

Regular Meeting of the Howell City Council
Monday, October 22, 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: Jeannette Ambrose, Robert Ellis, Randy Greene, Jan Lobur, Steven Manor, Michael Mulvahill, and Mayor Nick Proctor.

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

Others in Attendance: Deputy Police Chief Scott Mannor, DPS Director Erv Suida, Community Development Director Tim Schmitt, DPW Operations Manager Mike Luce, IT Director Mike Pitera, Project Technician Matt Davis, Building Official Craig Strong, Kristin Hoyes, Caron Davis, Nicole Kamienski, A. Currie, Eric Myers.

2. PLEDGE OF ALLEGIANCE

3. APPROVED MINUTES

MOTION by Ellis, SUPPORT by Mulvahill, “To approve the minutes of the special meeting of the City Council held October 8, 2018 as amended.” Member Ambrose requested correction to the document title; change “Wednesday” to “Monday”. MOTION CARRIED (7-0).

MOTION by Ellis, SUPPORT by Lobur, “To approve the minutes of the regular meeting of the City Council held October 8, 2018.” MOTION CARRIED (7-0).

MOTION by Ellis, SUPPORT by Ambrose, “To approve the minutes of the executive session of the City Council held October 8, 2018.” MOTION CARRIED (7-0).

4. CITIZENS’ COMMENTS

- Kristin Hoyes, 222 N. Court (teacher at Voyager Elementary), stated she was an avid recycler and questioned if recycling collection containers could be placed next to garbage collection containers downtown as well as at the HAJBA ballfields at Northwest Elementary. She presented pictures of garbage containers overflowing with plastics. Discussion followed about the dwindling

recycling market. Staff will inquire about the potential for recycling containers at least for the ballfields.

5. REPORTS – COUNCIL MEMBERS SERVING ON COMMISSIONS

- Mayor Proctor reported on the CIRAB meeting held October 15, 2018; some of the upgrades to the WWTP were discussed.
- Member Lobur reported on the Planning Commission meeting held October 17, 2018. Received a report from the Town Commons Homeowners Association on the Phase II development, delays with the Soapy Bucket Car Wash project due to design issues with MDOT, and new homes in Howell Estates. Discussed options for permitting Solar Panel installations, and the Livingston County Transportation Master Plan. Approved the land division for 1539 & 1545 First Avenue, and the 2019 meeting dates. Staff is working on coordinating a joint meeting with the Marion Township Planning Commission. Mayor Proctor presented a letter of appreciation to Jeannette Ambrose from the Planning Commission.
- Member Ellis reported on the Howell Area Parks & Recreation Authority meeting held October 16, 2018. Discussed issues with the pool staff, approved the proposed budget for 2019 and the third quarter budget amendments. Expect to consider the finalized contract for operation of the Aquatic Center at the next meeting, and rescheduled the November meeting to November 27, 2018. Four hundred participants are registered for the Legend of Sleepy Howell run, and Holiday in the Park is being moved from the Teen Center to City Park (refer to Item 8B on the agenda).
- Mayor Proctor reported on the Howell Area Fire Authority Meeting held October 17, 2018. Approved the annual audit report, transferred \$250,000 to the retirement account to raise the funding level to 100%, rescheduled the Open House to the first week in December, and received a \$10,000 refund from the MML Workers Compensation Fund.
- Member Manor reported on the SEMCOG General Assembly. Discussed potential legislation, participated in individual training sessions including Strengthening Quality of Place & Economic Development Downtown with presentations from various communities.

6. COUNCIL CORRESPONDENCE

- DDA Board Resignation Letter, Randy Greene. MOTION by Ellis, SUPPORT by Mulvahill, “To accept the resignation of Randy Greene from the DDA Board and thank him for his service.” MOTION CARRIED (7-0).

7. PRESENTATION – 2018 AUDIT REPORT, REHMANN ROBSON

Mark Kettner presented the 2018 audit report complimenting the management team, especially Finance Director Catherine Stanislawski, noting they operate very efficiently. The City has earned the Certificate of Excellence in Financial Reporting for the 11th consecutive year and Rehmann Robson has issued a clean audit opinion indicating the financial reports are materially correct. Mr. Kettner reviewed the GASB 75 implementation for Other Post Employment Benefits

(OPEB) requiring the total liability in the about amount of \$10 million to be booked. MOTION by Manor, SUPPORT by Lobur, “To accept the 2017/2018 Audit Report from Rehmann Robson as presented.” MOTION CARRIED (7-0).

8. APPROVED – CIVIC EVENT APPLICATIONS:

A. Fantasy of Lights, November 23, 2018. MOTION by Ellis, SUPPORT by Ambrose, “To approve the civic event application submitted by the Howell Area Chamber of Commerce Foundation for Fantasy of Lights scheduled for November 23, 2018.” MOTION CARRIED (7-0).

B. Holiday in the Park, December 7, 2018. MOTION by Ellis, SUPPORT by Manor, “To approve the civic event application submitted by the Howell Area Recreation Authority for Holiday in the Park scheduled for December 7, 2018 contingent upon receipt of certificate of insurance.” Nicole Kamienski stated there would be 30 trees plus Christmas Scenes on display throughout the park. MOTION CARRIED (7-0).

9. HEARING ON APPEAL – UNSAFE BUILDINGS, 102, 106 & 108 ELM STREET

Mayor Proctor opened the hearing at 7:34 p.m. City Manager Charles reviewed the hearing procedure outlined by City Attorney Perkins. Clerk Cartwright administered the oath to Community Development Director Timothy Schmitt. Community Development Director Schmitt reported there are three structures on the property; the house at 734 E. Grand River, garage, and three rental units on Elm Street. The house at 734 E. Grand River was inspected pursuant to the rental registration ordinance at which time the Building Inspector noted serious structural concerns on the Elm Street units just 20 feet away including plywood covering the rear of the building, 2 chimneys pulling away from the structure, and roof that was painted instead of being re-shingled. The Building Official along with Staff from Community Development and Public Works completed a rental inspection triggered by the exterior concerns. A list of issues and aggressive timeline for completion, due to the life safety concerns that were found, was given to the property owner. Most of the life safety issues were corrected however the second group of items requiring immediate repair have not been finished; several meetings have been held with the property owner however progress was not made. The notice of unsafe building was issued on September 25, 2018 and the property owner filed an appeal within the 20 day deadline.

Clerk Cartwright administered the oath to Building Official Craig Strong. Building Official Strong reported the rental inspection on the Elm Street buildings was conducted July 26, 2018, followed up with the Notice of Violation on August 6, 2018. The property owner has failed to meet the deadline of September 17th to complete the list of immediate repairs. The photos included in the August 6th notice are pictures of code violations as well as updates completed in an unsafe matter without building permits. The chimney is in bad shape, plywood was installed over the siding, there are electrical violations and no permits had been issued by

Livingston County. The roof did not appear to be leaking however needs to be replaced; the flashing and fascia boards are rotting. City Attorney Perkins asked Mr. Strong if the August 6, 2018 notice of violation letter was part of his testimony for the record. Mr. Strong answered affirmatively. Property owner Eric Myers was offered the opportunity to ask questions of Mr. Strong. Mr. Myers indicated that other than the pole outside, the electrical problems were inside, and further clarified that the Tenant put in the wiring without his knowledge. City Attorney Perkins asked if there was an immediate danger with the structure. Mr. Strong stated he asked for a Structural Engineer's report however it was not provided. The immediate life safety issues were taken care of; ie, smoke detectors were installed, however without removing the siding, there was no way of knowing the condition of the structure. The chimney is supported by wood and is failing (refer to the picture on page 202 of the Council packet). The furnaces have not been inspected. Building Official Craig Strong recommended either ensuring that the building is made safe and weather tight, or the building should be demolished. The property owner could have done a lot more to present a plan for repairs. The house at 734 E. Grand River was under construction for seven years.

Clerk Cartwright administered the oath to property owner Eric Myers. Property owner Eric Myers stated there was no request for an overall plan; he just received a list of repairs that were required to be finished by a certain date. Everything that was considered "life safety" was completed. A structural engineer was required to look at the property to comply with the second phase of repairs; the building is older and the foundation is not up to current standards so he hasn't pushed to get that done. He is trying to find out what he can do with the building and if it could be rebuilt under the same footprint to meet the current codes. He can make it safe however doesn't believe it can be restructured with the current foundation. The building has had heavy snow loads on the roof the last couple of years. Mr. Myers was asked if he had the financial means to finish the project. He indicated he does however it would take 6 to 12 months to finish architectural plans and secure permits. If the rental registration is renewed for 2019, he will secure the building. Mr. Myers indicated that the tenants love it there. Community Development Director Schmitt asked Eric Myers for his home address for the record. Mr. Myer's responded 918 Woodlawn, Ann Arbor MI. Mr. Myers was also questioned regarding his contact with builders and architects on the project. He indicated he has called several builders; some don't return his calls and some say they are busy. He mentioned Henderson Construction & Osborn Construction, as well as preliminary construction quotes in the six figures. Three architects were also contacted. Community Development Director Schmitt stated he has not seen a survey however the building does not meet current setbacks; there is not enough parking, it is zoned commercial and would require special approval if there is not a commercial use on the property. The True Cash Value on the building is \$32,000. The preliminary plan shows an expansion of the non-conforming use. Mr. Myers noted his interest in taking care of issues in a timely fashion; he was planning on doing renovations in the next couple of years to include a pitched roof and new siding.

- MOTION by Manor, SUPPORT by Ellis, “That the buildings at 102, 106 and 108 Elm Street Howell MI are unsafe buildings based upon the findings of the City Council and confirming the Community Development Director’s order of September 25, 2018 for demolition of each of the buildings and accessory structures, pursuant to Chapter 1480 of the Howell City Code.” Member Manor indicated the building is in terrible shape and in his judgement, it was not financially viable or physically practical to make the needed repairs. The building needs to come down and the City needs to protect the tenants. He encouraged City staff to assist the tenants in finding places to live or refer them to agencies that can help them with housing. It was also noted that the property owners past actions speak to future actions. MOTION CARRIED (7-0).
10. **APPROVED – RESOLUTION NO. 18-16, BUDGET AMENDMENTS**
MOTION by Ellis, SUPPORT by Lobur, “To adopt Resolution No. 18-16, Budget Amendments.” MOTION CARRIED (7-0).
11. **APPROVED – RESOLUTION NO. 18-17, REVISED MDOT CONTRACT #18-5425, MCPHERSON PARK DRIVE TEDF GRANT**
MOTION by Ellis, SUPPORT by Ambrose, “To adopt Resolution No. 18-17 to revise the contract with the Michigan Department of Transportation for the TEDF grant to reconstruct portions of McPherson Park Drive in order to include the \$65,000 paid for the CSX railroad crossing reconstruction as an eligible expense.” Community Development Director Schmitt reviewed the project and referenced changes in interpretation of the grant agreement. MOTION CARRIED (7-0).
12. **APPROVED – CONTRACT FOR THIRD PARTY ADMINISTRATOR, STATE STREET MEDC GRANT**
MOTION by Ellis, SUPPORT by Mulvahill, “To award the contract for Third Party Administrative services for the State Street Reconstruction Project to Carter Consulting LLC with MEDC paying the entirety of the contract cost.” MOTION CARRIED (7-0).
13. **DISCUSSED – VETERAN HOMELESSNESS**
Mayor Proctor indicated over the past year, he has been discussing homelessness in general with OLSHA. Part of the conversation has been the need to share the responsibility with surrounding townships, and recently the discussion focused on Veterans. He has drafted a letter supporting the Homeless Continuum of Care’s goal to end Veteran homelessness however stressed it does not commit to any financial support. Council concurred to move forward with the letter of support.
14. **DISCUSSED– 2019 CITY CALENDAR**
Mayor Proctor requested the award be postponed noting the City was operating under a structural deficit. City Manager Charles indicated staff needed to move forward now in order to get the calendar out by the end of the year. MOTION by Manor, “To award Bid #2 for the 2019 City Calendar and annual report to First

Impression Print & Marketing in the amount of \$3,215 for 24 pages, full color on pages 1-5 and 18-24, including typesetting, setting, design, printing, and post office distribution.” Motion died due to lack of support. Discussion followed on the importance of the calendar as a communication to residents; it is used for keeping track of recycling and other city services, it is a vehicle for publishing the annual report, and it increases community engagement.

MOTION by Ellis, SUPPORT by Greene, “To award Bid #1 for the 2019 City Calendar to First Impression Print & Marketing in the amount of \$4,998 for 36 pages, full color including typesetting, design, printing, and post office distribution.” It was noted the city calendar is a public relations piece. There is also the option of having residents pick them up at City Hall, eliminating the expense of mailing. Another idea was to offer sponsorships. A roll call vote was taken. Lobur – no, Greene, no, Mulvahill – yes, Ambrose – no, Ellis – yes, Manor – yes, Proctor – no. MOTION FAILED (3-4). Discussion continued on the need to think about a new delivery method. Suggestions included ordering 50% of the volume; if the calendars had to be picked up, staff would have a more accurate count of how residents actually use them. An electronic version could also be available on the website.

MOTION by Manor, “To cancel the City Calendar for 2019.” Motion died due to lack of support.

MOTION by Ellis, SUPPORT by Ambrose, “To request a price from First Impression Print & Marketing for different quantities of the 2019 City Calendar without postage.” MOTION CARRIED (7-0).

15. APPROVED - PAYMENT OF BILLS

MOTION by Ellis, SUPPORT by Mulvahill, “To approve the payment of bills ending October 22, 2018 in the amount of \$689,916.31 and payroll to cover the period ending October 27, 2018.” Member Ellis questioned the plumbing problems in the DDA building. Member Lobur questioned tree removals. MOTION CARRIED (7-0).

16. CITY MANAGER’S REPORT

- Wednesday, October 24, 2018 is the last Headlee Override ballot proposal public education session at LESA, 7:00 pm.
- The new leaf machine is starting to be used.
- Post-Election Work Session. MOTION by Ellis, SUPPORT by Mulvahill, “To schedule a City Council work session at Howell City Hall for Monday, November 12, 2018 at 6:00 pm to discuss budgetary matters.” MOTION CARRIED (7-0).
- Member Ambrose questioned the status of the Fire Wood Grill. City Manager Charles stated they were temporarily closed due to a grease trap failure.

17. OLD BUSINESS

- None.

18. NEW BUSINESS

- Mayor Proctor announced he will be hosting coffee with the Mayor on Wednesday to discuss the Headlee Override Ballot Proposal.
- Member Manor indicated that he and Member Ambrose spent some time at the Sunday Farmers Market talking to City residents about the Headlee Override Ballot Proposal. They received fairly positive responses noting that residents seemed to understand the City's financial situation. Member Lobur & Member Ellis will be attending the Farmers Market this Sunday.

19. EXECUTIVE SESSION – PENDING LITIGATION

- 9:03 p.m. MOTION by Ellis, SUPPORT by Mulvahill, “To adjourn to Executive Session to discuss pending litigation in the matters of Rutherford vs. City of Howell and The Pearl vs. the City of Howell with a roll call vote.” Greene – yes, Mulvahill – yes, Ambrose – yes, Ellis – yes, Manor – yes, Lobur – yes, Proctor – yes. MOTION CARRIED (7-0).
- 9:36 p.m. MOTION by Ellis, SUPPORT by Mulvahill, “To reconvene the regular meeting.” MOTION CARRIED (7-0).
- MOTION by Manor, SUPPORT by Ellis, “To approve the Stipulation for Entry of Consent Judgment and Consent Judgment in the Pearl Building LLC Tax Tribunal case MTT Docket 17-002916 for years 2017 & 2018 as follows: 4717-36-307-040 TCV \$240,000, SEV/TV \$120,000; 4717-36-307-059 TCV \$60,000, SEV/TV \$30,000; and authorize the City Attorney to sign the agreement on behalf of the City.” MOTION CARRIED (7-0).

20. ADJOURN

MOTION by Ellis, SUPPORT by Mulvahill, “To adjourn the regular meeting of the City Council at 9:37 p.m.” MOTION CARRIED (7-0).

Nick Proctor, Mayor

Jane Cartwright, City Clerk