

Regular Meeting of the Howell City Council
Monday, June 27, 2016
Howell City Council Chambers – Lower Level
611 E. Grand River
Howell, Michigan 48843
517-546-3502

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, Scott Niblock, Jan Lobur, Michael Mulvahill, Steven Manor and Mayor Nick Proctor.

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/Treasurer Catherine Stanislawski, Community Development Director Tim Schmitt, Assessor Joey Lentine, John and Caron Davis, John Langdon, Robert Ellis, Donna Ellis, Dawn Cooper, Peter McNenly, Shelley Ellis, Mike Lamb, John Morgan, Nicole Matthews Creech, Tony Kisiel, Jamie Stewart.

2. **PLEDGE OF ALLEGIANCE**

3. **APPROVED MINUTES**

MOTION by Ellis, SUPPORT by Lobur, “To approve the minutes of the regular meeting of the City Council held June 13, 2016.” MOTION CARRIED (7-0).

4. **CITIZENS’ COMMENTS**

- John Langdon, Governmental/Public Affairs Coordinator-Michigan Association of Railroad Passengers, presented the Executive Summary of the Coast to Coast Passenger Rail Ridership & Cost Estimate Study. He reviewed the study overview which supports further study on Route 1-Lansing/Jackson & Route 2-Howell/Ann Arbor, and noted that the next step will be completion of a full feasibility study. Discussion followed on capital investments and federal funds already used for upgrades throughout the state. Mr. Langdon indicated that study stakeholders have committed to the project and they will be looking to develop alliances along the potential routes.

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

- Member Lobur reported on the June 15, 2016 Planning Commission meeting. The low cost dental clinic at 1335 Byron Road will be opening soon and only requires cosmetic improvements. Approved the Capital Improvement Plan & recommended approval of the ordinance amendment to add signage requirements to the South Michigan Form Based Code. Approved the site

plan for the Pepsi Bottling storage facility addition, and the parking lot expansion for the West County Complex. Discussed options for a Micro Alcohol Ordinance.

- Member Ellis reported on the June 21, 2016 Howell Area Parks & Recreation Authority meeting. Tabled the planning process for the proposed Recreation Center at Cleary University until after the millage election noting that the Cleary Board of Directors has a different vision for the facility; a revised Deficit Elimination Plan was submitted to the Michigan Department of Treasury reducing the current budget by \$15,000; and reviewed the financial reports. A campaign committee was not able to be formed however the authority will be presenting information at each governing board meeting of the participating communities regarding the upcoming millage election.
- Member Proctor reported on the June 15, 2016 Howell Area Fire Authority meeting. The authority plans to place a proposal on the November 8th ballot to retire and replace the 1.5 mills for 6 years. Heard reports regarding the minor accident at the Oceola Township sub-station, construction of the new storage building at the main station, and held a brief discussion on a potential expansion to the main fire station.
- Mayor Proctor reported on the June 22, 2016 DDA meeting. A survey on the reaccreditation of the Main Street program has been sent out; an Instagram campaign is under way; the bike rack has been installed; and the next Rock the Block is scheduled for July 6, 2016. Council members were invited to the DDA Board retreat scheduled for July 24, 2016.

6. **COUNCIL CORRESPONDENCE**

None.

9. **ORDINANCE NO. 902, REZONING, MIXED USE DEVELOPMENT (MXD) TO GENERAL BUSINESS (B-2), CROSSROADS TOWN CENTER (taken out of order)**

MOTION by Manor, SUPPORT by Ellis, “To decline Ordinance No. 902, a request from Crossroads Town Center, LLC, rezoning of properties at 102 and 202 W. Highland Road (PIDs: 4717-25-102-005 and -012) from MXD, Mixed Use Development to B-2, General Business, subject to a conditional rezoning agreement.” Deb Leonard, Vice President of Flag Star Bank, stated the addition of the Kroger gas station increased their traffic and customers at the bank. Their customers would like to see drive through facilities at the Center and they need business growth on that side of town. Attorney Jamie Stewart, on behalf of Crossroads Town Center, stated their conditional rezoning proposal limits the uses to only those allowed in both the MXD and B-2 Districts for the 2 parcels; no other uses in the B-2 will be allowed except for the drive in and drive thru restaurant. The existing MXD zoning already allows restaurants and those uses incidental to a drive through such as a Panera. She disputed the conclusions presented by Carlisle/Wortman, expressed concern with the latest planning review received at noon today after 4 months of discussion, and stated that most of the traffic associated with the proposed use will already be in the area. Applicant

Tony Kisiel stated the property has been vacant for 14 years. He has worked really hard to bring the City a nice project however the scope of the ordinance is too narrow; some flexibility is needed to bring development back to that area. Ninety petitions were presented to the Planning Commission requesting additional amenities in Crossroads Town Center and he read a letter from Thomas Duke in support of the use. He also stated that no one buys property and sits on it for 14 years and the lots are too small for a traditional restaurant. Staff was given direction from Council to try to find some common ground however he was not contacted to participate. (Attorney Perkins stated that the State Statute that allows for conditional zoning does not allow the City to negotiate the agreements.) Both the joint Howell Township/Howell City Planning Committee and the City Planning Commission recommended approval. Community Development Director Schmitt clarified the current request noting it has changed a couple times, and confirmed that it was a very narrow request. Member Manor reviewed the conclusions referenced in the Carlisle/Wortman report notably that B-2 is inconsistent with the Master Plan and the proposed rezoning would establish a precedent along the corridor; he also stated that he likes the current MXD zoning. Attorney Jamie Stewart stated that the automobile uses have been removed from the request and it also limits the potential uses to only those allowed in both districts noting that the property owner has some compelling reasons for approval. At the public hearing only 1 couple spoke against the request. Member Lobur also stated she was opposed to the request noting that the City must follow the Master Plan. Member Hansen indicated he was a member of the Joint Planning Committee and he originally voted to recommend approval to allow the debate however he believes the avenue to accomplish what has been requested is already there with variances and a concrete site plan. Mr. Kisiel stated that the request affects less than 6% of the development and noted that no developer is going to prepare a site plan unless they know they will receive approval. Member Niblock noted he appreciates the applicant narrowing the approach, however the City has been clear that they do not want fast food restaurants in that area. Member Mulvahill indicated that the property is zoned MXD for a reason and he is concerned about the adjacent property and the potential precedent. Mayor Proctor stated he was in favor of the rezoning to allow for flexibility. Before the roll call vote was taken, Mayor Proctor reminded Council that the motion was to decline the rezoning. Ellis – yes, Manor – yes, Lobur – yes, Hansen – yes, Mulvahill – yes, Niblock – yes, Proctor – no. MOTION CARRIED (6-1).

7. **DISCUSSED – THOMPSON LAKE UPDATE** (taken out of order)

Chief Basar gave a brief update on the neighborhood meeting held June 23, 2016 with Thompson Lake residents including those in Oceola Township. The meeting was very productive with 30 people in attendance. He and Deputy Chief Mannor provided factual information on the Livingston County Marine Division and DNR patrol. Residents are going to meet with Oceola Township officials and the Board of Commissioners. City staff met with representatives from the DNR and they agreed to step up their patrol on the lake. Staff will also draft some administrative rules for Council consideration; one potential option would be to ban watercraft

for the balance of the season if they receive a citation from the Sheriff's Department or DNR.

8. APPROVED – ORDINANCE NO. 901 ANTI-DISCRIMINATION

MOTION by Ellis, SUPPORT by Manor, "To adopt Ordinance No. 901 Anti-Discrimination Ordinance." John Morgan, 804 Maplewood Ct. Brighton, stated he applauds the City Council for bringing forward the ordinance to protect the LGBT community noting protection against discrimination is not a special right but a human right. Nicole Matthews Creech, President of the Livingston County Diversity Council added that not a lot of communities take on this issue and the City has their support. Abby Harrington, 555 Roselane Dr., stated she was currently a student at MSU studying to be a teacher. She expressed her passion for Howell choosing to commute to MSU and articulated support for the ordinance from the LGBT community. Member Lobur commended members Ellis & Manor for bringing this issue forward. Member Manor noted the City of Howell is a very welcoming community; he encouraged adoption of the ordinance and stated the City should be proud of it. MOTION CARRIED (7-0).

10. APPROVED – ORDINANCE NO. 903, CODIFICATION

MOTION by Ellis, SUPPORT by Manor, "To adopt Ordinance No. 903, 2016 Codification. MOTION CARRIED (7-0).

11. APPROVED – UNSAFE BUILDING PROCEEDINGS, 615 S. MICHIGAN

MOTION by Manor, SUPPORT by Ellis, "To order the Building Official to proceed with all work necessary to remedy the building code violations at 615 South Michigan Avenue after passage of all appeal rights under the ordinance has expires". Matt Schroeder, property owner, stated the asbestos has been removed and utilities disconnected; he plans to take the house down by the end of August. Community Development Director Schmitt noted that staff was told it would be completed in the Spring; once the house is tagged, it becomes a potential liability for the City. Discussion followed. Council concurred that adequate time had been provided however agreed to move forward allowing additional time for appeal rights. MOTION CARRIED (7-0).

12. APPROVED – RESOLUTION NO. 16-15, BUDGET AMENDMENTS

MOTION by Manor, SUPPORT by Ellis, "To adopt Resolution No. 16-15, Budget Amendments." Finance Director Stanislawski stated the amendments contain some estimates and final numbers will not be known until August. City Manager Charles noted expenses incurred for the parking lot improvements will be reimbursed by the bond sale in the 2016/2017 budget. MOTION CARRIED (7-0).

13. HAPRA REQUEST TO INSTALL MULTI-USE BALL FIELD, PAGE FIELD COMPLEX

Recreation Director Rogers has requested that Council not take action on this issue; he is still talking to some of the neighbors about the project.

14. APPROVED PAYMENT OF BILLS

MOTION by Lobur, SUPPORT by Ellis, “To approve payment of bills ending June 27, 2016 in the amount of \$616,078.10 and payroll to cover the period ending June 25, 2016.” Mayor Proctor questioned the HRC invoice for Loop Road. City Manager Charles explained he requested road costs be broken out in phases for potential development interests. MOTION CARRIED (7-0).

15. CITY MANAGER’S REPORT

- The MML annual conference is scheduled for September 14-16, 2016. Registration is open and Council members should contact the City Clerk if they would like to attend.
- City Hall repairs are in the final stages; the lighting change order and cosmetic issues are being completed.
- HRC is working on the final design for Parking Lot #2. The water & sewer main have been completed for the Alley & Parking #4. The sewer lead behind Dairy Queen was replaced by the property owner.
- Mayor Proctor questioned the invoices for Marcy’s Dry Cleaning noting the Howell business has closed. Police Chief Basar stated that they still provide pick-up and delivery service from their Brighton location at a reduced price.

16. OLD BUSINESS

- Mayor Proctor congratulated the Howell Chamber for Balloonfest noting it was a wonderful event.
- Member Mulvahill thanked the balloon participants.

17. NEW BUSINESS

- Member Proctor reported on the economic development and placemaking meeting at which power washing of downtown sidewalks was discussed. DPS Director Suida noted that this process had been completed by private property owners in the past. Council noted it was a good idea however the City already provides a lot of services for businesses and they would not be willing to fund the project.

18. ADJOURN

MOTION by Hansen, SUPPORT by Lobur, “To adjourn the regular meeting of the City Council at 8:43 p.m.” MOTION CARRIED (7-0).

Nick Proctor, Mayor

Jane Cartwright, City Clerk