

CITY OF BURTON
SPECIAL COUNCIL MEETING MINUTES
DECEMBER 16, 2002, 6:30 P.M, COUNCIL CHAMBERS

Council President Larry Brawner called the Special Meeting to order at 6:37 P.M.

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

MEMBERS ABSENT: None.

OTHERS PRESENT: C. Abbey, Administrative Assistant; J. Major, DPW Director; R. Austin, City Attorney and C. Ladd, Deputy City Clerk.

PURPOSE OF THE MEETING: PUBLIC HEARING FOR SS-02-1 BURTON ESTATES #1/DPW
JOB #02-003-SS (PHASE 1) BELSAY ROAD/SECTION 24
SUBDIVISION DEVELOPMENT/PUBLIC MUNICIPAL SANITARY
SEWER.

PRESENTATION:

Mr. Major said the City is asking the Council to use the Standard Ordinance 12 special assessment method to construct public utilities. This request will carry through to the 6:45 p.m. and 7:00 p.m. meetings. The proposal calls for a 20-year bond issue as it relates to the sanitary sewer part of the development. This process is identical to what was used in the Maple Pointe and Maplewood Meadows single-family subdivisions. The cost estimate figures were merely there for the purpose of developing a Notice of Intent Resolution, which hasn't yet been published. The figures are high now, but if the project proceeds and we receive bids, we will be paring down to what the actual cost might be. Mr. Major deferred to Mr. Arrabo and the City Attorney for their input.

Sam Arrabo, 17445 W. 10 Mile Rd., Southfield, MI, said they are planning to bring in another development. This development will be a single-family development with a condominium concept in the back of the property. This property includes approximately 150 acres and is located on Belsay Road. The development will exceed the minimum lot sizes and will consider curb and gutter. As the development proceeds, we will see a more conceptual plan. Mr. Arrabo indicated that he would like to work together with the city and the community. This development is in a school district that could use an assistant. This is a win-win situation for the community and the developer.

Mr. Major gave the Council a handout that was received by the Planning Commission.

Mike Perlman, 28499 Northwestern Highway, Southfield, MI, said he is representing Mr. Arrabo. He referred to the packet that was given to the Council and said it is self-explanatory. He spoke concerning the cost analysis needing to be fine-tuned. The proposed subdivision will be named Burton Estates and the housing will be between 1500 and 2100 square feet with three and four bedrooms. It is focused on being affordable housing and giving people an opportunity for homeownership at a reasonable price. The estimated starting price is \$130,000.00. From the features that are in the handout it will be a house that is up to date and one that anyone would like to move into. He indicated that they are working with the owners (Mill Brothers) on this property to put an agreement together so they feel comfortable that at or before the time the special assessment district becomes a finality and becomes a lien on the property, we will be in a position to pay off and purchase the property from the Mills'. We anticipate having an agreement worked out sometime after the New Year.

Mr. Austin, City Attorney, said this is a public hearing and he would like to invite the public to speak and then we will close the public hearing.

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AUDIENCE PARTICIPATION:

Norman Maynard, 6138 Crabtree Lane, said his concerns are about the traffic being able to get out onto Belsay Road, which school district the students would attend and those residents who live on a pension and can't afford the taxes. He is against the development.

Pauline Dargel, 6119 Hugh St., objected to the legal notice in the paper. She addressed her concerns regarding a petition she had requested to see at the DPW and it not being there. After speaking with the DEQ she found there was no formal application on file. She spoke concerning the wetlands, flood plain and Phillips Drain. She would like the Council to inquire whether the developer would receive some funding from HUD. It is tax dollars that would stand behind the bond.

COUNCIL DISCUSSION:

Mrs. Tinnin asked if the project were not approved by the City Council, would the developer continue to purchase the property. She noted that she had attended the Planning Commission meeting and it was the opinion of the Planning Commissioners that the drawings were rather inconclusive. Mrs. Tinnin said a letter has been received from the Drain Commission and there is a moratorium on all sewer permits at this time. She asked Mr. Perlman if he had spoken with the Drain Commission himself. Mrs. Tinnin said there was some confusion as to how many units would be single-family owner occupied and how many would be townhouses. She asked if there would be rental units or would the townhouses be sold and be owner occupied? She said the number of units is also unclear.

Mr. Perlman replied they probably would not proceed due to the cost. The mortgage that we need for this property is marginal. The interest rates and the opportunity to amortize it over 20 years, makes this an opportunity we can take advantage of as opposed to mortgage financing, which would give us a two to three, possibly four year period to pay off a similar loan that would be equivalent to a special assessment district. Mr. Perlman advised Mrs. Tinnin that he had not spoken with anyone in the Drain Office. The pending lawsuit would impact the entire Genesee County area in terms of development. Mr. Perlman said at this time, it would be premature to present plans to the Drain Commission. He stated that within the next 30 to 45 days the engineers would start to develop a more definite set of plans. He said at this time it is contemplated that all of the housing built on the 150 acres would be owner-occupied housing. One type of structure would be single-family home versus another structure, which will be attached condominiums. Condominiums are by definition homeownership. It is intended that this be for sale property that would be developed. We do not want to compete with the Blackberry Creek Apartments located on Center Road.

Mr. Martinbianco spoke concerning the communication from the Drain Commissioner's Office that was signed by Neil Martz, Permit Manager that discussed the status of S Permits or the lack thereof, currently in Genesee County. He asked that this document be made a part of the record. It could be done as an addendum. He noted that the plans indicate the development to be a multi-use or a Planned Unit Development (PUD) that allows for a mix of uses in R-1A and R-1B zoning. Would that allow for more intense use in terms of lot size?

Mr. Perlman said they are working on a site plan to submit and he doesn't think the intensity of the use will require asking for a higher density than what is currently there. The property as currently zoned is satisfactory at this time.

Mr. Martinbianco asked Attorney Austin if the attached condo units would fit the zoning or require some special type of handling to allow their construction.

Mr. Austin replied that he assumes Mr. Perlman has examined the zoning ordinance and R-1B is a permitted use for the contemplated development.

Mr. Perlman said the architect has examined the zoning ordinance.

Mr. Austin said his office has not been made aware of any request for a variance consideration to allow for greater density. He said PUD deals with multiple uses on the same property and more intense use. He doesn't think this is their intention at the present time.

Mr. Perlman commented that this development is strictly going to be residential, not mixed with office, commercial, etc.

Further discussion continued regarding the type of development for this property.

Mr. Martinbianco inquired about the extent of Phase I, and what it entails.

Mr. Perlman said the first phase would be single-family all on one plat or single-family master deed or a combination of both. This is what is being worked on at this time.

Mr. Martinbianco asked about the timeline for the advertisement for construction and construction bids.

Mr. Major said he doesn't think the developer's timeline is going to fit into the schedule for the special assessment district. They will have to move forward under their own merits. Under the R-1A and R-1B zoning classification there is a special use section which allows for planned unit development. They have applied for a PUD at the Planning Commission level and this would take a public hearing before the Planning Commission and the City Council.

Discussion continued regarding the PUD and Ordinance 19, Section 9.04.

Mr. Brawner asked what the benefit would be to the City for this to fall under the special assessment. He also asked what the liability to the city would be.

Mr. Major replied that the benefit would be a tax base and the ability to put buyers into these homes. The special assessment would be treated as a tax with 20 years to pay off. He continued to explain the benefits of getting the residents into a large home with a lower down payment.

Mr. Perlman gave a more detailed explanation as to the special assessments.

Mr. Cross asked Mr. Perlman if he had contacted the DEQ. He was advised no because they don't want to hear from the developer until the plans are in place. Mr. Cross also asked when the land sample would be done.

Mr. Perlman said they are getting things in order to work on the land samples. He said they would meet all the requirements regarding the wetlands and DEQ.

Mrs. Tinnin commented that her concerns include are the fact that we are not a lending institution. If the applicant is confident, he should go to a lending institution. She said she would not vote for the project unless there is a plan in place. She wants to have the citizens in that area to be notified even though legally we don't have to do so. She thinks a moratorium should be put on the developers who haven't paid and still owe the City money. She said she is opposed to this type of special assessment and opposes to getting the information after the fact and the people not being notified.

Mr. Cross asked with no petition on file now, how can we proceed with this project?

Mr. Austin said it is his recommendation not to proceed to consider the resolution before the Council this evening. Ordinance 12 does require either a petition signed by 50% of the owners of the property or the affirmative vote of seven members of the Council to go forward and have a hearing. We have gotten to this point where the hearing was set and the hearing was properly noticed to the public in accordance with the ordinance. We now find that there is not a sufficient petition on file. The public should have an opportunity to express their feelings including the sufficiency of the petition, which is an appropriate subject matter at this hearing. We have now determined that the petition is not sufficient under the terms of the ordinance. The ordinance allows for an adjournment of the public hearing to consider additional things without re-notification to the public. Mr. Austin gave Council the following options:

1. Vote No
2. Table the public hearing to a date certain without further notice to the public
3. Reconvene the Public Hearing at the tabled meeting so if a sufficient petition comes in from the property owners, the audience could discuss the sufficiency of the petition.
4. At conclusion of that public hearing go forward and consider the resolution that is before you this evening.

Mr. Austin reiterated that his recommendation is for Council not to act on the resolution tonight.

COUNCIL ACTION:

Cross moved and Bement seconded the following motion:

Approve and authorize Council to table the public hearing for SS-02-1 until Monday, January 13, 2003 at 6:00 P.M. Motion carried 5-2 with Martinbianco and Tinnin voting no.

1. Approve and authorize Standard Resolution #3 for the Special Assessment Public Municipal Sanitary Sewer District known as SS-02-1.
 - 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, 2003.

Meeting Adjourned at 7:30 P.M.

Cheryl M. Ladd, CMC
Deputy City Clerk

CML