

CITY OF BURTON
SPECIAL COUNCIL MEETING MINUTES
MAY 13, 2002, 6:00 P.M., COUNCIL CHAMBERS

Council President Larry Brawner called the meeting to order at 6:09 P.M.

MEMBERS PRESENT: Bement, Brawner, Centilli, Cross, Martinbianco and Tinnin.

MEMBERS ABSENT: Wells

OTHERS PRESENT: Mayor Charles Smiley; J. Major, DPW Director; B. Becker, Treasurer/Controller;
R. LaDuke, Assistant DPW Director and C. Ladd, Deputy City Clerk.

PURPOSE OF THE MEETING: Discussion and Review of the following items:

1. City of Burton County Road Transfer Analysis
2. Paving of the remaining gravel roads in Burton

PRESENTATION:

City of Burton County Road Transfer Analysis:

Mayor Smiley introduced the staff from Rowe, Inc. Those in attendance were Amy Gilson, Ken Wells and Kirk Braun.

Ms. Gilson said the City Council hired Rowe to do an analysis in taking over the county roads. Ken Wells will do the presentation:

Mr. Wells said a study was done on the county roads that fall within the City of Burton and what the needs of the roads were. In early 2001 the County Road Commission and the City of Burton discussed the City taking over the county roads. In March of 2001 a letter came from John Daly that outlined three alternatives for treatment of the roads in the City of Burton. We were asked to evaluate the alternatives presented by the Genesee County Road Commission. None of the existing roads were ever intended to be a part of this study. Mr. Wells noted the list of roads that were included in the study. (A list is on file in the Clerk's Office)

Mr. Wells said the three alternatives presented by the County are as follows:

1. Transfer the 40.39 miles of primary road to the jurisdiction of the City of Burton.
2. Status Quo as per the 1972 Retention Resolution.
3. Modified Alternative 2 – GCRC retains control, Burton provides maintenance.

In Alternative #2, the 1972 Retention Resolution gave the County authorization to keep control of the roads even though they were in the City. There was an agreement entered into upon the two agencies. That is what has been going on for the past 30 years.

Alternative #3 allows the County to retain control of the roads and the City enters into a maintenance agreement where they are now responsible for maintenance of all 40 miles of roads.

Mr. Wells said the first part of the project was to evaluate the existing roadway conditions. He personally went out and inventoried every road. A copy of the findings is on file in the Clerk's Office. Most of the funding the County and City use is called T-21, which is the 2001 Federal Bill that allows road funding. Mr. Wells explained how the funding is determined. The next item of concern is the existing bridge conditions. We checked the maintenance requirements and found there are currently no bridges listed on the critical bridge list on the county roads. The funding to replace a bridge is usually gotten through critical bridge funding, which is funded 100% by the federal government. We concentrated on the maintenance cost and bridge inspection fee. The bridges have to be inspected every two years.

The City would have to incur the cost and maintain the drainage that currently exists. Necessary equipment would be a vacuum truck to clean existing storm sewers and catch basins and an excavator/backhoe used for repairs to replace crushed culverts, etc. and it can also be used for ditching. The City currently does not have this equipment.

Mr. Wells discussed the Act 51 Funding, which is based on a formula that changes annually. (A copy is on file in the Clerk's Office). He said Act 51 is a state law and there is a rule of thumb cap of 30% of your roads can be major. Because the City of Burton encompasses the entire Burton Township, the State has allowed the City to retain everything that actually is major. There are 5.64 miles that are really not major, but the State allowed them to be classified as major and get the higher funding for those roads. The State would take those away if you take over the roads. However, they will allow the total major miles to increase by 34.75% or about 65 total major miles. This would put the City of Burton at about 41% major roads. This is a huge difference in the amount of major funding you would receive. It actually sways the analysis one way or another. Once this is done, it is locked in and there is no way they could ever take that away from you.

Mr. Wells discussed the pros and cons of each of the three alternatives. A copy is on file in the Clerk's Office. In conclusion, based on the assumption that the state will allow the percentage of "major roads" in the City of Burton to reach 40.41%, it would be in Burton's best interest to assume control of county roads in the city. The city would better serve their community by taking over the county roads even though it may not be the least expensive option.

Paving of the remaining gravel roads in Burton:

Mayor Smiley commented that there have been very few petitions for road paving in the past few years. Mostly in the south end there are rental homes and the current policy is there must be 51% of the homeowners who want the paving done.

Mr. Major said there has been three petitions in the past two years for paving and now have enough, with Pratt and Wagner, to do a bond issue.

Mayor Smiley said with the petitions from Pratt and Wagner it at least makes it somewhat more affordable. It would make it more affordable to all of the residents if we were to package the remaining gravel streets together. Considering our bond rating and the way the economy is today, we could probably get a better deal for the residents. Some of the streets we need to look at are old Genesee Road, Alcott, Eggleston and Sitka where we should do the same as we did on Bergin and Parkwood, where we could pick up the side. It would be fairer for the residents. We have a golden opportunity but it takes a 7-0 vote from Council. We could do this over a two-year process.

Mr. Major said Flint had to pave their streets at one point with a 7-0 vote of the Council.

Mr. LaDuke said he wrote a letter to the Council in March. He said this was done to show there is a need to do something with the gravel roads and also not to create a political football with this issue. We all need to be on board to get this done. There are 15.99 miles of gravel roads and there are many different ways to break out the cost. One way would be for a large special assessment district based on lot size instead of front footage. There are 1,462 lots on these 15.99 miles. Mr. LaDuke reviewed the costs of maintaining the gravel roads. He spoke with Ace Asphalt regarding a price for the asphalt and construction for a large project. The timing of the projects is good because there isn't a lot of work out there for the local workers. Mr. LaDuke reviewed statistics regarding the cost of paving the gravel roads and taking into consideration the CD dollars and use of Act 51 monies. He said the City should keep moving forward. If everyone is not on board, we may have to take another direction.

AUDIENCE PARTICIPATION:

City of Burton County Road Transfer Analysis:

There was no one in the audience who wished to speak concerning the take over of the county roads.

Paving of the remaining gravel roads in Burton:

Jane Nimcheski, 2429 N. Genesee Rd., encouraged the Council to vote 7-0 to pave the gravel roads. She indicated that the County owns one side of the old Genesee Rd. and that is why there have been no petitions for the paving. With all of the new development and the growth of the City, it is time to get rid of the gravel streets. The people in the subdivision behind her are using her road and it is impossible to keep the dust down.

Warren Nimcheski, 2429 N. Genesee Rd., said the traffic from Calvert Park residents has been a problem since 1965.

The real estate developer should have been made to pave Genesee Road because he opened the subdivision out onto Genesee Road. The Kearsley school buses also use this road. He agreed that Sitka Street should also be paved. The chloride that is used is not good, according to the EPA guidelines. There have been several projects done with a 7-0 vote of the Council.

COUNCIL DISCUSSION:

City of Burton County Road Transfer Analysis:

Mr. Brawner asked if there were any assurances from the State that the City would get the 40.41%?

Mr. LaDuke replied that he had written a letter and received a reply from the Director that he would evaluate the situation and get back with him. Because of the uniqueness of our situation, the state is willing to give us the 40.41% at the higher funding. We have this commitment in writing and were very pleased to receive this information.

Mr. Martinbianco inquired whether the bond issue is still outstanding for the paving of Lapeer Heights, which included Roberta Street. Would it be help harmless under this agreement?

Mr. LaDuke said he wasn't certain.

Mr. Major said he thinks the bond issue was offset with a contribution to the major street system to reduce the cost down.

Mr. Becker said he thinks the bond issue just expired or is very close to expiring.

Mr. Martinbianco asked if there would be any restrictions because of the reclassification from those streets that we now know as major? He also asked if Mr. Wells was able to evaluate the increase in insurance costs.

Mr. Wells now the city would be pulling from a bigger pot and hopefully you will still be able to do what it is you want with those roads with 25% of the additional funds. Mr. Wells said due to the time frame, he was unable to look into the insurance costs.

Mr. LaDuke said he had a conversation with Mr. Becker concerning the insurance costs. It is his understanding that using government immunity as it stands, that the additional mileage of roads would not be a significant increase in the expense of our insurance coverage. It is something that we are currently looking into.

Mr. Martinbianco asked Mr. Wells when the evaluation was done, had he looked at a political circumstance that might change the composition of ACT 51 funding?

Mr. Wells said he doesn't know the answer to that question.

Mr. Martinbianco asked if it is Mr. Wells' impression that when and if the transfer takes place, would it be on a wholesale basis or a piece meal basis, and under either scenario would we take over the streets in the condition they currently exist without any advanced maintenance funding?

Mr. Wells said originally the letter stated that this would be a phased process, taking place over a period of three years. From what I now understand from the county it would be an immediate wholesale transfer. The condition of roads is something that the city would have to look at. Depending on when that money comes in for those roads, you can't let the county give over the roads right after they receive the money. It is the intent of the county to turn the roads over as is.

Mr. Major said the Road Commission has no dollars to be able to reconstruct those roads to any degree of upgrade under their financial situation.

Mr. Wells stated that the city would most definitely give better service to the residents than what the county is able to provide.

Mr. LaDuke said the city's track record far succeeds that of the county.

Mr. Brawner asked if the level of service in the subdivisions would be down because of the additional roads?

Mr. LaDuke replied no that he wouldn't be as supportive of this if we couldn't service our residents effectively. Mr. LaDuke said he met with staff in regards to the additional equipment needs.

A brief discussion was held concerning the TIP Funding and the competition of the funding of the roads.

Mr. Brawner asked when the roads would be transferred.

Mayor Smiley replied that the County is looking at sometime in November for the road transfer.

Mr. Major said it would be very similar to the previous 10 miles of roads that we took over.

Mayor Smiley said he is looking for some direction from the Council as to whether we should take the next step and negotiate with the County. We have been talking with the County but we don't know whether they need to approach the County Commissioners in regards to the transfer. The study was the first process and now we need direction as to whether we should proceed, knowing this may cost the City money.

Mr. Major said this may cost the City money in the long run, but it will whether we have control of the roads or not. We will have to find ways to come up with the match money and we will have to look at some of the alternatives that are available. We shouldn't have to beg to have our roads repaired.

Mr. Wells said there is some bridge maintenance issues that the County is aware of and if they are not fixed now it will cause problems later.

Mr. Brawner stated that the County seems very anxious to give the City these roads.

Mr. Major said we would like to get County Commissioner Hammon involved at the County level. He has a copy of this study.

Mr. LaDuke said if it is better for the residents and the City, then we should proceed with taking over the roads.

Mr. Centilli asked why the County wants the roads taken over by November. He also inquired about the equipment that would be needed with the additional miles of roads.

Mr. LaDuke said he believes the County is tired of having the complaints from Council Members and residents. He reviewed the equipment needs and said he has received quotes on the equipment.

Mrs. Tinnin asked if there is a commitment between the County and the City of Burton. Mr. Major advised her that a copy of the letter of commitment would be given to the City Council.

Mr. Brawner asked the Mayor what type of information he would like from the City Council.

Mayor Smiley replied that he would like to meet in the next couple of weeks and get a consensus of the Council that either we move forward or stop the project completely.

A brief discussion continued regarding the options for funding.

Mr. Brawner said not hearing any opposition from the rest of the Council; he would suggest that the next step be done in the process for taking over the county roads.

Council Recessed at 7:02 P.M.
Council Reconvened at 7:09 P.M.

Paving of the remaining gravel roads in Burton:

Mr. Brawner asked if the 16 miles of gravel roads were to be paved who would the pay for the improvement?

Mr. LaDuke replied that only the residents whose roads are paved would pay for the assessment. The residents on Pratt and Wagner would pay a higher assessment because of the storm drain, but they would get their paving reduced by 15% to 20% because of the bigger cost. If this is something that the Council wants to embrace, we will put more time into it and give Council a finer number than we have today. He said he hasn't spoken to Mr. Becker in regards to the funding.

Mr. Major said there are probably other subdivisions that have storm drainage problems. Further discussion was held concerning the storm drainage issue.

Mr. Bement said he agrees with Mr. LaDuke that the roads need to be paved. He lived on a gravel road that was paved. Many people complain about the road assessment at first, but then you begin to see improvements made in many of the homes and can see the pride of ownership.

Mr. Centilli asked what the reduced rate would be? Would you be charging each lot the same price?

Mr. LaDuke said the figure is down to \$3,255.81. He said each resident would be charged the same price.

Mr. Martinbianco asked what type of paving would be used, type B or type C.

Mr. LaDuke replied type C paving would be used, which is open ditch, 4.5 inches of asphalt and curb and gutter the intersections. This seems to hold up good. He noted that in his budget, he is asking for a machine that will provide us the opportunity to do our own crack sealing. Roads that you do within five years will last longer than if we go back to a 10-year-old road and tried to crack seal. We would have an aggressive crack sealing program each year so when we get the roads paved they will last longer.

Mr. Centilli said there is no comparison of the maintenance between asphalt and gravel.

Mayor Smiley said the City Council has a procedure in place now and you could continue to use that. Mr. Lowthian could figure out the price and the Council could be creative when considering the savings of cost of the chloride and gravel.

A brief discussion was held concerning the use of CD dollars for paving.
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Mr. Brawner said he assumed the private roads are not figured into the equation.

Mr. LaDuke confirmed that the private roads are not figured in the paving project.

Mr. Bement said he would like to have Mr. LaDuke work the figures and move forward if all of the City Council is in agreement of the paving.

Mr. Brawner said the Council has an obligation as a Council to either stop now or continue on with the paving process. If anyone is opposed now, it is a dead issue.

There was no one who spoke against the road paving.

Mr. Martinbianco said we are famous for wanting to keep the residents informed and asking for their input. We couldn't begin to have an informal hearing at this point. We need to start by pulling the necessary information together for the affected taxpayers on those gravel streets. We could indicate that there is potential willingness by the Council to pave the remaining streets. Possibly we could have preliminary figures at that time for the residents. Mr. Martinbianco suggested that an informational meeting be held for the affected residents.

Mr. Cross said the hardship cases would also need to be addressed.

Mr. LaDuke said we already have a hardship committee in place and their concerns could be addressed through that committee.

Mr. Becker said there is certain criterion that must be met when going to the hardship committee. Some meet the criteria and others do not.

Mr. Brawner said he feels positive about the aspect of taking over the county roads. He said he doesn't see a lot of opposition. We can hold a meeting after the budget has been completed.

Mr. Bement and Mrs. Tinnin both concurred with Mr. Brawner.

Mayor Smiley inquired about whether the Council or the Administration should hold the informational meetings.

Mr. Martinbianco said the more localized, the better it is for the individuals. The streets are spread throughout the City and it would be better to hold the meetings in the individual areas.

After a brief discussion there was a consensus that the Administration would hold the informational meetings at the schools in their respective areas.

Meeting Adjourned at 7:42 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk

CML