

**CITY OF WILLIAMSTON
CITY COUNCIL
JULY 28, 2008
REGULAR MEETING MINUTES**

1. Call To Order:

The meeting was called to order at 7:07 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, Council Members Michael Moody, Traci Smith, Scott VanAllsburg, and Ken Zichi. Absent: John Pratt and Carmen Siciliano.

Also Present:

City Manager Lisa Hitchcock, Deputy Clerk Holly Thompson, City Attorney Dave Stoker, Police Chief Mark Hetfield, Community Development Director Michelle Aniol, Planning & Development Administrator Zeb Acuff, JFM Productions, Ingham County Drain Commissioner Pat Lindemann, Spicer Group Consultant Timothy Inman, citizens Robin Monette, Teresa Wood, Bill St. John, Brooke Locke, William and Melanie Schall, Wendy Shaft, Terri Campbell, Leo Sheets, Marlene Epply, Dan Frank, Pete Porciello, and other members of the public.

Motion by **Moody**, second by **VanAllsburg**, to excuse Siciliano and Pratt. **Motion passed by voice vote.**

4. Approval of Agenda:

Move item 11c. to 10g. and add to it 'Sub-Committee Direction'.

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

5. Audience Participation:

Teresa Wood, 164 W. Grand River Ave., commented that the First Friday will be Dog Days of Summer event, August 1st from 4pm-8pm. She thanked the City Council and City for their support of the First Fridays by funding the radio advertisements.

Terri Campbell, 308 Fulton St., commented that there was an editorial in the Williamston Enterprise regarding the potential of Williamstown Township to contract with the City for police services. She asked if this would be voted on by the citizens if it was considered.

Mayor Hyne answered that the procedures have not been discussed with the County or Township.

Attorney Stoker answered that it would be a contract worked out and approved between the Township Supervisors and City Council. It would be an action item on a Council agenda as a contract.

Mayor Hyne commented that she would support a public hearing for the issue if it were to be considered.

Council concurred with the idea of a public hearing if this should take place.

Attorney Stoker commented that it may go to a vote for a millage to support the services if a joint service agreement was considered.

Leo Sheets, 425 Moyer Rd., commented that regarding the proposed amendment to the sandwich board signs, in particular for the permit process, it was discussed somewhat during the public hearing, but the most specious argument was from a board member during the debate after the public hearing was closed and the voting of the amendment. That being that people putting up sandwich board signs would not know what the requirements are if they did not obtain a permit. To him it is like saying that people who want to change a light bulb on their porch need to get a permit to do that because they will not know that they can't project more than one foot-candle at the property line. The reason he thinks it is even more specious is because, how do people know they have to get a permit if they do not know what the permit requires or that they need to have a permit. The sandwich board sign ordinance is, he feels, further harassment of the business people that want to do business. He personally believes there was somewhat of a hidden agenda in this specious argument. He does not believe that the board member really believes that. There were no studies to support their argument. Therefore he believes the Council should look to striking that requirement and let the people get on with doing their business.

Brooke Locke, 519 E. Riverside, he congratulated everyone involved in the sandwich board sign ordinance. The City Council that put things in motion, the joint meeting, the business owners, really pulling together, showing what one movement can do. They said it could not be done but here it is sitting on your desks ready for action and there are things that even he would like to change. The businesses have put a ton of money into this community to make it vital, to keep the downtown district alive and exciting. Rules need to be in place so we can govern and have everything in an ordinance so everyone is on the same page, so whatever we need to do to make it happen, to keep the movement going, to let everyone know that their work was appreciated, the Planning Commission worked through it, the business owners worked through it, there was a lot of hard work and little time to put everything together. We sometimes have to think outside the box, and have to work together. This is the first step of what really can be done. Watching the community pull together, not just the business owners and Council, but people that are not normally seen. He commented that First Fridays are getting better all the time because people are excited. The First Friday Teresa Wood talked about is going to be awesome and the momentum is only going to continue. If it is in your hands to keep the momentum going, and he knows that everyone is on the same page, and he is excited about that. He thanked everyone for their hard work and efforts.

6. Council Minutes of July 14, 2008:

On page 2, item 9c. add 'raised by the building inspector' after 'issue'. On page 3, under 10c. add 'Mayor Hyne e-mailed the grant information on July 2nd and received it from the MML on their website and that she was very supportive that it was to be used for educational reasons and that in light of the current rise in energy costs, that she thought it would be beneficial to City residents.' On page 3, at the bottom add 'to be sure there is written communication to confirm that there was something documented to confirm the sirens are working properly and the procedures were followed properly' after 'sirens'. On page 5, 15 lines down add 'without objection and offered to assist if that would be possible to do that.'

Motion by **Moody**, second by **VanAllsburg**, to approve the Council minutes of July 14, 2008 as amended. **Motion passed by voice vote.**

7. Accounts Payable:

The accounts payable totaled \$262,150.97 and included payments for infrastructure improvements, employee benefits, water/sewer revenue bonds interest payment, and other miscellaneous services and supplies. Reference #'s 55319-55375.

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

8. Public Hearing- TIFA 2B Plan Amendment:

Mayor Hyne opened the public hearing at 7:26 p.m.

Roll Call: VanAllsburg, Zichi, Hyne, Moody, Smith. Absent: Pratt, Siciliano.

Manager Hitchcock reported that the intent of the plan amendment is to improve the berm between the residents and Amerisource Bergen.

Peter Porciello commented that the plan is to improve the buffer because the current berm has been found to be insufficient. The landscape plan has been created by the residents' comments. He added that the cost is a little high because of the hand digging that will need to be done to repair the berm.

Councilman VanAllsburg congratulated the TIFA board for meeting with the residents and finding individual solutions.

Mayor Hyne commented that she had the opportunity to serve on the EDC/TIFA and felt it was a tremendous group. They do a great job for the community and its residents.

Councilman Moody questioned if the amount is \$23,000 for the project.

Manager Hitchcock answered that it is \$23,000 as shown in the resolution for Council.

Mayor Hyne closed the public hearing at 7:34 p.m.

9. Presentation – General Drain Office Operations- Ingham County Drain Commissioner Pat Lindemann:

Commissioner Lindemann distributed some information from his office to the Council showing what the Drain Commission has done with the drains in Williamston. He gave the history of the digital ortho mapping. The federal government in the year 2000 approached him and offered to give Ingham County a grant. He commented that Williamston pledged around \$7000 to take part in the grant. He commented that the City could back out of the grant, or choose to move forward with it. The reason it took so long to get the money is because of 9/11. All the money was taken away and put into homeland security. He discussed the lidar monuments and how the mapping is based on their locations. He showed a slide show to the Council of samples of what they could receive should they choose to participate.

10. Action Items

10a. Charitable Gaming License- Baseball Boosters:

Motion by **Moody**, second by **Smith**, to approve the resolution for a charitable gaming license for the Williamston Baseball Boosters as presented. Yes: Hyne, Moody, Smith, VanAllsburg, Zichi. No: None. **Motion passed.**

10b. Cemetery Funding:

Motion by **VanAllsburg**, second by **Moody**, to continue the payment of the \$12,000 cooperative with Williamstown Township cemeteries. Yes: Moody, Smith, VanAllsburg, Zichi, Hyne. No: None.

Motion passed.

10c. Amendment #2 to Wilcox Professional Engineering Services Agreement :

Motion by **VanAllsburg**, second by **Moody**, to execute the corrected change order #2 to Wilcox Professional Engineering project #1223800200 services agreement for infrastructure improvements as presented for \$5800. Yes: Smith, VanAllsburg, Zichi, Hyne, Moody. No: None. **Motion passed.**

10d. First Reading Ordinance #308 Sidewalk Sign Amendment:

Attorney Stoker: Really, probably most of this issue should be directed to the Planner. I did add, if you go to page 10d. 4, an ordinance that incorporates what the Planning Commission recommended for dealing with the sidewalk signs. Again it is for the first reading so it has to go through the two reading process and be published before it can go into effect. But the language in the ordinance is in ordinance format the same as what the Planning Commission had.

Councilmember Smith: They didn't seem to look the same to me.

Mayor Hyne: Pardon?

Councilmember Smith: They did not appear to be exactly the same or I was maybe reading it a little bit different. I would like to address one particular section. So if I understood what you just said, the first thing, the proposed amendments to page 10d. pg 2....

Attorney Stoker: This is what the Planning Commission recommended.

Councilmember Smith: So if we look at 18.4.4.6.2 number of signs it talks about each place of business in the C-1 zoning district, but then I went over to the ordinance that you wrote, you've got signs, so that is subsection C-1, C-2, C-3, C-4, which I prefer don't get me wrong, but that seems like it's not the same. And maybe it's not referencing the exact same thing, but even at that it contradicts each other.

Councilman Zichi: If I'm remembering section 18.4 correctly, 18.4 deals with signs generally in any commercial district.

Councilmember Smith: So section 2 is speaking of all signs in any of those districts and then the number of signs specific.

Councilman Zichi: If you look at 18.4.4.6.2 it talks about only C-1 zoning.

Attorney Stoker: If it may help, the section 1 and section 2 of the ordinance those are ordinance sections, not a code section. If you notice the section will go all the way down to 3, 4, 5, and 6. The indented version is the numbers that actually go in the code.

Director Aniol: Madame Chair.

Mayor Hyne: Yes.

Director Aniol: My apologies for not catching this sooner but when you had the joint Commission/Council meeting we heard from the business community and a specific word can be sometimes used, in 18.4 it was suggested that we take out the words 'quaint and' and just allow the sentence to state for 18.4. 4.6 sidewalk signs, the point of these regulations is to allow for an aesthetically pleasing business promotion, etc.

Councilman Moody: I remember that conversation too.

Mayor Hyne: I do too. I remember saw that I thought.... I have a question on section B under just 18.4.4.6 just where it says, 3rd sentence down, to insure safety and avoid clutter, sidewalk signs must be properly sized, located, etc. I'm trying to recall, under page 10b. page 2, on b. section 18.4.4.6 sidewalk signs, 3rd sentence down, right in the middle, where it says 'avoid clutter' to ensure safety and avoid clutter sidewalk signs must be properly sized, located, and maintained, I was trying to recall, I want to avoid it being up to interpretation, you know when it comes to enforcement and I thought, I just couldn't recall. I know when they talked about that in general but I don't recall it actually being requested to be put in the ordinance.

Attorney Stoker: Let me jump in. To be candid I'm not sure I would put 14.4.4.6 in for the most part in its entirety. Usually when you draft ordinances I like the ordinance to say what the rules and regs are not necessarily why you're doing that. That would usually be something in a resolution. Having said that, this is how planning adopted it, and if we're going to make substantial changes in it, it has to go back to planning before you can deal with it.

Councilman VanAllsburg: I guess my comment on this is that this is an opinion that says if we adopt these regulations we will be safe in avoiding clutter. It's not saying that...

Attorney Stoker: This is the purpose of the ordinance. The guts of it is really what you're allowing, the stuff behind it. My preference normally in drafting ordinances would be to put why you're doing it in the 'whereas's' and not right in the ordinance, but that's not the way that Planning adopted it. Again, what that really means is, this is not strictly enforceable. You're not going to be able to ticket someone because they're cluttering, rather the ordinance requirements are that you pick up the distances from here and that's the only enforceable part that they'll actually be able to write tickets on.

Mayor Hyne: My other question though, I did attend um, it was about 8 o'clock after office hours that I had at Ellie's. I walked over and Mr. Acuff was here and discussing the joint planning meeting with the Planning Commission, and if I'm incorrect, feel free to jump in anytime, that there was two proposals for them, an A and a B to review, and I guess my understanding from the joint planning meeting was that Attorney Stoker was actually to advise on the writing of the ordinance and at least have the opportunity to review that, and I did not get that impression that that was partnered together. Is that correct?

Planner Acuff: I believe the A & B options were presented at the Planning Commission regarding non-conforming signs, not the sidewalk signs.

Mayor Hyne: Cause they were discussing, cause I know the Chair commented regarding the joint meeting that did we not, because there were two options, that did we not have an idea of

what direction from that meeting. Was there not direction from that meeting? I guess I'm asking point blank then; did you partner with our attorney to come up with the language for this as I know we discussed at the joint planning meeting?

Planner Acuff: For the sidewalk signs no, non-conforming where we talked about options A and B were discussed. We talked the different shades of regulations. The non-conforming sign options were provided to the Planning Commission, but I don't recall there ever being a discussion on the two different options for the sidewalk signs.

Councilman VanAllsburg: No, I don't recall that either, but I do want to make a general comment and that is that at the end of that meeting there was a lack of a finishing process that said this meeting is going to result in this, this, this, and this and that didn't happen at that meeting and I remember leaving thinking, somebody needed to say what the result of that meeting was going to be in terms of actions and I think though what was supposed to happen which is great, but it was never stated in the meeting, which I would have been more comfortable with. But then again, I don't know who's responsibility that would have been either, but at any rate that's how I left the meeting.

Mayor Hyne: I guess it's just my own opinion that if we're going to draft legal language that we certainly would want to consult our attorney on that but.... Anyone else have any comments?

Councilmember Smith: I don't remember at that joint meeting that we had the conversation about allowing sandwich boards only in C-1 as opposed to C-2, or C-3, or C-4. I'm not very supportive of it being only C-1.

Mayor Hyne: I agree because I know the discussion at that meeting I don't believe, there needed to be additional conveyed to the Commissioners I think of our intent.

Councilman Zichi: I think the reason that came up was because C-1 is the only place that has buildings at the boundary line, meaning that this is regulating signs that are in the right of way. Any other district there's a setback that the sign could be placed in so it doesn't fall under these provisions at all. It's simply a sign. This is talking about a sign in the public right of way and that's why the regulation is different than a signs that would be on private property.

Mayor Hyne: I would like to address Attorney Stoker. Would you care to comment on that?

Attorney Stoker: Well this is obviously a policy choice. I think it's going to be unusual the impact in other districts. I'm not saying they couldn't be one out there, but it would be unusual. Where it would be in C-1, it would be the usual situation. Almost all of them would fall under this regulation. So again it's a policy choice if you want to do more than one and frankly if you're comfortable with doing it in C-1, you could do it in C-1 now and then send it back to look at C-2, C-3, C-4 to see if it's necessary to have it.

Councilman VanAllsburg: I don't want to hold this up because of that but I definitely think we should follow up on it though.

Manager Hitchcock: C-1 is the only district you have that you have over a five foot sidewalk anywhere else, if you put a sign on the sidewalk, you're going to impede traffic. You're going to impede your pedestrian traffic.

Councilman VanAllsburg: Ok, but that doesn't mean they wouldn't want a sandwich board sign in some other location.

Manager Hitchcock: But this is strictly on the sidewalk though. I mean anything else, you put it behind the sidewalk, it's a totally different situation. That's the way I'm reading this.

Attorney Stoker: But that's an issue that for the other districts you could send back to them and tell them to take a look at it. Essentially sandwich signs fit anywhere else.

Councilmember Smith: I'm not trying to be difficult, but I would just like you to show me where it says in here this is only relative to sitting on a sidewalk because when I read the definition of signs/sidewalk: a portable sign constructed in such a manner as to form an A or tent like shape, also called A-frame, menu, sandwich, or sandwich board. Perhaps somewhere it says it's sitting on a sidewalk but I don't see that and I really don't want to sit here in two months and have a person from the strip mall down there saying, you've done it again. And if it's here that's great.

Councilman VanAllsburg: What do you mean they would say then again?

Councilmember Smith: They want to put a sign up and they can't because our description right here it didn't say a sidewalk, it says this is the type of sign and right over here it says any business in any zoning district other than C-1 district shall be prohibited from exhibiting a sidewalk sign.

Mayor Hyne: That specifically is noted.

Councilman VanAllsburg: I agree that that needs to be changed but I guess my point is that I don't want to stop this because of that.

Mayor Hyne: My concern is that it's taken as we stated in the Planning meeting 10 years to get to this point, we're so close do we really pass something and send it or do we make it right?

Councilman VanAllsburg: Well we're passing it for C-1.

Director Aniol: Madame Chair?

Mayor Hyne: Yes.

Director Aniol: I think we have to build on what Mr. Stoker said and what the City Manager said is this is talking about sidewalk signs in your downtown. Do you want to allow sidewalk signs outside the C-1 district on sidewalks that are less than 5 feet wide where you will impede pedestrian circulation?

Councilman VanAllsburg: I guess my comment is maybe we do and maybe we don't. But I don't see it as we have to decide that now.

Mayor Hyne: As far as outside the C-1 district where as far as a sandwich board sign which we sometimes cross reference as a sidewalk sign, but a sandwich board sign not on a sidewalk where would they be allowed in districts other than C-1? Where are they legal?

Planner Acuff: Currently they would be regulated as a temporary sign. You'd get a temporary sign permit for it. If it's going to be up for long-term that would be considered a portable sign, and I believe the ordinance right now does not allow portable signs in the other commercial districts.

Mayor Hyne: So basically it would be illegal for a business to have a sandwich board sign permanently?

Planner Acuff: Correct.

Councilman VanAllsburg: So you said they'd have to get a permit but how long can they get a permit for though? I thought you could get the permit for a year.

Planner Acuff: We have issued temporary sign permits for up to a year. Yes.

Councilmember Smith: But only to be used on an intermittent basis is my understanding when I obtained that permit.

Mayor Hyne: You can't have it up consistently every day, seven days a week for one year?

Planner Acuff: I would have to check the ordinance on that.

Mayor Hyne: Can someone ask me to...

Councilman Moody: Madame Chair can you recognize the.....

Mayor Hyne: Yes, please state your name and address.

Wendy Schaft: My name is Wendy Schaft and I have a business at 121 High Street Limner Press and now I'm curious about the situation where my business is at. I'm in the downtown district and I don't put my sidewalk sign on the sidewalk, I put it on the property that the building is on, that I rent, so does that make my sign illegal?

Mayor Hyne: Mr. Acuff could you address that? Being that it's not on the sidewalk would that be a temporary sandwich board under the temporary permit process?

Attorney Stoker: I guess my reading is much like Councilmember Smith's. I don't see anything here saying it has to be on the sidewalk. It's measured from the grade and it's called a sidewalk sign and that talks about the locations and where you put it, but it doesn't say it's got to be paved underneath it. At least my reading of that... Now having said that in most of the downtown area there is in fact sidewalks there so they will be on the sidewalk, but I don't, unless I don't see that anywhere.

Planner Acuff: In most of the downtown areas the only option to have a sign that's not attached to your building is to put it on the sidewalk and the purpose of having this for the C-1 district because the majority of the commercial buildings in the C-1 district don't have the luxury of having a front sidewalk or a yard in which to put another type of sign up. That said, Ms. Schaft is in the C-1 district, she would be permitted to have a sandwich sign, sidewalk sign, A-frame sign whatever you want to call it. At the Planning Commission they originally had some restrictions as to where it could be placed. Those were taken out in favor of just a general provision that the sign has to be located so as not to impede pedestrian or vehicular traffic. There's nothing saying it has to be located on the seven foot square of concrete that's located at their front door.

Mayor Hyne: Now you have a grassy area, correct?

Wendy Schaft: Correct.

Mayor Hyne: So she may choose to place it in her grassy area.

Wendy Schaft: But it's not owned by the City, it's owned by the landlord.

Planner Acuff: Yes, that's fine.

Attorney Stoker: Well it's fine with the City, the landlord...

Wendy Schaft: The landlord loves me.

Councilman Moody: I have a question too.

Mayor Hyne: Go ahead councilmember.

Councilman Moody: Just a question. What does requiring a permit do for us anyways? Do we gain something from requiring a permit.

Councilman VanAllsburg: I agree with Leo on that except that I'm taking the advice from our planner who said that we should have a permit and I'm not going to hold this up because of that even though I agree with Leo.

Councilman Moody: Is there a purpose to it?

Planner Acuff: The purpose of having a permit is to be able to look at something up front to be able to do it in a more friendly manner.

Councilman Moody: So you can look and see if they need it up front, to see if they meet the ordinance.

Planner Acuff: When someone comes in with sidewalk signs saying this is what I want to do, there's a process in place and you can take a look at the ordinance and say yes that's fine go ahead and do it. The alternative if there is not a permit required, it then becomes enforcement actions so the City does not have any opportunity up front to take a look at the signs and then someone goes and puts up a sidewalk sign, wait for a complaint to come in, somebody

couldn't bike by it on the sidewalk, or walk by it on the sidewalk because they got hurt cause the sign was there, then we have to go out and investigate it, measure it and say, okay it's 36 inches wide and you're only supposed to have 28, if we caught this before you put the sign up we could have solved it then, but now it's an enforcement action.

Mayor Hyne: What's the turn around time when they file a permit to have that...

Planner Acuff: Sign permits I've been turning around usually about 2-3 days, sometimes the same day.

Mayor Hyne: And the fee for sign permits?

Planner Acuff: Would be set by Council.

Mayor Hyne: Which we could waive.

Attorney Stoker: You could put it at a nominal amount.

Councilman VanAllsburg: No, we could put it at zero.

Mayor Hyne: \$2.50, I'm being difficult tonight.

Councilman Zichi: Well we could and then every taxpayer would be subsidizing the businesses in town as opposed to the business paying the cost of it's own action and I think the taxpayers might have something to say about that.

Councilman VanAllsburg: Okay, my number is 655-3907.

Councilman Zichi: And I don't know the answer to that I'm just saying that's the justification for it. The classic justification for requiring a permit is that it's the trigger to make sure the public is protected. You don't hire somebody to do electrical work in your house and not pull a permit because the first thing that's going to happen is you hire somebody that's not qualified and they put in something that burns down your house and by the way your next door neighbors too. That's why permits are required. Are we saying that public safety doesn't mean anything?

Councilman VanAllsburg: Requiring a permit and charging for it are two different things.

Councilman Zichi: You're right, and then what happens is the general public is subsidizing everybody that wants to make changes.

Councilman VanAllsburg: I agree but you can also look at that we're all in this together.

Councilman Zichi: Yeah, and like I said I'm just talking about what the general rationalization and requirement of these things is, not my feeling on it.

Councilman VanAllsburg: The idea is that the fee is supposed to cover the cost of the City of what it invokes administratively to administer that situation.

Councilman Zichi: Yeah, that is the goal.

Mayor Hyne: I guess we could always waive the permit process too and save everyone money.

Councilman VanAllsburg: Well that's what Leo wants to do.

Mayor Hyne: Well I'm just saying there are all kinds of options we could look at and all the costs to the residents for ten years these businesses have not been able to market their business. Let's figure out how much money in revenue they've lost in an economy that is absolutely tanking and unemployment is at record rates in this state and we're going to be concerned about charging a nominal fee for a permit that keeps our downtown marketable.

Councilman Zichi: That's absolutely not true. A sandwich board sign is not going to make or break a business in this economy. Our ordinance is not going to affect Michigan's economy. However the bottom line is that we need to figure out what's fair for everybody. There are two problems with this ordinance and I want to go back to the specific language here for a second. 18.4.4.6.10.3, I hate the numbering scheme of this ordinance, it says that noncommercial sidewalk signs should be located in accordance and with the placement regulations for commercial sidewalk signs which says that it has to be in front of the advertised business. So you can't have what the farm market has which is a sign that says hey, farm market's that way. Because it won't be in front of the farm market, so I don't think that was the intent. I don't think Planning Commission really thought through where this was headed.

Mayor Hyne: In all respect these were recommendations given by our Planning Consultant. So if you care to address that.

Director Aniol: I think that the Farmers' Market signs, and I could see where you could include that but I think the Farmers' Market signs fall under the temporary or portable signs.

Councilman Zichi: So what would this cover?

Director Aniol: What you just read 10.4.4.

Councilman Zichi: Yeah, why is this section in here?

Director Aniol: Non-commercial sidewalk....

Planner Acuff: That would be the school musicals, the church's poker night, things like that.

Councilman Zichi: So the drama club that always puts a sign on the High Street lot area would not work because that's not where the play is.

Mayor Hyne: Or the blood drives, or the fish fries.

Planner Acuff: That needs to be clarified.

Councilman Zichi: I don't think this does what we want it to do.

Mayor Hyne: I agree.

Councilman Zichi: Secondly I know that all of those measurements were taken out for a reason but I read 18.4.4.6.5 as being an enforcement nightmare. It says: it can't impede.

Councilman VanAllsburg: It's not an enforcement nightmare and I'll tell you why. Cause we have business owners that are responsible reasonable human beings who have one sign that they're going to put out. They're going to put it in a spot that makes sense for that environment and I guarantee you, I'll stake my entire reputation, I'll stake my bank account on it, that it's not going to be a problem. I will guarantee you it will not be a problem.

Councilman Zichi: I wish I had that faith. I've seen too many times when people do unreasonable things, and I think you're right 99% of the time.

Mayor Hyne: Including government.

Councilman Zichi: Yeah, absolutely. I think you're right 99% of the time.

Councilman Even if somebody goofily puts it directly in the middle of the sidewalk there's still room to walk around.

Councilman Zichi: In most places in the sidewalk. There's portions of the sidewalk where there's really only about three feet of travelable sidewalk in the central business district. You put a two foot sign on a three foot sidewalk and you've got one foot which is not enough to push a baby stroller or a wheel chair through. That's impeding, but then they're going to come back and say, well I didn't mean to impede, you can't ticket me for that.

Mayor Hyne: So in other words is this the back door way in to regulate signs and make them illegal again?

Councilman Zichi: Exactly. That's not our intent here so I want to make sure what we're doing here is right so it doesn't create that kind of problem and that's where we've always had these issues before. Whenever we've tried to make modifications, we run into problems with people who say no, we shouldn't regulate this and other people that say well wait a minute if we can't regulate that then why do we even bother.

Mayor Hyne: Councilmember Smith do you have a comment?

Councilmember Smith: Well I agree with Scott's line of thought here but then I also note and I don't like the fact that we allow commercial signs to be 28" but government signs can be 36".

Councilman VanAllsburg: Yeah, the reasoning behind that was because typically the signs they've created for the plays in the past have been bigger than what the regulation was for the sandwich board signs for the businesses and they wanted to let them have a little bit bigger signs like they've had before. Isn't that right?

Planner Acuff: That was the discussion of the Planning Commission, yes.

Councilman VanAllsburg: So that's how that came about.

Councilman Moody: There was language about risk shifting on the liability. Can we do that type of stuff where the owner assumes the liability for the sign, damage incurred. I think it's in 18.4.4.6.8.

Attorney Stoker: As the two attorneys on Council know if someone's injured they're going to sue anybody and everybody and a jury will decide who's going to be liable.

Councilman Zichi: Bottom line I want to facilitate this I want to make these kinds of signs appropriate signs like this work. I don't think this ordinance does it and there's a couple of holes. And frankly, some of this is something that I didn't really even think of until I was reviewing at Council today. I've seen this ordinance a couple of different times and I didn't hear this at the rest of the public hearings, so I'd hate to blindsides people with this kind of stuff but again if what we want to do is to help encourage businesses I don't think we need to make ordinances that make interpretation more difficult. We need to make it easier for people.

Mayor Hyne: Yeah, I have a question too on 18.4.4.6.7 sign elements including the movement parts, does that mean you couldn't attach a balloon, moving swinging or spinning elements. Because I know sometimes they attach balloons that coordinate with the event or business. Would that prevent that?

Director Aniol: In the strictest sense of that yes. If the intent of the Council is obviously not to prohibit something like that, hopefully the intent is what gets looked at in something like that.

Councilman VanAllsburg: I have two comments: we're now in danger of slipping back to what happened 10 years ago and I'm not going to let that happen. I don't want to let that happen. So my assessment of this is that the only thing I've heard anyone say that should hold this up at all is Ken's thing about the non-commercial sidewalk signs should be located in accordance with the placement regulations for commercial sidewalk signs. I guess what I'd like to know from the Planner is do we have to hold it up because of that or is there another way to interpret this other than.. because obviously somebody that doesn't have a business that wants to put up a sign doesn't have a place to put it.

Manager Hitchcock: Well it's in conflict with the first part of that. 18.4.4.6.10 provided that no more than 5 such signs shall be allowed for an event. You're not going to put 5 in a row. To me that's the intent there so 10.3, I'm not sure what the intent was with that but to read it as strictly as that says, it conflicts with what your non-commercial sidewalk signs says.

Attorney Stoker: Let me just jump in, this is not like a normal ordinance, it's a zoning which means we have to get the recommendation of Planning Commission if you make substantial changes in the ordinance. Now as I understand that portion of the law, you can adopt all or part of what they recommend and you don't have to send it back but if you're going to change it, in other words rewriting it, and I don't really consider it taking quaint as a change...

Mayor Hyne: Can we take out that section? Because that's very interpretive.

Attorney Stoker: I think it is, but to a certain extent I think you'd have a whole numbering problem if you did quite frankly. On the other hand if you wanted to wait for another day to deal with non-commercial signs entirely and not adopt 10 at all, you could probably do that

and you would not be, not going against their recommendation. You would be referring that portion back for them and you could adopt the rest.

Mayor Hyne: Could we still hold enforcement on certain ones in abeyance like with the property maintenance code until this issue is addressed?

Attorney Stoker: Well yeah.

Director Aniol: Are you saying that the Council could adopt this and send a section back to the Planning Commission.

Attorney Stoker: Yes.

Motion by **Zichi**, second by **VanAllsburg**, to approve the first reading of Ordinance #308 excising section 8.4.4.6.10 and removing 'quaint and' from section 18.4.4.6. Yes: Smith, VanAllsburg, Zichi, Hyne, Moody. No: None. **Motion passed.**

Motion by **Zichi**, second by **VanAllsburg**, to refer section 18.4.4.6.10 back to the Planning Commission pointing out the inconsistencies to rectify potential problems. Yes: Hyne, Moody, Smith, VanAllsburg, Zichi. No: None. **Motion passed.**

Motion by **VanAllsburg**, second by **Moody**, to ask the Planning Commission to evaluate how to make sandwich board signs legal within the C-2, C-3, and C-4 districts. Yes: Moody, Smith, VanAllsburg, Zichi, Hyne. No: None. **Motion passed.**

10e. MSHDA Grant Programs:

Motion by **VanAllsburg**, second by **Zichi**, to authorize City staff to apply for the MSHDA grants, façade improvement grant, and infrastructure grant, and authorize the City Manager to sign all documentation. Yes: Smith, VanAllsburg, Zichi, Hyne, Moody. No: None. **Motion passed.**

10f. TIFA 2B Plan Amendment Resolution:

Motion by **Moody**, second by **Zichi**, to approve the resolution approving the TIFA 2B Plan Amendment as presented. Yes: VanAllsburg, Zichi, Hyne, Moody, Smith. No: None. **Motion passed.**

10g. RFQ/P Subcommittee Report on the Downtown Visioning Workshop and Clarification of Subcommittee Duties:

Councilman Zichi commented that he would like to see the downtown save retail for the first floor with service business on the second floor.

Director Aniol commented that the building's designs should be kept in the period of the building and the restoration of a building should be encouraged. The community would like to see participation by the developer in leadership in LEED certification.

Councilman VanAllsburg commented that the LEED would be encouraged, not required.

Councilman Moody commented that he attended the workshop and thought it was very good. He asked if the Council would get the narrowed down version of the RFP/Q from the subcommittee.

Director Aniol commented that the goal of the subcommittee is to narrow down the best proposals. The subcommittee will sit down and evaluate each one to see which one best meets the criteria.

Mayor Hyne commented that she thought the visioning session was a huge success for the businesses and community. She felt that McKenna did a great job. She wants the board to clarify what the subcommittee's focus would be. She has reservations regarding when there is not a specific direction from Council and yet it is taken. She wants to be sure they are acting as a Council.

Councilman Zichi pointed out that the direction from the May 27th meeting from Council was to develop the RFP/RFQ and facilitate the selection of a private partner for the redevelopment.

Councilman VanAllsburg commented that whether we did or did not make that motion, he feels that the Mayor should be comfortable with this. If she is not comfortable with this process, even if it was approved that way, and she wants to make a suggestion on how to change it, he is comfortable with that.

Councilman Zichi commented that it did not occur to him that this would be a concern because the Council has on more than one occasion said that they were concerned about making sure that this got done quickly. If the Council would have wanted to do this as a whole, they could have done so. That is why the whole process comes back to the Council.

Councilman VanAllsburg commented that the subcommittee could make the Council feel more comfortable the way it is written if when they present to the Council the narrowed down list, they also include the rest of the proposals as well.

Director Aniol stated that was how it was going to be done. A full and comprehensive report would be supplied to Council.

Mayor Hyne commented that the motion was for McKenna to proceed with the RFP/RFQ not the subcommittee and she does not believe there was a set timetable. She wants the Council to clarify the motion and the authority that was given. She believes the timeline is a great tool, but believes the issue of the subcommittee narrowing down the proposals was never discussed at a meeting. She has an issue that there were tasks added that were not approved by the Council.

Director Aniol commented that when it is portrayed that McKenna has added something that the Council has not approved, it gives the impression that they have done something wrong in a malicious or inappropriate way, and she asked if that is what is being implied.

Mayor Hyne answered that no, she is not accusing them of doing something wrong, but wants to be mindful of the Council's actions.

Motion by **VanAllsburg**, second by **Zichi**, to have McKenna hold a pre bid meeting September 11, September 30, RFP/RFQ submittal deadline responses, October 10 submittal of proposal evaluations by McKenna to the City, October 13, workshop meeting with McKenna to compare evaluations and narrow list of potential partners, October 27, Council will interview and select a private partner at their meeting, and August 11 distribute RFP/RFQ for the building at 109 E. Grand River. Yes: Smith, VanAllsburg, Zichi, Hyne, Moody. No: None. **Motion passed.**

11. Discussion Items

11a. Signs in Right of Way:

This will be on the next agenda.

11b. Community Downtown Revitalization: Economic Benefits of Historic Preservation:

Director Aniol commented that Planner Acuff attended a presentation regarding the economic benefits of historic preservation. Some of the myths that surround historic preservation:

1. *New construction is less expensive than refurbishing something that exists.* There are costs that are associated with buying a new piece of property, infrastructure, building materials, advertising, and landfills.
2. *New construction creates jobs.* When materials can be salvaged, more money can be spent on labor.
3. *New construction is better for the local economy.* If you take a look at local projects that are \$1 public investment, rehabilitation can increase the local jobs created by 12%. State taxes and local taxes tend to be higher returns per dollar than doing assumed good economic development projects. Historic buildings can serve as incubators for businesses in the local economy. There should be a long-term plan to keep historic buildings around. Material reuse saves landfill space, and reusing land saves open space.
4. *New construction results in a greener building.* Reusing a building saves the equivalent of 1.344 million pop cans.
5. *If it is new it must be better.* A new building takes away from the place, evolution, ownership, identity, and community of a town.

13. Staff Reports

13a. City Manager:

Manager Hitchcock submitted a written report for Council review and added that there will be a Primary Election on Tuesday, August 5, 2008.

13b. City Attorney:

Attorney Stoker commented that he has reviewed the Planning Commission Ordinance and reviewed some of it with the Council.

13c. Planning & Development Administrator:

An annual written report was submitted for Council review by Planner Acuff.

13d. Police Statistics:

A police statistics report was submitted for Council review.

14. Audience Participation:

Leo Sheets, 2295 Moyer Rd., thanked the Mayor and applauded Council members Smith and VanAllsburg on getting the sandwich board signs considered in the C-3 district. He also applauded the Council on considering historic preservation as he believes this is important. He commented that the 109 building has serious issues and may end up coming down anyways. There was a change order that was put in for a sidewalk that was a foot too high. He asked why the City is requiring the tax payers to pay for something the contractor messed up.

Marlene Epply commented that the house has been removed from the Williamston Community Library Foundation lot and they have been receiving many calls from people noticing how large the lot

is. She added that LEED certification for a building is based on points. Points can be obtained for using salvaged materials from a building that is torn down as well.

15. Council Member Comments:

Mayor Hyne thanked the Williamston Community Library Foundation for partnering with Habitat for Humanity to reuse the materials from the house that was torn down. She reminded everyone that the Dog Days First Friday would be August 1st. She thanked the Sunrise Rotary for allowing her to speak to them regarding City Council accomplishments and also thanked the Chamber of Commerce for allowing her to speak at their luncheon. Mayor Hyne expressed her condolences to members Pratt and Siciliano for the losses in their families.

15. Adjournment:

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

***Meeting Adjourned at 11:07 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: _____