



MINUTES
Committee of the Whole
Monday, November 26, 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- excused
Councilmember Jody Washington
Councilmember Carol Wood

OTHERS PRESENT

Sherrie Boak, Council Staff
Samantha Harkins, Mayors Executive Assistant- left at 6:35 back at 6:47 p.m.
Jim Smiertka, City Attorney- left at 6:40 p.m.,
Angela Bennett, Finance Director
Loretta Stanaway
Claudia Rodgers
Tyler Dyke
Madysen Lawrence
Kathy Miles
Tashmica Torok
Elaine Womboldt
Liz Abdnour
Nathan Triplett, CATA Board

Minutes

MOTION BY COUNCIL MEMBER WASHINGTON TO APPROVE THE MINUTES FROM NOVEMBER 19, 2018 AS PRESENTED. MOTION CARRIED 7-0.

Public Comment on Agenda Items

Ms. Miles spoke in opposition to the number of scooters permitted in the proposed ordinance, and was opposed to 24 hour operation. Ms. Miles then spoke against the reappointment of Ms. Tuner.

Ms. Torok asked the Committee to grant a onetime waiver for the sale of alcohol at the upcoming Firecracker Foundation event. She admitted that when they signed the agreement at SWOC and were sponsored by City TV, they were not aware it was not permitted. Council President Wood asked Ms. Torok to stay after the meeting to speak to the City Attorney.

Ms. Womboldt asked for questions to be asked of CATA for their role with scooters. She then referenced the recent September 2018 Medical Marijuana Commission meeting and comments made by the Commission to increase the number of dispensaries, speaking in opposition to their recommendations. Lastly she also spoke against the reappointment of Ms. Turner.

Ms. Stanaway spoke in opposition to the reappointment of Ms. Turner, opposition to any CATA changes and asked for details on where the City Market was in the General Fund report.

Ms. Abdnour asked for a waiver for the Firecracker Foundation event and then outlined what the Foundation does.

Mr. Dyke spoke in support of the annual fundraiser and asked for the waiver for the event.

Council President Wood referred the Committee to the City Council "Late Item" from Council Member Dunbar they had at their seats, which was a resolution to amend a previously adopted ordinance on the topic of alcohol sales at SWOC. She then asked Mr. Smiertka to comment on the opinion of law. Mr. Smiertka confirmed that there was an issue with a proposed resolution to allow the sale of alcohol at SWOC, because the ordinance amended in April 2018 prohibited it except for a specific May 8th event, so this method of a resolution cannot amend an ordinance. An ordinance amendment would need a public hearing. The only option he offered, per Charter, was if Council determined this was an emergency ordinance, which would require 2/3 of the members present. First though, he clarified, Council would have to find that there is a public emergency that would affect the public health of its residents. Council President Wood noted her concern that the management at SWOC is familiar with the new ordinance so they should have communicated this restriction to Firecracker Foundation.

Council Member Dunbar made the Committee aware that when she was contacted by Firecracker Foundation she did not provide them with the time frame that is needed for an ordinance change, but since they did not sign a contract because the site was donated, they did not read it or were not made aware of it. She admitted she understood it was not a "public emergency" but appealed that because of the members of society that the Foundation serves they are asking for consideration. Ms. Abdnour admitted that Mr. Cochran did make it clear that there might be issues with City Council but did not mention that it needed to be addressed here, and in their conversations Mr. Cochran never mentioned it was banned. Council Member Jackson stated that he supported an emergency ordinance based on the work the Foundation does and the survivors they serve which affect the public. Council Member Dunbar again appealed to the Committee stating that if they would have known, they would have proposed an ordinance amendment sooner. Council Member Washington acknowledged the work they do, however was concerned with the fact that City staff did not inform them, and people cannot expect Council to make exceptions all the time. Council President Wood asked Mr. Smiertka if the appeals for emergency fall under the Charter requirement. Mr. Smiertka read that that Charter offers guidance, and the Council has to declare a "public emergency" which is it would affect the life, health, property or public peace. It would need to be an amendment they would need to introduce and decide to add another

date or strike the only date currently listed in the ordinance. It would require a 2/3 vote of the members present. Council Member Spadafore asked if a large loss of money or property would be sufficient for an emergency. Mr. Smiertka noted with this meeting, there would be testimony on the record, and it appears from what is said there is a risk of property or health, but there needs to be findings. Council can decide that if their findings are based on comments from the Foundation and their testimony provides enough for an emergency that affects the health and property and therefore an ordinance amendment. Council Member Washington stated she could make an argument, that the loss of funds could affect the health of the residents they assist and therefore the public health. Council Member Dunbar reminded the Committee of her earlier email today which provided the Foundation annual report. Council President Wood asked Mr. Smiertka that if the information provided that stated the Foundation could not continue its series of assistance to the children of abuse would be enough to declare an emergency ordinance. Mr. Smiertka acknowledge, and added they would just need to add November 29, 2019 to the current ordinance. Council Member Dunbar asked if Council did not take action, if the Mayor could issue an emergency action. Council Member Washington interceded and stated she would be more comfortable with Council making the amendment since it is not a Mayoral issue, she then agreed that they could add November 29, 2018 for the Firecracker Foundation event due to the public health emergency. Council President Wood spoke in opposition to the inquiry to if the Mayor can issue because of her concern it would then give him the authority from now on. The Media Center is under the administration of the Mayor's office, she continued, that when City TV is talking to the public and giving information they should state what can and cannot happen at that location

Ms. Harkins replied to the comments, stating that when they were initially booking it in May Mr. Cochran spoke to them that when an ordinance is passed there might be an issue, but that loop of communication after it was passed was not closed.

MOTION BY COUNCIL MEMBER DUNBAR TO APPROVE THE AMENDMENT TO ADD ONE DATE, NOVEMBER 29TH, 2018. MOTION CARRIED 7-0.

Presentation

Communication from CATA on Proposed Amendments to their Articles of Incorporation

Mr. Triplett spoke on the proposed Articles of Incorporation and provided a brief background. Included he stated, after discussions with all municipalities, they left intact the current membership on the Board of Directors and keeping individual representatives. Under terms of the amendments, the By-law can add a single voting seat, with the limitation that the independent could not serve as a position on the Board. The CATA Board has already adopted the Articles by a majority vote. The steps now being taken is the 45 day of consideration by municipalities, but there is not affirmative action required. That 45 days expires December 7, 2018. Council President Wood clarified for the public that the amendments did not have anything to dues or payments based on taxation portion. Mr. Triplett confirmed it has to do with membership participation based on numbers and population.

Council Member Jackson inquired into the lack of bussing in Ward 4 compared to MSU and East Lansing. Mr. Triplett stated it was based on the rider need, and the MSU campus is the highest rider count. He then stated he would welcome a conversation with Council Member Jackson on where ridership warrants increases.

Council Member Spadafore asked what the fee would be for the new non-contributing members. Mr. Triplett stated it would be a case by case basis based on the size of the jurisdiction. In Ingham County there is some overlapping but the bulk is already being

represented. Council Member Spadafore asked if there has been any discussion on levying County wide. Mr. Triplett stated he does not recall ever having that discussion.

Council President Wood asked if they had any comments on bike sharing. They stated they are currently facilitating a study and hope to have answers in the spring. Regarding scooters they believe scooters are “first and last mile” solutions, and they are permitted on the bus, but limited.

DISCUSSION/ACTION

DISCUSSION – General Fund Status Report for FY2019; First Quarter

Council Member Garza stepped away from the meeting at 6:27 p.m.

Ms. Bennett outlined the 1st Quarter report for FY2019. She noted the revenue is on target with prior years, and the income taxes are strong. Regarding the expenditure side, they have anticipated spending patterns.

Council Member Garza returned to the meeting at 6:29 p.m.

She added that all departments fell in with the benchmark except for the Clerk office and HRCS.

Council Member Jackson noted the fines and forfeitures are down and asked which ones. Ms. Bennett stated they were related to District Court revenues, penal cases and civil cases.

Council Member Spadafore inquired into the in State Revenue Sharing. Ms. Bennett acknowledged that the City does not receive any in the 1st quarter. Council Member Spadafore then asked if the bad driver fees in the report were affected by the recent repeal at the State. Ms. Bennett stated they are still analyzing the replacement of those funds.

Council President Wood asked for the detail location of the funds from the sale of the park property. Ms. Bennett stated those funds are not dedicated revenue and goes to “other revenue. Council President Wood asked Ms. Harkins about the \$2 million from the sale of Waverly Park, and Ms. Harkins stated they have not closed yet and she would check on that closing date. Ms. Bennett added that those funds will be into the dedicated account.

Council President Wood then referenced the public service dollars and noted that the Internal Auditor had found discrepancies with them. Ms. Bennett confirmed there has been a revision to address the OM staff, who work for multiple department’s in one day. They are currently revising the system and methodology to book it and with this quarter they are behind on that. Council President Wood noted that if it is not corrected by the next quarterly report it should be footnoted.

The Committee reviewed the recently distributed vacancy report. Council President Wood inquired into the notes “offset by contract” and stated she wanted what the cost of the contract was and what the cost of the position was. And if those are being filled, then that information is not needed in the future. She then asked Ms. Bennett to work with Mr. Brewer on the methodology that is used for the “dates of vacancy”.

RESOLUTION – Reappointment of Anita Turner; 3rd Ward; Medical Marijuana Commission; Term to expire November 27, 2021

No action taken at this time.

RESOLUTION – Federal Public Charge Rule Changes

No action taken at this time.

OTHER:

City Clerk Swope Notification of National Election Security Pilot Project Membership

Mr. Swope informed the Committee that he was asked by the State to participate in a PILOT program on post-election audit. This would use a scientific method and statistical data to look at Election Day ballots. The City of Lansing was one of three (3) cities to participate, and for Lansing they will focus on the 54A District court election. The goal of the program would be to have audits done before an election is certified. Council Member Spadafore asked if this was part of what is expected under the recently passed proposal. Mr. Swope confirmed it does tie into that, but this this would be specific to audit results. Council Member Jackson asked about the expense for participating. Mr. Swope acknowledged there are staff time costs, and payment to election workers to assist in the steps of the process. Council President Wood asked if it was a random sampling. Mr. Swope assured the Committee that once ballot is in the tabulator or removed from the envelope for absentee, the numbered stub is removed so there is no way to tie it back to a specific voter. And this audit is based on the ballot manifest.

Discussion/Ordinance- Amendment to Chapter 872; Licensing and Regulations for Dockless Electric Scooter Companies

Council Member Spadafore presented the proposed ordinance amendment that will be before them at the Council meeting to set a hearing. The hearing would be set for December 10th, 2018 on this licensing ordinance. He then went through the ordinance line by line to focus on the amendments including the definition, it would not govern the use of a personal owned scooter, addresses uses in the right –of-way, speed, identification, enforcement, use policy for riders, an outreach program, licensing fees and noted that in the second year Council will set fees per resolution. Council Member Jackson asked what other communities they looked at, and Council Member Spadafore stated Detroit, Oakland, and Seattle. Council Member Jackson then asked why this was different for personal ownership vs. rented. Council Member Spadafore assured them it was because the State laws already apply to personal ownership under the Motor Vehicle Code. Council Member Jackson then asked about the process for reporting issues. Council Member Spadafore stated currently they can report via the posted phone number or use the app. Council President Wood asked about the timeline for usage on the streets, allowing 12 months. Council Member Spadafore acknowledged this was also discussed in Committee, and since no one is ever sure when “winter” will start it was open. Council President Wood suggested the ordinance be specific to a cut off period from November 15th to March.

{Closed Session}

MOTION BY COUNCIL MEMBER WASHINGTON TO GO INTO CLOSED SESSION AT 7:01 p.m. FOR:

- Ratification of Amendments to the 2016-2019 CBA with Local 421

ROLL CALL VOTE, MOTION CARRIED 6-1.

{Reconvene}

Committee reconvened the regular meeting at 7:19 p.m.

RESOLUTION – Ratification of Amendments to the 2016-2019 CBA with Local 421

MOTION BY COUNCIL MEMBER WASHINGTON TO APPROVE THE RESOLUTION FOR THE RATIFICATION OF AMENDMENTS TO THE 2016-2019 CBA WITH LOCAL 421. CHANGES INCLUDED SHIFT CHANGE WITH NO FINANCIAL IMPACT, AND ELIMIANTE ASSISTANT CHIEF TO MAKE MEDICAL SERVICES CHIEF. MOTION CARRIED 7-0.

Council President Wood canceled the December 3, 2018 Committee of the Whole meeting.

ADJOURN

The meeting was adjourned at 7:20 p.m.

Respectfully Submitted by,
Sherrie Boak, Recording Secretary
Lansing City Council

Approved by the Committee on December 10, 2018