

**Regular Meeting of the Howell City Council**  
**Monday May 10, 2021**  
**Electronic Meeting – Live Zoom Webinar**  
**611 E. Grand River Ave.**  
**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 Participating: Jeannette Ambrose, Robert Ellis, Nick Hertrich, Randy Greene, Steve Manor, Mayor Pro Tem Jan Lobur and Mayor Nick Proctor.

Also Participating: City Manager Vacant, City Clerk Angela Guillen, City Attorney Dennis Perkins, and Communications Specialist Danica Katnik.

Others Participating: Police Chief Scott Mannor, Deputy Chief Mike Dunn, Finance Director Catherine Stanislawski, DPS Director Erv Suida, WWTP Operations Manager Mike Spitler, DPW Project Technician Matt Davis, HR Generalist Jamie Helman, Assessor Ashley Winstead, DDA Director Kate Litwin, IT Director Mike Pitera, WTP Operations Manager Jim Webster, Deputy Treasurer Kelly Patterson, HAPRA Director Tim Church, Kathy Proctor, Dan Brockway, Caron Davis, Jen Webb, William Anglin, Sonjay Collins, Anne Rennie, Charlie Todd, David, Jeff Booth, Bobby, Bruce, Al, Tom, Tony Rutzel, Stephanie Miklos, Lisa Marzewski, Janelle B, Alex Clos, Jacob Schlittler, Ray Croft, Nancy Fought, Livingston Daily, WHMI.

**2. PLEDGE OF ALLEGIANCE**

Mayor Proctor stated the Howell City Council is meeting electronically as a result of the COVID-19 virus and to protect the health, safety and welfare of citizens and staff from such virus, as allowed by Howell City Council Resolution 21-07 under MCL 15.263a. All members were participating from the City of Howell.

**3. APPROVE MINUTES**

MOTION by Ambrose, SUPPORT by Lobur, “To approve the minutes of the regular meeting of the City Council held April 26, 2021.” A roll call vote was taken. Ellis – yes, Manor – yes, Lobur – yes, Greene – yes, Hertrich – yes, Ambrose – yes Proctor – yes. MOTION CARRIED (7-0).

**4. CITIZENS COMMENTS – All Topics**

- There were no comments.

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

- Mayor Proctor stated the DDA Board met at noon on May 5, 2021 he was unable to attend but has the agenda and communicated with Kate Litwin the DDA Director. There was a budget amendment, approval of minutes, fund balance allocation will be held till the next meeting, approval of social district, and a board appointment item on the agenda later.
- DDA Director Kate Litwin noted food truck Tuesday starts in front of the courthouse tomorrow, May 11, 2021 and asked everyone to support them.

6. **DISCUSSION/APPROVAL – CITY MANAGER RESIGNATION - CONTRACT MODIFICATION**

MOTION by Ellis, SUPPORT by Greene, “To accept the resignation of Paul DeBuff as Howell City Manager, retroactive to May 6, 2021 and to amend the Agreement of May 5, 2020, to allow the payment of salary and benefits paid through Tuesday, July 6, 2021, with vacation benefits paid out in a lump sum pursuant to the agreement.” Mayor Proctor explained finding a solution to a daunting problem and managing this situation with viable options. He thanked staff members that were willing to provide candid input and our HR Specialist Jamie Helman who offered candid input and took evening calls. He further thanked City Attorney Dennis Perkins who offered guidance and Paul DeBuff in walking through the few options we had going forward. He thanked Council Colleagues for allowing him adequate flexibility in managing a way forward in difficult time restraints. Member Greene noted missing Mayor Proctors leadership next year and thanked him and stated how valued City staff and Council are. Resident Stephanie Miklos addressed Council on why the City Manager resigned. A roll call vote was taken. Manor – yes, Lobur – yes, Greene – yes, Hertrich – yes, Ambrose – yes, Ellis – yes, Proctor – yes. MOTION CARRIED (7-0).

7. **DISCUSSION/APPROVAL – PROCESS FOR NEXT CITY MANAGER**

MOTION by Lobur, SUPPORT by Ellis, “To approve the Memorandum of Understanding for the appointment of Ervin J. Suida as the Acting Howell City Manager for the period of May 10, 2021 through June 30, 2021, incorporating all terms and conditions contained therein.” A roll call vote was taken. Lobur – yes, Greene – yes, Hertrich – yes, Ambrose – yes, Ellis – yes, Manor – yes, Proctor – yes. MOTION CARRIED (7-0). Attorney Perkins requested to have Ervin J. Suida join the meeting now that he is acting City Manager. MOTION by Greene, SUPPORT by Hertrich with the utmost respect to appoint Ervin J. Suida to be the City Manager upon successful negotiations between the City Attorney and City Mayor and where appropriate the HR Specialist Jamie Helman on a contract. Resident Stephanie Miklos addressed Council with a question. A roll call vote was taken. Greene – yes, Hertrich – yes, Ambrose – yes, Ellis – yes, Manor – yes, Lobur – yes, Proctor – yes. MOTION CARRIED (7-0)

8. **PUBLIC HEARING – 2021/2022 CITY BUDGET & TRUTH IN TAXATION**

Mayor Proctor opened the public hearing at 7:22 pm.

Mayor Proctor reported this was a Maintenance Budget that sustains the current level of services in the City. Routine road maintenance and the Clinton Street reconstruction project funded by 80% grant dollars is included.

The floor was opened for public comment: Member Manor noted a fractional decrease in the general fund milage levy with the Finance Director Catherine Stanislawski. She noted the general fund milage levy last year was 15.272 down to 15.0952. There was a minimal increase in the rubbish milage it went from 1.049 to 1.0590 which represents an additional penny for every thousand dollars of taxable value. Manor stated this is a tax decrease.

Mayor Proctor closed the public hearing at 7:25 pm.

**9. DISCUSSION/APPROVAL – RESOLUTION NO. 21-10, 2021/2022 BUDGET AMENDMENTS**

MOTION by Ellis, SUPPORT by Lobur, “To adopt Resolution No. 21-10, approval of the 2021-2022 City of Howell Budget and approving an operational millage rate of 15.0952 and garbage millage rate of 1.0590 mills.” Member Manor noted a budget stabilization fund created by a suggestion from Paul DeBuff with limited use and votes to spend it. A roll call vote was taken. Hertrich – yes, Ambrose – yes, Ellis – yes, Manor – yes, Lobur – yes, Greene – yes, Proctor – yes. MOTION CARRIED (7-0).

**10. DISCUSSION/INTRODUCTION – ORDINANCE NO. 944, STABILIZATION FUND**

Member Manor introduced Ordinance No. 944, to create a budget stabilization fund for the City of Howell. This will be on the agenda for the next council meeting for adoption. Resident Stephanie Miklos addressed the board regarding recycling services to apartments and businesses in the future.

**11. DISCUSSION/APPROVAL – RESOLUTION NO. 21-12, BUDGET AMENDMENTS**

MOTION by Ellis, SUPPORT by Hertrich, “To adopt Resolution 21-12, Budget Amendments” Mayor Proctor addressed Finance Director Stanislawski regarding expenditures exceeding revenues. Also, the budget amendments do not include the second PPT payment that we will be receiving on May 20, 2021. Member Manor inquired about the amount of the state aid payment. A roll call vote was taken. Ambrose – yes, Ellis – yes, Manor – yes, Lobur – yes, Greene – yes, Hertrich – yes, Proctor – yes. MOTION CARRIED (7-0).

**12. DISCUSSION/APPROVAL – AMENDMENT TO RESOLUTION 21-09, BARNARD LOTS**

MOTION by Ellis, SUPPORT by Lobur, “To approve Resolution No. 21-11, amending Resolution No. 21-09.” Attorney Perkins stated that the closing on this property has already taken place and this is strictly for the title company. Member Ellis inquired where the funds will go in the budget. A roll call vote was taken. Ellis

– yes, Manor – yes, Lobur – yes, Greene – yes, Hertrich – yes, Ambrose – yes, Proctor – yes. MOTION CARRIED (7-0).

**13. DISCUSSION/APPROVAL – CIVIC EVENT APPLICATION, BALLOON FEST**

MOTION by Greene, SUPPORT by Ambrose, “To approve the Civic Event application filed by the Howell Area Chamber of Commerce for Balloonfest, scheduled for June 25 – June 27, 2021, and to authorize amplified music between noon and 4:00pm the day of the even.” A roll call vote was taken. Manor – yes, Lobur – yes, Greene – yes, Hertrich – yes, Ambrose – yes, Ellis – yes, Proctor – yes. MOTION CARRIED (7-0).

**14. DISCUSSION/APPROVAL – CIVIC EVENT APPLICATION, BOY SCOUT CAR WASH**

MOTION by Ellis, SUPPORT by Lobur, “To approve the Civic Event application filed by Boy Scout Troop 364 for a Carwash, scheduled for June 19, 2021 from 10am to 3pm.” A roll call vote was taken. Lobur – yes, Greene – yes, Hertrich – yes, Ambrose – yes, Ellis – yes, Manor – yes, Proctor – yes. MOTION CARRIED (7-0).

**15. DISCUSSION/APPROVAL – CIVIC EVENT APPLICATION, CORN HOWELL TOURNAMENT**

MOTION by Greene, SUPPORT by Ellis, “To approve the Civic Event application filed by Howell Main Street Inc. for the Corn Howell Tournament, scheduled for Saturday June 26, 2021 from 12 to 6pm, and to authorize amplified music between 10:30am and 6pm the day of the event.” A roll call vote was taken. Greene – yes, Hertrich – yes, Ambrose – yes, Ellis – yes, Manor – yes, Lobur – yes, Proctor – yes. MOTION CARRIED (7-0).

**16. DISCUSSION/APPROVAL – CIVIC EVENT APPLICATION, CORPUS CHRISTI PROCESSION**

MOTION by Lobur, SUPPORT by Ambrose, “To approve the Civic Event application filed by the St. Joseph Roman Catholic Church for the Corpus Christi Procession scheduled for June 5, 2021 at 6pm, and to authorize amplified music under Section 652.06 (C) (5) for the event, ending at 7:30pm.” A roll call vote was taken. Hertrich – yes, Ambrose – yes, Ellis – yes, Manor – yes, Lobur – yes, Greene – yes, Proctor – yes. MOTION CARRIED (7-0).

**17. DISCUSSION/APPROVAL – CIVIC EVENT APPLICATION, MEMORIAL DAY PARADE**

MOTION by Manor, SUPPORT by Ellis, “To approve the Civic Event application filed by the American Legion Post 141 for the Memorial Day Parade scheduled for May 31, 2021 from 7am to 12pm.” Member Manor inquired about a program being performed at the memorial. Mayor Proctor clarified there will be no charge for the Memorial Day Event. A roll call vote was taken. Ambrose – yes, Ellis – yes, Manor

– yes, Lobur – yes, Greene – yes, Hertrich – yes, Proctor – yes. MOTION CARRIED (7-0).

**18. DISCUSSION/APPROVAL – CIVIC EVENT APPLICATION, PRIDE MONTH CELEBRATION**

MOTION by Manor, SUPPORT by Ellis, “To approve the Civic Event application filed by the Livingston Diversity Council for the Pride Alliance of Livingston Pride Celebration, scheduled for June 18 – June 20, 2021.” Member Ambrose inquired about date clarification for the event. A roll call vote was taken. Ellis – yes, Manor – yes, Lobur – yes, Greene – yes, Hertrich – yes, Ambrose – yes, Proctor – yes. MOTION CARRIED (7-0).

**19. DDA BOARD APPOINTMENT**

DDA Board – Jen Webb, term ending January 1, 2025. MOTION by Ellis, SUPPORT by Greene, “To appoint Jen Webb to the Downtown Development Authority Board, term ending January 1, 2025. A roll call vote was taken. Manor – yes, Lobur – yes, Greene – yes, Hertrich – yes, Ambrose – yes, Ellis – yes, Proctor – yes. MOTION CARRIED (7-0).

**20. APPROVED - PAYMENT OF BILLS**

MOTION by Ellis, SUPPORT by Hertrich, “To approve the payment of bills ending May 10, 2021 in the amount of \$348,767.78 and payroll to cover the period ending May 15, 2021.” A roll call vote was taken. Lobur – yes, Greene – yes, Hertrich – yes, Ambrose – yes, Ellis – yes, Manor – yes, Proctor – yes. MOTION CARRIED (7-0).

**21. CITY MANAGER’S REPORT:**

- Discussed webinars at 4pm and 6:45pm for American Rescue Plan MML will have additional info coming out at this time.

**22. OLD BUSINESS**

- Member Ambrose addressed council regarding the fire at Diamond Chrome. Communications Specialist Katnik stated she would reach out to the County Health Department and send an update to council.

- Member Lobur inquired about in person meetings going forward.

Mayor Proctor explained how the organizational structure works at The City of Howell and suggested that the HR Specialists and Acting City Manager Erv Suida review the whistleblowing policy and how to report issues of concern. The central reporting point will be the HR Specialist. These policies should be posted throughout the workplace and explained during the new hire process. MOTION by Greene, SUPPORT by Ambrose, “To direct City Manager Ervin Suida and the Human Resources Specialist Jamie Helman, to undertake and review the policy, propose any changes required and provide feedback to council on their recommendations by the last meeting in June.” Member Manor wants to discuss the policy with HR and the City Manager prior to the Council presentation. Mayor Pro Tem Lobur would like Attorney Dennis Perkins involved in the process. A roll

call vote was taken. Greene – yes, Hertrich – yes, Ambrose – yes, Ellis – yes, Manor – yes, Lobur – yes, Proctor – yes. MOTION CARRIED (7-0).

**23. NEW BUSINESS**

- Member Hertrich noted public service week last week and he thanked staff for their service. Also, while he was walking this weekend he noticed trash on railway. He inquired about cleaning it up. Mayor Proctor stated we need a group of people to organize and fulfill that. Member Manor noted school and notary clubs looking for projects. Greene noted a local bank having a service club of approximately 30 employees to get some extra help. Chief Mannor stated he would love to help and does enforcement for the railroad and would like to help.
- Member Greene addressed council regarding if the meetings are recorded and he would like to continue remote access for council meetings going forward. IT Specialist Mike Pietera will discuss and bring to the next council meeting.

**24. EXECUTIVE SESSION – PENDING LITIGATION**

8:15p.m. MOTION by Ellis, SUPPORT by Greene, “To enter executive closed session to discuss pending litigation regarding Gannett Co, Inc. v City of Howell” A roll call vote was taken. Hertrich – yes, Ambrose – yes, Ellis – yes, Manor – yes, Lobur – yes, Greene – yes, Proctor – yes. MOTION CARRIED (7-0).

8:34p.m. MOTION by Ellis, SUPPORT by Hertrich, “To reconvene the regular meeting.” A roll call vote was taken. Ellis – yes, Manor – yes, Lobur – yes, Greene – yes, Hertrich – yes, Ambrose – yes, Proctor – yes. MOTION CARRIED (7-0)

MOTION by Manor, SUPPORT by Greene, “To approve the settlement agreement for tax tribunal matter, Gannett Co, Inc v City of Howell, File No. 20-001800 by setting the value for tax years 2020 and 2021 to reduce Fair Market Value for the real property to \$600,000 and to reduce State Equalized value and Taxable value to \$300,000. The City attorney is authorized to execute all documents necessary to complete the agreement.” A roll call vote was taken. Manor – yes, Lobur – yes, Greene – yes, Hertrich – yes, Ambrose – yes, Ellis – yes, Proctor – yes. MOTION CARRIED (7-0)

**25. ADJOURN**

MOTION by Greene, SUPPORT by Ellis, “To adjourn the regular meeting of the City Council at 8:38pm.” A roll call vote was taken. Hertrich - yes, Ambrose – yes, Ellis – yes, Manor – yes, Lobur – yes, Greene – yes, Proctor – yes. MOTION CARRIED (7-0)

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Nick Proctor, Mayor

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Angela Guillen, City Clerk