

CITY OF BURTON
LEGISLATIVE COMMITTEE MEETING MINUTES
MARCH 1, 2010, 6:00 P.M., COUNCIL CHAMBERS
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The Meeting is called to order by Chairwoman Paula Zelenko at 6:00 p.m.

MEMBERS PRESENT: Zelenko, Wells and Haskins.

MEMBERS ABSENT: None.

OTHERS PRESENT: D. Heidenberger, Assessor, Atty. R. Austin, G. Kray, DPW Direction, and G. Webster, City Clerk.

PURPOSE OF THE MEETING: Discussion and possible recommendations concerning the following:

- 1. Sale procedures of City owned properties**
- 2. Registration fees for abandoned structures**
- 3. Backyard Chickens**
- 4. Purchase of Water Meters**

Sale procedures of City owned properties

PRESENTATION:

Mr. Austin said he has replaced page 2 of Ordinance 2010- __32.19. He made very minor changes.

In January of each year, Council will approve a resolution which identifies property for sale that year. The process we use to sell the lots is authorized by this ordinance and it will streamline the Charter's two meeting requirements. The first meeting will take place in January that will indicate the properties for sale and how we intend to sell them. In some cases we will state the prices we intend to receive for these properties. The ordinance requires Council approval for the sale of all property. If Council is not satisfied with the advertising that went into the sale, they can request more advertising, or they can express if they are not satisfied they are getting top dollar for the property. Mr. Austin stated further he believes it does comply with the Charter's requirement and it will streamline sales of city owned property so we don't ever again lose property because of an unnecessary delay between the beginning and the end.

Registration fees for abandoned structures

PRESENTATION:

Mr. Austin said we added the requirement that a Certificate of Occupancy shall be required. He checked with Mike Butzke regarding this and we both thought it would be a good place to specify that a Certificate of Occupancy would be required.

Chicken Ordinance

PRESENTATION:

Mr. Austin stated there is blank space where the amount of the fee would be initially established. The ordinance provides that the fee can be modified from time to time by resolution of the City Council. Rather than have a separate resolution, you can initially set the fee within the content of this ordinance. On the 2nd page, No. 5, it states no permit shall be issued to any person who shall have been judicially determined to have violated any of the provisions of this section without obtaining the affirmative vote of the City Council. If someone is prosecuted, although it is a civil infraction violation, and the Court determines they have abused the ordinance by having too many chickens or keeping them in such a way as to not comply with the ordinance, it seems they should not be able to come in and get another permit. They should have to go before City Council and explain why they mended their ways and the problems they had in the past have now been rectified and are now deserving of another permit.

Mr. Austin said for No. 7, he put in that no permit shall be issued to any person intending to house chickens upon any lot less than ½ acre unless such permit shall receive special use approval by the City Planning Commission pursuant to Section 157.177. That site refers to the special use approval provisions. The ½ acre is discretionary. I put it in as a place to initiate our discussion. The special use permit approval process requires notification to the neighbors; the person has made an application for special use permit. Mr. Austin indicated further, on small lots of less than ½ an acre, notification to the neighbors you are intending to house chickens might be a good idea and it might eliminate problems in the future if they are notified in advance of it.

Mr. Austin stated this entire ordinance would become part of the Zoning Ordinance. Should the Legislative Committee in this form or any amended form decide to go forward with this ordinance, the referral should be made to the Planning Commission so they can begin their review of a Zoning Ordinance text change. Then it will be brought back to Council only after the Planning Commission made its recommendation. The special use approval process falls within the context of the Zoning Ordinance.

Mr. Haskins said variances go before the Zoning Ordinance.

Mr. Austin explained if they wanted 9 chickens, they could go to the ZBA for a variance to be allowed 9 instead of 6 chickens. The reference to the Planning Commission was for Special Use Approval for any property less than ½ an acre in size.

Mr. Haskins asked if it would be considered a variance request if they only had a ¼ acre instead of ½ an acre.

Mr. Austin said you could treat it that way, and that would change paragraph 7 to say a permit may be issued administratively for any lot ½ an acre or greater, any lot less than that size would have to apply to the ZBA for a variance. If an application for a variance is sought, the neighbors within 350 ft. of the property line of the subject property are also sent notification. Special use approval might be more appropriate because the Planning Commission can set additional protections or

requirements that might eliminate problems in the future, where variances are either granted or denied. He is not opposed to doing the zoning process either.

Purchase of Water Meters

Mr. Wells said he spoke to Mr. Wright and Mr. O'Brien at the County Drain Office to determine the methods that we use to figure sewer rates or people that don't have meters. Some people have fallen between the cracks we need to help out. If you don't have City water, there is no way to determine the amount of water that is actually going into the sewer to be treated. They took an average in the County and it is 3 ½ to 4 people per household. If you are a single person living alone and have a well, you probably are not using the same amount of water that 4 people are.

Mr. Wells referenced the readiness-to-serve cost. We charge the same as the County. We added what our operation cost is of about \$5.00. We put a flat rate on our sewers users of \$30.07. Our readiness-to-serve cost is \$9.34 and consumption for 100 cubic feet is a \$1.66. If a senior couple uses on average 500 cubic feet of water, they could save \$12.50 if they put a meter on.

Mr. Kray said the cost to purchase the meter, parts, and the service call to inspect the installation is \$247.54. They will have a cost for a plumber to install the meter, or if the resident is skilled at plumbing, they can install it their self.

Mrs. Zelenko thanked Mr. Wells for his research.

Mr. Wells expressed that the County said these meters last 5 to 6 years because of the amount of sand and grit that is in the well water in Burton. So they will have to replace the meter.

Mr. Kray said they are invoiced \$100.75 for the meter, the rest is fittings, service call, remote reader and couplings that go on top of that.

Mr. Wells asked how long it takes to install a meter. Mr. Kray responded 15 minutes. There are only certain places we are allowed to install them. He had to turn down a resident because it was in a crawl space, which would violate OSHA regulations for access. It has to be in an installable location.

Mr. Kray further indicated they need to tap off their outside spickets prior to placing the meter, otherwise they will be paying for the water they are putting out into their yard. We allow our water customers to have an irrigation meter put on their water system so the water they put on their lawn doesn't incur sewer charges. Mr. Kray stressed people have to understand that if there is a toilet leak or a leaking sink, they will get charged for the quantity based on the sewer usage.

Mr. Wells said he spoke to Mr. O'Brien from the County Drain Office this morning. He asked him how many people out of the 34 communities installed meters and what kind of cost savings have they come up with. He said about 40 people have installed meters so far within the last year. About 60% of those saved money, 40% paid more money. Depending on your situation and where you live. Mr. Wells said the meters last 5 to 6 years, but he heard in Detroit the average is 10 to 12 years.

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Mr. Kray said he had not heard of that Detroit average. He would think one of the main problems would be more minerals rather than sand and grit. Calcium will get in there and foul up the disk inside the meter as well.

Mr. Wells said 40% of residents are still on wells. One of the reasons the County restructured the rates was because of the high increase in energy rates. After Council restructured the sewer rates, between 55 to 60 percent of city water users' sewer rates went down. In some cases it went down by half a price.

Mr. Kray said people that use less than 1,200 to 1,400 cubic feet in a quarter or 400 cubic feet a month, see the savings. As the County continued to raise their rates, the number of people that have seen savings has been decreasing.

Mr. Wells said putting on a meter is the only way he sees for people to save money. Some can save substantial money and pay for the meter maybe in a year and half. In a future Legislative Meeting, maybe we can discuss cutting costs with tap-in fees.

Mr. Kray said he mentioned in the last Legislative Meeting that he spoke to a lady that lives on Belsay Rd. He estimated she uses about 400 cubic feet a month and would see substantial savings. The potential drawbacks with leaks and having to purchase another meter after 5 years, she decided not to even bother with it. We are finding some people don't want the hassle; it is easier to have the flat rate. If they keep an eye on the meter and they don't have a leak, they will definitely see a saving for a single person, and/or the residents that may be gone during winter months.

AUDIENCE PARTICIPATION:

John Stapish, PO Box 190134, asked if Neptune made the water meter. He said there is sand and grit that comes through the City water lines and he needed to have the shut-off valve replaced twice. In reference to the registration fees for abandoned structures, Mr. Stapish said Davison did away with fees because there are ordinances that cover it. He thinks backyard chickens are great. The south end lots are 40 x 100 and it would not qualify for a quarter of an acre. He thinks they should be allowed to have them.

Rick Fuhst, 1208 S. Genesee, inquired if the homeowner would be responsible to purchase another water meter when it wears out, and if they didn't, could they go back to a flat rate.

Vickie Morgan, 4195 Springfield, inquired as to the type of structure for the chickens and the selling of eggs.

Mr. Austin said in Sub-paragraph C, No. 3., states any such chickens must be provided a covered sheltered which shall be located in the rear yard as that term is defined in Section 157.020 of the Code of Ordinances of the City of Burton. No. 4. says all shelters for the keeping of hens shall be

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constructed, repaired and maintained to prevent rats, mice and other rodents from being harbored underneath, within or within the walls of the shelter. No. 5 states the shelter shall be maintained in a sanitary manner, free from offensive odors.

Mr. Austin indicated further, the placement of the shelters is dealt with in another area in the ordinance. The ordinance does not address the sale of eggs. That would be dealt with in the contexts of the Zoning Ordinance. Six chickens shouldn't be enough to be a commercial operation. If the six chickens are producing enough to give to your neighbors and friends and you receive a couple of bucks in exchange, I don't see anybody having a problem with that. I would prefer not to deal with it in the contents of this ordinance.

Mrs. Zelenko said it is not the intention for people to put a sign in their front yard saying fresh farm eggs for sale.

Mr. Haskins said in the various ordinances he read, there were stipulations as to no type of sale activity or commercial sales. He feels maybe something like this should be stated in the ordinance.

Mr. Austin said that is dealt with and regulated in the context of the broader Zoning Ordinance that this fits into.

Mr. Haskins said he would like to see this in the ordinance so people don't think it is a side job. It is not intended for selling purposes.

Mr. Austin said he could insert a new Sub-Section 7. No. 6 says the permits that are handed out are non-transferable and do not run with the land. They provide a limited license to conduct activity as an accessory use. No. 7 would state these permits do not vest the person with any right to conduct commercial activity on the property. He will change No. 7 to become No. 8.

COMMITTEE DISCUSSION:

Mr. Wells said with the chicken ordinance, he doesn't think anybody is going to be able to guess what they are doing with these eggs. I don't think a lot of people are going to head out and buy chickens. As far as the ½ acre, he looks forward to sending this to the Planning Commission to see what they think. The 40 x 100 lots might be too small. Mr. Wells said he thinks the Committee did a good job on the other two ordinances. He addressed Mr. Fuhst's question on the water meter. If it breaks down, you buy a new one at your expense. Mr. Wells asked Mr. Kray if there is some type of filter to make the meters last longer.

Mr. Kray said that would be up to the resident. The County says no to going back to the flat rate. With a change of ownership, you might have a single person that sells to a family of 6, and they didn't have a say in this.

Mrs. Zelenko asked what the Committee felt the permit fee should be in the chicken ordinance. The Committee expressed \$25.00 for a 5 year permit.

Mr. Wells asked if the fee would cover inspection of the shelter.

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Mr. Austin stated these are not structures that require Certificate of Occupancy or inspections.

Mrs. Zelenko indicated it would go to the ZBA for a variance if it was less than an acre or they wanted 7 chickens instead of 6. The Committee is in agreement with the chicken ordinance to have a provision for no commercial activity at No. 7 under paragraph B, and \$25.00 for the 5 year permit.

Mr. Austin said the Committee could make a referral to send it to the Planning Commission. He will get a revised draft to the Clerk's Office to submit to the Planning Commission. Mrs. Zelenko said she would like Council to receive a copy too.

COMMITTEE RECOMMENDATIONS:

Haskins moved and Wells seconded the following motion:

1. The Legislative Committee recommendation to City Council to send the Chicken Ordinance, Ordinance No. 2010-__157.098, to the Planning Commission.
- Motion carried 3-0.

Wells moved and Haskins seconded the following motion:

2. The Legislative Committee recommendation to send to City Council for their next Regular Council Meeting on March 15th, Ordinance No. 2010-1-91.04, Abandon Buildings and Structures, Registration, Maintenance and Costs, for a First Reading of an Ordinance.
- Motion carried 3-0.

Wells moved and Haskins seconded the following motion:

3. The Legislative Committee recommendation to send to City Council for their next Regular Council Meeting on March 15th, Ordinance No. 2010-__32.19, Sale of City Property, for a First Reading of an Ordinance.
- Motion carried 3-0.

Meeting adjourned at 7:05 p.m.

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