

CITY OF BURTON
SPECIAL COUNCIL MEETING MINUTES
OCTOBER 28, 2002 6:00 P.M., COUNCIL CHAMBERS

Council President Larry Brawner called the Special Meeting to order at 6:04 P.M.

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

MEMBERS ABSENT: Wells.

OTHERS PRESENT: J. Major, DPW Director and C. Ladd, Deputy City Clerk.

CHAIR STATES THE PURPOSE OF THE MEETING: 1st Public Hearing for a Paving Program.

The President announces that: THIS IS THE TIME FIXED FOR HEARING AND CONSIDERING ANY OBJECTIONS AND/OR FAVORABLE COMMENTS TO THE ASPHALT PAVING WITH OPEN DITCH DRAINAGE FACILITIES, INCLUDING ASSOCIATED STORM SEWER IMPROVEMENTS IN THE FOLLOWING STREETS, TO-WIT:

P-00-3 Brabbs Street – Lapeer Road to North Terminus

DPW PRESENTATION:

Mr. Major stated that this is the first street paving hearing we have had in two years. The petition was certified with 50% valid signatures in February of 2001. We have checked the tax rolls to see if there were any changes in ownership from those who signed the petitions. One of the reasons this process takes some time is the fact that it takes \$40,000.00 to do a bond issue, the legal and financial issue. Regardless of the size of the bond issue there is a built-in \$40,000 cost to sell the bonds. Districts like Brabbs and Nelson Court are \$60,000-\$70,000 paving projects and then add another \$40,000 would blow the cost of the paving projects out of proportion. It will be most cost effective with packaging the streets together.

Mr. Major said the average lot size on Brabbs is 130 feet and the cash cost for one unit is \$4,324.00. This is our best estimate for now because we haven't bid the project. That would be \$545.00 per year with an interest rate of 7% for a 12-year bond issue. We are guessing at the percentage rate and expect that to be lower, somewhere between 4% and 5%. If the percentage rate comes in at 4%, the cost would be about \$500.00 for one year per unit. That payment would range from \$663.00 the first year down to \$385.00 the last year because this is a bond issue. The cost is based on a declining balance. The paving petition was for an Option C, where would re-grade the gravel street and shape the road to about 24 feet in width and add two inches of asphalt base and one and a half inches of wearing course at 22 feet in width. There will be no parking on both sides of the road and we will re-ditch up to 100% of the properties, as needed. We will replace all of the cross-culverts that is under the road, as needed and driveways will be replaced in like material. Whatever material their driveways have when the paving is started is what would be replaced. Everyone would get topsoil, seed and straw but the homeowners are responsible for the watering of the lawns. If there are driveway culverts that need to be replaced, the homeowners would be invoiced separately and they run about \$100.00 each for a 20-foot 12" culvert. Not everyone will need to have a driveway replaced. If the culverts are salvageable, we reuse them. We won't be replacing any headwalls. They will have curved intersections. We plan to bid them as an alternate just in case the prices come in above. We don't think this will happen because we think we have enough of a cushion that the bids will come in below our estimate. We will design a cul-de-sac for the end of the street, but that will be the first to go if we can't keep it in the estimated price range.

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We have assigned 10% of the \$40,000 to Brabbs, 10% of the \$40,000 to Nelson Court and because of no petitions, we assigned 25% of the \$40,000 to Pratt and Wagner. We still need another \$22,000 to pay off the \$40,000.00. If there had been other districts they would have made up the \$22,000.00. We need to find a way to finance the \$22,000

And one way to do this is for the other districts to pick up another \$150.00 to \$180.00 per unit. This would be the cash cost, not the monthly payments. Hopefully when the bids come in we will be able to make up the difference.

Mr. Major informed the Council that another developer may be interested in joining the paving project, but there is no guarantee at this point. This could be one way of taking care of the remaining \$22,000.00 also.

AUDIENCE PARTICIPATION:

Council listens to objections and/or favorable comments to said improvements.

Mike Fitchett, 1172 Brabbs St., said he has lived on Brabbs Street for about 30 years. He has two units and the street paving would cost him about \$1,091.00 per year for the next 12 years. He does not want the street paved. He asked about the guidelines and the percentage of the residents to continue with the paving project.

Mr. Brawner advised Mr. Fitchett that at least 50% of the property owners had to sign the petition.

Mr. Fitchett said there have been several changes on Brabbs and he wants Council aware of these. He said most everyone on the street is a one-unit assessment. Mr. Fitchett discussed the paving petition with the Council indicating that several of his neighbors have decided they don't want the paving. However, he doesn't have anything in writing stating this fact. For some neighbors this could be a financial hardship as they are out of work.

Phillip Ledger, 1121 Brabbs, asked if would be possible to withdraw a name from the original petition once it was signed?

Mr. Major explained that the policy is once the petition is signed if everything is complete it is accepted by the City Council. We have a valid 50% petition. However, that doesn't mean that Council can't deny or approve the petition. They will make that decision this evening. Every project that has been done to date has had a 50% petition and has been a go. Mr. Major said the people have had a couple of weeks to get a petition against the paving and this has not been done.

Mr. Ledger said he has two other people he may get signatures from should it be necessary. He said he is hoping the paving would be approved as he thinks this is a necessary change. It would up the property values.

Olive Kline, 1211 Brabbs, commented that from the articles in the newspaper, there is no stopping this project. She noted that many times her family has almost been hit by people coming out of the pizza store and something needs to be done about widening of the street and the corner cleaned up. The ditches should also be kept clean. If this project is going to be done, it should be done correctly. There is a definite need for good drainage on that road.

The President declared the hearing closed.

COUNCIL DISCUSSION:

Mr. Cross inquired about the person who signed the petition for 1191 Brabbs. He said this would have to be checked out as to who the taxpayer is for this address.

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Mr. Major said Mr. Lowthian has indicated as late as today, that the petition is a valid one.

Mr. Cross questioned the number of taxpayers that had been approved from Mr. Lowthian's list. He said he would like to have these questions answered prior to voting on the second public hearing for the paving.

Mrs. Tinnin said 1167 Brabbs does not appear on the typed list that Mr. Lowthian approved.

Discussion continued concerning the signatures for the paving project.

Mr. Brawner inquired about the ditches being cleaned out so the drainage problem would be addressed.

Mr. Major replied that if there is a need for 100% ditching, this would be done. DPW would contact the Drain Commission to clean all the storm sewers and catch basins. When we know that this is going to be a go project, they will do a complete cleaning before we start ditching. We will do the catch basins with our ditching. We need to keep in mind this is a paving project, not a storm drain project. If there is something not working right, we would have to contact the Drain Commission, as this would be their function.

Mr. Brawner asked if there would be anything done with the intersection of Brabbs and Lapeer?

Mr. Major said when they get into the design stages there will be some changes made. He gave several suggestions as to what could be done for improvements at the intersection of Brabbs and Lapeer Road.

Mr. Martinbianco commented on the improvement of Lapeer Road between Genesee and Vassar Roads. He said the City may be responsible, with this as our major street now, and introduce dollars to make those improvements.

Mr. Major said we should be able to assist this street in getting out onto Lapeer Road, which is not their responsibility as a Brabbs Street resident.

Mr. Martinbianco also inquired about a special assessment for Genesee Christian School's unit that backs up to Brabbs. The Bethel Assembly of God will be assessed for one unit that comes out on Brabbs. He asked if they would have to pay this special assessment?

Mr. Major said the Church/School should receive a special assessment.

Mr. Martinbianco said the Genesee Christian School does not show as a special assessment on the listing.

Mr. Major said that should not be and he would check with Mr. Lowthian about this issue.

Mr. Martinbianco said he shares everyone's concern and suggested action be postponed for about a week so any changes could be addressed and to get our questions answered. He said the economy should be taken into consideration. Because of the age of this petition, we should get the correct information, wait a week and reconvene to determine this issue. We want to be certain the numbers and names agree for this petition.

Mr. Major said there has been no change of ownership on the property of those who are in favor of the paving. Mr. Lowthian could provide a re-certification that these are still valid property owners as they were when the petition was circulated.

A discussion continued regarding the preliminary assessment roll.

Mr. Major said this would be a tight schedule for the sale of bonds and get everything completed and be placed on the 2003 tax roll. A brief discussion was held concerning the time for the next meeting concerning this paving project.

Mr. Brawner said he is having a problem accepting the petition when there are several items that have changed over the past two years.

Mr. Major said there is no sunset in the ordinance for when a signature on a petition is no longer any good. The ordinance doesn't address this issue at all. Our only other option was to abolish the project.

Mrs. Tinnin read Section 11 of Ordinance 12 C and it was determined that the petition has already been accepted by the Council with 50% valid signatures.

Mr. Major said there is no basis for denial as the numbers are valid and the signatures are good.

Mrs. Tinnin said it would be difficult to make a decision regarding this paving project without hearing the other two projects because they are being bid as one project. Otherwise, the cost would be prohibitive.

Mr. Major said we could postpone this public hearing until next week and hear the other two public hearings.

Discussion continued regarding the problems that need to be addressed with the signatures.

COUNCIL ACTION:

Moved by Martinbianco, seconded by Cross to postpone action on Standard Resolution #3 for Special Assessment Paving District P-00-3 (Brabbs St. –Lapeer Road to North terminus) until November 4, 2002 at 5:30 P.M.
Motion carried 6-0.

1. **APPROVE AND AUTHORIZE** Standard Resolution #3 for the Special Assessment Paving District known as P-00-3 (Brabbs St. –Lapeer Road to North terminus):
 - 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 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, 2003.

Meeting Adjourned at 6:52 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk

CML