CITY OF BURTON
LEGISLATIVE COMMITTEE MEETING MINUTES
APRIL 22, 2002, 4:00 P.M., COUNCIL CHAMBERS

MEETING CALLED TO ORDER BY CHAIRPERSON CHARLES CROSS AT 4:05 P.M.

MEMBERS PRESENT: Cross, Bement, Wells

MEMBERS ABSENT: None

OTHERS PRESENT: C. Abbey, Administrative Assistant, J. Adams, Clerk's Office

PURPOSE OF THE MEETING: DISCUSSION AND POSSIBLE RECOMMENDATIONS CONCERNING THE FOLLOWING ITEMS:

1. ORDINANCES

PRESENTATION:

Codification or Ordinances

Mr. Abbey stated we have been a city 30 years now and many of the City's ordinances were carry-overs from the township days. If you look at our ordinance book, they are pretty antiquated and outdated. He also expressed concerns with tracking and revisions of ordinances.

Mr. Abbey said Municipal Code is a professional corporation with a team of lawyers that specializes in municipal law and ordinances. They do work for the Michigan Municipal League and probably every municipal state in the union. They are from Tallahassee Florida and also have an office in Portage Michigan.

Mr. Abbey passed out information to the Committee and said he will also have copies for the full Council. He indicated there is a list of different counties throughout Michigan that Municipal Code has done work for. Mr. Abbey read aloud the list from Genesee County and said this shows they have a history in Genesee County.

Mr. Abbey said even though there is a cost to the program, he thinks the savings outweighs the cost. We are looking at an approximate $15,000 bill. Municipal Code has a copy of both our Complied Ordinances and Ordinance 19, and they would cost it out. It will take approximately 18 months to complete this program. It is very detailed and they will work closely with our municipal lawyers, and both Attorneys Hamilton and Austin. They would be very instrumental along with Jeff Major our DPW Director. He would direct the appropriate people, Mr. Riess, Mr. LaDuke and building officials, depending on the ordinances that pertain to their division.

Mr. Abbey said Municipal Code would draft sample ordinances and send them back to probably the Legislative Committee then Council for review. They don't necessarily suggest we will eliminate a lot of them, but there is Federal and State statutes that run into conflict with some of the local ordinances in municipalities. Muncipal Code will recommend language changes to make your ordinances more compatible with today's society, and more compatible with State and Federal laws. Mr. Abbey stressed that nothing will be changed in these ordinances without Council's approval. We will work closely within administration and the Legislative Committee to see this through, and when completed, we will have a package to take to Council to see what we have come up with.

Mr. Abbey indicated this is phase I and they break it down into two budget years. It would be a cost of $7,500 the first year. You would have two budgets to budget for this program. Mr. Abbey showed samples of what the City would receive. He addressed the information, benefits and saving costs. He said it would cut the legal and research time, along with various staff time from different departments that are involved. Municipal Code will host a web page and every ordinance would be posted on this web site so residents could also access this. With the expansion of City Hall, this will all tie into that. We can put one or two terminals for residents in a sitting area similar to what is done at the County Court House. Mr. Abbey stated further, it is his opinion that we are better served to go outside and have an independent person that does not have a biased view of these ordinances.

Mr. Abbey said it is Administration's recommendation that we send this to the next Council meeting, or at least get the information to them. During the budget process, when you get to the building department you can allocate some money for this year's budget. Mr. Abbey said he should have more concrete numbers of the cost before that date. For several years we have talked about doing this and with the upgrades in the building and the technology we have, this is the time to do it.

AUDIENCE PARTICIPATION: Mr. Cross noted there was no audience present.

COMMITTEE DISCUSSION:

Mr. Cross said last Friday he met with Mr. Abbey and a lady from the Municipal Code. He inquired regarding the bid procedure.

Mr. Abbey said there may be more companies around the country that does this line of work, but he knows of only one other company in the State of Michigan that specializes in this. Even if you bid it out, it would be between those two companies. Mr. Abbey said he had conversations with both of them, and the other one is much smaller, with a smaller staff and their resources are much less. They also never indicated that they could host a web site.

Mr. Cross said this company puts the information on a floppy disk so if we need any updates they will do that for us. Their staff and lawyers continually review this information, and any time there is a change, they will get that copy to us. If there are new laws, they will tell us where to insert it in the books. That way we know our books are current at all times.

Mr. Abbey spoke briefly on accessing information from the Internet, and dual cross-referencing to insure accurate and current information.

Mr. Wells asked how they will show it has been updated.

Mr. Cross responded it will show what your last complied ordinance said, the date the changes were made, and what the current change is.

Mr. Wells asked if this would be at no additional charge.

Mr. Abbey said there may be additional charges for the on-going service. It will be broke down with the bid.

Mr. Cross inquired regarding costs for extra copies of the books.

Mr. Abbey said that is a decision you will have to make, the original copies are very expensive. I will have them bid 20 copies. One for every department supervisor that needs one, City Council, the Mayor and myself.

Mr. Wells asked if the Zoning Ordinance will be part of this.

Mr. Abbey responded yes.

Brief discussion followed regarding the text and format.

Mr. Bement asked if Municipal Code could make a presentation to the City Council.

Mr. Abbey acknowledged yes. Mr. Cross said he has already requested them to make a presentation and we would set up a special meeting for it.

Mr. Bement said with a $15,000 to $18,000 pay out over a two year period, we will be questioned what we are comparing that price to.

Mr. Abbey said he does not have a problem bidding anything. We do not have any allegiance to this company other than the Michigan Municipal League recommends and uses them, and just about every municipality in the State uses them. I am not opposed to going to the other company and getting another proposal. My only caution is, and the reason why I brought it to you this fast, is because we are in the budget process. I would at least like you to allocate some round about number.

Mr. Bement inquired regarding the bid process.

Mr. Abbey said we do not have to obtain bids necessarily on everything, and this is stated in our Charter. Our ordinance tells that we do not have to always bid professional services. Mr. Abbey gave the example of Dupuis & Ryden, and stated they have been the City's auditing firm for years. They do a good quality job and we do not bid that work. We have had CHMP for 20 years and did not bid that work. When an engineering project comes up we look at their numbers every four of five years, and they were competitive with the going rates out there. Now, we use Rowe Engineering for 90% of our projects. So those are what we call professional services.

Mr. Cross said Municipal Code indicated this project would take 18 months or less, unless there is extenuating circumstances that came up. The Council can at any time review and change an ordinance.

Mr. Bement expressed that updating the ordinances need to be completed.

Mr. Abbey re-iterated that we need to, it has not been done since the township days and we are talking 30 years.

COMMITTEE RECOMMENDATIONS:

Bement moved and Cross seconded the following motion:

1. The Legislative Committee recommends to Council that during the Budget Workshop additional monies not to exceed $9,000 for the upgrade of codification of ordinances.

Motion carried, 3-0.

Zoning Ordinance

Mr. Abbey said there are several ways the City can change Zoning Ordinances. Attorney Hamilton said the Committee and/or the Council recommends to the Planning Commission they look into an ordinance change. After much discussion with Council and listening to the residents, it appears there is a general flavor our old zoning ordinance under Ordinance 19, there is a scale and it seems to be raising concerns with Council and the general public. It seems the people don't seem to be as concerned about residential development as much as how we develop the City. They are concerned that some of the larger parcels left being proposed for development, the 70 ft. frontage is too small. Currently, our R-1A classification standards are 85 ft. frontage by 125 ft. deep. R-1B calls for 70 ft. frontage. Mr. Abbey asked if they would feel more comfortable with a 70 ft. frontage by 120 ft. for an R-1B, and then create a new sub-paragraph, an R-1 something, that would be greater than that. I originally thought if you split the difference from 85 ft. on a R-1A, and 70 ft. with the R-1B, you have about 77 ft. frontage. But after speaking with the Assessor and the DPW, a lot of our land is plotted on rectangular, squares and blocks, so even numbers seem to break out better. So that is where we came up with a 75 ft. frontage.

Mr. Abbey said he met with the City's new building inspector who is from the Howell area. He has been an electrical inspector there for a lot of years. He indicated the rental requirement in Brighton, which is a high rent district, is 66 ft. frontage. There are some homes that are $179,000. Mr. Abbey stated further, our bigger concern

should be square footage of the lot. His recommendation after speaking to DPW and others, if you even add 5 ft. to the minimum requirement in an R-1B times 120, that is 9,000 sq. ft. Currently, it is 70 x 120 that gets you 8,400 sq. ft., so you are adding 600 sq. ft. to that lot.

Mr. Abbey continued, you cannot be too aggressive here. Polte Homes is the largest single builder of manufactured homes. They did a market study and you cannot bring in a 1,800 sq. ft. home on an R-1A in some of the districts we have. You cannot just get hung up on the size of the lot. These developers are finding the size of the house is as equally important.

Mr. Abbey said we should recommend to the Planning Commission that at their next meeting on May 14th, an R-1B change of the size, because we are going to be hit with a couple of more developments.

Mr. Bement said this has really been kind of a heated issue. He made reference to the Rizzo property. He asked if there is really a need to change the R-1B classification, or is this just the talk going on in the last twelve months. Mr. Bement said 70 ft. lots have always existed, so has this just come up because of all the development going on.

Mr. Abbey said if you look at our zoning map and text, we have R-1B all over the City. We did not have this problem with Maple Pointe and that is all R-1B. We never had a problem with Szabo's lot size and that is all R-1B.

Mr. Cross stated what brought the whole issue to a head was the Orchards at Belsay and Atherton. They had wanted to really down size and that opened this all up.

Mr. Abbey said 8,400 sq. ft. is a small lot. There is a population that want to live in condos and not have to take care of their yards. Mr. Abbey said in his conversations with City Council, the Planning Commission and others involved, they do not want that fight every time someone comes here. If five feet makes a difference talking to the developers, they did not seem to think it made a big deal. If you said 80 ft., it would be a big difference. This compromise would work for them and existing neighborhoods. A lot size of 75 x 120, 9,000 sq. ft. is a good lot, 70 x 120 is 8,400 sq. ft. Our largest lots R-1A, is 85 x 125 and they are 10,600 sq. ft.

Mr. Bement asked if we went with 75 ft. for R-1B, would it hurt the housing development in this area.

Mr. Abbey replied that in conversations with developers that are here today, they seem to think it is still workable and they can live with it. I think public perception is at least you are trying to compromise and protect existing neighbors and citizens. I don't have a real preference, I am just trying to find something that works for everybody.

Mr. Bement asked if it is legal to do without creating a lot of hassle.

Mr. Cross responded that it would take two Readings of an Ordinance and it requires four votes out of seven.

Mr. Abbey said he is not telling the Committee what to do, but there are going to be pros and cons, and in the future you are going to be dealing with this again, and they are going to use the argument that the lots are too small.

Mr. Bement said it is an easy argument.

Mr. Wells said unless we can do consolidation of the three schools and you make the lots bigger, they are going to sit for a while.

Mr. Abbey said there is a flip side to that, there are arguments for every one of these proposals. There are arguments to leave a 70 ft. frontage and some against it. From a selfish standpoint, the City should want smaller lots because of more revenue. The flip side to that is more police and fire calls, more DPW services.

Mr. Cross said he feels we should either change it to 75 x 120 or leave it alone. We should not create another zoning and give them a fourth choice because they will never take that fourth choice. We might have to make that choice for them because as an elected official to serve our public. I don't want to get into that.

Mr. Abbey said if it is stated this is the standard that is set for R-1B on these new developments, I think you will see all parties concerned can live with that.

Discussion followed regarding the SE zoning classification. Mr. Abbey said he thinks we can all agree that SE is not realistic, we are a blue collar community. It will be taken out under the new text change.

Mr. Cross said the current SE properties should be grand-fathered in.

Mr. Abbey said it will not exist now, SE is not the zoning you want for anything. He said they just did some raw numbers and used the Rizzo development as an example. The cost of a one acre lot are between $95,000 and $100,000. You would have to build a $300,000 home just to justify the $100,000 lot.

Mr. Cross said there should still be some left available for those that want one acre lots and we should not break them up.

Mr. Bement said under the next Committee Reports at Council, Mr. Cross can report the R-1B was discussed and possibly looked at changing it to 75 ft. and see what the Council recommends.

Mr. Cross said we can recommend to Council to send a recommendation to the Planning Commission that as a Committee we looked at it and felt the 75 x 120 would work better than the 70 ft.

Mr. Abbey said as a Committee today, they could send a recommendation to the Planning Commission.

Mr. Cross said he would not feel comfortable doing it that way.

Mr. Bement said I can live with R-1B at 70 ft., and if it is going to cause problems then there is no sense in even dealing with it.

Mr. Cross said we can have a recommendation back to Council with the possibility of sending it to Planning.

Mr. Wells said he does not have a problem discussing it, I just don't know if it is the right thing to do now.

Mr. Abbey said you can recommend Council look at the changes and then make a recommendation to the Planning Commission.

Mr. Bement said he does not have a problem with 70 ft. just the way it is. It just seems we are getting hit with the lots are too small, and I am not sure that is the case. I think in the Atherton School district a 70 ft. lot is all that will move.

Mr. Cross said adding 5 more feet will appease and go down the middle of the road.

Mr. Wells said we are talking about building $150,000 homes on 70 ft. lots now.

Mr. Abbey said the market will dictate that. Our job is not to protect the builders, it is to protect the existing neighborhoods and the long-term stability of the City. We do work with them the best we can and cut a lot of red tape to simplify things. But my job is not to see how much money a developer or builder will make.

Mr. Wells commented regarding the impact the three school districts combined would make.

COMMITTEE RECOMMENDATIONS:

Mr. Bement expressed that at the next Council meeting, during Committee Reports, Mr. Cross can bring it up for discussion.

Mr. Cross said he will address that there was no recommendation out of the Committee because we felt it should be discussed at Council as a whole.

Meeting adjourned at 5:40 P.M.

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