

MINUTES OF THE SPECIAL CITY OF BURTON COUNCIL
MEETING HELD SEPTEMBER 24, 1979 AT 4303 S.
CENTER ROAD, BURTON, GENESEE COUNTY, MICHIGAN

A SLIDE PRESENTATION WAS GIVEN BY MR. RABINE, DIRECTOR OF DPW, AT 7:00 PM.

Meeting was called to order at 8:15 PM. by N. Dombrowski, Council President.

MEMBERS PRESENT: Dombrowski, Dallas, Mikulich, Mann, Card, Brown.

OTHERS PRESENT: J. Rabine, Director of DPW; J. Major, Assistant Director of DPW; R. Maike, Civil Engineering Technician; M. Martinson, City Clerk.

PURPOSE OF THE MEETING:

First Public Hearing for P-78-9A, DeCamp Street from Camden to Grand Traverse.

AUDIENCE PARTICIPATION:

Mr. McGue, 1194 E. DeCamp said that he was under the impression that they could have paving for about \$1500.00? Why the increase? Mr. Major explained that the petition was turned into the DPW in April of 1978. We did give the petitioner that cost figure but we have gone through three construction seasons since then and the cost has risen 15-20%. The costs were valid then. Mr. McGue said that if this amount causes a hardship for anyone, he will vote against it.

Charles Gann, 1199 DeCamp opposed the paving as his cost is \$7800.00. Mr. Rabine stated that when the petitioner circulated this petition, the people requested that they all pay equally. That cost would be \$3600.00 each.

Mr. McGue asked what happened to the urban development funds? Can't we get help with this project? Councilman Dombrowski replied that the City's 25% share is from Community Development funds and that amount has been included. Community development funds can be used only in eligible areas.

George Pack, 1236 DeCamp opposed this project.

Marshall Davenport, 1230 DeCamp said that he circulated the petition against the project as there are several residents on fixed incomes that can not afford it. He disagreed with the assessment method. He presented to the Council the petition against. Councilman Dombrowski asked how many signed this petition? Mr. Davenport said 25 of 40 residents signed the petition against.

Councilman Mikulich asked if these persons are against the method of assessment only? Mr. Davenport replied yes. The method is not equitable.

Mrs. Howser, 1185 DeCamp said that in a few years you will come in and pave this area anyway as it is a bus route. Right? Councilman Dombrowski explained that a street can be paved only if over 50% of the residents turn in a petition requesting such and/or by a 7-0 vote of Council. No matter which method we use, many would object to the cost. There is no one method of assessment that is fair to all.

Mr. McGue asked why you can't put all five (5) streets under one special assessment? Mr. Rabine replied that at this point, it is not possible. We can place all five streets under one contract, however, and one contractor could cut costs about ½ to 1%.

Mr. McGue asked if the property owners would benefit by this? Mr. Rabine replied that they would profit. The City makes no money on one of these projects.

Kenneth Adams, 12340 Reid Road, Durand (owner of property on this street) said that he was under the impression that all these streets will be paved. This paving will be costly for him over the next fifteen (15) years as he has property on Camden also. If we have 25 signatures against this project would this stop it? Councilman Dombrowski replied that it would. If 50% or more sign petitions for paving of a street, this must come before Council for a first Public Hearing. If there is a counter petition of over 50%, then the project is dropped.

Mrs. Davenport said that she signed the original petition. She asked if the price they have now will hold until time of construction? Councilman Dombrowski said that the costs could go up or down. If the cost went too high by the time of the second Public Hearing, then Council could still say no.

Mr. Layton, 1220 DeCamp said he would like the paving, but not at this price.

Moved by Mann, supported by Card to deny Standard Resolution # 3 for the Special Assessment Paving District known as P-78-9A DeCamp Street from Camden Avenue to Grand Traverse. Motion carried 6-0 vote.

DISCUSSION ON ADDITION TO AGENDA:

Moved by Card, supported by Mann, to approve and authorize the rejection of all bids for Divisions A-3, B-2 and B-3 of the Community Development Sidewalk Program as taken on September 17, 1979, due to the lack of bidder participation and the high cost of bids received. Projects to be re-bid on September 28, 1979. Motion carried by 6-0 vote.

ADJOURNMENT:

time 9:05 PM.

Submitted by,

Mollye L. Martinson
City Clerk

MLM/alh

MINUTES OF THE SPECIAL CITY OF BURTON
COUNCIL MEETING HELD SEPTEMBER 24, 1979
AT 4303 S. CENTER ROAD, BURTON, GENESEE
COUNTY, MICHIGAN

Meeting was reconvened at 6:02 PM. by N. Dombrowski, Council President.

MEMBERS PRESENT: Dombrowski, Dallas, Mann, Mikulich, Card, Brown.

OTHERS PRESENT: Mayor Wurtz; R. Hamilton, City Attorney; J. Rabine, Director of DPW;
J. Major, Assistant Director of DPW; D. Lowthian, City Assessor; M. Martinson, City Clerk.

PURPOSE OF THE MEETING:

Public Hearing for a Downtown Development Authority

Councilman Dombrowski explained that the meeting was postponed until we could procure a list of the real taxpayers within the proposed district.

Mr. Major stated that all businesses were renotified and the meeting was published in the Flint Journal twice.

AUDIENCE PARTICIPATION:

Julius Binder said that since the last meeting he has learned that Dallas is occupying a building in the district, which is owned by Mr. McCullough, who is against the D.D.A. He requested that this meeting be postponed until after the election. He would like to have a 7-0 vote.

Councilman Dombrowski stated that since Mann has to abstain, there could never be a 7-0 vote, and he has two (2) more years on the Council. He asked why Mann is ineligible to vote? Mr. Hamilton said that if you take the D.D.A. act literally, and if he is a property owner, then he has an interest in the proposal. Thus, it is inappropriate for him to vote, on this matter.

Councilman Dombrowski asked that as Dallas is a renter in the district, is it improper for him to vote? Mr. Hamilton said that it would depend upon the agreement made between he and the owner. Those renting within the district as well as the owners are taxed. Although Dallas is a short term renter he is not aware of his agreement with the owner re/personal property tax. This may or may not be a conflict of interest.

Councilman Dombrowski asked Mr. Binder if he wants to postpone this meeting until after this election or in two (2) years after Mann leaves the Council?

Councilman Card asked why is it just Dallas the whole Dallas Team occupies the building.

Mr. Binder said that they would like to have the meeting sometime after this election.

Moved by Mann, supported by Card to recess this meeting until December 3, 1979 at 6:00 PM.

Councilman Dombrowski asked if affirmative action of five (5) votes applies in this case? Mr. Hamilton replied yes.

Mayor Wurtz asked if we would have to re-advertise? This is costly to the City.

Motion carried by 6-0 vote.

Mr. Hamilton said the question asked re/possible election under Headlee Amendment was raised. He researched this question.

Mayor Wurtz stated that he is preparing a request for an opinion from the Attorney General through Bobby Crim's Office. Mr. Hamilton said that if an election is required it may be limited to those within the D.D.A. district, not the City at large. We need an opinion of the Attorney General.

Councilman Mann stated that as a member of the Downtown Businessmen's Association, he requested Council to read the goals of the D.D.A. They will benefit Burton. They have expended a considerable amount of time and money away from their jobs, on this project.

RECESSED:

TIME 6:15 PM.

Submitted by,

Mollye L. Martinson
City Clerk

MLM/alh