

## HOWELL TOWNSHIP BOARD REGULAR MEETING

### MINUTES

3525 Byron Road

Howell, MI 48855

April 8, 2019

6:30 P.M.

#### MEMBERS PRESENT:

Mike Coddington	Supervisor
Jean Graham	Clerk
Jonathan Hohenstein	Treasurer
Matthew Counts	Trustee
Harold Melton	Trustee
Evan Rudnicki	Trustee
Jeff Smith	Trustee

#### MEMBERS ABSENT:

Also in attendance: Township Attorney William Fahey.

Supervisor Coddington called the meeting to order at 6:30 p.m. The roll was called.

All rose for the Pledge of Allegiance.

#### APPROVAL OF THE AGENDA:

APRIL 8, 2019

**MOTION** by Melton, seconded by Counts, **“TO APPROVE THE APRIL 8, 2019 AGENDA AS AMENDED: ADD MASON ROAD/CHESTNUT DEVELOPMENT, LLC AGREEMENT AND PINE VIEW VILLAGE AGREEMENT AS ITEMS 7 G & H. MOVE ITEM 9B HOWELL TOWNSHIP SEWER AUDIT TO AFTER CORRESPONDENCE. TABLE ITEM 7E, HATCH AGREEMENT.”** Discussion followed. Motion carried.

#### APPROVAL OF MINUTES:

MARCH 18, 2019 REGULAR MEETING MINUTES

**MOTION** by Hohenstein, seconded by Graham, **“TO APPROVE THE MARCH 18, 2019 REGULAR SESSION MEETING MINUTES AS PRESENTED.”** Motion carried. (See March 18, 2019, Regular Meeting Minutes)

#### CORRESPONDENCE:

No additions.

#### HOWELL TOWNSHIP 2018 SEWER AUDIT:

Howell Township hired the Spicer Group to conduct the 2018 Sewer Audit.

- Tracy Anderson from the Spicer Group stated that the company went through all the industrial and commercial users to make sure they are paying for their share of REU's (Residential Equivalency Units) they had purchased and to make sure those users are not violating Sewer Ordinances. Spicer Group also conducted 72 sight inspections. There was no evidence of PFAS (per- and polyfluoroalkyl substances; harmful man-made chemicals) entering the sanitary sewer. There were no major violations but there were 3 possible smaller violations and recommendation to monitor 3 other facilities. REU assignments increased for 12 businesses. Because of the amount of time it took to get ahold of several businesses to conduct the audit, the Spicer Group is requesting the additional amount of \$3,500.00 cost in completing the sewer audit..
- Discussion on how many gallons are now considered in a REU and possibly changing the ordinance to accommodate this change.

- Discussion that in the future, when a Sewer Audit is going to be performed, to have the Township send out letters informing users that an audit is going to be conducted and they will be getting a call from the engineer and they will be coming to their door.
- The Board also stated that in the future that if the audit pricing is going to be higher than what was quoted then the Board needs to be told before going any further with the audit.
- **MOTION** by Graham, seconded by Smith, **“TO PAY THE EXTRA \$3,500.00 FOR ADDITIONAL COST OF THE AUDIT.”** Discussion followed. Motion carried.
- The complete Howell Township 2018 Sewer Audit Report may be found in the Howell Township Board Packet dated April 8, 2019 on the Township website.

**UNFINISHED BUSINESS:**

**A. OFFER ON TOWNSHIP PROPERTY PARCEL #4706-16-400-001**

Treasurer Hohenstein stated that an offer has been accepted from a private buyer, Keith D. Gordon, for the 20 acres of land located at 3150 Crandall Road.

- **MOTION** by Hohenstein, seconded by Melton, **“TO ACCEPT RESOLUTION #04.19.463 FOR THE SALE OF PROPERTY OF 3150 CRANDALL ROAD AS PRESENTED.** Discussion followed. A roll-call vote was taken: Rudnicki – yes, Hohenstein – yes, Smith – yes, Melton – yes, Coddington – yes, Graham – yes, Counts – yes. Motion carries 7 to 0.

**B. OPEN POSITION FOR ZONING BOARD OF APPEALS “ZBA”**

Clerk Graham stated that Christopher Atkinson was appointed to the ZBA at last month’s Board Meeting. On March 25<sup>th</sup> he submitted a letter of resignation stating he would not be able to fulfill the position. Two other letters of interest were submitted for the position, one from Matt Stanley and one from Carrie Newstead.

- Carrie Newstead introduced herself as living on Fisher Road. She has served on several community boards. Her career is in finance.
- Supervisor Coddington informed the Board Members that Mr. Stanley is still interested in serving on the ZBA but just was not able to make tonight’s meeting. There may be another vacancy in the near future.
- **MOTION** by Graham, seconded by Counts, **“TO APPOINT CARRIE NEWSTEAD TO THE ZBA, TERM ENDING DECEMBER 31, 2019.”** Motion carried.

**C & D. ORDINANCE OPT-OUT RECREATIONAL MARIHUANA DISCUSSION**

Discussion on whether to opt-out entirely, opt-out in partial, to opt-out temporarily or to take no action at all and allow all state permitted uses.

- Clerk Graham stated the Board needs make a decision as if they are planning on allowing any type of business or none at all. There is no need to have the Planning Commission go through the process and expense to come up with an ordinance to allow Recreational Commercial Businesses and then have the Board say, no businesses allowed. If the Township doesn’t have anything in place by the time the State starts issuing licenses, then the Township cannot take a stand against it. The State has appointed a Special Committee to work on the issues very soon. The Board needs to give specific direction to the Planning Commission on which direction the Board is going regarding Recreational Commercial Businesses.
- There is a proposed ordinance on the table to opt-out. It can always be amended if the Board wishes the Planning Commission to go forward to come up with an ordinance to allow certain type of businesses.
- Discussion followed.
- **MOTION** by Counts, seconded by Hohenstein, **“TO ACCEPT ORDINANCE #248 (HOWELL TOWNSHIP PROHIBITION OF MARIHUANA ESTABLISHMENTS) AS PRESENTED.”** Further

discussion followed. A roll-call vote was taken: Smith – yes, Melton – yes, Hohenstein – yes, Graham – yes, Rudnicki – yes, Counts – yes, Coddington – yes. Motion carries 7 to 0.

- It was the consensus to have the Planning Commission to look into establishing an ordinance regarding Howell Township to allow certain types of Recreational Commercial Businesses.
- MTA, Livingston County Chapter will be conducting a discussion for all Livingston County Township Board Members on the topic of: Recreational Marijuana. All Board members are welcome to attend.

E. HATCH AGREEMENT

Item was tabled.

F. HUNTING ON TOWNSHIP PROPERTIES

Treasurer Hohenstein stated that the Board asked for legal opinion on this issue. Although that opinion is confidential, the Board can have discussion based from that opinion in making their decision.

- **MOTION** by Graham, seconded by Hohenstein, **“TO NOT ALLOW HUNTING ON TOWNSHIP OWNED PROPERTIES AT THIS TIME.”** Discussion followed. Motion carried.

G. MASON ROAD/CHESTNUT DEVELOPMENT, LLC LAND PURCHASE AGREEMENT

Land purchase agreement between Howell Township and Chestnut Development, LLC, on a piece of vacant Township owned property located on Mason Road, parcel #4706-32-400-013.

- Discussion on specifics of the agreement were discussed with Christian Bugeja from Chestnut Development.
- Discussion on number of acres being donated to develop a future park and having access to it.
- No action was taken as there needs to be more clarification on certain items.

H. PINE VIEW VILLAGE LAND PURCHASE AGREEMENT

Land purchase agreement between Howell Township and Chestnut Development, LLC, on a piece of vacant Township owned property located within Pine View Village.

- Discussion on specifics of the agreement were discussed with Christian Bugeja from Chestnut Development. Proposal will be good for 1 year. Purchaser will pay off the Special Assessments.
- Discussion on making this agreement conditional upon reaching an agreement with Pine View.
- **MOTION** by Hohenstein, seconded by Graham, **“TO ACCEPT THE LAND PURCHASE AGREEMENT WITH CHESTNUT DEVELOPMENT, LLC WITH THE CHANGE THAT THE SPECIAL ASSESSMENTS ARE PAID AT THE TIME OF CLOSING AND WITH THE CONDITION OF HAVING THE AGREEMENT WITH PINE VIEW VILLAGE FINALIZED AT CLOSING.”** Further discussion followed. Motion carried.

**CALL TO THE PUBLIC:**

No response.

**NEW BUSINESS:**

A. HOWELL TOWNSHIP PARKS & RECREATION

Martha Haglund chairperson for the Howell Township Parks and Recreation Steering Committee was here last month to give a recommendation for preserving a portion of a parcel that is in a Land Purchase Agreement on Mason Road. The Committee is also recommending 2 more parcels within Howell Township.

- Eighty acres located at the corner of Tooley and Warner, parcel #4706-15-300-002. Some of the reasons for recommending this sight: It is 60-70 percent seasonal wet with some dry area. It runs along the Shiawassee River. The Master Plan allows for a 240 foot buffer for a pathway or a natural buffer along the Shiawassee. Could partner with Friends of the Shiawassee River.

- Twenty to twenty-five acres on the southern portion of the seventy-five acre parcel #4706-12-300-009, located off Oak Grove and E. Marr Roads. Some of the reasons for recommending this sight: Parcel is similar to the Mason Road parcel but dryer which might allow buildability for park equipment or ball fields. It will be along the potential non-motorized pathway giving approximately a 6 mile round course that Howell City residents could also use. It is close to the golf course. Increase property values adjacent to the protected area. It is part of the Recreation Master Plan in preserving certain areas.
- Discussion followed.
- **MOTION** by Hohenstein, seconded by Rudnicki, **TO ACCEPT THE PROPOSAL FROM THE PARKS & RECS COMMITTEE REGARDING THE TOOLEY & WARNER ROAD PARCEL #4706-15-300-002 AS PRESENTED AND TO ACCEPT THE COMMITTEE’S RECOMMENDATION ON THE OAK GROVE/MARR ROAD PARCEL #4706-12-300-000 UP TO 25 ACRES.** Discussion followed. Motion carried.

**B. HOWELL TOWNSHIP 2018 SEWER AUDIT**

Item was moved to after Correspondence above.

**C. MTA-RESOLUTION-NONPARTISAN ISSUE**

Michigan Township Association (MTA) has requested action by Michigan Township Boards on a nonpartisan resolution. Should elective Michigan township offices be nonpartisan? MTA is looking for input from townships as to which direction townships want MTA’s support if this is introduced into legislation.

- Discussion on the pro and cons of township officials’ placement on the ballot; partisan vs nonpartisan. If partisan, the section on a ballot for township offices would stay in the partisan portion of the ballot. If nonpartisan then the section for township offices would go towards the bottom of the ballot. On a presidential election this can cause “voter fatigue” results in fewer votes in the nonpartisan section of the ballot. A lot of voters only vote one party or another and never read/vote through the entire ballot. Partisan helps voters know a candidate’s values. Township boards should change as their electors change. Township officials should be elected on merit and not party affiliation. Township issues seldom align with political party ideologies. Township elections are dominated by the two parties. A township office seat can be a stepping stone for a candidate to seek a higher position. As of now, while township offices are in the partisan section of the ballot; it does allow candidates to file with no party affiliation.
- **MOTION** by Melton, seconded by Smith, **“TO HAVE HOWELL TOWNSHIP STAY PARTISAN ON THE BALLOT.”** Discussion followed. A roll-call vote was taken: Graham – yes, Rudnicki – yes, Counts – yes, Coddington – yes, Hohenstein – no, Melton – yes, Smith – yes. Motion carries 6 to 1. (May it be noted that this motion shows that the Township recorded 1 in support and 6 in opposition for the MTA resolution that would allow township boards the option to have its elected offices appear as nonpartisan on the ballot.)

**D. PROPERTY COMMITTEE**

Treasurer Hohenstein reported on the following:

- Worked on Purchase Agreement and presented them to the Board. Two offers have come in.
- Farming contract: Accepting sealed bids for farming on Township property until April 16, 2019 and will open the bids on April 18, 2019 at open meeting to decide who will receive farming rights for the 2020 season.
- 3150 Crandall Road property. Board approved counter offer including pay-off assessments.

**E. BUSINESS LICENSE VIOLATIONS**

The Township has 5 businesses that are in violation of not purchasing their 2019 Business License. Two violation notices have been sent out with no results. All 5 of these businesses are still running a business.

- Discussion on the next steps to take. The late fee is now \$150.00 plus the Business License Fee of \$30.00 totaling \$180.00. Hand deliver a 3<sup>rd</sup> violation notice giving them 14 days to pay with a reduced rate. Talk with Tanger Management for stores that are in violation. Look into creating an ordinance that stipulates no Building Permits will be issued with unpaid Business License Violations.

**CLOSED EXECUTIVE SESSION**

**MOTION** by Counts, seconded by Melton, **“TO TAKE A FEW MINUTES BREAK AND THEN ENTER INTO CLOSED SESSION FOR THE PURPOSE TO DISCUSS SETTLEMENT IN THE CROSSROADS CASE AT 8:25 P.M.”** A roll-call vote was taken: Melton – yes, Graham – yes, Coddington – yes, Rudnicki – yes, Counts – yes, Smith – yes, Hohenstein – yes. Motion carries 7 to 0.

**ENTER BACK INTO REGULAR SESSION**

**MOTION** by Hohenstein, seconded by Rudnicki, **“TO ENTER BACK INTO REGULAR SESSION AT 8:41 P.M.”** Motion carried.

**REPORTS:**

**A. SUPERVISOR:**

(Supervisor Coddington reported on the following items)

- Worked on the Farm Leases for 5 year contracts.

**B. TREASURER:**

(Treasurer Hohenstein reported on the following items)

- Presented a preliminary Road Fund spread sheet, showing each road project including chloride application expense.

**C. CLERK:**

(Clerk Graham reported on the following items)

- Clean-up Day is May 18<sup>th</sup>. Looking for Board Members to help out.
- Reminder of the May 7<sup>th</sup> election.

**D. ZONING:**

(See Zoning Administrator Daus’ prepared written report)

**E. ASSESSING:**

(See Assessor Kilpela’s prepared written report)

**F. FIRE AUTHORITY:**

(Supervisor Coddington reported on the following items)

- Fire Authority Budget and Key Proposed Budget Request. **MOTION** by Hohenstein, seconded by Melton, **“TO ACCEPT THE HOWELL AREA FIRE AUTHORITY 2019/2020 ANNUAL BUDGET AS PRESENTED.”** Discussion followed. Motion carried. (To view the entire Fire Authority Annual Budget see item 11F in the April 8, 2019 Board Packet.)
- The State is requiring a resolution for the Cadet Program.
- Replacing turnout gear.
- Replacing compressor for filling bottles.
- Chief asked for approval for a labor attorney for the potential union coming in for the day shift.

G. MOHG:

(Trustee Counts reported on the following items)

- Reviewed a proposal from Tetra Tech on building a service building at the water plant.
- Approved expense for a rebuild for a large pump at the Industrial Drive Station.
- Finalized the material table for the new water/sewer design standards.
- Discussion on the ownership of the property in front of the 25 acres that the Township wants to preserve on Mason Road.

H. PLANNING COMMISSION:

(Trustee Smith reported on the following items)

- Recommended approval for the rezoning of parcel #4706-27-200-001 from SFR to NSC for petitioner John Mills. Will go to the Board at the May Meeting.
- Discussed the Marijuana Recreational Commercial Businesses.
- Discussed pathways, sidewalks, setting up districts for pathways and funding and maintenance of them.

I. ZONING BOARD OF APPEALS (ZBA):

(No meeting to report on.)

J. WWTP:

(Treasurer Hohenstein reported on the following items)

- All three employees are or have left the WWTP. It is the obligation of the Inframark to find replacements. They have two people for possible replacements. There are three years left in the contract and they want to stay in their contract. Before the end of the contract it will go out for bids. Discussion followed.

K. HAPRA

(Clerk Graham reported on the following items)

- Still waiting for the chart that Howell Township requested from the HAPRA to show who actually lives in Howell Township that are using the HAPRA services.
- There have been several staff changes.
- Registration for the spring sports is doing well.
- Working on getting additional funds for the HAPRA.
- PAWS IN THE PARK, run walk in the park, fundraiser is May 11<sup>th</sup>.

**CALL TO PUBLIC:**

No response.

**DISBURSEMENTS: REGULAR AND CHECK REGISTER:**

**MOTION** by Hohenstein, seconded by Melton, **“TO APPROVE THE REGULAR DISBURSEMENTS THROUGH APRIL 3, 2019 AND CHECK REGISTER AS PRESENTED, ALSO ANY CUSTOMARY AND NORMAL PAYMENTS FOR THE MONTH.”** Discussion followed. Motion carried.

**ADJOURNMENT:** **MOTION** by Melton, seconded by Graham, **“TO ADJOURN.”** Motion carried. The meeting adjourned 9:17 p.m.

