

**Regular Meeting of the Howell City Council**  
**Monday, September 24, 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, Michael Mulvahill, and Mayor Nick Proctor.

Council Members Absent: Jan Lobur, 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, DPS Director Erv Suida, Community Development Director Tim Schmitt, DPW Operations Manager Mike Luce, IT Director Mike Pitera, Project Technician Matt Davis, Parks & Cemetery Supervisor Jason McClanahan, Assessor II Ashley Winstead, Tom Richardson, John and Caron Davis, Robert Spaulding.

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVED MINUTES**

MOTION by Ellis, SUPPORT by Ambrose, “To approve the minutes of the work session of the City Council held September 5, 2018.” MOTION CARRIED (4-0).

MOTION by Ellis, SUPPORT by Mulvahill, “To approve the minutes of the regular meeting of the City Council held September 10, 2018.” MOTION CARRIED (4-0).

**4. CITIZENS’ COMMENTS**

- None.

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

- Mayor Proctor reported on the Howell Area Fire Authority meeting held September 19, 2018. Approved the purchase of new engine for the Marion Township substation; the annual Audit is still in process; the Open House is scheduled for October 14, 2018 from 1-4 p.m.; and they will be replacing the fire reporting system.

6. **COUNCIL CORRESPONDENCE**

None.

7. **INRODUCED – ORDINANCE NO. 918, PROPERTY MAINTENANCE CODE UPDATE**

Member Ellis introduced Ordinance No. 918, an ordinance to modify the City's Property Maintenance Code and Building Permit fees.

8. **DISCUSSED – ORDINANCE NO. 919, ALTERNATIVE NICOTINE PRODUCTS**

MOTION by Mulvahill, SUPPORT by Ambrose, "To adopt Ordinance No. 919, amending Chapter 656 to include prohibition of the use of Alternative Nicotine Products by minors within the City of Howell. Member Ellis stated there may be unintended consequences to the proposed ordinance since it would restrict the use of nicotine replacement projects that may be used by teenagers to stop smoking. He suggested amending the definition of "Alternative Nicotine Product" to read "means a noncombustible inhaled product containing nicotine that is intended for human consumption." Also discussed was adding a disclaimer that could read, "not intended to apply to other products used for smoking cessation." City Attorney Perkins will provide amended language for the next meeting. MOTION by Ellis, SUPPORT by Ambrose, "To postpone action on Ordinance No. 919 until the October 8, 2018 meeting." MOTION CARRIED (4-0).

9. **APPROVED – 2018 CRACK SEALING PROGRAM**

MOTION by Ellis, SUPPORT by Mulvahill, "To authorize an additional \$88,000 to the 2018 Pavement Crack Sealing Program that was awarded to Carr's Outdoor Services for crack sealing the remaining roads." DPS Director Suida indicated on the major and local roads on the north side of the city were completed. MOTION CARRIED (4-0).

10. **DISCUSSED BIDS/PURCHASES:**

A. Vehicle #44, LaFontaine Ford, \$34,636.72.

B. Vehicle #47, LaFontaine Ford, \$33,886.72.

Mayor Proctor expressed concern on moving forward with the proposed purchases even though they were budgeted items due to the projected structural deficit. DPS Director Suida stated funds for the vehicle purchases were encumbered for the last 13 years to allow for their replacement. The purchases have already been delayed 3 to 5 years; they may reach a point where maintenance is a problem and they become unreliable. Council also questioned the municipal bidding program and if local Ford dealers are included. DPS Director Suida indicated he was not aware of the local dealers participating in the State Purchasing Program. Staff will reach out to the local dealers again to make sure they haven't recently joined the program. Mayor Proctor requested the vehicle purchases be postponed until the next meeting.

C. Kage Snow Plow/Pusher System, Bobcat of Lansing, \$8,200. MOTION by Ellis, SUPPORT by Ambrose, "To approve the purchase of a Kage Snow Plow

System per the attached quote for a total amount not to exceed \$8,200.” DPS Director Suida explained the pusher system allows for efficient removal of snow in parking lots and the pricing will increase substantially if the purchase is postponed.” MOTION CARRIED (4-0).

**11. APPROVED - PAYMENT OF BILLS**

MOTION by Ellis, SUPPORT by Ambrose, “To approve the payment of bills ending September 24, 2018 in the amount of \$474,563.59 and payroll to cover the period ending September 29, 2018.” MOTION CARRIED (4-0).

**12. CITY MANAGER’S REPORT**

- DPW will facilitate the replacement of a lead waterline at 821 E. Grand River on Wednesday. Pursuant to the new Lead & Copper Rules, the repair of a leaking line requires full replacement.
- Congratulated new Assessor Ashley Winstead on receiving the MAAO certification.
- The City received a request late this afternoon from Representative Mike Bishop’s office to support renaming the Howell Post Office in honor of Sergeant Donald Burgett, WWII Veteran. Mayor Proctor stated his support and indicated he would submit a letter on behalf of the City Council. Council concurred.
- Attended the MML Conference last week. Reported on an update to the SAVE MI City campaign as well as a class on evaluating downtown parking needs.

**13. OLD BUSINESS**

- None.

**14. NEW BUSINESS**

- MOTION by Ellis, SUPPORT by Mulvahill, “To excuse Council Member Steven Manor from the September 24, 2018 meeting, reason stated.” MOTION CARRIED (4-0). MOTION by Ellis, SUPPORT by Mulvahill, “To excuse Council Member Jan Lobur from the September 24, 2018 meeting, reason stated.” MOTION CARRIED (4-0).
- Mayor Proctor stated the final Food Truck Rally will be held Saturday September 29, 2018.

**15. EXECUTIVE SESSION – ATTORNEY CLIENT COMMUNICATION & PENDING LITIGATION**

- 7:35 p.m. MOTION by Ellis, SUPPORT by Mulvahill, “To adjourn to Executive Session to discuss an attorney client communication and pending litigation in the Rutherford case with a roll call vote.” Mulvahill – yes, Ambrose – yes, Ellis – yes, Proctor – yes. MOTION CARRIED (4-0).
- 7:57 p.m. MOTION by Ellis, SUPPORT by Mulvahill, “To reconvene the regular meeting.” MOTION CARRIED (4-0).
- MOTION by Ellis, SUPPORT by Mulvahill, “To approve the Second Amendment to Purchase Agreement with Branoff Randle Real Estate Partners, LLC extending the agreement for 30 days and authorize the City Manager to

extend the agreement for an additional 30 days at his discretion.” MOTION CARRIED (4-0).

**16. ADJOURN**

MOTION by Ellis, SUPPORT by Mulvahill, “To adjourn the regular meeting of the City Council at 7:58 p.m.” MOTION CARRIED (4-0).

---

Nick Proctor, Mayor

---

Jane Cartwright, City Clerk