



MINUTES
Committee of the Whole
Monday, July 24, 2017 @ 5:30 p.m.
City Council Chambers

CALL TO ORDER

Council President Spitzley called the meeting to order at 5:31 p.m.

PRESENT

Councilmember Brown Clarke
Councilmember Kathie Dunbar
Councilmember Tina Houghton
Councilmember Adam Hussain
Councilmember Patricia Spitzley
Councilmember Jody Washington
Councilmember Carol Wood
Councilmember Jessica Yorko-arrived at 7:38 p.m.

OTHERS PRESENT

Sherrie Boak, Council Staff
Eric Brewer, Council Internal Auditor
Jim Smiertka, City Attorney
Robert Johnson, Representing the Mayor's Office
Heather Sumner, Assistant City Attorney
Nicholas Tate, Assistant City Attorney
Dick Peffley, BWL General Manager
Heather Shawa, BLW Chief Finance Officer
Loretta Stanaway
Deb Parrish
Stan Shuck
Kathy Miles
Elaine Womboldt
Stephen Monti
Michael Ruddock
Bryan Madle
Brett Kaschinske, Parks & Recreation Director
Veronica Gracia-Wing, Parks & Recreation Board Member

Council President Spitzley informed the public that comment would be taken after the meeting reconvened from Closed Session and instructed everyone to sign up by that time if they

wished to speak. Public Comment on BWL presentation would be taken after the presentation.

Presentation

Lansing Board of Water and Light Budget for Fiscal Year Ending June 30, 2018

Ms. Shawa began the presentation going through the handout on the FY2018 income statement by utility. The Rate of Return on electric was 3.03%, water was 1.38%, steam at 2.25%, chilled water 5.73% which brought the total to 2.60%. The total operating revenue was at \$355 million with the operating expense at \$313 million with a projected income at \$42.2 million. The second slide was on cash flow by utility, noting their total operating cash would be projected at \$81,417 million. Lastly, the BWL proposed their total Capital Budget would be at \$139.5 million.

Council Member Wood asked if there was a projected rate increase, at which Mr. Peffley stated there is no % yet, and they will project a 3 year increase after the first year. He was then asked if there would be a water rate increase for the hydrants, and which he also stated no. Council Member Wood asked if BWL was still working on the technology for the outage maps. Mr. Peffley confirmed they will have a new map in the first quarter of 2018 and rely on smart meters.

Council Member Brown Clarke asked if the safe guards and enhancements have been added to the IT system. Ms. Shawa confirmed they have been made, and they plan to do a complete reconfiguration of the IT infrastructure, and they plan to use an EDMS system for the outage map. The 1st phase will replace the map as we know it which is cloud based

Council Member Houghton referred Mr. Peffley to the first table in their handout which did reflect rates increases, even though earlier he stated no increases. Mr. Shawa confirmed she was correct, there is an increase effective 2/1/2018, however the BWL Board still needs to do a rate hearing which they expect to occur fall 2017.

Council Member Houghton then asked about the installation of the smart meters, which Mr. Peffley confirmed they had done as pilot project in an apartment complex.

Lastly, Council Member Houghton acknowledged the BWL for their website recently that shows the work on the substation making all information transparent.

Mr. Schuck provided his opinion that BWL has stated at Public Safety meetings that their service cannot maintain the uses, and asked if there is funds in their budget to bring the infrastructure up to meet today's needs.

Ms. Stanaway asked for an update on the funds spent on the substation at the Scott Garden site.

Mr. Monti asked BWL to provide an incentive to register for the home occupation licensing.

Mr. Peffley responded that their infrastructure can handle the uses, but if it exceeds the standard residential use the owner can upgrade for better usage at a cost. The substation project is a capital fund and is on budget. There is no equipment on site yet, because they are working on the surveying and construction engineering, with plans to break ground the 2nd week in August. Council Member Wood stated to Mr. Peffley that at the Committee on Public Safety meetings they were told anything exceeding the standard service of 3500 KWH could potential damage the service. Mr. Peffley confirmed.

{CLOSED SESSION}

MOTION BY COUNCIL MEMBER WOOD TO GO INTO CLOSED SESSION AT 5:54 P.M. TO ADDRESS THE LAWSUIT UPDATE ON MANNING VS THE CITY OF LANSING; A COMMUNICATION FROM THE CITY ATTORNEY SUBJECT TO THE ATTORNEY-CLIENT PRIVILEGE ON MEDICAL MARIHUANA STRATEGY; IAFF LOCAL 421 RATIFICATION OF THE 2016-2019 CBA. ROLL CALL VOTE CARRIED 7-0.

{RECONVENE}

Committee of the Whole meeting reconvened at 6:55 p.m.

Public Comment on Agenda Items

Ms. Stanaway supported the proposed Charter amendments but asked for copies to review. Ms. Stanaway did not support the proposed language on the Ballot Proposal for the sidewalks.

Council President Spitzley directed Council staff to create one packet binder for the back of the Chambers at the future meetings, and she also noted to the public that the packet is on the website prior to the meeting.

Ms. Parrish spoke on the Medical Marihuana Ordinance, the process thus far and delays that have occurred. She also asked that the July 10th Committee of the Whole minutes be changed to reflect that Ms. Collison spoke on behalf of her daughter, not that her daughter spoke. Council President Spitzley asked Council staff to make that change in the minutes.

Mr. Schuck spoke on the recent presentation by the City Attorney office at Foster Community Center to medical marihuana patients, asking how they were located and contacted, noting his concern with confidentiality.

Ms. Miles spoke in opposition to the proposed ballot proposal on sidewalks, and spoke in support of the ballot language on the sale of parks.

Ms. Womboldt spoke on the medical marihuana ordinance, noting her belief that a public hearing was already set, and what is currently being proposed for a public hearing has not been vetted.

Council Member Wood stepped away from the meeting at 7:07 p.m.

Mr. Monti spoke on his concerns with the differences between Draft 6d, D& P Draft and COW Draft #1 in the Medical Marihuana Ordinances.

Council Member Wood returned to the meeting at 7:09 p.m.

Mr. Monti also spoke in support of Medical Marihuana Facilities.

Mr. Ruddock referred the Committee to the Mission statement at the bottom of the agenda highlighting #4. Then went on to question the how public funding is spent, and ended with his support of not touching Ormond Park.

Mr. Madle spoke about the Medical Marihuana application process proposed.

Discussion/Action

RESOLUTION – Reappointments of 20 Individuals to Various Boards and Commissions

Council President Spitzley informed the Committee she was not proposing reappointing all twenty (20) that were referred, but acting only on the reappointments that expired over the last year. Council Member Wood stated the Boards receiving reappointments would be the Board of Fire Commissioners, Board of Police Commissioners, Board of Public Service, Board of

Zoning Appeals, Downtown Lansing, Inc., Election Officers Compensation Commission, Human Relations and Community Service Board and Memorial Review Board. The members were vetted by the Mayor's office and have been appointed before.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE RESOLUTION FOR THE REAPPOINTMENT OF TWELVE (12) INDIVIDUALS TO VARIOUS BOARDS AND COMMISSIONS.

Council Member Washington asked if it was confirmed that the appointee only sits on one Board and that they live in the City of Lansing, per the Charter. Council Member Wood noted that they are vetted by the Mayor's office and can sit on one board, but with some of the classifications and their job could sit on two boards. As for residency, some Boards such as LEFPA and the DDA do not require residency. Council Member Washington noted she prefers all appointees live in the City.

Council Member Dunbar asked why there were two resolutions. Council President Spitzley noted that is how they were referred by the Mayor's office and they were referred at different times, and note placed on the Committee agenda immediately. Council Member Dunbar then stated the names of the re-appointees as follows; Betty Draher, Clyde Carnegie, Drew Macon, William Renfrew, Lyndon Babcock, Emily Horne, Jordan Leaming, Terry Carella, Summer Schriener, Kurt Berryman, Edwina Marshall, Chad Rogers.

Council Member Washington stepped away from the meeting at 7:20 p.m.

Council Member Hussain asked if there was the appointment on EDC did not have to reside in the City, and Council President Spitzley confirmed. Council Member Hussain also asked what the criteria were in determining only 12 of the 20 referred. Council President stated that she only moved forward on the one's whose term recently expired, and the others had expired multiple years earlier. Those will continue to serve until at the pleasure of administration they are replaced or reappointed.

Council Member Washington returned to the meeting at 7:21 p.m.

MOTION CARRIED 7-0.

RESOLUTION – Reappointments of 6 Individuals to Various Boards and Commissions

Council Member Wood stated the reappointments would not be for six (6) but for the following: Nancy Mahlow, Mitch Rice, Pierre Lavoie, Calvin Jones and Amy Kraus.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE REAPPOINTMENT OF FIVE (5) INDIVIDUALS TO VARIOUS BOARDS AND COMMISSIONS. MOTION CARRIED 7-0.

RESOLUTION – Ballot Language for Charter Amendment; Chapter 4; 8-403.7

Council Member Washington outlined the resolution she had worked on with the City Attorney's office. The resolutions she stated were split into two (2) because of the limit on words per proposal. Mr. Smiertka confirmed he had also presented them preliminarily to the Attorney General office and their recommendations were incorporated into the latest version dated July 24, 2017 3:00 p.m.

Council Member Washington then recited the language:

Chapter 4 Property

8-403.7. In addition to Section 8-403.6, no part or entirety of dedicated park land may be disposed of by transfer, easement, lease, license, or other

exchange, or be converted to another use without approval, by majority vote, of the electors of the City voting on the question at a regular or special election.

As used in this Section, “converted to another use” means changing the use of a park, or significant part thereof, from a recreation or conservation use to another use not directly related or incidental to public recreation or conservation.

This Section shall not apply to park land disposed of or converted to use by another public entity transferee.

BE IT FURTHER RESOLVED that in accordance with the Home Rule Cities Act (MCL 117.1, et. seq.); the question shall be captioned and stated on the ballot as follows:

**CITY OF LANSING CHARTER AMENDMENT
ELECTORATE APPROVAL OF PARK LAND DISPOSITION AND CONVERSION OF USE**

Pursuant to Section 8-403.8 of the Lansing City Charter, an affirmative vote of a majority of the electorate is required before any park land may be sold.

It is proposed that the Lansing City charter be amended by adding Section 8-403.7 to also require electorate approval prior to park land being disposed of or converted to another use not directly related or incidental to the public recreation or conservation. However, this Section shall not apply to disposition or conversion of use to another public entity.

Council Member Washington asked if with the proposed language the Administration could turn a public park over to another entity. Mr. Smiertka confirmed it would have to follow the Ordinance on sale of property, and in the case of BWL all property is titled in the name of the City of Lansing, and the deeds say “City of Lansing, on behalf of the Board of Water and Light”. Mr. Smiertka confirmed he had vetted both ballot language charter amendments through the Attorney General’s office. Nothing was formally approved but they did confer with them.

RESOLUTION – Ballot Language for Charter Amendment; Chapter 4; 8-403.8
Council Member Washington then recited the language for the amendment to 8-403.8.

*Chapter 4 Property
8-403.8. Monetary consideration received from the sale of dedicated park land in accordance with Section 8-403.6 of this Charter or from other methods of disposition of park land shall be deposited in the operating fund accounts of the Department of Parks and Recreation.*

BE IT FURTHER RESOLVED that in accordance with the Home Rule Cities Act (MCL 117.1, et. seq.); the question shall be captioned and stated on the ballot as follows:

**CITY OF LANSING CHARTER AMENDMENT
BUDGET ACCOUNT DEPOSIT OF MONETARY PROCEEDS FROM SALE OR OTHER
DISPOSITION OF PARK LAND**

It is proposed that the Lansing City Charter be amended to require monetary proceeds from the sale or disposition of park land be deposited in City Parks and Recreation Department accounts by adding section 8-403.8 that will provide for the following:

8-403.8. Monetary consideration received from the sale of dedicated park land in accordance with Section 8-403.6 of this Charter or from other methods of disposition of park land shall be deposited in the operating fund accounts of the Department of Parks and Recreation.

Council President Spitzley asked if any of this language in either proposal would have stopped the sale of the Scott Park issue. Mr. Smiertka confirmed that there is a Charter provision that gives the ability to BWL to use City land for utilities. So it would not have stopped it and it would also not stop the road through Ormond Park either. The City Attorney office used template language from Rochester Hills which was more extensive than the City. Currently right now the only thing in the City Charter is the word "sale". Council Member Washington spoke in support of removing *"However, this Section shall not apply to disposition or conversion of use to another public entity."* from the proposed ballot language in 8-403.7. Mr. Smiertka stated with that removal that would be in an issue in the future for Law to interpret the Charter.

Mr. Johnson presented issues that could arise if every easement and license had to be placed on the ballot, and recommended the Committee table the items for further discussion.

Council Member Dunbar asked if the ballot language had gone to the Park Board and if not it should, and Mr. Kaschinske confirmed the Board had not seen it.

Council Member Washington stated that she would work with Law to tighten up the language and bring it back however her belief is that the public should be more engaged in the decisions. Council Member Washington chose to pull the ballot language from the agenda on 8-403.7, however still wanted to proceed with the ballot language for 8-403.8. Any questions she stated could be forwarded to Council staff.

Council Member Wood asked Mr. Smiertka to create an outline on how these changes would protect the City, and what it would protect them from.

Council Member Houghton asked Mr. Kaschinske if the City has acquired any park land. Mr. Kaschinske confirmed since his time with the City they have added Hunters Ridge, and did an exchange with Delta Township for Grand Woods which still remains a park. There was a sale of Miller Road, Waverly and the Red Cedar. He did confirm the City has had a net gain since 2011. Council Member Houghton then asked Mr. Smiertka if this change would also affect all the licenses that are issued for cell towers, ITEC, LCC and festivals. It was confirmed and that it should be looked at to see what could have to go to the voters. It was written as restricted as it could get, and it would include that all easements and licenses would have to the public for a vote.

Council Member Washington asked when the next election would be after November, and after being told May, 2018, she proposed pulling the resolution for the ballot language on 8-403.7 until she can meet with the new Administration in 2018.

At this time Council President Spitzley also pulled agenda items D. and E. which were Ballot Proposals also, and move that discussion and action to the July 31st Committee meeting. Those were for sidewalks and for the sale of the Cooley-Haze House.

MOTION BY COUNCIL MEMBER WASHINGTON TO APPROVE THE RESOLUTION FOR THE BALLOT LANGUAGE TO AMEND SECTION 8-403.8 OF THE LANSING CITY CHARTER.

The Committee discussed the effect of the ballot language on the funds from the sale of the park land and where the funds go in the park improvements and park planning. Mr. Johnson pointed out that some funds for the parks actually do not come out of the Parks Department budget, but from CDBG and the Planning and Neighborhood Development Budget because of parking lots. He also noted that some sales might contain restrictions on the funds. Council Member Yorko suggested adding "barring any statutory requirements" to the language.

Council Member Dunbar asked if this language, 8-403.8 had been presented to the Park Board, and she was informed it had not.

Council President Spitzley passed the gavel and stepped away from the meeting at 8:00 p.m.

Council Member Dunbar requested that the Park Board review the language.

Council President Spitzley returned to the meeting at 8:03 p.m. and Council Member Wood passed the gavel.

Council Member Hussain suggested pulling the resolution at this time until things can be clear and vetted by the Park Board. During his time on the Park Board in 2011 they were told funds would go into the green space when they sold the Red Cedar because it was part of the Charter, then after the sale they were told it was not part of the Charter and the Administration could do anything they wanted, so the Board and the public felt cheated. The language needs to be clearer.

COUNCIL MEMBER WASHINGTON WITHDREW HER MOTION.

Council Member Washington stated she would work with the new administration in January 2018 on the ballot language.

RESOLUTION – Ballot Proposal; Sidewalk Millage

Item moved to the July 31, 2017 Committee of the Whole meeting.

IAFF LOCAL 421 RATIFICATION OF THE 2016-2019 CBA

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE RESOLUTION TO APPROVE THE RATIFICATION OF THE 2015-2019 CBA FOR THE IAFF LOCAL 421. MOTION CARRIED 8-0.

Mr. Kaschinske pleaded with the Council President to address the Resolution on the Cooley Haze House since Ms. Garcia-Wing was present.

RESOLUTION – Ballot Proposal; Sale of Cooley Haze House with Historic Covenant

Mr. Kaschinske recapped for the Committee that the house was rented by the Michigan Women's Historical Museum from 1987 until 2017, when they chose not to renew the lease.

Mr. Smiertka stepped away from the meeting at 8:11 p.m.

Ms. Gracia-Wing presented the Park Board Subcommittee Recommendation on the sale, where they had performed historical research, the significance of tax credits, a list of potential buyers and markets, and their goals.

Mr. Smiertka returned to the meeting at 8:12 p.m.

The subcommittee proposed 4 requirements of the sale, those to include a robust public education campaign for the ballot proposal, a historic covenant on the sale, the development of a comprehensive marketing plan for the sale, and a "low cost" sale.

Council Member Brown Clarke asked for confirmation on the location and its relation to the Cooley Gardens. Ms. Gracia-Wing confirmed that this would be for the house and the land it sits on. Mr. Kaschinske provided information that the lot is 70' x 170'.

Council Member Yorko acknowledged the subcommittee for all their work, and asked for confirmation from Law they had reviewed the language and it was confirmed.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR THE BALLOT PROPOSAL FOR THE SALE OF THE COOLEY HAZE HOUSE WITH HISTORIC COVENANT. MOTION CARRIED 8-0.

Place on File

- Lansing Police Department 2016 Annual Report

Adjourn

Adjourned at 8:23 p.m.

Respectfully Submitted by,

Sherrie Boak, Recording Secretary

Lansing City Council

Approved by Committee on August 14, 2017