

**CITY OF WILLIAMSTON  
REGULAR CITY COUNCIL MEETING  
FEBRUARY 27, 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, Mayor Pro Tem Hanna, Council Members Davis, Hyne, Monroe, O'Connell  
Absent: VanAllsburg (arrived at 7:20 p.m.)  
Others: City Manager Hitchcock, Attorney Stoker, Executive Secretary Garnham  
Visitors: Art Crawford, Anthony Cutler, Wendy Cutler, John Pratt, Melanie Schall, Kevin Smith, Bill St. John, Mike Thomas, JFM Productions

Mayor Zichi stated that Scott VanAllsburg had notified him that he would be slightly late.

**4. Approval of Agenda**

Motion by **Hanna**, seconded by **O'Connell**, to approve the agenda as presented. 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 February 13, 2006**

O'Connell said that in the last line on page 8, the word "would" should be replaced with "could." Motion by **Hanna**, seconded by **O'Connell**, to approve the minutes as amended. Voice vote all Yes. **Motion carried.**

**7. Accounts Payable**

Hanna reported that the accounts payable, reference numbers 6239-6319, total \$162,944.18 and include consultant fees of \$39,604.48, Community Center expenses of \$5,913.76, street light operation of 5,483.34 and the Thursday Open Late campaign cost of \$3,625.00.

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

**8. Action Items**

**a. Utility Billing Dispute – 867 Southfield Drive**

Wendy Cutler of 867 Southfield Drive stated that she and her husband, Anthony Cutler, were disputing the water/sewer utility bill for the period of September/October 2005. That bill reflected 39,000 gallons of usage, and

the average usage per two-month billing cycle at their residence before that had been 13,500 gallons.

City Manager Hitchcock stated City staff had spent a lot of time on this issue, and that staff could not change the utility bill without approval from Council. Executive Secretary Garnham stated that based on the water meter reading recorded at the time the water meter was replaced, the meter had been recording accurately before its replacement. Garnham stated that water meters fail by slowing down and under-recording flow, and if they fail completely no flow would be recorded. Garnham also stated that if a residence has higher-than-normal water usage, it is often caused by a running toilet, a water softener stuck in the backwash mode, an outside faucet being left on accidentally, or a similar situation.

(VanAllsburg arrived at 7:20 p.m.)

O'Connell asked Cutler if a similar situation had occurred. Cutler stated that it had not. Zichi stated that if the water had not gone down the sewer, as in the case of an outside hose left on, the sewer usage could be adjusted. Hitchcock stated that Council should be aware that they could be setting a precedent if they adjusted the utility bill.

Bill St. John stated that he had experienced a similar problem in the past, and City staff had come out to the house to check for problems.

Motion by **Monroe**, seconded by **O'Connell**, to adjust the sewer usage portion of the September/October 2005 utility bill for 867 Southfield from 39 units to 18 units. Yes: Zichi, Hyne, O'Connell, Monroe, VanAllsburg, Hanna. No: Davis. **Motion carried.**

**b. Well Project Issues**

Scott DeVries of Capital Consultants / DesignWorks A/E presented information regarding the cost to date and projected final cost of the water project. DeVries stated that the Ingham County Drain Commissioner's (ICDC) office had imposed several additional soil erosion control measures to protect wildlife due to the proximity of the project to a wetland area. DeVries stated that ICDC had not required these types of soil erosion control measures before for projects of a similar type or size, and therefore these had not been included in the project specifications.

Devries also stated that the ICDC had delayed issuing the soil erosion and drain crossing permits because of these and other required changes, and had delayed the beginning of the project. O'Connell asked how long the delay had been, and DeVries stated that the start of wellhouse construction had been delayed early October to the end of November, causing cold weather conditions to affect the project.

City Manager Hitchcock stated that there were three issues to be addressed: the additional costs for Goldstein Enterprises due to the ICDC office requirements, the cost to acquire permanent utility easements along Linn Road for installation of a new water main, and awarding the alternate portion of the contract to Goldstein for the water main along Linn Road.

Hyne asked if the ICDC had new requirements for erosion control. DeVries stated that they increased the requirements as best management practices changed. DeVries stated that the ICDC had required wire reinforced silt fence, as well as special mulch blanket. O'Connell asked if the ICDC had required wire reinforced silt fence in the past, and DeVries answered that they had not.

Motion by **Davis**, seconded by **Hanna**, to approve contract change orders #1 and #2, as well as easement payments not to exceed \$17,000. Yes: Hyne, O'Connell, Davis, Monroe, VanAllsburg, Hanna, Zichi. No: none. **Motion carried.**

O'Connell asked about the Miss Dig staking at the end of Blacksmith Trail. Art Crawford stated that the end of Southfield had also been staked. DeVries stated that the contractor had requested a Miss Dig staking for the connections to the new water main, and that because there was uncertainty about the location of the existing main, the staking was for the entire area. Hitchcock stated that the water main at the end of Blacksmith Trail jogs to the west just north of Wells Drive and goes under some trees before turning south and connecting to Wells Drive in order to avoid a drain culvert.

Art Crawford asked what the status was of the road project for Wells Drive. Mayor Zichi stated that the Council will make a decision within the next few meetings. Hitchcock stated that all of the residents will receive notification when it is placed on the agenda.

**c. Police Sergeant's Contract**

City Manager Hitchcock stated that the Police Sergeant's contract was different from the City's standard contract only in regard to provisions for termination without cause. Hitchcock explained that a lump sum payment of \$800 was being made and that there would be no claims for retroactive pay upon settlement of the police union contract. Hitchcock stated that Officer Hull would be attending staff and command training as part of his new position.

Motion by **Hanna**, seconded by **Hyne**, to approve the Police Sergeant's Contract as presented. Yes: O'Connell, Davis, Monroe, VanAllsburg, Hanna, Zichi, Hyne. No: none. **Motion carried.**

**d. Fraud Risk Management Policy**

City Manager Hitchcock stated that a revised version of Resolution 04-06 was presented at the table. This version contained typical resolution language including whereas and therefore clauses at the beginning.

Motion by **Hanna**, seconded by **O'Connell**, to approve Resolution 04-06, Fraud Risk Management Policy, as presented at the Council table. Yes: Davis, Monroe, VanAllsburg, Hanna, Zichi, Hyne, O'Connell. No: none.  
**Motion carried**

**e. City Property Use Policy**

O'Connell stated that he disagrees with the phrase "strongly discouraged" in reference to category 3 and category 4 users. Davis stated that the charges should be consistent for all categories. Attorney Stoker stated that other communities charge a refundable security deposit to cover clean-up costs if necessary. Stoker also stated that "governmental" should be added to category 1. Zichi stated that the City does not want to compete with landlords to provide facilities for commercial users. Zichi suggested that the wording for categories 3 and 4 could be changed to "encouraged for single event or occasional use." Hyne asked how the property use policy would affect the proposed band shell. Hitchcock stated that the band shell would be treated the same as other facilities because it would have locked rooms.

There was general consensus for staff to make the changes discussed and to have a revised version for the next Council meeting.

**9. Discussion Items**

**a. Community Center Issues**

City Manager Hitchcock stated that staff had followed up on the issues raised at the previous Council meeting and asked if there were additional questions. O'Connell stated that he felt the City was moving in the right direction on the project, and asked about the sealed drawings for the support construction. Hitchcock stated that they had been delivered to this meeting by Capital Consultants. Hyne asked if the mold could be related to the ~~heating~~ **air conditioning** system. Secretary Garnham explained that the building has a hot-water baseboard heat system and there was no forced-air system that could spread the mold spores to other areas.

Davis asked Zichi what the status of the Library Joint Building Authority was for Wheatfield Township. Zichi stated that he and Superintendent Martin had attended the last Wheatfield Township meeting and that the Township was considering whether to put the JBA on their next meeting agenda.

Melanie Schall stated that she had noted a letter from Professional Inspection Consultants in the packet, and asked who had retained the company to perform the mold sampling. O'Connell stated that he had contacted Jeff Bartrem to perform the sampling and that he had paid for it himself. Schall asked if O'Connell had obtained permission from the Williamston Public Schools to enter the building basement. Hyne asked for the City Attorney's opinion on the right to enter a public building. Attorney Stoker stated that this fits in the City's property use policy. Stoker stated that even in public buildings areas such as basements are not considered accessible to the public. O'Connell stated that the area was open and there were other people there at the time the sample was collected.

Hanna stated that it was good to have questions and concerns, but that they should be discussed in open Council meetings or brought to the attention of the City Manager so that they can be pursued in an organized manner. Hyne stated that if there were circumstances of concern to O'Connell that he should have the ability to make a decision and gather information. Hanna stated that the Council should take actions as a group.

An audience member stated that the City should have practiced due diligence and had the testing done before signing a lease or working in the building.

**b. Downtown Fire**

City Manager Hitchcock stated that she was sure the Council was aware of the fire that had occurred on March 2<sup>nd</sup> at the Williamston Bucket. Hitchcock stated that the City's building inspector had met with a structural engineer from the building insurance company, and they had determined that there was no danger of the building collapsing. Hitchcock stated that the concern is for how much of the outside walls can be saved, especially the east wall as it is a shared wall with Elizabeth Williams' dance studio. Hitchcock stated that Community Development Director Alfredson had been in contact with the affected business owners, that there had been a lot of damage at Grand River Floral, minor damage at KTB Computers and a lot of repairs needed at Elizabeth Williams' studio and apartment.

Hanna stated that the firefighters had done a great job, and Zichi concurred. Monroe stated that an article in the newspaper mentioned that they had been close to running out of water, and asked how this related to the City's current water projects. Hitchcock stated that the new well will have higher capacity than any of the current wells, and that the water main loop improves the system reliability.

**10. Correspondence Received / Information Only**

**a. Ingham County Mutual Police Assistance Agreement**

Hitchcock stated that the agreement will be on the next agenda for action. Hanna asked why the City of Perry was not included in the agreement. Hitchcock stated that they are outside of Ingham County, and that this is a county-wide agreement for police protection, not fire.

## 11. Staff Reports

### a. **City Manager**

Hitchcock stated that the Farmers' Market vendors had requested that the market open earlier, on the Thursday before Memorial Day, so that they could sell seedlings to people planting their own gardens. Hitchcock stated that the primary election held on February 21<sup>st</sup> went smoothly, but that there was low turnout. The next election will be on March 14<sup>th</sup>, and the City Council meeting will have to be relocated.

John Pratt asked if election worker staffing had been reduced to save costs. Hitchcock stated that there had to be at least three people present at any time, so four were scheduled in case someone has to leave.

### b. **City Attorney**

Nothing to report.

### c. **Community Development Director**

Zichi stated that the Red Cedar River cleanup was scheduled for May 20<sup>th</sup> from 9:00 a.m. until 12:00 p.m. and encouraged the public to attend.

### d. **Water & Wastewater Reports for January 2006**

Hyne asked whether the City would be affected by the lowering of the arsenic standard. Garnham stated that the City's water supply was tested for arsenic, and the results were well below the new limit.

## 12. Committee / Sub-Committee Reports

### a. **Legislative Director**

O'Connell stated that he has nothing to report.

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

Bill St. John thanked the City staff for helping to get the street lights on Hickory Lane and South Circle Drive repaired by DTE Energy.

Kevin Smith thanked the Council for keeping the website up to date, and asked about the formation of a Planning Commission sub-committee.

## 14. Council Member Comments

**Monroe** – no comment.

**Davis** – no comment.

**Hyne** – stated that she had concerns about ~~the procedure for providing information to the Council outside of packets~~ **an ongoing project**. She had

requested a copy of the Community Center and Deer Creek Park appraisal, and was questioned by staff. She was told that the appraisal was available **during office hours** for her review, and that staff would be at City Hall until 7:00 p.m. that night if she would like to review it. She was told by a staff member that she had to fill out a Freedom of Information Act (FOIA) request. The City Manager emailed her a summary section of the appraisal, but it did not have the information she needed. She came into City Hall and filled a FOIA and was called in two days to pick it up. The charge for the document was \$86.84 plus \$11.40 mileage. She was disturbed and concerned about this incident, and felt that it was inappropriate for City Staff to question a Council Member when they requested a document. She stated that the whole policy was unacceptable and ~~inhibited~~ **restricted** her ability to do her job. She stated that she had ~~checked the Michigan Municipal League website~~ **contacted the Michigan Municipal League** for information on FOIA policies as well as speaking to the Senate Majority Leader. She stated that she was tired of the lack of respect.

City Manager Hitchcock stated that the document in question was bound, over 1½ inch thick, contained colored maps, and was not something that could be readily copied at City Hall. Hitchcock stated that Hyne said she needed the document that day, and had requested that Hitchcock place it in an envelope outside the door so that her daughter could pick it up. Hitchcock stated that she had told Hyne it was the City's only copy and it could not be loaned out. She had asked Hyne to come in and review the document to see if there were specific sections she wanted copied as opposed to the whole document. She had told Hyne there was a section labeled "summary" and asked if Hyne would like her to email it. When Hyne agreed, she had copied the section so that it could be scanned and emailed. Hitchcock stated that the staff member who had questioned Hyne and stated that a FOIA might be required had told Hyne that she (the staff member) was not the Clerk and did not know what the specific procedure was. Hitchcock stated that she had taken the document out for copying the next day after receiving the FOIA, and that a staff member had to pick it up and pay for it out of pocket. Hitchcock stated that in the past the Council had passed a motion requiring Council Members to fill out a FOIA for documents that were requested individually, just like any other citizen. **Hitchcock stated that the portion of the Freedom of Information Act policy requiring submittal of all FOIA requests to the City Attorney was not being followed.** Hitchcock stated that she had told Hyne she disagreed with Hyne's position on the issue, and told her that the Council had the authority to change the policy.

Zichi stated that he had filled out a FOIA and paid for documents that were not related to active decisions of Council, and that it was his choice to go above and beyond what was required. Attorney Stoker stated that it was clear that Hyne was offered access to the document for review, and concurred that official records could not be removed from City Hall. **Hyne asked Stoker if this was common practice and he said it was not.** Stoker stated that the policy is a decision for Council and that if the Council decided

that copies will be provided to Council Members upon request, then the cost for copying needs to be budgeted, possibly in the legislative section of the budget. Zichi stated that there are not funds budgeted in the legislative budget at this time. Stoker suggested scanning and emailing documents to help reduce costs. Davis stated that the City should request multiple copies of documents or an electronic copy.

**Hanna** – the Williamston Theatre held a staged reading, and it was very entertaining. He encouraged everyone to attend the next reading, which would be held on March 25<sup>th</sup>.

**O’Connell** – he thanked people for attending Council meetings and said there were a lot of familiar faces in the audience. He encouraged others to attend.

**VanAllsburg** – no comment.

**Zichi** – the Williamston Theatre is hoping to hold a fully staged production some time this summer.

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

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

Meeting adjourned at 9:07 p.m.

Respectfully submitted by:

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Catherine Garnham, Executive Secretary

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Kenneth V. Zichi, Mayor

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