



MINUTES
Committee of the Whole
Monday, August 24, 2020 @ 5:00 p.m.

<https://us02web.zoom.us/j/82381958329>; ID: 823 8195 8329 ; Dial In: (646) 876 9923

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 – arrived at 5:04 p.m.
Councilmember Brandon Betz
Councilmember Jeremy Garza
Councilmember Brian T. Jackson

MEMBERS PRESENT- via audio/video

Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Lisa Hagen, Assistant City Attorney
Samantha Harkins, Deputy Mayor
Brian Lefler
Dan Dekker
Tim Whelen
Greg Venker, Assistant City Attorney
Jim Kiefer
Robert Widigan, Finance Director
Andy Kilpatrick, Public Service Director
Mr. Umphlett

Minutes

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM AUGUST 10, 2020 AS PRESENTED. ROLL CALL VOTE, MOTION CARRIED 8-0.

Public Comment

Mr. Umphlett spoke on the Montgomery Drain Assessment which he believed they have gotten a lack of information on, and asked for a delay for more interaction with the Mayor.

Mr. Whelan spoke in opposition on the Montgomery Drain Assessment and asked for a further time to work with the Mayor's office.

Mr. Decker raised his hand but had no comments at this time.

Discussion/Action:

RESOLUTION – Fireworks Permit; Melrose Pyrotechnics Inc., Cooley Law School Stadium

Mr. Falk spoke on the plans for the stadium with movies and fireworks for family friendly events. The dates would be August 28th and 29th, and he stated that if the earlier dates were successful they would do two more in September; September 18th and 19th. Mr. Falk confirmed it will be the same product and process they have seen in the past. Council Member Spadafore updated the Committee that the application was submitted before COVID in March, but then there was delay on the process because of COVID, so when the proposal for movies came up, they continued the process with the Fire Marshall. Council Member Wood noted the diagram which reflects the location and the fireworks would be launched in the field, and Mr. Falk confirmed it was the same location as last year. Council Member Wood asked if there has been any damage to the field or surrounding areas that create additional repairs. Mr. Falk confirmed there was no reported damage. Council Member Jackson spoke in opposition to the application because of a gathering and noise. Mr. Falk stated there has been some events at the stadium, such as the Lemonade League, and could not speak to all the procedures they have in place to be in compliance for COVID, but those questions should be directed to the staff at the stadium. Ms. Harkins concurred with Council Member Jackson that over the summer the Administration has also gotten complaints on fireworks, however with the stadium fireworks they have never gotten any complaints in the past.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE FIREWORKS PERMIT FOR COOLEY LAW SCHOOL STADIUM. ROLL CALL VOTE, MOTION CARRIED 7-1.

RESOLUTION – Reappointment - Rodney Singleton; At Large; Board of Fire Commissioners; Term Expire 6/30/2024

Mr. Singleton first stated he has been serving the Commission for the last six (6) years, has been a former Chairperson, noting in the past couple years they have started reviewing and addressing items brought to their attention. Council Member Spitzley asked how he saw things moving forward. Mr. Singleton noted that the Charter says the Commission has a say in disciplinary matters, but currently there is a pass in instructions and they are not sure what their role is. There has been a communication from the Mayor's office on the recent issues, however they received most of their information from the media. Council Member Spitzley asked if he was willing to look at the Charter and address their position with the Commission, and Mr. Singleton acknowledged the request. Council Member Spitzley asked if there was any update on the Chief position, and he confirmed he has not heard since Chief Mackey's resignation. Council Member Wood referenced a Commission sub Committee, which is a Hiring Committee. This Committee reviews and ranks members that go through the interview process, and asked if he ever sat on that, and if during that time they saw the diversity coming through. Mr. Singleton confirmed he has sat on a Hiring Committee, but it was not through the Commission itself, but through HR. There were Commissions that sat on it, and he believed the process was sufficient, and left him feeling the process leveled the playing field. Council Member Wood then referred to last year's budget process, with the LFD intention to develop a cadet program similar to the LPD cadet program, and asked Mr. Singleton if it was formed. Mr. Singleton confirmed it was discussed but not formed. Council Member Wood asked Mr. Singleton and the Commission to reach out to the Mayor's office for an update on the Fire Chief vacancy. Lastly, Council Member Wood asked if he was aware if any of the grants that Council approved for equipment have been disbursed, and Mr. Singleton stated that they

expect equipment in October. Council Member Dunbar asked Mr. Smiertka to speak on what the Commission role can be in the interviews coming up. Mr. Smiertka outlined the Commissions roles and that some items are driven by the collective bargaining. He added that if the Commission ever wanted an OCA present, they have attorney responsible to the LPD Commission and the Commission can ask any questions they want to be brought back to the OCA for clarification. Council Member Jackson stated his concern that if disciplinary matters are driven by collective bargaining, and overrides the charter, then issues are not brought to the public's attention. He supported collective bargaining, but when comes to transparency there is an issue. Council Member Spitzley reiterated that it appears the Commission can hire the Fire Chief, deal with policy and procedures, and it appears they can have access to the OCA to get any information they need to make their decisions. Absent the collective bargaining, the Charter does give the Commission the authority on issues and to be involved with what is going on. She encouraged the Commission to work with their OCA representative on the policies and authority they have. Mr. Singleton admitted he was not aware of an OCA liaison but admitted they have not had any major issues until last year, so now they are looking at their role and responsibility. Council Member Dunbar asked Mr. Singleton if he was asking for options from the OCA. Mr. Singleton reiterated he was encouraged by the option to pursue an OCA liaison. He continued stating, in his opinion, that if the Commission could have taken a more active role the LFD could have handled some of the current issues, but again things were not brought to their attention until after the fact. Council Member Dunbar stated she was not looking for someone in this role to be consider if their stand is political and not willing to take a stand. Mr. Singleton assured her he was not a stranger to conflict and dealt with conflict at his previous jobs. Council President Spadafore concluded the discussion by noting to him that the collective bargaining agreement was in conflict with the Charter, when the Charter should be the guiding principal.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE REAPPOINTMENT OF RODNEY SINGLETON TO THE BOARD OF FIRE COMMISSIONERS. ROLL CALL VOTE, MOTION CARRIED 8-0.

RESOLUTION – Introduction & Set Public Hearing; Ordinance Amendment to Property Tax Exemption Guidelines

Mr. Venker explained to the Committee that there is a section in the Property Tax Exemption Ordinance that lists a cetin type of income, and refunds or rebates from prior property tax assessment. It has been determined by the State Tax Tribunal that it is not valid income that the City can count. Council Member Jackson asked why it was counted in the past, and Mr. Venker stated that some municipalities have counted it in the past, and even the Federal Government counts it. But based on the precedence from tax analysis they counted it as income because income came back to them as a refund. The OCA confirmed it does need to be removed and the State Tax Commission has directed municipalities to not use that practice. Mr. Venker did note that the Assessor has not been doing it, but this is formalizing the practice. Council Member Hussain noted there was another piece that if the applicant owns and occupies a principal residence the cap value is less than the true cash value in the entire city, and asked if that aligned with the current policy. Mr. Venker replied that that piece of the document came directly from the State guidance piece, and a separate opinion stating it should not be part of the analysis anymore, therefore relevant value is not part of it. Council Member Spitzley asked how this amendment will impact the General Fund and if the Treasurer should be present to respond to the impact. Mr. Venker stated functionally it would not, and the Assessor has already been following the practice over the current year and prior years. The recommendations came down directly from the State Tax Commission and changes in law, so she has already made the changes in her practice. Mr. Widigan confirmed the Treasurer would be the best to speak to that inquiry and he could take notes for answers in the future.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR SEPTEMBER 14, 2020 FOR THE ORDINANCE AMENDMENT TO PROPERTY TAX EXEMPTION GUIDELINES. ROLL CALL VOTE, MOTION CARRIED 8-0.

RESOLUTION – Montgomery Drain Special Assessment –Public Improvement I/II

Council President Spadafore explained to Council that what they had in front of them for action tonight is Phase 1 and Phase 2, which formally request the plans to be finalized and to start the assessment roll with the Assessor. The next phase will be to set the public hearing, and the Committee will see that at the 8/31/2020 Committee of the Whole and Council Meeting. Mr. Kilpatrick confirmed the statement and added this project was determined under the drain law in 2014. Their intentions is to have the roll by 8/28/2020 for Council so they have it when setting the hearing on 8/31/2020 for 9/14/2020. Mr. Lefler was present but had no additional information at this time. Council Member Wood asked Ms. Harkins for confirmation that the Mayor was in discussions with the Drain Commissioner to delay the project and get more bids. Ms. Harkins stated that was her understanding at this time. Mr. Kilpatrick added that the City did approach the Drain Commissioner to put the project on hold, and there were efforts to reduce the cost, but the Drain Board determined to move forward because they are afraid if they delay costs will go up. He added that with the project moving forward, regardless what the City does, the City will get the assessment. Once that assessment and invoice comes in, the City Council will have to determine how to pay it, if they don't determine that now. Council Member Wood then reminded the administration that during the budget process Council asked the Administration to have discussions with the neighborhoods and business, and Council was assured this would happen. Mr. Kilpatrick was asked what communications were done to meet with residents. Mr. Kilpatrick admitted they have not had direct communications with residents, but have had meetings with businesses, and anyone that has contacted them directly. It was noted the City can send out information, but the City cannot change the project because it is not their project it is the Ingham County Drain Commission project. Once the public hearing is set they could send out flyers. Council Member Jackson supported Council Member Woods comments and asked if Council was being asked to approve the amount at this point. Council President Spadafore clarified that today's action is to direct the staff to move forward so Council can see what the roll will be, then they set the hearing for September. The residents will get notice of the hearing and can appeal at that time. Council Member Dunbar asked to delay the process and convince the Drain Commissioner to delay. Mr. Kilpatrick stated again that whether the City takes action or not, the City will get the bill from the Drain Commission, and at that time they will have to take action on the assessment roll. It is a matter of timing because the bonds are going out 8/25/2020, the bills are getting paid, so if the City does not take action, there would be no revenue before the City starts to receive the invoices. Mr. Kiefer confirmed the Drain Commissioner has ready started the project, and Drain Commission has assessed the costs of the project, and invoice will arrive at the City regardless of the action from Council. Council President Spadafore noted to the Council that if they do not take action, then the invoices and interest will get paid out of the general fund. Council Member Spitzley acknowledged the fact it is the Drain Commission project, however noting that the Council has a commitment to the public, and she concurred with Council Member Wood's statement that Council had asked the administration to get out early to relay the impact to the residents and it appears the City has not done any outreach. She then asked Mr. Kilpatrick if the Drain Commission has provided the final amounts to the City, and Mr. Kilpatrick confirmed they have something but are reviewing it because the City might not go with their recommendation on residential properties, duplexes and proportional properties. Council Member Spadafore recapped for the Council that what was in the budget was the assessment rate and millage rate. Mr. Kilpatrick confirmed Council set the 50% amount for millage, and the assessment was not set at that time, but formally beginning the

process today. Council Member Betz asked for options to delay any action because there are residents that have a meeting with the Mayor next week. Mr. Lefler confirmed to the Council he understood their concern, and have met with constituents over the last 6 months and obtain information for them from the Drain Commissioner. He encouraged Council to start the process to ask for the final roll, so when a question comes from a resident they can answer their question on what the assessment will be. Council Member Hussain asked when the public hearing should be held, and Mr. Kilpatrick stated it could be as early as 9/14/2020, however until they take action tonight they can't create the roll to have those discussions with constituents. Council Member Spadafore asked the Administration what the drop dead date is to approve the final roll to get on the taxes. Mr. Lefler explained that the drain code tax will be assessed on the winter 2020 tax roll. Ninety days after the roll is approved, would be when the first payment from the City to the Drain Commission will come due. In compliance with the ordinance, the first levy would be on July 1. Mr. Kiefer continued the explanation by stated that tonight is the first step, then schedule the hearing, hold the hearing, then make any changes from the hearing, then approve the roll and 90 days after approval of the roll the first payment will come due. The next installment would be on the summer 2021 taxes. The first payment of the assessment would not be on the taxes but would be a bill, and the only thing on the winter 2020 taxes for this would be the millage that Council approved as part of the budget. Council Member Dunbar asked if the meeting with the Mayor and the residents next week is about the 50% that was determined in the budget, so could the action on phase 1 and phase 2 begin. Council Member Wood recalled a draft roll during the budget season that Council saw and asked Mr. Kilpatrick how different that was now. He acknowledged it was not that different for the commercial properties, but there is a discussion on the residential and how to assess; size of lot or per residential. Mr. Lefler was asked what residents he met with over the last 6 months as he stated earlier, and he noted it was not residential but commercial. The entire City will see the .26 mills, which is about 50%. Council President Spadafore asked Mr. Lefler what happens if the .26 mills does not cover the cost, would they have to raise the millage. Mr. Lefler admitted it would be up to Council to determine how they would cover the remaining balance. Council President Spadafore asked, if in the long term property values went down, what would happen. Mr. Lefler stated that if the taxable value dropped, then they would assume no growth in the tax base in next 30 years and that would be a conservative approach. Council President Spadafore asked if there is a legal ability to exclude parcels from the special assessment district or drain district. Mr. Smiertka stated they cannot be arbitrary when they look at roll, it goes to all parcel that benefit, and to exclude a parcel on reasons that are not standard puts the City in jeopardy. Council Member Jackson asked if parcels could be excluded based on poverty or income. Mr. Smiertka stated he would look at the standards, but this assessment is based on the property and that the property will benefit from the drain, not based on the resident. Mr. Venker confirmed that poverty is not a standard that can be considered. The project benefits the land, and it includes benefits to the property, therefore the roll has to include all properties. Mr. Kilpatrick assured the Council that they are trying to follow what is being done around the State for similar special assessments and making sure the approach is defensible. Council Member Betz asked if the 50% is set, because it was voted as a millage rate as part of the budget, and if so is today reaffirming the 50%, if not then can there be a change to reflect a different percentage. Council President Spadafore confirmed that the budget decision was 50%, this roll will demonstrate what 50% will look like. If Council wants a change they need to decide before December. Mr. Keifer restated that Council has the ultimate authority with the budget 50% millage and 50% special assessment. They could make the change the assessment before they finalize the roll, however they longer they wait on the decision more interest will accrue on the invoices they will be getting for the project. Mr. Smiertka made them aware that there are bonds out there with the 50% covenant listed in it, and 50% will set the benchmark for the roll assessment for the property owners. Council Member Wood reminded the Council that Council passed a budget with the

50% part of it, and they cannot change the budget, it would have to be a recommendation from the Mayor for them to consider. That statement was confirmed by OCA.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE MONTGOMERY DRAIN ASSESSMENT PUBLIC IMPROVEMENT ROLL PART 1 AND 2.

MOTION BY COUNCIL MEMBER BETZ TO TABLE ACTION ON THE RESOLUTION.

Council President Spadafore clarified earlier statements that this action is to start the process of Public Service working with the Assessor to create the roll.

COUNCIL MEMBER BETZ RESCINDED HIS MOTION TO TABLE ACTION.

ROLL CALL VOTE, MOTION CARRIED 8-0.

RESOLUTION – Reset Public Hearing Ordinance Amendment; Repeal Section 404.01(j); Eliminate the prohibition of street parking from 2am – 5am

Council Member Spadafore explained to the Committee and the public that the following three resolutions are to repeal, eliminate and create parking for snow emergencies. It was brought to the Council's attention last week that the Clerk's office did not publish the notices for the hearings, so a new hearing date will need to be set for all three for 8/31/2020.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO RESET THE PUBLIC HEARING FOR AUGUST 31, 2020 FOR THE ORDINANCE AMENDMENTS TO SECTION 404.01.

Council Member Dunbar added to the explanation that they are listed on the agenda later tonight because this was the first date set by resolution of Council, then these actions will reset another hearing. After the hearing on 8/31/2020, it will go back to the Committee on 9/14/2020, with the intention of coming out to Council on 9/21/2020. She also noted she has already reached out to EDP for a count of the number of permits that have already been issued so there can be a discussion on refunds if necessary. Council Member Jackson spoke in support of repealing overnight parking ordinances, however would be open to a similar ordinance and permits if it was based on the residents representing they need to park in the street because of driveway and garage circumstances.

ROLL CALL VOTE, MOTION CARRIED 7-1.

RESOLUTION – Reset Public Hearing Ordinance Amendment; Repeal Section 404.13; Eliminate Annual and Temporary Permits for Overnight Parking

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO RESET THE PUBLIC HEARING FOR AUGUST 31, 2020 FOR THE ORDINANCE AMENDMENTS TO SECTION 404.13. ROLL CALL VOTE, MOTION CARRIED 7-1.

RESOLUTION – Reset Public Hearing Ordinance to Create Section 404.12; Regulate Street Parking during Snow Emergencies

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO RESET THE PUBLIC HEARING FOR AUGUST 31, 2020 FOR THE NEW ORDINANCE 404.12. ROLL CALL VOTE, MOTION CARRIED 7-1.

DISCUSSION –Fiscal Year 2021/2022 Budget Priorities

Council President Spadafore reminded the Committee the priorities are due October 1st, and therefore it will be back before Council for adoption September 21, 2020, unless a special council meeting for this item is required. He then suggested all Committees start looking at them, and the Committee of the Whole will review again on 8/31/2020 for formatting, etc. Council President Spadafore concluded by stating his goal of the Committees reporting back by the 9/14/2020 Committee meeting for the Committee as whole to finalize any recommendations before the 9/21/2020 adoption.

Other

Council Member Wood asked Council President Spadafore if the City Clerk had been invited to a future meeting to provide an overview of the absent ballots, and Council Member Spadafore confirmed he would be present at the Committee meeting on September 14, 2020.

Adjourn

The meeting adjourned at 6:46 p.m.

Respectfully Submitted by,

Sherrie Boak, Recording Secretary

Lansing City Council

Approved by the Committee August 31, 2020