

Regular Meeting of the Howell City Council
Monday December 21, 2020
Electronic Meeting – Live Zoom Webinar
611 E. Grand River Ave.
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 Participating: Jeannette Ambrose, Robert Ellis, Randy Greene, Jan Lobur, Michael Mulvahill, Steven Manor and Mayor Nick Proctor.

Also Participating: City Manager Paul DeBuff, City Clerk Jane Cartwright, City Attorney Dennis Perkins, and Communications Specialist Danica Katnik.

Others Participating: Police Chief Scott Mannor, Deputy Police Chief Mike Dunn, Finance Director Catherine Stanislawski, DPW Superintendent Matt Davis, Community Development Director Tim Schmitt, Assessor Ashley Winstead, WTP Operations Manager Jim Webster, IT Director Mike Pitera, Dawn Lund, Caron Davis, Tom Richardson, Dan Brockway, 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 MCL 15.263a.

3. APPROVED MINUTES

MOTION by Ellis, SUPPORT by Lobur, “To approve the minutes of the regular meeting of the City Council held December 7, 2020.” A roll call vote was taken. Ellis – yes, Manor – yes, Lobur – yes, Greene – yes, Mulvahill – yes, Ambrose – yes, Proctor – yes. MOTION CARRIED (7-0).

4. CITIZENS COMMENTS – All Topics

- None.

5. REPORTS – COUNCIL MEMBERS SERVING ON COMMISSIONS

- Member Ellis reported on the December meeting of the Howell District Library Board. Reviewed financials, extended the curb side only service through January 4, 2021, and approved a purchase agreement with K & J Electric to convert the inside lighting to LED. Also discussed the expiration of the Families First Coronavirus Response Act and a potential policy to handle extended leave in the future if needed; reviewed the offer from True North

Development for the parking lot property and will be working with a separate Real Estate firm to negotiate with the joint owner of the property.

- Member Ambrose reported on the December 15, 2020 meeting of the Howell Area Parks & Recreation Authority meeting. Reports were given on the Senior Center Program, Light Up Howell, Ocoola Center construction, and the Pre-School program noting both teachers have announced their retirement. Also met with members of the Dog Park committee and they are discussing requesting the City of Howell run the park instead of the Recreation Authority. Was appointed to negotiate with the Dog Park members along with Authority Board member Diana Lowe. The Bennett Center will be closed from December 24, 2020 through January 4, 2021. It was also announced that the Howell Area Parks & Recreation Authority won the 2020 COVID 19 program award.
- Member Lobur reported on the December 16, 2020 Planning Commission meeting. The former Howell Vacuum building was demolished, received a brief update on the JD Racing potential development, a complaint was received regarding the rental unit above Complete Counseling, and staff is working on the details of the demolition of the Snedycors Dry Cleaning building and house. Approved the site plan and special land use for 425 N. National, recommended approval of the ordinance amendment to Section 12.05 (refer to item 9), and approved the 2021 meeting schedule. A lengthy discussion was held on the overhaul of the City's sign ordinance (no action was taken), and Community Development Director Schmitt presented the annual report for 2020.
- Mayor Proctor reported on the December 16, 2020 meeting of the Howell Area Fire Authority. Approved the purchase for new turnout gear, and a new fire engine to be housed at the main station. Also discussed a personnel issue sustaining the action taken by management.

6. **COUNCIL CORRESPONDENCE**

- None.

7. **PRESENTATION – UTILITY FINANCIAL SOLUTIONS, UTILITY RATE STUDY**

City Manager DeBuff introduced Dawn Lund, Vice President of Utility Financial Solutions (UFS). Ms. Lund stated UFS reviewed the water & wastewater financial position for the City using three key financial targets; debt coverage ratio, minimum cash reserve and operating income. The water system financial projection indicates a negative balance by 2025 without rate changes. Factors include a large amount of capital improvements and not meeting the minimum debt coverage ratio. The suggested rate change stabilizes the water fund and balances the targets over the 5-year timeframe. The average customer with a 5/8" meter would see an increase of \$4.31 bi-monthly in 2021. With the investment in capital, the rate design would need to continue over the next 5 years.

The wastewater system rate design would improve operating income and also stabilize the fund. The average customer with a 5/8" meter would see an increase of \$3.48 bi-monthly in 2021. The operational assumptions were also reviewed. It

was noted that even with the proposed increases, the City is not fully funding the operational expenses and the operating income will fall short even if debt forgiveness is realized through the DWRP. The minimum debt coverage should be 1.45 so there is still a lot of room for improvement. Ms. Lund stated the approach is a slow methodical plan to get by with financial targets without rate shock. The financials are based on a 5-year plan to meet the debt coverage ratio and stabilize cash balances. Discussion followed on options for higher increases however it was noted the increases are progressive over the 5-year period. Rates are also competitive with surrounding municipalities.

8. **APPROVED – RESOLUTION NO. 20-24, UTILITY RATE UPDATE**
MOTION by Ellis, SUPPORT by Greene, “To adopt Resolution No. 20-24, Utility Rate Update.” City Manager DeBuff indicated the resolution would adopt the actual rates which is a general revenue increase of 3.5% for 2021 and 6.9% for future years. Discussion followed. A roll call vote was taken. Manor – yes, Lobur – yes, Greene – yes, Mulvahill – yes, Ambrose – yes, Ellis – yes, Proctor – yes. MOTION CARRIED (7-0).
9. **INTRODUCED – ORDINANCE 939, AMENDMENT TO SECTION 12.05, PROCEDURE FOR APPEAL, BOARD OF ZONING APPEALS**
Member Lobur introduced Ordinance No. 939, an ordinance to amend the language in Section 12.05, Procedure for Appeals, to address technical errors.”
10. **APPROVED – CITY HALL SECURITY CAMERA & POLICE ACCESS CONTROLS SERVER**
MOTION by Ellis, SUPPORT by Manor, “To approve the purchase of the Door Access Control System Upgrade and the DVR Upgrade Video Surveillance System for a total cost of \$9,070.” IT Director Pitera noted the cost of the DVR system technology has reduced. A roll call vote was taken. Lobur – yes, Greene – yes, Mulvahill – yes, Ambrose – yes, Ellis – yes, Manor – yes, Proctor – yes. MOTION CARRIED (7-0).
11. **APPROVED - PAYMENT OF BILLS**
MOTION by Ambrose, SUPPORT by Ellis, “To approve the payment of bills ending December 21, 2020 in the amount of \$1,213,758.34 and payroll to cover the period ending December 19, 2020 and January 2, 2021.” Member Ambrose questioned Miss Dig. A roll call vote was taken. Greene – yes, Mulvahill – yes, Ambrose – yes, Ellis – yes, Manor – yes, Lobur – yes, Proctor – yes. MOTION CARRIED (7-0).
12. **CITY MANAGER’S REPORT:**
 - The Friday packet will be sent out on Wednesday December 23, 2020 and will include the CIP and development reports.
 - Made an offer to a candidate for the HR Generalist position; she requested a three week notice to her current employer and is scheduled to start January 11, 2021.

- The City Clerk position is also posted and staff has expanded the search to find an experienced candidate.
- Most of the main deal points for the JD Racing development have been reviewed. Hope to have an update soon on the guarantor piece of the agreement since they would be leasing the land as they invest in the development.
- Recycle Livingston is pursuing state grant funding for their permanent building with matching funds provided by the Kellogg foundation. Their funding source would like to confirm the City's commitment on the project. Council discussed the prior action in 2018 which approved a 10-year lease with automatic renewals noting they encouraged construction of a permanent structure and clean-up of the property. Members were open to modest modifications to the lease, encouraged continuation of recycling efforts, and indicated their commitment to move forward with development of the building for Recycle Livingston.
- Senate Bill 1246 allows the continuation of virtual meetings through March 31, 2021.
- The emergency order by the Michigan Department of Health and Human Services (MDHHS) was extended until January 15, 2021.
- Will be on vacation December 22nd through January 2, 2021 and unavailable December 22, 23 & 29-January 2, 2021. DPS Director Suida will be acting City Manager.
- Mayor Proctor questioned the status of matching funds (20%) for the 2021 Clinton Street construction. Staff will provide a report.
- DPW Superintendent Davis reported on the acquisition of Advanced Disposal Service (ADS) by Waste Management. The City has a 10-year contract with ADS with 5 years remaining. The current contract will be honored and ADS representatives will continue to administer the service. Invoices will now come from Waste Management and they will begin to rebrand equipment.

13. OLD BUSINESS

- None.

14. NEW BUSINESS

- Member Ellis questioned the operation of All Star Coney Island in violation of the MDHHS emergency order. City Manager DeBuff indicated the City does not have jurisdiction to enforce the order or shut them down; enforcement is under the State of Michigan. City Attorney Perkins also noted the City does not have the authority to write citations; they act as a reporting agency.
- Dan Brockway questioned the update to the Master Plan and if the Lucy Road/ Loop Road was still part of the discussion. Mayor Proctor indicated the Planning Commission has authorized Community Development Director Schmitt in consultation with Carlisle Wortman to start reviewing the Master Plan.

15. EXECUTIVE SESSION – PENDING LITIGATION & CITY MANAGER’S SIX MONTH PERFORMANCE EVALUATION

8:36 p.m. MOTION by Greene, SUPPORT by Mulvahill, “To enter closed session to discuss pending litigation in the case of Padnos v City of Howell, and to conduct the City Manager’s six-month review, on a roll call vote. Mulvahill – yes, Ambrose – yes, Ellis – yes, Manor – yes, Lobur – yes, Greene – yes, Proctor – yes. MOTION CARRIED (7-0).

9:53 p.m. MOTION by Greene, SUPPORT by Mulvahill, “To reconvene the regular meeting.” A roll call vote was taken. Ambrose – yes, Ellis – yes, Manor – yes, Lobur – yes, Greene – yes, Mulvahill – yes, Proctor – yes. MOTION CARRIED (7-0).

MOTION by Manor, SUPPORT by Lobur, “To approve a 3% increase in salary for the City Manager in accordance with his Employment Agreement.” A roll call vote was taken. Ellis – yes, Manor – yes, Lobur – yes, Greene – yes, Mulvahill – yes, Ambrose – yes, Proctor – yes. MOTION CARRIED (7-0).

16. ADJOURN

MOTION by Ellis, SUPPORT by Greene, “To adjourn the regular meeting of the City Council at 9:55 pm.” A roll call vote was taken. Manor – yes, Lobur – yes, Greene – yes, Mulvahill – yes, Ambrose – yes, Ellis – yes, Proctor – yes. MOTION CARRIED (7-0).

Nick Proctor, Mayor

Jane Cartwright, City Clerk