

CITY OF BURTON
LEGISLATIVE SUB-COMMITTEE MEETING MINUTES
SEPTEMBER 26, 1994, 7:30 P.M., COUNCIL CHAMBERS

The Meeting was called to order by Charles Abbey, Chairman, at 7:45 P.M.

Members Present: Abbey, Martinbianco and Zelenko.

Members Absent: None.

Others Present: D. Lowthian, Assessor; J. Major, DPW Director and C. Ladd, Deputy Clerk.

PURPOSE OF THE MEETING: Discussion And Possible Recommendation Concerning
Exemption Certificate Employment Agreement; Curbstoning
And Other Matters That Might Arise.

PRESENTATION:

Mr. Abbey said he requested a list of open-ended issues before this Committee for consideration. The Committee will prioritize these issues and act on them accordingly. (See minutes for list of issues) Mr. Abbey asked Mr. Major if any of the items directly affects his department.

Mr. Major said item #12 (Section 1.11 of Ordinance No. 6 regarding the requirement of new construction to connect to public watermain), needs to be acted upon in the near future. Also, items #1 and #2 continue to be brought up at each council meeting.

Mr. Martinbianco said tonight we should concentrate on the items on the agenda and take the other items in their priority.

EXEMPTION CERTIFICATE EMPLOYMENT AGREEMENT:

Mr. Lowthian said the date of October 31st is the last date to submit Main's Exemption Certificate to the State and still have them approved for the 1995 assessment roll. The Agreement is required by State Law, but the law is vague in what is required. All the law says is you must have an agreement. I contacted the State Tax Commission for any examples of agreements. They sent me two and I incorporated those two with ideas of my own. I tried to come up with something that is straightforward and gives Council the authority to go back and look at these abatements and shorten or lengthen them. They are required to verify their employment every two (2) years and if there has been a substantial change, they have to explain and give a justification for the changes. Council then has the option, at that point, of reconvening and making changes.

CURBSTONING:

Mr. Abbey said Mr. Martinbianco has done the background work for this and turned the presentation over to him.

Mr. Martinbianco reviewed a report from the Police Chief concerning the proposed ordinance for curbstoning. (See attached) He said the Chief has indicated he has substantial reason to believe he will have enforcement problems from the standpoint of the Police Department regarding the ordinance as originally proposed.

Mr. Martinbianco said in item #1 the wording is ambiguous. The language needs to be clarified so that it will be clear in the minds of the enforcement officers and the citizens.

AUDIENCE PARTICIPATION:

EXEMPTION CERTIFICATE EMPLOYMENT AGREEMENT:

None.

CURBSTONING:

None.

COMMITTEE DISCUSSION:

EXEMPTION CERTIFICATE EMPLOYMENT AGREEMENT:

Mr. Martinbianco said he is supportive of the construction of the agreement, except in item #6. He then referred to a July 9th MML Newsletter that the Tax Commission suggests that local units of government consider a payback provision to cover the abated taxes from a company before it move out of the location, before the abatement expires. Is there a need to included this from your standpoint?

Mr. Lowthian said the State Treasury Department has not set policy on this yet, but they have the ability to either say they will abate the State Education Tax of either 3, 6 or 0 mills. They may exempt all of the State Education Tax from the abatement or they may exempt 3, 6, or 0 mills of it. They are going to try to set up policy, which no one has seen yet. Council has no control over the 6 Mills State Education Tax.

Mr. Martinbianco asked if other local units of government affected by the abatement, would need to have a collateral agreement or do they sign onto this one with the City?

Mr. Lowthian replied the abatement only affects the City Council or the City of Burton because you are the body that gives the abatement. However, in the event you would revoke a tax abatement, then all the jurisdictions would benefit at that point in time, because they would get the additional revenue that would have been abated over the remainder of the term. The City Council has soul control on the abatements.

Mr. Lowthian reviewed the agreement with the Committee members.

Mrs. Zelenko asked if, during the Council Meeting, the City Attorney had some concerns.

Mr. Abbey said he wanted the Council to have a clear understanding of the agreement.

Mr. Lowthian also said he wanted some mention of the written agreement in the resolution, when you actually approve the exemption.

CURBSTONING:

Mr. Major said the situation of the cars is 80% better then in the past. Vehicles have been tagged and towed away. The Enforcement Officer has only been working on the tagging of vehicles and nothing else. He said he is uncertain if

the new ordinance will make the situation easier or more difficult, but it will be better explained to the residents.

Mr. Abbey said there is a lack of knowledge by the public as to what is and isn't allowed. If we have something on the books that is clear, it should help the situation.

Mr. Major said if the police officers would tag the vehicles, it would allow the code enforcement officer more time to do other things.

Mr. Martinbianco said Mr. Serrell's has been very good about getting information to him from Flint Township and Grand Blanc Township. He has also circulated a great deal of other material to me from other areas. Mr. Martinbianco said he will meet with the City Attorney, Mr. Serrell's and the State of Michigan Car Dealer's Association and will get more specific direction and bring back a model draft of ordinance.

Mr. Abbey said he will speak to the Council President regarding this issue.

COMMITTEE RECOMMENDATIONS:

Exemption Certificate Employment Agreement:

Moved by Martinbianco, supported by Zelenko to recommend to the full council the inclusion of the Resolution, as written, relative to the Employment Agreement, to be utilized with the IDD's. This is to be placed on the agenda at the next regular meeting. Motion carried 3-0.

CURBSTONING:

Mr. Major said he will have copies of the proposed ordinance for review and will report bring them to the next meeting.

Meeting Adjourned at 8:30 P.M.

Respectfully Submitted,

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk