

**CITY OF WILLIAMSTON
CITY COUNCIL
JUNE 23, 2008
REGULAR MEETING MINUTES**

1. Call To Order:

The meeting was called to order at 7:03 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 Carmen Siciliano, Traci Smith, Scott VanAllsburg, and Ken Zichi. Absent: None.

Also Present:

City Manager Lisa Hitchcock, Deputy Clerk Holly Thompson, City Attorney Bonnie Toskey, Police Sergeant Jeff Hull, JFM Productions, citizens Michael Moody, Dave Coker, Mike Thomas, Brooke Locke, Boy Scout Leader Ralph Shuck, Dan Frank, Emily Sutton-Smith, Dan and Gwen Hulbert, Ken Whelton, Bernie Eckman, William and Melanie Schall, the Girls Tennis Team, Tennis Coach Steve Stanley, Boys Track Coach Paul Nilsson, and 3rd Grade Teacher Gayle Cobb, Richard L. Dorn, and other members of the public.

4. Approval of Agenda:

Motion by **Siciliano**, second by **VanAllsburg**, to approve the agenda as presented. **Motion passed by voice vote with Pratt voting no.**

5. Proclamations:

Proclamations were issued to Dan Frank for EDC/TIFA, Jubilee Committee, Kiwanis, Lions Club, Coach Paul Nilsson, Coach Steve Stanley, Tennis Player Erin Donovan, Tennis Player Olivia Green, the Girls Tennis Team, the 3rd Grade Class, and Boy Scout Troup 63.

6. Audience Participation:

Joe Eiffert, 715 N. Putnam St., asked if there is a City Ordinance to keep cars from parking over the sidewalk.

Manager Hitchcock responded that she believes it is state law.

Mr. Eiffert stated that the Police Department is allowing people to get away with parking over the sidewalks. He pointed out instances of someone consistently parking over the sidewalk at 308 S. Putnam Street and on Bismark Street. Mr. Eiffert commented that pedestrians have to go around the cars that are parked over the sidewalk. He added that GLS consistently parks their vans over the sidewalk on Middle Street at night.

The City Manager will follow up with the Police Chief on this.

Councilman Pratt commented that he agrees with Mr. Eiffert and there were people parking across the sidewalk all weekend because of a garage sale going on next door and kids had to ride their bikes around the cars. He also asked the City Manager where the no parking signs are for N. Putnam St.

Sandy Whelton, Jubilee Chairperson, thanked Sergeant Hull for all of his help during the week of Jubilee and City Council for their cooperation.

Ken Whelton, 428 Middle Street, thanked the DPW crew for their help during Jubilee.

Melanie Schall, 3150 N. Williamston Rd., commented that her son was fortunate to receive the \$1000 scholarship from the Lions Club. She commented that Councilman Pratt and former Councilman Couturier made a complaint against them using the property maintenance code regarding one of their outbuildings that is zoned agricultural. She stated that she finds it perplexing that Councilman Pratt wanted to remove it from the agenda because they are the only residents that this has been used against. She stated that she agrees she has buildings in need of repair but there are many buildings in Williamston that are also in need of repair, and everyone needs to be treated fairly. She stated that she and her husband drove around the City and found nine properties on a ten minute trip that have code violations. She stated that regrettably the first complaint is with Councilman Pratt's daughter's barn and does not know the names of the other residences. She does not believe the code should be used to pick on people. She quoted Mayor Hyne as saying 'buildings downtown have gaping holes in them, god only knows what's living in them, just doesn't seem to be consistent'. She quoted Councilman Pratt as saying 'The complainants were myself and Dick Couturier.' She quoted Mr. Couturier as saying 'We should go by the law and if your place needs to be fixed then fix it to code like it's supposed to be.' She quoted Mr. Pratt as saying 'If someone wants to call me again to say that this is a bad building you bet I will get the name and address and turn it over to the City Manager.' Mrs. Schall submitted a list of five addresses with code violations to accessory buildings to the City staff. She commented that she is not going to tolerate being picked on and she would have asked to talk under the International Property Maintenance Code issue, but did not believe she would be treated kindly. Mrs. Schall stated that she will apologize to everyone that she submits complaints on.

Bernie Eckman of the American Legion, commented that the monument is nearly complete and asked for the City's cooperation in taking one of the benches from the downtown to use by the memorial in the park. He stated that the American Legion would be willing to pay to have the bench installed. He asked that the City let them know what they decide.

Councilman Pratt commented that he agrees a bench from downtown should be placed by the memorial and believes the one taken from in front of the old library should be used. He added that there have been people that have requested benches and have been told they have to be the same as the City benches in the downtown.

Bernie Eckman stated that the benches are expensive, but they want the benches to match.

Manager Hitchcock commented that the decision would be up to the Downtown Development Authority.

7. Council Minutes of May 27, 2008 and June 9, 2008:

Councilman Pratt commented that he asked for the minutes to be tabled because of the comment that the contractor was not impressed. He stated that he did not mean that the contractor was not impressed with the work, but that he was not aware of any bid process and had nothing to do with Stevens Construction.

Motion by **Pratt**, second by **Zichi**, to approve the Council minutes of May 27, 2008, and June 9, 2008 as presented. Yes: Smith, VanAllsburg, Zichi, Hyne, Pratt, Siciliano. No: None. **Motion passed.**

8. Accounts Payable:

The accounts payable totaled \$204,420.34 and included a payment to Siemens for repair of the WWTP facility, First Friday Advertisements, and other miscellaneous services and supplies. Reference #'s 55152-55219.

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

9. Action Items

9a. Appointment of Councilmember:

Motion by **Pratt**, second by **Smith**, to appoint Michael Moody to the City Council to fill the position vacated by Couturier. Yes: Hyne, Pratt, Smith. No: Siciliano, VanAllsburg, Zichi. **Motion failed.**

Motion by **VanAllsburg**, second by **Zichi**, to appoint Mike Thomas to the City Council. Yes: Zichi, VanAllsburg. No: Hyne, Pratt, Siciliano, Smith. **Motion failed.**

Motion by **Siciliano**, second by **Zichi**, to appoint Dave Coker to the City Council. Yes: Siciliano, Zichi. No: Hyne, Pratt, Smith, VanAllsburg. **Motion failed.**

Motion by **VanAllsburg**, second by **Pratt**, to reconsider Michael Moody for the Council position. Yes: Smith, VanAllsburg, Hyne, Pratt. No: Siciliano, Zichi. **Motion passed.**

Motion by **Pratt**, second by **Smith**, to appoint Michael Moody to the City Council effective immediately. Yes: Smith, VanAllsburg, Hyne, Pratt. No: Zichi, Siciliano. **Motion passed.**

9b. International Property Maintenance Code:

Motion by **VanAllsburg**, second by **Pratt**, to concur with the Mayor's appointment of Pratt, Siciliano, and Smith, to a sub-committee to go through the International Property Maintenance Code and issue a report in six weeks. Yes: Hyne, Pratt, Siciliano, Smith, VanAllsburg, Zichi. No: None. **Motion passed.**

9c. Budget Adjustments:

Motion by **Zichi**, second by **VanAllsburg**, to approve the budget adjustments as presented in the packet to the Major Street Fund. Yes: Pratt, Siciliano, Smith, VanAllsburg, Zichi, Hyne. No: None. **Motion passed.**

9d. Reconsider Construction Bids:

Motion by **VanAllsburg**, second by **Pratt**, to reconsider the construction bids. Yes: Hyne, Pratt, Siciliano, Smith, VanAllsburg, Zichi. No: None. **Motion passed.**

Motion by **VanAllsburg**, second by **Pratt**, to approve the low bid from K&D General Contractors for projects b-h in an amount not to exceed \$21,500. Yes: Siciliano, Smith, VanAllsburg, Zichi, Hyne, Pratt. No: None. **Motion passed.**

9e. Parks & Recreation Commission Request to Develop Use Policy for Bandshell:

Motion by **Pratt**, second by **Zichi**, to request that the Parks and Recreation Commission develop a use policy for the bandshell to submit to City Council. Yes: Smith, VanAllsburg, Zichi, Hyne, Pratt, Siciliano. No: None. **Motion passed.**

10. Discussion Items

10a. Complaint Policy:

Councilman Pratt commented that he has asked for this to be on the agenda and stated that he is in a situation right now and wants to know what the City's current complaint policy is.

Manager Hitchcock asked for clarification.

Councilman Pratt commented that he understands that anyone can make a complaint against a house, and can be anonymous and the police will go to the person's house.

Manager Hitchcock commented that yes, the police will investigate any phone call/complaint that comes in.

Councilman VanAllsburg asked if there is a warning issued first.

Manager Hitchcock answered that it depends on the situation and the discretion of the officer.

Councilman Pratt commented that he wants it on as an action item on the next agenda and wants to have the Manager explain before the next meeting what exactly involves a FOIA and other complaint policies. He has talked to several officers and they have said that anyone can make an anonymous complaint and the cops will be sent there. He commented that he wants to sit down with the City Manager and Sergeant Hall or the Police Chief and come up with a policy where people cannot be harassed.

Manager Hitchcock commented that there were complaints about a certain property, a police officer went down and issued a warning and received another complaint and went back down there and were told that they wanted information about who was complaining and they were a relative of a Councilmember. If they want to come in she would recommend that they sit down with an attorney and the Chief of Police.

Mayor Hyne asked that the City Manager provide the Council with the complaint policy and procedures.

Councilman Zichi commented that he does not know if it is possible to set a policy to prevent someone from filing a criminal complaint.

Councilman Pratt commented that he does not want to see an anonymous complaint.

Councilman Zichi commented he thought the policy is when a complaint comes in it is investigated to see if it is true or not.

Councilman Pratt commented that the complaint had nothing to do with anyone in the City, it came from a disgruntled person, and it is going to come back to bite them.

Councilman Zichi commented that if he sees someone being beaten in Indiana he would definitely report it.

Councilman VanAllsburg asked why the Council found out who complained about the Schall's.

Manager Hitchcock answered that it was not a criminal investigation.

Councilman Pratt commented that it was not a complaint, it was information that they relayed to the City Manager, information that they were called on.

Manager Hitchcock commented that the story changes when they are in public. She asked for clarification that the Council was looking for Police complaint policies only.

Mayor Hyne answered that it is correct.

12. Staff Reports

12a. City Manager:

Manager Hitchcock submitted a written report for Council review and congratulated the Beautification Committee on breaking ground for the bandshell. She also thanked the Council for approving the lining of the Mill Street sewer lines which has been completed.

Councilman VanAllsburg asked what would happen if someone called to complain about the noise from the bandshell.

Manager Hitchcock stated that she believes the Parks and Recreation Commission will take those issues into account when drafting a bandshell use policy.

Councilman VanAllsburg asked if there is a noise ordinance.

Councilman Pratt stated that there is.

12b. City Attorney:

No report.

12c. Community Development Director:

A written report was submitted for Council review.

13d. Police Statistics:

May statistics were submitted for Council review.

13. Audience Participation:

Dave Coker, 1230 Berkshire commented that there were several articles in the Williamston Enterprise that misreported news for the City and encouraged the board to read them. He commented that he is curious about the complaint policy because he made a complaint regarding a lawn not being mowed and has yet to see the results of that complaint. Mr. Coker stated that he thought Mr. Moody should have been able to sit in for the meeting because the motion was made to appoint Mr. Moody immediately.

Attorney Toskey commented that he could have been sworn in and taken part in the meeting, but there was still a quorum and she did not feel that there were any decisions made after he was appointed that would have been otherwise impacted by his participation.

Dave Coker commented that he will be applying for the Planning Commission. He disagrees with the City contributing to the cemetery so people can receive discounts. He asked that the City Council look at their pay rates in comparison to other municipalities.

Mike Thomas commented that he will no longer be the EDC/TIFA Chairman, and Pete Porciello has been appointed as Chairman. He congratulated Mr. Moody on his appointment. He added that he will miss Dan Frank's participation in the EDC/TIFA.

Melanie Schall, 3150 N. Williamston Rd., commented that there was no information in the packet regarding the complaint policy and it is unfair to the public. She stated that when she and her husband were trying to find out who made the complaint on their property, she quoted Councilman Pratt as saying 'the complainant was myself and Dick Couturier'. She also stated that when her husband asked Councilman Pratt who the complainant was he stated 'I don't have to tell you anything'. She stated that she finds it interesting that Councilman Pratt says he does not want to have an anonymous complaint on anything. She added that once again they are back to favoritism because it is someone he knows or is a family member that received the complaint. She commented that Mayor Hyne said the City staff is still the same in regards to the International Property Maintenance Code. She asked if the Mayor is saying that since the two complainants are Councilman Pratt and Mr. Couturier, that staff should ignore when complaints come. She does not see how it is staff's fault the complaints were made.

Mayor Hyne responded that she addressed this with Attorney Stoker when it was on the agenda and he said that it should not be on the agenda, that there was an issue being that it is an ordinance already in effect, that it has already been addressed, that it really should not have been brought before the Council and was an enforcement issue.

Melanie Schall commented that the enforcer put it on the agenda because he had never had a complaint made against agricultural property and was asking for direction from Council.

Mayor Hyne commented that the Council are not enforcement officers and she addressed it with the City Attorney. She stated that this was the direction that was given and she did not ask for this to be put back on the agenda.

Melanie Schall commented that this needed to be made public, if the Mayor thinks it is unfair, then she should believe the two council members that made the complaint is unfair. She stated that it cannot be pick and choose who the code should apply to. She asked Manager Hitchcock how and exactly when the complaint was made. She stated that she will not put this to rest because this is how previous Council behaved. She asked that the next time something is put on the agenda that people be provided with information so they can inform themselves. She finds it very disturbing that in the previous minutes the Mayor directed the City Manager to talk to the Schall's and Councilman Pratt responded that it is a waste of City time. She stated that she has lived in the George Beeman house since 1976 and asked how it is a waste of time. She stated that it was rude and crude and they deserve an apology. Mrs. Schall commented that when Councilman VanAllsburg made the motion to nominate Mr. Thomas, Councilman Pratt hit him in the arm and called him an s.o.b. She stated that she saw it and hopes it is on the video. She stated that it is undue pressure and is not

acceptable behavior from a councilperson. She commented that after Councilman VanAllsburg did what Councilman Pratt thought was appropriate, he congratulated him. She stated that it will cost her thousands of dollars to fix her outbuilding and she has two kids going to college. She will not let it go until she is treated like everyone else and everyone else is treated like her. She added that when she repairs are made to the building they are going to raise pigs.

Councilman VanAllsburg asked what will happen with complaints in the meantime while the Council is reviewing the property maintenance code and if complaints could be placed on hold.

Attorney Toskey commented that there are no provisions in the code that would hold the complaints. There is a provision that there is a provision that does allow for discretion of the inspector.

William Schall, 3150 N. Williamston Road, commented that he is of the understanding by Mr. Pratt and former Councilmember Couturier and Mr. Pratt said that although he made the complaint he was merely passing it on and said it was a complaint from someone else and refused to tell them who, but wants to know who made other complaints. He asked Council if he has that right.

Brooke Locke, 518 E. Riverside, thanked the applicants for taking an interest in the Council but wants to see citizen involvement in the Council. He believes Council should have views from both sides and keeping the City and everyone involved keeps everyone on the same page. He commented that regarding the complaint policy, it does not matter where you are in the United States it is built into the constitution that people are able to make a complaint and are able to remain anonymous. He stated that it is done that way for safety because there are people that do not behave well and it is not always nice to be on the receiving end of that. He stated that for this City or any city to amend that could get tricky and is something they probably do not want to look at. He believes that everyone should stop stone throwing and start working with each other. He stated that it is one of the great things about Williamston. It is a beautiful community and a really nice group of people live here. He stated that sometimes it is harder to be the bigger person and go talk to your neighbor yourself, but far before he would pick up the phone and called the cops, he would walk next door and knock on their door. He added that he may be cussed at but by far believes that is far more important to respect their neighbors, and to respect the community and make an attempt. He commented that he is one person that would say his name, but knows a lot of people that are terrified because they are not as confident or as outspoken and would need that security to feel safe. He thinks the constitution was put together with due process and if they start as a municipality to take away those rights they will be going into a tailspin.

Councilman Pratt commented that he believes there should be a citizen on the sub-committee to review the International Property Maintenance Code.

Mayor Hyne commented that the sub-committee is free to meet with the community and to post it and to go door to door to the business owners.

Michael Moody thanked the Council for appointing him and added that he sat next to Dave Coker at the last meeting and their kids go to the same school and believes he was also well qualified for the position. He stated that hopes he can fill the shoes for the Council.

14. Council Member Comments:

Councilman Zichi congratulated Member Siciliano on his recent nuptials. He added that Frank Buzzitta passed away late the previous week and gave his condolences to Mr. Buzzitta's family.

He added that the Planning Commission and Bridge Walk will not be the same without him.

Councilman Siciliano thanked the Jubilee Committee, Jordan and Patty Harvey, and Eric Newman for their work on the Jubilee. He also congratulated Mr. Moody on his appointment and commented that he is sure he'll do an excellent job. He offered to print Mr. Coker an application for the Planning Commission.

Councilmember Smith asked if the Property Code is available on the website.

Manager Hitchcock responded that it is.

Councilman Pratt commented that he agrees with Councilman Zichi regarding Mr. Buzzitta. He congratulated Councilman Siciliano on his wedding. He stated that there are holes next to the sidewalks in front of City Hall that need to be filled. He commented that the Jubilee was very nice and thanked all who participated.

Councilman VanAllsburg commented that he was impressed with all the proclamations given and was privileged to be a part of it and added that Talley's Folley will be showing at the Williamston Theatre starting June 26. He believes the set is fantastic. VanAllsburg stated that the movie Grease will be showing at the Sun Theatre as a Williamston Theatre fundraiser on June 29th.

Mayor Hyne expressed her condolences to the Buzzitta family. She congratulated Councilman Siciliano on his recent marriage. She extended appreciation to the Council position applicants, and also the bandshell ground breaking to each of them working so hard on the fundraising and the project. She also thanked the American Legion for the memorial that looks amazing. She thanked each person involved in the Jubilee and the good memories and community benefits it provides.

15. Closed Session- R&R Fence Litigation:

Motion by **Pratt**, second by **VanAllsburg**, to invite Michael Moody to the closed session regarding the R&R Fence litigation. **Motion passed by voice vote.**

Motion by **Pratt**, second by **VanAllsburg**, to go into closed session to discuss the R&R Fence litigation. Yes: Pratt, Siciliano, Smith, VanAllsburg, Zichi, Hyne. No: None. **Motion passed.**

Closed Session started at 8:58 p.m.

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

Closed Session ended at 9:44 p.m.

Action on Closed Session:

Motion by **Siciliano**, second by **Zichi**, direct Attorney Gormley to move forward with the R&R Fence litigation as discussed in closed session. Yes: VanAllsburg, Zichi, Pratt, Siciliano. No: Smith, Hyne. **Motion passed.**

17. Adjournment:

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

***Meeting Adjourned at 9:47 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

Michelle A. Hyne, Mayor

Date Approved: _____