



MINUTES
Committee on Public Service
Tuesday, March 6, 2018 @ 4:00 p.m.
City Hall, Conference Room, 10th Floor

CALL TO ORDER

The meeting was called to order at 4:01 p.m.

ROLL CALL

Council Member Peter Spadafore, Chair
Council Member Jeremy Garza, Vice Chair
Council Member Jody Washington, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Andy Kilpatrick, Public Service Director
Jim Smiertka, City Attorney
Joseph Abood, Chief Deputy City Attorney
Amanda O'Boyle, Assistant City Attorney
Heather Sumner, Deputy City Attorney
Brett Kaschinske, Parks & Recreation Director
Scott Sanford, Code Compliance
Dan Danke, Public Service
Andy Kilpatrick, Public Service Director
Council Member Wood
Sandra Cade, Friends of Ormond Park
Merry Stanford, Friends of Ormond Park
Peter Wood, Friends of Ormond Park
Loretta Stanaway
Julia Tarsa
Kathleen Badgley

Council Member Spadafore informed the public that agenda item A. will be heard first along with any public comment on that subject.

Public Comment- Glenburne Commons

No public comments on setting the hearing for the special assessment for Glenburne Commons.

Minutes

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE MINUTES FROM FEBRUARY 20, 2018 AS PRESENTED. MOTION CARRIED 3-0.

Discussion/Action:

RESOLUTION- Set the Public Hearing: Assessment Roll GB-2017 for the removal of trash and grass in Glenburne Commons

Committee received the roll (attached) from the Assessor via email prior to the meeting. Council Member Spadafore outline the timeline for the roll; setting of the public hearing at this meeting, Council setting the public hearing March 12th for the meeting on March 26th. The roll will then go back to the Committee for approval or changes on April 3rd, then onto Council for their review and approval on April 9th. After the roll has been approved by Council notification will be sent and the owners can pay it by April 30th or it will go on the tax rolls.

MOTION BY COUNCIL MEMBER GARZA TO SET THE HEARING FOR THE ASSESSMENT ROLL GB-2017 FOR MARCH 26TH, 2018. MOTION CARRIED 3-0.

Public Comment Ormond Park

Ms. Cade asked the Committee to consider ~~that that~~ there is information being withheld from them. Ms. Cade also spoke about her concerns that they are being told there are no funds to replace the play scape in 2018, her concerns with the width of road, the excavation, the drainage, storm sewers and side ditches. Ms. Cade concluded with her opinion that the road was a misconception.

Ms. Sanford spoke on her concerns with the entrance location, and traffic. She then presented a list of questions (attached) from the Friends of Ormond Park including what has the Ormond Park Road cost the taxpayers of the City of Lansing to date, what expenses still need to be incurred in order to complete the project, do concrete plans for a play space exist and if not why not, if there are plans why were they not budgeted for in 2018, what are the City's active plans, or future intentions, regarding capital improvements and uses of the Groesbeck Golf course, how much funding of the park millage collected to date and what uses has the park millage been put toward to date.

Mr. Wood also submitted a list of questions (attached) for the Committee to ask and consider. They asked for an audit of the park millage funds, asked for a Charter amendment not allowing the City to take land that should be preserved for public purposes, stating similar to what Council Member Washington requested in 2017. They asked for Ormond Park to be restored, and preservation of Groesbeck, Bancroft, Ormond and Porter for future generations. They asked for the removal of the Ethics Board from the City Attorney office. Mr. Wood then asked the Committee to consider bringing management of Groesbeck Golf Course under Parks and Recreation, and restoring a positive relationship between Parks and Recreation and the Mayor's office.

Ms. Stanaway asked for the legal definition and determination of if the new entrance is path, drive or road, and the different mechanisms of enforcement for each of those types. She also inquired into if M43 is a State road if there was approval and interaction for the new entrance into M43. Ms. Stanaway concluded her comments by stating the Committee should consider finding a way to make the community whole for those that were affected.

Ms. Tarsa spoke in support of re-establishing the park, and amends the Charter to protect the parks.

Ms. Badgley spoke on the lack of transparency with construction of the road, questioned the funds budgeted for a patio at the golf course that was proposed and not built yet. Ms. Badgley also noted a concern with the golf course in the hands of LEPFA. In conclusion Ms. Badgley also asked for a Charter amendment to protect park land

Council Member Spadafore acknowledged all the public comments and informed them that representatives from Law and Public Service were invited to the meeting to provide any updates they could, however he was advised by Law that since the City is still in litigation on the subject, there is limited discussion and topics and information they can share at this meeting. Council Member Spadafore assured the public that the Committee will continue to pursue more answers as they become available. The focus is to work on what they can do in the future.

Ms. Sumner distributed a memo dated March 6th (attached) stated the case is an active litigation and as such there is no aspect of the litigation that the Committee should discuss in an open Committee meeting. The City Attorney office advised the Committee that regarding this matter, consistent with all pending litigation, City employees and officials refrain from making statements with respect to pending litigation. Ms. Sumner then outlined page 2 of the document which was a time line of the procedural litigation which began on July 10, 2017 when the plaintiff filed the complaint alleging Michigan Environmental Protection Act (MEPA) violations related to the paved entranceway in Ormond Park. A motion was also filed by the complainant for Temporary Restraining Order which was granted. Since that time the time line reflect a show cause hearing on July 21, 2017, July 24th, 2017 and September 18, 2017. On November 22, 2017 the City filed a motion to dismiss based on governmental immunity and on January 25, 2018 Judge Jamo ordered that the Matter is stayed pending the Court of Appeals decision. Ms. Sumner concluded that all aspects of the matter are stayed, meaning all discovery is stayed and will go towards recommendation, so the City Attorney was recommending refrain from any discussion.

Regarding the topic mentioned earlier in public comment on the City Attorneys role in the Ethic Board, Ms. Sumner clarified to the Committee and the public that the Ethics Board is an independent board that is staffed by the City Attorney's office and the City Clerk. The only role the City Attorney has is helping to make sure the meetings are run with proper parliamentary procedure.

Mr. Danke provided the Committee with costs for the project, which came at \$378,211.63 expended thus far, and \$106,722.01 remaining under the contract on the project. The project will start up again in May and finish in 3-4 weeks.

Council Member Spadafore asked for a breakdown on the \$378,211.63 which Mr. Danke noted was for construction, design engineering and engineering.

Council Member Garza asked for the cost of the playground equipment that was removed. Ms. Sumner called point of order, stating the Committee needs to prevent this line of comments from going any further, or they would need to take it to closed session. Council Member Washington respected the point of order, but her belief was the information was public information.

Council Member Spadafore suggested posting the next Committee meeting with a closed session for the topic.

Council Member Washington suggested the next agenda should also include revisiting the Charter amendment to protect the parks in the future.

Ms. Sumner acknowledged the Committees frustration, but reiterated that with pending motion to leave, they can amend the complaint, which means with no full understanding of litigation and at any time the complainant claims can be added. She stated a point of order again and requested the Committee not discuss things that could be related to litigation.

Council Member Spadafore stated the next meeting would have a closed session.

Other

No other topics of discussion.

Public Comment

Ms. Stanaway asked if the Committee went into closed session and got answers if they could report to the public, at which Ms. Sumner stated they could not.

Council Member Spadafore assured the public that the closed session would allow Council to hear all the answers so they can determine how to move forward. Litigation does tie their hands, but a closed session is the first step.

Mr. Wood asked if the City Attorney could look at the questions he submitted earlier and asked if any of those could be answered. He then asked the Committee to work together to get an unanimous decision.

Ms. Badgley asked for transparency on how the funds were spent, and if an item was not indicated in the budget, how can public be made aware of the cost when the item is purchased or project is done. Ms. Badgley also referred back to the Ethics Board project noting the rules of the Board has the City Attorney reviewing documents not just staffing the Board.

Mr. Smiertka approached and addressed earlier comments. He began by addressing the change of the Charter mentioned earlier assuring the public that a charter amendment was drafted and approved informally by the Michigan Attorney General and when presented to Council they did not have the votes. Regarding the Ethic Board topic, Mr. Smiertka reiterated that the City Attorney Office is not supervisor of the Ethics Board. When a complaint is made the City Attorney office is asked to investigate and report back and then the Board makes the final judgements.

Lastly, Mr. Smiertka stated to the public and Committee that his office prides itself in being confidential and do their duties to be transparent. But they are confined because per the Charter the office is responsible to the Council and Mayor to conduct of the City to protect the City. While litigation is in discovery, the truth comes out in Court under oath, and they could enter into dangerous waters while in litigation, if the attorney's do not exam with a court of law oversight.

Ms. Stanford spoke about the project thus far, which she stated started with the loss of 60 trees and the beginning of litigation. Ms. Stanford voiced her frustration that she was using her personal funds to protect Ormond Park. Regarding the Ethics Board comments from earlier, Ms. Stanford her opinion was that the City needs to make sure the procedure is followed and it needs independence from the City Attorney office.

Ms. Cade once again gave her opinion on the impact of the road on the park, and the time spent in court. Ms. Cade asked Council to protect the tax payers.

ADJOURN

The meeting was adjourned at 4:47 p.m.

Submitted by, Sherrie Boak

Recording Secretary

Lansing City Council

Approved as Corrected on March 20, 2018