

**Regular Meeting of the Howell City Council**  
**Monday June 8, 2020**  
**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, Randy Greene, Jan Lobur, Michael Mulvahill, Steven Manor and Mayor Nick Proctor.

Also Participating: Interim City Manager Erv Suida, City Attorney Dennis Perkins, City Clerk Jane Cartwright, and IT Director Mike Pitera.

Others Participating: Police Chief Scott Mannor, Finance Director Catherine Stanislawski, Community Development Director Tim Schmitt, DPW Superintendent Matt Davis, WWTP Operations Manager Mike Spitler, WTP Operations Manager Jim Webster, DPW Operations Manager Mike Luce, Assessor Ashley Winstead, DDA Director Kate Litwin, Cemetery Supervisor Jason McClanahan, Communications Specialist Danica Katnik, Caron Davis, Kathy Proctor, Tom, Jim Glenn, Nancy Faught, Andy Malczewski, WHMI, Alex Clos, Chelsea Thibodeau, Marcia Hoard.

**2. PLEDGE OF ALLEGIANCE**

Mayor Proctor referenced the gathering of citizens coming together to express their 1<sup>st</sup> Amendment rights on June 4, 2020 regarding the death of George Floyd in Minneapolis. He thanked one of the organizers Harley Wheeler indicating that she and fellow protesters kept things on point and along with the Howell Police Officers, had a calming presence. Due to threats to the community and the potential for others to disrupt the peaceful protest, the Howell Police Department were joined by the Livingston County Sheriff's Department, Michigan State Police, Howell Area Fire Authority, and Livingston County EMS, all standing by to offer their assistance if needed.

Mayor Proctor also stated the City of Howell adopted an Anti-Discrimination Ordinance in 2016; the Howell Police Department is the first fully accredited law enforcement agency in Livingston County with operation policies in place, and all new officers are put through an extensive background investigation and psychological evaluation.

Council Members were requested to submit their thoughts and ideas to Interim City Manager Suida on potential measures the City could take to improve the community, noting he would like to schedule a work session in the near future to discuss this issue.

3. **APPROVED MINUTES**

MOTION by Ellis, SUPPORT by Mulvahill, “To approve the minutes of the regular meeting of the City Council held May 18, 2020.” A roll call vote was taken. Manor – yes, Lobur – yes, Greene – yes, Mulvahill – yes, Ambrose – yes, Ellis – yes, Proctor – yes. MOTION CARRIED (7-0).

4. **CITIZENS COMMENTS – All Topics**

- Jim Glenn, 303 Isbell, questioned when the Council would return to in-person meetings. Mayor Proctor stated the City will follow executive orders noting the maximum number for indoor gatherings is still restricted to 10 people. Mr. Glenn also requested confirmation on the yard waste pickup schedule. Interim City Manager Suida stated the City had returned to the normal yard waste schedule.
- Chelsea Thibodeau, 4309 Willow View Ct., questioned if the meeting recording would be posted for the public. Interim City Manager Suida stated the minutes of the meeting would be posted on the website. Ms. Thibodeau referenced the document with questions that she sent to Communications Specialist Danica Katnik today and questioned a potential response. Mayor Proctor indicated input is being gathered from Council members and the public on what the City could do to expel some of the past perceptions of the community.

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

- Member Ellis reported on the May 19, 2020 meeting of the Howell Area Recreation Authority. Approved the audit, first quarter budget amendments which included a \$200,000 reduction, the agreement to manage the City Park, updated participation agreement adding the risk of contracting COVID-19, and reviewed financial reports. Also discussed a phased return to work plan, the initial opening of the City Park and Boat Launch, and distribution of park passes at the Bennett Center office and guard booth. A virtual Melon Run is being planned and smaller events designed not to generate crowds of people.
- Mayor Proctor reported on the May 20, 2020 Howell Area Fire Authority meeting. Approved the 2020/2021 budget and the amendment to the Articles of Incorporation. Mayor Proctor also reported the authority is selling a 1999 fire engine, and Chief Pless has announced his retirement scheduled for August 14, 2020. Chief Pless has been a great leader and his leadership will be missed. The authority is in the process of succession planning.
- Mayor Proctor reported on the May 28, 2020 DDA meeting. The 2020/2021 budget was adopted, approval was given to pay the bills, and the board received a report from the Synergy Group assisting businesses as they plan to reopen.

6. **COUNCIL CORRESPONDENCE**

A. HHS Bass Nation Fishing Club, Request for Waiver of Boat Launch Fees. MOTION by Mulvahill, SUPPORT by Lobur, “To waive the boat launch fees for the HHS Bass Fishing Tournament on August 3 & August 10, 2020 as requested.” A roll call vote was taken. Lobur – yes, Greene – yes, Mulvahill – yes, Ambrose – yes, Ellis – yes, Manor – yes, Proctor – yes. MOTION CARRIED (7-0).

B. Karol & Donald Christensen, Request for Tree Removal, 405 Madison. Mayor Proctor reported he has known Karol & Donald Christensen for a number of years and they live across the street from him. DPW Operations Manager Luce reported the trees have not been evaluated by the City’s arborist and even though they are healthy, they don’t look nice after being trimmed a number of times by DTE and other contractors into a U-shape around wires. The residents are more concerned with the westerly tree which is touching the Comcast cable wire and have also reported problems with their sewer line which has to be cleared of tree roots every year. Interim City Manager Suida noted the problem with the sewer pipe is more to do with the condition of the pipe. Council suggested staff reach out to Comcast regarding the cable wire and also receive an evaluation on the tree from the City’s arborist so they could make a more informed decision.

7. **INTRODUCED ORDINANCE NO. 934, AMENDMENT TO SECTION 1614.02 CONSUMER FIREWORKS**

Member Ellis introduced Ordinance No. 934, Amendment to Section 1614.02 Consumer Fireworks.

8. **INTRODUCED – ORDINANCE NO. 935, 2020 CODIFICATION**

Member Lobur introduced Ordinance No. 935, 2020 Codification.

9. **DISCUSSED – POTENTIAL PROPERTY SALE, 324 WEST STREET**

Community Development Director Schmitt indicated the initial survey has been completed. The property is suitable for one building lot with no problem however a second lot would require a variance due to the narrowness of the southern portion; Howell Education Foundation is still very interested. Staff is looking for direction on the cost recovery and type of sale Council prefers. Minor Environmental concerns were also noted. Council indicated they were supportive of selling the property and discussed market value versus cost incurred, average sale price of lots in the downtown area, and potential agreements or methods for cost recovery after the home is built/sold by Howell Education Foundation. Staff is in the process of reviewing the Baseline Environmental Assessment however confirmed it was completed around use of the property for residential purposes. Total cost incurred by the City is \$51,410.32 which includes \$6,800 for the second phase of the survey work which was not yet completed. Council confirmed their desire to return the property to the tax rolls and full cost recovery if possible. Staff will report back to Council as the process moves forward.

**10. APPROVED – SCHEDULE PUBLIC HEARING, CDBG FUNDED STATE STREET PROJECT CLOSEOUT**

MOTION by Ambrose, SUPPORT by Ellis, “To set a closeout public hearing for the Michigan Community Development Block Grant Funding for the State Street Reconstruction project for the June 22, 2020 City Council meeting.” A roll call vote was taken. Greene – yes, Mulvahill – yes, Ambrose – yes, Ellis – yes, Manor – yes, Lobur – yes, Proctor – yes. MOTION CARRIED (7-0).

**11. APPROVED – PROPOSAL FOR CONSTRUCTION ENGINEERING, DWRF WATER TREATMENT PLANT IMPROVEMENT PROJECT**

MOTION by Mulvahill, SUPPORT by Manor, “To approve the Proposal for Construction Engineering Services from HRC for the Water Treatment Plant Improvement project, for an amount not to exceed \$75,022.” A roll call vote was taken. Mulvahill – yes, Ambrose – yes, Ellis – yes, Manor – yes, Lobur – yes, Greene – yes, Proctor – yes. MOTION CARRIED (7-0).

**12. APPROVED – AMENDMENT TO CIVIC EVENT POLICY**

MOTION by Lobur, SUPPORT by Ambrose, “To modify the Civic Event Policy to allow the City Manager to approve pop-up events, expansions to outdoor seating at restaurants, and other small activities to promote Downtown Howell and its businesses, waiving the submittal time frame for Civic Event Applications, and the requirement that City Council approve all such events, for a period of time lasting until October 31, 2020.” Discussion followed on the review process and specific requirements such as notification to neighboring areas or businesses affected by the use. The amendment to the policy will shorten the application deadline and allow for staff approval. Council will be notified of the approved events and the information will be posted on the City’s website and Facebook page. DDA Director Litwin indicated this process is not meant to be used for an ongoing event however allows flexibility to make decisions ahead of Council meetings. No specifics have been received yet except for the request from the Howell Theater. A roll call vote was taken. Ambrose – yes, Ellis – yes, Manor – yes, Lobur – yes, Greene – yes, Mulvahill – yes, Proctor – yes. MOTION CARRIED (7-0).

**13. APPROVED – RESOLUTION NO. 20-13, BUDGET AMENDMENTS**

MOTION by Ellis, SUPPORT by Lobur, “To adopt Resolution No. 20-13, Budget Amendments.” Finance Director Stanislawski stated the year end projection is based on staff’s best estimate until more concrete information regarding future revenues is available. The City is ending the fiscal year with a healthy fund balance. A roll call vote was taken. Ellis – yes, Manor – yes, Lobur – yes, Greene – yes, Mulvahill – yes, Ambrose – yes, Proctor – yes. MOTION CARRIED (7-0).

**14. APPROVED - PAYMENT OF BILLS**

MOTION by Mulvahill, SUPPORT by Ellis, “To approve the payment of bills ending June 8, 2020 in the amount of \$441,113.21 and payroll to cover the period

ended June 6, 2020.” Member Ellis questioned BS&A Software; Member Manor questioned Howell Hardware and if purchases could be made at Ace located in the City. Member Ambrose questioned Kelly Kozowicz. A roll call vote was taken. Manor – yes, Lobur – yes, Greene – yes, Mulvahill – yes, Ambrose – yes, Ellis – yes, Proctor – yes. MOTION CARRIED (7-0).

**15. BOARD/COMMISSION APPOINTMENTS:**

Planning Commission – Jan Lobur, term ending April 30, 2021 & Maryanne Vukonich, term ending April 30, 2023. Board of Zoning Appeals – Victoria Hertrich, term ending April 30, 2023.

MOTION by Manor, SUPPORT by Ellis, “To approve the reappointment of Jan Lobur to the Planning Commission, term ending April 30, 2021; Maryanne Vukonich to the Planning Commission, term ending April 30, 2023; and Victoria Hertrich to the Board of Zoning Appeals, term ending April 30, 2023.” A roll call vote was taken. Lobur – yes, Greene – yes, Mulvahill – yes, Ambrose – yes, Ellis – yes, Manor – yes, Proctor – yes. MOTION CARRIED (7-0).

**16. CITY MANAGER’S REPORT:**

- There was some confusion with the bathroom facilities at the park today. Staff has increased the service to the porta johns and have opened the beach restroom.
- Police Chief Mannor reported on the events that occurred leading up to the gathering in downtown Howell June 4, 2020. Two events were planned to bring awareness to police brutality and the Burn Howell posts on social media spiraled into threats against the City. In light of those threats and information received from the FBI regarding 2 violent groups that were expected to highjack the events, police staff met with all emergency management agencies to try to prevent and/or respond appropriately to protect the community. Two minor incidences occurred however were immediately handled. The Police Department has continued to monitor social media and are prepared for an event originally scheduled for June 11, 2020. Livingston County agencies worked very well together to prevent the event from turning into a bad situation. Attorney Perkins congratulated Police Chief Mannor and his staff stating the plan was sound and Police Officers handled themselves very well and were very professional. Mayor Proctor stated he was very proud of the Police Department; their work on this issue was amazing. He hopes the event starts to remove some of the underlying sigma. Council members thanked the Chief of Police and his Department.
- Member Manor questioned the status of the Grand River resurfacing project and installation of cross walks. Interim City Manager Suida indicated the project was scheduled to start June 15, 2020 at the west end (M-59); the downtown area is scheduled for early July. The permit application has been submitted for the cross walk work.
- Member Lobur questioned when the City park road would be dust coated and the guard booth staffed. Staff will follow up on these issues.

- Mayor Proctor indicated a large number of U-Haul trucks are now parked in the lot next to the Grand River Ace Hardware.
- Member Lobur questioned the status of the gas station at 401 E. Grand River. Community Development Director Schmitt stated the building permit and bond has been revoked. Staff will proceed with a consistent fashion for all permit violations and staff suggests moving forward with a potential vacant business ordinance.

**17. OLD BUSINESS**

- None.

**18. NEW BUSINESS**

- Mayor Proctor reiterated his request made at the beginning of the meeting to forward ideas to Interim City Manager Suida to promote that Howell is a tolerant community.

**19. EXECUTIVE SESSION – PENDING LITIGATION**

8:29 pm. MOTION by Ellis, SUPPORT by Lobur, “To adjourn to executive session to discuss pending litigation in the MTT cases of Kellogg Real Estate LLC vs. City of Howell, and Lorelli Holding, Inc. vs. City of Howell.” A roll call vote was taken. Greene – yes, Mulvahill – yes, Ambrose – yes, Ellis – yes, Manor – yes, Lobur – yes, Proctor – yes. MOTION CARRIED (7-0).

8:55 p.m. MOTION by Ellis, SUPPORT by Greene, “To reconvene the regular meeting.” A roll call vote was taken. Mulvahill – yes, Ambrose – yes, Ellis – yes, Manor – yes, Lobur – yes, Greene – yes, Proctor – yes. MOTION CARRIED (7-0).

MOTION by Lobur, SUPPORT by Ellis, “To accept the settlement of the Lorelli Holdings, Inc. vs. City of Howell, MTT Case No. 19-002665 by setting the value for the real property for tax years 2019 and 2020 to TCV \$790,000 and SEV/TV \$395,000, and allow the City Attorney to execute the Consent Judgment on behalf of the City.” A roll call vote was taken. Ambrose – yes, Ellis – yes, Manor – yes, Lobur – yes, Greene – yes, Mulvahill – yes, Proctor – yes. MOTION CARRIED (7-0).

**19. ADJOURN**

MOTION by Ellis, SUPPORT by Manor, “To adjourn the regular meeting of the City Council at 8:59 pm.” A roll call vote was taken. Ellis – yes, Manor – yes, Lobur – yes, Greene – yes, Mulvahill – yes, Ambrose – yes, Proctor – yes. MOTION CARRIED (7-0).

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Nick Proctor, Mayor

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Jane Cartwright, City Clerk