

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

Mayor Zichi called the meeting to order at 7:00 p.m. in Room 22 of the Community Center, 201 School Street, Williamston, Michigan. The Pledge of Allegiance was not recited as there was no flag present.

3. Roll Call

Present: Mayor Zichi, Mayor Pro Tem Hanna, Council Members Davis, Hyne, Monroe, O'Connell, VanAllsburg
Absent: none
Others: City Manager Hitchcock, Attorney Perrone, Executive Secretary Garnham
Visitors: Jeff Bennett, Frank Buzzitta, Art Crawford, Dan Frank, Brian Fryer, Eric Henning, Irene Hodge, Mike Thomas, Larry Twonk, Will Whelton

4. Approval of Agenda

City Manager Hitchcock stated that Jessica Lopez had been unable to attend the meeting, and requested that item #8 be removed from this agenda and placed on the next regular meeting 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)

Art Crawford asked about the placement of survey stakes on Wells Drive adjacent to Southfield that were labeled "curb height." Crawford stated that it was his understanding that the street portion of the project was on hold pending a Council decision. Mayor Zichi stated that setting a special meeting for that issue was on the meeting agenda. City Manager Hitchcock stated that the contractor was installing the water main and that the stakes were placed in order to ensure adequate cover for the new main, which would be placed in the road bed. Hitchcock also stated that the new water main would be connected to the existing water mains on Southfield, Georgia, Blacksmith Trail and Foxborough Drive, and that all of those areas were marked. VanAllsburg requested that City staff email Crawford additional information regarding this issue after speaking with the contractor and engineer.

6. Approval of Minutes – Regular Council Meeting of February 27, 2006 and Special Council Meeting of March 2, 2006

Hyne requested the following changes to the minutes of February 27, 2006: 1) page 4, item 9a, replace "heating" in line 7 with "air conditioning"; 2) page 6 in the second to last line, insert "about an ongoing project" after "concerns" and remove the remainder of the sentence; 3) page 7, first paragraph, line 2, insert "during office hours" after "available"; 4) page 7, first paragraph, line 11, replace "inhibited" with "restricted"; 5) page 7, first paragraph, line 12, replace "checked the Michigan Municipal League website" with "contacted the Michigan Municipal

League”; 6) page 7, paragraph 2, line 19, add the City Manager’s comment that “the portion of the Freedom of Information Act policy requiring submittal of all FOIA requests to the City Attorney was not being followed”; 7) page 7, paragraph 3, line 4, add “Hyne asked Stoker if this was common practice and he said it was not.” Motion by **Hanna**, seconded by **O’Connell**, to approve the minutes of February 27, 2006 as amended. Voice vote all Yes. **Motion carried.**

Motion by **O’Connell**, seconded by **Davis**, to approve the minutes of March 2, 2006 as presented. Voice vote all yes. **Motion carried.**

7. Accounts Payable

Hanna reported that the accounts payable, reference numbers 6320-6411, total \$94,463.67 and include a payment to Hart Well Drilling under consultant fees, and that item was on this agenda as item 9e.

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

9. Action Items

a. Resolution #05-06 – City Property Use Policy

Davis stated that the property use policy needs to be simplified. Davis recommended getting rid of the category groups or taking out the priority ratings, removing clause #5 and placing all users on a rate system, and removing the first line of clause #4. Davis recommended the following rate scale: \$20 per hour for the gymnasium; \$10 per hour for the senior center or senior activity room; \$5 per hour for all other rooms. Davis stated that the revenue from the room fees should be utilized for building maintenance and operation, especially refinishing of the gymnasium floor. Davis stated that the City should not subsidize any group, and that the Senior Citizens group would have to find someone to sponsor their room use costs.

Hanna asked who would get preference if a resident and a non-resident applied simultaneously. Davis stated that the staff member would have to make the decision, and that it was unlikely that this type of event would occur.

O’Connell agreed that clause #5 should be removed so that non-profit and for-profit users were treated the same. O’Connell stated that the rate schedule should be implemented now instead of waiting for the budget process.

Zichi asked how often the gymnasium floor would have to be refinished. Garnham stated that based on current usage it would probably have to be top coated once a year and completely refinished every five to ten years.

Garnham stated that the floor currently has bare spots and needs immediate attention.

Dan Frank asked when the fees would be collected. Davis stated the fees should be paid when the key is picked up. Zichi asked whether the fees should be due at the time the reservation is made as opposed to when the key is picked up. O'Connell stated that reservations could be made up to one year in advance, and collecting the fees at the time of reservation for an event held in the next fiscal year could cause accounting problems.

Art Crawford stated that if a group cancels several meetings without notice, they should lose their privileges.

VanAllsburg asked how this would affect ArtFest. Garnham stated that clause #4 of the policy specifies that the fees would be decided between the City Manager and the group. VanAllsburg asked about the rate for other rooms. Davis stated that it would be \$5 per hour for other rooms.

Hyne stated that if the policy was first-come first-served she was concerned that groups like the scouts and the Red Cedar Recreation Association that had continually used the building would be locked out and she wanted to make sure that did not happen. O'Connell stated that groups could reserve months in advance.

Monroe stated that when the Schools had meetings or events a custodian was on-site to lock up the building and clean up, and he asked how the City was going to take care of those tasks. Davis stated that the person who checked out the key was responsible for locking the building. Hitchcock stated that City staff would clean the following day.

Hyne stated that Attorney Stoker had referenced deposit fees at the previous meeting. Garnham stated that a refundable deposit was included in the revised policy.

Motion by **Davis**, seconded by **Hanna**, to amend resolution 05-06, City Property Use Policy, by removing the language for priority ratings, removing the first sentence in clause #4, removing all of clause #5, adding the language from clause #4 at the end of clause #8 for parks, and adding the following fee schedule with fees payable at the time the key is picked up: gymnasium \$20 per hour; senior center or senior activity room \$10 per hour; all other rooms \$5 per hour, and a refundable security deposit of \$50.

VanAllsburg asked if a security deposit would be needed for a single one-hour event. Zichi stated that that was correct. VanAllsburg stated that he did not agree with that. Zichi stated that the purpose of the security deposit was to prohibit damage. VanAllsburg asked if the School System charged a security deposit. Zichi said he was not sure.

Hyne stated that she had a question in regard to the \$10 per hour fee for the Senior Center. Hyne asked if the Senior Center had a regular room they use, and whether it was reserved for their use. Davis stated that other organizations could use the Senior Center. Hyne asked if other organizations use it now. Zichi stated that they did. Hyne asked if the Senior Center would be billed just for the time they were actually there, or for the time the Senior Center Director was there. Davis stated that the Director was not full-time, and that she (the Director) was there three days per week. Hitchcock stated that the Senior Center is in use approximately 10 hours per week. Hyne asked if it were correct that the Senior Center would be paying \$100 per week. Zichi said that was correct.

Hanna asked about the library room across from the Senior Center. Hitchcock stated that it is used to play cards and similar activities. Hanna stated that it was similar in size to the Senior Center. O'Connell stated that use of the activity room should be \$10 per hour, the same as the Senior Center.

Zichi asked if there were any more questions or discussion. Hearing none, Zichi called for a vote on the motion. Yes: Hanna, Zichi, Hyne, O'Connell, Davis, Monroe, VanAllsburg. No: none. **Motion carried.**

b. Ingham County Mutual Police Assistance Agreement

Zichi stated that this policy would formalize the current practice. VanAllsburg asked what would happen if the City allowed police to respond to an emergency outside the City and the City was left without police coverage. Zichi stated that the officer in charge would have to determine whether there were officers available to respond. VanAllsburg asked if part-time officers would be called in. Hitchcock stated that when a large incident occurs the part-time officers are called in. Hitchcock stated that in many instances, City officers would secure a scene and then leave when relieved by the County.

VanAllsburg asked if City officers would require additional training in order to respond to events such as riots. Hitchcock stated that they would not respond as they do not have the appropriate equipment. Zichi stated that clause #5 of the agreement states that there would be no penalty if they do not respond.

Attorney Perrone said there were a few slight changes to the final version of the document: in item 3F "reasonable" was changed to "reasonably" and in item 1A the "Board of Trustees" was changed to the "Vice President of Operations" and the "Michigan State University Chief of Police."

Motion by **Hanna**, seconded by **Davis**, to approve the agreement as amended. Yes: Zichi, Hyne, O'Connell, Davis, Monroe, VanAllsburg, Hanna. No: none. **Motion carried.**

c. Request from Red Cedar Recreation Association for Community Center Keys

Hitchcock stated that there was an additional request on the Council table from the School's Aquatic Director for a key.

Davis stated that issuing the keys would go against the current policy as well as the money that was spent to re-key the Community Center building. VanAllsburg stated that they should issue the keys. O'Connell stated that the current policy should not be changed. O'Connell stated that the City had spent money to make sure the Community Center building was secure. VanAllsburg stated that the City should trust them until proven otherwise. Davis stated that it would set a precedent against the current policy.

Zichi stated that the current policy helps control the building use so that the City staff knows who is using the facility. Hanna stated that it was not a reflection on the organizations or individuals that they were denied keys; it is just a control issue.

Motion by **Davis**, seconded by **Monroe**, to deny the requests from the Red Cedar Recreation Association and the Aquatic Director for keys to the Community Center.

Hyne stated that the organizations that were making the request were responsible organizations. Garnham stated that it was necessary to control the keys in order to control the building use and to ensure that groups that had scheduled events did not have conflicts with unscheduled uses. Hyne stated that she did not want to see the money that was just spent for locks go down the drain. Monroe stated that the denial should be sent in writing.

Zichi called for a vote on the motion. Yes: Hyne, O'Connell, Davis, Monroe, VanAllsburg, Hanna, Zichi. No: none. **Motion carried.**

d. EDC Appointment – Mike Thomas – term to expire 6-30-09

Mayor Zichi stated that although Mike Thomas had not checked EDC on his board application, Zichi had talked to him about the appointment and Thomas said he would be willing to serve on the EDC. Zichi stated that after this appointment there would still be one vacancy on the EDC. Zichi recommended that the Council appoint Mike Thomas to the EDC. Zichi said Thomas had many good ideas and was a long-term resident of the City.

Motion by **Hanna**, seconded by **Monroe**, to appoint Mike Thomas to the EDC for a term to expire June 30, 2009. Voice vote all Yes. **Motion carried.**

Dan Frank stated that the next EDC meeting would be held on Monday, March 20th at 6:00 p.m. so that the EDC members could attend the Planning Commission Master Plan Workshop.

e. Well #9 Pump

Hanna stated that the City would save approximately \$3,000 by paying Hart Drilling directly as opposed to running the cost through the contract with Irish Construction. O'Connell stated that the expense had already been approved as part of that contract. There was no further discussion or action.

f. Set Special Meeting for Street Connection

Zichi stated that a meeting was proposed for the week of March 20th. Zichi stated that the Planning Commission meeting was on Monday and the DDA meeting was on Tuesday. Hanna asked when the MML Legislative Conference was and Hitchcock stated it was on Wednesday, March 22. Zichi stated that both Thursday and Friday were clear on his calendar.

Motion by **Hyne**, seconded by **Hanna**, to set a special meeting for the street connection for Thursday, March 23, 2006 at 7:00 p.m. Zichi stated that staff would pick the location after determining what was available.

A resident stated that they had heard alternatives were being proposed and they wanted to know if they were available for review. Zichi stated that the engineer was putting the alternatives together. Hitchcock stated that the alternatives would be available before the meeting. Art Crawford asked that the current proposal, as included in the construction contract, not be one of the proposals for consideration. Zichi stated that it should be included for comparison.

Hyne asked if a special resident committee could be set up at the meeting. Hanna stated that the Council needed to make a decision so that the contractor could be directed what to do. Hitchcock stated that either they need to direct the contractor or pull that portion of the contract. Zichi stated that removing it from the contract now and then remobilizing later would cause increased cost.

Davis asked if anyone had come forward with ideas following the two public meetings. Hitchcock stated that they had not. Zichi stated that ideally the contractor would have one change order with a new plan. O'Connell asked if the Council had approved the contract with this in it. Hitchcock stated that the design had been approved early last year and the actual contract with Goldstein Enterprises had been approved last fall.

Hyne asked if since so many residents were involved if she could make a motion to form a committee of residents. Zichi stated that there was

already a motion on the table. Hitchcock stated that the person who made the motion could withdraw it. **Hyne withdrew her motion.**

VanAllsburg stated that the Council needs to accept the fact that the road connection needs to be pulled out of the contract; then everyone would feel better and could take as much time as they need to make a decision. Hanna stated that he felt the residents deserve a decision by Council.

A resident requested that they receive the proposals and have time to review them. Zichi stated that he did not want to delay the process any more. Hitchcock stated that her intent in requesting a special meeting was so that this was the only item on the agenda so people would not be waiting and other business would not be necessary.

Motion by **O'Connell**, seconded by **Hyne**, to remove the road connection from the construction contract and instruct the engineer to submit alternatives to review in the future that do not include the road connection, but have alternatives such as walking trails or a roundabout.

Hitchcock asked O'Connell if he was requesting a change order to remove the road work from the contract. Davis stated that a change order should not be requested, and that they should wait until they see the options first before they issue a change order either to withdraw that part of the contract to implement a new plan agreeable to the Council and the residents. Zichi stated that he agreed with Davis. Hanna stated that the Council would have to make a decision at the meeting. O'Connell stated that they should review the options at the next meeting and have alternatives instead of a road connection. VanAllsburg asked what type of alternatives. O'Connell stated a walkway, cul-de-sac, bike path or some other connection besides a road from Foxborough to Blacksmith Trail.

VanAllsburg asked if it was the goal to meet the current City standards for emergency vehicles, or not. Zichi stated that either they had to meet the standards or change the standards. Davis stated that the alternatives do not meet current standards if the road connection is removed.

Hitchcock stated that the Council should be aware that the developer of Plymouth Landing was required to purchase additional land and incurred additional costs, which could be a legal issue and possibly a lawsuit. VanAllsburg asked whether if the road were not connected they could sue the City. Hitchcock said the developer was following the meetings closely.

Davis stated that it came down to costs and if the Council withdrew the portion of the contract and then changed to another plan it would have additional costs. Hanna stated that it was premature to remove the road connection now, and that they should wait for the alternatives.

Hyne asked if the City Attorney could issue an opinion on the possible legal issues with Plymouth Landing. Hitchcock stated that they could, but it would be attorney-client privilege information. Eric Henning stated that the residents of Blacksmith Trail could also sue if they connected the road.

Zichi called for a vote on the motion. Yes: Hyne, O'Connell, VanAllsburg. No: Davis, Hanna, Monroe, Zichi. **Motion failed.**

Motion by **Hanna**, seconded by **Davis**, to set a special meeting on the road connection for Thursday, March 30, 2006 at 7:00 p.m. in a place to be determined by staff, and to instruct the engineer to provide the options as soon as possible and to distribute them to everyone.

An audience member asked how the Plymouth Landing issue related to the road connection issue, and asked that it be included in the discussion so that there was a better understanding of liability. Zichi stated that it probably was not clear to the general public.

Zichi called for a vote on the motion. Yes: Monroe, VanAllsburg, Hanna, Zichi, Davis, O'Connell. No: Hyne. **Motion carried.**

10. Discussion Items

a. **City Council Document Request Policy**

O'Connell stated that it was useful to be able to check out documents. Hanna stated that reasonable accommodations to review documents, such as a place to sit, might be included. Mike Thomas suggested that the City provide electronic documents instead of copies. Davis stated that they should request electronic documents from contractors.

Hyne stated that she had talked to the Michigan Municipal League about elected officials requesting documents. Hyne stated that she did not understand how it got to this point, but that the policy was a step in the right directions. Hyne stated that she had still incurred a bill for her previous request, and stated that she had an issue with the current FOIA policy requirement to send all FOIA requests to the Attorney not being followed.

O'Connell asked if they could adopt the policy. Zichi stated that it would have to be moved to an action item.

Motion by **Davis**, seconded by **O'Connell**, to move item 10a, City Council Document Request Policy, to an action item on the agenda. Voice vote all yes. **Motion carried.**

Motion by **Davis**, seconded by **Hyne**, to adopt the City Council Document Request Policy as presented as Resolution 06-06. Yes: Davis, Monroe, VanAllsburg, Hanna, Zichi, Hyne, O'Connell. No: none. **Motion carried.**

Motion by **O'Connell**, seconded by **VanAllsburg**, that the appraisal document previously requested by Michelle Hyne be created as a loan copy for check out under Resolution 06-06. Voice vote all yes. **Motion carried.**

11. Correspondence Received / Information Only

Zichi called attention to the letter regarding historic homes from Sara Vogl and Jessica Hall that was presented at the Council table.

b. NIESA Letter Re: Emergency Sirens

Zichi stated that he had concerns about the cost to implement the change, as well as staff time and coordination to implement. Hanna stated that police department was switching to the same system as NIESA, and that they would not be able to activate the sirens either. Hitchcock stated that she would be meeting with the contractor that maintains the sirens to discuss the issue. Zichi stated that there were alternative means of communication, such as telephones, ham radios, and others. Hanna stated that NIESA was proposing placing radios in schools and similar places so that they could be notified.

12. Staff Reports

a. City Manager

Hitchcock encouraged everyone to come out and vote tomorrow.

b. City Attorney

Nothing to report.

c. Planning & Development Administrator

There were no comments.

d. Community Development Director

Hanna stated that he had spoken to Republic Bank and that they were gathering statistics on ATM usage on Thursday nights.

13. Committee / Sub-Committee Reports

a. Legislative Director

O'Connell stated that the state budget is in process, but there is no public information at this point. O'Connell stated that there was an upcoming issue regarding cable and telecom providers. O'Connell reminded everyone about the election.

c. Planning Commission Minutes of March 6, 2006

Zichi stated that the Planning Commission was holding two meetings a month due to the Master Plan. Zichi encouraged everyone to participate in the Master Plan process.

14. Audience Participation (non-agenda items)

Art Crawford stated that there was an editorial in the Enterprise that stated that residents were frustrated with policies in the City and urged residents to get involved early on. Crawford stated that in regard to the road connection issue, people had come to speak and feel that they are disregarded. Crawford stated that it appears the Council has a hidden agenda.

VanAllsburg stated that he appreciated their frustration, but the action by the residents has been successful. Crawford stated that the residents should have found out about the project from the City, not from a state notice. VanAllsburg stated that the Council needs to go the extra mile to involve residents in controversial issues such as the road connection or lighting ordinance. Hyne stated that the Council should learn from their experiences with the lighting ordinance.

15. Council Member Comments

VanAllsburg – the Williamston Theatre is moving forward with building renovations. Meijer has agreed to be a corporate sponsor for the Williamston Theatre. He stated that the commercials for the City are “formula” town commercials and need to be more creative.

O’Connell – the Community Development Director’s survey indicated that 58% of businesses who responded do not want to participate in the Thursday Open Late advertising campaign. O’Connell stated that he had read the Senior Center Update and that the Mayor’s comments about “people attempting to wrest defeat from the jaws of victory” and their concerns being silly, and that he (O’Connell) felt the comments were directed to his concerns. Zichi stated that the comments were not in regard to O’Connell’s specific concerns. O’Connell stated that people had the perception that his concerns were silly. Zichi stated that issues such as the boiler that were raised at Council meetings were being raised to create trouble in temporarily moving the library. O’Connell stated that safety was a concern and the City needed to slow down the process.

Hanna – said that the problem with the advertising campaign may just be that Thursday is the wrong night, and perhaps Friday would be better. VanAllsburg stated that Cappuccino Espresso has had more traffic and that they had been moderately successful because of the later hours.

Will Whelton, Enterprise Reporter, stated that he had read the commentary regarding the silence by the Planning Commission on the TSC issue. Zichi stated that it was a discussion item only, not a decision item.

Hyne – she was pleased that the Council had passed the document request policy, but was disappointed that they had to go to this extreme to get here.

Davis – was the YMCA a dead issue? Zichi stated that the \$5 million proposed was not feasible. Davis stated that she had understood that the issue was going to the Parks & Recreation Commission, but that it appeared now that it was not going to happen ever. Dan Frank stated that the EDC had proposed the ice house for the YMCA project.

Monroe – asked what happened at the Wheatfield Township meeting in regard to the Library Joint Building Authority.

Zichi – the Joint Building Authority is on the April agenda for Wheatfield Township to take a yes/no vote. This will occur 61 days instead of 60 days after the Council's motion on this issue.

16. Closed Session – FOP Union Negotiations

Motion by **Hanna**, seconded by **Monroe**, to go to Closed Session to discuss Fraternal Order of Police union negotiations. Yes: Hanna, Zichi, Hyne, O'Connell, Davis, Monroe, VanAllsburg. No: none. **Motion carried.**

Closed session started at 9:10 p.m.

Motion by **Hanna**, seconded by **O'Connell**, to return to Open Session. Voice vote all yes. **Motion carried.**

Returned to Open Session at 9:39 p.m.

No action on Closed Session.

17. Adjourn to the Call of the Chair

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

Meeting adjourned at 9:40 p.m.

Respectfully submitted by:

Catherine Garnham, Executive Secretary

Kenneth V. Zichi, Mayor

Date approved: _____