



MINUTES
Committee of the Whole
Monday, November 8, 2021 @ 5:30 p.m.
Tony Benavides Lansing City Council Chambers

CALL TO ORDER

Council Vice President Hussain called the meeting to order at 5:30 p.m.

PRESENT

Councilmember Peter Spadafore - excused
Councilmember Adam Hussain
Councilmember Carol Wood
Councilmember Patricia Spitzley
Councilmember Kathie Dunbar - excused
Councilmember Brandon Betz
Councilmember Jeremy Garza
Councilmember Brian T. Jackson

OTHERS PRESENT

Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Lisa Hagen, OCA
Mark Lawrence, Mayor Representative- arrived at 5:32 p.m.

Heather Shawa, LBWL
Dick Peffley, LBWL
Greg Venker, OCA
Andrew Fedewa, EDP

Minutes

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM OCTOBER 25, 2021 AS PRESENTED. MOTION CARRIED 6-0.

Public Comment

No public comment on this time.

Presentation

Fiscal Year 2021 Board of Water and Light Audited Financial Statements

Ms. Shawa referenced the reports in the packet and the BWL auditor report from Baker Tilly, noting there were no issues in carrying out the audit, bond coverage requirements were met and she concluded by highlighting an overview of the revenues and notable contributors.

Council Member Jackson referenced the audit and asked if the audit speaks to future projections. Ms. Shawa stated this is the financial presentation and internal controls. Council Member Jackson then asked about the BWL goals and Mr. Peffley confirmed it is 50% by

2030 and carbon neutrality by 2040. Council Member Jackson asked if the audit would affect that projection.

Council Member Wood asked if there were any discrepancy notes in the audit letter and Ms. Shawa confirmed there were no issues or deficiencies. Council Member Wood then asked how much of the funding has BWL received as part of the ARC dollars to help with the bad debt. Ms. Shawa confirmed just under \$800,000 which directly went to water customers. There are currently applications with FEMA, but nothing to update Council on that at this time. FEMA has expanded their eligible criteria, and the initial amount was \$300,000 but now they are looking at it for updated guidelines and will more than likely reapply. Council Member Wood asked if there were projections for rate increases for the next FY. Ms. Shawa confirmed they have a committee working on the review of that now, and they are forecasting an increase November, 2022. Council Member Wood then referred to page 94 of the report and asked how large of a change was in steam since some of the buildings were not utilized as much as they were in the past. Ms. Shawa confirmed the water revenue was up, the steam did have a loss, and based on return of assets in the forecast period, the steam and chilled water will achieve the goals.

Council Member Hussain asked how long BWL has used Baker Tilly and when did they go out to bid. Ms. Shawa clarified they are in year 1 of a 5 year contract, and they did just go out to bid and chose Baker Tilly again.

Lansing Board of Water and Light: Electric Reliability

Mr. Peffley said reliability is measured by time and minutes, determine when the power goes out and the time it takes to restore. Recently they came in as one of the top two in the state, and their average is 50 minutes. He accredited a lot of the progress to the vegetation changes they have taken with the trees around the wire.

Council Member Jackson asked about planning more trees, and if there is an arborist on staff. Mr. Peffley stated they do plant trees and have planted 7,000 and if someone wants one where one use to be to contact BWL. As for arborists, they have two foresters on payroll and they work directly with the tree trimming contractor Wright Tree Service.

Council Member Spitzley asked for an updated on their restore time for street lighting.

Council Member Hussain noted there was an audio issue on the live TV broadcast and informed the Committee, public and anyone who was watching on the live feed off the website.

Council Member Wood noted also that when constituents call in they are informing her the call doesn't go through. Mr. Peffley stated he will speak to his staff on Tuesday, 11/9 and provide an update to Council.

Council Member Wood asked for an updated list on contractors that will take wood when the trees are cut, and also an update on the plan BWL for those trees when they are cut and left in yards.

Council Member Garza provided locations of Lindburgh, east of Cedar near Joshua, and Council Member Jackson added the location of Oakland and Princeton for light issues.

Council Member Hussain asked about a shift in numbers on renewables, and Mr. Peffley stated that on a summer day there is 225 megawatts of wind and solar, the currently have an RFP out for batteries to start investing in battery technology for the renewable portfolio.

Discussion/Action

RESOLUTION – Elected Officers Compensation Commission 2022 Meeting Schedule

Vice President Hussain explained that earlier this year the Council changed the ordinance to have the EOCC meet in even numbered years, and so this is the process of setting their first meeting. Ms. Boak referenced the Ordinance 1284 in the packet which stated the EOCC would hold their first meeting prior to February 21st, and therefore the date in the resolution is for February 16, 2022 at noon.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE RESOLUTION FOR SETTING THE FIRST MEETING OF THE ELECTED OFFICERS COMPENSATION FIRST MEETING OF 2022 FEBRUARY 16, 2022. MOTION CARRIED 6-0.

RESOLUTION – Re-Passage of ACT-1-2020; Jerome St., N. Holmes St. Street Vacations

Council Member Hussain highlighted the request for re-passage due to the 2020-134 resolution expiring, and noting they have also asked for it to be referred, acted on in Committee and Council due to timelines. He then asked Mr. Fedewa and Mr. Venker to explain why the need to repass it and why the urgency.

Mr. Venker informed the Committee that when it was passed in 2020, there were conditions as part of the ACT that Sparrow needed to do to achieve the vacation and to record it. There as a six (6) month expiration window to accomplish those conditions. Not all the conditions were met in that time period, and therefore the approved resolution of 2020 expired in February 2021. One of those items that Sparrow is now able to work towards is the non-motorized travel way along the area being vacated. Mr. Venker made it clear to the Committee that the resolution in front of them now is identical to what they approved in 8/2020. Therefore they are asking for re-passage to get all conditions met, and file with the Register of Deeds. They anticipate the conditions will be done this week, but he could not speak to the urgency for passage tonight. Mr. Fedewa informed the Committee that the City has met with Sparrow, LBWL, Mr. Venker in OCA and Mr. Kilpatrick in Public Service and the urgency is centered on safety concerns with employees and conflicts with people recording them as they walk along Jerome Street. They also want to begin construction on the buildings along Jerome Street.

Council Member Spitzley asked if this new resolution for re-passage went before the Planning Board. Mr. Fedewa confirmed that on November 3rd the Planning Board was briefed and were told it was the same resolution as in 2020. Council Member Spitzley asked if there was a chance for public comment on this resolution. Mr. Fedewa stated there was no public comment made on it. Council Member Spitzley asked if the Planning Board voted on this resolution or action of re-passage, and Mr. Fedewa stated no as well. Council Member Spitzley clarified to the Administration and public that Council receives recommendations from the Planning Board after they receive public comment.

Mr. Venker stated to the Committee that the OCA analyzed and made the determination that the Planning Board had already reviewed the substance of the request, heard the request, heard from departments and agencies and made their recommendations in 2020. To the OCA all that information is the same this time. He added that even though the first resolution is gone, the substance is identical. Mr. Venker explained that in regards to compliance stand point, it has not change. Council Member Spitzley explained to the Administration that procedurally it is not appropriate to just bring them a document and ask them to vote. She added that she does support what Sparrow doing on their property but this is a procedure issue, and since it was not voted on by the Planning Board, and the Planning Board did not get public comment on this, and since the old one they did review and hold public comment on has now expired, there should be a new resolution presented to Council form the Planning Board with recommendations and referred to the Committee. Again she reiterated she is concerned of an expired resolution being brought forward for re-passage without public comment.

Council Member Jackson stepped away from the meeting at 6:18 p.m.

Council Member Betz suggested tabling the discussion and action because he did not support granting a vacation to Sparrow so they can stop protestors on Jerome Street. This would allow him to reach out to the residents in his Ward that are in those neighborhoods.

Council Member Jackson returned to the meeting at 6:20 p.m.

MOTION BY COUNCIL MEMBER BETZ TO TABLE ACTION ON THE RESOLUTION UNTIL THE NEXT COMMITTEE MEETING SO COUNCIL CAN SPEAK TO THE PUBLIC ON THE TOPIC. MOTION FAILED 2-4.

MOTION BY COUNCIL MEMBER WOOD TO DISCHARGE TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND THAT COMMITTEE WILL REPORT OUT TO THE COUNCIL.

Council Member Jackson asked if Council should just set a public hearing now. Council Member Spitzley stated she had a concern that the Planning Board did not take formal action, or hold their public hearing. The Planning Board provides a recommendation to the Committee and Council, along with hold their public hearing. There was no public comment or vote on November 3rd when the Administration spoke to the Planning Board. She also made note that since Resolution 2020-134 had expired then the process should begin again, Council should not be asked to just reconsider, readopt or have a re-passage.

MOTION CARRIED 6-0.

CLOSED SESSION

MOTION BY COUNCIL MEMBER WOOD TO GO INTO CLOSED SESSION AT 6:25 p.m. Pursuant to MCL 15.268(e), I hereby move that we recess into closed session to consult with the City Attorney in connection with the following specific pending litigation. An open meeting will have a detrimental financial effect on the litigating or settlement position of the City of Lansing Defendants concerning these cases.

City of Lansing, et al. v. Purdue Pharma, et al.

ROLL CALL VOTE, MOTION FAILED 5-1.

MOTION BY COUNCIL MEMBER WOOD TO RECONSIDER. MOTION CARRIED 6-0.

Council Member Jackson explained his reasoning for voting no on closed sessions, due to his opinion that information should be public. Mr. Smiertka explained to the Committee that there is an urgency to hold the closed session and currently the material they will present is confidential due to open litigation. The urgency is due to the timing of a decision by the beginning of the year.

MOTION BY COUNCIL MEMBER WOOD TO GO INTO CLOSED SESSION AT 6:28 p.m. Pursuant to MCL 15.268(e), I hereby move that we recess into closed session to consult with the City Attorney in connection with the following specific pending litigation. An open meeting will have a detrimental financial effect on the litigating or settlement position of the City of Lansing Defendants concerning these cases.

City of Lansing, et al. v. Purdue Pharma, et al.

ROLL CALL VOTE, MOTION CARRIED 6-0.

RECONVENE

Council Vice President Hussain reconvened the meeting at 7:06 p.m.

Adjourn

The meeting adjourned at: 7:06 pm

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

Approved by the Committee on November 29, 2021