

HOWELL TOWNSHIP BOARD ELECTRONIC/ZOOM MEETING

MINUTES

3525 Byron Road
Howell, MI 48855
September 14, 2020
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:

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

Due to the meeting being a Zoom Meeting, there was no Pledge of Allegiance.

APPROVAL OF THE AGENDA:

September 14, 2020

MOTION by Counts, seconded by Rudnicki, **“TO APPROVE THE SEPTEMBER 14, 2020 AGENDA AS PRESENTED.”** Motion passes by unanimous consent.

AUGUST 10, 2020 MEETING MINUTES:

A) REGULAR BOARD MEETING MINUTES

MOTION by Hohenstein seconded by Melton, **“TO APPROVE THE AUGUST 10, 2020 MEETING MINUTES AS CORRECTED: PAGE 3, UNDER THE CLERK’S REPORT CHANGE THE WORD “WERE” TO “WAS”.**

Discussion followed. Motion passes by unanimous consent. (See August 10, 2020 Regular Meeting Minutes)

CORRESPONDENCE:

No additions and there were no questions.

CALL TO THE PUBLIC:

- Bobby Wilson, 2945 Brewer Road – stated that he lives on a parcel where there is a constant flowing river. The river also runs alongside his neighbor’s property that is across the street but is up on a hill. He states that his neighbor’s water runoff goes directly into the river. He claims that his neighbor has pesticides put on his lawn and that those pesticides then run into the river. He also claims that lately all the fish are dead and that his dog has been getting sick from drinking the water from the river. If his neighbor’s parcel was flat the run-off would not be so critical. He believes he has an unusual situation and would like the Township to consider looking into this situation. (The Township can look into the issue but it is up to the DEQ and the watershed people. They are the only agencies who can really do something about this issue.)
- Michael Tipton, 552 Olde English Circle – 1) Stated that in the Board packet the Planning Commission Minutes were incomplete. 2) Did not like how the agenda did not show a specific item as an agenda item, but included it in with another agenda item. 3) Stated that the FAQ’s was not put up on the website for The Annex Group project as discussed at the last Board Meeting. Wanted to know the correct acreage for this project. 4) Stated that the parking lot striping at the Township Hall looks good.

- Don Boren, 174 Henderson Rd. – 1) Wanted to know the status on the Oak Grove Development. Are they asking for an additional extension and why? (Because of the engineering issues that is required with the water and the city of Howell.) 2) Is there any type of environmental studies done on this project? (That all is done with the Planning Commission and the site plan.) 3) Wanted to know if the Board received a letter from Howell Public Service regarding issues on this property? (Yes, we did.) 4) He would like a copy of that letter. (Yes, submit a request under a FOIA, Freedom of Information Act.) 5) Has concerns about the access drive coming off Henderson Road and the possible cutting of trees, the amount of traffic and the railroad crossing.
- Mary Motto, 780 Henderson Rd. – 1) Has concerns on this same project and about the traffic flow that it will create on Henderson and then that traffic dumping onto Oak Grove Road and Byron Road.
- Judith Minton, 552 Olde English Circle – 1) Wanted to know how the issue is with the railroad crossing. (That is up to the Railroad and the Road Commission.) 2) Wanted to know why the FAQ's was not put on the website. (There were very few questions. It is not a Section 8 project. There isn't anything we can do about the traffic until the traffic study is done.) 3) Wanted to know about public safety. (Has not been an issue with any other project and we will not treat this project any different.) 4) Wanted to know about testing done at MHOG. (This will be addressed later in the meeting)
- Kristen Heinonen, 126 Henderson Road - Has the same concerns about the traffic and the other issues that Don Boren has.

NEW BUSINESS:

A. EINSTEIN DOG TRAINING, SPECIAL USE AND BUILDING PERMIT REQUEST FOR EXTENSION

Clerk Graham stated that due to COVID they have not started construction on their building yet. Because of COVID they would not have any clients at this time. They are requesting an extension on their building and special use permits that ends in February 2021. He would like an extension until February 2022.

- **MOTION** by Graham, seconded by Melton, **“TO ACCEPT THE REQUEST FROM EINSTEIN DOG TRAINING FOR AN EXTENSION FOR THEIR BUILDING AND SPECIAL USE PERMITS UNTIL FEBRUARY 2022.”** Discussion followed. This would not allow them anything extra under the current special use permit already submitted. The petitioner is being pro-active and not waiting until the end to ask for an extension. Motion passes with one negative vote.

B. REQUEST TO THE BOARD TO REVIEW REUS 2800 HIGHLAND RD.

Treasurer Hohenstein informed the Board that Al Ftouni purchased the property at 2800 Highland Road, previously Last Chance Rescue. The previous owner's use called for 2 REUs. It needed one REU for the house and one REU for the drain that was used for the animal waste. The building is currently empty. It is presently being billed for Flat Rate for the sewer. Customers who are not hooked up to the sewer system pay a Flat Rate. A normal house is billed for 1 REU Flat Rate. The petitioner is requesting to be billed for only 1 REU. 2 REU's will remain with the property. Ordinance 21 that allows for revision or modification on REUs. In the future if the property's use changes back to an animal rescue or some other similar use, then the 2 REUs would go back onto the billing.

- **MOTION** by Hohenstein, seconded by Melton, **“TO ACCEPT AL FTOUNI'S REQUEST TO REDUCE HIS REU'S IN REGARDS TO HIS BUILDING FROM 2 REU's TO 1 REU AT 2800 HIGHLAND ROAD.”** Discussion followed. ~~Motion passes with one negative vote.~~ ^Motion passes by unanimous consent^.

C. LETTER TO REMOVE ZBA BOARD MEMBER

Supervisor Coddington reminded the Board that at the August Board Meeting Andrew Hamm requested that a ZBA member be removed. The request was not an agenda item so it would have to be placed on this month's meeting. Andrew Hamm has now submitted a letter requesting to have Tim Boal removed from the ZBA. Supervisor Coddington entertained a motion to support this request. Treasurer Hohenstein stated he believed that there is no actionable information given to be able to move on this request. Discussion followed. No motion was offered.

D. BIDS TO REPLACE BOARDROOM DOOR

Clerk Graham stated that we are using the door that goes directly outdoors from the boardroom on Election Day. The wooden door is need of repair. Treasurer Hohenstein stated that 3 companies came out to look at it. Only one company sent in a bid. It is recommended to replace the wooden door with a metal door. Discussion followed.

- **MOTION** Rudnicki, seconded by Hohenstein, **"TO APPROVE HI-TECH SAFE & LOCK, INC.'S QUOTE FOR A PRIMED HOLLOW METAL DOOR NOT TO EXCEED \$1,500.00 AS PRESENTED."**
The extra amount will allow for getting someone to paint the door. Discussion followed. ~~Motion passes with one negative vote.~~ ^Motion passes by unanimous consent^.

E. ALEX HANSEN RESIGNATION

Supervisor Coddington stated that Alex Hansen submitted a letter of resignation from his position on the Zoning Board of Appeals, due to moving out of Howell Township.

- **MOTION** by Melton, seconded by Counts, **"TO ACCEPT ALEX HANSEN'S LETTER OF RESIGNATION FROM THE "ZBA", ZONING BOARD OF APPEALS."** Discussion followed. Motion passes by unanimous consent.

Supervisor Coddington stated that Mr. Hansen brought a lot to the ZBA and thanked him for serving on the ZBA Board.

F. CONTRACT ASSESSMENT

Treasurer Hohenstein stated that he has been working with the Township attorney about contract assessments that will allow the Township to place an assessment on a homeowner's taxes for something that they need. It is often requested by residents who are connecting to the water/sewer to put their connection fee on their taxes. In the past the answer was always no. We have looked into this and the Township attorney states that we can do this with a resolution. The resident would need to fill out a contract and then with that contract a resolution would be presented to the Board at the next Board Meeting. If it is an emergency and the resident's system has failed where they have no water or septic the contract and resolution could be done before taking it to the Board to get a formal approval. Clerk Graham added several residents' systems are getting old and beginning to fail. The current connection fee that is owed to the Township is \$5,000.00 for water and \$5,000.00 for sewer. Special assessment go on the winter tax bills. Some extra fees that could occur are recording fees (approximately \$30.00) because special assessment have to be recorded with the Register of Deeds. There possibly could be an attorney fee for having to review it. Discussion followed. Treasurer Hohenstein presented examples of a resolution and a contract. Discussion on how long the special assessment would go for. It was consensus of the Board to allow 5 years for one connection and 10 years for two connections. Discussion on if the residents needs to refinance their home will allow to subordinate the lien. Discussion on interest charges. The Board would like to keep the interest low. MHOG fees would not be allowed to go on a special assessment. This would be for existing homes and not allowed on new homes or for developers. It is the consensus of the Board to allow Treasurer

Hohenstein to go forward with the current request if found that it is an emergency and then bring back to the Board at next month's meeting for final contracts and resolutions reviewed by the Township attorney.

REPORTS:

A. SUPERVISOR:

(Supervisor Coddington reported on the following items)

- Taking lots of phone calls.

B. TREASURER:

(Treasurer Hohenstein reported on the following items)

- Today was tax day. It was a very busy, collecting over \$3,000,000.00 since the close of Thursday. We have collected 95% collection of Summer Taxes.
- Our receptionist Josie Modrack has moved on. We have had at least 3 people in that position in the past two years. Not looking to fill it right now, but soon. Asking for the Board to consider a higher wage for that position. Discussion followed. Consensus of the Board is to talk with the finance director and come up with a number and bring this back to the Board.
- It is time to decide if we are going to put something on winter tax bills that will be going out about the Spring Clean-Up Day. With the COVID we are unsure at this time if we will be able to hold this event. It was the consensus to put on the bills to, "keep an eye on the Township website concerning this event". It would be better to say that than to say we will have it and then have to cancel it again.

C. CLERK:

(Clerk Graham reported on the following items)

- Busy with the November Election. Right now we are at 6,000 register voters. As of today we have over 1,800 absentee ballot that will be going out. New requests are coming in daily. We are waiting for the ballots to come from the printers. Looking for them to be sent out before the end of September. We are taking many phone calls about absentee ballots because of all the media talk about absentee ballots. Would like to possibly hire a part-time person to come in and help the last two weeks before Election Day with the incoming and outgoing of applications and ballots.
- **MOTION** by Graham, seconded by Melton, "**TO HIRE A PART-TIME EMPLOYEE STARTING TWO WEEKS BEFORE THE ELECTION, TO ASSIST WITH PROCESSING THE INCOMING AND OUTGOING OF ABSENTEE APPLICATIONS AND BALLOTS.**" Discussion followed. ~~Motion passes with one negative vote.~~ ^Motion passes by unanimous consent^.

D. ZONING:

(See Zoning Administrator Daus's prepared written report)

E. ASSESSING:

(See Assessor Kilpela's prepared written report)

F. FIRE AUTHORITY:

(Supervisor Coddington reported on the following items)

- Approved fixing the exit drive at the Oceola Station.
- Approved the tax rate request concerning the Headlee Rollback.
- Entered into an Intergovernmental Agreement for housing and first responders.
- Paid bills.

- New Chief is now on duty. He chose his deputies, Jamil Czubenko, is now the executive deputy chief and Brian Anderson, chief of operations.

G. MHOG:

(Trustee Counts reported on the following items)

- In July MHOG produced the 3rd highest month ever at 105 million gallons of water.
- The 24 inch main project is coming along. This will help MHOG meet the needs of the community.
- The Earl Lake Main project is continuing in Oceola.
- Seventy thousand dollars was given back to MHOG Fund balance.

H. PLANNING COMMISSION:

(Trustee Counts reported on the following items)

- See Synopsis in packet.
- The Chestnut Development parcel on Burkhart Road that is in the middle of Industrial/Heavy Commercial Zoning will become part of the Industrial Flex Zoning once the Planning Commission has finished with their rezoning. Chestnut Development would like to rezone it to Multi-Family Residential Zoning. Chestnut Development later withdrew their application until a later date after the Township does their updating to the Master Plan which is required every 5 years.
- Nexthome Realty, Aaron Currie reduce the size of his building by half to allow for the required parking spaces. He will be going to the ZBA for a variance for his retention pond.
- Planning Commission had discussion on traffic studies. The Board then discussed traffic studies.

I. ZONING BOARD OF APPEALS (ZBA):

(Trustee Rudnicki reported on the following items)

- No meeting.

J. WWTP:

(Treasurer Hohenstein reported on the following items)

- See report in the packet.
- The aerator project was completed. Treasurer Hohenstein explained some of the process. This cleaning project needs to be done more often than it has been in the past. There was an issue with a pump that put the project over budget.
- COVID testing on waste water is done through colleges or large towns that are working with groups like the department of public health. They are trying to catch cases before they know it is happening. There has been no request from any department of health with our WWTP.
- The Grand River Lift Station is now being worked on after being pushed back due to road work on Grand River. Some of the needed supplies were hard to come by because of the COVID shutdown.
- James from the WWTP is going back to the Grand Rapids area where his family is. A new operator has started.
- Amendment to the contract between Howell Township and the WWTP. (See full agreement in the packet.)
- **MOTION** by Hohenstein, seconded by Rudnicki, **“TO ACCEPT THE FIRST AMENDMENT TO THE WASTEWATER OPERATION AND MAINTENANCE AGREEMENT BETWEEN INFRAMARK, LLC AND HOWELL TOWNSHIP MICHIGAN, AS PRESENTED.”** Discussion followed. ~~Motion passes with one negative vote.~~ ^Motion passes by unanimous consent^.
- Discussion on water runoff from Mediloge.

K. HAPRA:

(Trustee Rudnicki reported on the following items)

- Discussion on cutbacks on staff because of COVID.
- They are looking into more virtual events.
- Using the High Teen Center for on line learning campus for 6th through 9th grade with someone there to help them.
- One of the Board members move on to the Library Board. That person was replaced by the treasurer. They now are looking for a new treasurer.
- It is hard for anyone to take time off because of the few staff members that are there.
- If anyone has questions about the pool, they are to contact the Howell Parks and Recs about their concerns.

L. PROPERTY COMMITTEE:

(Treasurer Hohenstein reported on the following items)

- The Annex Group is asking for a 75 day extension. This mainly is due to the drainage issue with the city of Howell. They believe the issue is resolved but they do not want to put money down on an issue that may not be able to be resolved. Discussion followed.
 - **MOTION** by Hohenstein, seconded by Graham, **“TO ACCEPT THE EXTENSION TO THE SECOND AMENDMENT TO LAND PURCHASE AGREEMENT AS PRESENTED.”** Discussion followed. A roll-call vote was taken: Smith – no, Melton – yes, Rudnicki – no, Counts – no, Hohenstein – no, Coddington – yes, Graham – yes. Motion fails, 4 to 3.
- Allen Edwin has offered to purchase the property at M-59 and Oak Grove, two properties owned by the Township. They might need a pump station. It might be possible to go under the river to a manhole on M-59 or to one that is in front of Operating Engineers. They would like an extension until it is found that one of these ideas is possible. New pump stations are very expensive and the Township really does not want to build another one. This is their first extension. This situation is something the Township should know how to deal with in case Allen Edwin does not purchase and there is a different potential purchaser in the future. Discussion followed.
- **MOTION** by Rudnicki, seconded by Hohenstein, **“TO ACCEPT ALLEN EDWIN’S 60 DAY EXTENSION ON THE OAK GROVE PROPERTY AS PRESENTED.”** Discussion followed. ~~Motion passes with one negative vote.~~ ^Motion passes by unanimous consent^.

CALL TO THE PUBLIC:

- Don Boren, 174 Henderson Road – Wanted to know by the vote that was taken on the Annex Group does that make their contract null and voided. (No it does not. It makes them have to put down a deposit due to their contract.)
- Judith Minton, 552 Olde English Circle – 1) Thanked Treasurer Hohenstein for answering her question about having COVID testing at the WWTP. 2) Asked the Clerk if having a part time person for only two weeks was enough support to get us through the tabulating of the absentee ballots and would that person be involved on election day. (This person would not be tabulating any ballots. They would only be in the office to accept the incoming and outgoing of absentee applications and ballots. At this time we do not know if this person will be one of our election inspectors or not.) 3) Stated that she noticed there was campaigning on Township property on the day of the August Election. This has not been allowed before. She thought they were too close to the precinct and causing a slowdown coming into the parking lot. (It was found out that we cannot stop Election Day campaigning on the Township property as long as it is beyond 100 feet of the entrance into a precinct. The people who were

campaigning in August were asked several times to move out of the entrance of the driveway. We even called the County and the campaigners were talked to about this.)

- Andrew Hamm – 14 Santa Rosa Drive – 1) Stated he tried to get ahold of the Supervisor to apologize for his behavior at the last meeting. 2) Stated he is trying to figure out the procedures for putting in a request for the removal of an appointed official. He would like to discuss the issue of his trailer being parked in the road. Mr. Boal who is on the ZBA is the one who has the complaint against him. He feels this is a conflict of interest and able to manipulate people in authority. He stated that he is being threatened by Mr. Boal if he doesn't drop this issue. (Supervisor Coddington stated that the Boards do not communicate much with each outside of the meetings. We each bring our own thoughts to the table. Trustee Rudnicki who is also a member of the ZBA added that he has never spoken with Mr. Boal before that meeting.) Mr. Hamm stated that the enforcement officers keep showing up at his door because of the complaints from Mr. Boal. It was confirmed that I'm not in violation several months ago. (The Township cannot control about someone complaining about their neighbor. It is now up to the judge to decide.)
- Mike Tipton, 552 Olde English Circle – Gave an update on the issue of the traffic studies done by the State a few years ago. He stated they lowered the speed in front of VG's and they adjusted the lights at Oak Grove and M-59.

DISBURSEMENTS: REGULAR AND CHECK REGISTER:

MOTION by Hohenstein, seconded by Rudnicki, **"TO APPROVE THE REGULAR DISBURSEMENTS AS OF SEPTEMBER 8, 2020 CHECK REGISTER AS PRESENTED, ALSO ANY CUSTOMARY AND NORMAL PAYMENTS FOR THE MONTH."** Discussion followed. Motion passes by unanimous consent.

ADJOURNMENT: MOTION by Rudnicki, seconded by Counts, **"TO ADJOURN."** Motion carried by unanimous consent. The meeting adjourned 9:08 p.m.

As Presented: _____

Howell Township Clerk
Jean Graham

As Amended: _____

As Corrected: _____X_____

Mike Coddington
Howell Township Supervisor

Dated: 10.12.2020

Debby Johnson, Recording Secretary