

Regular Meeting of the Howell City Council
Monday, November 21, 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, Jan Lobur, Michael Mulvahill, Scott Niblock, and Mayor Nick Proctor.

Member Absent: Steven Manor.

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

Others in Attendance: Deputy Police Chief Scott Mannor, Finance Director/Treasurer Catherine Stanislawski, Community Development Director Tim Schmitt, DPW Superintendent Marcel Goch, Assessor Joey Lentine, IT Director Mike Pitera, WWTP Operations Manager Mike Spitler, Recreation Director Paul Rogers, Bill Wilk, Jared Myers, J. Pearce, John & Caron Davis, Kevin Deceuninick.

2. **PLEDGE OF ALLEGIANCE**

Mayor Proctor commended City Clerk Cartwright and staff for the administration of the General Election. He also indicated that 4 police officers in other parts of the country were shot on Sunday; Mayor Proctor praised police officers for their dedication noting that we have some of the best police officers in the City of Howell.

3. **APPROVED MINUTES**

MOTION by Ellis, SUPPORT by Lobur, "To approve the minutes of the regular meeting of the City Council held November 7, 2016." MOTION CARRIED (6-0).

MOTION by Ellis, SUPPORT by Mulvahill, "To approve the minutes of the executive session of the City Council held November 7, 2016." MOTION CARRIED (6-0).

4. **CITIZENS' COMMENTS**

- Kevin Deceuninick, 909 Still Valley, indicated he was representing HAJBA who have used Bennett Field for a number of years and requested a formal lease

agreement with the City. City Manager Charles stated a draft lease has been developed and circulated with members of the HAJBA Board for final review. Council questioned the term of the lease.

5. REPORTS – COUNCIL MEMBERS SERVING ON COMMISSIONS

- Member Lobur reported on the November 16, 2016 Planning Commission meeting. Chem Trend received Special Land Use approval for new ground and directional signs. Matt Schroeder requested a Site Plan, Special Land Use and lot combination for 623 McCarthy & 622 Fleming; an addition to Schroeder's Body Shop was completed without Planning Commission approval or a building permit. The request was denied and the applicant was referred to the BZA. Council questioned the process for rectifying the violation. Community Development Director Schmitt indicated that the applicant must exhaust all administrative remedies prior to the City filing with Circuit Court for removal of the addition. Staff will begin working on a number of ordinance amendments dealing with code enforcement.
- Mayor Proctor reported on the November 16, 2016 Howell Area Fire Authority Board meeting. Approved renewal of the contract with Attorney Kevin Gentry; the millage request was approved by the voters for 6 years; received a refund from MMRMA due to no claims; discussed the potential expansion of the main station for training; and the tradition of escorting Santa in the Fantasy of Lights Parade will continue.

6. COUNCIL CORRESPONDENCE

- Mayor Proctor acknowledged the thank you letter received from Thai Summit.

7. PRESENTATION – SIMPLE RECYCLING

Bill Wilk presented the curbside program provided by Simple Recycling for removal of any type of textile or household items in conjunction with the scheduled residential trash pick-up. They are a for-profit business currently operating in Michigan, Ohio, Indiana and Texas that reuses and recycles materials that are not typically donated and end up in the landfill. There is no charge to residents, the City receives a rebate of \$20/ton for all material collected, and dictates the schedule. Mr. Wilk presented examples of notifications and information sent to residents in advance of the scheduled pickup that includes the specifics of the program, items accepted, bags, stickers and contact information. The drivers will replace the number of bags picked up to use for the next collection. Clearly marked small box trucks are used and generally 10 to 12% of residents participate in the program. City Manager Charles indicated staff is looking for direction from Council; if there is consensus, staff will finalize the proposed contract and bring back for approval. Council stated they were comfortable moving forward with the concept.

8. APPROVED – ORDINANCE NO. 910, MICRO ALCOHOL PRODUCTION MOTION by Lobur, SUPPORT by Ellis, "To adopt Ordinance No. 910, a City initiated ordinance to establish standards for micro alcohol production facilities."

Mayor Proctor stated he voted against the ordinance due to concerns with additional hurdles for small businesses to obtain special land use approval from the Planning Commission. Community Development Director Schmitt stated this was not a traditional restaurant or retail use and brings more of a manufacturing (production) use to the downtown which could have unintended consequences without the special land use requirements. Discussion followed. MOTION CARRIED (4-2). Members Proctor & Ellis opposed.

9. **SCHEDULED PUBLIC HEARING – EXPANSION OF OBSOLETE PROPERTY REHABILITATION ACT DISTRICT**

MOTION by Hansen, SUPPORT by Lobur, “To set a public hearing for December 5, 2016 to discuss expanding the Obsolete Property Rehabilitation Act District.” Community Development Director Schmitt indicated the proposed expansion is limited to the Central Business District and is another tool for projects that may have minor environmental uses with the building. Brownfield districts require tax captures and are more appropriate for removal of large environmental concerns. Each application will come before the City Council for review and approval. City Manager Charles stated he also expects Aberrant Ales to submit their application for the OPRA abatement at the December 5, 2016 meeting. MOTION CARRIED (6-0).

10. **APPROVED – 2017 MICHIGAN MUNICIPAL LEAGUE MEMBERSHIP**

MOTION by Mulvahill, SUPPORT by Ellis, “To approve payment of the Michigan Municipal League invoice in the amount of \$4,767 for the 2017 membership renewal.” MOTION CARRIED (6-0).

11. **APPROVED – 2017 BUDGET, HOWELL AREA PARKS & RECREATION AUTHORITY**

Recreation Director Rogers presented the proposed 2017 budget which was approved by the Authority at their November 1st meeting; each individual member must approve the budget as well. They expect to end their December 31, 2016 fiscal year without a deficit. The 2017 proposed budget maintains the same contributions from members except for a \$2,000 increase from Howell Township. MOTION by Ellis, SUPPORT by Lobur, “To approve the 2017 budget of the Howell Area Parks & Recreation Authority.” MOTION CARRIED (6-0).

12. **APPROVED – RESOLUTION NO. 16-26, OPT OUT OF PA 152 FOR THE 2017 PLAN YEAR**

MOTION by Hansen, SUPPORT by Ellis, “To adopt Resolution No. 16-26 opting the City of Howell out of Public Act 152 for the 2017 plan year.” MOTION CARRIED (6-0).

13. **APPROVED – CHANGE IN DENTAL INSURANCE CARRIER**

MOTION by Hansen, SUPPORT by Niblock, “To approve Delta Dental PPO insurance coverage for the 2017 plan year and revise the Personnel Policies Manual accordingly.” MOTION CARRIED (6-0).

14. DISCUSSED – CITY HALL GENERATOR

City Manager Charles stated the City Council previously authorized design engineering for the City Hall generator project which would have replaced the existing generator powering the Police Department and IT server to the entire building. Due to the projected cost of \$250,000 and the wiring of the building which is not conducive to the project, staff is seeking direction from Council before finalizing the plans and putting the project out to bid. There may also be grant opportunities since it would provide a community resource. Council inquired if replacing the current system is an option noting they questioned the need for the enlarged generator. After additional discussion, there was consensus by Council to finalize the plans (estimated to cost an additional \$1,000) however the bidding process will be postponed at this time.

15. AWARDED BID/PURCHASE – WWTP GENERATOR & SWITCHGEAR, D.F. BEST, \$479,500

MOTION by Hansen, SUPPORT by Mulvahill, “To award the Generator Replacement and Switchgear Retrofit contract for the WWTP to D.F. Best of Howell Michigan as proposed for an amount not to exceed \$479,500.” MOTION CARRIED (6-0).

16. APPROVED PAYMENT OF BILLS

MOTION by Hansen, SUPPORT by Ellis, “To approve payment of bills ending November 21, 2016 in the amount of \$318,905.26 and payroll to cover the period ending November 26, 2016.” Member Ellis questioned invoices to repair the water damaged DDA building. Mayor Proctor questioned MDEQ and MML CDL annual fee. MOTION CARRIED (6-0).

17. CITY MANAGER’S REPORT

- Performance Bonds. City Council approved fee upgrades to performance bonds back in July. No performance bonds are required for projects that include site plan escrows however staff has come across two situations where business owners were required to post large performance bonds for build-out of existing spaces that do not require site plan escrows. Staff would like to draft an ordinance amendment to reduce bond fees for internal build-outs. Council gave consensus to move forward.
- Commended DPW and police personnel for handling the storm damage last Friday.
- The first notice to residents pursuant to the NLC service line coverage will be sent out in January 2017.
- The first course of asphalt for Parking Lot #2 has been completed and the lot will be temporarily opened for the Fantasy of Lights parade; the top course will be completed next week weather permitting.
- Staff is looking into new Council chairs through the State of Michigan Purchasing Program. Sample chairs will be provided for Council to choose.

18. OLD BUSINESS

- Member Mulvahill congratulated the DDA on a very successful Food Truck Rally noting he talked to multiple businesses owners who were happy with the turnout. He also requested that Council continue to be supportive of the DDA and these types of events. Member Lobur suggested the addition of Food Trucks in a designated area during the Concerts at the Courthouse.
- Mayor Proctor questioned the status of the idea to designate a portion of the Howell Memorial Cemetery property for ball fields. Community Development Director Schmitt updated Council on the work being performed by Carlisle Wortman to present a plan to MDNR for a land swap for recreation land lost at the Lucy Road park.

19. NEW BUSINESS

- MOTION by Hansen, SUPPORT by Niblock, “To excuse Member Manor from the November 21, 2016 meeting due to vacation.” MOTION CARRIED (6-0).
- Mayor Proctor questioned the scheduled brush pickup from the storm.

20. EXECUTIVE SESSION – PENDING LITIGATION

- 8:16 p.m. MOTION by Ellis, SUPPORT by Hansen, “To adjourn to executive session to discuss pending litigation with a roll call vote.” Hansen – yes, Mulvahill – yes, Niblock – yes, Ellis – yes, Lobur – yes, Proctor - yes. MOTION CARRIED (6-0).
- 8:55 p.m. MOTION by Hansen, SUPPORT by Mulvahill, “To reconvene the regular meeting.” MOTION CARRIED (6-0).

21. ADJOURN

MOTION by Hansen, SUPPORT by Mulvahill, “To adjourn the regular meeting of the City Council at 8:55 p.m.” MOTION CARRIED (6-0).

Nick Proctor, Mayor

Jane Cartwright, City Clerk