

**CITY OF WILLIAMSTON
CITY COUNCIL
DECEMBER 14, 2009
REGULAR MEETING MINUTES**

1. Call To Order:

The meeting was called to order at 7:01 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 Michael Moody, Council members Tim Grossman, Randy Pail, John Pratt, Andy Simmons, and Scott VanAllsburg. Absent: None.

Also Present:

City Manager Tim Allard, City Clerk Holly Thompson, City Attorney Bonnie Toskey, Police Chief Mark Hetfield, Community Development Director Michelle Aniol, C2AE Engineer Kevin Feuka, mc² and citizens Larry Wittrup, Larry Stafford, Paul and Dawn Marie Joseph, Howard Dahlstrom, Terri Campbell, Ben Stiffler, Tim Grant, John Kennedy, W Harrison Smith, Brooke Locke, Jim and Barb Mooney, Doug Price, Kate Hyne, George and Sandy Burkitt, Terry and Barb Burke, Joseph O'Connor, Scott Simmons, and other members of the public.

4. Approval of Agenda:

Motion by **Moody**, second by **Grossman**, to approve the agenda as presented. **Motion passed by voice vote.**

5. Appointment of Mayor and Mayor Pro-tem:

Motion by **Pratt**, second by **VanAllsburg**, to appoint Michelle Hyne as Mayor. Yes: Pratt, Simmons, VanAllsburg, Hyne, Moody, Pail. No: Grossman. **Motion passed.**

Motion by **Pratt**, second by **VanAllsburg**, to appoint Michael Moody as Mayor Pro-tem. Yes: Simmons, VanAllsburg, Grossman, Hyne, Moody, Pail, Pratt. No: None. **Motion passed.**

6. TIFA 2B Plan Amendment Public Hearing:

Mayor Hyne opened the public hearing for the TIFA 2B Plan Amendment at 7:05 p.m.

Larry Stafford congratulated the Mayor and Mayor Pro-tem on their appointments.

Mayor Hyne closed the public hearing at 7:07 p.m.

7. Audience Participation:

Howard Dahlstrom stated he is present to represent the Chamber.

Doug Price, 2427 White Pine Dr. commented that he met with Planner Acuff regarding the Cedar Run Subdivision project and wants to know how he should proceed. He stated that Planner Acuff has not returned his phone calls. Manager Allard will look into a meeting with Mr. Price, Mr. Acuff, Councilman Pratt, and himself to discuss the issue.

Dawn Marie Joseph commented that they are looking into expanding Gracie's Place.

Ben Stiffler- 134 E. Middle St., commented that the City Council is doing a good job.

A citizen commented that the Zoning Ordinance looks the same as Williamstown Township's Zoning Ordinance.

Mr. Morris asked if his property would be changing to C-3.

Motion by **Moody**, second by **Grossman**, to recognize Larry Wittrup. **Motion passed by voice vote.**

Larry Wittrup commented that there is a letter from Jim Breukman addressing that issue. He stated that businesses that are C-3 could be used as homes or businesses.

Mayor Hyne responded that Manager Allard could talk to Mr. Morris to answer his questions.

Doug Price commented that he has many concerns with the new Zoning Ordinance and stated that the new Zoning Ordinance seems to be the same as Williamstown Township.

A citizen questioned the Council's action to award the bid to demolish the addition of the 109 building to the potential developer.

Manager Allard responded that a lower bid was received but was not sufficient to stabilize the building.

8. Council Minutes of November 23, 2009 & Closed Session Minutes of November 23, 2009:

Motion by **Moody**, second by **VanAllsburg**, to approve the Council minutes of November 23, 2009 as presented. **Motion passed by voice vote.**

Motion by **Moody**, second by **VanAllsburg**, to approve the Closed Session Minutes of November 23, 2009 as presented. **Motion passed by voice vote.**

9. Accounts Payable:

The accounts payable totaled \$312,227.21 with reference #'s 57407-57502.

Motion by **Pratt**, second by **Simmons**, to table the accounts payable and have the City manager provide a detailed memo as to the reasons for the expenses to McKenna for a month.

Motion by **Pratt**, second by **Simmons**, to amend the motion to pay everything except what is owed to McKenna checks # 57450, 57442, 57443, 57444 & 57445. Yes: Grossman, Hyne, Moody, Pail, Pratt, Simmons, VanAllsburg. No: None. **Motion passed.**

Vote on amended motion: Yes: Hyne, Pail, Pratt, Simmons. No: Grossman, Moody, VanAllsburg. **Motion passed.**

Council asked the Manager to provide a review of the McKenna services and what he would recommend the City going forward with by the second meeting in January.

Motion by **Moody**, second by **VanAllsburg**, to approve checks 57407-57502 plus the invoice from 11-09-09 from McKenna and except for the invoices that were tabled. Yes: Grossman, Hyne, Moody, Pail, VanAllsburg. No: Pratt, Simmons. **Motion passed.**

Motion by **Grossman**, second by **VanAllsburg**, to hold a special meeting on Monday, December 21, 2009 at 5:30 p.m. to pay or not pay the tabled bills. Yes: Grossman, Hyne, Moody, Pail, Pratt, VanAllsburg. No: Simmons. **Motion passed.**

10. Action Items

10a. Downtown Development Authority Plan Amendment Ordinance 2nd Reading:

Motion by **Moody**, second by **Grossman**, to amend the DDA Plan Amendment Ordinance to read on page 2, item 9. "The Sixth Amended and Restated Development and Tax Increment Financing Plan has been recommended by the Downtown Development Authority". Yes: Hyne, Moody, Pail, Pratt, Simmons, VanAllsburg, Grossman. No: None. **Motion passed.**

Motion by **Grossman**, second by **VanAllsburg**, to approve the second reading of the Downtown Development Authority Plan Amendment Ordinance as amended. Yes: Hyne, Moody, Pail, Pratt, Simmons, VanAllsburg, Grossman. No: None. **Motion passed.**

10b. Resolution Approving the TIFA 2B Plan Amendment:

Motion by **VanAllsburg**, second by **Grossman**, to approve the resolution approve the TIFA 2B Plan Amendment as presented. Yes: Moody, Pail, Pratt, Simmons, VanAllsburg, Grossman, Hyne. No: None. **Motion passed.**

10c. Community Forestry Grant from the Michigan Department of Natural Resources and tree maintenance agreement:

Motion by **Pratt**, second by **Grossman**, to approve the grant agreement and tree maintenance agreement as presented and authorize the City Manager to follow through with it. **Motion passed by voice vote.**

10d. Ratification of modification to developer proposal for removal of single story rear structure attached to 109-115 East Grand River Avenue:

Motion by **Moody**, second by **Grossman**, to ratify the modification to the developer proposal for the removal of the single story rear structure attached to the 109-115 E. Grand River Avenue building as presented in the amount of \$22,245 total. Yes: Simmons, VanAllsburg, Grossman, Hyne, Moody, Pail, Pratt. No: None. **Motion passed.**

10e. 109/115 E. Grand River Ave. Building Development Agreement:

Motion by **Moody**, second by **Pratt**, to approve the 109/115 E. Grand River Avenue Building Development Agreement as presented. Yes: Simmons, VanAllsburg, Grossman, Hyne, Moody, Pratt, Pail. No: None. **Motion passed.**

Motion by **Grossman**, second by **Pratt**, to include the phase 1 environmental site assessment proposal from SME on the special meeting agenda. **Motion passed by voice vote.**

10f. Adoption of 2010 Meeting Dates & Times:

Motion by **Pratt**, second by **Pail**, to approve the meeting dates for 2010 as presented.

Motion passed by voice vote.

11. Discussion Items

11a. Freedom of Information Request policy:

Councilman Pratt asked the City Manager why the City Council needs to fill out Freedom of Information requests.

Manager Allard stated that the Council still needs to fill out FOIA requests for items such as police reports if the information is for personal use, but if it relates to City business it could be provided without filling out a request.

Attorney Toskey went through the Freedom of Information Act.

Councilman VanAllsburg commented that he may not necessarily want everything that is requested by other Council members.

The Council asked that the current policy be reviewed by City staff with a report to Council at the second meeting in January.

11b. Habitat for Humanity Lease terms:

Manager Allard explained that Habitat for Humanity are working together to work out an acceptable lease on the 1500 building portion that they currently occupy.

Councilman Pratt commented that he believes the lease should be \$5 per square foot as a month to month lease with Habitat for Humanity fixing the lights and no extension. He also questioned if Habitat still had access to the Police Department

Councilman VanAllsburg stated that he agrees with the month to month idea but believes it should be \$3.50-\$4 per square foot.

Mayor Hyne stated that she would rather see a tenant in there paying some rent than to see the space end up vacant.

Council directed Manager Allard to negotiate the lease with Habitat and bring a proposal back to the next meeting.

*Moody left at 9:21 p.m.

13. Staff Reports

13a. City Manager:

Manager Allard reported that the Tree Sculpture Festival post meeting was held. They received a lot of positive feedback and have five of the trees sponsored, leaving five more for potential sponsors. He thanked Jim Madsen for all his work. A thank you advertisement will be in the upcoming *Enterprise*. They have run into a problem with the legal description for 781 Progress Court not correct as was identified in the title search. He would like to get the roof repaired temporarily on the building as soon as possible. The City received a \$20,000 wellhead protection grant and requires a \$20,000 local match. The City is receiving

assistance from surrounding municipalities. A meeting will be held to identify where the aquifers are and educational signage. City staff is currently working on the repair of the pedestrian bridge on Rowley Road due to erosion.

13b. City Attorney:

No report.

13c. Building Inspector:

A written report was submitted for Council review.

13d. Planning and Zoning Administrator:

A written report was submitted for Council review.

13e. Treasurer:

A written report was submitted for Council review.

13f. Community Development Director:

A written report was submitted for Council review.

Motion by **VanAllsburg**, second by **Pratt**, to recognize Larry Stafford. **Motion passed by voice vote.**

Larry Stafford stated that there has been no progress on the Middle Street parking lot and something should have been done by now.

Council asked Manager Allard to review what the last Council directive was and report back at the next meeting.

14. Audience Participation:

Brooke Locke, 223 E. Grand River Ave. suggested that the new Council members look at the old Zoning Ordinance and compare it with the newly drafted one. He stated that no one showed up to the public hearing to comment on the draft and added that he is also going through it again to be sure it is right. He commented that everyone has worked very hard on this drafted ordinance and stressed that changes can be made to the document after it is adopted.

15. Council Member Comments:

Councilman VanAllsburg thanked the Planning Commission for their work on the Zoning Ordinance. He added that the work on the Tree Sculpture Festival was a positive experience and felt that the City Manager influenced the positivity. He encouraged everyone to see 'It's a Wonderful Life' at the Theatre.

Councilman Pratt wished everyone a Happy Holiday and added that he wants the issue of a uniformed officer on the next Council agenda. He also stated that there is a business owner with a temporary sign in front of his building that is being harassed. He asked if he could apply for a temporary sign permit. Councilman Pratt congratulated the new Council members on being elected to the City Council.

Councilman Pail congratulated new Council members and added that the City Manager

brings a positive energy to the City.

Councilman Grossman stated that he would like to serve on a committee.

Mayor Hyne congratulated the new City Council members, thanked them for their support and added that they will work hard. She wished everyone a Merry Christmas and a Happy Holiday.

16. Closed Session- To discuss two attorney-client privilege letters from attorney John Gormley dated 12/10/09:

Motion by **Pratt**, second by **VanAllsburg**, to go into closed session to discuss two attorney client privilege letters from Attorney John Gormley dated 12/10/09. Yes: Pratt, Simmons, VanAllsburg, Grossman, Hyne, Pail. No: None. **Motion passed.**

Council recessed at 10:13 p.m.

Council reconvened at 10:18 p.m.

Council went into closed session at 10:18 p.m.

Motion by **Pratt**, second by **Grossman**, to return to open session. Yes: VanAllsburg, Grossman, Hyne, Pail, Pratt, Simmons. No: None. **Motion passed.**

Closed session ended at 11:05 p.m.

Action on Closed Session:

Motion by **VanAllsburg**, second by **Grossman**, to direct Attorney Gormley to proceed with litigation as discussed in closed session. Yes: Grossman, Hyne, Pail, Pratt, Simmons, VanAllsburg. No: None. **Motion passed.**

14. Adjournment:

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

***Meeting Adjourned at 11:05 p.m.**

Respectfully Submitted by: _____

Holly M. Thompson, City Clerk

Michelle A. Hyne, Mayor

Date Approved: _____