

**CITY OF WILLIAMSTON
CITY COUNCIL
MARCH 27, 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 Michelle Hyne, George Monroe, Brian O'Connell, and Scott VanAllsburg. Absent: Penny Davis.

Motion by **VanAllsburg**, second by **Hanna**, to excuse Davis. **Motion passed by voice vote.**

Also Present:

Deputy Clerk Holly Thompson, City Manager Lisa Hitchcock, City Attorney Dave Stoker, JFM Productions, *Enterprise* Reporter Will Whelton, EDC Member Mike Thomas, citizens Elizabeth Williams, Robert St. John, Terri Campbell, Rick and Nancy Williams, John and Kathleen McAuliffe, Bob and Betty Larkin, Lonny Schwartz, Marge Stillwell, Eileen Sheridan, Irene Waligorski, Georgia Esch, John Morrish, Irene Allan, Carol Synck, Marirose Corrillo, Gertrude Eifert, W.G. Upleger, Virginia Taschner, Barb Donahue, Virginia McCausland, Mildred Hill, Ray Hansen, Travis Jacobsen, Jack Corey, and Walt and Jean Petsch.

4. Approval of Agenda:

Add 10g. Charitable Gaming License for Williamston Theatre Group.

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

5. Audience Participation:

Elizabeth Williams of Elizabeth Williams Dance Studio read aloud the report she received regarding her building. On February 22nd the fire at the Bucket caused her to vacate her apartment located next to the Bucket due to smoke and water damage. She was also forced to temporarily vacate the dance instruction business she operates below her apartment. All the carpeting was removed from the dance studio, and there was water damage to the newly painted walls of the studio. Damage was done to the roof from burning debris. The ceiling of the apartment was damaged by firefighters trying to get to the fire from the roof. No classes were held in the studio for a week. All the clothes in the apartment were removed for cleaning. The fire wall between the studio and the Bucket was inspected by a structural engineer to determine whether the wall would need to be replaced or repaired. It took a week for the wall in the Bucket to be exposed in order for the structural engineer to make his determination. The Building Inspector for the City was asked to provide a report based on the decision made

by the structural engineer. This report was to contain the proper way to repair the wall between the studio wall and the Bucket. For the past two weeks the Building Inspector said he would share this report with her and the contractor so they would know how to proceed. In the past two communications with the Building Inspector he said he would not share the information with her. She has been out of her apartment for a month and does not know when she will be able to move back in. She would like to be able to move forward with the repairs soon to inhabit the studio and apartment again. The structural engineer did share his report with her. She asked that the Council and Planning Commission pay close attention to this report and with the repairs that his contractor will be doing. Upon repair she would like the Building Inspector to write a report to the Council, Planning Commission, and to herself without any problems.

Manager Hitchcock responded that the Building Inspector is a contractor so any reports from him will have to go through the City. She received the reports today which were distributed to the Planning and Development Administrator, Police Chief, and Community Development Director. The Building Inspector is waiting for plans from the architect, because he's not going to make a determination on what a structural engineer says. He will make his determination based on plans that are submitted. He either approves the plans or denies them, but cannot tell them how to proceed.

Councilmember Hyne questioned if the Bucket owner could be given a time frame. **(Council clarified the statement, saying that the time frame was for the Building Inspector)**

Manager Hitchcock stated that no, the City cannot do that because it is his property.

Mayor Zichi commented that the only thing that the City could do is condemn the building.

Attorney Stoker stated that the City could condemn the building if they felt that it was unsafe. To actually have it removed, there is a way to hold the insurance money until the building is torn down. It cannot be made to happen quickly. If it is a joint wall, he advised that Ms. Williams attorney would need to deal with the problem.

Ms. Williams commented that cracks in the wall were not repaired from the beginning on his side. Until his side is taken down or repaired it is useless to repair her side. People from the Bucket had been fixing the cracks with caulking rather than mortar. Her heating bill has gone up \$100 a month. Her ballroom dancing class has gone from 16 couples to 2 with many other customers stating they will not return until the problems are fixed.

Attorney Stoker advised that her legal counsel would need to work with the owner of the Bucket to try and resolve these issues.

6. Council Minutes of March 13, 2006:

On page 5, item 9c. 12 lines from the bottom, change "none" to "VanAllsburg" and remove "VanAllsburg" from the yes votes. On page 7, in the last paragraph insert "Penny said there could be a lawsuit either way on the road connection issue." after "additional costs." On page 10, item 15., under O'Connell's comments, O'Connell would like the survey referenced in the minutes. On page

10, in the last paragraph change "Will Whelton, Enterprise Reporter" to "Hanna" and change "Zichi" to "Hanna".

Motion by **Hanna**, second by **VanAllsburg**, to approve the minutes of March 13, 2006 as amended. **Motion passed by voice vote.**

7. Accounts Payable:

Councilman Hanna reported that the accounts payable totaled \$120,340.05 and included payments to the consultants, insurance, utilities, audit, and other miscellaneous supplies and services. Reference #'s 6412-6498.

Motion by **Hanna**, second by **O'Connell**, to approve the accounts payable as presented.

Discussion: Councilperson Hyne asked what the Tetra Tech invoice was for. Manager Hitchcock answered that it is for work done in the Industrial Park that they have been contracted for with the developer. The money is taken out of the escrow account for that project.

Vote on motion: Yes: O'Connell, Monroe, VanAllsburg, Hanna, Zichi, Hyne. No: None. **Motion passed.**

8. Presentation of Proclamation to Jessica Lopez:

This will be on the next agenda.

9. Presentation of Proclamation to Brad Simmons:

This will be on the next agenda.

10. Action Items

10a. Resolution #05-06 City Property Use:

City Manager Lisa Hitchcock reported that there are two resolutions for Council's consideration. The first one is the resolution that was adopted at the last meeting, the second resolution reflects the exceptions of the Senior Center and Food Bank. The second resolution will require an agreement with the Senior Center and Food Bank.

Attorney Stoker stated that an in kind contribution would have to be made by the Senior Center and the Food Bank in the form of service to the community.

Councilman VanAllsburg commented that he believed that the Council was misled by the idea that the schools were charging the Senior Center and the Food Bank, and they were not.

Councilman Hanna commented that he did not feel misled, but he felt he should have known better.

Councilperson Hyne commented that when she was asking questions, she asked about the amount of hours they are there and was told it was only approximately 10 hours and it is nearly double that amount. She stressed to the Council that they need accurate information to make these kinds of decisions.

Councilman O'Connell asked if there are any other financial obligations they are requesting from the City besides phone, internet access, and space.

Nancy Williams replied that she does not believe so, but would request that the Council consider allowing Take Pounds off Sensibly (TOPS) to use the Senior Center as well, to make it easier for seniors to take part in the program.

Councilman VanAllsburg questioned if the City could make it so no one paid for the use.

Attorney Stoker commented that the City cannot give away usage, but groups could provide services as compensation.

Councilman Monroe agreed that he does not want to charge money for usage.

Motion by **Hanna**, second by **Monroe**, to reconsider the property policy that was approved at the last meeting. Yes: Monroe, VanAllsburg, Hanna, Zichi, Hyne, O'Connell. No: None. **Motion passed.**

Councilman O'Connell believes the Council should stick with just allowing the Senior Center and Food Bank to use it with an agreement.

Councilman VanAllsburg believes that any non-profit should be able to use the rooms.

Councilman Monroe echoed VanAllsburg's comments.

Councilmember Hyne commented that if perhaps the groups agreed to clean the room when they are finished that would be considered a service to the City.

John McCauliffe commented that the Boy Scouts are already not going to be able to rent the room any longer because of the charge. The fees worked out to \$5 per boy per month.

Councilman VanAllsburg commented that this policy is mean spirited because non-profits are serving the community.

Councilmember Hyne commented that the City has purchased the building and it needs repairs that cost a lot of money.

Councilman VanAllsburg replied that this is why people pay taxes.

Mayor Zichi pointed out that the State charges taxpayers for permits to go into a State Park.

Councilman Monroe commented that he does not believe the schools currently charge for room usage and added that there has to be a way to pay for those expenditures.

Councilman O'Connell asked what is going to have to be cut out of the City's budget to pay for the new expenditures of the building.

Kathleen McAuliffe commented that she believed that the purchase of the Community Center was supposed to be a cost savings with consolidation of the City assets. If the Council did not do their homework and did not know the building was going to cost that much to renovate, then the Council is rushing in to much more than the public thinks they are.

Terri Campbell commented that the Boy Scouts give a service to the community by doing their Eagle Scout Projects to improve the City.

A citizen commented that the senior center is used by people in other townships. Could the surrounding townships be approached for help with funding?

Another citizen replied that the townships have already been approached for help with funding.

Motion by **O'Connell**, second by **Hanna**, to accept the proposed resolution including agreements made with the Senior Center and Food Bank. Yes: Zichi, Hyne, O'Connell, VanAllsburg, Hanna. No: Monroe. **Motion passed.**

Motion by **Hyne**, second by **Hanna**, to direct the City Manager to contact the Girl Scouts and Boy Scouts to work on agreements with them to provide a service back to the City in lieu of payment for Community Center use. **Motion passed by voice vote.**

Nancy Williams thanked the Council for reconsidering the resolution.

10b. Set Dates for Budget Workshops:

Motion by **Hanna**, second by **O'Connell**, to set the budget workshops for Saturday, April 22nd at 9:00 a.m. and Saturday, April 29th at 9:00 a.m. **Motion passed by voice vote.**

10c. Resolution #07-06 Accepting MDOT Contract for Project STP 0633(012) for E. Riverside:

Mike Thomas asked how many trees will be removed on East Riverside Street. City Manager Hitchcock stated that she did not have the information with her to answer that question. Some trees will be removed to meet ADA requirements for sidewalks.

Robert St. John commented that the project should be well publicized.

Manager Hitchcock stated that this has already been done. Surveys and information was sent to each property owner.

Mike Thomas commented that the City used to have a tree planting policy.

Mayor Zichi commented that it may be a good project for the Parks & Recreation Commission.

Manager Hitchcock reported that some of the sidewalks have to be closer to the road to protect the resident's privacy and required more trees to be removed.

Motion by **Hanna**, second by **Monroe**, to approve resolution #07-06 accepting MDOT contract for project STP 0633(012) for East Riverside Street as presented. Yes: Monroe, VanAllsburg, Hanna, Zichi, Hyne, O'Connell. No: None. **Motion passed.**

10d. Granting of Easement to Detroit Edison for Well House Electrical Service:

Manager Hitchcock explained that the easement includes one pole at the street, and the rest are underground. It is for electricity to the well house and will be a twelve (12) foot easement.

Motion by **Hanna**, second by **O'Connell**, to grant the easement to Detroit Edison for the Well House electrical service. Yes: Zichi, Hyne, O'Connell, Monroe, VanAllsburg, Hanna. No: None. **Motion passed.**

10e. Resolution #08-06 Slow Down to Get Around:

Manager Hitchcock reported that the resolution was presented by Granger Refuse Service. There are concerns that people are driving too fast and too close to service vehicles. She pointed out that last winter a car had driven too close to a City plow truck and was hit. City workers feel unsafe working on the streets. Councilman O'Connell commented that the resolution serves no purpose because it is already a state law and should be common sense. It will have no impact on safety.

Manager Hitchcock replied that Will Whelton could write an article in the *Enterprise* as a result to encourage safer driving around service vehicles. Councilman O'Connell stated he believes he could write an editorial on this regardless. Councilman Hanna stated he believes that it should be common sense but perhaps it will lend support to the cause. Mayor Zichi commented that there was a woman in Livingston County passing a service vehicle on a double yellow line and hit another car, killing the driver. People may need a reminder to be safe around service vehicles.

Motion by **VanAllsburg**, second by **Hanna**, to approve resolution #08-06 Slow Down to Get Around as presented. Yes: VanAllsburg, Hanna, Zichi, Hyne, Monroe. No: O'Connell. **Motion passed.**

10f. Board of Review Re-Appointment:

Motion by **Hanna**, second by **O'Connell**, to concur with the Mayor's appointment of Charles Keiser to the Board of Review for a term to expire 1-1-09. **Motion passed by voice vote.**

10g. Charitable Gaming License for Williamston Theatre Group:

The Williamston Theatre Group is having a charity event at the Brookshire Inn and needs a gaming permit for the Texas Hold Em' tournament.

Motion by **Hanna**, second by **VanAllsburg**, to approve the gaming permit for the Williamston Theatre for a charitable event to be held at the Brookshire Inn. **Motion passed by voice vote.**

13. Staff Reports

13a. City Manager:

Manager Hitchcock submitted a written report and added that she met with Councilman Hanna and a NIESA representative to discuss what will happen with the old fire house when the new one is built. Hitchcock thanked Catherine Garnham for her two years of service to the City.

Councilmember Hyne questioned the Tennis Boosters grant request and how they cannot get a grant for a facility that had not been properly maintained. Councilman VanAllsburg commented that they had the issue already worked out with the state.

Councilmember Hyne also questioned the zoning issue with the library sign. Manager Hitchcock replied that this will go to the Zoning Board of Appeals for consideration.

Councilmember Hyne questioned if there is enough parking for the library. Manager Hitchcock stated that there will be more than enough.

13b. City Attorney:

No report.

13c. Community Development Director:

Director Alfredson submitted a written report for Council review.

13d. Treasurer:

Treasurer Dolley submitted the financial report for February 2006 for Council review.

13e. Police Chief:

Chief Hetfield submitted reports for January and February for Council review.

13f. WWTP Reports:

A written report was received for the Waste Water Treatment Plant and water system.

14. Committee/Sub-Committee Reports

14a. Legislative Director:

Councilman O'Connell encouraged Council members to read the MML Legislative Link and added that he will have more to report at the next meeting.

15. Audience Participation:

John McAuliffe asked how the electricity is charged for the street lights. Manager Hitchcock responded that it is based on wattage and not actual usage and is a flat rate per fixture.

Robert St. John commented that there was a meeting regarding the future goals of the Williamston Waste Water System. He would like to see where the City is at this point and how much of the goals have been accomplished.

Mike Thomas commented that he would like to see Williamston Road within the City limits changed to Putnam for safety reasons and to make things easier for people trying to locate someone.

Manager Hitchcock responded that they are already discussing the issue and will send a letter out to people it would affect.

16. Council Member Comments:

Councilman VanAllsburg reported that the play reading at the Williamston Theatre was very funny and well attended. He added that the average age of the attendants was high and they would be looking for ideas on how to encourage a younger crowd to attend.

Councilman O'Connell commented that at all of the meetings where the Wells Drive connection was discussed, nearly all residents did not want the connection to take place. He hopes that there will be plans at the Wells Drive Connection

meeting to include cul de sacs and walking paths because people do not want road connections and all of the plans show them.

Councilmember Hyne commented that she remembers O'Connell's comments regarding the residents concerns regarding connecting Wallace Street to Plymouth Landing. She reminded people that would be impacted to attend the meeting.

Councilman Monroe commented that he believes people are resisting the idea of connecting Wells Drive to Plymouth Landing because they do not want people using it as a thoroughfare. He believes people would be happier with a gate there to allow only emergency vehicles through.

17. Closed Session- City Manager Evaluation:

Motion by **Hanna**, second by **VanAllsburg**, to go into closed session to discuss the City Manager's evaluation. Yes: VanAllsburg, Hanna, Zichi, Hyne, O'Connell, Monroe. No: None. **Motion passed.**

Closed Session Started at 8:50

Motion by **Hanna**, second by **Hyne**, to return to open session. **Motion passed by voice vote.**

Closed Session Ended at 10:28 p.m.

Action on Closed Session: There was no action taken on closed session.

Meeting Adjourned at 10:28 p.m.

Respectfully Submitted by: _____
Holly M. Thompson, Deputy Clerk

Kenneth V. Zichi, Mayor

Date Approved: _____