

**Regular Meeting of the Howell City Council**  
**Monday, March 14, 2016**  
**Howell City Council Chambers – Lower Level**  
**611 E. Grand River**  
**Howell, Michigan 48843**  
**517-546-3502**

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1. 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, Jeff Hansen, Jan Lobur, Steven Manor, Michael Mulvahill, Scott Niblock (left at 9:04 p.m.) and Mayor Nick Proctor.

Also Present: City Manager Shea Charles, City Attorney Dennis Perkins, and Deputy City Clerk Deanna Robson.

Others in Attendance: Police Chief George Basar, Finance Director/Treasurer Catherine Stanislawski, DPS Director Erv Suida, DPW Superintendent Marcel Goch, WWTP Operations Manager Michael Spitler, Community Development Director Tim Schmitt, IT Director Mike Pitera, DDA Director Cathleen Edgerly, Kate Litwin, Recreation Director Paul Rogers, Kim Ford, Connor Ford, Brent Nichols, Garrett Ford, Caron Davis, Carl Vagnetti, Tom Richardson, Mary Helfmann, and Lorraine Nitte.

2. **PLEDGE OF ALLEGIANCE**

Mayor Proctor welcomed the members of Boy Scout Troop 364 to the meeting who attended to earn merit badges.

3. **APPROVED MINUTES:**

MOTION by Ellis, SUPPORT by Lobur, “To approve the minutes of the regular meeting of the City Council held February 22, 2016 as presented.” MOTION CARRIED (7-0).

4. **CITIZENS’ COMMENTS**

None.

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

- Member Ellis stated that the Howell Area Parks & Recreation Authority meeting was cancelled this month due to a lack of business.
- Mayor Proctor reported on the March 2<sup>nd</sup> DDA/Main Street Board meeting: they discussed the Applause Awards (event paid for this year by ARC Engineering) and Rock the Block; were provided with a briefing by the MEDC; and the Board passed a resolution that they will help with the

bond payment for upgrades to the alley and parking lot when finances improve.

- Cathleen Edgerly, DDA Director, invited Council to attend the Applause Awards on March 19<sup>th</sup>, and added that it is the organization's annual recognition event and annual celebration of successes and downtown happenings.

6. **COUNCIL CORRESPONDENCE - LIVINGSTON COUNTY, DNR TRUST FUND GRANT**

Member Manor attended the Parks and Open Space Committee meeting and stated that Livingston County is reapplying for Fillmore County Park grants and is asking for a renewal commitment of financial support if they are awarded the grant.

MOTION by Manor, SUPPORT by Lobur, "To renew support up to \$2,000 in match assistance for Fillmore County Park MDNR grant applications." Council confirmed that the funds will be formally requested if the County receives the grant. MOTION CARRIED (7-0).

7. **APPROVED – CIVIC EVENT APPLICATIONS:**

**A. FILL THE GAZEBO, MAY 7, 2016**

MOTION by Hansen, SUPPORT by Ellis, "To approve the civic event application submitted by the Livingston County Association of Realtors for Fill the Gazebo scheduled for May 7, 2016, incorporating staff comments and contingent upon receipt of certificate of insurance." Carl Vagnetti, 7918 Laurel, Brighton and Board Member of the Livingston County Association of Realtors, stated that this year they will be consolidating their food and donation collection efforts to the front of the historic courthouse, will be staying off the streets, and that they appreciate the support of the City. MOTION CARRIED (7-0).

**B. ROLLING THUNDER RIDE TO REMEMBER, MAY 21, 2016**

MOTION by Ellis, SUPPORT by Lobur, "To approve the civic event application submitted by Rolling Thunder Chapter 5 for Ride to Remember scheduled for May 21, 2016, contingent upon receipt of certificate of insurance." MOTION CARRIED (7-0).

8. **APPROVED – EXTEND MORATORIUM, MEDICAL MARIHUANA FACILITIES**

Community Development Director Schmitt updated Council on legalization efforts and stated that the medical marihuana moratorium that Council adopted in April 2015 will expire in April 2016. The State is not moving to clarify the legal interpretations from the Court system and staff does not expect to see a full legalization proposal on the ballot this fall. If the issue is not out of committee by end of the summer, staff will begin researching options to present to Council to address the ongoing issues regarding medical marihuana.

MOTION by Manor, SUPPORT by Niblock, “To extend the moratorium on medical marihuana facilities to April 30, 2017, with the requirement that Staff will bring forward options for the City Council to consider at the earliest possible meeting after a law is enacted by the State setting forth regulations for the industry.” Member Ellis stating that Council has been waiting for State to make decisions, and he does not expect a resolution. Community Development Director Schmitt stated that there is typically a finite answer for timing on moratoriums. A roll call vote was taken. Mulvahill – yes, Niblock – yes, Ellis – no, Manor – yes, Lobur – yes, Hansen – yes, Proctor - yes. MOTION CARRIED (6-1).

9. **APPROVED – SUPPORT FOR HOWELL AREA PARKS & RECREATION AUTHORITY MILLAGE PROPOSAL**

Howell Area Parks & Recreation Authority (HAPRA) Director Paul Rogers, stated that the Board has been discussing a millage to help fund and expand programs. The Board approved the proposed ballot language approval based on the previous Howell Area Fire Authority millage proposal. Mr. Rogers added that HAPRA currently has fixed revenues of \$450,000, which does not cover current fixed expenses. The budget is just over \$1.2 million, and the deficit must be made up in program fees, sponsorships, donations, etc. .75 mills for 5 years would generate about \$1.5 million and would completely cover all of the operating expenses: .5 mills would be designated for operating expenses and .25 mills would be utilized for capital. He elaborated that the Authority needs a stable funding source, and is receiving pressure to provide and improve facilities and services so that they are comparable to those provided by other communities. Member Manor inquired about planning for this campaign and Director Rogers responded that planning will begin after the ballot language has been approved. MOTION by Hansen, SUPPORT by Lobur, “To support the Howell Area Parks and Recreation millage proposal for 2016.” MOTION CARRIED (7-0).

10. **DISCUSSED – EAST CLINTON STREET GRANT FUNDING**

City Manager Charles stated that the City has the opportunity to potentially secure a \$1 million grant for reconstruction/rehabilitation of East Clinton Street by submitting for a MAP-21 Federal grant. Funding is an 81.5% grant, requiring the City to provide an 18.5% match and also to pay the full cost of engineering. Discussion followed regarding the funding cycle, impact to the General Fund, deferral of other projects, age and condition of water and sewer lines under Clinton Street and Grand River Avenue and the need to reconstruct/rehabilitate these streets, impact on sewer and water rates, trends in current versus future project pricing, current and future funding options and bond rates, funds currently allocated to other projects, streets that were previously reconstructed and the impact of the recession on funding for street rehabilitation, and the potential timing of the project. Council directed staff to provide additional information for the March 28, 2016 Council meeting regarding funding, bond maturity, and the potential impact to the General fund and Water and Sewer funds.

11. **APPROVED – EMERGENCY LIFT PUMP PURCHASE**

DPS Director Erv Suida informed Council that the sensor that picks up moisture in the submersible pump needed to be removed to be repaired, causing the system to rely on one pump that is 15 years old and has incurred costly repairs in the past. Staff at the Waste Water Treatment Plant will be installing the new pump and replacing the old, obsolete pump.

MOTION by Manor, SUPPORT by Ellis, "To approve the purchase of a HOMA AK434-260/29P/C FM Pump from DuBois-Cooper Associates for an amount of \$10,300.00." City Manager Charles confirmed that staff has already purchased the pump due to necessity and lead time. Treasurer Catherine Stanislawski confirmed that the funds are available but the purchase was not budgeted. MOTION CARRIED (7-0).

**12. AWARDED BIDS/PURCHASES:**

**A. WTP Chlorination System Upgrade, RS Technical Service, \$12,602**

MOTION by Ellis, SUPPORT by Hansen, "To approve the purchase and installation of a new Hydro Chlorination System from RS Technical Service per the RFP and quote supplied for an amount not to exceed \$12,602.00." City Manager Charles stated that \$11,000 was budgeted for this system, but the bids came in slightly higher. MOTION CARRIED (7-0).

**B. Cemetery Maintenance Building Rehabilitation, Design & Construction Consulting, \$67,320**

MOTION by Manor, SUPPORT by Hansen, "To award the Lakeview Cemetery Maintenance Building Rehabilitation, RFP 1-CEM-16, to Design and Construction Consulting for an amount not to exceed \$67,320.00." Member Ellis questioned the amount budgeted and DPS Director Suida responded that this project had been budgeted for \$92,000. MOTION CARRIED (7-0).

**C. Street Sweeping Contract, Progressive Sweeping**

MOTION by Hansen, SUPPORT by Ellis, "To award a three year Street Sweeping contract to Progressive Sweeping Contractors, Inc. of Redford, Michigan in accordance with the 2016 Street Sweeping contract and pricing." Member Mulvahill inquired about the hourly rate for additional services. DPS Director Suida responded that additional services are rarely used by the City. MOTION CARRIED (7-0).

**13. APPROVED PAYMENT OF BILLS**

MOTION by Lobur, SUPPORT by Hansen, "To approve payment of bills ending March 14, 2016 in the amount of \$1,075,426.46 and payroll to cover the period ending March 19, 2016." MOTION CARRIED (7-0).

**14. BOARD/COMMISSION APPOINTMENT – DOWNTOWN DEVELOPMENT AUTHORITY**

Mayor Proctor stated that the Howell DDA Board consists of nine members, but legislation allows for up to twelve members. He has recommended adding a tenth

position due to all of the recent changes in the Board, however if the Board receives a resignation a new member will not be appointed to bring membership above nine. MOTION by Niblock, SUPPORT by Hansen, "To accept the Mayor's nomination of Mary Helfmann to the DDA Board for a term ending 1/20/2019." Mary Helfmann, 1305 E. Grand River, stated that she is very excited to be part of the Board and thanked Council for her appointment. MOTION CARRIED (7-0).

**15. CITY MANAGER'S REPORT**

**A. FINALIZED 2016 RETREAT REPORT**

City Manager Charles stated that staff has attempted to put the work done in the retreat into a usable form. Planning Consultant Erin Perdu has been working with staff to incorporate the City's Guiding Values and Council's ideas into the presented document. Council affirmed the direction of the project and the presentation of the information collected. Council directed staff to distribute score sheets to members and to present the results at the March 28, 2016 regular meeting, also integrating the information into the 2016-2017 Budget.

**B. SCHEDULE BUDGET WORK SESSIONS**

A preliminary Budget Work Session was scheduled for Thursday, April 14, 2016 at 6:00 pm in Council Chambers. An additional session will be scheduled if necessary.

City Manager Charles stated that the current Assessor will be retiring at the end of April and staff has identified a candidate recommended for Council approval. The City Assessor interview was scheduled for Monday, March 21, 2016 at 7:00 pm in Council Chambers.

City Manager Charles provided updates stating that the bid for Parking Lot #4 and the corresponding alley is expected to go out soon with construction anticipated in May 2016 - staff needed to secure easements for the bid. He also stated that the MML Capitol Conference was scheduled for the following week and encouraged Council members to attend. City Manager Charles also introduced new WWTP Operations Manager Mike Spitler.

**16. OLD BUSINESS**

- Mayor Proctor commended City Clerk Jane Cartwright on the primary election.
- Mayor Proctor inquired about the marketing materials for the Service Line Warranty Program that Council previously approved.

**17. NEW BUSINESS**

- Member Manor stated that he and Mayor Proctor would like to conduct a presentation under New Business at the next regular Council meeting addressing a vision for public transportation in Livingston County. They will be seeking Council endorsement in moving forward to other municipalities to

build support for public transportation in Livingston County. Mayor Proctor referenced Council’s previous strategic discussion regarding transportation.

- Mayor Proctor stated that he recently attended presentations at the monthly meeting of the Michigan Association of Railway Passengers and noted that he has a CD of the presentations available.
- Mayor Proctor endorsed the Arc of Livingston, commenting that he recently attended the organization’s dance for physically and mentally challenged people at the American Legion.

**18. EXECUTIVE SESSION – PENDING LITIGATION AND PROPERTY ACQUISITION**

- 8:25 p.m. MOTION by Mulvahill, SUPPORT by Hansen, “To adjourn to executive session to discuss pending litigation and property acquisition with a roll call vote.” Niblock – yes, Ellis – yes, Manor – yes, Lobur – yes, Hansen – yes, Mulvahill – yes, Proctor - yes. MOTION CARRIED (7-0).
- 9:10 p.m. MOTION by Ellis, SUPPORT by Hansen, “To reconvene the regular meeting.” MOTION CARRIED (6-0).
- MOTION by Manor, SUPPORT by Hansen, “To approve the Real Estate Sales Agreement between the City of Howell and Serenity Haven Two, LLC (Thomas P. O’Connell) for a purchase price not to exceed \$272,500 for 121 North Center Street.” A roll call vote was taken. Ellis – yes, Manor – yes, Lobur – no, Hansen – yes, Mulvahill – yes, Proctor – yes. MOTION CARRIED (5-1).
- MOTION by Manor, SUPPORT by Ellis, “To approve a settlement in Talmer Bank & Trust v City of Howell, MTT Docket No. 15-002095 for tax year 2015 as follows: TCV \$375,000, Assessed/Taxable value \$187,500 and authorize the City Attorney to execute the appropriate Stipulation for Entry of Consent Judgment.” MOTION CARRIED (6-0).

**19. ADJOURN**

MOTION by Manor, SUPPORT by Hansen, “To adjourn the regular meeting of the City Council at 9:12 p.m.” MOTION CARRIED (6-0).

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 Nick Proctor, Mayor

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 Deanna Robson, Deputy City Clerk