

CITY OF BURTON
LEGISLATIVE SUB-COMMITTEE MEETING MINUTES
MARCH 14, 1990, 6:00 P.M., COUNCIL CHAMBERS

The Legislative Meeting was called to order at 6:00 P.M. by Chairman Smiley.

Members Present: Smiley, Card and Walls.

Members Absent: None.

Others Present: Mayor, Jane Nimcheski; K. Collard, City Administrator and W. Walworth, City Clerk.

PURPOSE OF THE MEETING: To discuss appointment procedures on Non-Charter, Non-Union positions, including residency, and any other matters that might arise.

PRESENTATION:

Mr. Smiley stated the Attorney was to get back with the committee with suggested ordinances.

Mr. Hamilton said he had three ordinances ready for Council, dealing with the use of alcoholic beverages, proof of insurance and residency requirement. He explained the first two had been requested by the Police Chief. In regards to the third ordinance, he said the Council must have a clearly defined group in the residency ordinance to insure equal protection under the law.

AUDIENCE PARTICIPATION:

Ralph LaDuke, representing the Supervisor's Union, opposed the Residency Ordinance, as it would not give his members the flexibility for advancement. He also said that both Chartered and Non-Chartered positions are employees and they deserve the same rights as other employees.

Ken Wright said the rights of a Chartered position was challenged and the decision upheld during the previous Mayor's tenure.

Herschel Walls supported the residency ordinance.

Ken Wright, representing the AFSCME Union, opposed the residency ordinance as it circumvented the Charter. He suggested that the Charter be looked at for change.

Ted Hammon was concerned for the Burton residents and would support the residency ordinance, even if it included union positions. He said he had no problem with a grandfathering clause.

Ken Collard said a residency requirement could cause problems in people accepting positions and could also cause unions to proliferate. He said his judgement is no different no matter where he resides.

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Charles Cross suggested the committee make the necessary changes and bring to Council at the next meeting.

COMMITTEE DISCUSSION:

Mr. Smiley said a Charter Commission may need to be pursued, but wanted the present positions handled now.

Mr. Card wanted to include "all non-union employees" and recommended a grandfather clause for present employees.

Mayor Nimcheski questioned the rationale of the residency ordinance if all are grandfathered. She raised the question of a police department technician having to be a resident and a police officer did not.

Mrs. Walls expressed some concern with the grandfathering clause.

Mr. Smiley said that the Attorney's opinion on the filling of non-chartered positions was before them and expressed concern on the Council's non involvement in the City Administrators position as it supervised the staff.

Mayor Nimcheski said his duties were DPW Director and City Engineer and she oversees the staff.

COMMITTEE RECOMMENDATIONS:

Card moved and Walls supported the following recommendations:

1. Refer the residency ordinance back to the Attorney to include "all non-union employees" and a grandfather clause and resubmit to the committee before presenting to Council.
2. Recommend Ordinance 67-10 C, concerning the sale of alcoholic beverages to the Council for adoption.
3. Recommend a new Ordinance concerning proof of insurance to the Council for adoption.
4. Refer the Attorney's opinion Re: AUTHORITY OF CITY COUNCIL TO REQUIRE CONFIRMATION OF NON-CHARTER, NON-UNION EMPLOYEES, to the Council for discussion and possible referral for an Attorney General's Opinion.

Meeting Adjourned at 7:40 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml