



MINUTES
Committee of the Whole
Monday, July 13, 2020 @ 5:00 p.m.

Via Zoom Meeting:

<https://us02web.zoom.us/j/84190955157>; Mtg ID 841 9095 5157

CALL TO ORDER

Council President Spadafore called the meeting to order at 5:00 p.m.

PRESENT- via audio/video

Councilmember Peter Spadafore
Councilmember Adam Hussain
Councilmember Carol Wood
Councilmember Patricia Spitzley
Councilmember Kathie Dunbar
Councilmember Brandon Betz
Councilmember Jeremy Garza
Councilmember Brian T. Jackson- arrived at 5:39 p.m.

MEMBERS PRESENT- via audio/video

Sherrie Boak, Council Staff
Samantha Harkins, Deputy Mayor
Jim Smiertka, City Attorney
Lisa Hagen, Assistant City Attorney
Doris Witherspoon, Economic Development & Planning
Don Kulhanek, Economic Development & Planning
Brian McGrain, Economic Development & Planning
Judy Kehler, City Treasurer
Kim Coleman, HRCS Director
Katrina Urista, HRCS
Loretta Stanaway
Cathleen Edgerly, Downtown Lansing Inc.
Scott Ellis
Lori Adams-Simon

Minutes

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM JUNE 22, 2020 AS PRESENTED. ROLL CALL VOTE, MOTION CARRIED 7-0.

Presentation

Downtown Lansing Inc. Assessments (Treasury)

Ms. Kehler referenced her memo from July 10th, and summarized that the delay in the assessment was due to new employees (treasurer, finance and DLI Director). The invoices were sent out in October with a December due date.

Public Comment

Ms. Stanaway spoke on the creation of the Committee on Equity, Diversity and Inclusion. She also spoke in support of the Council meetings in person and on location. She concluded by speaking to a diversion of funds to a specific race of people and did not think that was wise.

Ms. Witherspoon raised her hand, but had no comments at this time.

Downtown Lansing Inc. Assessments (Treasury)

Ms. Kehler continued her explanation noting that since the invoices were mailed out late and therefore not able to be placed on the winter tax. Ms. Kehler assured them it would not occur in the future because they were creating procedures and timelines. Council Member Wood asked if the procedures will be handled by DLI, treasurer and finance. Ms. Kehler confirmed the document will be distributed to DLI executive and shared with Finance so they all are in alignment.

Discussion/Action

RESOLUTION – Reappointments: Clyde Carnegie; 4th Ward; Board of Police Commission; Term Expire 6/30/2024; Georgina Nelson; 4th Ward; Board of Fire Commissioners; Term Expire 6/30/2024; Rodney Singleton; At Large; Board of Fire Commissioners; Term Expire 6/30/2024; Larry Leatherwood; At Large; Lansing Entertainment & Public Facilities Authority; Term Expire 6/30/2023; Melissa C. Jeffries; At Large; Board of Review; Term to Expire 6/30/2023

Council President Spadafore confirmed these members already sit on their Boards or Commissions, and these were reappointments.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE SPECIFIED REAPPOINTMENTS.

Council Member Wood, asked the Administration if all the reappointments were vetted and still in compliance with charter requirements and Ms. Harkins confirmed they were. Council Member Spitzley stated to the Administration, that as moving forward, she would like them to look at reappointments to make sure they are representatives of the community as a whole.

ROLL CALL VOTE, MOTION CARRIED 7-0.

RESOLUTION – Introduction & Set Public Hearing; Ordinance to modify members of the Employees Retirement System Board of Trustees

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR JULY 27, 2020 TO AMEND THE ORDINANCE FOR MEMBERSHIP TO THE ERS BOARD.

Council President Spadafore explained on behalf of the Board, which he sits on, that this change is to add a resident. The Employee Retirement System Board is currently reviewing these changes and have not made their formal recommendation, however setting the hearing and holding the hearing during their review period is not an issue. The committee can hold off on action until receiving the recommendation from the Board. Council Member Wood suggested

that the Board review the entire ordinance for any updates since it has been 6-7 years since that has been done.

ROLL CALL VOTE, MOTION CARRIED 7-0.

RESOLUTION – Substantial Amendment – CDBG-CV/ESG-CV

Council President Spadafore clarified to the Committee that at the last meeting they took action on the timeline amendment for public comments, and now they are being asked for action on the document to amend the plan itself.

Mr. Kulhanek explained the resolution in front of them was to expend the COVID funds, funds from the CARES Act appropriations. Of the CDBG funds, HUD has allocated \$1,203,250 to spend to address the COVID crisis. The department made determinations on spending based on meetings with HRCS, LEAP/EDC, Continuum of Care and the Ingham County Health Department. They narrowed it to three activities; \$660,000 to fund grants for businesses and they will work with LEDC to do that. This will entail supplying funds to businesses that employ employees in the moderate income which will help retain jobs. It will also provide technical assistance to small businesses. The 2nd activity is \$110,000 to Michigan Women Forward to focus on any micro-enterprise which is a business that employees fewer than 5. A portion of this allocation will then go to Capital Area Housing Partnership to use toward preventing homelessness by assisting residents with the funds to pay rent up to 3 months. Mr. Kulhanek noted that some of the documents appear to state the City HRCS is administering the funds, but that is incorrect information. The funds be entirely administered by Capital Area Housing Partnership. Regarding the ESG Funds, Mr. Kulhanek explained that those are used in special categories requested by the ESG program. There is \$100,000 in street outreach, COVID screenings, and services and then \$417,000 for emergency shelter expenses to increase social distancing. Council Member Spitzley asked if there was any oversight on the funds that will go to LEAP/LEDC, and will there be any required reporting and timeline. Mr. Kulhanek confirmed a report is required to close out the grant which they can provide to Council. The requirements are all from HUD. Council Member Wood voiced a concern on the funds that are going to assist businesses, and asked if there is a criteria to be met on whether they have already received funds. Ms. Harkins stated that there are review committees, and LEAP/LEDC has a written contract to make sure if they have gotten other assistance from other City programs, the same businesses aren't getting the funds over and over. Mr. Kulhanek added that it is also a HUD requirement, so they are very cognoscente of the issue. Council Member Wood asked for equal distribution amongst all four (4) Wards and Council Member Hussain agreed with her. Council Member Spitzley asked that they provide assistance to those businesses who do not have grant writers or have never written a grant before. Council Member Betz stated he was made aware of some landlords who received grants in the past, and then evicted their tenants, and asked for oversight to make sure the landlord was disbursing those funds to the tenants. Council President Spadafore referred the Committee and public to the Economic Development webpage which offered a map of the CDBG area and where funds could be available. Council Member Wood asked for a timeline on when they will apply, when the funds will be available and if any funds had already been received. Mr. Kulhanek confirmed after Council votes at the Council meeting later, they will submit to HUD, and expect funds within a few weeks. Ms. Witherspoon added that this is a zero percent interest loan program, forgiven after a year when the business meets the funding goal, and they will be tracking that. The maximum loan is \$50,000 and minimum \$1,000, with a program completion date of 12/2022. Funds are for businesses in the CDBG area or those that provide services to the businesses in the CDBG area. Council Member Dunbar asked if they were actively seeking out businesses and if they are offering any technical assistance to help business with the loan application. Ms. Witherspoon responded that they will assist them and LEAP/LEDC is working on the plan.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE SUBSTANTIAL AMENDMENT TO THE CDBG-CV/ESG-CV.

Council Member Betz asked that it be looked at for the law towards equity, and that it would not be against the racial inequitable ordinances. Council President Spadafore confirmed there are no issues with the purpose, it speaks to law, current and proposed, but can be adjusted. Council Member Betz acknowledged that if that was the intent, he would be fine with it.

ROLL CALL VOTE, MOTION CARRIED 8-0.

RESOLUTION – Council Rule Change – Rule 16- Committee on Equity, Diversity and Inclusion – Introduction

Council President Spadafore explained the reason for the change and the addition of a new Committee; Committee on Equity, Diversity and Inclusion. He noted it was created with a combination of feedback, and general charge aimed at establishing relevant policies that improve health in the Black and brown communities, support local, state, and federal initiatives that advance social justice and racial equality, and continue the work which began in 2013 through the City Council's Ad-Hoc Committee on Diversity and Inclusion. The Committee will assess current and proposed laws (ordinances and health regulations) and policies, as well as their implementation, to promote health for Black and brown residents of the City of Lansing, will assess internal policies and procedures to ensure racial equity is a core element in all organizational practices, will report back through the Committee of Whole on the status of its work on not less than a quarterly basis. Further, the Committee will develop budget recommendations and priorities and submit them to the City Council for consideration as part of the annual budgeting process to ensure City resources are expended toward public services that achieve the goals and charge of the Committee.

MOTION BY COUNCIL MEMBER HUSSAIN TO MOVE THE RULE CHANGE OUT OF COMMITTEE TO SIT ON THE COUNCIL FLOOR UNTIL THE NEXT MEETING FOR PASSAGE. ROLL CALL VOTE, MOTION CARRIED 8-0/

RESOLUTION – Amend Resolution 2019-309 for 2020 Council Meeting Location

Council President Spadafore explained that this would set up the meeting room location, making SWOC Drill Room as an alternative.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION ON THE 2020 COUNCIL MEETING LOCATION ALTERNATIVE.

Council Member Spitzley asked how long Council President Spadafore anticipated remote meetings, and he stated that as long as the Governor's law allows, they will meet remotely. Council Member Dunbar supported continuing the remote meeting process allowing the public participation.

ROLL CALL VOTE, MOTION CARRIED 8-0.

DISCUSSION – Social Districts

Council President Spadafore referenced a draft resolution he distributed to the Council that spoke to the creation of social districts in different areas of the City. If a resolution approving social districts is approved it can be submit to liquor control for approval at businesses. Council President Spadafore stated the intention would be for it to expire 12/31/2021. Ms. Edgerly spoke in support of the district, noting it would be a creative way to support businesses and has seen it successful in other communities. Council Member Dunbar asked if this would help with the bars that struggle with the 70% or more in alcohol sales and had to

close. Council President Spadafore stated this is not for those establishment, but for an area/district where there are two or more liquor licenses and they can set up a designated area for their customers to sit. Council Member Dunbar asked what the turnaround time would be, and was told up to 2 weeks. Mr. Ellis spoke in support of the social districts, noting if it is approved the City could be one of the first to do it. He did not that signage will be a key factor because it will have to be signed so that the patrons cannot leave the area/district/zone with their beverages. He added, that the City can enforce the shutdown of any area, by going to Liquor Control stating there are concerns with what is happening in an area/zone/district. Council Member Betz asked for a timeline. Council President Spadafore stated the Committee and Council will take action on July 27, 2020. Council Member Betz referred to Grand Rapids and what they are currently doing now with outdoor seating. Mr. Ellis clarified that those are not true zones, just an extension outside their business. This would set aside a specific area/zone/district where multiple businesses patrons can be and mingle with patrons of other businesses while eating and drinking. Council President Spadafore noted that this in no way would lift the ordinance on open intoxication. Council Member Jackson asked if this was being driven by COVID or if this was being worked on before. Mr. Ellis confirmed it was started as a concept 2 years ago at the state level.

DISCUSSION – Council Powers and Duties

Council Member Spitzley referenced a recent City Attorney Opinion dated July 8, 2020 that Council received prior to the meeting. She noted that Council Members have been fielding calls and concerns from the public on if they can investigate the Mayor's office, or hire an outside investigator in response to allegations in the Mayor's office. Council Member Spitzley continued, stating her understanding that they could not therefore reach out to the City Attorney office for a written opinion and legal explanation, which is what they had in front of them. Mr. Smiertka confirmed the document could be presented to Council and the public at this time. Council Member Spitzley continued by clarifying the outcome of the opinion that Council does have certain authority, but not the authority to investigate the Mayor's office. The Mayor's office has broad authority because of the "strong Mayor" form of government the City has. Council Member Jackson inquired into if Council is allowed to investigate anything related to the City and the business of Lansing, noting the City Attorney is in a difficult position to provide an opinion since they work for the Mayor and Council. Mr. Smiertka stated that his office did look at the City Charter and "investigations" apply to policies and laws. Council President Spadafore added for informational purposes that in 1978 the City changed to "strong Mayor" form and at that point Council can investigate financials but not operational issues. Mr. Smiertka added that Article 4 Chapter 102.11 of the Charter speaks to matters related to policy and legislation, and does not relate to matters in investigating the Mayor's office for any other perceived wrongful acts. There was not further discussion or charge by the Committee.

Other

Council President Spadafore informed the Committee that he will be joining with Council Member Spitzley on August 3, 2020 at 6pm at the Adado Band Shell for a community conversation. This will be a listening session and facilitated by the Chair of Equity and Diversity from Sparrow Hospital, Lori Adams-Simon. Ms. Simon spoke briefly on what her intentions were for this community conversation. Council President Spadafore noted this would not be an official Committee of the Whole meeting, but an opportunity for people to have dialogue with a limit of 100 people in attendance, mask requirements, social distancing, and City TV will be on site to tape it for future playback. Council President Spadafore reminded the Committee of the Implicit Bias training that will be held virtually on July 20th at 5 pm.

Council Member Wood referenced a resolution that was on the Council agenda for referral and the previous request by the Administration to also act on it. It was the resolution for the Chief Strategy Officer requirement, per ordinance, to have a Master's Degree.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE RESOLUTION ON THE COUNCIL AGENDA FOR REFERRAL TO ALLOW THE MAYOR TO WAIVE THE MASTER'S DEGREE REQUIREMENT IN THE ORDINANCE TO ALLOW THE APPOINTMENT OF JUDY KEHLER TO CHIEF STRATEGY OFFICER. ROLL CALL VOTE, MOTION CARRIED 8-0.

Adjourn

The meeting adjourned at 6:46 p.m.

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

Approved by the Committee July 27, 2020