

CITY OF BURTON
LEGISLATIVE SUB-COMMITTEE MEETING MINUTES
MARCH 11, 1992, 6:00 P.M. COUNCIL CHAMBERS

The Legislative Meeting was called to order by Charles Abbey, Chairman at 6:00 P.M.

Members Present: Abbey, Zelenko and Walls.

Members Absent: None.

Others Present: Mayor Charles H. Smiley; D. Lowthian, Assessor; W. Walworth, City Clerk; J. Major, DPW Director and R. LaDuke, Building Supervisor.

PURPOSE OF THE MEETING: Discussion And Possible Recommendation Concerning Attorney Advertisement; Special Assessments and Other Matters That Might Arise.

PRESENTATION:

SPECIAL ASSESSMENT:

Mr. Major outlined the present methods of assessment and how they were developed. He said Mayor Smiley asked the DPW to reassess the methods and look at including a new additional standard, which could be designated as Method C. would be 30 ft. wide, 6 inch base using existing gravel, 3 and 1/2 inches of asphalt, grade street, roll & pack without ditching (unless done by DPW as needed), drainage as is and culverts replaced as needed at the owners expense.

Mayor Smiley said black top holds up better than the chip and seal. He said the streets could also be reground or recoated if problems developed down the road. He said the new standard would hopefully last at least 15 years if not longer. The Mayor said this would be a third option to the other two that presently exist. He stated that the cost would be reduced substantially for the owners. The tax payer is already paying for anything done in-house in their taxes now. Mayor Smiley said he plans to use this method for CD monies on some streets into the schools and thought it should also be offered to the citizens.

Mr. LaDuke said he had looked at some of our streets that had been done a long time ago, at a lower standard than what is being proposed, and they were still in satisfactory condition. He said it would be up to the people to decide if they wanted this method used on their street.

ATTORNEY ADVERTISEMENT:

Mr. Walworth said he had given the Committee an example to consider for advertising the Attorney's position.

MISCELLANEOUS:

AUDIENCE PARTICIPATION:

SPECIAL ASSESSMENT:

A series of residents spoke in favor of the new method but also wanted the option of 24 ft vs. 30 ft. Mr. Major said each street would have to be assessed as to what width would be allowed.

There were some complaints regarding the present methods of determining the assessment of each property owner. Mayor Smiley stressed that he wanted to deal with the approval of the committee on the third standard and said that the issue of the way to assess should be handled separately. He said he wanted to get the program underway for paving and did not want it to get hung up with the assessment method.

Mr. Major said there was no method of assessment that would treat all people equally.

The residents agreed, in general, that the new method makes the paving affordable.

Some residents wanted to know if the \$25 to \$30 a foot would be split with the person on the other side of the street. They were advised yes.

A resident cautioned the committee to look at the special assessment ordinance light of the tax tribunal rulings and the issue of streets in a subdivision possibly being requested at different widths.

Residents wanted to know if their streets could be paved this year. They were advised that if there were enough requests to float a bond issue this year, it would be possible. Mr. Major reminded the residents that he would have to get an estimated cost before the circulation of petitions.

ATTORNEY ADVERTISEMENT:

Pauline Dargel, 6119 Hugh, asked why the Police Chief position was advertised while it appeared that the Attorney advertisement was dragging.

Mr. Abbey said the Police Chief position was the responsibility of the Administration and the Attorney position was the responsibility of the Council. He said he wanted to be sure that the advertisement contained all the necessary elements before he recommended the Council proceed.

MISCELLANEOUS:

John Stapish asked about the revisions to Ordinance 79 C and suggested that they not be changed. Mr. Abbey said that a recommendation had not come back from the administration and that his committee would react after the administrative report.

COMMITTEE DISCUSSION:

SPECIAL ASSESSMENT:

Mr. Abbey asked about the average lot method. Mr. Lowthian said there could be trouble in defining buildable lots in some subdivisions. He said it was hard to use just one method for the entire City.

Mrs. Zelenko asked if residents have a choice now. She was advised no and there was a different approach to the north and south end methods.

Mr. Abbey asked about CHMP's position.

Mr. Major said there were no engineering plans needed and CHMP could have some concerns.

Mayor Smiley said CHMP supports the program.

Mr. Abbey asked if there was any backup of previous success. He was advised that the Design engineer at the County supports the program. Mr. Major said he would get a statement from Ace Asphalt supporting this type of project and that this standard will work.

Mr. Major said he understood that the Council will be put on the line, but that he and Ralph would also be putting their reputation on the line as they both plan to be here for awhile.

Mr. Abbey asked about possible complaints even before the assessment is paid off.

Mrs. Walls wanted to know if we are sure we can sell bonds.

Mr. Major said the Bond Consultant is willing to list them for a 5 year period so they will sell and will be paid off before any deterioration would take place.

Mr. Abbey said we must be sure to spell out the standard to the people so they clearly understand what they are getting and the life expectancy.

Mrs. Walls asked about drainage on Amy Street.

Mr. Major said DPW will have to do ditching on some streets before paving.

Mrs. Walls asked about storm drains being put in by the county before paving. She was advised that drainage is not an issue with the county as it related to paving.

The Mayor said we will see what has to be done on a street before we will allow the petitions to be circulated.

Mr. Abbey asked about a mock up of a project for the Council so that they can see how the cost would affect different residents in a paving project.

Mr. Major said he will prepare one for the Council.

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ATTORNEY ADVERTISEMENT:

Mr. Abbey thought the City needed a firm with more than one associate since the case loads in court could be too heavy to be handled by one person. He raised the issues of residency and municipal experience. He expressed concern on hiring a firm which had associates with little experience.

Mrs. Zelenko asked about the residency requirement and the size of the law firm.

Mr. Stapish asked about trial lawyer experience and suggested salary be determined on experience.

The committee asked that at least five years of municipal experience be added and salary be commensurate with experience. They also added unless granted a waiver by Council to the residency requirement.

MISCELLANEOUS:

Mrs. Walls asked that the Council be advised that the firearms ordinance may be in violation of the law.

Mr. Abbey asked if a report had been prepared for Council from Mr. Riess on holding of the deposits on the water fees.

Mayor Smiley said he had the report and would share it with the Council.

COMMITTEE RECOMMENDATIONS:

SPECIAL ASSESSMENT:

Moved by Walls, supported by Zelenko that the new standard be referred to the total Council for further discussion and possible action.
Motion carried 3-0.

ATTORNEY ADVERTISEMENT:

Moved by Zelenko, supported by Walls to recommend to the full Council that the Attorney position be advertised.
Motion carried 3-0.

MISCELLANEOUS:

None.

Meeting Adjourned at 8:45 P.M.

Respectfully Submitted,

William R. Walworth
Bacon City Clerk

WRW/cml