

**CITY OF WILLIAMSTON
CITY COUNCIL
JUNE 11, 2007
REGULAR MEETING MINUTES**

1. Call To Order:

The meeting was called to order at 7:01 p.m. by Mayor Kenneth Zichi and the Pledge of Allegiance was recited.

3. Roll Call:

Mayor Ken Zichi, Mayor Pro-tem Robert Hanna, Council Members Michelle Hyne, Penny Davis, George Monroe, and Scott VanAllsburg. Absent: None.

Also Present:

City Manager Lisa Hitchcock, Deputy Clerk Holly Thompson, City Attorney Timothy Perrone, Williamston Theatre Representatives Emily Sutton-Smith, Lansing Area Arts Council Representative Leslie Donaldson, McKenna Representative John Jackson, Red Cedar Grill Owner Craig Heath, and citizens John Donahoe, Terri Campbell, Mike Thomas, William Schall, Melanie Schall, John Pratt, and Dan Kazewych.

4. Approval of Agenda:

Motion by **Davis**, second by **VanAllsburg**, to approve the agenda as amended.
Motion passed by voice vote.

5. Audience Participation:

Mayor Zichi called for public comment at this time and there was none.

6. Council Minutes of May 14, 2007 and May 29, 2007:

Motion by **Hanna**, second by **Monroe**, to approve the May 14, 2007 Council minutes as presented. **Motion passed by voice vote.**

Motion by **Hanna**, second by **VanAllsburg**, to approve the Council minutes of May 29, 2007 as presented. Motion passed by voice vote.

7. Accounts Payable:

The accounts payable totaled \$40,792.47 and included payables for Permits and Inspections, Gasoline, Gormley Law Offices, Granger Stickers, Municipal Insurance, Janitorial Services, and other miscellaneous supplies and services. Reference #'s 8843-8914.

Councilmember Hyne requested a hard copy of the payables from Councilmember Davis.

Motion by **Davis**, second by **Hanna**, to approve the accounts payable as presented. Yes: Davis, Monroe, VanAllsburg, Hanna, Zichi. No: Hyne. **Motion passed.**

8. Public Hearing-2007/2008 Budget:

Manager Hitchcock reported that the EDC budget will be added later. A written explanation of each fund was added to the budget. There will be a 6% increase in the sewer and water funds. The water/sewer rates will not be increased until the analysis requested by Council comes back.

The Council asked that \$5,000 be put into the budget for the Theatre and Arts instead of the Red Cedar Recreation Association.

Emily Sutton-Smith commented that she is glad to see the City trying to support the arts. The Williamston Theatre is poised to be an anchor in Williamston. The audience has been smaller than projected, but the Theatre is committed to staying with Williamston. She commented that they are trying to use the money efficiently and their books are open for inspection. The Theatre provides high quality theatrical productions. The Theatre, Artfest, and Bandshell are poised to be the center for all forms of art and cultural tourism and the City should take a look in investing at this new industry to encourage economic growth.

Leslie Donaldson of the Lansing Arts Council stated that the arts are a good investment and create a vibrant community. Ms. Donaldson supplied facts and figures to the Council regarding the retention of arts in a community.

Craig Heath commented that since the Theatre opened his business has improved greatly on the nights the Theatre is going on.

Councilman VanAllsburg commented that the City of Lansing contributes \$40,000 to the Boarshead Theatre. Currently some of the staff of the Williamston Theatre is working without income. The Theatre is at a critical point where they could end up closing by the end of June because they do not have enough funding to sustain the Theatre. He would like to see if the City Council could give the Williamston Theatre \$10,000 before the end of June to keep them going.

Manager Hitchcock advised to have the Finance Committee meet to discuss the issue with action at the June 25 Council meeting.

Public Hearing Closed at 7:43 p.m.

9. Action Items

9a. Deer Creek Park Site Changes for Jubilee:

Motion by **Hanna**, second by **Monroe**, to approve the removal of dirt in north front of the sledding hill to give the demolition derby a 16' foot width to allow the

cars to pass. Yes: Monroe, VanAllsburg, Hanna, Zichi, Hyne, Davis. No: None.
Motion passed.

9b. Right of Way Landscaping on Wells Drive at the End of Blacksmith Trail:

Motion by **Monroe**, second by **Hanna**, to approve the proposal as presented from the Williamsburg Condominium Association to landscape on Wells Drive at the end of Blacksmith Trail with the condition that the plan needs to be reviewed by the emergency services. Yes: Zichi, Hyne, Davis, Monroe, VanAllsburg, Hanna. No: None. **Motion passed.**

9c. Agreement for Traffic Enforcement on Private Roads in Riverwood Subdivision:

Motion by **Hanna**, second by **Monroe**, to approve the agreement for traffic enforcement on private roads in the Riverwood Subdivision as presented. Yes: VanAllsburg, Hanna, Zichi, Hyne, Davis, Monroe. No: None. **Motion passed.**

9d. Fund Analysis and Rate Structure Review for Water/Sewer Funds:

Motion by **Hanna**, second by **Davis**, to approve the proposal from ACI Finance Inc. for the financial study for the water and sewer fund rates for an amount not to exceed \$4500 as presented. Yes: Hyne, Davis, Monroe, VanAllsburg, Hanna, Zichi. No: None. **Motion passed.**

9e. Budget Adjustments:

Motion by **Davis**, second by **Hanna**, to approve the 2006/2007 budget adjustments as presented. Yes: Hanna, Zichi, Hyne, Davis, Monroe, VanAllsburg. No: None. **Motion passed.**

9f. Posted Speed Limit on N. Williamston Road Between Industrial Park Drive and Linn Road:

Councilmember Hyne commented that she has received numerous complaints regarding the speed limit on N. Williamston Road and the perception of it being a speed trap.

Comments from Public:

Councilmember Davis: Why do we need to increase the speed limit?

John Pratt: Because they wrote so many tickets, that's why. It's a ticket trap.

Councilmember Davis: Have you ever tried to pull out of there?

John Pratt: Yes I have, yes mam. Several times.

Mayor Zichi: It's not easy because of the site distances.

Councilmember Davis: No it's not, because nobody does 25, they do 35 and 40 and then if you raise that to 35 they'll do 45 and 50.

Councilmember Hyne: I live on Putnam. I live right at the edge of town. I know what it's like pulling out; I have to back out instead of pull forward. So I can appreciate that, but also as a Councilmember I've had it voiced to

me many times from residents, business owners, to at least review it, or revisit it.

Mayor Zichi: Have the laws of physics changed any?

Councilman VanAllsburg: Remember we got 3 million letters from the High School.

Mayor Zichi: That's absolutely true and every single one of them says that 25 miles an hour is not fast enough and it needs to be 90.

Manager Hitchcock: You do have 2 studies that were done. One was from '98 the other is...

Councilmember Hyne: That's almost 10 years ago.

Mayor Zichi: Well, but the laws of physics haven't changed any.

John Pratt: The volume has changed.

Mayor Zichi: Your right the volume has changed, which means the speed would go down.

Manager Hitchcock: I will say the one, I can't understand it. I mean I've read through....

Councilmember Davis: It's barely 3/10 of a mile from where it goes 35 to 25.

Mayor Zichi: It is a very quick reduction and I think that's why people are startled by it.

Councilmember Davis: I don't think the problem is people coming through town.

John Donahoe: I drove that route for 15 years from Mason and back; I can assure you that everyone behind me stepped down right along with me because when I come into my town I slow right down and they get on my bumper. They will do that.

Susan Graff: I'd like to mention that everyone I know that visit our town perceives it as a speed trap and I would say...

Councilmember Davis: It's a safety issue.

Susan Graff: I'd like to finish please. It's because it drops to 25 and it's a downward sloping hill. It's very difficult to decrease your speed and you may say that people speed up there. A lot of tickets are written there. I can tell you 5 people that have gotten ticketed on that road right after coming down that hill and they are trying to break, and they are going 30, and they get written up.

Manager Hitchcock: I can guarantee you that does not happen. They might get a ticket for going 30 in a 25, but they're not going 30.

Councilmember Davis: It doesn't mean to increase the speed. It's not logical.

Susan Graff: I'm trying to tell you that it's the perception that Williamston has a ticket trap.

Mayor Zichi: You're right there is a perception, but the perception is not the fact. The fact is that it is a safety issue.

Councilmember Hyne: Can I make a comment?

John Pratt: Then why don't they go to Putnam and Church where they run the stop signs 3 times every hour? I mean come on this is crazy; we've got to stop this ticketing people. If you get a police report and the amount of

tickets that are written out there I think you'd be amazed at the amount of tickets between Linn Road and the Industrial Park.

Mayor Zichi: Interestingly enough Mrs. Schall has her hand raised and I'm going to ask her to recount the FOIA request a few years ago regarding the number of speeding tickets on that stretch of road. Go ahead Mrs. Schall.

Melanie Schall: When this happened, the speed limit was changed; there was only my husband and I that spoke out against it. We were blamed for the lowering of the speed limit. Nobody spoke out. The speed limit was changed so Doug Price could have his entrance onto Williamston Road. There's an issue of site distance. The traffic engineering, I've got all the studies. They hired a traffic engineer by the name of Ivan Bartha. I faxed the traffic study to Ingham County. The County faxed the study back to me; Mr. Bartha changed the numbers so it would pass. It passed with hand written notes, and hand written materials... it was um...

Manager Hitchcock: Savage?

Melanie Schall: No, he was the second one.... This isn't about traffic; it is about safety and safety only. Now what they do is beep the horn, people speeding up the hill will beep the horn to people coming out of the subdivision so people don't come out and get hit. It's about safety. The traffic speed limit says 25 you have two options, move the entrance or cut the hill down. If you want to believe Mr. Soumis, Mr. Soumis has a very different view. He says my driveway would be non-functional if they cut the road down as much they needed to because my driveway would be so low I would not be able to see out either side of my driveway.

Mayor Zichi: I'm not even convinced that, that's true because I think it's further down, closer to the wetland area that needs to be cut down.

Melanie Schall: I have all the papers, I would be glad to share it with you. I'll be glad to give you the comments from the Ingham County Road Commission. You have standards of safety that you follow, what are they part of?

Manager Hitchcock: The National Highway Safety Organization.

Melanie Schall: And you have parameters that you have to stay within for site distance. You cannot go against those. That's what the City has adopted. So either move the entrance or cut the road down. When Linn Road was being put in for the subdivision, Gary Theis had to pay \$20,000 to the City to cut that road down.

Mayor Zichi: Right, in order to allow that site distance necessary to put that road where he wanted it on Linn Rd.

Manager Hitchcock: And it cost more than that to do it.

Melanie Schall: That's right and we're going to have to pay when it should have been done originally.

Mayor Zichi: Since you raised that I will make that point; the difference is the access road on Williamston Road was done in 1999, the road on Linn Road was put in, in 2001 and the difference was that George and I were on Council at that point and we said no, the developer needs to pay the costs necessary for infrastructure improvements in order to allow the

development he wants. He's going to make a profit on this, absolutely, that's good, but he's going to have to make sure the taxpayers aren't footing the bill for his profit.

Melanie Schall: I was at that first meeting and Mr. Theis originally denied that the road needed to be lowered and I said what about the \$20,000 and he turned around and told me to shut my mouth. He tried to rip the taxpayers off so we were going to have to pay for the road lowering.

Mayor Zichi: Well fortunately that didn't happen for that entrance, and that's essentially what we're talking about now, is making the taxpayers pay for allowing the developer who built that subdivision. We can do that, but we have to decide whether or not that's an appropriate use of taxpayer money.

Councilmember Hyne: I guess my conversation at that discussion, I would say that Ms. Wilson was our City Planning Administrator, she does come with some qualifications...

Mayor Zichi: She's not a traffic engineer.

Councilmember Hyne: She....

John Pratt: She hired a traffic engineer, Mr. Mayor.

Councilmember Hyne: She has a background in urban planning she suggested a traffic study, to recommend that, and that's what I'd like to propose, number one I would like to know what the costs of a study be for something like that. Is it cost prohibitive? We do have engineers on...

(William Schall: Do you always speak out of turn?)

(John Pratt: I try Bill why not, let's take this outside.)

Mayor Zichi: Do we have an estimate on how much it would cost to do that study.

Manager Hitchcock: No. I was wrong there are 3 studies here, one is from 2003 which is just an active management plan.

Mayor Zichi: But understand, that is not going to do what we really need to do at this point and that is to give a cost analysis of what it is going to cost to change the elevations.

Manager Hitchcock: That would be my recommendation.

Councilmember Hyne: It may not be a requirement because with all due respect to each side of this, I've been told another side and I would just like to have that reviewed and see what the cost of that review would be because that has been a huge concern with business owners, residents, that the perception... I drive that road every day, twice a day, every single day and I'm sure there are people that speed, I'm not saying they don't, but I haven't seen anyone speed going out of town. I haven't, going up hill.

Mayor Zichi: Holy mackerel. Is there anyone else driving when you go?

Councilmember Davis: Is that why you got your eyes fixed Michelle?

Mayor Zichi: I'm sorry, go ahead Michelle.

Councilmember Hyne: That was a real professional comment. Anyway, I want to make sure we're responding to the residents and the people in the community to ensure safety, but also listen to their concerns and I have a concern I guess with perception. There's a way if we're going to have a

speed limit and its 25 and you have to ride your brakes through town. I do support our police department and I understand the directive of any employee to perform a duty, but I also don't think it sends a good message, and I've talked about this at that planning discussion, when I came into town, and I see a police car in the church yard, strategically behind a bush. I would prefer if we're going to do something like that to have a sign and I know that I've brought that up before that says please obey our traffic laws, have the speed limit stated, and how fast they are going instead of having a police car behind a bush. I just don't think that sends a positive inviting message and that's another point. And I would just like to request a cost analysis of having this study done, I'm interested in what Ms. Wilson's statements views are on this subject that the hill may not have to be cut down in order to increase the speed limit.

Councilman Hanna: Let me clarify something, I had a long conversation, Saturday night at a wedding reception with Ms. Wilson on this very subject and it was her recollection of a conversation that she thought the engineer said that. That's what she believes the engineer said it wasn't her opinion; it was repeating what she thought she heard.

Mayor Zichi: And the engineer has clarified different.

Councilman Hanna commented that he would like to know the cost to do this study, if it's inexpensive, alright, but if we're going to waste a bunch of money, to go nowhere...

Councilman VanAllsburg: What I'm wondering if there is a way to administer the speeding, the attempt to administer the 25 mile per hour thing, if there is a way to administer it so that it makes sense in terms of how it's laid out, so in other words, if somebody is coming down the hill and your right at the bottom of the hill checking their speed, that has nothing to do with the safety factor to the entrance that's right behind there. So why let them write tickets at the bottom of the hill just let them write tickets where there's actually a safety problem. If they're going 35 at the bottom of the hill, who cares?

Manager Hitchcock: Then change the speed limit.

Councilman VanAllsburg: I'm not saying change the speed limit, you can choose where you write your tickets.

Mayor Zichi: The problem with that is that what the local police and what the Ingham County Sheriff does are two different things. We don't have any control over the County Sheriff.

Councilman VanAllsburg: Ok.

Mayor Zichi: Understand that every time I've seen a Williamston policeman issuing tickets he's pointing in the other direction aiming at the people coming out of town and are speeding up, and that is a safety issue. I don't know what the County cops are doing.

Councilmember Davis: When I'm driving south out of town into my neighborhood, I have people tailgating me at 25 miles per hour, and when I turn on my light to turn, they pass in a no passing zone.

Melanie Schall: I got pulled over by the County in front of my house 6 months ago, but if I counted tickets, I can guarantee that the amount of tickets issued has been less every year. There are people that speed many times, Michelle and there are many people that pass on a double yellow. It's very unsafe there.

Mayor Zichi: And the anecdote I use many times was the one where I was in front of your house Mrs. Schall, and someone going the other way was going 25 miles per hour and the people behind both of us thought it wasn't fast enough and they both pulled out to pass, and there was four cars facing two lanes of traffic facing each other, and I thought Melanie will forgive me for running over her grass.

Melanie: I feel badly for the people coming out of that subdivision. It's unsafe. If people have to beep their horns, because you're speeding, so someone doesn't come out, that's inappropriate.

Larry Wittrup: (Couldn't hear comments.)

Councilmember Hyne: I do agree with you. Once you get to the Industrial Park out. I leave early in the morning and I come home kind of late, so maybe it's just the time frame there, but I'll see more people speeding in the downtown coming out of town, I mean I live near the railroad and I can hear hit the tracks and go wham and I mean it's a big bang, and my kids sometimes will go what was that.

Larry Wittrup: You're going to have to get people in the mindset that when they come into town they need to reduce their speed.

Councilmember Hyne: I'd prefer to see a positive sign, if after this analysis and everything and we see that it's not feasible whichever way it goes I'd prefer to see a positive approach and have signage up there to remind people.

Mayor Zichi: There is signage up there that says speed limit. It's very clear. I don't know how much more positive you can be than speed limit and then the number.

Councilmember Hyne: We've seen though in other communities where they will have a lit sign and that will acknowledge the speed you're traveling as a reminder when you're coming into town.

Mayor Zichi: Mr. Schall did you have a comment?

William Schall: I'd like to ask about the liability of the City if the Police don't start enforcing the speed limit both on the north side and on the south side. In particular on the south side because if you look historically, first of all that's not where the subdivision entrance was approved, the subdivision entrance was approved south of where it is whether it has adequate site distance, but that's where it got put in and approved. And how did it get approved? Well the speed limit got dropped to 45 and they did a safety study and it didn't pass, so then they dropped the speed limit to 40 and did a safety study and it didn't pass, then 35, and then 30, and finally dropped it to 25 and the police strictly enforce the 25 mile an hour speed limit and even then it was questionable that it actually passed because of the way Savage did the speed study. But regardless of that the fact of the way that

that entrance was establish, the strict enforcement of this speed laws, it seems to me that it is at a question how liable are we if the speed limit is not enforced on the north and on the south sides.

Councilmember: Who is Mr. Savage? Was he contracted through the City.

Mrs. Schall: He was contracted by Doug Price.

Manager Hitchcock: I'm not sure who contracted him. I only have these two pages and that's the one that I said.....

Mrs. Schall: He sat in my yard underneath the tree with a stop watch, I thought he was having a heart attack. I went up to him and asked what he was doing. He was out there for roughly two hours with a stop watch. They presented it to the City Council and they passed it. That's after the first one with Ivan Bartha didn't pass.

Councilmember Hyne: Well they relied on his information. I'm just saying if...

Mrs. Schall: Dale Soumis relied on it.

John Pratt: If you're throwing Doug Price's name out I think he should have a right to be recognized himself.

Councilmember Hyne: I would think these people should have a right to respond.

Mrs. Schall: Why he got what he wanted.

John Pratt: Not necessarily, he got you for neighbors.

Mayor Zichi: The bottom line here is we got several speed studies, they've all indicated you can't go, they say the safe speed limit is 28 miles per hour? 28 miles per hour sticks in my mind and the standard for the highway safety to round down to the nearest five miles an hour, you can't round up, which means the 28 becomes 25.

Manager Hitchcock: This says that the average speed being 42.2 miles per hour.

Mayor Zichi: Average speed of the existing traffic.

Manager Hitchcock: My understanding is, it's saying Williamston Road was designed for 42.2 miles per hour traffic. They are talking about a side height of 3.5 feet to 4.25 foot vehicle was measured to be 482 feet.

Councilmember Davis: Is that with or without the entrance?

Manager Hitchcock: It's talking about intersection site distance.

Councilmember Davis: At Linn or at Foxborough?

Manager Hitchcock: I would assume at Foxborough, but it doesn't say. It says the proposed entrance to the Deer Creek Estates, which was Plymouth Landing.

Councilman VanAllsburg: If the hill was lowered, how much could the speed go up?

Mayor Zichi: It depends on how far you lowered it. It could be raised to 55 if you really lowered it, but the whole point of that is...

Councilman Hanna: The Schall's would never get out of their driveway.

Manager Hitchcock: And the subdivision.

Councilman VanAllsburg: But what do you guys think about lowering the hill?

Mrs. Schall: As long as it's safe.

Mayor Zichi: It's the cost that bothers me.

Councilmember Davis: Why are we going to spend money to lower a hill so people can go faster?

Councilman VanAllsburg: Well, if it's really a safety hazard at 25 miles per hour, that's questionable.

Mayor Zichi: There are reasons to raise the speed limit, it would help with fuel economy, traffic flow, and lots of other issues.

Councilmember Davis then I'd never be able to get out to go to the grocery store or the school.

Manager Hitchcock: My understanding is with talking with Peter Porciello with MDOT that there is money available for air quality based on lowering the hill to have steady speed.

Councilmember Hyne: Can I make a motion?

Manager Hitchcock: You can make any motion you want.

Motion by **Hyne**, second by **VanAllsburg**, to have the City Manager get a cost for a study to show the cost of reviewing the speed limit matter on Williamston Road and bring it back to the City Council for discussion. Yes: Davis, Monroe, VanAllsburg, Hanna, Zichi, Hyne. No: None. **Motion passed.**

9g. McKenna Service Agreement:

John Jackson of McKenna Associates introduced himself and reported that McKenna has submitted a proposal for services for Planning and Zoning and Community Development.

Manager Hitchcock reported that McKenna has been working as the Williamstown Township Planner for twenty years. Williamstown Township has expressed that they are happy with the work McKenna has done for them.

Councilman Hanna asked if they will be at all of the Economic Development Corporation /TIFA 2A & TIFA 2B, Downtown Development Authority, Planning Commission, and Zoning Board of Appeals throughout the year.

John Jackson responded that the contract calls for twenty-four meetings per year. There would be a person in the office one day a week for each department. The cost would be approximately \$6900 per month.

Terri Campbell commented that she is uncomfortable with the bid from McKenna. She asked if there were other bids received.

Manager Hitchcock replied that this is the only bid for this service.

Terri Campbell commented that she believes when there was a Planning Consultant working for the City, everything was a big mess. She expressed concern that there would not be enough resident access to the consultants.

Councilman Hanna expressed concern that before Administrator Wilson was hired there was a Zoning Map with sticky notes showing changes to it.

Downtown Development Authority Chair Bev O'Malia was very comfortable with hiring McKenna and felt that it would save time and increase the level of service.

Councilman Monroe commented that he would like to hire them only for three months to see how it goes.

Councilmember Hyne commented that she wants to see the exact services offered, **fee schedule and contract and have the City Attorney review it before voting.**

Motion by **Monroe**, second by **VanAllsburg**, to approve the contract for three months with attorney approval of the contract language. Yes: Monroe, Hanna, Zichi. No: Davis, VanAllsburg, Hyne. **Motion failed.**

Motion by **Hyne**, second by **Davis**, to table the contract until the City Attorney and City Council have reviewed it, with the option of getting a separate quote for each position. Yes: Hanna, Zichi, Hyne, Davis, Monroe, VanAllsburg. No: None. **Motion passed.**

9h. Set Date for Appointment of a New Council Member:

Motion by **Hanna**, second by **Davis**, to set the date for Councilmember appointment for July 9th. **Motion passed by voice vote.**

12. Staff Reports

12a. City Manager:

Manager Hitchcock submitted a written report for Council review and reminded everyone that the Jubilee begins June 18.

12b. City Attorney:

No report.

12c. Planning & Development Administrator:

A written report was received from Administrator Wilson.

12d. Treasurer:

Treasurer Dolley submitted a financial printout for May.

14. Audience Participation:

Ray Bachman recommended John Pratt for appointment to the City Council.

Mike Thomas commented that the Mayor needs to use the gavel more because there were too many people talking at once and he could not hear the presenters.

15. Council Member Comments:

Councilman VanAllsburg emphasized the importance of the situation with the Williamston Theatre.

Councilman Hanna commented that the Parks and Recreation Commission is meeting June 13, to discuss an American Legion Memorial at McCormick Park.

Councilmember Hyne echoed the City Manager's comment regarding the Jubilee.

Mayor Zichi apologized to Member Davis regarding a voicemail he just received that was old. He reported that he will be in the news talking about Williamston's frequent power outages. Zichi expressed appreciation for the condolences from everyone at the time of the loss of his father.

16. Adjournment:

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

Meeting Adjourned at 10:01 p.m.

***THE PRECEDING MINUTES ARE A SYNOPSIS OF A CITY COUNCIL MEETING AND DO NOT REPRESENT A VERBATIM RECORD.**

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

Kenneth V. Zichi, Mayor

Date Approved: _____