



MINUTES
Committee of the Whole
Monday, November 30, 2020 @ 5:00 p.m.

<https://us02web.zoom.us/j/87149618641>; ID: 871 4961 8641; 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 – arrived at 5:04 p.m.
Councilmember Kathie Dunbar remotely from Port Austin, Michigan
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
Lisa Hagen, OCA
Nick Tate, Deputy Mayor
Brian McGrain, EDP Director
Andrew Fedewa, EDP
David Fisher
Loretta Stanaway
Jake Brower, Budget
Robert Widigan, Finance

Minutes

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM NOVEMBER 9, 2020 AS PRESENTED. ROLL CALL VOTE, MOTION CARRIED 7-0.

Public Comment

Mr. Fisher spoke on the Montgomery Drain Special Assessment and questions he previously asked. Those included what are the calculated run offs, and calculated run offs for the whole project. Lastly, Mr. Fisher asked what the total cost of the work in the property boundaries and what is the total cost, along with the interest in the details with the park project work.

Ms. Stanaway spoke in opposition to former Kmart site proposal and the proposed Form Based Code.

Council President Spadafore stated he would address Mr. Fisher's questions late in the meeting where it appears on the agenda.

Presentation

COVID Policy Update – Deputy Mayor Nick Tate (Administration)

Council President Spadafore made note for the public, that later at Council there is a resolution to extend the State of Emergency for the Mayor, and during discussions Council has inquired into what is happening with the employees and offices.

Mr. Tate in compliance with State orders, have encouraged not having employees in the offices. There are positive cases in the City, and there have been limited positive cases. In June there was a return to work plan including mobile work, if in the office there are screenings, and if someone is sick that information is passed along to the County Health Department and internal contact tracing. Mr. Tate then presented on the internal COVID reporting, COVID reporting rules, and challenges on testing.

Council Member Wood stated she had a concern that there are employees with family members who have tested positive, does that have to be reported. Mr. Tate, whenever a family member is positive, there is a quarantine order from the County they live in, but now that contact tracing is only limited to high risk, the practice has been using the MySystem app, and if an individual or family member does have symptoms, there has been contact with the Council Health Department. Council Member Wood noted there is nothing in the presentation on required testing, providing the results before they come back, and asked if there any requirements. Mr. Tate stated that as far as testing to come back to work, because results going up and the time it takes to get the results back. It has been discussed by not required. Council Member Wood asked about vehicles, and Mr. Tate stated that once there is a positive case, the vehicle does not go back into service until it is cleaned. The next question was into the cleaning practices in City Hall, and Mr. Tate confirmed the common areas are cleaned daily and if there is a positive case electrostatic cleaning is occurring. If an employee believes something is not occurring they can reach out to Kathy Woodman in HR.

Council Member Spitzley asked how many positive cases have there been, and Mr. Tate stated as of today there are 6 confirmed positive. Council Member Spitzley asked if essential and first responders are getting testing as a course of practice. Mr. Tate stated not pro-active. Council Member Spitzley then asked if there was a policy for quarantining City staff, until they get a result back. Mr. Tate stated they follow the CDC guidelines, but there is no City policy. Council Member Spitzley asked if all staff members are aware of the cleaning practices so they employee knows when it is cleaned. Mr. Tate noted the cleaning practices are addressed with Andy Kilpatrick, and the LPD and Fire are also doing their own cleaning, however there are not set dates and times in the policy. Lastly, Council Member Spitzley asked if there is a policy on when City Hall will open, and Mr. Tate confirmed they do not and are watching what the State does, and at this time the buildings will not open any sooner than 1/11/2021. Council Member Betz referenced some media publications where officers are not wearing masks and asked what policy the City has. Mr. Tate could not confirm if the LPD has a written policy on that, but will check on it and report back.

Quarterly Budget Report and Vacancy Factor Report (Finance)

Mr. Brower referenced the quarterly report, beginning with a presentation on the general fund status report, the individual revenue report, and the revenue summary. The reports cover through September 30, 2020, and provide a breakdown per department. The first slide noted \$6,894,241 in combined general fund reserves and total budgeted \$132,289,569 in total revenue. Property taxes received at the beginning of the year, is slightly ahead but will be

adjusted throughout the year, the income taxes is something that they project cautiously, and currently are slightly below the projected average. The LBWL return on equity is set at \$25,000,000 and the State revenues at \$17,126,000. Mr. Brower then noted the expenditures are where expected for a 9/30/2020 target. Council Member Betz asked if the audit for HRCS will come out of general fund or if they were budgeted for. Mr. Brower noted they will be general fund, and are in the process of discussions on the bottom figures. Council Member Wood asked if there has been any discussion on unnecessary spending. Mr. Brower stated they have not enacted a rule on spending, there is a hiring freeze, and Council Member Wood asked the Administration to have a freeze on expenditures. She then asked for a list of all the contracts that are currently being held for Council to consider on what could be eliminated or reduced. Council Member Wood then referenced tax comparisons with the State to coordinate with the City to make sure the City was getting all the income taxes. Mr. Brower acknowledged they have been working on the list of contracts, and regarding the project on income tax rolls, Ms. Kehler is working on with the new Treasurer, but he was not sure of the specific operations. Council Member Wood asked if there are going to be more tax tribunal cases dues to closed offices, and Mr. Brower confirmed they have gotten a list of tribunals, and there are more on the list this year in comparison to other years. Council Member Wood asked Mr. Brower if they have done an analysis of people working from home, Mr. Brower noted that non-residents in past years was 20% of the revenues and that will be updated and detailed. Looking at projections of people working from home and the Treasurer, budget and the Chief Strategy Officer are all working on a clear projection. Council Member Spitzley and Council Member Wood noted a concern that the departments are being asked to project their budget under a status quo, and asked if they are looking at fines and other factors and asked if the City had to pay fines. Mr. Brower noted that as far as the ACH fines, and the sewer lawsuit, the FY2020 funds were transferred from the reserves to the general fund. The sale of the Townsend Ramp went to the parking fund, then transferred to the general fund.

Council Member Spitzley asked if the City take more than \$2.5 million from the general fund in anticipation of paying fines for failing to report by the previous budget director, and are there projects savings for staff working at home. Mr. Brower acknowledged there are savings, however they are countered by expenses for employee to physically work from home. Council Member Spitzley asked for the number of people hired during the hiring freeze and suggested Mr. Brower provide the departments with a specific percentage while preparing their budget. Mr. Brower stated he would look into the number of people hired. Council Member Jackson if the City were to become liable for damages, where those funds would come from if the insurer does not cover it. Mr. Brower and Mr. Smiertka both explained there is a \$1 million deductible and if settling the majority would be general fund, 25% from bonds. Mr. Brower then went through the vacancy factor report with a budgeted \$1.4 million in vacancies, and with the current vacancies, the overall savings of \$353, 984 and on track to reach the savings budgeted. Council Member Wood referenced page 2 of the vacancy factor report, nothing those do not go towards the factor, but asked Mr. Brower to do a cost out of each of those positions and Mr. Brower stated he would introduce at the next report.

Proposed Form Based Code (Public Hearing at Council Meeting tonight)

Mr. Fedewa provided a presentation on the Design Lansing Comprehensive Plan Recommendations, and the Planning Board recommended the Code February 4, 2020 along with 15 public events and workshops in all four wards. Mr. Fedewa's presentation then went through the specifics of the Code, noting all documents have been on the City website for multiple years.

Council Member Wood stated first she would be forwarding questions to Mr. Fedewa, but did ask if there Form Based Codes for the entire City, in other areas, what those areas would be. Mr. Fedewa noted there is Miami, but it is a hybrid that is considering in Lansing, and Grand Rapids started out as a district but is now a City wide. Council Member Wood asked if there was a discussion with the Michigan Realtors Association. Ms. Stachowiak stated that 2-3

years ago realtors, developers and builders were invited to a consultant presentation, however not done specifically to the Michigan Realtors Association. Council Member voiced a concern taking public input during ZOOM meetings and taking action during this pandemic. Council Member Jackson asked if there is any opposition to this. Mr. McGrain stated during the Master Plan process, multiple years ago, there was public input, visions that transferred into Form Based Code. Some of the negative feedback has come from lack of knowledge of the materials and perception it is “one size fits all” and this is not that, but a unique way of addressing them all. Council Member Wood noted the concerns she has heard is how many municipalities have adopted this entirely not in districts, and the second opposition she had heard is the enforcement factor of it.

Discussion/Action

ORDINANCE – Amend Chapter 602, Section 602.11 Provide Enforcement of Local Health Orders or Regulations issues pursuant to the Michigan Public Health Code

Council President Spadafore passed the gavel to Council Vice President Hussain.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE ORDINANCE TO AMEND CHAPTER 602, SECTION 602.11.

Council Member Spadafore recapped that there is currently an emergency order for enforcement on these types of violations and what the Health Department orders are. Regarding earlier questions on if the LPD has the time enforce and from his research it appears the LPD is already enforcing. Council Member Betz asked if LPD will be required to wear masks during this enforcement since they are issuing misdemeanors. Council President Spadafore stated there is an exemption in the State order, where it would interfere with their ability to perform, but not in the City ordinance. Mr. Tate was not available, and Council Member Betz noted his concern. Council President Spadafore asked the question to be raised with the Mayor at Council. Council Member Jackson spoke on his concerns with LPD encouraging their enforcement and taking them off serious situations to enforcement something after the fact. Council President Spadafore noted the LPD are already doing this through the health code, and gives them authority to issue a misdemeanor, along with taking out of the Health Department enforcement. Council Member Hussain added that this will provide a process and check and balance. Council Member Wood asked, since the emergency ordinance, has there been any tickets or misdemeanors issued. Mr. Smiertka stated they have not seen anything through their legal office on the local ordinance. Civil infraction tickets are issued, but after a warning. With speaking to LPD this morning, they have noted issued any citations either. Lastly, Mr. Smiertka confirmed his office will train the officers on what they can and cannot do.

ROLL CALL VOTE, MOTION CARRIED 7-1.

Council Member Hussain passed the gavel to Council President Spadafore.

RESOLUTION – Special Assessment Montgomery Drainage District Improvements

Council President Spadafore referenced the packet of appeals and what the process would be. At this time the Committee can review the appeals with final action on December 14, 2020. Council Member Betz if a discussion will delay it on the winter tax roll. Council President Spadafore stated it will be distributed to the residents and if they do not pay it will appear on their taxes. Council Member Wood referenced the appeals and asked if those residents could appeal in person, wanting to make sure those that have concerns, have the ability to speak in person. Council President Spadafore asked if the Committee would be interested in referring to Committee on Public Service. Council Member Dunbar supported having it at a Committee on Public Service. Council Member Betz asked about notification on

a new meeting date, and then asked if someone hasn't filed an appeal by the time of the public hearing, can they make a new appeal. Council President Spadafore can communicate with those appeal, and the deadline has ended for an appeal.

MOTION BY HUSSAIN TO DISCHARGE THE ITEM TO THE COMMITTEE ON PUBLIC SERVICE COMMITTEE. ROLL CALL VOTE, MOTION CARRIED 8-0.

Other

Place on File – Notification of the Lansing Bond Sales Results

MOTION BY COUNCIL MEMBER HUSSAIN TO PLACE THE DOCUMENT ON FILE. ROLL CALL VOTE, MOTION CARRIED 8-0.

Place on File – Housing Urban Development (HUD) Audit Penalty Communication

MOTION BY COUNCIL MEMBER HUSSAIN TO PLACE THE DOCUMENT ON FILE.

Council Member Wood asked for a discussion on this communication at a future meeting.

ROLL CALL VOTE, MOTION CARRIED 8-0.

{CLOSED SESSION} AT 7:11 P.M.

MOTION BY COUNCIL MEMBER HUSSAIN:

Pursuant to MCL 15.268(h) of the Open Meetings Act, I hereby move that we recess into closed session to consult with the City Attorney to consider material exempt from discussion or disclosure by state statute. Specifically, to discuss a written legal opinion and written material from the City Attorney provided under attorney-client privilege and attorney work-product, and which is also exempt from disclosure under the Freedom of Information Act pursuant to MCL 15.243 (g).

Council Member Wood asked for the topic of the closed session. Mr. Smiertka stated Council would have to motion to waive attorney client privilege.

COUNCIL MEMBER HUSSIAN WITHDREW HIS MOTION.

MOTION BY COUNCIL MEMBER WOOD TO WAIVE ATTORNEY CLIENT PRIVILEGE. ROLL CALL VOTE, MOTION CARRIED 8-0.

Mr. Smiertka stated the topic of the closed session is an Office of the City Attorney legal opinion on the current State of law on eliminating and modifying retiree healthcare benefits. Council Member Wood stated after hearing the topic she would not support going into closed session, because in her opinion the topic needs to be presented in a public meeting. Council Member Spitzley also did not support a closed session for the topic because it has already been in public meetings including Council Committee meetings and the Financial Health Team meetings.

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ROLL CALL VOTE, MOTION FAILED.

Council Member Wood asked Mr. Smiertka if now the discussion can be held in open session. Mr. Smiertka informed the Committee that it is an opinion on a legal petition, not anything to do with ethics on policies, and it is the OCA responsibility to give Council a legal analysis. He concluded by informing the Committee that if Council wants to take action to have the discussion in open session they can. Council President Spadafore stated he would speak to the Administration on the timeline and make a determination what future agenda to put it on.

Adjourn

The meeting adjourned at 7:18 pm

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

Approved by the Committee on December 14, 2020