

CITY OF BURTON
SPECIAL COUNCIL MEETING MINUTES
2ND PUBLIC HEARING
MONDAY, MARCH 24, 2003
6:00 P.M.

Council President Larry Brawner called the Special Meeting to order at 6:00 P.M.

MEMBERS PRESENT: Brawner, Centilli, Martinbianco, Tinnin and Wells.

MEMBERS ABSENT: Bement and Cross.

OTHERS PRESENT: D. Lowthian, Assessor; J. Major, DPW; R. LaDuke, DPW and C. Ladd, Deputy Clerk.

PRESIDENT STATES THE PURPOSE OF THE MEETING:

P-99-1 – Nelson Court Special Assessment Street Paving

The President announced that this is the time fixed for hearing and considering any objections and/or favorable comments to the construction of street open ditch asphalt and storm sewer improvements, to the following streets, to-wit:

Nelson Court from Belsay Road to the east terminus

PRESENTATION BY DPW:

Mr. Major explained that this is the second public hearing and bids have been taken on this project. The cash cost for one unit is \$2,604.70 versus the first public hearing cost of \$2,676.78. The minor difference is due to the recommendation by the Mayor and approval and concurrence by the City Council to subsidize this district. It was a 1999 special assessment cost estimate that was used for the hearing. Several years ago, that cost was probably in line but due to no other projects coming in other than Brabbs Street, we sat on the project and eventually brought it before Council. We subsidized the project in the amount of \$42,729.00. The unit factors remain about the same. The payments will range from \$378.00 to begin with down to \$230.00 at the end of the 12-year special assessment period.

The average payment will cost about \$301.00 with about a 5% interest rate. Payment options will be cash, with the cash cut off date of May 16th; pay off any time during the 12-year period or at the end of the 12-year period. Notices were mailed to the residents and it was also published in the paper. Mr. Lowthian is here if there are any questions concerning the assessment notices and Mr. LaDuke is here if there are any construction questions.

AUDIENCE PARTICIPATION:

Sandy Purdue, 6054 Nelson Ct., inquired if a cul-de-sac would be constructed at the end of Nelson Court. She also asked about ditching, culverts and replacement of such. She said she hasn't noticed any standing water. Mrs. Purdue asked if there would be any trees removed and what would happen if she didn't want them removed. She inquired as to how someone could get financial assistance because of his or her income.

Mr. LaDuke said they are attempting to get some easements for the cul-de-sac so the buses could go down to the end of the road and turn around if they need to do so. This would also be good for the use of emergency vehicles. If we don't obtain the easements, we will have a standard T-turn at the end. Mr. LaDuke said the trees would either be removed or they would work around them. The City would try to save them if at all possible and he didn't think the trees would be a problem. The City will have an inspector on the sight and you can ask to speak with him or you can contact me before the trees are removed.

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Mr. Lowthian said there is a provision for assistance under the State. To qualify, a person must be 65 years of age or permanently disabled under the social security guidelines. The household income from any source would have to be less than about \$16,000.00 per year. The state would pay the city the amount of the special assessment and then they would accept a lien on the property. The paper work could be obtained through the Assessor's Office. The lien would remain in effect until the property is sold, leased or passed on to the heirs.

The President declared the hearing closed.

COUNCIL DISCUSSION:

Mr. Martinbianco clarified the cash cutoff date of May 16th with Mr. Major. He said the construction contingency subsidy by Major and Local Streets represents a little over \$36,000.00. The total of this one plus the other two public hearings this evening will show the entire subsidy and no more than that at the sale when we authorize the issuance of the contract. Is this correct?

Mr. Major stated that the City Council will not subsidize more than what was designated.

Mr. Martinbianco asked if the difference between the lowest bidder and second lowest bidder was taken care of through the construction contingency as opposed to an additional subsidy by the residents?

Mr. Major stated that this is correct. It was an additional contribution by these funds to the project by going to the second lower bidder. Those numbers were adjusted for the bond issue, based on City Council action.

Mr. Martinbianco asked when the construction of this project would commence?

Mr. LaDuke said the target date is sometime after May 15th, which is when the frost laws are taken into consideration. Mr. LaDuke said he isn't certain which project they would start first. He assumed they would go north to south or vice versa. This will be up to the contractor.

A brief discussion was held concerning the petition for the Nelson Court Branch of the Gilkey Creek. Do we know any timeline on this issue?

Mr. Major said we are at the mercy of the Drain Commission. A brief discussion commenced regarding this issue.

Mrs. Tinnin made an inquiry as to the amount of the bond.

Mr. Major replied that the bond would be in the amount of \$480,000.00, not to exceed. The bond authorizing resolution would be on the agenda for April 7th and would not take affect until after the second public hearings. The bond authorizing resolution would reflect the assessment roll of the sum total of these three districts. He said there are two bonds, Series I and Series II per the Bond Counsel. He expects a better percentage rate by doing it this way. Mr. Major explained the publishing of the bonds and said on April 7th the Bond Counsel would be here and ask Council for approval to sell the bonds. He wants to update and review the process with the City Council.

COUNCIL ACTION:

A. RESOLUTION #5:

Martinbianco moved and Wells seconded the following motion:

Approve and authorize Resolution #5, a resolution that the Council desires to proceed with the making of said improvements and the confirming of Special Assessment Roll Number P-99-1 and said costs of special assessed against the lands within the respective districts.

Motion carried 5-0.

Meeting Adjourned at 6:26 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk

CML