

**Regular Meeting of the Howell City Council**  
**Monday July 22, 2019**  
**Howell City Council Chambers – Lower Level**  
**611 E. Grand River**  
**Howell, Michigan 48843**  
**517-546-3502**

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**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: Interim City Manager Erv Suida, City Attorney Dennis Perkins and Deputy City Clerk Deanna Robson.

Others in Attendance: Police Chief George Basar, Community Development Director Tim Schmitt, Finance Director Catherine Stanislawski, DPW Operations Manager Mike Luce, DPW Superintendent Matt Davis, Assessor Ashley Winstead, DDA/Main Street Director Cathleen Edgerly, Caron Davis, Carole A. Singer, Mark Yallup, Jon and Nancy Sauvage, Nancy Faught, J. Pearce, Bruce Adams and Vee Spikes.

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVED MINUTES**

MOTION by Ellis, SUPPORT by Ambrose, “To approve the minutes of the regular meeting of the City Council held July 8, 2019.” MOTION CARRIED (7-0).

**4. CITIZENS’ COMMENTS**

- None.

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

- Member Lobur reported on the Planning Commission meeting held July 17<sup>th</sup>: department numbers for permits and site plans are ahead of last year; Dick Carlisle of Carlisle Wortman Associates spoke about the need to change the group housing ordinance and a public hearing was planned for August; approved a modification to the Form Based Code from site type B to site type C for a multi-tenant building at 910 Michigan Avenue; recommended to City Council a rezoning request for 316 East Grand River from P-1 to CBD; approved a site plan for a new restaurant at 316 East Grand River; approved a building addition and scrap shed at 1480 McPherson Park Drive for Thai Summit; approved a modification to the site plan at the Old Post Brewery for CO2 tank and chiller outside placement; approved extension of the site plan for

Recycle Livingston; and confirmed that IHA will remove the window decals and that they have applied for a variance for a ground sign. Mayor Pro Tem Manor voiced his concerns regarding the intention of the Form Based Code and potential placement of the new development at 910 South Michigan Avenue, as well as parking in front of the proposed building. Community Development Director Schmitt noted that the site plan review has not been finalized, however, it appears as though the building will meet the code standards for site type C.

- Mayor Proctor reported on the Howell Area Fire Authority meeting held July 17<sup>th</sup>; officer positions were retained; and Chief Pless was recently recognized by the Michigan Fire Chief Association as the Fire Chief of the Year.
- Mayor Proctor reported on the Livingston County Economic Development Council meeting held July 16<sup>th</sup>; they have a new member from DTE business development; Julie Upfall resigned from Ann Arbor Spark; manufacturing day is October 3<sup>rd</sup> and is intended to provide students with local opportunities in the skilled trades; the next meeting was scheduled for November 6<sup>th</sup>; and Marcia Gebarowski was commended for bringing PADNOS to the City.
- Member Manor reported that the SEMCOG executive committee would be meeting on July 25<sup>th</sup>; provided a report on comments regarding the Transit Master Plan received at the Livingston County Board of Commissioners meeting; and noted that overnight bus parking spots have recently been authorized in the Brighton area.
- DDA/Main Street Director Cathleen Edgerly reported on the DDA: Rock the Block is scheduled for August 7<sup>th</sup>; transitioning to the next phase of the Art Project including showcasing local artists' work; and working on a funding match for the KaBOOM grant received for a community space. Member Manor inquired about the area identified as the prime potential site for the community space. Director Edgerly added that they need to make sure that they meet the grant requirements and complete the project by June 2021. Mayor Proctor inquired about trash cans downtown and Director Edgerly responded that, overall, business owners have been pleased with the changes. Ms. Edgerly also informed Council that she had submitted her resignation and had accepted a position as the Director of Downtown Lansing. She thanked Council for their support, and noted that it had been a pleasure working with staff, businesses and stakeholders. Mayor Proctor commended Ms. Edgerly and thanked her on behalf of Council, noting that the City has had one of the lowest vacancy rates in the past 5 years; there is a great business mix; a variety of great events; efforts have been made on placemaking; the Main Street program has skyrocketed; and the City received a Great American Main Street Award.

## **6. COUNCIL CORRESPONDENCE**

None.

**7. PRESENTATION – UNITED STATES POSTAL SERVICE, PROPOSED RELOCATION OF HOWELL POST OFFICE**

Mayor Proctor stated that the City had received a letter from the United States Postal Service stating that they were intending to expand and relocate the Howell Post office. He indicated that post office representatives were in attendance and introduced Vee Spikes.

Mr. Spikes, USPS Regional Real Estate Manager, thanked Mayor and Council. He referred to the letter that he had distributed regarding the potential relocation noting that: the Post Office must come before City Council in a public setting when they plan to relocate their retail space; they received approval from the Great Lakes District office to relocate due to growth in the community; they are seeking a building with 17,000 square feet of retail and delivery space and approximately three acres of purchasable land; the Post Office is required to give the public 30 days to communicate regarding the anticipated change; after 30 days the findings will be compiled and sent to the post office legal team; and a final decision letter will be forwarded to the Mayor.

Discussion followed regarding the three acre parcel requirement; the need for a single story facility on flat land with a frontage road; site evaluation based on cost, site location, traffic and ordinances; and vehicular parking needs. Mr. Spikes noted that representatives had visited several locations in the City, but they did not adequately meet the requirements. City Attorney Dennis Perkins inquired about the recent congressional resolution to rename the building and if that would be maintained. Mr. Spikes responded that it would be possible but would need congressional approval. Nancy Sauvage, 2690 Golf Club Road, Howell, asked if demolition and construction of a new building would be an option and Bruce Adams replied that the post office would need to receive the offer from the landowner and would review every option and offer received. Aaron Currie, Statewide Real Estate, 1285 S. Michigan Ave. asked about the property that the post office is seeking. Mr. Spikes stated that information could be emailed to him at the address listed in the letter that he provided.

**8. APPROVED – ORDINANCE AMENDMENTS:**

A. Ordinance No. 925, Amend Chapter 1610, Fire Prevention Code.

MOTION by Lobur, SUPPORT by Ellis, “To adopt Ordinance No. 925 amending Chapter 1610, Fire Prevention Code.” MOTION CARRIED (7-0).

B. Ordinance No. 926, Amend Chapter 1612, Damages/Permits/Fees.

MOTION by Ellis, SUPPORT by Ambrose, “To adopt Ordinance No. 926 amending Chapter 1612, Damages, Permits and Fees.” MOTION CARRIED (7-0).

C. Ordinance No. 927, Amend Chapter 1614, Fireworks.

MOTION by Manor, SUPPORT by Ellis, “To adopt Ordinance No. 927 amending Chapter 1614, Fireworks.” MOTION CARRIED (7-0).

**9. INTRODUCED – ORDINANCE NO. 928, REZONING FROM P-1, VEHICULAR PARKING, TO CBD, CENTRAL BUSINESS DISTRICT, 316 EAST GRAND RIVER**

Member Lobur introduced Ordinance 928, an ordinance to rezone the property at 316 East Grand River Avenue from P-1, Vehicular Parking, to CBD, Central Business District, to allow an addition to the building and conversion of the entire building to a restaurant. Discussion followed regarding the historical zoning of the property.

**10. SCHEDULED PUBLIC HEARING, THE PEARL BUILDING BROWNFIELD PLAN**

MOTION by Manor, SUPPORT by Ellis, “To schedule a public hearing for the Brownfield Plan for The Pearl Building at 309 East Grand River for the August 26, 2019 City Council meeting.” Member Mulvahill asked what would happen if the applicant developed and then sold the property. Community Development Director Schmitt responded that the Brownfield Redevelopment Authority would retain rights to assign any future disbursements of tax dollars and would have to approve the sale; the plan is tied to the project; and if the property was sold, the new owner would have to request assignment and the loan would be paid. MOTION CARRIED (7-0).

**11. APPROVED – CREDIT CARD PROCESSOR**

MOTION by Manor, SUPPORT by Ellis, “To approve retaining Point & Pay as the City’s Credit Card Processor.” MOTION CARRIED (7-0).

**12. APPROVED – GRAND RIVER WATER MAIN REPLACEMENT**

A. Springline Excavating, \$819,980.

MOTION by Ellis, SUPPORT by Mulvahill, “To award the Grand River (Center – Walnut and State – Barnard) water main project to Springline Excavating, LLC of Farmington Hills, Michigan for a total amount not to exceed \$819,980.00.” Interim City Manager Erv Suida stated that Springline had completed work for the City previously. The project was originally intended to be a Drinking Water Revolving Fund project, but was proposed separately in order to get ahead of the Grand River project and because it is the most critical infrastructure project on the water line. The project as presented would result in the working capital in the water fund below the \$1 million target; and if projects arise in the near future, the City would have to look at alternate funding such as bonds. Finance Director Catherine Stanislawski stated that the lower fund balance should not adversely affect the bond rating due to the City’s history. Interim City Manager Suida added that staff was hoping to begin the project the first week in September, with a projected completion in November, and the State repaving project scheduled for next year. The project will provide better water service and fire protection to the area. MOTION CARRIED (7-0).

B. HRC Construction Engineering Proposal, \$106,326.60.

MOTION by Manor, SUPPORT by Mulvahill, "To accept the Engineering Services Proposal from HRC to provide Construction Engineering for the Grand River (Center – Walnut and State – Barnard) water main project as proposed for an amount not to exceed \$106,326.60." MOTION CARRIED (7-0).

**13. APPROVED – EXTEND PROFESSIONAL ENGINEERING SERVICES PROJECT**

MOTION by Ellis, SUPPORT by Lobur, "To extend the professional services contract with HRC until May 2020, approve the 2019 Hourly Rate Schedule and accept the lower rate changes provided by Nancy Faught." Nancy Faught (HRC) reviewed the reduced rates in some of the categories on the rate schedule, adding that she would send a revised schedule to Interim City Manager Suida. Discussion followed regarding rates and calculation of rate increases. Council concurred that an RFP process should be completed prior to the end of the contract. MOTION CARRIED (7-0).

**14. SCHEDULED SPECIAL COUNCIL MEETINGS, CITY MANAGER EXECUTIVE SEARCH**

MOTION by Manor, SUPPORT by Ambrose, "To schedule a special City Council meeting to conduct a closed session for the City Manager Executive Search process for Thursday, October 3, 2019 at 5:00 p.m. at City Hall." MOTION CARRIED (7-0).

**15. DISCUSSED – MARIJUANA REGULATORY UPDATE**

Community Development Director Timothy Schmitt provided the quarterly marijuana regulatory update, informing Council that the State has put emergency guidelines in place and will begin accepting applications on November 1, 2019; and the first round of recreational licenses would be issued only to those who have completed the full vetting process from the medical marijuana licensing or who are included in fourteen locations under the State's social injustice initiative. He reviewed some current court cases that would impact local regulations. Staff continues to receive inquiries daily. Because the City adopted Ordinance 920, preventing all marijuana related businesses in the City of Howell, Council is under no obligation to take any further action. If Council wanted to opt in for medical marijuana, the ordinance would have to be rescinded, which would automatically result in the City allowing recreational marijuana. No major changes to future State requirements are expected.

**16. APPROVED - PAYMENT OF BILLS**

MOTION by Ellis, SUPPORT by Ambrose, "To approve the payment of bills ending July 22, 2019 in the amount of \$751,868.04 and payroll to cover the period ending July 20, 2019 and August 3, 2019." Member Ambrose questioned Brighton Analytical LLC, Member Greene questioned equipment maintenance and repairs, Member Lobur questioned Dornbos Sign Inc. and Mayor Proctor questioned water service at the Barnard Center. MOTION CARRIED (7-0).

**17. BOARD/COMMISSION APPOINTMENT**

MOTION by Manor, SUPPORT by Mulvahill, "To accept the resignation of Ervin Suida, Interim City Manager, from the Brownfield Redevelopment Authority Board." MOTION CARRIED (7-0).

MOTION by Manor, SUPPORT by Ellis, "To appoint Timothy Schmitt to fill the vacancy on the Brownfield Redevelopment Authority Board for the remainder of the term, ending November 1, 2021." MOTION CARRIED (7-0).

**18. CITY MANAGER'S REPORT:**

- The City fared pretty well during the recent storm. The SAW grant will allow staff to investigate sewer conditions, such as flooding during rain events.
- The Kaboom grant will partially fund improvements in greenspace, but additional funds will also be needed. MOTION by Manor, SUPPORT by Mulvahill, "To authorize the Interim City Manager to approach Thai Summit to see if they are amenable to alternative uses of their donation." MOTION CARRIED (7-0).
- The contractor at 401 East Grand River stated he would pick up the building permit on July 23<sup>rd</sup>, but commented that there may be a delay in construction.
- Police Chief George Basar was introduced to provide an update regarding parking enforcement. Chief Basar reminded Council that police officers can no longer touch vehicles to enforce parking, however, there are some innovative ideas and technology-based programs centered around fee-based parking utilized in other communities. Although there are limited enforcement options, effectiveness and efficiency at this time, the Police department could begin parking enforcement again.
- A portion of the HRC Road Diet study has been completed, including some crossing solutions and parking improvements. A pilot could be planned for the spring prior to the Grand River reconstruction project, and would provide an opportunity to learn how changes would be received by the community. Engineering costs are estimated to be approximately \$5 - \$10,000, and the City would be required to schedule public meetings and a public hearing, as well as post public notices. Staff could do much of the fieldwork. The proposed test area would include back in angled parking on both sides of Grand River from Michigan Avenue east, with little impact on the intersections. MDOT approval would be required. If the pilot was not well received by the community, MDOT would repave in the summer as was originally planned. Discussion followed regarding the need for back in angled parking and a pedestrian crossing near the courthouse; possible future parking changes needed on Clinton Street; timing of the pilot and the MDOT project; public relations and community support; and MDOT refusal to allow front in angled parking on Grand River. Council consensus was for staff to pursue the pilot project.
- Member Ellis inquired about the timing for the prioritization of projects from the personal property tax revenue. Interim City Manager Suida responded that

he hoped to provide Council with options, as well as a recommendation for the MERS contribution, in September after the audit had been completed.

**19. OLD BUSINESS**

Member Ambrose inquired about the odors emanating from the recent stone application in the alley. Interim City Manager Suida responded that staff was monitoring the situation, collecting data and conducting testing. It appeared to be a naturally occurring odor from crushing of the limestone, and should not infiltrate the surrounding buildings. Staff will ensure that the situation is resolved and that property owners and residents are satisfied before the stone is topped and sealed.

**20. NEW BUSINESS**

None.

**21. ADJOURN**

MOTION by Ellis, SUPPORT by Ambrose, "To adjourn the regular meeting of the City Council at 9:03 p.m." MOTION CARRIED (7-0).

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Nick Proctor, Mayor

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Deanna Robson, Deputy City Clerk