

CITY OF BURTON
SPECIAL COUNCIL MEETING MINUTES
NOVEMBER 17, 1997, 7:00 P.M., COUNCIL CHAMBERS

The Meeting was called to order at 7:00 P.M. by Ted Hammon, Council President, at 7:00 P.M.

Members Present: Centilli, Cross, Hammon, Martinbianco, Walls and Zelenko.

Members Absent: Cox

Others Present: J. Major, DPW Director and C. Ladd, Deputy City Clerk.

CHAIR STATES THE PURPOSE OF THE MEETING: First Public Hearing for a Curb and
Gutter Construction Project.

The President announces that: THIS IS THE TIME FIXED FOR HEARING AND CONSIDERING ANY OBJECTIONS AND/OR FAVORABLE COMMENTS TO THE CONSTRUCTION OF NEW CURB AND GUTTER WITH RESURFACING OF ASPHALT STREETS AND STORM DRAINAGE IMPROVEMENTS IN THE FOLLOWING STREETS, TO-WIT:

P-97-1 Maple Point Subdivision 1-5

DPW PRESENTATION:

Mr. Major said the City has received a validated petition in excess of 50% for improvements. The circulator did an advisory petition with a cost estimate of between \$3,500 and \$4,000. The cost is figured to be \$3,900 for the first public hearing presentation. This equates to \$493.00 per year for one unit assessment, with 22'-24' wide pavement over top of existing asphalt. This project, if approved tonight, should be bid with the rest of the paving projects after the first of the year.

AUDIENCE PARTICIPATION:

Mike Snel, 6108 Hedgerow Cr., said he opposes the project for a variety of reasons. He said the initial petition that was filed, the cover sheet didn't explain what was going to happen. He asked why the residents were not given a copy of what was going to be included in the district. Mr. Snel said only the residents who wanted the curbs and gutters were given the information pertinent to the cost. He asked who would cover the cost of replacing the cable and electrical lines if this is approved. He said he isn't certain this is needed for the subdivision as there are a lot of transient people living there who work for GM and may have to move to other locations. He is also concerned about the fact that when you sell the home, the special assessment must be paid off and not passed on to the buyer. Mr. Snel said bottom line, he doesn't think enough information was given to the residents to make a good enough decision.

Dawn Elford, 6072 Hedgerow Cr., said she had the people who signed the first petition, sign the second petition. That petition had the approximate cost on it and information as she was given by the DPW. She explained there were 10 block club meetings and newsletters passed out regarding the curb and gutter update. She had her phone number listed on the bottom of the newsletter so anyone who wished to call her would be able to do so. She said she tried to reach everyone. She stated she knows there are some residents who are not in favor of the curbs and gutters, but they did sign because they want the overall improvements for the subdivision. She said she spoke with the realtor and was informed the curbs and gutters could increase the property values \$1,000 to \$3000. As far as the October 6th Council Meeting, she said this date was in the newsletter and stated the Council would be voting on the issue of curbs and gutters. She said when there is a meeting held, an agenda and notice is placed in the newsletter. She isn't responsible for those who don't read it or those who don't attend the meetings.

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Randy Rickard, 4458 West Edge Way, said when the first petition was signed, there was no dollar value discussed. He said he had standing water in his ditch and called the DPW and it was taken care of. He said he thinks he was misled and doesn't think it is what the entire neighborhood wants.

Mark Stephenson, 6036 Hedgerow Cr., said he is opposed to the project. He said he knew this when he moved into the subdivision and has no problem with it. He thinks Mrs. Elford tried to present as much information as she could. He said his lot was the last lot built on in that area and he has had a drainage problem in his yard, but has taken care of the situation.

Mr. Major explained the process of the ditches being filled in. He said the \$3,900 figure includes all of the work, complete with no extra charges. If this project is approved tonight, there will be a second public hearing in March of 1998.

Cyndi and David Allen, 14 Maple Pt. Trail, said they are opposed to the project. They don't see how they would recoup the costs of having the curbs and gutters installed. There would also be additional costs for reseeding or reseeded and they are not willing to go to that expense. Mr. Allen said the petition had no indication that anything would be torn up. The second petition was given to us for additional signatures and we declined to sign it. We moved out of a subdivision that had curbs and gutters and sidewalks because children were always playing in everyone's yard. If anything needs to be updated, it is the street lights.

Carolyn & Norm Raupp, 6149 Tree Line Drive, said they also are opposed to the project. They didn't see the first petition that was circulated and declined to sign the second one. Mrs. Raupp said the first they knew what the costs would be was when they received their notice in the mail. Mr. Raupp said there is no equity value involved. We knew there were ditches there when we moved in and the cost is too great to change to curb and gutter.

Paul Wagner, 6133 Hedgerow, said he is pleased with the information that Mrs. Elford brought to the residents. He is in favor of the project.

Nick Gerasimidis, 6079 Hedgerow Cr., said he is against the project. He doesn't want the noise nor mess that the project will make during the construction. If the project is done, this will lead to no street lights during the construction and theft could become a problem. He is also concerned about the quality of the driveways when being replaced after the project is completed. He said he doesn't think the increase in the property value can be recouped.

Ed LaVallee, 4419 West Edge Way, said he is opposed to the project. He purchased the home knowing there was a ditch and he lives on a corner lot, which would cost him more than most.

Dan Clements, 6105 Hedgerow Cr., said when the petition was circulated, he doesn't think there all the information was available to Mrs. Elford for the homeowners to make a decision. If this goes through the petition would probably be challenged.

Sue Genovisi, 6135 E. Maple Rd., presented a letter from her neighbor who was unable to attend the meeting. She said she has owned her home 13 years, long before the subdivision was built. She inquired about curbs and gutters when the subdivision requirements were being decided and received no response. She is being told that she would be assessed for property that doesn't belong to her. She said she was unaware of any petitions and of this meeting until 45 minutes before the meeting started. She is not in favor of project and thinks it is unjust that she would be assessed for it.

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Dawn Elford, 6072 Hedgerow Cr., stated she only did what the residents asked her to do. The residents on Maple and Belsay Road have been invited to the block club meetings. She said the petition had the cost value at the top of the petition and then presented the petition that was given to the residents for their signature.

Mr. Major noted that it is the petition circulator's prerogative as to whether they send the entire packet to each and every individual. This meeting tonight is held to discuss whether the project should be moved forward.

Mr. Snel said the document has all the necessary information that the residents should have had before signing the petition.

Marni Leonard, 6058 Hedgerow Cr., stated that Mrs. Elford is a good job with the petition, but the cost factor is a problem. She would like to remove her name from the petition. She explained to the Council about a drainage problem with her property, but said it is now corrected.

COUNCIL DISCUSSION:

Mr. Cross said this is a difficult issue and Mrs. Elford should be commended, whether the residents are for or against the project, for her efforts. It's not an easy task and impossible to please everyone. He asked about the signatures against the project being submitted in a timely manner.

Mr. Major said the signatures in opposition were not submitted in a timely manner. To be proper, according to the ordinance, they had to be submitted between the time the petitions were submitted to the City Council and when the Assessor certifies the signatures. It was recalculated during that period of time with 56.5% of the residents in favor of the petition. It is now 54.5% because of the removal of the four (4) properties that abut the subdivision entrances. The Assessor thinks it is inappropriate for those residents to pay for the assessment.

Mr. Cross said he requested design information from CHMP, Inc. and has never received a response.

Mr. Martinbianco suggested CHMP be more timely in their response to Council requests. He inquired about the increase in the width of the road and the parking in the roadway while the driveways were out, during construction.

Mr. Major said there is no parking on either side of the road. The residents have policed themselves rather well and the DPW has had no problem with this issue.

Mr. Martinbianco asked about the cost factor to maintain the curbs and gutters vs. ditching costs. He also asked about the guarantee of the replacements.

Mr. Major said it is probably a trade off, ditching vs. sweeping. Mr. Major said there would be one year maintenance and the street department would take care of the repairs with the gas and weight tax dollars.

Mr. Martinbianco asked for a show of hands for those who signed the petition between May 4th and September 11th, 1997. He asked who prepared the document dated November 11th. He was advised it was Mr. and Mrs. Raupp.

Mr. Cross said this is an unusual case and he would be voting in opposition of the project.

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Mrs. Zelenko asked if only one signature per property owner was permitted. She was advised yes.

Mr. Cross briefly left the meeting.

Moved by Martinbianco, seconded by Zelenko to suspend action until Mr. Cross returned to the table.
Motion carried 5-0.

Mr. Hammon inquired about the estimated cost into the project.

Mr. Major said approximately \$2,000.00. Mr. Major also noted that if the project is not approved tonight, CHMP will not have time to include this project in next year's paving projects, as bids will be taken the first of the year.

COUNCIL ACTION:

Approve and authorize Standard Resolution #3 for the Special Assessment Paving District known as P-97-1.

- A. Approve maps, drawings, preliminary plans, and cost estimates as presented.
- B. Determine to construct the proposed improvement as presented.
- C. Order the Department of Public Works/Engineering Division and/or the firm of CHMP, Inc., to prepare final plans, specifications, and take bids.
- D. Order the Assessor to prepare final special assessment roll, with provision that the first payment will become due July 1, 1998.

Moved by Zelenko to accept the project as written. Motion failed for lack of support.

Moved by Cross, seconded by Martinbianco to deny Resolution A (Standard Resolution #3) as written.
Motion failed 2-4 with Hammon, Zelenko, Walls and Centilli voting no.

Moved by Zelenko, seconded by Walls to accept the project as written. Motion carried 4-2 with Cross and Martinbianco voting no.

Meeting adjourned at 8:15 P.M.

Cheryl M. Ladd, CMC/AAE
Deputy City Clerk

CML