance and he does not think it is the City's responsibility to call the owner when a person complains. He said they do go in when the owner gives permission in writing. He does not feel the City employees should be in the middle of a tenant/landlord squabble.

Mr. LaDuke stated he would like to try the new set up for a year, to see how it works, when he has permission from the tenant to go in. He said they could then assess the situation, allow the owner to correct the problem before the City would take the matter to court.

Mr. LaDuke also noted that if the tenant wants an inspection, then the tenant would pay the inspection fee.

Mr. Abbey asked about the check-off list and how it works.

Mr. LaDuke will get a copy to the committee.

ORD 70C-GUN CONTROL:

Chief Clark suggested that the Attorney look over the ordinance, but he did not want the ordinance eliminated, as we must protect our officers, even though some privacy may be restricted. He said his objective was for commercial purposes and not the resident. He said volume is what triggers this ordinance.

Mr. Abbey asked if there had been a problem with someone not complying.  
Chief Clark said no.

Mrs. Zelenko said it is time to look at it for tightening up, but the ordinance must stay.

ATTORNEY GUIDELINES:

Mr. Abbey asked that the employees make every effort to include several issues when contacting the attorney to review.

Mrs. Walls said the Council may want to look at reaffirming and or reappointing after a fixed period of time of employment of an Attorney.

The Clerk asked how the committee wanted to proceed on the advertisement since Mr. Abbey had asked him to hold up until the legislative committee met again.

Mr. Abbey said he has a real concern on advertising if the Council intends to keep the present attorney.

Mrs. Zelenko said it was her intent to let the public know we can change attorneys' and that the present attorney is not locked into the job. She said that from her perspective, the Council was considering a change and that is why we are advertising.

Mrs. Walls said that the mechanism and criteria needs to be in place before the Clerk advertises the position of Attorney.

WATER FEES:

Mr. Abbey asked questions on the process of billing fees.

DOMESTIC VIOLENCE:

Mr. Abbey said he wants more background information from the Police Department before taking specific action. He said he wanted the City Attorney involved in the process.

Mr. Clark said that he plans to make the form part of the Domestic Violence policy and wants to present a total document to the Committee.

Mr. Abbey asked about violations to a policy. Mr. Clark said an officer violating any policy will be disciplined.

Mrs. Zelenko said that adopting the form would give substance to a complaint and asked that the form be incorporated into the policy.

COMMITTEE RECOMMENDATIONS:

ORD 79C-BOCA:

Mr. LaDuke will research the notification of the owner, review the check off list, and review the concerns expressed by the committee before bringing the matter back to a future legislative committee meeting.

ORD 70C-GUN CONTROL:

Mr. Abbey asked the clerk to give the committee the pages from the firearms law that dealt with definitions. He also asked Mr. Clark to meet with the attorney to address definitions, persons engaged in the business, and possible conflict with state or federal law and bring back to the committee for review and possible recommendations to the total Council.

ATTORNEY GUIDELINES:

Mr. Abbey will recommend to the Council President that he directs the Mayor and the Administration to refer to the Attorney Guidelines and tighten up on the procedures outlined.

He asked the Clerk to contact MML and the Genesee County Bar Association to get some guidelines and/or criteria, for the hiring of a municipal attorney before proceeding on the advertisement.

WATER FEES:

Mr. Abbey asked the Clerk to have Mr. Becker put some information together for him to look at on water fee billings. Mr. Abbey will then get back to the committee.

DOMESTIC VIOLENCE:

The committee will delay any action and wait to see what transpires at Monday's meeting between the Police and Dr. Suciu.

Meeting Adjourned at 9:00 P.M.

Respectfully Submitted,

William R. Walworth  
Burton City Clerk

WRW/cml