

Committee of the Whole
March 27, 2017

Present: President King; Council Members Buxton, Clausen, Fleck, LeJeune, Scott and Sovinski; Mayor Hazel; Director Hitchcock; Auditor Strawn; Law Director Moore; Bill Kincaid, The Daily Standard and Kevin Sandler, WCSM Radio.

President King called the meeting to order at 6:00 pm for review of the Sidewalk Ordinance.

Mayor Hazel explained in late summer to early fall, the City will begin repair of City responsible sidewalks after it is known how much money will be available.

CM Sovinski stated the old standard was 48" minimum width for residential and 5' for commercial properties. Mayor Hazel stated there is a question if the residential property owners should pay a proportionate amount if they have the wider sidewalks.

President King stated the biggest consensus that has to be met is the split. Director Hitchcock explained a 4' x 4' sidewalk panel is approximately \$200.00 to replace. CM LeJeune asked if the list showing \$700,000 worth of repairs includes expansions. Director Hitchcock replied no, it only included the repairs. CM LeJeune stated he thinks the split with the City and Property Owners should be 50/50. CM Fleck asked if the program will still be divided by wards. Mayor Hazel replied yes, it is easier to go with wards. Currently, for property owners who choose to pay their portion through their taxes, the costs go on the tax duplicates for five years. An incentive for property owners to pay the debt off earlier than five years is needed. CM Sovinski explained there is interest plus County administrative fees added when it is put onto the property tax. CM Clausen expressed his concern of the 50% split. If there was a large number of homeowners wanting to fix their walk, it could affect the funding available. CM Sovinski stated in order to initiate a sidewalk program, council needs to pass a Resolution of necessities to develop a list of property owners needing to get their sidewalks repaired. The City gives them 5 to 6 months prior to the City passing an Ordinance to address the sidewalks that were left unrepaired. The City pays the contractor and bills the property owners for the work. The properties owners then have the option to defer the cost to their taxes.

Auditor Strawn asked what happens if the City would be responsible for the remaining panels if a property only has two panels that need to be replaced, but the homeowner wants to repair their entire sidewalk. CM Sovinski stated the homeowner would be responsible for the panels that are not identified in the Resolution of Necessity. Law Director Moore stated the City would assume liability. From a City standpoint he would feel comfortable with the City doing the two, but the owner be responsible to get their own contractor to replace the remaining panels. Mayor Hazel stated the property owners need to have a vested interest in the repairs. The less responsibility they have, the more they will want to have done.

CM Sovinski if a person falls on a sidewalk, they will sue the property owner along with the City. In the past, the suits have been thrown out because the City has had an active sidewalk program to address defective sidewalks. He asked if the City would have more legal responsibility if we go to a 50/50 split. Law Director Moore stated if the City is telling a property owner to undertake action, there is a possibility for liability, but he feels we would be successful in defending a suit.

CM Buxton stated he wonders if 50% would run the City's funding too low. He also asked what happens if a property has sidewalks in both the back and front. CM Sovinski stated the property owner is responsible for sidewalks at the front of their property, but the City could include in the Ordinance that the City would pay a higher percentage for a sidewalk not beneficial to the property owner. CM Scott stated Myers Road conversation has been that not all properties are inside the City corporation limit. The south side should maybe the City's responsibility.

CM Clausen stated he is also concerned that 50% is too much. He likes a 25/75 split.

CM Sovinski recommended the 25/75 City/property owner responsibility split. Recommendation was approved with a voice acclamation vote 6-0 Aye.

President King adjourned the meeting at 6:59 pm.

Submitted by Joan S. Wurster, Clerk of Council