

**CITY OF WILLIAMSTON
CITY COUNCIL
JANUARY 09, 2006
REGULAR MEETING MINUTES**

1. Call To Order:

The meeting was called to order at 7:00 p.m. by Mayor Kenneth Zichi and the Pledge of Allegiance was recited.

3. Roll Call:

Mayor Kenneth Zichi, Mayor Pro-tem Robert Hanna, Council Members Penny Davis, Michelle Hyne, George Monroe, Brian O'Connell, and Scott VanAllsburg.
Absent: None.

Also Present:

City Manager Lisa Hitchcock, Deputy Clerk Holly Thompson, City Attorney Timothy Perrone, JFM Productions, Enterprise Reporter Will Whelton, citizens Mike Thomas, Kevin Smith, Chris Brooks, Daniel Young, Teri Nelson, Dianne Gorsline, Judy Thibideau, John Pratt, Terri Campbell, Kim Hayse, Robert Conn, Bill Lovis, Joe Eiffert, Don Pixley, Robert Miller, Bill St. John, Chris Walters, Jim & Barbara Mooney, Dennis & Phyllis Wheeler, Fred & Julia Pennington, Mark Bartig, Tom Minard, Barb Vandenberg, Tom Mitchell, Libby Bogdan-Louis, Dick Couturier, Mary Ellen O'Reiley, Ross W. Maynard, Vicky & Mike Atherton, Joan Foy, Charles and Virginia Keiser, Elaine Morse, Jerry Morse, Bob & Helen Reed, Meg Farness, Scott Hartwell, Elizabeth Williams, Beth Fryer, Rick Corbett, Jason & Arionna Spear, George Bohart, and William Schall.

4. Approval of Agenda:

Move item 8d. to 9a.

Motion by **Hanna**, second by **O'Connell**, to approve the agenda as amended.
Motion passed by voice vote.

5. Audience Participation:

John Pratt of 530 N. Putnam St. announced that there are large holes by the sidewalk on N. Putnam near the bridge. He also asked the Mayor for a public apology for mistaking him for a relative that served on the City Council. Mayor Zichi apologized for the mistake.

Richard Couturier 702 S. Putnam St. asked about the arsenic content in the City water. The City Manager stated that she is unsure what the numbers are but that they are well below the minimum standard.

6. Council Minutes of December 12, 2005:

Motion by **Monroe**, second by **Hanna**, to approve the regular City Council Minutes of December 12, 2005 as presented. **Motion passed by voice vote.**

7. Accounts Payable:

Councilman Hanna reported that the accounts payable totaled \$147,558.49 and included insurance, attorney fees, consultant fees, bonds, a community pool contribution, utilities, a DPW truck purchase and other miscellaneous supplies and services. Reference numbers 5926-6030.

Motion by **Hanna**, second by **Monroe**, to approve the accounts payable as presented. Yes: O'Connell, Davis, Monroe, VanAllsburg, Hanna, Zichi, Hyne. No: None. **Motion passed.**

8. Action Items

8a. 2nd Reading Ordinance #296- Lighting Standards:

Mayor Zichi stated it is his understanding that Councilmember Hyne distributed letters throughout the City and he believes that a lot of her questions could have been answered at the worksession she missed or at the last City Council meeting.

Councilmember Hyne responded that she did not find her packet until after the worksession had started and that she sent representatives to take notes on her behalf.

Mayor Zichi stated that the ordinance has been in the works for several years. Hyne stated that she feels that the citizens have a right to be informed about what is going on in their City.

Councilman VanAllsburg commented that her letter shows she did not research the Ordinance and there were a lot of fallacies in her letter especially regarding safety.

Mayor Zichi commented that the entire Council voted to accept the first reading of the ordinance as presented. He added that the Ordinance does not prohibit exterior lighting, but that it encourages safe exterior lighting, encourages lighting that is appropriate for the City. The Lighting Ordinance is a nuisance ordinance that prevents light trespass.

Councilmember Hyne stated that she reviewed the Lighting Ordinance to the best of her ability and believes that even as a resident she would not have known about this Ordinance.

Councilman Hanna asked Hyne if she had posed any of the concerns to any of the people that worked on this Ordinance. She stated that she did not ask any of the people that wrote the Ordinance, but talked with Councilman O'Connell and with the City's energy supplier who was unaware of this Ordinance. She stated that she has a real problem with the energy supplier not being informed of this Ordinance.

Hanna questioned why that was.

She believes that if the City has access to someone that has extensive background in lighting, would it not make sense to see what they think.

VanAllsburg responded that she should have consulted a lighting engineer if she had concerns about this Ordinance especially if she had questions about safety. He believes that this is an emotional response on her part and that she brought

all these people here under false pretenses and that everyone is welcome at any meeting and the agendas are available for public review.

Hyne believes that she was responsible for informing people about this Ordinance including Paul Ganz of DTE Energy.

Manager Hitchcock reported that Paul Ganz has been aware that there was an Ordinance in the works and was also involved in the street lighting project.

Mayor Zichi commented that the Lighting Ordinance would be complaint driven and introduced Planning Commissioner George Bohart. Mr. Bohart added that the most crucial issue for the Planning Commission to address has been the lighting. Councilmember Hyne stated that the taxes and water rates are already high in the City and they should not be trying to add another burden to the taxpayers. She referred to the Lighting Ordinance page 19 regarding the fines and violations and read it aloud.

Hanna commented that everyone has three years to come into compliance with the Ordinance unless they change a lighting plan.

Citizen #1 stated that she has a right to secure her property for her safety.

Hyne stated that each resident has a reasonable right to light their property and secure it. She referred to page fourteen of the Lighting Ordinance, and commented that the City is going to tell the business community that is barely holding on, to spend money on new signs for their business and change their logo signs. She believes that there are more important problems that the City should be addressing like the problem with Wallace Street and the fact that it is dimly lit with sidewalks on only one side of the street, where children are required to go to bus stops. The business is taking a huge risk opening a business here for their families. She is concerned that the businesses will be required to shut off their parking lot lights at night and only light the entrances.

Mayor Zichi stated there is no correlation of exterior lighting and crime and quoted several studies that stated this and pointed out that their crime levels decreased with lower lighting.

Hyne commented that as far as safety, she has two daughters that jog in the evenings, and is concerned for their safety. She had a friend that had someone jump out at her when she was walking. As she was walking she felt that there needed to be more light.

Hyne believes that the City should not base safety on a study. She believes that all properties and streets are not the same, and lighting differs from season to season. She commented that the standard for an outdoor motion light is 75 to 150 watts.

Mayor Zichi commented that there is a difference between partly shielded and fully shielded and the wattage of the bulbs allowed.

VanAllsburg commented that the street lights are fully shielded and he can see very well.

Hyne is concerned about the cost to the community. She does not believe there is a need for this kind of ordinance.

Paul Ganz commented that lighting can be very subjective. This is the first time he has seen this ordinance. He is currently going through some lighting issues in

Pinckney. He believes that this should be a multi-phase process. He offered his services to the City.

Mayor Zichi stressed that the ordinance is not to be restricting but to be a nuisance ordinance.

VanAllsburg commented that there is nothing that says these parameters in this ordinance cannot be changed. If it is not working it can be adjusted.

O'Connell questioned the partly shielded issues with the wattage and lumens. He wondered if it is supposed to be based on wattage or lumens or both.

William Schall answered that it can be either wattage or lumens or a combination of the two. He added that it was the intent that the average person could understand the ordinance and not have to hire a lighting engineer to light their property.

Hanna commented that there is no way to enforce reasonable lighting if there is no ordinance.

Mayor Zichi commented that none of this has been done in secret and they have done more than the Charter requires in adopting an ordinance. There was a lighting survey done and this has been publicized for a couple of years and has been advertised on a number of occasions in the Enterprise.

Public Comments:

Citizen #2 commented that she has had problems with kids hanging out in her back yard and has since put up a light that light up hers and her neighbors' back yards and has been thanked by the Police Department as well as her neighbors.

Citizen #3 commented that she has security lights that keep away peeping toms and they are only on when motion activated.

Barb Mooney asked if anything was mentioned in the City Newsletters.

Jim Mooney stated that Richard Couturier asked the Planning Commission if the Police Department was involved in this ordinance and they answered that they were not.

Terri Campbell 308 Fulton questioned if insurance companies had been consulted. She believes that to pass this ordinance as presented would be a huge mistake. There could be a financial obligation to residents and business owners. **What are the fees?** ~~There should be no fees.~~ There are three churches that have lighted steeples that will need to pay for different lighting and they cannot afford to do so. She thanked the City for removing provisions for lighting flags. Ms. Campbell quoted the Michigan State Police Crime Prevention report that stated that areas that are well lit are safer and they write reports on how far an attack took place from a street light. Christmas lights are exempt except for the City's Christmas lights which would need to be changed **which would not comply with the new ordinance because of problems with the power supply.** Her closing comments to the Council were to not create more problems and don't take away from everyone's quality of life. **Terri Campbell submitted a written letter which was attached to the meeting packet.**

John Pratt, 530 N. Putnam, thanked everyone for coming. He commented that he does not agree with not being able to light a swimming pool. He asked the Council to table this issue. He added that Planning Commission Chair Reagan

does not want the City to look like a landing strip, but he does not think it looks like one.

Dianne Gorsline, 407 Crossman, commented that she had a light behind her flower shop burn out and ended up with a deer running through her store. She added that parents do not tell their kids to walk in the dark but rather to walk in the light. She stated that she has witnessed several car/pedestrian accidents at the intersection of Putnam and Grand River because of the poor lighting.

Robert St. John, 733 Hickory, commented that it is wonderful to see everyone at the meeting tonight and added that people need to start coming to these meetings so they're informed of what is going on in their community. He stated that the issue of the Waste Water Treatment Plant is coming up and will be a very important issue that will cost the City a lot of money. He suggested that perhaps they could elect someone from their block to attend the meeting and report back. He has been attending the Council meetings for eight years and is surprised at how little the public participates.

Steve Phelps commented that he has not installed his new lighting but the signs would be out of compliance.

Hyne asked if the Red Cedar Grill would be in compliance.

The new owner of Cappuccino Espresso stated that she is not allowed to have her light on at 6:00 a.m. and asked how customers were supposed to know that she is open.

John Pratt commented that he ~~does not want another tennis court issue~~ **did not know what the tennis court issue was.**

Robert St. John commented that with the new school construction Hickory Lane will be lit up with several 1000 watt light bulbs. The school lights already intrude into his neighborhood.

Citizen #4 commented that the Williamston soccer field is one of the best fields in the state and has given Williamston good publicity.

Jim Belles commented that if this ordinance passes he will need to change his sign. He also stated that 60-80% of his customers are female and want lots of light.

Carl McIntosh commented that Subway was just remodeled and hopes their new sign conforms. He also put a light on the City's property behind his property to light up the back of his building for safety of the employees that work there. He commented that City Lights Tanning wants the light more than anyone. When he owned the bank building he was ordered to put the parking lot at the back of the building where there is no light. He added that according to the proposed ordinance the City's street lights would need to be only 4.5 feet high.

Ross Maynard, 614 McCauley, commented that he appreciates the controlled light and added that there is a flood light currently pointed at his house from across the street.

Mary Ellen O'Reilley, 614 McCauley, commented that citizens need to come to the meetings more often. When people are elected they are to carry out policies. People need to pay more attention to what is going on.

Kevin Smith thanked Hyne for her letter. He is embarrassed at the Mayor's reaction to Hyne's concerns. He does not feel welcome at the meeting. The

Planning Commission meeting barely had a quorum and quoted the Planning Commission Chair as asking the Mayor to please make an appointment at the next meeting. The web site is outdated. People do check the internet, but there are several meeting minutes missing. He believes that the board is not sufficiently educated about this ordinance and they should not be trying to enforce something they don't understand themselves.

Tom Mitchell, 111 W. Grand River, commented that with the daylight savings time he is concerned with the children's safety. He commented that the Red Cedar Auto Sales sign would be out of compliance as well as Ellie's Country Kitchen and Planet Video. The only complaint he has heard regarding lighting is that there is not enough in the DDA parking lot. He commented that because of his lighting in his business an attempted break in was thwarted. The alcove behind his building is very dark. He understands the problem with light trespass but that there needs to be more thought into this ordinance. He stated that this is a free country and everyone should try to be more neighborly rather than trying to make laws. He added that when there is a neighborhood association that the residents know ahead of time what restrictions they are going to have to follow. William Schall commented that this is not their first endeavor. The Planning Commission has been dealing with lighting complaints for some time regarding light shining on other people's property. He feels strongly that the ordinance encourages better lighting not less.

Citizen #5 asked if there is recourse to change this. He acknowledged that citizens have not been present for the last 2 ½ years but they are here now. Mark Bartig representing Vivian Bartig, 204 McCormick, commented that his mother would not be able to take her dog outside or walk in her back yard. He believes no one has complained and agrees with Mooney. He believes it's better to illuminate than leave it dark. The neighbors are looking out for one another. Citizen #6 commented that there is no lighting on her street and only one sidewalk. When she changes her light bulbs she could fall and break her knee. She has seniors that come to her house. Her house has been broken into and the Police Department could not see the person with a 60 watt light bulb. She wants to be able to see in this City. She is currently afraid to go out because there is no lighting on her street and there is an elderly neighbor that is also afraid to go outside.

Kathleen McAuliffe asked how this would affect insurance for businesses.

Barb Vandenberg, 139 S. Putnam, commented that it will cost her \$5000 to replace the lighting that will need to be changed, which affects the store's profit that they desperately need. She currently has a mercury light on the back of her building but the ordinance does not address it. There are issues with kids doing things in dark areas.

Dave Smeak asked what Paul Ganz saw in other towns.

Paul Ganz answered that it is based on how many you put together and how far apart the lights are. He has not seen an ordinance to this extent, at least not as far as residential lighting. He believes that is over the top. Pinckney's Ordinance is mostly commercial regulations.

Don Pixley of Hayward Pixley Insurance commented that there will be a liability to property owners if there is insufficient lighting. Insurance companies encourage business to have interior lights to help deter breaking and entering. Richard Couturier 702 S. Putnam commented that he is a former fire chief and they had an incident where there was no interior lighting and the department was afraid to go into the building during an emergency. Currently there is not enough lighting on the streets to see addresses. His daughter owns a daycare and he would like to be sure that she has adequate lighting.

Citizen #7 commented that he works nights and he deals with excess light with darker shades. He suggested that individual problems be taken care of individually.

Councilman O'Connell ~~commented~~ **and made comments including but not limited to** that the Ordinance is not easy for a resident to understand particularly with table #5.

Kathleen McAuliffe commented that no one would want to attend the Council meetings since the Council is so rude to each other.

John Pratt asked if there could be another public hearing held on this.

Councilperson Hyne commented that she was unaware of the Saturday worksession and thought the e-mail she received was for the Council orientation on January 16th. She did not find her packet until Saturday morning. She added that she did send representation to take notes. She asked that the packet be delivered to her side door and would like it earlier, like at least three business days earlier.

VanAllsburg asked if the City really needs a Lighting Ordinance. Attorney Perrone stated that there would be a lot of private lawsuits regarding light trespass that will be very costly to the property owners.

Motion by **Michelle**, second by **no one**, to deny the Lighting Ordinance. **Motion died for lack of second.**

Motion by **Hanna**, second by **Monroe**, to send the Lighting Ordinance back to the Planning Commission for re-writing and ask them to pay special attention to parking lots and look at residents comments. Yes: O'Connell, Davis, Monroe, VanAllsburg, Hanna, Zichi. No: Hyne. **Motion passed.**

8b. Library Foundation Re-Appointment- Susan Graff:

Motion by **O'Connell**, second by **Hanna**, to re-appoint Susan Graff to the Williamston Community Library Foundation. **Motion passed by voice vote.**

8c. Appointment to the Planning Commission- Lisa Sawaya:

Motion by **O'Connell**, second by **Hanna**, to concur with the Mayor's appointment of Lisa Sawaya to the Planning Commission for a term to expire 06/30/06. **Motion passed by voice vote.**

9. Discussion Items

9a. Community Center Lease Agreement:

Attorney Perrone reported that the agreement is not ready for Council approval at this time. He has suggested some amendments to the lease. The date on the lease needs to be amended, it needs to be for perhaps more than one year because it may take up to two years to close on it, and the City should have the right to sublet the building during the lease, there is no need for item 7.2 Indemnification, it should state that the City will lease the building for \$2000 per month with the money going towards the purchase. Attorney Perrone asked for guidance on the closing terms. The Council concurred to leave the amount of time to close up to the City Attorney. Councilperson Hyne asked if the building had been inspected.

11. Staff Reports

11a. City Manager:

Manager Hitchcock submitted a written report and added that the audit should be available for the next City Council meeting but will be more difficult to understand due to G.A.S.B. 34. She also reported that Williamston was mentioned in the AAA magazine. There will be a Special Primary and Special Election on February 21st and March 14th.

11b. City Attorney:

No report.

11c. Police Chief:

No report.

11d. November 2005 Water & Wastewater Reports:

Written reports were submitted for the Water and Wastewater Treatment Plant.

11e. Community Development Director:

A written report was submitted for Council review.

12. Committee/Sub-Committee Reports

12a. Legislative Director:

Councilman O'Connell reported that there will be a special election in March because the former Senator is now the Mayor of Lansing. He stressed that these elections have a major financial impact on cities and encouraged everyone to vote. He also reported that the economy is very much improved in Michigan but the future projections are not good. The state could have a smaller budget next year.

13. Audience Participation:

Barb Vandenberg commented that improvements need to be made to the municipal parking lot behind the hardware. She stressed that the lot

improvement needs to be done before South Putnam is in construction. She also asked if a two hour parking limit could be placed on the lot so employees are not parking there. She asked if a police officer would be able to walk the downtown once in awhile. Manager Hitchcock stated that an officer walks the downtown on Thursday nights.

Joe Eiffert asked why the City has a well outside of the City limits. Manager Hitchcock stated that all of the wells are located within the City limits. He also asked if the Police Department could increase patrolling on North Putnam.

Manager Hitchcock answered that she will talk to the Chief of Police.

John Pratt stated that he would also like to see more patrolling on North Putnam as people continually run the stop sign at Putnam and Church.

Richard Couturier asked if the \$5,000 bonus was approved for the Executive Secretary at the last meeting. Council answered that it was. Mr. Couturier commented that he believes that these things should be added to the job description and should be an increase in pay rather than a bonus.

John McAuliffe asked if the parking lot behind the businesses could also be fixed as it has many potholes and trash.

14. Council Member Comments:

Councilmember Hyne thanked everyone for attending and stated she was for community involvement during her campaign. She believes everyone has the right to express themselves.

Councilman Hanna reported that the Chamber of Commerce will have their presence known in downtown Lansing on January 18th. He also reported that there will be a blue mass at 9:00 a.m. on January 29th at St. Mary's Church and that he received an e-mail from the Regional Economic Development Team Executive Director saying they were impressed with the Williamston Mayor and would like him to join the R.E.D. Team.

Councilman O'Connell asked if the Council packets could be dropped off a day or two earlier so the Council has more time to review them even if it means an agenda item might be put off until the next meeting.

Mayor Ken Zichi commented that he has been working on is trying to get the image of Williamston into everyone's minds and encourage people to come to Williamston.

Meeting Adjourned at 10:01 p.m.

Respectfully Submitted by: _____

Holly M. Thompson, Deputy Clerk

Kenneth V. Zichi, Mayor

Date Approved: _____