HOWELL TOWNSHIP BOARD REGULAR MEETING

MINUTES

Howell Township Hall November 13, 2017 6:30. p.m.

MEMBERS PRESENT:

MEMBERS ABSENT:

Mike CoddingtonSupervisorJean GrahamClerkJonathan HohensteinTreasurerMatthew CountsTrusteeDar HowardTrusteeHarold MeltonTrustee

Supervisor Coddington called the meeting to order at 6:30 p.m. The roll was called. All rose for the Pledge of Allegiance.

<u>APPROVAL OF THE AGENDA</u>: MOTION by Melton, seconded by Howard, **"TO APPROVE THE NOVEMBER** 13, 2017 AGENDA AS PRESENTED." Motion carried.

APPROVAL OF MINUTES:

MOTION by Hohenstein, seconded by Graham, "TO APPROVE THE OCTOBER 9, 2017 REGULAR MEETING MINUTES AS CORRECTED: UNDER MHOG REPORT, CORRECT THE SPELLING OF 'TETRA'." Motion carried. (See October 9, 2017 Meeting Minutes)

CORRESPONDENCE:

None.

CALL TO THE PUBLIC:

Supervisor Coddington with the consensus of the Board asked the public if they had any comments on agenda item 9B to hold off until the meeting gets to that item. A reminder that this is not a Public Hearing but since so many have come out to this meeting he will give everyone a chance to speak at that time. If anyone has any comment on any other issue they may speak now. There was no response.

UNFINISHED BUSINESS:

BRAD JONCKHEERE, BEDROCK VENTURES, LLC CONDITIONAL REZONING

- Trustee Counts stated that the Planning Commission in September recommended to grant the request for a Conditional Rezoning to the Board.
- Brad Jonckheere stated he has an old office building that he would like to turn into a Micro-Brewery until the mining is complete. That is why he is requesting the rezoning to allow for this use. Hours of operation are typically Monday-Thursday: 4:p.m. until 10 p.m., Friday: 4:p.m.-Midnight, Saturday: Noon Midnight, Sunday: Noon 8:00 p.m. His other business will be closed when brewery is open. He also stated that in the future, when he is done mining, he would like to have an area for housing.
- Driveway permission from the County Road Commission was discussed.
- The Conditional Rezoning will be removed when the mining is completed.
- The County Planning Staff has given their approval but waiting for review by the County Commissioners.
- MOTION by Counts, seconded by Howard, "TO APPROVE BEDROCK VENTURES, LLC CONDITIONAL REZONING, PARCEL #4706-32-300-003 FROM "AR" AGRICULTURAL RESIDENTIAL TO "NSC" NEIGHBORHOOD SERVICE COMMERCIAL BASED ON THE CONDITIONS STATED IN ALL GOVERNMENTAL REVIEWS." Discussion followed. A roll-call vote: Coddington – yes, Graham – yes, Howard – yes, Counts – yes, Hohenstein – yes, Melton – yes. Motion carries 6 to 0.

NEW BUSINESS:

A. HOWELL AREA PARKS & RECREATION AUTHORITY

- Current Executive Director of HAPRA, Paul Rogers, stated that he will be retiring effective December 21, 2017. The HAPRA has appointed Service Manager, Tim Church, as the new Executive Director who has been with the organization for 7 years. Mr. Rogers thanked the Board for becoming full partnership with HAPRA and all the support that has been given.
- Mr. Church then presented the Proposed 2018 HAPRA Budget. (See Howell Area Parks & Recreation Authority Proposed 2018 Budget) This is being presented to all municipalities that are partners with HAPRA.
- MOTION by Hohenstein, seconded by Graham, "TO ACCEPT THE HAPRA BUDGET AS PRESENTED." Discussion followed. Motion carried.

B. AIR RIGHT TEXT AMENDMENT "AR" DISTRICT

- Trustee Counts presented the Planning Commission's recommendation to the Board on a request for a text amendment within the Zoning Ordinance to allow for Open Air Businesses within the "AR" District with the specific purpose for a shooting range. This request, is for a text amendment for all "AR" Agricultural Residential districts, not just one particular parcel. One of the concerns of the Planning Commission was that approximately 65% (about 13,500 acres) of our Township is in an "AR" District. There were many in attendance at the Planning Commission that are opposed to the change. But, much of the emphasis and concern has been focused on the parcel of land that the applicant is interested in. The Planning Commission is recommending denial for the text amendment change.
- Applicant Mike Paige stated he is looking for the text amendment change because the parcel he is interested in is a unique piece of property that will allow for it to be the safest range possible. It will be a silencer range only. The berm that is at the back, he will build larger. He is proposing a 0 horizon range. The footprint on the property is small for environmental concerns. He states that the environmental concerns on the lead is a non-issue. He stated that he has experts that can back that up. He stated that this parcel is close to many of the law enforcement departments. He also commented that he has backing from the Livingston County Sheriff and that they could use a facility like the one he is proposing. There will be many types of training available. Grayling is the nearest facility that has anything close to what he is wanting to have here in Livingston County. He understands that the Board has complete control of what would be allowed for his facility.
- Supervisor Coddington stated he will allow comments from the public on this matter. He is stated that if you made a statement at the Planning Commission Meeting, we have those comments in the minutes from that meeting so you do not need to repeat yourself at this meeting. Unless you have something new to add, please just state your name and that you were at that meeting.
- Lawrence Hannigan, 3321 N. Burkhart Supports the 2nd Amendment but feels he lives within the kill zone if this goes forward. He has concerns for his safety and does not want to breathe the fumes from the bullets in the air. If the intention is for military training, he does not feel this is the appropriate place for this. For a text amendment it has to be a community need. This is not a need. He also has concern for his granddaughter playing in his yard. He wants to know about the hours of day and night when the training will be occurring.
- Terry Salomonson, 3451 N. Burkhart Rd. Stated that there are many who are making statements who are against this change but, there are also many who also are against the change who choose not to make any comments. He does not believe you can have a zero horizon. He believes there are too many houses in the area. Does not like it being called an 'Air Right Text Amendment'. Thinks this is a bad idea. He wants to see some proof that the applicant is getting backing from the local sheriff and the FBI.

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- Livingston County Sheriff Mike Murphy Stated the conversation he had with Mr. Paige was about a training facility. His officers' practice shooting at least once a month. They do not have the long range availability right now. He thinks this would be a great opportunity for a great facility. He stated that it was not Mr. Paige's fault that he did not have the letter available at the Planning Commission Meeting. The letter was written, but I had not sent it to him yet at that time. He hopes that something can be worked out between the Township and the residents. Sheriff Murphy was asked if he would want this in his back yard and he responded, "no one likes a jail in their backyard either".
- Vicki Robertson, 4777 Marr Road Stated that the berm is on the backside of her property and because of that she has concerns when it comes time to sell her property. She is against this.
- Dale Hartwick, 3995 N. Burkhart Road He belongs to the Howell Gun Club since the 60's. Stated there is a lot of property there. They have an indoor shooting range. The police practice there also. Would like the applicant to go there and work something out for a training facility. He is against the range being put in his backyard.
- Doug Andrews, 4300 N. Fleming Road Stated his house is 100 feet from the gravel pit. He also stated he can see over the berm. He is concerned about getting shot. He is asking the Board to vote no.
- Shelly Andrews, 4300 N. Fleming Road She has concerns about the dropping of property values, losing her peacefulness and all the dangers of a shooting range. Would like to know, how changing the "AR" District will fit into the Master Plan. If this will apply to other "AR" Districts within the Township, then there will be even a bigger concern for the Township. She is urging the Board to vote no.
- Jan Litogot, 3913 N. Burkhart Road Stated her property touches the berm. Has concerns for her property value. If this is allowed she feel she will be forced to move. She likes it here. She also urges the Board to vote no.
- Fred Palmerton, 4400 Warner Road Has concerns about property values and that this could open up for gun ranges all over the area if the text amendment is passed.
- Al Nowka, 4101 N. Burkhart Road Stated his property backs up to the gravel pit. Has concerns about his property values, safety of the animals and being shot by stray bullets. Stated the newspaper article did not tell the truth. Asked the Board if they would want this in their backyard. During duck hunting season you hear the guns, but then the season is done. He has concerns with hearing this every day.
- Gary Mishler, 3889 N. Burkhart Road Stated that if this text amendment were to pass, there needs to be some kind of accountability for the operation of the facility. Also, there needs to be some type of accountability for the exit plan when they are done for clean-up because of the contamination that will be left. There will also need to be some type of heads up to any future potential buyers who may be putting in wells on the land.
- Jim Salter, 3381 Fleming Road Has concerns that this is not just a gun range but a training facility. He wanted to know that since the applicant owns a gun store with everything that can be sold in it. Will he build a building that will store or sell guns, ammunition, scopes, etc? If so is he going to have armed guards watching it? Will there be lights to help light the area to protect it? Will it being open all kinds of hours? What about the training that would need to be done during the night because rescues don't just happen during the daytime? He also has concerns about the possibility of other gun ranges that could possibly open up and then close with no accountability with what is left behind. He also is concerned that if that many people will be using the facility, what about porta-johns or will he put in a septic system? Will the Township bring in water and sewer to accommodate his facility? What happens when he walks away and who gets stuck with that bill? He is opposed to this next to his property. He would rather have housing developments go in.
- Ryan Sackman, 3395 Fleming Road Stated he purchased his property 2 years ago. If he knew there could be a gun range going in next to him he would not have purchased. He has concerns about how the road will be taken care of. Has a 2 year old daughter that plays in his backyard. He has a well and

septic. If they have water search and rescue, will they be using vehicles and will that contaminate the water?

- Jeff Smith, 3762 Mason Road Wanted to know why they have to re-district the entire Township. (It is
 the only way you can have a text amendment.) Can you just do it for a particular area? (There are
 other means but this is the recommended method.) He also wanted to know if this goes in, is this
 anywhere close the airport flight patterns. If so he has concerns about the lasers that might be used
 interfering with airplanes.
- Allen Heneveld, 7950 Teahen Road, of Brighton He owns large parcel on Burkhart Road. He is opposed to this. The Township has already done the Master Plan. The Township has already put in water/sewer districts in the area along Grand River, I96 and M59. That is where development is happening. Does not understand why you put a gun range in developing area. If this passes no one will purchase the land develop housing areas and fill those empty water/sewer connections. Urges the Township to help find a more remote area.
- Nancy Sloan, 5770 Crandall Road Stated she doesn't understand how you can change the definition
 of Agricultural. She believes that if you are anywhere near water then you can only use steal shot and
 not lead shot. It is a known that children like to play in gravel pits. The attraction of this is a concern of
 hers.
- Tom Neilson, 3415 N. Fleming Road Stated he wanted to speak for his neighbor who was at the Planning Commission Meeting. He is a veteran who suffers from PTSD. He has trouble with the planes, helicopters, jets and gun shots. He will have a very hard time with this. He would like the Board to take into consideration that there might be other vets in the area who suffer from PTSD. He also has concerns about the traffic and the property values. He is totally against this.
- Jeff Heldt, 4751 W. Marr Road Stated he is totally against this. He believes that you can still hear gun shot even with suppressors. Does not like the idea of guns shooting all day, every day.
- Alex Hansen, 3513 Amber Oaks He asked the Board to consider a letter that he previously submitted to the Planning Commission.
- Mike Tipton, 552 Olde English Circle Stated he does not live near this. If most of the residents that live around the project is against it; then it shouldn't happen. He spoke of the gentleman who was at the Planning Commission Meeting that owns the Assisted Living Facility on Burkhart Road who stated that if this passes he will be reluctant to add on to his facility. Mr. Tipton stated we need people hooking into the sewer and water lines. The Assisted Living Facility hooks into the system.
- An audience member asked if anyone else is interested in the property. Another audience member stated that there 480 completely empty acres in Stockbridge that is up for sale.
- Supervisor Coddington took questions from the Board Members. Discussion on the baffles. (The baffles will deflect anything down.) How many shooting stations? (Approximately 30 stations. The nearest to any building will be 2,000 feet.)
- MOTION by Hohenstein, seconded by Howard, "BASED ON THE INFORMATION PROVIDED BY THE TOWNSHIP PLANNER, THE RECOMMENDATION OF THE PLANNING COMMISSION AND THE INPUT OF THE PUBLIC, TO KEEP THE "AR" ZONING TEXT AS IS." Discussion followed. A roll-call vote was taken: Counts – yes, Graham – yes, Coddington – yes, Melton – yes, Howard – yes, Hohenstein – yes. Motion carries 6 to 0. Clarification of the motion. The "AR" Zoning Text remains as is. No change.

BREAK:

- Supervisor Coddington suggested a few minute break while several audience members are leaving. MOTION by Howard, seconded by Hohenstein, "TO TAKE A FEW MINUTES BREAK." Motion carried. Time 7:31 P.M.
- Supervisor Coddington called the meeting back to order at 7:37 P.M.

C. LISTING AGREEMENT FOR VACANT PROPERTIES SALES

 Supervisor Coddington stated that it is time to renew with Lee Associates for, The Howell Township Exclusive Listing Agreement. MOTION by Hohenstein, seconded by Graham, "TO PUT THE LISTING OUT FOR BIDS." Discussion followed. It was stated that some of the office staff tried to look for the parcels on-line and they could only find one of them. Motion carried.

D. CONSUMERS FRANCHISE ORDINANCE

 Clerk Graham stated that this was taken back and forth between their lawyer and ours several times. This is what both lawyers agreed upon. This agreement is for 30 years. MOTION by Hohenstein, seconded by Graham, "TO ACCEPT ORDINANCE #272, CONSUMERS ENERGY COMPANY GAS FRANCHISE ORDINANCE." Discussion followed. A roll-call vote was taken: Coddington – yes, Counts – yes, Graham – yes, Hohenstein – yes, Melton – yes, Howard – yes. Motion carries 6 to 0.

E. MHOG UTILITY DEPARTMENT – ENGAGEMENT LETTER FOR SANITARY SEWER SYSTEM ADVISORY SERVICES.

 Treasurer Hohenstein reported that the Township has gotten together with MHOG to provide sanitary sewer system advisory services. Greg Tatara submitted the engagement letter providing a summary of what services they provide. MOTION by Graham, seconded by Melton, "TO ^ACCEPT^ THE MHOG ENGAGEMENT LETTER FOR SANITARY SEWER SYSTEM ADVISORY SERVICES." Discussion followed. Motion carried.

F. TRUSTEE CANDIDATES

- The Trustee position is to replace former Trustee Carolyn Eaton, who has moved out of the Township and is no longer eligible for the position. By statue the Trustee position is until the next major election and then that position will go on the ballot which is in 2018.
- Supervisor Coddington informed the 4 candidates that the Township has received their letters of application for the position of Township Trustee. In alphabetical order, each candidate will give a brief history and why they would like to serve on the Howell Township Board. The Board will be able to ask questions from each candidate.
- Alex Hansen, 3513 Amber Oaks Drive He thanked the Board for taking time to look over each candidate's letter. He has lived in the Township for a couple of years. He has already seen growth within the community. He respects the fairness within the community. Before becoming the president of the Amber Oaks Homeowners' Association, he was the treasurer. He will soon be graduating with a Master's in Business Administration. He is the assistant branch manager of the headquarters of Community Financial Credit Union out of Plymouth. Again he thanked the Board for considering him for the position. He states he is fiscally conservative but socially progressive.
- Sally Newstead, 3792 Byron Road She thanked the Board for listening to her. She has lived in the Township for 40 years. All 3 of her children and 3 of her 5 grandchildren went/go to Howell Schools. Several of her children are associated with Howell Business or LESA. Has a strong background with stakeholder's relations with state and local government agencies, non-governmental agencies, and local business. A retiree from the United States Environmental Protection Agency. She worked on a national level with those that are effected. She has worked on monitoring and issuing grants. She was the national team lead on the, Clean School Bus Program. Worked with Scholastic Incorporated to write the book, "Magic School Bus Get Clean-Up". She is a volunteer with fundraising for the Howell Opera House and other community organizations. She stated that her past experience is to get everyone at

the table to negotiate toward the greater good and to stay within the budget and to use the finances towards the way they were intended.

- Jeffery A. Smith, 3762 Mason Road He has been a Howell residents since 1977. He is a graduate from Howell High School. He also attended LCC while working full time. He has been in real estate for approximately 34 years. He worked in a 2-year partnership before becoming self-employed and running a title insurance company in Brighton for 18 years. He works with budgets on a daily basis and a yearly basis. He knows what it is like to have to plan for certain goals. He also stated he knows how to market and solicit for businesses. He is the secretary/treasurer of Bayside Condominiums and president of Golden Triangle. He is a former sergeant for the Howell Fire Department. He states he is conservative by nature and doesn't like a lot of change but understands you have to plan for it. Again, he stated he knows you have to plan and stay within a budget. He knows that being on a board you have one vote. He thanked the Board for considering him.
- Michael Tipton, 552 Olde English Circle He has a degree in Economics. He has 30 years of purchasing experience. He is currently retired. He previously served on the Township Board from 2012 -2016 during a time when it was possible that an emergency manager might have to take over the Township. He stated he was part of the Board that made tough decisions and set a long term plan to avoid going into bankruptcy. Some of the former Board Members lived in the water/sewer developments. We do not have that at the present time. He would like to again see representation from a Board member who lives in one of the districts. He served on other committees during the time he was on the Board. He would like to do that again. He was key player in reestablishing the Township Clean-up Day. It was a positive experience. The Board with a lot of experience as Carolyn Eaton had and the Board now has several new members with no experience, he feels he can bring back some of that experience. He describes himself as progressive with a very conservative financial bend. He believes the citizens are number one. He thinks he can add value. He thanked the Board.
- It was the consensus of the Board; they are impressed with the quality of each candidate.
- Supervisor Coddington asked for a motion to appoint.
- MOTION by Hohenstein, seconded by Melton, "TO APPOINT SALLY NEWSTEAD FOR THE POSITION AS HOWELL TOWNSHIP TRUSTEE." Discussion followed. A roll-call vote was taken: Howard - no, Melton – yes, Hohenstein- yes, Coddington – yes, Counts – yes, Graham – yes. Motion carries 5 to 1.

G. PLANNING COMMISSION – ADAM DALE RESIGNATION

- Supervisor Coddington stated that Planning Commissioner Adam Dale was recently appointed as a Federal Judge and could no longer hold the Commissioner position. We had to wait for his letter of resignation before we could go forward with officially accepting his resignation.
- MOTION by Hohenstein, seconded by Melton, "TO ACCEPT ADAM DALE'S LETTER OF RESIGNATION FROM THE HOWELL TOWNSHIP PLANNING COMMISSION." Discussion followed. Motion carried.

H. PLANNING COMMISSION CANDIDATES

- Supervisor Coddington stated that each candidate will have a turn to give the Board their history and why they would like to serve on the Planning Commission. We will go in alphabetical order.
- Martha Haglund, 5042 Preston Road Former resident of Grand Rapids stated she has lived in Howell Township for 6 years. She loves her country settings but also know things are rapidly changing and she would like to be part of that decision making process. She has a Master's in Natural Resources from Grand Valley and a Graduate Degree from Virginia Tech. She is interested in Howell Township getting a community park or a trail. She also has been a realtor and understands those types of

contracts and also understands site plans. She also understands property research. She worked as a Planning Intern for Kathleen Kline-Hudson at the County. These meetings have helped her understand the working of local government. She also has worked with the GIS program. She stated that she likes to read Master Plans and comprehends them. If there is something she doesn't understand she will research it. She thanked the Board for considering her for the Planning Commission.

- Alex Hansen. 3515 Amber Oaks Stated that as a Home and Commercial Lender this gives him experience in understanding Planning and Master Plans. He understand deeds and title work. He followed the Howell Township implantation and the completion of the Master Plan. Because he is on his Home Association Board, he worked with the Commissioners on some issues. (See his presentation for Board Trustee for further information on Alex Hansen.)
- Karen Melton, 3408 Cheryl Drive Stated she has taken Real Estate at Henry Ford Community College and has 3 children. She has worked at Garden City Schools with handicapped children. Worked with 4-H for several years. She is a delegate with the Republican Party. She would like to work with the Planning commission.
- MOTION by Howard, seconded by Graham, "TO APPOINT MARTHA HAGLUND TO THE PLANNING COMMISSION." A roll-call vote was taken: Hohenstein – yes, Howard – yes, Counts – yes, Coddington – yes, Graham – yes, Melton – no. Motion carries 5 to 1. (This appointment is until the end of the year. Reappointment will need to take place for the 2018-2020 appointment.)

I. SEVERN RENT QUOTE FOR 2 OUT OF 3 RAS PUMPS REPAIR PARTS

Treasurer Hohenstein reported that there are 3 pumps called RAS Pumps. Two of these pumps are in need of repair. Plant Manager Jerry Livernois has submitted a quote from Kerr Pump and Supply for \$2,325.56 to repair these two pumps. MOTION by Hohenstein, seconded by Graham, "TO APPROVE THE BID FOR REPAIR FOR THE TWO RAS PUMPS FOR NO MORE THAN \$2,400.00 FROM KERR PUMP AND SUPPLY." Discussion followed. Plant Manager Livernois stated that Kerr Pump is our sole source for these specialty parts. Motion carried.

J. HUMAN RESOURCE

 Clerk Graham stated that the office staff is requesting that Martin Luther King Day be exchanged for Presidents Day for official holiday. Also, the Board usually gives the office ½ day before Thanksgiving off because most people already believe the office is closed on that day so it is very quiet on that day. The Human Resource Committee is recommending that the office staff will officially now receive both Martin Luther King Day and Presidents Day along with closing the office at noon, the day before Thanksgiving from now on. MOTION by Hohenstein, seconded by Melton, "TO ACCEPT THE HUMAN RESOURCE'S RECOMMENDATION AS PRESENTED." Discussion followed. Motion carried.

RPORTS:

- A. SUPERVISOR:
 - (Coddington reported on the following item)
 - That he is handling the normal phone calls and follow-ups.

B. TREASURER:

(Hohenstein reported on the following items)

• Stated that he attended the Court of Appeals for trial that the Township has going on with Rainbow Construction. Nothing new has happened. It is estimated that it will be 2 weeks to 6 month to hear anything on this issue.

- Conveyed Plant Manager Livernois's report on the work that has been done at the Trans West Lift Station.
- C. CLERK:

(Graham reported on the following items)

- We had the Fire Marshall come to inspect and to give us a number of room capacity for the Board Room. With the last Planning Commission the room was filled and we wanted to make sure we were not exceeding Fire Codes.
- We also had the alarm company come in and check the alarm system. We are awaiting for a 3rd bid to see which is more feasible to just replace the batteries in the backup lights or to replace the lights entirely.
- D. ZONING:

(Prepared by Daus)

- See report.
- E. ASSESSING:

(Prepared by Assessor Kilpela)

• See report.

F. FIRE AUTHORITY:

(Coddington reported on the following items)

- Meeting was about the Fantasy of Lights Parade.
- Gave an update on the Ladder Truck.
- The expansion project on the main station is on hold because of the new hurricane standards the Government is placing on any new public buildings.
- G. MHOG:

(Howard reported on the following items)

- Reported according to the 6 Month Budget Meeting that they are on track except for the computer upgrades.
- The usage consumption is up because of the dry summer and connections are up because of the growth in the area.
- Closer to acquiring the needed property for the Cross Country Main.

H. PLANNING COMMISSION:

(Counts reported on the following items)

- Reported on the approval of Hamilton Propane's Final Site Plan.
- The Public Hearing on the Text Amendment for the "AR" District.

I. ZONING BOARD OF APPEALS (ZBA):

(Howard reported on the following item)

- Allowed a variance to the Maximum Square Footage ratio, to allow for a pole barn
- J. WEBSITE:

(Howard reported on the following item)

• No report.

K. WWTP:

(Hohenstein reported on the following item)

• See earlier reports; Agenda items 9I and Treasurer's Report.

L. HAPRA:

(Graham reported on the following item)

• See Agenda item 9A.

CALL TO PUBLIC:

No response.

DISBURSEMENTS: REGULAR AND CHECK REGISTER:

MOTION by Hohenstein, seconded by Graham, "TO APPROVE THE REGULAR DISBURSEMENTS THROUGH NOVEMBER 8, 2017 AND CHECK REGISTER AS PRESENTED, ALSO ANY CUSTOMARY AND NORMAL PAYMENTS FOR THE MONTH." Discussion followed. Motion carried.

<u>ADJOURNMENT:</u> MOTION by Howard, seconded by Hohenstein, "TO ADJOURN." Motion carried. The meeting adjourned 8:32 p.m.

APPROVED:

As Presented: _____

As Amended: _____

As Corrected: X

Dated ____12.11.2017______

Jean Graham Howell Township Clerk

Mike Coddington Howell Township Supervisor

Debby Johnson Recording Secretary