

**CITY OF WILLIAMSTON  
CITY COUNCIL  
MARCH 24, 2008  
REGULAR MEETING MINUTES**

**1. Call To Order:**

The meeting was called to order at 7:02 p.m. in the City Hall Council Chambers by Mayor Michelle Hyne and the Pledge of Allegiance was recited.

**3. Roll Call:**

Mayor Michelle Hyne, Mayor Pro-tem John Pratt, Council Members Richard Couturier, Carmen Siciliano, Scott VanAllsburg, Traci Smith, and Kenneth Zichi. Absent: None.

Also Present:

City Manager Lisa Hitchcock, Deputy Clerk Holly Thompson, City Attorney Dave Stoker, Police Chief Mark Hetfield, Community Development Director Michelle Aniol, JFM Productions, NIESA Representative Charles Galbreath, Eldar Entertainment Coordinator Marla Swartz, citizens Marlene Epley, Leo Sheets, Debbie Simmons, Bob & Jane Hanna, Teresa Wood, Luella Bellinger, Irene Waligorski, Katheryn Two Eagles, Betty Larkin, Theresa Baker, Sally Grandneson, Barb & Jim Vandenberg, Susan Graff, Linda Siciliano, Clint and Linda Tarver, Nancy Williams, Joe Eiffert, Mark Stevens, Dawn Marie Joseph, Earl Wolf, Ryan Sweeder and other members of the public.

**4. Approval of Agenda:**

Add 15. Closed Session- Attorney Client Privilege Letter.

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

**5. Public Hearing- McCormick Park McCormick Park Improvements Grant**

**Application:**

Mayor Hyne opened the public hearing at 7:05 p.m.

Manager Hitchcock reported that the Parks and Recreation Commission have been working on the application for Michigan Department of Natural Resources the McCormick Park Improvements Grant. The grant would allow for major improvement to the park.

Ryan Sweeder of the Parks & Recreation Commission commented that they are asking for Council's support of the grant because most of the matching funds would need to come from the City's general fund.

Councilman VanAllsburg questioned how much the City would need to contribute in matching funds.

Manager Hitchcock answered \$445,000, which may be offset with donations and other grants.

Earl Wolf of the Parks and Recreation Commission commented that the grant application has been in the works for awhile. The Commission has already received a grant from DTE Energy for \$2000.

Nancy Williams asked if the plan includes the American Legion Memorial.

Manager Hitchcock stated that it does.

Marlene Epley commented that she would like to see a plant list and make sure there are no invasive species being considered. She asked who would choose the plants and trees.

Ryan Sweeder commented that it will be a group effort with the Parks and other service organizations working on it.

Councilman VanAllsburg asked what the widths of the paths would be.

Ryan Sweeder answered that they will probably be eight feet wide, but that is not set in stone yet.

Mayor Hyne closed the public hearing at 7:19 p.m.

#### **6. Audience Participation:**

Joe Eiffert- 715 N. Putnam St., asked if parking is allowed between the sidewalk and the curb. He added that there is an instance of this happening and the police have driven by numerous times, but have not written a ticket. He stated that he has contacted the Police Department about it and was told that they had written a letter, and would follow up with a warning and then a ticket if it is not moved. He stated that these areas should be enforced better.

Marlene Epley commented that the Williamston Community Library Foundation is holding a 'Murder Mystery Dinner' on Friday, March 28 at the Brookshire Inn.

#### **7. Council Minutes of March 10, 2008 & Special Minutes of February 18, 2008:**

On page 2, line 5, of the February 18, 2008 minutes add "as an option" after "to".

Motion by **VanAllsburg**, second by **Pratt**, to approve the Council minutes of March 10, 2008 and special minutes of February 18, 2008 as presented. **Motion passed by voice vote.**

#### **8. Accounts Payable:**

Councilman Couturier provided a list of the payables and reported that they totaled \$103,693.13. Reference #'s 10474-10543.

Motion by **Smith**, second by **VanAllsburg**, to approve the accounts payables as presented. Yes: VanAllsburg, Zichi, Couturier, Hyne, Pratt, Siciliano, Smith. No: None. **Motion passed.**

#### **9. Action Items**

**9a. Consider Purchase Agreement- 627 E. Grand River Ave.:**

NIESA Representative, Charles Galbreath, stated that NIESA has agreed with the purchase agreement presented. He introduced the prospective purchaser, Mr. Lounsbury.

John Pratt commented that the Council will likely be adopting the MDOT Access Management Plan and asked the purchaser if this would pose a problem with his development.

Mr. Lounsbury stated that it would not. His plans are to move Spartan Glass to the location.

Attorney Stoker commented that the City Charter specifies that a resolution needs to be drafted to proceed with the purchase agreement and must be kept in the Clerk's office for 25 days before adoption.

Motion by **Pratt**, second by **VanAllsburg**, to accept the purchase agreement as presented and to allow the resolution process to begin. Yes: Zichi, Couturier, Hyne, Pratt, Siciliano, Smith, VanAllsburg. No: None. **Motion passed.**

**9b. ArtFest Marla Swartz, Eldar Entertainment:**

Marla Swartz introduced herself and outlined some of her background and accomplishments. She commented that she is looking forward to doing events on a smaller scale than she has done. She stated that she would probably be able to get money into the City by coordinating several events in the City including ArtFest. Ms. Swartz commented that she would want to be able to have an agreement with the City to be the exclusive coordinator for ArtFest.

Manager Hitchcock addressed Ms. Swartz' written questions.

Councilman VanAllsburg asked what Ms. Swartz would recommend for ArtFest this year.

Ms. Swartz commented that she would recommend cancelling the event for 2008.

Ryan Sweeder commented that there will also be an opportunity to use Ms. Swartz services to book the band shell.

Teresa Wood commented that she is excited that there may be someone with experience to partner with the Williamston businesses to help with events like First Fridays.

Motion by **VanAllsburg**, second by **Couturier**, to have Marla Swartz of Eldar Entertainment provide information to the City Manager to develop a scope of work. Yes: Smith, VanAllsburg, Zichi, Couturier, Hyne. No: Pratt, Siciliano. **Motion passed.**

**9c. McCormick Park Improvements Grant:**

Motion by **Siciliano**, second by **Pratt**, to approve the submission of the grant application from the Parks and Recreation Commission with a matching amount of \$445,070 (48%) as amended. Hyne, Pratt, Siciliano, Smith, VanAllsburg, Zichi, Couturier. No: None. **Motion passed.**

**9d. MDOT Access Management:**

Motion by **Couturier**, second by **VanAllsburg**, to adopt the MDOT Access Management Plan by City resolution.

Discussion: Councilman VanAllsburg asked if adopting the Access Management Plan would prohibit Speedway from having two driveways.

Manager Hitchcock answered that it would not. The Speedway issue has already been resolved.

Councilman Pratt stated that he is unsure of adopting the plan.

Mayor Hyne commented that she was told by the MDOT Director that Williamston was the entity that wanted the plan to begin with.

Manager Hitchcock stated that the City did not ask for a plan to be done.

Councilman VanAllsburg commented that he feels the plan is a solution looking for a problem.

Councilman Zichi commented that it sounds like the Council is doing a favor for someone. He added that the Council has never gone against what MDOT has said for a business. He does not agree with adopting the plan to help a business.

Mayor Hyne commented clarified that it is an MDOT recommendation and asked the attorney if it appears that the Council is doing a special favor for a business.

Attorney Stoker commented that no matter what project was in front of MDOT they would try to get the City to adopt the plan.

Councilman Zichi read aloud the portion of the letter regarding 310 W. Grand River.

Mayor Hyne commented that it also mentions the library property.

Director Aniol commented that the goal of MDOT is to make the traffic on M-43 smoother; it is not to slow down traffic. She added that this causes a conflict because the City wants to slow down traffic to make a viable downtown. She cited a situation in Dearborn that is similar to Williamston's issue and added that Dearborn came up with their own plan.

Attorney Stoker pointed out that the adoption of the Access Management Plan does not include the agreement to what is stated in the letter. The Council would also need to make a motion to approve the letter.

Councilman Couturier commented that the Council is not agreeing to the letter.

Councilman Pratt commented that he does not want to adopt the plan but feels that it will enable the City to move forward.

Leo Sheets urged the Council to proceed with caution and not give up the City's rights. He agreed with Director Aniol that this plan will speed up the traffic and not slow it down.

Councilman VanAllsburg commented that although it is unfortunate that MDOT is linking the issue of the plan and 310 W. Grand River together, it could have happened with any other development.

Mayor Hyne commented that even if they did not adopt the plan, MDOT will still use the plan for deciding what to do with developments.

Councilman Zichi commented that the RiverHouse Inn was given the option of one way in and one way out entryways nearly a year ago, but it was not accepted then and now the Council needs to adopt the Access Management Plan in order to get what was agreed to a year ago.

Mayor Hyne responded that the plan is supposed to be used as a guidance tool. She asked if the motion suggests the Council is giving special favors to businesses.

Attorney Stoker answered that the motion is very specific in only dealing with the plan and not agreeing to the letter.

Councilman VanAllsburg asked if they should accept what is written in the letter.

Mayor Hyne commented that she does not feel that needs to be done. It is between MDOT and the developers.

Councilman Pratt feels that if the Council accepts the plan, then everyone will be happy, and the Council does not need to address the letter.

Vote on the motion: Yes: Pratt, Siciliano, Smith, VanAllsburg, Couturier, Hyne. No: Zichi. **Motion passed.**

**9e. Budget Workshop Dates:**

Motion by **Pratt**, second by **VanAllsburg**, to set a budget work session for Tuesday, April 1, 2008 at 6:30 p.m. in the City Hall Council Chambers. Yes: Siciliano, Smith, VanAllsburg, Zichi, Couturier, Hyne, Pratt. No: None. **Motion passed.**

**9f. Traffic & Vehicles Ordinance- 2<sup>nd</sup> Reading #306:**

Motion by **VanAllsburg**, second by **Zichi**, to approve the second reading and adoption of the Traffic and Vehicles Ordinance #306 as presented. Yes: Smith, VanAllsburg, Zichi, Couturier, Hyne, Pratt, Siciliano. No: None. **Motion passed.**

**9g. Zoning Ordinance Amendment- 2<sup>nd</sup> Reading #307:**

Motion by **Siciliano**, second by **VanAllsburg**, to approve the second reading and adoption of the Zoning Ordinance amendments #307 as presented. Yes: VanAllsburg, Zichi, Couturier, Hyne, Pratt, Siciliano, Smith. No: None. **Motion passed.**

**9h. Sign Setbacks Draft Language:**

Attorney Stoker commented that he has drafted an ordinance for Council consideration. He added that he would suggest the attorney's office draft another ordinance for consideration, measuring the setback from the curb rather than the right of way.

Director Aniol submitted information for having an ordinance that would have the sign setbacks measured from the center line of the right of way.

Attorney Stoker asked if the Council's goal is to have the signs staggered or to have the signs all in line.

Councilman Couturier commented that he would like to see the sign setback measured from the sidewalk.

Police Chief Mark Hetfield commented that if a sign is large and is only setback three feet from a sidewalk, then there may be **sight**e distance issues.

Mayor Hyne commented that she would like to see the signs setback being measured from the sidewalk with conditions.

Leo Sheets asked what the Council's goal is and added that the Council should do what is best for the businesses. He would like to see the Council's goal in writing.

Councilman VanAllsburg answered that the ten foot setback was set, based on aesthetics and the three foot idea is to compromise aesthetics with what is being done already.

Councilmember Smith commented that there are signs that need repairs and are not able to be done because it would need to be moved.

Councilman Couturier commented that the three foot setback has been taken into account for safety **and site distance taken into account as well.**

Councilman Zichi commented that he does not want to see signs too close to the road and does not know why the Council would circumvent the Planning Commission to get the issue through.

Mayor Hyne commented that the issue has been put before the Planning Commission.

Councilman VanAllsburg commented that the issue was put in front of the Planning Commission and they said they were not interested in it.

Director Aniol commented that even if the setback was changed to three feet from the sidewalk, it would not help the RiverHouse Inn, because their sign is in the MDOT right of way.

Attorney Stoker commented that there would have to be language in the ordinance specifying that an applicant would need to also get approval from MDOT.

Director Aniol commented that the issue was brought forward by the Planning Commission to the business owners by mail, and a public hearing was held. The Planning Commission only received a comment from one business owner and they did not feel it was enough to change the ordinance.

Councilman Couturier commented that he received a phone call from Red Cedar Auto Sales asking whether the owner should attend the Planning Commission meeting and he told the owner he did not need to.

Director Aniol asked what other method the Council wants the Planning Commission to use to get feedback.

Mayor Hyne commented that people did contact Council members and City staff.

Motion by **Pratt**, second by **Couturier**, to table the sign setbacks draft ordinance until the next meeting when the Attorney, City Manager, and Community Development Director can submit another draft incorporating the comments from the meeting.

**Motion passed by voice vote.**

**9i. City Council Rules of Procedure:**

Motion by **Siciliano**, second by **Zichi**, to approve the amendment to the City Council Rules of Procedure as amended by including the "website update" in items 4a, 4b, 7b, and 7c. Yes: Couturier, Hyne, Pratt, Siciliano, Smith, VanAllsburg, Zichi. No: None.

**Motion passed.**

**9j. Deer Creek Parking Lot Paving:**

Motion by **Smith**, second by **VanAllsburg**, to table the Deer Creek parking lot paving issue until the next meeting to get clarification on the bids. **Motion passed by voice vote.**

**9k. MERS Contribution:**

**Mayor Hyne asked where the funds would be coming from and when the issue began, and was told they would be taken out of the general fund.**

Motion by **Siciliano**, second by **VanAllsburg**, to approve the March payment of \$166,931 and authorize the City staff to get a contribution plan in place. Yes: Couturier, Hyne, Pratt, Siciliano, Smith, VanAllsburg, Zichi. No: None. **Motion passed.**

**10. Discussion Items**

**10a. Budget Presentation:**

This will be presented at the next budget work session.

**12. Staff Reports**

**12a. City Manager:**

Manager Hitchcock submitted a written report for Council review and added she would like to thank the Parks and Recreation Commission for their hard work on the MDNR grant application.

**12b. City Attorney:**

Attorney Stoker commented that the legislature has granted a slight increase in profit sharing.

**12c. WWTP:**

A written report was submitted for Council review.

**12d. Police:**

A written report was submitted for Council review.

**13. Audience Participation:**

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

**14. Council Member Comments:**

Councilman VanAllsburg commented that Gracie's Place has opened.

Councilmember Smith commented that she would like the Council to refrain from making snide comments.

Councilman Pratt commented that Gracie's Place is nice. He added that he has received complaints about people parking on the vacant lot at the highway. He also questioned the status of the outdoor lights on City Hall.

Councilman Couturier recapped the discussion of having the bid requests added to the City website. He added that he has been to Gracie's Place and it is nice.

Mayor Hyne thanked everyone for attending the meeting and thanked the Joseph's for opening a business in town and thanked all of the business community for being in Williamston. She stated that she agrees with Smith's comments and added that the Council should be respectful and has a code of ethics to follow.

**15. Closed Session- Attorney Client Privilege Letter:**

Motion by **Siciliano**, second by **VanAllsburg**, to go into closed session to discuss an Attorney Client Privilege letter. Yes: Hyne, Pratt, Siciliano, Smith, VanAllsburg, Zichi, Couturier. No: None. **Motion passed.**

\*Closed Session started at 11:25 p.m.

Motion by **Couturier**, second by **Zichi**, to return to open session. Yes: Pratt, Siciliano, Smith, VanAllsburg, Zichi, Couturier, Hyne. No: None. **Motion passed.**

\*Closed Session ended at 12:14 a.m.

**Action on Closed Session:**

No Action was taken on Closed Session.

**Council Member Comments:**

Councilman Couturier commented that he was disturbed by the way the Council acted at the closed session. He stated that a few members of the Council and Attorney Gormley were supposed to come up with a resolution and when it came to Stoker's office they deemed the resolution to be unlawful.

Attorney Stoker commented that the resolution is not constitutionally legal in Michigan because the City cannot pay to make improvements to private property.

Councilman Couturier stated that Attorney Stoker was aware of what was going on the whole time.

Attorney Stoker commented that he was aware there was a group meeting, but did not know the terms of the agreement being discussed until it was given to them with the packet. He added that the Council is not bound to follow the Attorney's opinion, but the Attorney does have the obligation to make it known to the Council.

Councilman Couturier asked who is going to sue the City. He added that Attorney Gormley was wrong and should have known better and the City had to spend money for his services. He believes Attorney Gormley should be let go and wants to see it on the next agenda as well as Cohl, Stoker, and Toskey's contract. He added that Attorney Perrone is unprofessional with the way that he conducts himself at meetings.

**16. Adjournment:**

Motion by **Zichi**, second by **Couturier**, to adjourn. **Motion passed by voice vote.**

**\*Meeting Adjourned at 12:24 a.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**

\_\_\_\_\_  
**Michelle A. Hyne, Mayor**

Date Approved: \_\_\_\_\_