

**CITY OF WILLIAMSTON
CITY COUNCIL
SEPTEMBER 24, 2007
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 Penny Davis, Timothy Grossman, Michelle Hyne, George Monroe, and Scott VanAllsburg. Absent: None.

Also Present:

City Manager Lisa Hitchcock, Deputy Clerk Holly Thompson, Community Development Director Michelle Aniol, City Attorney Dave Stoker, JFM Productions, and citizens Robert St. John, Craig Banwell, Gary Weston, Sue Nichani, Mike Thomas, Barb Burke, Susan Graff, Scott Simmons, Terri Campbell, David Sweeney, Richard Couturier, Traci Smith, Toby Weston, Gary Weston, Michelle Diamond, Debbie Simmons, Penny Harshbarger, David Sweeney, Carmen Siciliano, Kim Couturier, and other members of the public.

4. Approval of Agenda:

Add item 10c. Update on Website and Tornado Sirens.

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

5. Audience Participation:

David Sweeney of 836 Blacksmith Trail, commented that he has lived here for ten years and remembers the day that the Mayor came to his home and asked for his vote. At the time the City was in a turmoil situation. Over the last two years he feels that the City is not doing much. First and foremost, there has been an issue about the lights in town being too bright. He believes there are bigger fish to fry. He feels the lighter the better. Signs in general, there have been some issues regarding signage, and he believes the Council is too technical on the needs of signage. The development of the downtown, there hasn't been anything done. There are vacant properties downtown; there is no development near I-96. He came into the office to get a petition for City Council; he wasn't denied but wasn't given the right to have that. He was told he had to speak to the Deputy Clerk or Clerk and they weren't in. He was told it was pretty straight forward and is very disturbed about the situation. He believes the Council wants to do what's right, but there are people that are following the leader, to try to make things run smoothly. There is a lot more people than him talking tonight that aren't present.

6. Council Minutes of September 10, 2007:

Councilmember Hyne commented that on page 2, she would like conversation regarding the accounts payable discussion, where it states that she works on Mondays; she wants it changed to “she works Monday through Fridays and sometimes on weekends” so when the comment was made that she could come in and view them at any time, that is not the case, and she previously stated that she does not have a key to City Hall. She also commented that she stated that if Council has a member reviewing the expenditures, that it defeats the purpose of having a Council representative. And she also stated that where it says she has a right to vote, she stated that she has a right to vote as an elected official, I have a responsibility to the community to know what I’m voting on.

On page 3, 8b. second to last paragraph she followed up to Davis’ comment with a comment that was omitted. Regarding the riverbank and island project proposal through the Parks and Recreation committee: she stated that “the Parks and Recreation Committee have oversight over projects, they could reject bids. That was voted on.” As well as “they were directed to work with in coordination to work with volunteers and project managers from a designated company with the expectation and understanding to reduce the approved project budget based on only bids received at this time.”

On page 5, when resident Ms. Campbell commented regarding her concerns. She questioned whether the website was updated and the importance of having that information current.

On page 6 under Council Member comments: “She requested the RiverHouse Inn be added as a discussion item for the next meeting referencing the Police investigation report filed by the Williamston Police Chief on behalf of the City requesting denial of the Liquor License by the Liquor Control Commission.”

Council discussed how this should be worded.

Manager Hitchcock commented that the minutes should reflect what was said at the meeting, not what is stated now and suggested tabling the minutes until the tape can be reviewed.

Council agreed.

Item 8c. Mayor Zichi indicated that it was approximately October 5th.

On page 3 of the motion add “not” before including.

Councilmember Davis commented that she wants the comments before the motion reviewed as well. She believes that she stated that it wasn’t the fact that we received only one bid, she had no problem with that, it was the fact that the

earlier motion, she doesn't believe stuck to our competitive bid process or maintain that because there was an amount up to that was stated in there.

Motion by **Grossman**, second by **Davis**, to table the Council minutes of September 10, 2007 until the next meeting. **Motion passed by voice vote.**

7. Accounts Payable:

The accounts payable totaled \$449,697.58 and included permits and inspections, utilities, Granger, McKenna, Postage, Office Supplies, Public Services building, Attorney services, 2001 tax refund bond, 1999 DDA tax refund bond, Wilcox and other miscellaneous supplies and services. Reference #'s 9412-9486.

Councilmember Hyne asked for clarification on the boot purchase.

Manager Hitchcock commented that it was for the log removal on the river.

Councilmember Hyne asked for clarification on the copies and mileage and asked why they could not be done at City Hall.

Manager Hitchcock commented that the copies would have been for the EDC/TIFA as well as large plans and the City Hall cannot make large copies and it would cost more for the City to make the copies for the EDC/TIFA notebooks than it is to send out the work.

Councilmember Hyne asked about the money that went out Mr. Hunter.

Manager Hitchcock replied that it was a refunded water deposit.

Councilmember Hyne asked about the expense from the lumber company.

Manager Hitchcock responded that it could be for several purchases made by DPW and added that they try to buy local.

Councilmember Hyne asked about the expense for the radio.

Manager Hitchcock answered that it is for the radio advertisements.

Councilmember Hanna asked about the expense for McKenna.

Manager Hitchcock responded that it is for more than one month.

Councilmember Hyne asked for a copy of the McKenna bill. She also asked about the payment from DDA.

Manager Hitchcock could not answer her question regarding the DDA payment at this time.

Motion by **Davis**, second by **Grossman**, to approve the accounts payable as presented. Yes: Grossman, Davis, Monroe, VanAllsburg, Hanna, Zichi, Hyne. No: None. **Motion passed.**

Councilmember Davis gave the responsibility of accounts payable review to Member Hanna.

8. Public Hearing- TIFA 2B Plan Amendment:

Mayor Zichi opened the public hearing at 7:22 p.m.

Manager Hitchcock reported that the TIFA 2b Board has been working on a plan amendment for over a year. The TIFA 2b area includes the Industrial Park and Williamston Lakes, although the plan amendment does not include any work in Williamston Lakes. The plan includes a connector road between the Industrial Park and Loop Road to Linn Road, sanitary sewer work on Elevator Street, purchase of property from CSX, sale of property from the EDC to the TIFA, Ice House storm sewer repair, tractor lease, and re-plat of Phase I of the Industrial Park which is Owen's third edition.

Councilman Grossman asked if when they laid out the Industrial Park, did they re-plat it then.

Manager Hitchcock answered that it was not done then because they did not have the money.

Councilmember Davis asked if \$5,000 would cover the work for the storm drainage.

Manager Hitchcock answered that it will.

Councilman Hanna asked how it will affect the City as the markers are put down.

Manager Hitchcock answered that they will only be re-platting within the district. The assessor has recommended a re-plat of the whole City but that is not before the Council at this time.

Attorney Stoker commented that they will only re-plat the area within Owen's Third Addition. They will re-layout the internal lots.

Mayor Zichi commented that lots would be combined to allow for one legal description to become more simplified.

Councilmember Hyne asked if the residents in the area would be impacted.

Attorney Stoker answered that they would.

Councilmember Hyne expressed her concerns, as a member of the EDC/TIFA, to the TIFA Attorney about the lots being combined into one. She was advised by the Attorney that the residents do not have to combine their lots. She also asked the Attorney if this was mandated by state law and was told that it was. She also contacted the City Assessor and was told it is not mandated by state law, and the residents would not have the opportunity to choose.

Attorney Stoker commented that regarding the property tax numbers the lots would be lumped together. The problem would be if the property owner wanted to split the property, there would be a process to go through to amend the plat again. There are a couple ways to do the re-platting process; the re-plat would go to court where each property owner would be notified of the hearing, where the ultimate decision would be made by a judge.

Councilmember Hyne commented that she believes the combining of lots should not be forced upon property owners.

Attorney Stoker commented that it does not have to be automatically combined if a property owner makes it known before the re-platting process. The combinations are normally done to avoid making non-buildable lots.

Councilmember Davis asked how many homes would be affected by this.

Manager Hitchcock answered that it would be the homes south of the Railroad on Putnam Street and perhaps some on Mill St.

Councilmember Davis asked if there is an issue of double lots in regards to the homeowners.

Manager Hitchcock commented that she is not sure.

Councilmember Hyne commented that eventually it would impact everyone.

Councilmember Davis commented that the Council is not reviewing the whole City right now.

Manager Hitchcock asked Member Hyne what she was referring to when she stated "It is required by law".

Councilmember Hyne commented that it is regarding the process of re-platting, that we are required to do a re-plat.

Manager Hitchcock commented that it is not true.

Councilman Hanna asked why this is good for the City.

Councilmember Davis commented that it is to get the roads and the sewers in the right places.

Mayor Zichi commented that it is to ensure that the taxes are accurate. The tax records often do not reflect what is on the deed records.

Councilmember Hyne commented that when she bought her house there was a survey done.

Mayor Zichi commented that it does not mean the tax records were changed.

Manager Hitchcock gave an example of a property in the City that was surveyed wrong, and they believe they own six feet more property than they do.

Councilmember Hyne commented that she does not believe that warrants the City to re-plat.

Attorney Stoker commented that the state was laid out in grids. There could be problems if a garage etc., was on someone else's property. Properties were measured from monuments that may no longer exist.

Councilmember Davis commented that it is out of the Council's purview because the Council is only addressing the TIFA 2B district.

Councilmember Hyne commented that the City is discussing doing a re-plat of the entire City.

Attorney Stoker commented that he does not believe there will be major changes.

Councilmember Hyne commented that she lives in that area and have neighbors in that area. She asked what the cost savings is for the home owner.

Mayor Zichi commented that if the lot is bigger than you thought, you would pay more in taxes, if it was smaller, you would pay less.

Councilmember Hyne commented that her major concern is the combining of lots.

Councilman VanAllsburg asked if the City owns the tractor and why they cannot use the City's tractor.

Manager Hitchcock answered that the tractor is a lease/own and the tractor is used by the City.

Scott Simmons of 4770 Barton Rd. commented that whether one is overpaying, and one is underpaying, the City is still getting their money. He commented that it would be difficult to split the lots once they are combined. He added that surveyors all come up with different surveys.

Councilmember Hyne asked if the Council can approve only a portion of the plan.

Manager Hitchcock responded that the Council can approve it as submitted, as amended, or not at all. She added that the TIFA Plan is not a contract and each issue will come back to Council or the TIFA for approval.

Councilmember Hyne commented that the Assessor commented that there are numerous issues around the City because of the age of the plat, and they need to be addressed. She prefers that the section be taken out and addressed with the Assessor.

Public Hearing closed at 7:50 p.m.

9. Action Items

9a. TIFA 2B Plan Amendment:

Motion by **Hanna**, second by **Grossman**, to table the TIFA 2B Plan Amendment until the next meeting, when the board can hear from the City Assessor.

Discussion: Member Grossman commented that the Council should clarify how the re-plat is going to be done.

Manager Hitchcock commented that the information is clearly given by the Assessor in the TIFA plan as to the bid process and two public hearing must be done before the re-plat.

Councilmember Hyne commented that she believes it would be better to have a public hearing with the Assessor present, for his own benefit, to explain this.

Manager Hitchcock commented in reference to the statement made that the information is not clear. The information provided to Council is very clear.

Councilmember Hyne commented that she also talked to a City Attorney and was given different information.

Mike Thomas commented that fixing the sanitary sewer is very important to start as soon as possible. He added that there is a business that wants to locate in the Industrial Park with the contingency that the road is finished.

Mayor Zichi commented that approving the plan is not approving the contracts for work. The details will come back, not only to the Council, but to the EDC and TIFA.

Councilmember Hyne commented that if the Council approves this, they are approving it a step closer to the contract when there is conflicting information given, the Assessor is not present and there are questions from Council members.

Councilmember Davis commented that she does not want to build a road without knowing where the lot lines are. She would rather start doing the re-plat process and start getting the contracts in place. She added that there was just a citizen that stated there is no development going on in the City. There is a buyer waiting to purchase property in the Industrial Park contingent on the road being built.

Councilmember Hyne commented that the buyer is not concerned about the re-plat.

Councilmember Davis commented that they need the road, and she does not want to see one built without the lot lines defined.

Manager Hitchcock commented that the re-plat could have an impact on where the road is.

Councilman Grossman commented that the memo from the Assessor spells out the process. He asked member Hyne what information was different.

Councilmember Hyne responded that she was given information at an official meeting, and given different information after talking to the Assessor.

John Pratt commented that he feels the property owners should be advised of what is happening.

Vote on the motion: Yes: Monroe. No: Davis, VanAllsburg, Hanna, Zichi, Hyne, Grossman. **Motion failed.**

Motion by **Hyne**, second by **Hanna**, to accept the TIFA 2B plan amendment except for section 6.7, the re-plat of Phase I of the Industrial Park, and related expense items.

Discussion: Manager Hitchcock commented that the TIFA has voted unanimously to approve the plan amendment, and the Council can approve it in two phases as long as no significant changes are made.

Councilman VanAllsburg asked what the Council is going to find out that they do not already know.

Councilmember Hyne answered that the Assessor should be able to be present to discuss it with the Council.

Councilman VanAllsburg commented that the only concern Member Hyne had was for people with double lots.

Councilmember Hyne commented that it is not her only concern. She received conflicting information and wants it cleared. She also agrees with Mr. Pratt regarding the notification to the property owners.

Vote on the motion: Yes: Hanna, Zichi, Hyne, Grossman, Davis, Monroe. No: VanAllsburg. **Motion passed.**

Manager Hitchcock commented that if there is a concern from a Councilmember or from the public, she can easily get the Assessor at the meeting without having to delay action.

Councilmember Davis commented that the information that the Assessor submitted was sufficient.

10. Discussion Items

10a. RiverHouse Inn:

Councilmember Hyne expressed her concerns regarding the police investigation report. The Planning Administrator submitted a letter and there was denial of the liquor license and not with conditions.

Manager Hitchcock referenced the Liquor Control Commission Manual that states that recommendation for the applicant should only occur if all requirements on the form have been met. If the applicant does not meet all necessary requirements of local and state codes and ordinances then they may be recommended subject to the requirements being completed.

Councilmember VanAllsburg asked why it was denied.

Manager Hitchcock commented that there was not a final site plan submitted when the application was submitted.

Councilmember Hyne asked if the Police Chief contacted the business owners to talk to them about it.

Manager Hitchcock answered that, to her knowledge he did not.

Councilmember Hyne commented that she has a problem with it, and sees why businesses are frustrated.

Manager Hitchcock asked if it was because the laws are followed.

Councilmember Hyne commented that she believes the City is inconsistent.

Manager Hitchcock responded that she understands her opinion, but does not agree with it.

Councilmember Hyne commented that the Zoning Board of Appeals has made a motion to deny a variance and then turned around and made a motion to not enforce the ordinance.

Manager Hitchcock commented that the Zoning Board of Appeals can make any motion, but they do not have a right to tell the City how to enforce it.

Councilmember Davis commented that it is not the issue right now. The application was received and the site plan was not done and so the application was denied. The applicants could apply again.

Councilmember Hyne commented that there was no communication with the applicant.

Attorney Stoker commented that the Police have to do an investigation to complete the report. He believes the procedure has been done as it normally would.

Councilmember Hyne asked if there is normally communication between the Police Chief and applicant.

Attorney Stoker commented that because it is an investigation it would be between the Police Department and the Liquor Control Commission.

Councilmember Hyne asked if the City has authority over MDOT because it is noted in the denial.

Manager Hitchcock commented that the MDOT issue has been part of the preliminary site plan and does pertain to this issue.

Mayor Zichi commented that the City does not have authority over MDOT, but the City does have the authority to say they do need to deal with MDOT because it is on an MDOT road.

Councilman VanAllsburg commented that the RiverHouse Inn issue is a good example of how the City is having problems relating to business. He and his wife measured the sign and they believe the sign looks fine. The fact the Zoning

Board of Appeals has some rule that caused them to reject the sign, implies there is a lack of reasonableness.

Manager Hitchcock commented that the Council sets the ordinances and the Zoning Board of Appeals did not write the ordinance.

Councilmember Hyne commented that is why there is a variance process and there was a member that is also an attorney and he interpreted the ordinance differently.

Attorney Stoker commented that while the sign is a condition to the approval, the access and parking would be the major issues the Liquor Control Commission would consider.

Councilman VanAllsburg commented that he has been shown the parking plan and it makes sense to him and if it makes sense, maybe the problems are with the rules and regulations.

Attorney Stoker commented that the ZBA has fixed criteria that have to be applied to allow the applicants to violate an ordinance. The ZBA can only look at unusual circumstances. If the rule itself is the problem then it needs to be sent back to the Planning Commission and Council to adjust the rule.

Councilmember Hyne asked if a text amendment can be done.

Manager Hitchcock answered that the Council did send the issue back to the Planning Commission recommending that the sign ordinance be looked at.

Councilmember Davis commented that she takes issue with people thinking there was a lack of concern over this development and there was many attempts made by the Planner to contact the developers. It was not until a couple months into the process that a preliminary site plan was submitted.

Councilmember Hyne commented that it was discussed during a public meeting that there was parking available within 300 feet of the business that would meet the parking requirements.

Manager Hitchcock responded that there was an e-mail from July of 2006 from the City Planner to the applicants that addressed parking options which included information regarding the use of public parking within 300 feet.

John Pratt commented that he chaired the meeting of the ZBA meeting the night that was referred to. The applicant tried to follow the rules and was denied a variance. The ZBA then made a motion to not enforce the ordinance.

Bill St. John commented that the ZBA referred it back to the Planning Commission and the ZBA made a motion *recommending* the issue not be enforced until the Planning Commission had time to review the ordinance.

Attorney Stoker commented that there is a distinction between the two ZBA members one is to not enforce and the other is to *recommend* that it not be enforced. The ZBA can grant permission to not enforce the ordinance by variance but cannot tell the enforcement people not to enforce the ordinance. The ZBA recommended that it not be enforced, but either way it does not bind the City.

Bill St. John commented that it was recommended.

Councilman VanAllsburg agreed with Mr. St. John.

Councilmember Hyne commented that instead of addressing the issues, they just attached the memo to the application.

Councilmember Davis commented that it is not the place for the Planner to make excuses for the business owner, but to say this is why it is being denied because of these circumstances.

Councilmember Hyne commented that only the issues that are relevant should have been included in the memo.

Manager Hitchcock again referred to the Liquor Control Commission Manual that states that all of the local and state ordinances need to be met.

Jeff Foulding, Attorney for the RiverHouse Inn owners, commented that his client is vigorously trying to inject a business into the City. They have invested 6 digits into the City. There are semantics on whether to approve here and approve there. The first issue is with the sign. There seems to be an issue that the sign needs to be ten feet away from the sidewalk. He commented that as he walked around the City there were several other signs that did not meet the ten foot setback. He added that the applicants sign has been there for years and the Dairy Queen sign is not in compliance.

Councilmember Davis commented that the Dairy Queen sign is in violation of the Ordinance but the other signs have been grandfathered in.

Attorney Foulding brought up the issue for adequate parking and the way to use public parking within 300 feet. He stated that the City did not endorse MDOT's Access Management Plan but the City is still holding the applicants to these standards. He added that his applicants are just looking for equity. He is concerned that his clients have taken a position and the City has taken a position, and his clients have decided they want to stay in the City.

Mayor Zichi asked if Mr. Foulding had seen the letter from the Planner detailing what the applicants need to do in order to get zoning approval. He commented that he is frustrated. There is nobody saying that they cannot, or should not start this business, but there are directions given to the applicant and he hopes they can get past that.

Attorney Foulding commented that his client has seen others doing the things that he is asking to do and he wants to be able to do those things too. He believes that the Council should just sit down with him and work things out.

Councilmember Davis commented that it is what the Planning Commission has tried to do months ago, but the applicant did not come forward when the Planner tried to contact them. She has an issue with member Hyne stating that the City should be business friendly, but drafted a resolution for the EDC to have the City start enforcing ordinances as they are written. She added that she has invested six figures in the City as well. The ordinances are written to protect the residences and the businesses. If the City deviates from there, then there will not be credibility in the ordinances.

Councilmember Hyne commented that she has never heard anyone say that the business would be cool. The tone and attitude directed to the business owners is the same tone that is on the Council at this time. It's not one of working together, trying to solve an issue, trying to encourage business, trying to say that there are ordinances and they need to be followed, but there are variances in place. She has seen the tree on the property and it should have been considered a special circumstance. If the tree gets cut down, it would be the City's fault.

Attorney Foulding commented that there is a section on the Liquor Control Commission form that could have been filled out with conditions.

Councilman Grossman commented that he would not have done anything differently had he been the Police Chief filling it out.

Councilmember Hyne asked the City Attorney if the Council has the ability to make a Zoning Ordinance text change, and if the Council can change the Liquor License application.

Attorney Stoker responded that an ordinance text amendment can be petitioned for by citizens, it can be by motion of the Planning Commission, or initiated by a resolution of Council. All three ways would need to go through the Planning Commission with the ordinance going to the Council for approval. The answer to the second question is the Liquor Control Commission asks the Police for an investigation to be done, and the Council does not have the authority to direct the Police to make those changes.

Councilman Hanna asked what progress has been made by the applicant to comply with the ordinances.

Attorney Foulding commented that his client believes he is not violating any laws.

Councilman Hanna commented that MDOT is not budging on the entrance issue.

Attorney Foulding answered that the issue with MDOT is not a City issue.

Attorney Stoker commented that the Planning Commission has approved the preliminary site plan with the contingency of approval with MDOT. He added that the Police Chief had to look at whether the applicant had state issues taken care of as well.

Director Aniol commented that the memo that was written by Planner Acuff was written to answer item number three. The preliminary site plan was for specific uses and the uses have changed. It would have been a gross dereliction of duty on Planner Acuff and Chief Hetfield's part to make a condition of approval when the City did not have a site plan on file. She added that there have been multiple meetings with City staff and the applicants detailing what needs to be done. They agree that it would be a good business for the City, but there are access issues that involve safety of motorized vehicles and pedestrians.

Mayor Zichi asked if there has been a final site plan submitted.

Director Aniol responded that there has been a final site plan submitted on September 10th and Planner Acuff has reviewed it and given his recommendations as to what the City should do. She added that they will continue to work with the applicant to get through this but it is outside of their authority to make recommendations or arbitrarily allow someone to do something that is against the City's ordinances.

Councilmember Hyne argued that the liquor license should have been approved with conditions. She is concerned about the attitude and tone directed to the businesses.

Councilman Grossman commented that he also owns a business in the downtown and had to follow all the ordinances and filled out the permits. He does not know of a single person that has not wanted this business in the City.

Councilmember Hyne commented that she feels that the attitude and tone that is directed to businesses when they come before a board is negative.

Councilmember Davis commented that perhaps the tone could have been different but does not want to micro-manage the Police Chief and how he submits the Liquor Control application. If it works to get together again with the

Planner and with the applicants to resolve this issue, that would be fine, but the statements made regarding the negative attitudes for the businesses is inaccurate. She believes the negative attitude is the interpretation of this application and the Police Chief was well intended.

Councilmember Hyne commented that this denial of application has serious ramifications financially to the applicants. Regarding the access issues, there are others that have the same issues.

Director Aniol responded that the license could not be approved because the applicants had not submitted a site plan. She added that they just need to get them through the process as written in the ordinances.

Councilmember Hyne responded that she guesses if there are conditions and they are not met that speaks for itself.

Councilman VanAllsburg commented that he would like Member Hyne and himself to work as an intermediary between the City and RiverHouse Inn. He would like to see the tree not cut down to accommodate the sign.

Director Aniol commented that they have gone through the process for the sign through a variance and it was denied. She commented that the City should not adopt ordinances for specific cases.

Attorney Stoker agreed with Aniol regarding the issue with changing the ordinance to allow a specific parcel to follow different restrictions.

Councilman VanAllsburg commented that there are already signs existing with spacing issues and asked what the harm would be in approving this one.

Director Aniol commented that if the Council is doing a text amendment to appease one applicant, what would prevent the next applicant to come in with a similar issue, and creating a great deal of public outcry with attorneys involved. The City's democratic process is broken down. When the ZBA did their job, they voted, they denied it, and it is now in the court. If the City Council wants signs addressed, they need to send it to the Planning Commission and move forward.

Councilman Hanna commented that the sign issue is bigger than just this one place.

Councilmember Davis commented that the City is not going to have an ordinance that will make everyone happy.

Mayor Zichi commented that there are other issues that factor into sign placement such as safety and site distance.

Councilmember Hyne expounded on the roles of City Council.

Councilman Hanna commented that the Planning Commission should be given latitude as to changes that the Council wants made to the ordinance.

Councilmember Hyne commented that she supports the broad direction idea, but the Planning Commission and the ZBA motions are made under very strict language, with no consideration for the variances, with a very narrow view, and very narrow focus.

Mayor Zichi commented that it is because the Zoning Ordinance is structured the way it is and the ZBA is required to follow it.

Councilmember Hyne believes the text amendment would benefit more than just one business.

Scott Simmons commented that the City wanted them to take down all the trees on the site and put parking on the site, and never indicated to him that 40% of the parking could be off-site. They had to figure out that information for themselves. He added that the MDOT issue, there are no rules or regulations saying they can only have one entrance. He added that they are trying to do everything right.

Sue Nichani commented that she has been trying to call Attorney Gormley, but he will not return phone calls regarding the sign issue.

Scott Simmons commented that they have had to pay Attorney Tina Grey to address the issue.

Attorney Stoker commented when an attorney is involved in an issue, the attorney has to go through the other attorney directly.

Scott Simmons commented that this is why businesses give up or do not come to the City. He agreed with member Hyne's comments that there is not good communication throughout the City.

Councilman VanAllsburg commented that he agrees.

Manager Hitchcock reviewed an e-mail from the Planner to John McElhone on July 28, 2006 regarding 310 W. Grand River that details all of the parking requirements including the issue that community parking can be used within 300 feet to make up some of the parking requirements, with additional information regarding requirements for a site plan.

Councilman VanAllsburg pointed out that the letter shows the problems and does not help the applicants.

Manager Hitchcock asked if the Council wants to have the City design their plans.

Attorney Foulding commented that he believes Member VanAllsburg wants the City to serve the people.

A citizen commented that the word is "help".

Manager Hitchcock commented that she is responding to the issues that have been brought up that the City has not given the applicants this information.

Councilmember Hyne commented that if someone came to her and asked her a question and she knew the answer, and she withheld it....

Mayor Zichi & Councilman Hanna commented that it has not been withheld.

Councilman Hanna commented that if he received a letter like that, he'd ask what it meant.

Manager Hitchcock pointed out that the letter does say to look it over with an offer to discuss it.

Councilman VanAllsburg commented that he believes former Planner Wilson had an agenda.

Councilmember Davis responded that he is making inappropriate comments about someone that is not present to defend themselves.

Mayor Zichi commented that the Council wants to make this work, but within the rules. He went through the timeline of when the applicants were asked to submit a site plan.

Attorney Foulding commented that the applicants felt that they could not submit a site plan unless the issue with MDOT was taken care of.

Council members VanAllsburg and Hyne volunteered to act as go-betweens for the applicant and City.

Attorney Stoker cautioned that there should not be a quorum of the Council present and deliberating at another meeting. The Council members who want to attend the meeting should do so as members of the public with exception of the Councilmember that is appointed to the board.

Motion by **VanAllsburg**, second by **Hyne**, to have the Planning Commission look at the sign setback distance in the Zoning Ordinance especially as it pertains to the C-3 district and with the recommendation that it be done as quickly as

possible. Yes: Monroe, VanAllsburg, Hanna, Zichi, Hyne, Davis, Grossman. No: None. **Motion passed.**

Councilmember Hyne commented that she would like the attorneys to work together to resolve the issue with MDOT.

Councilman Hanna commented that if the attorneys get involved then they can only work with MDOT's attorney.

Councilmember Hyne commented that she would still like to see it done.

Manager Hitchcock commented that it would not be a good idea because it could slow down the process even more and she does not want to put the applicant in a bad position.

Attorney Stoker commented that when MDOT made their presentation, there is a broad standard of safety that MDOT uses when making decisions.

Director Aniol commented that it was stated in Planner Acuff's letter that there could be designated entrances for in and out.

Scott Simmons commented that MDOT will approve a one way in and one way out driveway, but it would be right turn in and right turn out only. He hoped the City would help and not hinder them with this project.

Sue Nichani commented that the City Manager is always on the wrong side of the table and does not work with them.

Councilman Hanna commented that he has spoken with MDOT too, and they will not budge on their issues.

10b. Planning & Zoning Responsibilities:

Terri Campbell commented that a letter was written from Member Davis detailing frustrations for Ms. Campbell in dealing with McKenna. She read the letter aloud. She commented that she is disappointed that the City Council did not read the contracts with McKenna and Associated Government Services and should be able to trust the City Manager to tell them what is going on.

Councilman Hanna commented that he talked with former Planner Lynn Wilson and she believes that it is a good move on the City's part to have AGS in charge of the residential issues.

Ms. Campbell commented that Manager Hitchcock is excellent at her job, but there was no detail given as to what was going to happen with the AGS contract when it was approved. She added that there is still no detail on the website regarding McKenna's hours.

Councilmember Hyne asked why this had not been done.

Manager Hitchcock recapped the discussion from the last meeting regarding the department pages.

Ms. Campbell recapped her concerns from the August 27, 2007 meeting.

Manager Hitchcock welcomed Ms. Campbell's calls regarding her concerns with staff members. She will follow up on this by getting a proposal from a company to keep the website updated and have the Executive Secretary put the hours and phone numbers for McKenna on the website.

10c. Update on Web-site and Tornado Sirens:

Website discussed above.

Manager Hitchcock commented that dispatch has told the City that it is working properly.

12. Staff Reports

12a. City Manager:

Manager Hitchcock reported that there will be a pre-bid meeting on the project with Spartan Stores on Tuesday, September 25. There may be a change in Spartan's timeframe because they are making changes to the parking lot, storm water retention, landscaping, and the interior. The store will remain open through construction. Dye testing will be done for the storm and sanitary leads. The pharmacy will be walk up only. The changes will not affect their submitted site plan.

12b. City Attorney:

No report.

12c. Community Development Director:

Director Aniol submitted a written report for Council review.

14. Audience Participation:

Barb Burke stated that there will be a forum for the Council candidates on October 29, 2007 at the Williamston High School.

Dave Sweeney asked about the mailing regarding the temporary signs. He commented that people put up garage sale signs all over the country and the City has "bigger fish to fry".

Mayor Zichi commented that signs are being put on the new light poles and taking the paint off which becomes an eyesore and is costly to maintain.

Dave Sweeney commented that the City should keep up this policy if they are going to start it. He is not in favor of it.

Robert St. John commented that as a member of the Zoning Board of Appeals he was put out during the comments about the sign situation. He commented that the ZBA has tried to follow the laws and procedures they are given. He challenged anyone that is concerned with how the ZBA does things, to attend one of their meetings. He added that they have made recommendations to the Planning Commission regarding various ordinances. He added that there was more than one person in this room and on the Council that were being very negative about the ZBA.

Councilmember Hyne responded that she was not being negative towards the ZBA and she felt she was being very factual.

Mayor Zichi commented that he agrees with Mr. St. John's perception and added that the ZBA did what they could under the current Zoning Ordinance.

Robert St. John commented that there was much more to the meeting regarding the sign and the tree for RiverHouse Inn.

15. Council Member Comments:

Councilman Hanna commented that he attended an MML Conference and felt that the classes offered are wonderful. One of the classes was analyzing water/sewer rates. He asked if the City could finance water/sewer through the general fund, which was not responded to positively.

Councilmember Hyne commented that she does not want to come across negative and appreciates every member on every board. This does not mean that everyone is always going to agree.

Robert St. John commented that she should not say that things are being done from a personal point of view.

Councilmember Hyne responded that she disagrees, that was not her intent, she did not intend anything personal but was speaking on what she perceived. All members of the board did not agree. She reiterated her arguments regarding the reasons with which the variance could be approved. She added that she has concerns about Mr. Sweeney not being able to receive a petition. She wants this looked into and a solution made.

Mayor Zichi commented that the football team is doing great and showed Council a copy of the historical designation application.

Council thanked Mayor Zichi for his work on the project.

16. Adjournment:

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

Meeting Adjourned at 11:01 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: _____