



MINUTES
Committee of the Whole
Monday, October 26, 2020 @ 5:00 p.m.

<https://us02web.zoom.us/j/82739307418>; ID: 827 3930 7418; or Dial in: (646) 876 9923

Held virtually in an effort to protect the health and safety of the public & to mitigate the spread of COVID 19

CALL TO ORDER

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

PRESENT- via audio/video

Councilmember Peter Spadafore remotely from Lansing, Michigan
Councilmember Adam Hussain remotely from Lansing, Michigan
Councilmember Carol Wood remotely from Lansing, Michigan
Councilmember Patricia Spitzley remotely from Lansing, Michigan
Councilmember Kathie Dunbar remotely from Port Austin, Michigan – arrived at 5:39 p.m.
Councilmember Brandon Betz remotely from Lansing, Michigan
Councilmember Jeremy Garza remotely from Lansing, Michigan
Councilmember Brian T. Jackson remotely from Lansing, Michigan

MEMBERS PRESENT- via audio/video

Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Samantha Harkins, Deputy Mayor
Mike Tobin, LFD
Sara Morrison
Linda Vail, Ingham County Health Department
Andy Kilpatrick, Department Public Services Director
Doug Rubley
Sherri Wiegman
Stephen Early
Judy Kehler, Chief Strategy Officer
Greg Venker, OC

Minutes

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM SEPTEMBER 21, 2020 AS PRESENTED. ROLL CALL VOTE, MOTION CARRIED 7-0.

Public Comment

Ms. Morrison spoke about the proposed retirement benefit changes and in opposition to those changes.

Mr. Rubley spoke on the proposed retirement benefit changes and in opposition to the proposed changes.

Ms. Wiegman spoke in opposition to the proposed changes in the retiree healthcare benefits.

Mr. Early spoke on the proposed retiree benefit changes.

Discussion/Action

RESOLUTION – Procedures Pursuant to Open Meetings Act (OMA) Amendments
Council President Spadafore passed the gavel to Council Member Hussain.

Council Member Spadafore spoke about recent PA 228 and the establishment of rules of procedures for the Open Meetings Act. Once Council takes action on this resolution, all other Boards, Committees and Commissions can refer to this document and will not have to adopt their own procedures. He briefly outlined the procedures through 12/31/2021.

MOTION BY COUNCIL MEMBER SPADAFORE TO APPROVE THE RESOLUTION FOR THE OPEN MEETINGS ACT AMENDMENTS PROCEDURES.

Council Member Spitzley asked if these procedures would be City wide or just Council, and President Spadafore confirmed it will apply to any board and commission if they are a City agency. He added that the procedures were written based on the wants of the Senate. Council Member Spitzley then asked the Administration if there was a plan to reopen City buildings to the public. Council President Spadafore could not speak to that, but did state that it members are allowed to participate virtually and open to the public, they can move to SWOC for any health concerns. This will allow some members to continue to participate remotely.
ROLL CALL VOTE, MOTION CARRIED 7-0.

Council Member Hussain passed the gavel back to Council Member Spadafore.

RESOLUTION – LFD Cadet Explorer Program

Mr. Tobin spoke about new program in partnership with Lansing Schools, which takes juniors and seniors in high school and pairs them with fire fighters to become certified. There is no cost to the City and they already have ten (10) students five (5) days a week. Council Member Wood asked if there was any cost, and Mr. Tobin confirmed there was personnel costs paid by the LFD budget and majority of the program is paid by the Lansing School District budget. Council Member Spitzley asked if this program was different from what Council just requested in their budget priorities for FY2021/2022, and Mr. Tobin confirmed what is proposed is on job training programs, and they are currently working on the best avenue for that.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE LFD CADET EXPLORER PROGRAM. ROLL CALL VOTE, MOTION CARRIED 7-0.

RESOLUTION – Authorize Co-Counsel- Clark Hill for Election Integrity Fund

Mr. Smiertka explained the City was approached by the City of Flint to do joint representation because both parties' interests aligned. He noted there are no costs to the City, and Clark Hill services are being donate. He concluded by stating that this resolution is to accept services free of charge. Council President Spadafore asked if the City lost, would the City have to pay any vested funds back. Mr. Smiertka could not provide an answer at this time because the case is in the beginning stages.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO AUTHORIZE THE CO-COUNSEL CLARK HILL FOR THE ELECTION INTEGRITY FUND CASE. ROLL CALL VOTE, MOTION CARRIED 7-0.

RESOLUTION - Introduce and Set Public Hearing; Ordinance to Amend Chapter 602, Section 602.11; To Prevent Disease, Prolong Life and Promote Public Health by Providing for Enforcement of Local Health Orders or Regulations pursuant to the Michigan Public Health Code

Council President Spadafore explained this resolution and the next agenda item is to follow suit on the Ingham County Health Department regulations. The next agenda item will bring emergency actin for the next 30 days until this ordinance amendment can hold its public hearing and be adopted.

Mr. Vail spoke briefly on the effectiveness of the Ordinance to allow enforcement of State and local orders.

Council Member Dunbar entered the meeting at 5:39 p.m. from Port Austin, Michigan.

Council Member Betz stated that he believes a pandemic is a health crisis, but also racism is a public health crisis. Ms. Vail acknowledged that they are trying to protect everyone with enforcement of these orders. Council Member Spitzley asked what Chief Green with the LPD thought of this resolution and proposal. Ms. Vail stated she believed the Chief was supportive, and this would make it easier for public enforcement. Council President Spadafore also stated he spoke to Chief Green before introducing this. Council Member Jackson asked for clarification the infraction portion. Ms. Vail stated she did not want civil infractions, a warning letter would be issued, then a ticket. Council Member Jackson referenced ordinance where it stated willfully disobeying with knowledge is a misdemeanor, or was she saying disobeying with knowledge or being irrational is a civil infraction. Ms. Vail stated that misdemeanor is still part of the public health code. Council Member Jackson then noted that courts do not enforce infractions. Ms. Vail confirmed she had spoken to law enforcement and to district courts, noting there has to be an appeal process. She continued to explain that if this ordinance is not done, then the process is LPD writes a report, which goes to the County, then she issues an administrative citation in 90 days. Then if they appeal it, they appeal to her department, and she makes the final decision. She does not support that practice, so this new ordinance would make all appeals go to the circuit court.

Council Member Betz asked the OCA to submit to Council a racial breakdown on citations monthly. Mr. Smiertka noted to Council Member Betz that under Health Order 21 there is a prohibition on racial disparities. Council Member Betz asked for the report anyways, stating that if there is a racial impact, then this process can be stopped and it can be reverted back to the Health Department process to enforce. Mr. Smiertka stated he could track down the information.

Council President Spadafore asked for the Ordinance to be amended to include "state orders" in the Emergency Order Resolution, found on page 1 line 17. This substitute will be taken up at Council after this meeting.

Council Member Jackson asked Mr. Smiertka the process to be taken by the residents after the ordinances are adopted for enforcement. His concern with residents calling the LPD is that currently the police have many incidents occurring, and now the City would be adding this enforcement and citation process. He also asked if enforcement will be patrol driven or complaint driven and if an officer sees the violation do they determine if it is a misdemeanor or

civil infraction. Mr. Smiertka stated the officer will determine, and once the violation comes to the City it will be analyzed and if it does not apply it will be kicked back. Council Member Jackson then referred to page 2, item C of the Ordinance, asking about the role of 911. Ms. Vail stated as of this date, there has not been a 911 situation yet. Council Member Jackson asked Mr. Smiertka if someone does violate the orders, would the police have the right to search a person. Mr. Smiertka stated there has to be an arrest first for a search. Council Member Betz asked for data on arrests in addition the earlier report request, noting he would have a concern on misdemeanor searches. Council Member Jackson asked why Code Enforcement could not issue the citations instead of the LPD. Ms. Vail stated that under the State Code, it designates law enforcement. Council Member Jackson asked his fellow Council Members to consider changing enforcement to Code Enforcement. Council President Spadafore stated he would initiate a conversation with the Administration on other avenues and also speak to East Lansing on what they are doing.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR NOVEMBER 9, 2020 FOR THE ORDINANCE AMENDMENTS TO CHAPTER 602. ROLL CALL VOTE, MOTION CARRIED 8-0.

ORDINANCE - EMERGENCY ORDINANCE – Ordinance to Amend Chapter 602, Section 602.11; To Prevent Disease, Prolong Life and Promote Public Health by Providing for Enforcement of Local Health Orders or Regulations issues pursuant to the Michigan Public Health Code

Will see a substitute at Council to address state order.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE ORDINANCE FOR EMERGENCY ACTION TO AMEND CHAPTER 602 SECTION 602.11. ROLL CALL VOTE, MOTION CARRIED 8-0.

RESOLUTION – Reset Public Hearing; Lansing Economic Development Corporation (LEDC) Downtown Lansing Riverfront Project, Lansing Shuffleboard and Social Club LLC

Council President Spadafore made note for the record the hearing was reset because the original date of October 12, 2020 was canceled due to the Michigan Supreme Court orders on the Governors Executive Orders.

MOTION BY COUNCIL MEMBER HUSSAIN TO RESET THE PUBLIC HEARING FOR THE LEDC RIVERFRONT PROJECT FOR NOVEMBER 9, 2020. ROLL CALL VOTE, MOTION CARRIED 8-0.

RESOLUTION – Set Public Hearing; Lease Agreement; Lansing Shuffleboard and Social Club, LLC 325 Riverfront Drive

MOTION BY COUNCIL MEMBER HUSSAIN TO SET THE PUBLIC HEARING FOR THE LEASE AGREEMENT FOR NOVEMBER 9, 2020. ROLL CALL VOTE, MOTION CARRIED 8-0.

RESOLUTION – Reset Public Hearing; Special Assessment Montgomery Drainage District Improvements

Council President Spadafore made note for the record the hearing was reset because the original date of October 12, 2020 was canceled due to the Michigan Supreme Court orders on the Governors Executive Orders. He also noted that he held a meeting in Ward 1 with Council Member Betz and Mr. Kilpatrick from Public Service on the topic.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO RESET THE PUBLIC HEARING FOR THE MONTGOMERY DRAINAGE DISTRICT IMPROVEMENT SPECIAL ASSESSMENT FOR NOVEMBER 9, 2020.

Council Member Betz asked if new notices will be sent, and was assured by Council President Spadafore that the Department on Public Service will be sending them out, and the Administration will be asked to post as well. It was also noted the assessment had not changed. Mr. Kilpatrick confirmed a postcard will be sent, and Council Member Wood advised them to send a letter so the postcard was not discarded. Council President Spadafore noted that any letters, emails or messages with concerns will be considered at the new hearing, and there would be no need to resend.

ROLL CALL VOTE, MOTION CARRIED 8-0.

Adjourn

The meeting adjourned at 6:26 pm

Respectfully Submitted by,

Sherrie Boak, Recording Secretary

Lansing City Council

Approved by the Committee November 9, 2020