

Regular Meeting of the Howell City Council
Monday, May 6, 2019
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, Randy Greene, Jan Lobur, Michael Mulvahill, Steven Manor, and Mayor Nick Proctor.

Council Member Absent: Robert Ellis

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, Community Development Director Tim Schmitt, Finance Director Catherine Stanislawski, Deputy Police Chief Scott Mannor, DPW Operations Manager Mike Luce, WWTP Operations Manager Mike Spitler, IT Director Mike Pitera, DDA Director Cathleen Edgerly, Main Street Outreach Coordinator Kate Litwin, John & Caron Davis, Tom Richardson, Paul Rogers, Hunter Allen, Fakhry Kajy, David Kajy, Fadi Kajy.

2. PLEDGE OF ALLEGIANCE

3. APPROVED MINUTES

MOTION by Ambrose, SUPPORT by Greene, “To approve the minutes of the regular meeting of the City Council held April 22, 2019.” MOTION CARRIED (6-0).

4. CITIZENS’ COMMENTS

- None.

5. REPORTS – COUNCIL MEMBERS SERVING ON COMMISSIONS

- Mayor Proctor reported on the DDA meeting held April 24, 2019. Held the annual meeting now required by State Law, City Manager Charles gave an update on the State Street project, and discussed the proposed parking study included in the DDA budget. Mayor Proctor also referenced the Applause Awards, recent Grand Openings for Jenna Kator & Black Iron Coffee Roasters, and the Howell Art Project beginning next week.

- Member Manor reported on the SEMCOG Executive Session meeting held May 2, 2019. Adopted the Parks & Recreation task force report, contract and transportation master plan amendments, and heard a presentation from the Huron Metro Parks Director.
- Mayor Proctor indicated he attended the ground breaking ceremony for Fillmore County Park located in Genoa Township.

6. **COUNCIL CORRESPONDENCE**

- A. Request to Install Plaques, Scofield Park Dedication. MOTION by Manor, SUPPORT by Ambrose, “To approve the placement of two plaques at the City of Howell Scofield Park as presented by Paul Rogers.” Paul Rogers reviewed the proposed placement at the beach house and on the hill going up to the pavilions.” Member Lobur questioned the placement of additional signage compared to other City parks that were dedicated in honor of members of the community and noted her preference for a park bench. MOTION CARRIED (5-1). Member Lobur opposed.
- B. Request for Waiver of Park Fees, United Way Day of Caring August 7, 2019. MOTION by Manor, SUPPORT by Ambrose, “To approve the request from the United Way for the use of the Howell City Park and waiver of fees for the Day of Caring scheduled for August 7, 2019.” MOTION CARRIED (6-0).

7. **PUBLIC HEARING – 2019/2020 CITY BUDGET & TRUTH IN TAXATION**

Mayor Proctor opened the public hearing at 7:18 p.m. City Manager Charles referenced the 2019/2020 proposed budget totaling \$20,115,475, all funds with a general operating millage rate of 15.4454 and garbage millage rate of 1.049 (total 16.4944). The general operating millage is subject to a Headlee rollback and the garbage millage was also reduced due to the savings achieved with the Advanced Disposal contract. No public comments were received on the proposed budget.

Mayor Proctor opened the floor for public comment. There was no response. Mayor Proctor closed the public hearing at 7:21 p.m.

8. **DISCUSSED – DANGEROUS BUILDING PROCEEDINGS, 401 E. GRAND RIVER**

MOTION by Lobur, SUPPORT by Ambrose, “To schedule a dangerous building appeal hearing for 401 E. Grand River for the May 20, 2019 City Council meeting.” City Manager Charles noted the property owners went through site plan process and were granted an appeal under the Board of Zoning Appeals. Some repair work has been completed however it was done without securing a building permit. Discussion following on the hearing process and the history related to this project. MOTION CARRIED (6-0).

9. **APPROVED – CIVIC EVENT APPLICATION, CORPUS CHRISTI PROCESSION, JUNE 23, 2019**

MOTION by Lobur, SUPPORT by Mulvahill, “To approve the Civic Event application submitted by St. Joseph Roman Catholic Church for the Corpus Christi

- Procession scheduled for June 23, 2019 incorporating staff comments, and authorize amplified music under Section 652.06(c)(5) ending at 7:00 pm.” MOTION CARRIED (6-0).
10. **APPROVED – RESOLUTION NO. 19-11, 2019/2020 BUDGET ADOPTION**
MOTION by Manor, SUPPORT by Ambrose, “To adopt Resolution No. 19-11, approval of the FY 2019/2020 City of Howell Budget and approving an operating millage rate of 15.4454 and garbage millage rate of 1.0490 mills.” Mayor Proctor commended Council and staff for their work on the budget; \$250,000 was cut from the budget however it does not solve the fiscal problems. The balanced budget maintains essential services and includes the State Street reconstruction project funded by a 90% Community Development Block Grant. MOTION CARRIED (6-0).
 11. **APPROVED – RESOLUTION NO. 19-12, SET PUBLIC HEARING FOR STATE REVOLVING FUND APPLICATION**
MOTION by Manor, SUPPORT by Lobur, “To adopt Resolution No. 19-12 setting the State Revolving Fund public hearing for June 10, 2019.” City Manager Charles noted this is very similar to the DWRP public hearing process. MOTION CARRIED (6-0).
 12. **APPROVED – ORDINANCE NO. 922, 2019 CODIFICATION**
MOTION by Manor, SUPPORT by Ambrose, “To adopt Ordinance No. 922, 2019 Codification.” MOTION CARRIED (6-0).
 13. **INTRODUCED – ORDINANCE NO. 923, CLINTON PLACE PUD**
Member Mulvahill introduced Ordinance No. 923, an ordinance to rezone the property at 904 East Clinton Street from B-2, General Business to Planned Unit Development (PUD), to allow the construction of a 10 unit, age limited, residential development on the site. Planning Commission held a public hearing April 17, 2019 and recommended approval. A rezoning requires an action by City Council and since it is a Planned Unit Development, the entire site plan also requires an approval by City Council. Community Development Director Schmitt indicated notices were hand delivered to residents who attended the public hearing. Property maintenance concerns were also discussed; City standards will have to be followed and the condo association will be responsible for maintaining outside the walls of the structure. Council also expressed concern with the tight space associated with the single units. It was noted that street parking is allowed on the adjacent section of Clinton Street. The agreement includes a \$5,000 donation to Doc May Park to be used at the discretion of the City.
 14. **INTRODUCED – ORDINANCE NO. 924, DONATION BINS**
Member Ambrose introduced Ordinance No. 924, an ordinance to establish standards for donation bins in the City of Howell. Mayor Proctor commended Community Development Director Schmitt for his good work on research and drafting of this ordinance. Discussion followed on the time frame for the review

process outlined in the draft. Attorney Perkins indicated it is rare that the term “business days” is used in an ordinance. It was also suggested that a generic position be used (City Manager or designee) for approval noting the short time frame of 10 days for review and approval. Fees pursuant to the ordinance will be set separately by resolution of the City Council.

15. DISCUSSED – LOCAL OFFICERS COMPENSATION REPORT

City Manager Charles stated the compensation for Mayor & City Council recommended by the LOCC at their April 22, 2019 meeting will take effect in 30 days unless rejected by the City Council. Mayor & City Council expressed their appreciation for the gesture however concurred to decline the pay increase. MOTION by Mulvahill, SUPPORT by Lobur, “To reject the April 22, 2019 recommendation of the Local Officers Compensation Commission for a pay increase.” MOTION CARRIED (6-0).

16. AWARD/BID PURCHASE – MUNICIPAL PARKING LOT MAINTENANCE, A & R SEALCOATING, \$9,950

MOTION by Lobur, SUPPORT by Mulvahill, “To accept the proposal from A & R Sealcoating of Waterford Michigan to perform the work as outlined in RFP 1-DPW-19 for Parking Lot #1 and #3 for a total not to exceed \$4,950”. MOTION CARRIED (6-0).

MOTION by Mulvahill, SUPPORT by Greene, “To accept the proposal from A & R Sealcoating of Waterford Michigan to perform the work as outlined in RFP 1-DPW-19 for City Hall Parking Lot for a total not to exceed \$5,000”. MOTION CARRIED (6-0).

17. APPROVED - PAYMENT OF BILLS

MOTION by Ambrose, SUPPORT by Mulvahill, “To approve the payment of bills ending May 6, 2019 in the amount of \$499,014.85 and payroll to cover the period ending May 11, 2019.” Mayor Proctor questioned Dog Waste Depot and Office Depot (cleaning supplies). Member Lobur questioned the Filter Media replacement. MOTION CARRIED (6-0).

18. BOARD/COMMISSION APPOINTMENTS:

A. LDFA, Geraldine Moen, term ending March 30, 2023. MOTION by Manor, SUPPORT by Lobur, “To approve the appointment of Geraldine Moen to the LDFA, term ending March 30, 2023.” MOTION CARRIED (6-0).

B. LDFA, Paul Streng, term ending March 30, 2021. MOTION by Manor, SUPPORT by Mulvahill, “To approve the appointment of Paul Streng to the LDFA, term ending March 30, 2021.” MOTION CARRIED (6-0).

C. LDFA, Michael Yost, term ending March 30, 2020. MOTION by Manor, SUPPORT by Mulvahill, “To approve the appointment of Michael Yost to the LDFA, term ending March 30, 2020.” MOTION CARRIED (6-0).

19. CITY MANAGER'S REPORT

- State Street construction will begin Thursday pending written confirmation from the State on the increased grant funding. The project will begin with the alley work. Commended Community Development Director Tim Schmitt, DPS Director Erv Suida and Project Technician Matt Davis for their work.
- Praised DPW staff for a successful Arbor Day.
- Election day is tomorrow for the Howell Public School Bond Proposal.
- The disabled vehicle on National Street has been tagged for removal.
- Member Greene requested an update on the request from Voyager Elementary on recycling.
- Member Mulvahill questioned the status of the house on Sibley Street.

20. OLD BUSINESS

- Member Manor commended staff for their work on Arbor Day and Chem Trend for their sponsorship; he also acknowledged the participation of the Tree Doctor, Recycle Livingston, Howell Police and Fire Departments. Mayor Proctor also thanked staff, and especially DPW Operations Manager Mike Luce for his work on Arbor Day.
- Mayor Proctor requested the status of the US Postal Service request for a public meeting regarding the Howell Post Office. City Clerk Cartwright stated they have postponed their request until June.
- Mayor Proctor indicated Member Ambrose has volunteered to be the alternate member to the Howell Area Parks & Recreation Board. MOTION by Greene, SUPPORT by Mulvahill, "To appoint Jeannette Ambrose as the alternate member to the Howell Area Parks & Recreation Authority Board." MOTION CARRIED (6-0).

21. NEW BUSINESS

- MOTION by Manor, SUPPORT by Lobur, "To excuse member Robert Ellis from the May 6, 2019 meeting, reason stated." MOTION CARRIED (6-0).
- Member Manor complimented the nice opening for the Farmers Market noting the use of the County parking lot was excellent.

22. EXECUTIVE SESSION – CITY MANAGER PERFORMANCE REVIEW

8:11 p.m. MOTION by Manor, SUPPORT by Ambrose, "To adjourn to Executive Session to conduct the City Manager's Performance review." A roll call vote was taken. Manor – yes, Lobur – yes, Greene – yes, Mulvahill – yes, Ambrose – yes, Proctor – yes. MOTION CARRIED (6-0).

9:48 p.m. MOTION by Mulvhaill, SUPPORT by Ambrose, "To reconvene the regular meeting." MOTION CARRIED (6-0). Mayor Proctor referenced the in depth discussion by the City Council on a way forward within the City. Council has before them a proposed action on the May 6, 2019 letter from City Manager Shea Charles tendering his resignation to pursue new professional opportunities

along with a separation package to provide a 12 month severance and waive Section 4 of the May 17, 2004 Employment Agreement as amended September 24, 2007. MOTION by Mulvahill, SUPPORT by Lobur, “To accept the resignation of City Manager Shea Charles and approve the severance agreement as presented with acknowledgement of the terms included in the May 6, 2019 resignation letter.”

Member Manor stated he was deeply saddened that Shea had chosen to go this route. During the last 15 years, the City has made tremendous gains, strides and progress. Member Manor also expressed his appreciation for Shea’s service, ideas, creativity and bringing together an excellent team of staff. The severance package provides a good opportunity for him to move on and for the City to start over. Member Manor also noted he was conflicted on how to vote on the motion; he doesn’t want him to go however he intends to vote yes only because Shea will receive a good severance package.

Mayor Proctor indicated he believes he has a great working relationship with Shea and he respects him eminently. Mayor Proctor also acknowledged Shea’s good reputation within the State of Michigan and stated he has given the City 15 great years. Mayor Proctor will support the motion only with a lot of consternation.

Member Greene stated he will vote to accept the resignation only on the wishes of the City Manager; had Shea not expressed this desire he would be adamantly opposed. Member Greene thanked Shea for everything he has done to help him in his short time as a Council member. Member Lobur also expressed her thanks to Shea.

A roll call vote was taken on the motion. Lobur – yes, Greene – yes, Mulvahill – yes, Ambrose – yes, Manor – yes, Proctor – yes. MOTION CARRIED (6-0).

23. ADJOURN

MOTION by Mulvahill, SUPPORT by Ambrose, “To adjourn the regular meeting of the City Council at 9:56 p.m.” MOTION CARRIED (6-0).

Nick Proctor, Mayor

Jane Cartwright, City Clerk