MINUTES
Committee of the Whole
Monday, July 23, 2018 @ 5:30 p.m.
City Council Chambers, City Hall 10th Floor

CALL TO ORDER
Council President Wood called the meeting to order at 5:30 p.m.

PRESENT
Councilmember Kathie Dunbar
Councilmember Jeremy A. Garza
Councilmember Adam Hussain
Council Member Brian T. Jackson
Councilmember Peter Spadafore
Councilmember Patricia Spitzley
Councilmember Jody Washington
Councilmember Carol Wood

OTHERS PRESENT
Sherrie Boak, Council Staff
Heather Sumner, Deputy City Attorney
Samantha Harkins, Mayor's Executive Assistant
Eric Brewer, Council Internal Auditor
Elaine Womboldt
Deb Parrish
Loretta Stanaway
Kathy Miles
Amber Paxton, Financial Empowerment
Mary Reynolds
Chris Swope, City Clerk
Greg Venker, Assistant City Attorney – arrived at 5:51 p.m.
Steve Wilobee, LEAP
Joel Ferguson
Pat Lindeman
Savannah Detzler
Pete Wood
Rose Wallace

Minutes
MOTION BY COUNCIL MEMBER WASHINGTON TO APPROVE THE MINUTES FROM JULY 9, 2018 AS PRESENTED. MOTION CARRIED 8-0.

Public Comment on Agenda Items

Ms. Parrish pointed out that the copies of the agenda were missing the second page, and asked applications of reappointments be included in the packets.

Ms. Miles spoke on her concern with the proposed ballot changes and asked that the Committee not sell the Red Cedar property.

Ms. Stanaway asked for the reappointments names, boards and terms be listed on the agendas. She also asked the agendas be posted separately on the website for easier download and the Clerk provide a link to the Committee of the Whole agenda on his email with the Council agenda. Ms. Stanaway then spoke in opposition to the proposed ballot language and the sale of the Red Cedar property.

Mr. Wood spoke in opposition to the ballot language and suggested language that would ensure all park land will continue as park land.

Ms. Womboldt spoke on behalf of Rejuvenating South Lansing and their opposition to the sale of Red Cedar property and opposition to the proposed ballot language.

Ms. Reynolds asked if Council was financially in trouble and that is why they were selling the Red Cedar property to Ferguson Development.

Discussion/Action

RESOLUTION – Temporary Relocation of Polling Place for Ward 1, Precinct 4 for the August 2018 Primary (Fairview to Pattengill)

Mr. Swope informed the Committee that the Clerk's office had received word from the Lansing School District that the construction at Fairview would not be completed in time for the primary so they had to move the location to Pattengill just for that election. The department will be sending out post cards to the voters in that precinct, reach out to the candidates on the ballot, and have signage for both locations. Council Member Jackson asked if they would have staff at Fairview to direct people to Pattengill, and Mr. Swope stated they would look into it.

MOTION BY COUNCIL MEMBER WASHINGTON TO APPROVE THE RESOLUTION FOR THE TEMPORARY RELOCATION OF POLLING PLACE WARD 1, PRECINCT 4 FOR THE AUGUST PRIMARY FROM FAIRVIEW TO PATTENGILL. MOTION CARRIED 8-0.

ORDINANCE – Repeal Chapter 810, Section 810.21of the Codified Ordinances to Eliminate the Cable Advisory Board and its duties and functions

Council President Wood noted that a hearing was already held and this ordinance change would be to eliminate a board that no longer functions and whose tasks are no longer active.

MOTION BY COUNCIL MEMBER SPTIZLEY TO APPROVE THE ORDINANCE TO REPEAL CHAPTER 810, SECTION 810.21, ELIMINATION OF THE CABLE ADVISORY BOARD. MOTION CARRIED 8-0.

RESOLUTION – Corridor Façade Grant Area Implementation & Requirements

Council President Wood referenced the resolution noting it included the facts from LEAP and the Committee request for $1,500 for the marketing. Mr. Willobee confirmed there had been no changes to the program.

MOTION BY COUNCIL MEMBER SPADAFORE TO APPROVE THE RESOLUTION FOR THE CORRIDOR FAÇADE GRANT AREA IMPLEMENTATOIN AND REQUIREMENTS. MOTION CARRIED 8-0.

RESOLUTION - Budget Amendment; Offender Success Program
Ms. Paxton stated per the contract with the State for the program, once the State approves the changes Council has to also approve. The $22,282 will be used for 2 FTE with Advent House. The remaining $6,000 will be put in the social services budget. Those services are sub contracted out to four (4) vendors. Ms. Paxton ended by stating this was an increase for the five (5) years of the contract.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE BUDGET AMENDMENT FOR THE OFFENDER SUCCESS PROGRAM. MOTION CARRIED 8-0.

RESOLUTION - Reappointments of four (4) Individuals to Various Boards & Commissions
The Committee reviewed the resolution that would reappoint Samara E Morgan to the Board of Public Service, Beth Graham and David Price to the Lansing Board of Water and Light Commission, and Claire Corr to the Saginaw Street Corridor Improvement Authority. Council President Wood read the resolution which listed each appointee's terms.

MOTION BY COUNCIL MEMBER SPADAFORE TO APPROVE THE RESOLUTION TO REAPPOINT FOUR (4) INDIVIDUALS TO VARIOUS BOARDS AND COMMISSIONS. MOTION CARRIED 8-0.

RESOLUTION – Reappointments of six (6) Individuals to Various Boards & Commissions
The Committee reviewed the resolution that would reappoint Tricia Spain to the Board of Review, Curtis Sonnenberg to the Historic District Commission, Charles Janssen and Charles Mikkens to the LEPFA Board, Richard Kibbey to the Parks Board and Katie Alexandar to the Planning Board. Council President Wood read the resolution which listed each appointee's terms.

MOTION BY COUNCIL MEMBER SPADAFORE TO APPROVE THE RESOLUTION TO REAAPOINT SIX (6) INDIVIDUALS TO VARIOUS BOARDS AND COMMISSIONS. MOTION CARRIED 8-0.

ORDINANCE – Amend Chapter 1034, Repeal Section 1034.01—1034.09 of the Codified Ordinances to Eliminate the Memorial Review Board, its duties and functions and to cancel the process and procedure for naming and renaming public memorials.
The Committee reviewed the ordinance that would have the Public Service Board review proposals and make recommendations to the City Council for streets and public right of ways, and the Park Board review proposals and make recommendations to the Mayor for public amenity.

MOTION BY COUNCIL MEMBER SPITZLEY TO APPROVE THE ORDINANCE TO AMEND CHAPTER 1034, REPEAL SECTION 1034.01- 1034.09, ELIMINATION OF THE MEMORIAL REVIEW BOARD.

Ms. Sumner cited that the naming of streets is a legislative function and naming of parks is a management function, therefore handled by the Mayor.

MOTION CARRIED 8-0.

RESOLUTION – Set Public Hearing; Ballot Language to amend Charter 8-403.7 Property Sale

Council President Wood clearly stated to the public that a public hearing is not required to place something on the ballot, but there is a public hearing planned with this resolution so Council is aware if the public actually wants the language on the ballot.

Council Member Washington stated she had promised the constituents in 2017 after the Ormond Park road that she would work on a proposed language changes. The current Mayor has not been involved in this proposed, clearly stated to the public. She noted she had work with Law over the last 6 months and they had already cleared the language with the Attorney General office for the ballot, presented to the Park Board and worked with the Parks Director. At the Park Board she noted it was mentioned to change the percentage of land considered could be anything not more than 15% was proposed but was voted down. Council Member Washington stated to the Committee she was open to discussion on a different percentage, but 25% was proposed because the common use on parks have been cell towers and that is the amount they roughly take up. The language for the ballot was then read:

> 8-403.7. In addition to Section 8-403.6, not more than 25% of any dedicated parkland parcel 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.
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> 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 or materially related to public recreation or conservation.

As used in this Section, "disposed of" or "converted to another use" shall not mean or include a park use that is for a recreational, civic, artistic or cultural activity, event or festival, or an entirely subsurface use for public utility purpose, including communications and the Board of Water and Light under Section 5-203.8.

Council Member Spadafore acknowledged Council Member Washington for her work on the changes and noted that 8-403.6 still requires a public vote for sale, so this only changes the language. Council Member Spitzley asked if this change would have prevented the sale of the BWL substation property, and Council President Wood confirmed, then Council Member Washington stated that project was for the subsurface as stated in the ballot language above so this would have. Council Member Spitzley asked if it would have prevented Ormond Park road and if it will prevent the sale of the City Market. Council Member Washington stated the sale has to go to the vote of the people no matter what. Council Member Spitzley asked if law drafted sub language that would carve out some exemption for BWL. Council Member Washington stated that be already in the Code of Ordinance, but the Charter supersedes the ordinance. Council President Wood asked Law to review Charter 5-203.8 referenced in the above ballot language and come back with an opinion. Council Member Hussain asked for further discussion on the proposed 25% and asked why the Park Board did not support 15%.

Council Member Jackson asked if there would still be a vote. Council President Wood provided the timeline of a proposed hearing on August 13th, action on August 13th then submitted for the November ballot on August 14th. Council Member Jackson then asked if the City sells park land will there always be a vote of the people, and Council Member Washington confirmed. Council President Wood asked for a definitive answer from Law on her earlier question and also confirmed to Council Member Jackson that for any sale of any amount of park property it has to go to the voters. Council Member Washington stated to the Committee she wished to have it go forward for a public hearing on August 13th to see if the public wants it on the ballot, but if the Committee was interested in lowering the percentage, she would be interested in hearing what they propose. However she added, the Park Board recommendation was supporting the 25%. Council Member Spitzley supported waiting on the answers from Law and if the language was correct for addressing BWL, was not positive on her support of lower than 25%, and also was interested in why the Park Board was not comfortable with 15%.

Council President Wood reminded the Committee that it appeared there would only be five (5) members present on August 13th, so she wanted to make sure all members were aware and would not be there for the final vote. Mr. Swope stated that the Attorney General, Governor and County Clerk still have to certify, and Council Member Washington stated that was already done and signed off on. Mr. Swope then stated the next election for a ballot option would be May, 2019.

Council Member Spadafore asked what the process for leasing or disposing of property was now and Ms. Sumner read 8-403.6 from the Charter. Council Member Spadafore spoke in support of waiting until 2019, but wanted to know if there was a check process to make sure nothing can happen before that with property.

Council Member Washington stated for the record and the public that if the Committee chooses to not set a hearing and take action for the November ballot, she did what she promised them she would do in 2017.

Council Member Spadafore asked if there was a way to pass an ordinance for a vote of Council for a lease under 5 years. Council President Wood stated there is already a legal opinion when the length of the lease is longer than a temporary and the value of $50,000. Council Member Jackson suggested that if a public hearing is set to invite Mr. Kaschinske Council Member Hussain asked if changes can be made the night of the hearing. Council President Wood reiterated that a public hearing is not even required but the hearing is for public input not on the language but on if the public wants it on the ballot for a vote of the public. Council Member Washington stated any change in a percentage the night of the hearing would not be substantive enough to have to go back to the Attorney General so it would still be on track to get on the November ballot.

MOTION BY COUNCIL MEMBER WASHINGTON TO SET THE PUBLIC HEARING FOR THE BALLOT LANGUAGE TO AMEND THE CHARTER CHAPTER 8-403.7 FOR AUGUST 13, 2018.

Council Member Spitzley asked if the hearing would be on August 13th. Council President Wood confirmed and noted they would also be taking action that night. She added that if the consensus of the Committee was they did not feel comfortable for taking action that same night, then the hearing can be moved back also. The deadline for the November ballot is August 14th. Council Member Spadafore stated he would prefer to wait on any hearing and action.

MOTION failed 3-5.

Council President Wood asked Law to check into the questions asked and report back before a public hearing is set.

RESOLUTION - Set Public Hearing; Ballot Language to amend Chapter 8-403.8 Property Monetary Designation

A discussion on this was incorporated in the connecting agenda item prior to this. Questions were referred to Law.

Council Member Spitzley asked that both items be continued at the Committee of the Whole meetings.

Council Member Washington stated her recommendation would be that since the Committee is slowing down on the action for both these items, that it not be brought back to Committee of the Whole until 2019, so hearings and discussion can be held directly before it could be on a May ballot, not 6 months before that election.

RESOLUTION – Amended & Restated Real Estate Purchase & Development Agreement; Ferguson/Continental Lansing, LLC

Council President Wood recapped that over the last meetings the Committee had gone through the agreement line by line, and last week were provided the resolution prior to this meeting. She noted that the one concern she heard was addressed in the Be It Further Resolved "that any net proceeds from the sale of the Property described herein will go towards the Capital Improvement Fund for the City of Lansing Parks and Recreation Department and will not be used within the Park Property as identified in the Amended and Restated Real Estate Purchase and Development Agreement at Section E.2. of the Recitals and legally described in Exhibit A-2 of the same."

Council Member Washington spoke in support of the agreement and the work the developer had done to address the concern with bonding, local labor and prevailing wage. Lastly she stated that the project will have a good economic impact for the City. Council Member Spitzley spoke in support of the project and at the earlier meetings when she asked about the $2.2 million price tag and appraisal Mr. Trezise with LEAP provided the answer. Council Member Hussain spoke in support of the agreement and resolution. Council President Wood concluded the discussion stated she acknowledges Council, the public and the developer for their work on the agreement and resolution, and also acknowledged she understood the negotiation on the price took place with the earlier administration with a handshake deal.

MOTION BY COUNCIL MEMBER WASHINGTON TO APPROVE THE RESOLUTION FOR THE AMENDED AND RESTATED REAL ESTATE PURCHASE AND DEVELOPMENT AGREEMENT FERGUSON/CONTINENTIAL LANSING LLC. WITH THE ADDENDUM. MOTION 8-0.

OTHER

No other topics of discussion.

ADJOURN

The meeting was adjourned 6:45 p.m.
Respectfully Submitted by,
Sherrie Boak, Recording Secretary
Lansing City Council
Approved by the Committee on August 6, 2018