AGENDA
Committee of the Whole
Monday, August 8, 2016 – 5:30 p.m.
City Council Chambers, City Hall 10th Floor

Councilmember Judi Brown Clarke, Chair
Councilmember Jessica Yorko, Vice Chair

1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes:**
    - June 27, 2016
    - July 11, 2016
4. **Public Comment on Agenda Items**
5. **Presentation:**
    - Clean Water Action (Sean McBrearty)
6. **Discussion/Action:**

    A.) Clean Water Action

    B.) RESOLUTION – Reappointments of (5) Individuals to Various Boards and Commissions

7. **Place on File**
8. **Other**
9. **Adjourn**

<u>The City of Lansing's Mission is to ensure quality of life by:</u>

I. Promoting a vibrant, safe, healthy and inclusive community that provides opportunity for personal and economic growth for residents, businesses and visitors
II. Securing short and long term financial stability through prudent management of city resources.
III. Providing reliable, efficient and quality services that are responsive to the needs of residents and businesses.
IV. Adopting sustainable practices that protect and enhance our cultural, natural and historical resources.
V. Facilitating regional collaboration and connecting communities

COMMITTEE of the Whole DATE 8-8-16

Please print

NAME	ADDRESS	EMAIL	Representing	PHONE
Sean McBrearty	5735 Haven Hill Dr.	smcbrearty@cleanwater.org	Clean Water Action	616-516-7758
The family of James A. Tate	3820 Starlight Ln. Lansing 48911	barbaramtate@yahoo.com		(517) 394-6180

MINUTES
Committee of the Whole
Monday, June 27, 2016 @ 5:30 p.m.
Council Chambers

CALL TO ORDER
The meeting was called to order at 5:30 p.m.

PRESENT
Councilmember Brown Clarke
Councilmember Jessica Yorko
Councilmember Patricia Spitzley
Councilmember Adam Hussain - excused
Councilmember Kathie Dunbar
Councilmember Carol Wood
Councilmember Jody Washington
Councilmember Tina Houghton –excused

OTHERS PRESENT
Sherrie Boak, Council Staff
Joseph Abood, Interim City Attorney
Randy Hannan, Mayor Executive Assistant
Ange Bennett, Finance Director
Jim Smiertka
Elaine Womboldt
Barbara Lance
Mark Mello
James Harrington
Carolyn Condell
Sharon Burton
Chris Hackbarth, MML
Bob Kleine, GLEC, former Dir. Of Michigan House Fiscal Agency
Mitch Bean, GLEC; former State Treasurer
Mary Ann Prince
Chad Gamble, Public Service
Christopher Mumby, Public Service
George Yarzabek, IT

Minutes
MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE MINUTES FROM MAY 9, 2016 AS PRESENTED. MOTION CARRIED6 6-0.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE MINUTES FROM MAY 23, 2016 AS PRESENTED. MOTION CARRIED 6-0.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE MINUTES FROM JUNE 13, 2016 AS PRESENTED. MOTION CARRIED 6-0.

Public Comment
Ms. Womboldt spoke in support of pursuing the findings of the settlement agreement for former city attorney McIntyre, and requested that Council ask Mr. Smiertka if he will be representing Council in the future.

Ms. Prince spoke in support of the appointment of Mr. Smiertka.

Mr. Mello voiced his frustration with FOIA requests thru the City Attorney office.

Ms. Lance spoke on behalf of her spouse who was a City employee, whose vehicle was damaged by paint over spray from a City contractor on a City parking lot. The issue included no results from the City Attorney office on the claim since November 2015.

Presentations
Michigan Municipal League (MML)
Present was Mr. Hackbarth with MML, Bob Kleine with GLEC and Mitch Bean with GLEC. They distributed a power point hand out and noted that the plan was what the MML used on the path of the project over the last year, and it is a way to educate the Legislature on the system municipalities work with. They have also have engaged outside parties to provide a third party on the structure. Mr. Kleine then went thru the report highlighting that Michigan cities were hit hard over the last years because of the restructure of auto industry, other cuts. There was a revenue decline in Michigan, and Michigan was the only state 2002-2012 with a revenue decline. In 2016 it was estimated they would be $580 million below funding.

The Committee was referred to the power point which broke down the $7.5 Billion in lost revenue sharing since 2002, which noted Lansing at $63,552,853; Detroit at $827,670,297; Flint at $62,047,234; and Kalamazoo at $38,302,529 to name a few.

Council President Brown Clarke noted that there are things that Council can and cannot control, so they need to make decisions from their perspective at the tax base and look at the basics to still grow. This will impact the policies they make. Council Member Washington added that Council needs to take care of the property tax and income tax, then asked the presenters if there was a projection for the next few years, or if it is going to continue to lose money, where is business tax cut going. Mr. Bean noted that in the last 10-15 years, the first cuts have been to the cities, so legislatures don't' have to cut at the state level, and it will get worse. Council Member Washington then asked how the cities will be affected by the Flint water crisis and the assistance that was given the Detroit Public Schools. Mr. Hackbarth stated that the legislature has not announced their policies, what it will cost or what the liability will be to the cities. They did put in an effect an infrastructure fund at about $5 million; however this is an economic recovery period, so most reserves are gone.

Council Member Dunbar asked for advice on how to explain to the residents at the local level, and if the MML has information on the cuts and how there is still no job growth. Mr. Kleine agreed better education is needed, and that Michigan is growing at the same rate as the National economy but investing money in wrong places is catching up so it needs to change.

Council Member Wood asked the presenters where they see things going with cities such as Lansing that have given out and created tax incentives for businesses. Mr. Hackbarth acknowledged that Lansing was not the only community that did and is doing that, and they too are reaching the breaking point. Council Member Wood then asked if there are any studies on abatements that have been given where at the end of their time; the businesses are just moving to another community and starting the incentive process again. Mr. Hackbarth acknowledged that the MML has not done a study for that.

Council Member Wood asked the MML representatives for any suggestions for Council. Council President Brown Clarke asked Mr. Hollister to speak on behalf of the FHT, and Mr. Hollister referred to his study in 2015 noting they are continuing to look at resolutions. Council President Brown Clarke asked the Council to review all the information for a future meeting discussion.

Council Member Spitzley stepped away from the meeting at 6:24 p.m.

Council Member Wood acknowledged that recent studies by the AARP that the senior population and income are increasing with entrepreneurships, and they are staying in Lansing more than the millennium generation.

Council Member Spitzley returned to the meeting at 6:25 p.m.

Council President Brown Clarke asked the Committee to consider the next steps and what the FHT is going to do to guide them.

CITYWORKS

Mr. Hannan stepped away from the meeting at 6:29 p.m.

Mr. Gamble provided introductions of his staff present, and began the power point presentation. Council Member Wood asked for handouts of the power point. Mr. Gamble and Mr. Yarzabek stated they did not and could not provide handouts because they created a power point that was too detailed, interactive and had a video embedded in it. The group then watched the presentation, and Council President Brown Clarke asked how many intake workers the City has taking the complaints since they have to be called in and are customer generated. Mr. Gamble stated there are five (5) O & M and multiple people in Public Service. Council Member Spitzley asked when the initial complaint comes in and entered in the field, if someone comes back into the office reenter information. Mr. Yarzabek stated that is all up to the user, and how Public Service will decide since it is a business management decision. Council Member Spitzley then asked if Cityworks can take other departments information and populate it into Cityworks. Mr. Gamble confirmed however noted not personal information. As for the BWL information, it does take their name and address to populate a complaint, thus lowering time to have office clerk to put in.
Council Member Wood asked if anyone with the City can access the web base at look into the system to see if a complaint had been filed and the status. Mr. Yarzabek stated they would have to be given access, and Mr. Gamble added that currently the Council does not just the administrative, and if there is information Council needs they provide that to them. Currently right not Council cannot view to see if a complaint has been entered or if it has been addressed. Council Member Wood informed them of a tree down blocking the road at Edwin and Blair. She then asked if, without having access to enter information, she can look at something to see if it has already been sent in, and Mr. Yarzabek stated that can be viewed in

the public portal. Council Member Wood then asked to view the map function, at which Mr. Yarzabek stated they were just beginning to set that up and it is only being used internally.

Council Member Washington stepped away from the meeting at 6:55 p.m.

RESOLUTION – 2015/2016 Budget Amendment

Ms. Bennett outline the amendment which includes allocations the budgeted vacancy factor, reimbursement amounts for the special elections to offset those election costs, additional appropriations for information technology security enhancements, facility repair costs, Downtown Lansing promotion expenditures that exceeded the budgeted amount and street lighting.

Council Member Washington returned to the meeting at 6:57 p.m.

The changes in the vacancy factor are being proposed to be used to offset the cost of 10 patrol cars and 1 ambulance.

Mr. Hannan returned to the meeting at 7:00 p.m.

Council Member Wood asked what the amount of the vacancy factor was currently, and Ms. Bennett was not able to provide the current amount but stated in mid-May it was $825,000. Council Member Wood asked what the $430,000 facility repairs at Public Service would be, and Ms. Bennett clarified those are for various repairs to the City buildings. Council Member Wood then asked if it had to do with the recent NAPA contract addition, and Ms. Bennett stated no. Council Member Wood then asked if the dollars were from the public safety millage, and Ms. Bennett stated that the budget actually exceeded the millage, so this was a way to fund it. Council Member Wood asked them to roll those dollars over and front load to the Fire Department because the recent 10 retirees for Fire that they will now have positions to fill. Ms. Bennett stated the public safety millage is up in 2017, and the hiring should be done in 2017. Ms. Bennett added that the current positions are budgeted for in 2017, so there is no need to carry forward funds to fill the positions.
Council Member Dunbar asked Ms. Bennett who asked for or recommended getting 10 new police cars and one ambulance, or were they a projection. Ms. Bennett stated both the LPD and LFD requested them. Council Member Spitzley asked if there were already vehicles budgeted for in 2017 or are these additional. Ms. Bennett confirmed these are additional, and in FY2017 there is a sizable appropriation, but now there is additional money making those investments possible.
Council Member Spitzley asked for examples of facility repairs for the $430,000 requested, and Ms. Bennett provided an example of a boiler leak and minor items that add up.
Council Member Wood asked why the vehicle funds were coming out of the General Fund instead of the fleet fund. Ms. Bennett detailed that the fleet fund is funded by various funds, and does not generate money this will be a General Fund contribution to the fleet fund.
Council Member Washington asked how many vehicles are in the LPD fleet, and how many will be replaced. Ms. Bennett could not provide the exact number but guessed around 16. She was asked to ask Public Safety for the number.
Council President Brown Clarke stated her opinion that this was not the best model to address vehicles and asked for a percentage of the vacancies are being covered by overtime.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR THE FY2016 BUDGET AMENDMENTS. MOTION FAILED 5-1.

RESOLUTION –Confirmation of the Appointment of a City Attorney

Mr. Smiertka made himself available for questions, and acknowledged the Council for their time and earlier conversations. Council Member Washington asked his opinion on the LGBTQ community and addressing their concerns and Mr. Smiertka stated he will follow the Law for all residents, noting that the City Attorney does not make policy, Council makes policy. All Law will do is find out what that Law is and inform Council. Council Member Wood asked Mr. Smiertka who he will represent as City Attorney. Mr. Smiertka cited the Charter which states the City Attorney is responsible to the Mayor and Council and legal affairs are properly managed. He continued by stating that Council is responsible for legislative manners, and the City Attorney will represent Council on those matters. The City Attorney represents the Mayor for Administrative matters. Mr. Smiertka did acknowledge that sometimes legislative and administrative overlap, at which point the City Attorney will use experience and wisdom to find a solution. Council Member Wood asked Mr. Smiertka to pledge that he would not make any support contribution to a Council Member or the Mayor. Mr. Smiertka answered that as a professional he recognizes it is difficult for local elected officials, but does not believe in writing a check for personal gain, and Council believes it would provide a conflict he would be willing to commit to that statement.

MOTION BY COUNCIL MEMBER DUNBAR TO APPROVE THE RESOLUTION FOR THE CONFIRMATOIN OF THE APPOINTMENT OF CITY ATTORNEY TO JAMES SMIERTKA. MOTION CARRIED 6-0.

FOIA POLICY

Council Staff distributed the FOIA Log provided by Mr. Abood prior to the meeting. Council President Brown Clarke then referred everyone to the current FOIA Policy that was adopted in 2015, and page 10 which spoke to procedures for tracking received, protocol, etc. Mr. Abood outlined the FOIA log, noting the document was broken down by items with cost estimates, no responses, and pending. The majority of the pending work LPD FOIA's. Mr. Abood then referred to the earlier public comment on FOIA and status, and stated that one was treated as a claim, and he will follow up on that. Council Member Spitzley acknowledged Mr. Abood for the information and his work on the FOIA, however noted there is a concern with the delay in the FOIA since the purpose of a FOIA is so citizens can have insight into the city workings. Law is preventing them from getting information they are due under the law, and the City is setting themselves up for legal challenges. Council Member Spitzley then asked Mr. Abood if there was a central FOIA data base. Mr. Abood stated that LPD reviews the FOIA requests then Law reviews them also to redact any inappropriate information. This review also requires review of car video, car audio and body cameras. There is currently a new case out there that addresses FOIAs which will help the City moving forward. Council Member Spitzley asked Mr. Abood to continue to update the Council, and asked Council President Brown Clarke if she has access to the log, and Council President Brown Clarke stated no, she is only informed when there is an appeal to the FOIA denial or supplied information. Council Member Wood asked for a monthly update on the FOIA log so Council can address any questions they are approached with. Mr. Abood agreed, and also agreed that there needs to be a procedure in place where all FOIA requests are responded to in 10 days, even if just with an extension. Council President Brown Clarke asked Mr. Abood to have Law update Council on a monthly basis at their COW meetings.

BUDGET OUTLOOK 2017/2018

Asked committee to look at the process as a draft, and the Committee will discuss at the next meeting.

PLACE ON FILE

- Communication on Peace of Mind Elite Club, LLC. - Placed on file.

RESOLUTION – 2015/2016 Budget Amendment

Mr. Abood informed the Council that after review of the Charter, the FY2016 Budget Amendment does not need to pass in Committee by 6 votes, it only needs 5.

MOTION PASSED 5-1 FOR THE FY2016 BUDGET AMENDMENTS.

Council Member Dunbar inquired as to the Resolution on the Budget Amendment should be placed on the Council agenda for the same night, since it will require 6 votes at that meeting and if will fail. Council President Brown Clarke confirmed it can be pulled from the agenda. Mr. Hannan reminded the Committee that if there is a delay they will not be able to transfer the amounts in the FY budget, and this would be come notes in the annual audit. Council Member Wood asked how under another resolution on the Council agenda for tonight, the Finance Department and HRCS are asking for carryforwards 10 months after the FY2015 year end, and yet the Administration cannot wait 2 weeks for a full Council on this one. Ms. Bennett noted her understanding that those carryforwards from FY2015 are going into the current FY2016 year so she saw no concern or similarity.

ADJOURN

The meeting was adjourned at 7:45 p.m.
Respectfully Submitted by, Sherrie Boak
Recording Secretary, Lansing City Council
Approved by the Committee on

MINUTES
Committee of the Whole
Monday, July 11, 2016 @ 5:30 p.m.
City Council Chambers

CALL TO ORDER
The meeting was called to order at 5:33 p.m.

PRESENT
Councilmember Brown Clarke
Councilmember Jessica Yorko – arrived at 5:36 p.m.
Councilmember Patricia Spitzley
Councilmember Adam Hussain
Councilmember Kathie Dunbar – arrived 5:35 p.m.
Councilmember Carol Wood
Councilmember Jody Washington
Councilmember Tina Houghton

OTHERS PRESENT
Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Randy Hannan, Executive Assistant to Mayor
Dick Peffley, LBWL
Calvin Jones, LBWL
Bob Ford, LBWL Landscape Architect
Chris Knudstrup, LBWL
Susan Luter
Jeff Braver
Michael Mercer
Rhonda Oberlin, City of Lansing Emergency Management
Susan Stachowiak, Planning and Neighborhood Development
Bob Johnson, Planning and Neighborhood Development
Steve Serkaian, LBWL
David Price, LBWL
Vicki Hamilton- Allen, Habitat for Humanity
Dale Schrader
Ryan Smith, Cherry Hill Neighborhood Association
Bob Trezise, LEAP
Tim Daman, Lansing Region Chamber of Commerce
Art Hasbrook

Shannon Butler
Liz Howe, Preservation Lansing and Old Town Design Committee
Eric Gunfree
Jeff Parker, President ReoTown Station
Mr. Ezra
Sharon Burton

Minutes
Any action on the minutes was moved to the July 25, 2016 meeting.

Council President Brown Clarke informed the public that the Committee on the Whole will not take any action on the BWL topic; it was referred to the Committee on Development & Planning that will meet on July 14, 2016. The BWL will only be presenting information at this meeting.

Mr. Hannan stepped away from the meeting at 5:36 p.m.

Public Comment
Ms. Howe, East Lansing Resident, voiced concerns on the projects and suggested using another sites not using historic parks.

Council Member Wood stepped away from the meeting at 5:37 p.m.

Mr. Gunfre acknowledged that Lansing has a moderate population growth, but stated his opinion that this decision will not help the City.

Council Member Wood returned to the meeting at 5:40 p.m.

Mr. Parker spoke on behalf of ReoTown organization and their support of the substation as a gate way to the community. Mr. Parker did admit it was not the best option for the gateway, but support he did BWL in the substation and incorporate community involvement. Mr. Parker stated they also support the moving and restoration of Jenison house, movement of the park and with input from the community they will make it good. Mr. Parker pointed out that Preservation Lansing has already awarded BWL on their Depot project and he has confidence BWL will continue to be a good partner.

Mr. Ezra spoke in opposition to relocating Scott sunken garden, and stated his belief that BWL cannot move the park, according to MSHDA that qualifies it as National historic landmark. Mr. Ezra concluded by suggesting two smaller substations instead of one large substation.

Mr. Daman spoke on behalf of the Lansing Regional Chamber of Commerce and offered his support the project stating it meets all the criteria.

Ms. Hamilton-Allen represented Habitat for Humanity and their plans to purchase the Jenison house and move it to MLK area. The plan includes rehabilitation to a multi-family with 18-20 owner occupied units, and they did obtain the home thru the bidding process.

Mr. Schrader spoke in opposition to the project and asked the Committee to research other options.

Ms. Luter spoke in opposition to the project and asked for more green space.

Mr. Trezise spoke in support of the project.

Mr. Smith spoke on behalf of the Cherry Hill Neighborhood Association and against the proposal. Mr. Smith cited the City Charter referencing Chapter 4, page 26 the Sale of Property, encouraging the Committee to put the decision on the ballot.

Ms. Burton spoke in opposition to the project, not the Power Station itself, but in the proposed location. Ms. Burton asked for information on where the power is coming from, how far the new site will be from downtown and how did BWL they decide on the location.

Mr. Mercer spoke in opposition to the BWL plan and supported keeping it as park property.

Presentations

LBWL- Central Substation Project

Presenting from BWL was Mr. Peffley, Mr. Ford and Mr. Knudstrop. A power point presentation was done that outlined the Central Substation and future 2020 shutdown of the Eckert station. The presentation outlined the Integrated Resource Plan Citizens Advisory Committee Recommendations and the plan to relocated half of the current circuits to a closer to downtown location. The group provided details on other prospective sites and why those would not work due to GM future planning, potential for displacement of 17 households, vacating of an existing street, or displace businesses. The presentation then lead into the history of the Scott House/Center beginning in 1905 when it was built to razing in 1965 and renaming from Jenison House to Scott Center in 1953. It was then outlines the needs for underground circuits, 1/3 of the City customers currently being serviced by the Eckert Station which is currently in a flood plain.

Mr. Johnson presented a map and gave a brief history of the Scott House/Center, the properties and the exchange of ownerships between all the parcels involved. The parcel was sold, not donated; neither Scott nor Jenison house has historical certification or deed restrictions, and he then offered copies of the deeds that outlined the transactions.

The Committee was informed that the Cooley Gardens cannot be touched; and the park land would be restored or redesigned with the substation, which will occupy approximately 2 acres.

Council Member Washington stepped away from the meeting at 6:32 p.m.

The BWL representatives then outlined the plans for the site which included selectively clearing for views of the Grand River, installation of a board walk, parking, trails, and access to Cooley Gardens, and pedestrian loops for use of the river trail. The funds include $20,000 for public art and those renderings were presented to the Committee.

Council Member Washington returned to the meeting at 6:36 p.m.

BWL is proposing $40,000 to maintain the sunken garden at its new location, and $100,000 to help move the Scott house to the Hillsdale site.

Council Member Yorko asked BWL what portion of the Sunken Garden could be moved to another spot on the site. Mr. Ford stated the main features could be moved, but they plan to move the entire garden as it is in the same layout when relocated to new site; same dimensions and features. The plants can be moved, some will be transplanted off site and in the spring will be put back. BWL plans to work with the garden club to decide which plants have to be replaced. Mr. Knudstrup did acknowledge that some things have deteriorated over time so they will be constructed.

Council Member Yorko stepped away from the meeting at 6:48 p.m.

Council Member Dunbar asked if there are documents that clarify the sale and transfer of the property since it in question. Mr. Johnson referenced the map in their packet and went thru the timeline.

Council Member Yorko returned to the meeting at 6:51 p.m.

Mr. Johnson concluded that the City never traded up the property was never sold to City. The Scott family donated, but the voters undid that, and in 1945 Gertrude Scott signed off. The Cooley Gardens was bequeathed to the City in 1937 with deed restrictions. There was never a trade between the City and the Scott family. Mr. Johnson clarified that all his research was done with probate court, and the Ingham County register of deeds. Copies will be sent to the Council office for the Council members.

Council Member Dunbar asked for a comparison of the wall height and visibility, based on the proposed renderings in the presentation. Mr. Knudstrup confirmed that all renderings are conceptual and most of the BWL wall will be 19'-23' high, not 45-50' high. Currently the south street station has a 12' tall wall.

Council Member Wood referred back to the history of the property and asked for clarification on the 2003 rededication of the park property at which the Scott Center was also dedicated park land at that time. Council Member Wood also asked about the land across the street that was in the hand of the Ingham County land bank, and Mr. Johnson confirmed they had spoken to the County, and they are still actively working with a prospective owner and have renewed and extended their offer.

Council Member Wood asked about the maintenance costs of the park when moved. Mr. Ford stated they will be the same as today, which is maintained by the Garden Club, Cooley and support from the Parks department. The parking lots will be new and last 25-30 years, in regards to the new walk ways BWL has budgeted $40,000 endowment in addition to what is being used now. Council Member Wood asked for the RFP for the lease or sale of Scott house to Habitat, Mr. Johnson stated the purchasing agreement was worked out with the Parks and Recreation Department.

Council Member Hussain noted that in the past Mr. Abood with the City Attorney office informed Council they cannot put a referendum on the ballot but now wanted Mr. Smiertka opinion. Then secondly asked what is the cost of the construction of the whole project, and Mr. Knudstrup confirmed the total is $12 million which included $4 million for the IRP recommendations of park enhancements. Council Member Hussain then asked why only $100,000 for moving the Center, and Mr. Serkaian confirmed that the proposal to move the house came from a meeting with Preservation Lansing, at which point BWL offered to move the house and pay up to $100,000.

Council Member Washington stated her belief that the park land is water front and it does not matter how it was acquired it is park and water land and the Charter says it needs to go to the people for a vote.

Council Member Spitzley asked who would be paying for all the proposed recreational facilities and uses. Mr. Knudstrup confirmed those are all part of the $4 million mentioned earlier.

Council Member Dunbar referred back to the earlier discussion on the Land bank property and asked during those negotiations they were made aware of this BWL project. Mr. Ford confirmed it was disclosed to them, and they are still moving forward. The new site and the Land Bank property are not in a flood plain.

Council Member Dunbar noted that the plan is at a cost of $4,000 lineal foot, and asked if the other options cost more. Mr. Knudstrup stated they did, and BWL has to do something and this is the most viable site. With the location in the flood plain of the current Eckert plant and the age of that plant they need to do something. Council Member Dunbar asked if they could get approval from DEQ to upgrade the current site. Mr. Knudstrup stated they will and Emergence Management has already told them it will not be supported.

Ms. Oberlin spoke on the flood plain noting that since BWL built Eckert before Flood Plain regulations, they would now have to bring those up into the current requirements. Council Member Dunbar asked if they did stay what that cost would be, and Mr. Knudstrup admitted they had not done a breakdown on that, however because of the flood plain they would have to raise off that area and maintain that service while they did it. It is not feasible to fix the substation on site, and Eckert in its current state is reaching the end of its life and will go off line in 2020. If the proposal does not go thru, they will have to invest $12 million into equipment and $20 million into environmental equipment which will then go into the rates of the users. Council Member Dunbar asked if there are other sites that keep the City tied to coal, and Mr. Knudstrup noted every site they have looked at is not viable. Council Member Dunbar asked if GM will be affected by the substation. Mr. Knudstrup stated this proposed substation is solely for downtown, however they have spoken to GM about the substation they will need, but at this point GM is not interested in giving up land. GM and downtown are served by the current substation, and so GM is at risk as is downtown. GM owns their circuits and those go over the road, while the downtown BWL goes under the road and railroad. It is the same substation, but service is different. If the City ran their circuit's downtown they would be poles on both sides of the streets and hard wires. Mr. Peffley added to the discussion noting they are trying to break up the service. The Central Sub Station will be much smaller than the Eckert site, and he wanted noted that BWL did negotiated with GM for a year, but it didn't happen. The Eckert Station is in compliance now but they need to spend wisely because it ends 2020. If BWL builds a substation in a current site and flood plain, they won't make the 2020 shut down and it will take millions to extend it another 7 years.

Council Member Dunbar asked Mr. Peffley to explain to the public helping them understand the general amount for rate payers to stay where they are at. Mr. Peffley noted that BWL has not had a rate increase in a couple years, but with any build there will be a rate hike.

Council Member Spitzley acknowledged the Councils responsibility for fiscal issues and her concern on the long term cost to Lansing with a $26 million substation planned, so what would the cost be to the City of Lansing including maintenance costs. Mr. Peffley stated the wall art enhancements are covered by BWL with $20,000 to update every 3 years, and BWL will work with the Parks and Recreation Department on the Riverwalk and other enhancements.

Council Member Houghton asked if the other five (5) substations are comparable in size to this proposed station. Mr. Peffley noted it is 10-15% in size of those but will cost the most because this will include locating where the underground lines are to connect or rebuild. This site is, all in cost, far cheaper than any other site.

Council Member Yorko asked Mr. Smiertka for back ground opinion on the comments made earlier by Council Member Wood on the dedicated status for the land and house. Council Member Yorko then spoke briefly on the increased cases of asthma sufferers in Ingham County.

Mr. Smiertka informed the Committee that the property is owned by the City, BWL cannot own property. The property is titled in BWL name, but the owner is the City. Therefore there is no sale here as the Charter conflicts, it is dedicated park property, not because it is noted in the deed restrictions, but because of its designation in 2003. The process for removing that designation had been gone through by the Parks Board, and through the design plan. The decision Council has is to change from "public park" to "public utilities". Mr. Smiertka continued by referencing the Charter Section, Chapter 2 where it states BWL can utilize public land, and this is a public place. The Charter Commission has contemplated that BWL has use of a public place and it comes down to if Council wants to change the use. Council President Brown Clarke asked what that process would involve. Mr. Smiertka noted it would not be a change in title but ACT285 process which has already gone through the Park Board and is now in front of the Council. Council Member Spitzley asked for clarification on "park land" and now being told it is not "dedicated park land". Mr. Smiertka stated that Council makes that decision, and not specifically take off the list but a change of use. Council Member Spitzley then asked if the only need to go to a vote of the people would be if the City was selling, and Mr. Smiertka confirmed, restating that the property is all City property just the title is for BWL services.

Council President Brown Clarke asked Ms. Stachowiak about the Planning Board meeting vote. Ms. Stachowiak confirmed that public utilities are permitted with a SLU, and the zoning stays the same. The land still stays park land.

Council Member Spitzley stepped away from the meeting at 7:55 p.m.

Council Member Dunbar asked if it stays park land is it undedicated. Ms. Stachowiak noted again that it still stays park land and under the ownership of the city.

Council Member Spitzley returned to the meeting at 7:57 p.m.

The BWL needs the SLU to place the substation on the land.

Council Member Dunbar then asked Mr. Peffley if all the amenities were added because of public input. Mr. Peffley confirmed there were not BWL ideas, but public input.

Council Member Wood asked if the City is not undedicating the park property, can there be a referendum from the public to undo it. Mr. Smiertka confirmed there is a procedure for referendum in the Charter and the Ordinance is subject of a referendum. Basically ordinances are subject for a referendum by the public, but in this case this is a resolution,

Council Member Wood noted the Scott House is a dedicated park property, and Habitat is proposing to convert into an owner occupied housing what steps need to be taken. Mr. Smiertka acknowledged he would have to look into that.

Council Member Washington informed the Committee and public that the applications for the project will be at the Committee on Development and Planning on July 14th.

FOIA POLICY

Council President Brown Clarke referred to the FOIA policy in the packet and noted that the resolution had standard protocols that needed to be met. Mr. Smiertka acknowledged he had procedures in place to expedite the requests. Mr. Smiertka offered to provide a monthly journal to Council. Council Member Spitzley asked for his plan to address the back log in requests. Mr. Smiertka stated his staff had informed him there was no back log, so Council Member Spitzley she would confirm the comparison to the log supplied by Mr. Abood on June

27th with the next month's log. Council President Brown Clarke also asked to look at the status of the requests and the process. Mr. Smiertka stated he will put something in place and also offered to place the log on the City Attorney website.

BUDGET OUTLOOK 2017/2018

Council President Brown Clarke asked Council staff to email the template and the Budget Policies and Priorities for FY2017-2018 for them to work on them with their appropriate Committees.

Legal Opinion and Clarification on Council's Capacity to Amend Mayoral Referrals

Council President Brown Clarke noted that there is a question as to when a Resolution is referred to Council that the Mayor's office drafted, can Council amend it. This was a referral to the dates Council inserted in the Resolution for the Interim City Attorney before they adopted it. The questions include if Council can edit or add to those resolutions.

Mr. Hannan returned to the meeting at 8:08 p.m.

Council Member Wood added to the questions and asked if when Council passes a resolution and it is signed off "to form" by the City Attorney, and Council is not told there was an issue and the Mayor did not veto, and it was not until the end of the time noted in the resolution that Council was told Administration was not going to abide by it. If the determination is made that Council can or cannot make changes, once the resolution is passed and approve by the City Attorney office, can the Administration not abide by it.

Mr. Smiertka first stated that when the City Attorney signs the resolution "to form" it means it is ok to put on the agenda and nothing more. He continued by stating that he had performed some research into the topic of if they were not authorized to act to limit the appointment, and what was the status of the Interim City Attorney during that 28 days. Mr. Smiertka belief is that nothing that the Interim City Attorney could have done was illegal, and his understanding was that Mr. Abood was the Chief Deputy Attorney before he became Interim, and therefore the authority was in his job description as Chief Deputy Attorney. As to whether Council can limit in the appointment sector, Mr. Smiertka acknowledge the Charter was absent on. The Charter does state the Mayor appoints and the Council confirms, and in another section of the Charter Mr. Smiertka noted it states the Mayor, as Executive Head, determines the Heads of Departments. The argument would be with the Charter since there is nowhere in the Charter that says Council can limit the appointments. Mr. Smiertka suggested that Council should have rejected the Mayor's proposed resolution and sent it back to include a time limit. His research shows that in the past, in legal opinion, the Mayor has always imposed the limit. Mr. Smiertka did offer to do further research, but Council President Brown Clarke stated that was not necessary, however Council Member Wood asked for the dialogue legal opinion in memo form. Council Member Spitzley asked if there was something from the City Attorney already on this matter, and it was confirmed no. The question then lead to when the resolution was approved Mr. Abood approved it to form, and if it contained something that Council could not do Mr. Abood should have advised Council at that time, not inform Council after the deadline. It was stated that it would be hard to do business if Council is putting something on the table that would not pass legal. Council Member Wood reminded the Committee that there was a discussion on the floor that day, however Mr. Abood did not comment. Mr. Smiertka noted that the City Attorney approved to form, and by signing as City Attorney they are not telling them to adopt, but he did add that it should have been pointed out.

PLACE ON FILE

Letters on BWL Sunken Garden were placed on file and also referred to the Committee on Development and Planning.

ADJOURN

The meeting was adjourned at 8:25 p.m.
Respectfully Submitted by, Sherrie Boak
Recording Secretary, Lansing City Council
Approved by the Committee on

<u>AGENDA ITEM</u>

INFORMATION

NOT AVAILABLE

AT THE TIME

PACKET WAS

DISTRIBUTED

REVISED AUGUST 8, 2016

SUBSTITUTE

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Section 8-403.4 of the Lansing City Charter provides that no interest in real property may be sold by the City without either the affirmative vote of the people or the affirmative vote of two-thirds of the Council members serving; and

WHEREAS, the Council has decided to present to the electors of the City of Lansing whether to sell the physical structure known as the Scott Center Building, currently located on the parcel of property known as Scott Park;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby authorizes the proposal to sell the Scott Center Building be submitted to the electors of the City pursuant to the Charter Section 8-403.4 at the election to be held November 8, 2016.

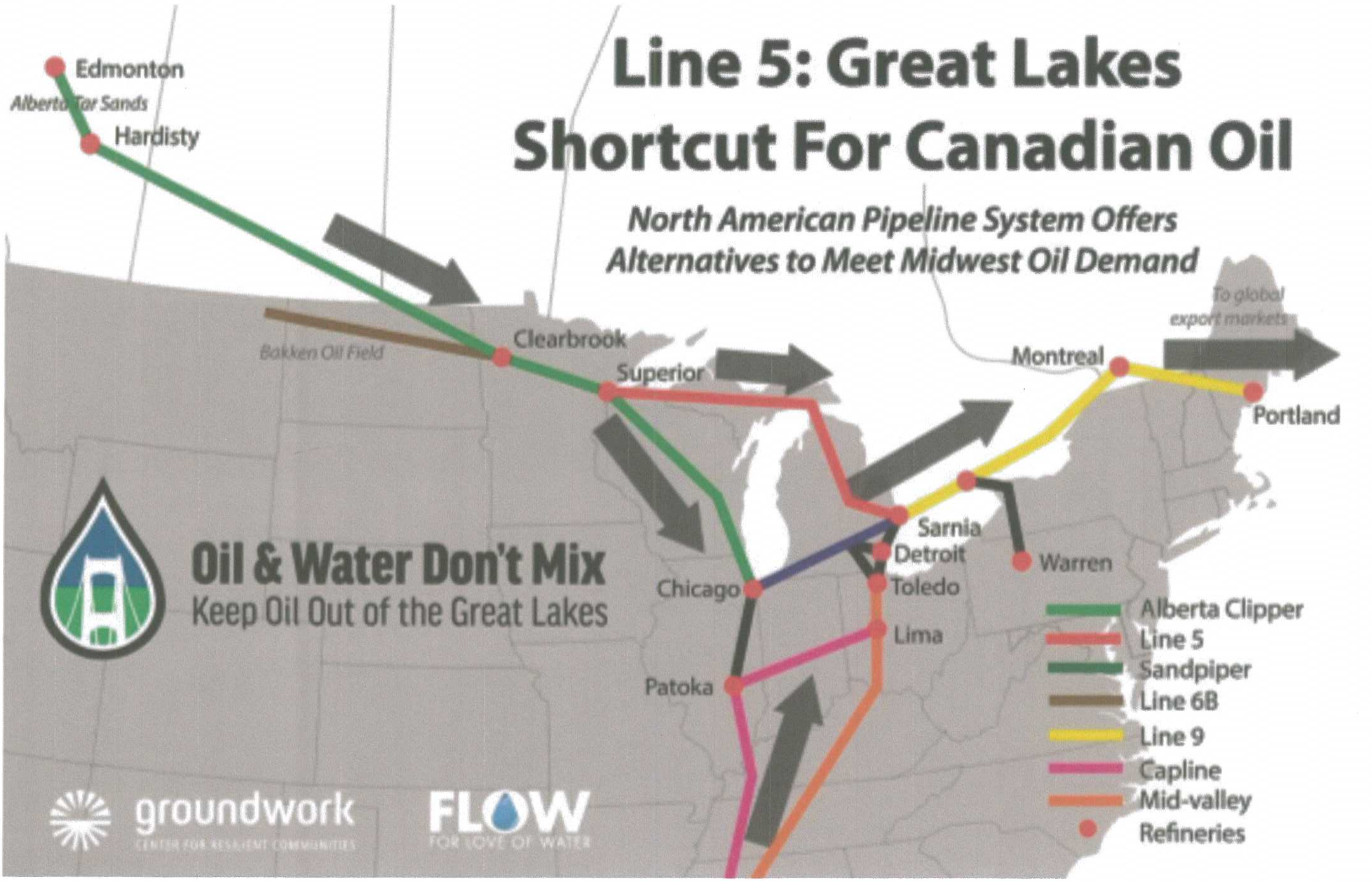
BE IT FURTHER RESOLVED that said proposal be submitted to the electors of the City in manner and form substantially as follows:

> SHALL THE CITY OF LANSING BE AUTHORIZED TO SELL, OR OTHERWISE DISPOSE OF, A PORTION OF THE SCOTT PARK PROPERTY THAT IS THE PHYSICAL STRUCTURE KNOWN AS SCOTT CENTER BUILDING
>
> YES ___
> NO ___

BE IT FURTHER RESOLVED that the votes cast upon the proposal shall be counted, canvassed, and returned, and the results determined in the same manner as required for other electoral questions as prescribed by law.

BE IT FINALLY RESOLVED that the City Clerk is required to provide sufficient notice of the placement of this ballot proposal, in conformance with state election law, including to the County Clerk and is hereby authorized to take appropriate steps for the placement on November 8, 2016 ballot.

Submitted @ cmty



Submitted @ mtg.

WHEREAS, Line 5 is a set of twin, 62-year-old pipelines owned by Enbridge that carry light crude oil and natural gas under the Straits of Mackinac; and

WHEREAS, the currents in the Straits of Mackinac at peak volumetric transport can be more than 10 times greater than the flow of Niagara Falls and switch bi-directionally from east to west every few days, and according to a 2014 University of Michigan study are the "worst possible place" for an oil spill in the Great Lakes; and

WHEREAS, the Great Lakes contain 20 percent of the world's fresh, available, surface water and are a drinking water source for over 35 million people; and

WHEREAS, one out of every five jobs in Michigan is linked to the high quality and quantity of fresh water in the Great Lakes; and

WHEREAS, tourism is one of Michigan's largest income industries bringing in billions of travelers dollars spent each year; and

WHEREAS, agriculture, fisheries, shipping and industry depend on the health of the Great Lakes; and

WHEREAS, in 2009 the Great Lakes were linked to over 1.5 million jobs, with Michigan accounting for 35 percent of those jobs; and

WHEREAS, Enbridge has a shaky track record that includes 1,244 reportable spills, leaks and releases from 1996 to 2013; and

WHEREAS, Enbridge was in violation for their spacing requirements of its 1953 easement for Line 5 in 2014 and were responsible for a pinhole leak in a section of the pipeline north of the Straits in December 2014; and

WHEREAS, Enbridge was responsible for one of the worst and most expensive oils spills in U.S. history when Line 6b ruptured near Kalamazoo in 2010 allowing almost 1 million gallons of tar sands oil to leak for 17 hours before shutting down the line; and

WHEREAS, corrosion is the number one reason that pipelines fail; and

WHEREAS, Line 5 was built before the Great Lakes Submerged Lands Act was adopted so it didn't have to obtain a permit and ensure that the pipeline wouldn't pose a threat to the waters or the public's use of the waters; and

WHEREAS, Michigan's Attorney General Bill Schuette has stated (in regards to Line 5) that the "pipeline wouldn't be built today" and that "the pipeline's days are numbered"; and

WHEREAS, the Coast Guard Commandant testified before congress in 2015 that the Coast Guard would be unable to respond effectively to an open water oil spill in the heart of the Great Lakes; and

WHEREAS, there is no plan for how to recover oil if there was a leak during the winter when the lakes are covered with ice; and

WHEREAS, as Michiganders we have a responsibility to be wise stewards of the waters of our state for generations to come; and

WHEREAS, protection of Michigan’s water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to clean up contamination and restore degraded environments after the fact;

NOW, THEREFORE, BE IT RESOLVED, that on the 8th day of August, 2016, the City of Lansing supports stopping the transportation of oil under the Great Lakes; and

BE IT FURTHER RESOLVED, that the City of Lansing supports shutting down Line 5 and the flow of oil under the Great Lakes, and

BE IT FURTHER RESOLVED, that the City of Lansing supports H.R. 182 and C.R. 15 introduced by State Representatives Sarah Roberts and Jeff Irwin calling on Governor Rick Snyder and Attorney General Bill Schuette to shut down Line 5, and

AND BE IT FURTHER RESOLVED that the City of Lansing will send a letter to Governor Rick Snyder, Attorney General Bill Schuette, our State Representatives, State Senators and U.S. Senators calling on them to take swift action to shut down Line 5.

PASSED, APPROVED, AND EFFECTIVE on this ____ day of ____, 2016.

	ATTEST:
___________________________	_________________________________
Mayor	
___________________________	_________________________________
Council President	

PLEASE SEND A COPY OF THIS SIGNED RESOLUTION TO:

1. [Governor Rick Snyder]
2. [Attorney General Bill Schuette]
3. [town’s state representatives]
4. [town’s state senators]
5. [US Senators]
6. [Clean Water Action]

OFFICE OF THE MAYOR
9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

Virg Bernero, Mayor

7-21-2016

Council President Judi Brown Clarke and Councilmembers
City Council Members
10th Floor City Hall
Lansing, MI 48933

Dear President Brown Clarke and City Councilmembers:

I herewith submit for your confirmation the re-appointments of:

EDC/TIFA/LBRA:
James Butler as an At-Large Member for a term to expire February 28, 2021;
Baldomero Garcia as an At-Large Member for a term to expire February 28, 2022;
Christopher Johnson as an At-Large Member for a term to expire February 28, 2022; and

Board of Public Service:
John Krohn as an At-Large Member for a term to expire June 30, 2020; and

Park Board:
James McClurken as a 4th Ward Member for a term to expire June 30, 2020; and

Your confirmation of these re-appointments is appreciated.

Sincerely,

Virg Bernero
Mayor

VB/rh
Attachment

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE City OF LANSING

WHEREAS, the Mayor made reappointments to various Boards as stated below; and

WHEREAS, the Mayor's office has verified that the nominees have been vetted and meet the qualifications as required by the City Charter.

NOW, THEREFORE BE IT RESOLVED, the City Council confirms the reappointments to various Boards as stated below:

EDC/TIFA/LBRA:
James Butler as an At-Large Member for a term to expire February 28, 2021;
Baldomero Garcia as an At-Large Member for a term to expire February 28, 2022;
Christopher Johnson as an At-Large Member for a term to expire February 28, 2022; and

Board of Public Service:
John Krohn as an At-Large Member for a term to expire June 30, 2020; and

Park Board:
James McClurken as a 4^{th} Ward Member for a term to expire June 30, 2020; and