

CITY OF BURTON

LEGISLATIVE SUB-COMMITTEE MEETING MINUTES
APRIL 9, 1996, 6:00 P.M., COUNCIL CHAMBERS

The Meeting was called to order by Tom Martinbianco, Chairman, at 6:13 P.M.

Members Present: Abbey, Cross and Martinbianco.

Members Absent: None.

Others Present: J. Major, DPW Director; R. LaDuke, Building Supervisor and
G. Webster, City Clerk.

PURPOSE OF THE MEETING: Discussion and Possible Recommendation
Concerning
the Reorganization of the following 1996 Legislative Agenda Items:
1. Notification of residents for Planning Commission Site Plan Review
Cases;
2. Review Sec. 1.11 of Ord. No. 6 re: Requirement of new construction to
connect
to public watermain;
3. Registration/Inspection of rental properties;
4. Code of Ethics;
5. Local Bidding Preference;
6. Prevailing Wage Issue - Abolished in April, 1994. New wage provisions
to be
drafted;
7. Modification to Special Assessment Ord. No. 12 for streets with high
rental
occupancy;
8. Michigan Dept. of Corrections Resolutions/re:Flint YMCA issue;
9. Master Plan Update;
10. Water and Sewer Ord./re: definitions of builder vs. developer for
tap-in fee
charges;
11. Hunting Ord. revision/re: areas to eliminate for hunting, if any;
12. Recoup fee and charges for City Ord. violations, per police
department;
13. Temporary/Portable Signs;
14. Request from CHMP;
15. Vicious Dogs/Exotic Animals;
16. Pond Regulations.

PRESENTATION:

Mr. Martinbianco reviewed the status of items on the agenda. He said the committee needed to prioritize the list of unfinished business.

1. Notification of residents for Planning Commission Site Plan Review
Cases.

Mr. Major said Site Plan review Cases were to be handled after the first of the year. This ordinance would create notification for site plan review. There is no State law that enacts this policy .

Mr. Cross referred to such a policy as a courtesy ordinance. It would keep citizens better informed.

Mr. Major said no communities in Genesee County have an ordinance of this type. If it was put into a form of an ordinance, it would be mandatory.

Mr. Cross suggested we could recoup expenses from projects of notification.

Mr. Major said the fees would have to be increased to cover the cost.

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2. Expand 300 feet notification for ZBA and Planning Commission Cases was dropped at the last meeting.

3. Requirement for expiration of Site Plan Review Approval was approved by City Council.

4. Review Section 1.11 of Ordinance No. 6 re: Requirement of new construction to connect to public watermain.

Mr. Major said a copy of the preliminary draft drawn up by Paula Zelenko and Jeff Major, was reviewed by Rick Riess. A final draft from the DPW has been given to the Legislative Committee for their review.

5. Registration/Inspection of rental properties.

Mr. Major said this item should be a priority, because there is a connection with the budget. The Council needs to decide if they want to pursue this matter.

6. Vicious Dogs/Exotic Animals.

Mr. Martinbianco said this item was dropped from the list a year ago.

Mr. Major said it was dropped April 3, 1995. Mr. Cox requested the issue be

reviewed.

7. Code of Ethics.

Mr. Martinbianco said the Code of Ethics was referred to the State Attorney General's office through the City Council for his review. He will recommend drafting a resolution to have administration inquire into the status of this issue.

8. Local Bidding Preference.

Mr. Martinbianco said some action has been taken from Michigan Municipal League in reference to local businesses receiving preferential treatment over outside businesses. This is not a priority issue.

9. Prevailing Wage Issue - Abolished in April 1994. New wage provisions to be drafted.

Mr. Martinbianco thought this issue might be tie-barred to the gas tax increase. This is not a priority issue.

Mr. Major said items 8 and 9 were to be researched by the Clerk's department through the Michigan Municipal League and court decisions.

10. Modification to Special Assessment Ordinance No. 12 for streets with high rental occupancy.

Mr. Martinbianco said this, in conjunction with inspection of rental properties, could help clean up our neighborhoods.

11. Curb Stoning was enacted by the Burton City Council July 1995.

12. Industrial Development Districts (EDC to review) were enacted by Burton City Council in September 1995.

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13. Ordinance 68-19 (c) was enacted on by Burton City Council in December 1995.

14. The increase of ZBA membership was referred from City Council August 7,

1995 and enacted upon by City Council in November 1995.

15. Keeping and disposing of meeting tapes was enacted on by Burton City Council in February, 1996.

16. Michigan Dept. of Corrections resolution re: Flint YMCA issue was discussed at the Council Meeting in January 1996. This issue was sent back to Legislative Committee.

17. Master Plan Update re: request from Burton City Planning Commission.

Mr. Major said it was time to review the Master Plan Update. Mr. Martinbianco and Mr. Major agreed this matter should be sent to the Finance Committee to determine financial support.

18. Water and Sewer Ordinance re: definitions of builder vs. developer for tap in fee charges.

Mr. Major said these are being drafted by Mr. Hamilton.

Mr. Martinbianco suggested we summarize those ordinances that should be in the draft stage and request Mr. Hamilton's quick review.

19. Hunting Ordinance re: areas to eliminate for hunting if any.

20. Recoup fee charges for City ordinance violations.

Mr. Major said the Police Chief would like this issue reviewed. The police department would like to generate fund revenues from fines paid to the court, instead of going to the library, county, etc.

Mr. Abbey said if we don't have local ordinances to address these items, all fines will go to the State. We need some way to recoup some of these funds.

21. Temporary/Portable signs.

Mr. Martinbianco said the Legislative Committee will take a pro-active approach in addressing this issue.

22. Request for CHMP re: unknown to date.

Mr. Major will contact Ian Hohloch in regards to his request. The request might pertain to the platting process.

23. Vicious dogs/exotic animals added, at the request of Mr. Cox.

24. Pond regulations was added at the request of Mr. Cox.

Mr. Major wanted to know if ponds should be regulated similar to pools.

Mr. Abbey said someone wanted to put a pond on their property and the neighbors were concerned because they had small children. Ponds aren't required to have fences around them.

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AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hughes, would like residents to be notified of changes that might effect their property, through site plan review cases or rezoning.

Mr. Major said residents would be notified if their property is going to be rezoned.

Mrs. Dargel inquired about the equity to all tax payers in regards to Special Assessment Ordinance No. 12. Re: Modification to Special Assessment Ordinance No. 12 for streets with high rental occupancy.

Mr. Martinbianco said the equity can be in the process, if the process works like that. It takes a vote to do it.

John Stapish, 5160 Atherton, rental home owner, spoke against registration/ inspection of rental properties. He said this policy would cause hardship unless dropped.

Mr. Stapish ask for clarification on Special Assessment Ordinance No. 12.

Mr. Martinbianco said this pertains to the lack of homeowner occupancy or high number of rental homes in some areas. The continuity in street paving is being sacrificed.

Mr. Stapish said property owners only get one vote no matter how many lots they own. Special Assessment Ordinance No. 12 would be taxation without representation.

Larry Petrella, 1081 Howe, wanted to know if the Code of Ethics addressed the issue of conflict of interest.

Mr. Abbey said the Code of Ethics did address this issue in the form of gratuities and preferential treatment. This would include privileges for yourself or others, where you have a direct benefit.

Mr. Petrella said if it can be proven that an official sets on a board and uses his position to further his own interests, to benefit his company, would that be a violation?

Mr. Abbey said it would be a violation of this policy.

Mr. Petrella wanted to know if the Master Plan update would encompass the hunting ordinance revision.

Mr. Martinbianco said it wouldn't cover all provisions.

Diane Walton, 4489 Lippincott Blvd., rental home owner, spoke against registration/inspection of rental properties. She is against the City collecting money in this fashion, just for profit. If it would be beneficial to the rental properties, it would be all right.

Mr. Martinbianco said some landlords don't take care of problems involving their tenants and properties. Nobody should have to live in substandard housing. Inspections and registrations can be used as tools for the administration, if they find fault with these properties. The public will have an opportunity to voice their opinion, when these issues are being determined.

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COMMITTEE DISCUSSION:

Through Committee discussion the following prioritized list was generated.

1. Registration/Inspection of rental properties.
2. Temporary/Portable Signs.
3. Recoup fee and charges for City Ordinances Violations.
4. Michigan Dept. of Corrections Resolutions/re: Flint YMCA issue.

5. Hunting Ordinance revision/re: areas to eliminate for hunting if any.
6. Notification of residents for Planning Commission Site Plan Review.
7. Vicious Dogs/Exotic Animals/Cats.
8. Pond regulations.
9. Modification to Special Assessment Ordinance No. 12 for streets with high rental occupancy.
10. Local Bidding Preference.
11. Prevailing Wage Issue - Abolished in April, 1994. New wage provision.
12. Review of BOCA versus Cable Regulations II.

COMMITTEE RECOMMENDATIONS:

A letter will be sent to Mr. Hamilton pertaining to the finalization of ordinances concerning the next two items.

-Review Section 1.11 of Ordinance No. 6 re: Requirement of new construction to connect to public water main.

-Water and Sewer Ordinance /re: definitions of builder vs. developer for tap-in fee charges.

The Legislative Committee will recommend to the Council to draft a letter to the Attorney General's office in regards to the status of the Code of Ethics.

The issue concerning the Master Plan Update will be sent to the Finance Committee for further review.

Mr. Major will contact Ian Hohloch in regards to clarification of CHMP's request.

Mr. Martinbianco said a Legislative Committee meeting will be set in the next couple of weeks to address the prioritized list.

Meeting Adjourned at 7:15 P.M.

Gayle Webster
Burton City Clerk

GW/cml