

CITY OF BURTON
LEGISLATIVE SUB-COMMITTEE MEETING MINUTES
SEPTEMBER 16, 1992, 4:00 P.M. COUNCIL CHAMBERS

This Legislative Meeting is called to order by Chairman Abbey at 4:10 P.M.

Members Present: A. Walls, C. Abbey and P. Zelenko.

Others Present: Mayor C. Smiley; R. Hamilton, City Attorney; J. Major, DPW Director; D. Lowthian, Assessor; H. Throop, Supervisor of Road Department; R. LaDuke, Supervisor of Building Dept.; R. Riess, Supervisor of Water & Sewer Dept.

PURPOSE OF THE MEETING: Discussion and Possible Recommendation concerning Water Distribution System; Private Drive Grading; Site Condo Ordinance; Weed Ordinance; and Other Matters That Might Arise.

WATER DISTRIBUTION SYSTEM:

PRESENTATION:

R. Hamilton explained that he had reviewed the Township and City Ordinances that might inter-play with the cost of installation of water and sanitary sewers in new sub-divisions. Those are Township Ordinance 47; City Ordinances 654, 6C and 41C. He also discovered some ordinances pertaining to out-houses that they might want to discuss in the near future.

Chairman Abbey asked for clarification on the ordinances named, if these should be deleted. R. Hamilton said that sections dealing with the property owner being required to bear the expense of these installations will have to be dealt with. He suggested that the ordinances be drafted to reflect how the funding was to take place, if there would be participation by the City. Chairman Abbey said the funding should be considered carefully so that no problems would be encountered in the future. R. Hamilton suggested that each case be considered on an individual basis. Mayor Smiley said he felt that the purpose of this was to remove the language that prohibits us from assisting at whatever percent Council feels comfortable with, then they would be able to negotiate on this basis, he said every case is different and he feels the council needs this flexibility. R. Hamilton suggested setting guidelines for considering these cases. Chairman Abbey said the first step would be to modify the applicable ordinances so that the City could participate.

AUDIENCE PARTICIPATION:

Pauline Darge, 6119 Hugh St., asked about fees and how the committee sees Burton's role in assisting residents.

Chairman Abbey said this city has been stagnant for a long time and other communities and municipalities are developing, we must encourage interest in our community and the first step is to remove those restrictions prohibiting this and setting up parameters and guidelines to allow some assistance to home builders. R. Hamilton spoke on higher densities generating a larger return. J. Major said it shouldnt be looked at as a give-away because the population generates dollars from the Federal level to the State level with revenue sharing, and city taxes.

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COMMITTEE DISCUSSION:

P. Zelenko asked what sections were being discussed. R. Hamilton clarified; Ord. 47, 2 A,B & C; Ord. 54, Section 105 (1); Ord. 6, Section 110 and Ord. 41, Article 5, Section 500 (1) & (6). A. Walls asked if the deletions were made, they wouldnt be acting on any projects until the guidelines were in place. Chairman Abbey said no, the committee would be making a recommendation to Council on modifying these ordinances. Then guidelines would have to be set-up. Discussion followed.

COMMITTEE RECOMMENDATIONS:

Chairman Abbey stated that it was his recommendation to Council, that R. Hamilton make the needed document changes and modifications to Township Ordinance 47, City Ordinances, 54C, 6C and 41C.

P.Zelenko moved and A. Walls supported the above recommendation. Roll call showed motion carried 3-0.

PRIVATE DRIVE GRADING

PRESENTATION:

R. Hamilton said he has tried to prepare a uniformed agreement to use indicating what services will be rendered. Paragraph 1 deals with what exactly the services will be, grading, snow removal, etc. Paragraph 2 sets the fees for each service. Paragraph 3 calls for a deposit of funds to be made with the City Treasurer for the services to be rendered. Paragraph 4 requires that there be one contact person on each street that the city would communicate with regarding street services. Paragraph 5 provides for maintenance only, no repairs or reconstruction work. Paragraph 6 concerns liability insurance and an indemnification agreement that should be worked out to protect the city.

Mayor Smiley asked about renewal of these agreements. H. Throop suggested renewal as of July 1 of every year.

AUDIENCE PARTICIPATION:

None

COMMITTEE DISCUSSION:

A. Walls asked about any problems collecting the money. H. Throop said they always collect the money before services are rendered.

COMMITTEE RECOMMENDATION:

A. Walls moved and P. Zelenko supported a motion to recommend that Council adopt the above agreement with an effective date of July 1 each year. Roll call showed motion carried 3-0.

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SITE CONDO ORDINANCE

PRESENTATION:

R. Hamilton explained that what they tried to do was run the Site Condo Ordinance parallel to the State Sub-division Control Act. It contained a multi-step process which required a number of different things to be done by Engineers and approvals to be obtained in order to get a plat approved and to sell sub-divided land. Due to the lengthy process required by the Sub-division Control Act this led to the development of the Condominium Act to accomplish the same end in a much quicker manner. Ordinance 41 provides guidelines to developers, but this left a void in the area of Site Condo's. The whole idea of this Site Condo Ordinance is to put a developer on notice and to provide a method whereby the City can have its input into the development of the Condo and to facilitate this in a quick manner. We have provided a site-plan approval process which requires the master-deed and the restrictions be approved by the Planning Commission and the DPW.

AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., asked what was "common elements" and about lawn maintenance, and utilities responsibilities. R. Hamilton explained.

COMMITTEE DISCUSSION:

J. Major asked about the city mowing condo lawns if it ever became necessary. R. Hamilton said the city could and the charges would be placed on the taxes. J. Major also spoke on water and sewer responsibilities. R. Hamilton said that under this ordinance all of the provisions of Ordinance 19 are still to be followed. He also stated that we are not changing any of the "use" standards, just recognizing that there is a different method of ownership and providing a mechanism so that we can Site Plan those developments in order that they comply with the ordinance.

Zelenko moved, Walls supported a motion to recommend to Council the adoption of the Site Condo Ordinance. Roll call showed motion carried 3-0.

WEED ORDINANCE

PRESENTATION:

Mayor Smiley spoke on the problems there have been on weed cutting. The complaint process needs to be improved. The restriction of only being able to charge for two mowing's a season on one piece of property should be revised, mowing depends on the weather and varies each season. He also said he would like some flexibility on contracting the mowing. Discussion on the type of mowing that is best, followed and on the height of the grass before it can be mowed by the City.

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AUDIENCE PARTICIPATION:

Pauline Dargel, 6119 Hugh St., spoke on the method of handling complaints on vacant property which needed mowing.

COMMITTEE DISCUSSION:

Mayor Smiley said that we have been utilizing Community Service people for mowing properties and he hoped to continue doing this next year also. A. Walls asked if the City was going to stay with "complaint's only" basis for mowing. R. LaDuke said they have an individual assigned to checking on these properties when time permits. Chairman Abbey said weed cutting is a problem within the city and we need to get a "focus" on how we are going to handle this problem. He feels that more discussion is needed and some decisions need to be made. R. LaDuke feels that weeds should be cut when they reach a height of ten (10) inches. A. Walls asked Chairman Abbey to review the items to be changed. He said Item 2 should be changed from 15 inches to 10 inches. Section 3; changed from May to April. Section 4 is to be deleted. Mrs. Walls said she was not comfortable with deleting Section 4. She feels that it would be too easy to abuse the method. Chairman Abbey suggested setting another Legislative meeting to discuss this problem. He continued reviewing the changes with Section 5, he felt it should be changed to cutting the weeds "as necessary". Discussion on increasing "Recover Costs" from \$25.00 to \$35.00 followed. Chairman Abbey asked R. Hamilton to modify the ordinance to reflect this increase, and also to change the wording to read "for each additional cutting per year". He also asked that some other way be worked out to handle the complaints on high weeds.

Chairman Abbey said he has compiled a list of Ordinances that need to be looked at and modified. He suggested setting a later meeting to discuss these changes. A. Walls spoke on a "Used Car" complaint she has received. Chairman Abbey suggested the Water Affidavit Fees could be addressed at the next Legislative meeting when more information is available. Mayor Smiley spoke on the Structure Code. He said it is a big concern of his, we need something with "teeth" in it, also "Drug Houses" are an issue that needs to be addressed. He also spoke on fees to cover "Driving under the Influence" and adopting an ordinance to recoup these costs.

Chairman Abbey said these items could also be discussed at the next Legislative meeting.

Meeting adjourned at 5:45 P.M.

Respectfully submitted:

Jeanette Brown,
Clerk's Office