

Regular Meeting of the Howell City Council
Monday, July 23, 2018
Howell City Council Chambers – Lower Level
611 E. Grand River
Howell, Michigan 48843
517-546-3502

1. CALL TO ORDER

The regular meeting of the Howell City Council was called to order by Mayor Nick Proctor at 7:00 p.m.

Council Members Present: Robert Ellis, Jan Lobur, Steven Manor, Michael Mulvahill, Andrew Yost and Mayor Nick Proctor.

Council Member Absent: Scott Niblock

Also Present: City Manager Shea Charles, City Attorney Dennis Perkins, and City Clerk Jane Cartwright.

Others in Attendance: Police Chief George Basar, DPS Director Erv Suida, Finance Director Catherine Stanislawski, Community Development Director Tim Schmitt, IT Director Mike Pitera, DPW Operations Manager Mike Luce, WWTP Operations Manager Mike Spitler, Project Technician Matt Davis, Assessor Joey Lentine, DDA Director Cathleen Edgerly, Main Street Outreach Coordinator Kate Litwin, Police Sergeant Dave Fogo, Police Officer Renae Small, Police Officer Brad Charlick, Police Officer Aleshia Vallance, Caron Davis, Penny Jones, Tom Richardson.

2. PLEDGE OF ALLEGIANCE

3. APPROVED MINUTES

MOTION by Lobur, SUPPORT by Ellis, “To approve the minutes of the regular meeting of the City Council held July 9, 2018.” MOTION CARRIED (6-0).

MOTION by Ellis, SUPPORT by Yost, “To approve the minutes of the executive session of the City Council held July 9, 2018.” MOTION CARRIED (6-0).

4. MAYOR’S PROCLAMATION – POLICE OFFICER RENAE SMALL

Mayor Proctor read and presented the Proclamation in appreciation of Police Officer Renae Small, retiring September 1, 2018. Chief Basar presented Officer Small’s retirement badge and congratulated her on a long successful career.

5. CITIZENS’ COMMENTS

- None.

6. **REPORTS – COUNCIL MEMBERS SERVING ON COMMISSIONS**

- Member Ellis reported on the Howell Area Parks and Recreation Authority meeting held July 17, 2018. Approved a deficient elimination plan, and discussed revisions to the Aquatic Center Management Agreement which expires July 31, 2018, potential opportunities to work with SELCRA, and overall program participation which is up 10%.
- Mayor Proctor reported on the Howell Area Fire Authority meeting held July 17, 2018. Re-elected the current officers for the 2018/2019 year. He also reported on the donated hazmat van and trailer received by the Fire Marshall, and the progress on the Main Station building addition.

7. **COUNCIL CORRESPONDENCE**

- Refer to Item #9.

8. **APPROVED – RESOLUTION NO. 18-14, HEADLEE OVERRIDE BALLOT LANGUAGE**

MOTION by Mulvahill, SUPPORT by Ellis, “To adopt Resolution No. 18-14 Authorizing Headlee Override Ballot Proposal for the November 6, 2018 General Election.” Council requested clarification on the ending date of the proposal (December 31, 2023) and if it should be the end of the fiscal year (June 30, 2024). Attorney Perkins stated that 2023 is the last year the millage would be collected under a five-year proposal. Council also questioned the language describing the purpose “restore infrastructure funding and maintain services”. City Manager Charles indicated, although the majority of funds would be dedicated to infrastructure, the City still has a structural deficit therefore a small portion of the revenue (approximately \$200,000 for the 2018/2019 fiscal year) would be needed to maintain services. City Attorney Perkins stated the General Property Tax Act requires a clear statement of purpose for the millage and the proposed language meets the criteria of the statute. The inclusion of DDA capture in the ballot language was also debated. City Attorney Perkins concluded the City is asking for the measure, not the DDA; there have been multiple legal opinions on this topic. Discussion continued on the short time frame to get the message out to the residents on the need for the Headlee Override as well as the option to wait until the May 2019 election. Council concurred with moving forward noting they will get a better sense for the will of the community in a General Election. Mayor Proctor has met with the Livingston County Elections Coordinator and obtained the documents required to form a campaign committee. City Attorney Perkins noted separation from the City Council as a whole is appropriate for the Campaign Committee; the establishment of a Campaign Committee is not a Council decision. The City can provide facts regarding the ballot proposal however cannot expend public funds. City Manager Charles stated he will prepare educational materials and provide dates of potential public forums for the August 13, 2018 meeting. He will also schedule a presentation to walk through the Do’s and Don’ts pursuant to the Campaign Finance Act. Council also requested staff to seek direction from

communities that have been successful at marketing strategies for a Headlee Override Ballot Proposal. MOTION CARRIED (6-0).

9. **APPROVED – RESOLUTION NO. 18-15, MORATORIUM ON GROUP HOUSING IN THE R1 & R2 ZONING DISTRICTS**

MOTION by Yost, SUPPORT by Lobur, “To adopt Resolution No. 18-15, a twelve-month moratorium commencing July 23, 2018 and terminating July 22, 2019 on all applications in the R-1 or R-2 Zoning District requiring Special Land Use approval for unrelated persons to live together.” Community Development Director Schmitt indicated the recent application brought out a lot of discussion on group housing and staff would like to have time to research the issue and look for potential ways to approach the use differently. The broader discussion on fair share housing will be considered to determine if the City is taking on more of these types of uses than their share. The City received correspondence from residents Jonathon Myers and Kristi DeVries expressing their support for the moratorium and encouraging Council to approve it. Council questioned the approach and suggested addressing how the management of the group homes are regulated noting they will only be successful if they are run well. Staff will look at balancing potential policies with state law, consult with planner Carlisle Wortman and legal counsel to make sure regulations are correct. The City of Howell is not the only community looking at this issue. City Manager Charles indicated staff may engage Johnson Rosati on the initial work and if it becomes a bigger project, he will update Council; the intended budget for the project will be provided within 60 days. There are no active applications therefore staff has no concerns with applying the temporary moratorium at this time. MOTION CARRIED (6-0).

10. **INTRODUCED – ORDINANCE NO. 916, AMENDMENT TO CHAPTER 1044, SEWER & WATER TAP FEES**

Member Ellis introduced Ordinance No. 916, an ordinance to modify the City’s water and sewer tap in rates.

11. **INTRODUCED – ORDINANCE NO. 917, AMENDMENT TO CHAPTER 430, PARKING VIOLATIONS BUREAU**

Member Lobur introduced Ordinance No. 917, Amendment to Chapter 430, Parking Violations Bureau.

12. **AWARD BID/PURCHASE – 816 MCPHERSON DEMOLITION, TLS CONSTRUCTION, \$19,500**

MOTION by Ellis, SUPPORT by Mulvahill, “To award the demolition contract for the house at 816 McPherson to TLS Construction for an amount not to exceed \$19,500.” Attorney Perkins noted a motion must be filed with the Court to approve the demolition. The cost will be billed to the property owner and if not paid, will be assessed against the land. MOTION CARRIED (6-0).

13. **APPROVED - PAYMENT OF BILLS**

MOTION by Ellis, SUPPORT by Mulvahill, “To approve the payment of bills ending July 23, 2018 in the amount of \$1,605,251.49 and payroll to cover the period ending July 21, 2018.” Member Yost questioned opportunities to share the expense of plant chemicals with other communities and the Phase III Sewer Bond payment to Chase Bank. Member Lobur questioned Fifer Investigations and HRC (Site Plan Reviews). Mayor Proctor questioned repairs to the Page Field restroom. MOTION CARRIED (6-0).

14. CITY MANAGER’S REPORT

- Will send out a Doodle calendar to schedule a work session on a public education plan for the Headlee Override Ballot Proposal.
- The August 13, 2018 meeting will have a heavy agenda and will include funding opportunities for Downtown improvements.

15. OLD BUSINESS

- Mayor Proctor questioned the status of the Redevelopment Readiness Communities Program. City Manager Charles noted the MEDC has changed the rules several times and staff is still waiting for a response to their submittal.
- Member Mulvahill questioned if the City was current on all grant opportunities.
- Mayor Proctor questioned the status of the Sludge Press at WWTP. Operations Manager Mike Spitler stated the plant is pressing 20,000 gallons per day on a regular basis.

16. NEW BUSINESS

- MOTION by Ellis, SUPPORT by Mulvahill, “To excuse Member Niblock from the July 23, 2018 Council meeting, reason stated.” MOTION CARRIED (6-0).
- Mayor Proctor stated he was approached at the Farmers Market by a Vendor regarding a pothole on State Street.
- Mayor Proctor stated the last Rock the Block for the summer is scheduled for August 1st and he will be participating in a fundraising dunk tank.
- DDA Director Edgerly reported the National Main Street representatives will be in town Wednesday to discuss the future of downtown and engage in planning for development. The Art Project will kick off August 15, 2018 and there have been a lot of new visitors to the downtown area. New fundraising opportunities are in process as a result of the Main Street 501c3 status with a goal of raising \$100,000.

17. EXECUTIVE SESSION – PENDING LITIGATION & ATTORNEY CLIENT COMMUNICATION

- 8:07 p.m. MOTION by Mulvahill, SUPPORT by Ellis, “To adjourn to Executive Session to discuss pending litigation and attorney client communication with a roll call vote.” Mulvahill – yes, Ellis – yes, Manor – yes, Lobur – yes, Yost – yes, Proctor – yes. MOTION CARRIED (6-0).
- 8:32 p.m. MOTION by Ellis, SUPPORT by Lobur, “To reconvene the regular meeting.” MOTION CARRIED (6-0).

- MOTION by Manor, SUPPORT by Ellis, “To accept the case evaluation in the amount of \$9,999 in the case of Kimberly vs. City of Howell.” MOTION CARRIED (6-0).
- MOTION by Manor, SUPPORT by Ellis, “To approve the First Amendment to Purchase Agreement with Branoff Randle Real Estate Partners, LLC.” MOTION CARRIED (6-0).

18. ADJOURN

MOTION by Ellis, SUPPORT by Mulvahill, “To adjourn the regular meeting of the City Council at 8:33 p.m.” MOTION CARRIED (6-0).

Nick Proctor, Mayor

Jane Cartwright, City Clerk