

**CITY OF WILLIAMSTON  
REGULAR CITY COUNCIL MEETING  
FEBRUARY 13, 2006  
MINUTES**

Mayor Zichi called the meeting to order at 7:00 p.m. in the Council Chambers at 161 E. Grand River Ave., Williamston, Michigan. Mayor Zichi led the Pledge of Allegiance.

**3. Roll Call**

Present: Mayor Zichi, Council Members Davis, Hyne, Monroe, O'Connell, VanAllsburg  
Absent: Mayor Pro-Tem Hanna  
Others: City Manager Hitchcock, Attorney Perrone, Executive Secretary Garnham  
Visitors: Nancy Bujold, Frank Buzzitta, John Fishbeck, Susan Graff, John Pratt, Melanie Schall, Leo Sheets, Bill St. John, Nancy Williams, Rick Williams, JFM Productions

Motion by **Davis**, seconded by **O'Connell** to excuse Hanna due to scheduled vacation. Voice vote all Yes. **Motion carried.**

**4. Approval of Agenda**

Mayor Zichi stated that item 8c should be corrected to read "City Property Use Policy." Motion by **O'Connell**, seconded by **Davis**, to approve the agenda as amended.

VanAllsburg asked to add discussion item 9a, Temporary Library Relocation. Motion by **VanAllsburg**, seconded by **O'Connell**, to amend the motion to amend the agenda to include item 9a. Voice vote all Yes. **Motion carried.**

Mayor Zichi called for a vote on the amended motion. Voice vote all Yes. **Motion carried.**

**5. Audience Participation (non-agenda items)**

There was no public comment.

**6. Approval of Minutes – Regular Council Meeting of January 23, 2006**

Davis stated that her statement in item 15 should be corrected by deleting the word "setting" in line 11 and replacing it with "taking on."

Hyne stated that "when she was campaigning" should be added to her statement in line 14 of item 15. Hyne also asked that the sentence "It took 37 phone calls to make contact with the City" be inserted after the correction in line 14. Hyne asked that in lines 15 and 16 of item 15 "people did not know" should be deleted and replaced with "residents and businesses were not aware of." Hyne also stated that the phrase "being in the crawl space" in lines 7 and 8 of item 9a should be deleted.

Motion by **O'Connell**, seconded by **Davis**, to approve the minutes as amended. Voice vote all Yes. **Motion carried.**

7. **Accounts Payable**

Monroe reported that the accounts payable, reference numbers 6146-6238, total \$426,036.69 and reflect a three-week period, and include the annual Tobias Drain assessment of \$92,821.86, a water/sewer bond payment of \$66,840.64, a payment to Goldstein Enterprises for the current water main project of \$115,493.41, a 1996 water/sewer bond payment of \$55,936.25, a payment of \$7,168.94 to Campus Ford for repair of a police car, and a payment to Irish Construction for the current well house project of \$66,525.97.

Motion by **Monroe**, seconded by **O'Connell**, to approve the accounts payable as presented. Yes: VanAllsburg, Zichi, Hyne, O'Connell, Davis, Monroe. No: none. **Motion carried.**

8. **Action Items**

a. **2<sup>nd</sup> Reading – Ordinance #296 Zoning Map**

Mayor Zichi stated that Ordinance #296 amends Ordinance #256, the Zoning Ordinance, by replacing the existing official zoning map with one that incorporates all of the zoning changes that have been made since the previous map was adopted.

Motion by **Monroe**, seconded by **VanAllsburg**, to approve the second reading of Ordinance #296. Yes: Davis, Monroe, VanAllsburg, Zichi, Hyne, O'Connell. No: none. **Motion carried.**

b. **Resolution #03-06 Fraud Risk Management Policy**

O'Connell stated that the policy did not include language regarding who to report to if the City Manager were suspected of fraud. City Manager Hitchcock stated that there was language in the City's Harassment Policy that could be modified to address this issue.

VanAllsburg asked if this policy included any procedural changes. Hitchcock stated that there were already procedures in place to address these issues, but that they were contained in several different documents and this policy summarized them all in one place.

General consensus to add language regarding City Manager and to place revised resolution on the next City Council meeting agenda. Hitchcock explained that because this resolution was not passed, it changes the numbering of the following resolutions.

c. **Resolution #04-06 City Property Use Policy**

John Pratt asked if the revised policy would allow reservation of McCormick Park, specifically the pavilions. Executive Secretary Garnham stated that pavilions would remain on a first-come basis, but that the entire park could be reserved for events such as Art Fest.

There was general consensus among the Council that for-profit entities should be allowed to use City Property, and all further discussion related to version B of the draft policy.

Davis stated that she felt that sports and recreational activities should be added to the list of community non-profit groups. O'Connell stated that the language regarding commercial users being charged at two times the rate of other users should be removed and that all users should be charged the same. Davis stated that the language under category 2 regarding charging and additional percentage based on admission fees should be removed, and that only flat fees should be charged.

Hyne stated that there are annual events that might want to reserve City property, and that the time limit of not more than 180 days should be changed to no more than 365 days.

VanAllsburg stated that there may be groups who do not have any Williamston resident members who would like to use City property, and that item 1A requiring at least one Williamston resident should be removed. VanAllsburg suggested adding category 4 for non-resident groups.

There was general consensus to revise policy 04-06B and to place the revised policy on the next City Council agenda. Hitchcock stated that there would be a change to the resolution number for the next item.

Nancy Williams of the Senior Center referred to a letter she had written to City Council regarding the provision of telecommunication facilities to the Senior Center. Williams stated that the Williamston Community Schools had been providing the Senior Center with long-distance telephone service, a fax line and cable internet, and asked that the City continue to provide these resources to the Senior Center. Williams stated that she uses the internet to communicate with the Tri-County Regional Office on Aging, and that long distance telephone service is needed in order to call several members who are outside of the local service area.

Mayor Zichi asked about the possibility of using AriaLink wireless internet since they have a tower located on the Community Center building. Garnham stated that the building was currently set up for cable internet, that the School System would be discontinuing service, and that she had requested a copy of the lease agreement between the School System and AriaLink several times, but had not yet received one. Garnham also stated that the telephone system at the Community Center is tied into the School System's telephone system, and that the School System was working with Verizon on making changes.

Davis stated that once the library is in the building, their computers would be available for internet access. Davis also asked about the possibility of VOIP (Voice Over Internet Protocol) phone service. Zichi stated that this should be followed up on.

VanAllsburg stated that the City should agree to provide the services. O'Connell stated that a special section could be added to the City Property Use Policy to address the Senior Center.

Hitchcock asked for clarification on the key policy. Zichi stated that the current practice of checking out keys to non-staff members seemed reasonable. O'Connell suggested adding language regarding keys to the property use policy. Hyne asked if local athletic groups are allowed to keep a key. Hitchcock stated that they check out a key and return it in the City Hall drop box.

**d. Resolution #03-06 (05-06) Resolution to Establish a Joint Library Building Authority**

City Manager Hitchcock stated that Williamstown Township had adopted the resolution, but Wheatfield Township had not. Mayor Zichi stated that he had spoken with Williamstown Township Supervisor Mickey Martin regarding attending the next Wheatfield Township meeting. Zichi stated that all three municipal entities must agree to the Authority in order for it to go forward.

VanAllsburg stated that the Williamston Community Library Foundation (WCLF) had asked if it were possible to build a new library just with donated funds.

Susan Graff of the WCLF stated that Wheatfield Township had expressed concern about the ongoing commitment and cost of building a library, and that the Township board had no intention of signing the agreement.

VanAllsburg stated that the WCLF feels its fund raising efforts are hampered by confusion regarding the library location and the source of funding. VanAllsburg stated that the WCLF had asked for one year to see if they could raise the necessary funds.

Davis stated that the WCLF had asked the Council to form the Joint Building Authority (JBA), that this has been in process for the last year, and that the WCLF is asking the Council to go back to the way it has been for the last ten years. Graff stated that the WCLF is in a much stronger position to fund raise at this time.

Zichi stated that the City has spent a significant amount of money on attorney services to draft the JBA documents. Graff stated that there is concern and confusion about how the library building would be paid for,

who will own it and who would control it. Graff stated that WCLF would have a better ability to do fund raising if there were no bond issues.

Nancy Bujold of the Capital Area District Library (CADL) stated that the existing agreement is between the City and CADL, and she was not sure that CADL could enter into an agreement with a non-profit organization. City Attorney Perrone stated that he was also not sure.

VanAllsburg stated that the City should request that Wheatfield Township decide yes or no. O'Connell stated that the City should set a time limit for the JBA to go forward, because Wheatfield Township could continue to postpone the issue indefinitely and the JBA could remain in limbo for six months or a year.

VanAllsburg stated that the City should give the WCLF a year to raise funds. Nancy Bujold stated that she had attended the last Wheatfield Township meeting and that they had expressed concern that no other municipality had acted on the JBA yet.

Melanie Schall stated that if the City and Williamstown Township have both done their part in forming the JBA that it would help Wheatfield Township to decide. Schall asked what would happen if the WCLF could not raise enough funds in one year; would the process have to be started all over again.

Davis stated that there is momentum behind the JBA, and that the Council should vote on the issue. VanAllsburg asked if the JBA could be approved with the condition that Wheatfield Township responds within a certain time limit. O'Connell stated that the Foundation has momentum in raising money, too. VanAllsburg stated that it needs to be a cooperative venture.

Schall stated that this is the first effort involving all three municipal entities and that if it has gone this far, they should continue.

Zichi stated that if the library can be paid for with private funds and without taxpayer funds, that would be great, but that he doesn't want the City to get stuck with a 20-year delay.

O'Connell asked if the vote could be delayed two weeks until Wheatfield has their meeting. Nancy Bujold stated that she felt it was an issue of trust for Wheatfield Township. VanAllsburg stated that the Council could pass the JBA now and agree to a time limit for Wheatfield to take action.

John Fishbeck asked if the JBA agreement had language limiting private contributions. Zichi stated that there is no limit on private funds, only on public funds.

Motion by **Davis**, seconded by **Monroe**, to approve Resolution 03-06, Resolution Establishing Joint Building Authority.

O'Connell stated that Article V of the Articles of Incorporation of Williamston Library Joint Building Authority states that no member of the legislative bodies of the incorporating units shall be eligible for membership or appointment to this Authority, and asked whether this includes City employees. City Manager Hitchcock stated that City employees could be members, and that a City or Township Clerk could be designated as the Secretary to take minutes.

Hyne asked if the Council passed the JBA tonight, what the impact would be on fund raising. Susan Graff stated that there would be a need to educate the public so that fund raising could continue.

VanAllsburg asked what would happen if the City passed the JBA, and Wheatfield Township did not. Zichi stated that JBA could be modified or dissolved. VanAllsburg asked if a member of the Foundation could be appointed as the City's representative to the JBA.

Zichi asked for a vote on the motion by Davis to approve Resolution 03-06. Yes: Zichi, Hyne, O'Connell, Davis, Monroe, VanAllsburg. No: none. **Motion carried.**

Motion by **Davis**, seconded by **Monroe**, to direct Mayor Zichi to contact Wheatfield Township Supervisor Curtis to request that Wheatfield Township place the JBA on their next meeting agenda. Voice vote all Yes. **Motion carried.**

John Fishbeck asked what would happen if Wheatfield Township does not agree. Davis stated that inaction could be interpreted as a "no." Zichi stated that the Council does not want to issue an ultimatum.

Motion by **O'Connell**, seconded by **Hyne**, that if Wheatfield Township does not take action one way or another within 60 days that the City Council will place the Joint Building Authority agreement on the next agenda after that time has elapsed. Voice vote all Yes. **Motion carried.**

## 9. Discussion Items

### a. **Temporary Library Relocation**

VanAllsburg stated that there is concern about where the library would hold programs in the Community Center. City Manager Hitchcock stated that the room across from the library was being dedicated to library programs.

VanAllsburg stated that there were code issues with the Community Center space for the library. Zichi stated that the Building Inspector and City Engineer had inspected the space. VanAllsburg stated that

he is concerned that the library would be moved and then have to move back. Hyne stated that she shared VanAllsburg concern.

Hitchcock stated that CADL was involved in the project and that they would receive copies of all documentation. Nancy Bujold stated that CADL will not move the library until approval documents are received.

VanAllsburg stated that Jeff Bartrem of the Library Foundation does not want it perceived that this is a permanent location. Zichi stated that Council has said repeatedly that this is a temporary move. Davis stated that it can be made clear that this is a temporary location as part of the marketing of the future location.

Leo Sheets of the Library Foundation stated that he is a civil engineer and that Capital Consultant's design does not meet building code and the work performed does not meet code. Sheets stated that the lumber used does not match the specified type, that the stringers were not anchored, and that there is no blocking above the stringers.

Zichi stated that the work was not yet complete. Sheets asked if the State would be inspecting the work, or the City's building inspector. Hitchcock stated that the City's contracted inspector had performed an inspection.

Susan Graff stated that she had seen an out of date inspection sticker on the boiler at the Community Center, that the sticker indicated that boiler had not been inspected in ten years and that the State requires boilers be inspected every two years. Graff stated that when the City said they were buying the Community Center building that the entire building would be brought up to code, including all doorways, bathrooms and meeting rooms.

O'Connell stated that he had spoken with Gary Webster, the City's Building Inspector, as well as Larry Lehman, the Chief of the State Bureau of Construction Codes. O'Connell stated that Gary Webster said that the existing ramp was not handicapped accessible and a new ramp had to be built.

O'Connell stated that there was a potential problem due to lead paint or mold on the basement walls. O'Connell stated that a mold sample had been taken, that three types of mold were present, and that he had discussed the results with Dr. Mark Banner, a mold and microbiology expert who said there was potentially a very dangerous problem and health concern. O'Connell stated that a lead test was done, and that the results were under State and EPA levels.

Hyne expressed concern that if there are issues and the library is moving so soon, and that the issues should be addressed first.

Melanie Schall stated that she had spoken with Jeff Bartrem that day and that the conversation was disturbing. Schall stated that the City has already hired an engineer to provide an opinion on the work, and that if someone feels the engineer is incompetent then they should report them to whoever issues their licenses.

John Fishbeck stated that there are legitimate issues of perception about the temporary facility becoming permanent, as well as legitimate concerns about safety.

City Manager Hitchcock stated that the City staff would follow up on the issues.

**10. Correspondence Received / Information Only**

**a. Capital Area District Library Annual Report**

Mayor Zichi asked about the annual report as there was no information in the packet. Nancy Bujold stated that the branch Librarian would give the annual report in the near future.

**b. Municipal Employees' Retirement System (MERS) Correspondence**

Zichi asked if the City needed to take any action. Hitchcock stated that the policy states that MERS members cannot take any actions that are detrimental.

**11. Staff Reports**

**a. City Manager**

Hitchcock stated the City had received a letter from Kevin Smith. Davis stated she thought the letter had been submitted to the Planning Commission at the last meeting. Hitchcock stated City Hall had received it via the info@williamston-mi.us email account.

**b. City Attorney**

Nothing to report.

**c. Planning & Development Administrator**

VanAllsburg stated that he had a question about Lynn Wilson's report in regard to driveway permits. Hitchcock stated that a permit is required for a curb cut, and that the Zoning Ordinance has a maximum percentage of the front yard that can be paved.

**12. Committee / Sub-Committee Reports**

**a. Legislative Director**

O'Connell stated that there would be a primary election for state senator on February 21<sup>st</sup>. O'Connell stated that the Executive Budget had been recently proposed, and that State Shared Revenues ~~would~~ **could** remain neutral.

O'Connell stated that there was legislation regarding cable and telephone access to municipal rights-of-way pending, and that it would affect the current franchise fee structure and allow for competition for local telephone and cable service. Hitchcock stated that she had been contacted by Millennium Digital Cable regarding a merger or buy-out, and that a new resolution regarding franchise fees would be presented in the near future.

**b. Planning Commission Minutes of 2-5-06**

VanAllsburg stated that previously there was concern that the ordinance regarding recreational vehicle storage was too strict, and now people want it enforced. Davis stated that the public consensus was that the current ordinance was the lesser of two evils, that this was a limited problem, and the public has asked that the current ordinance be enforced.

**13. Audience Participation (non-agenda items)**

Mayor Zichi read a letter from Kevin Smith of 631 Spaulding regarding formation of a Planning sub-committee on ordinances. The City Attorney stated that by definition a sub-committee was made up of members of the committee. VanAllsburg asked if sub-committee meetings were open meetings. Zichi stated that all meetings are open, and public comment is allowed. Bill St. John stated that any citizen can attend City meetings. St. John asked if one or more citizens could be appointed to a sub-committee of the Planning Commission with a term limit of one or two years, so that citizens could be involved on a long-term basis.

John Pratt asked about item 10e, the Consumers Energy Notice of Public Hearing. Zichi stated that utilities have to notify all affected municipalities of public hearings regarding rates.

Melanie Schall stated that John Pratt had copies of email correspondence from Brian O'Connell to Lisa Hitchcock and asked where he had gotten them and if she could have a copy. VanAllsburg stated that he had given Pratt the copies and that he would give Schall a copy. VanAllsburg asked about Zichi's email message warning Council Members about emails violating the open meetings act. Zichi stated that emails for information could develop into a debate on a topic, and that the back and forth nature of emails encourages this. Hitchcock stated that copies of emails can be requested per the Freedom of Information Act.

**14. Council Member Comments**

**Monroe** – no comment.

**VanAllsburg** - on February 25<sup>th</sup> the Williamston Theatre will be performing a live reading of a new play that was a re-written version of the Odd Couple. He encouraged people to donate to the Theatre since it exists on private donations. Also, there is a Williamston Arts League show at Wholistic Health that will be moving to Cappuccino Espresso Café in March.

**Hyne** – stated she had a question about the Community Center and the appraisal of Deer Creek Park, and wanted verification that Deer Creek Park was not the only property being considered for exchange with the School System. Zichi stated that the City is waiting to hear from the School Board. Hitchcock stated that Deer Creek Park is being re-appraised since only part of it was assessed before, and Memorial Park is also being appraised. Hyne stated that the Assessor had not been contacted regarding the appraisal. Hitchcock stated that the copy of the appraisal that Hyne had requested by FOIA would be ready to pick up on February 14<sup>th</sup>. Hyne stated that she was concerned about the proposed property exchange.

**O’Connell** - thanked Hitchcock for the report on the Community Center expenditures, and asked for an update at each Council meeting. He stated that he had gone into City Hall to fill out a building permit application for a home improvement project and City staff was very helpful.

**Davis** – on February 20<sup>th</sup> there is a Master Plan Workshop at 7:00 p.m. in the Community Center, and the public is encouraged to attend. She stated that the Lighting Ordinance is on hold due to the Master Plan project, which is taking up considerable time.

**Zichi** – the fundraiser for the band shell was great, and he was impressed with the level of local talent. One of the items mentioned in the community survey was that City Hall should have evening hours. He is working with Hitchcock to initiate Thursday Open Late hours for City Hall.

John Pratt stated that the Lighting Ordinance had been referred back to the Planning Committee, and that the sub-committee was made up of Penny Davis, William Schall and George Bohart. Davis stated that the Planning Commission was concentrating on the Master Plan.

Frank Buzzitta stated that the new Parks and Recreation Commission had their first meeting on February 16<sup>th</sup>, and there were a lot of good ideas.

**15. Adjourn to the Call of the Chair**

Motion by **Davis**, seconded by **O’Connell**, to adjourn. Mayor Zichi called for opposition to adjournment. Hearing none, Mayor Zichi called for adjournment.

Meeting adjourned at 9:12 p.m.

Respectfully submitted by:

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Catherine Garnham, Executive Secretary

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Kenneth V. Zichi, Mayor

Date approved: \_\_\_\_\_