MINUTES
Committee of the Whole
Monday, December 13, 2021 @ 5:00 p.m.
Tony Benavides Lansing City Council Chambers

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

PRESENT
Councilmember Peter Spadafore
Councilmember Adam Hussain
Councilmember Carol Wood
Councilmember Patricia Spitzley
Councilmember Kathie Dunbar – arrived at 5:26 p.m.
Councilmember Brandon Betz
Councilmember Jeremy Garza
Councilmember Brian T. Jackson – arrived at 5:08 p.m.

OTHERS PRESENT
Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Lisa Hagen, OCA
Jeffrey Brown
Nancy Mahlow
Bob Trezise, LEAP
Karl Dorshimer, LEAP
Chris Strakowski, Red Cedar Development
Mayor Schor
Dick Peffley, General Manager BWL
Calvin Jones, BWL
Jennie Gies, Eastfield Neighborhood Association
Andy Kilpatrick, Director of Public Service
Greg Venker, OCA
Joseph Abood, OCA
Alec Malevetis, Public Service
Tim Damon, Chamber of Commerce
Tim Salsberg
Dave Muley
Jeremy Whittum, Eaton County Commissioner
Margaret Tassaro
Chris Thompson
Sharon Frischman, City Assessor
Alec Malvetis, Public Service

Minutes

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM NOVEMBER 29, 2021 AS PRESENTED. MOTION CARRIED 6-0.

Public Comment
Ms. Gies, Eastfield Neighborhood Association spoke on ACT-1-2020 asking for support on amending the ACT with provisions on noise pollution. Ms. Gies provided a recording of the noise on Jerome Street.

Resident of Eastfield Neighborhood Association spoke in support of added conditions to the ACT-1-2020 and stated her concerns on noise pollution.

Resident in Eastfield neighborhood supported conditions put forth by the Planning Board in the ACT-1-2020.

Mr. Damon spoke in support of the incentives for a future battery facility.

Mr. Salsberg spoke in support of the future battery plant.

Mr. Muley spoke in support of conditions placed in the ACT-1-2020 by the Planning Board.

Mr. Whittum spoke in support of the 425 amendment and the potential battery facility, and offered his assistance for any future question.

Ms. Mahlow spoke in support of the Planning Board proposed conditions for the ACT 1- 2020.

Mayor Schor stepped away at 5:18 p.m.

Ms. Mahlow spoke on noise concerns in the east side neighborhoods and asked for solutions for all of them to co-exist, and asked Council to look at the current noise ordinance.

Ms. Tarrasso spoke in support of other comments on noise in her neighborhood and additionally asked for the support of the Planning Board conditions.

Mayor Schor returned to the meeting at 5:21

Ms. Tarrasso concluded by adding for direct engagement with the home owners directly impacted.

Mr. Thompson spoke on concerns with blight in the area of Holmes and Sparrow Hospital.

Discussion/Action
RESOLUTION - ACT-1-2020; Street Vacation; Jerome Street and W. Holmes Street
Council Member Spitzley spoke briefly on the process so far where the original resolution had expired, therefore brought back to the Council. It was in turn discharged to Committee on Development and Planning. That Committee asked for the Planning Board to review it again and it was discharged back to the Committee of the Whole with the recent Planning Board review.

Council Member Wood asked the City Attorney what attorney was present at the recent Planning Board and what that attorney advised them on, and if that attorney told them there is nothing that could be upheld.
Mr. Venker informed the Committee that he was the attorney at the Planning Board, but not knowing what recommendations the Planning Board was going to make, at time of the meeting he felt he should wait to see what they offered before offering an opinion. He added that once he heard their recommendations and vote, he returned to his office to research it.
Council Member Wood asked Mr. Venker if additional requirements can be added to this ACT,

and Mr. Venker stated she was correct in assuming they could not be. He clarified that an ACT, under the Zoning Enable Act, they cannot attached permanent or ongoing conditions that could terminate a vacation. Council Member Wood then asked if the action being requested from Council at this time was either to support or not support the vacation, and Mr. Venker responded that she was correct and once the City decided to vacate the streets, the streets would be recorded as such. Mr. Smiertka asked Mr. Venker to expand on the ongoing conditions. Mr. Venker noted that the noise ordinance conditions cannot be attached, the street diverter is already part of the street, and will be kept by the City so it will remain.

Council Member Wood asked the Council to consider acting on a separate resolution tonight drafted by the OCA to ask Sparrow to meet with the neighborhoods and address their concerns and issues, then report back to the Committee on Development and Planning in the next 60 days. She acknowledge that this would not be anything legally requiring them to meet but shows the intent of Council.

Council President Spadafore and Council Member Wood asked OCA to draft the recently new resolution for action at Council later tonight.

Mayor Schor left the meeting at 5:33 p.m.

Council Member Betz asked the OCA for a record of all noise ordinance violations to this area and what action has been taken. Mr. Smiertka stated he was not aware of any complaints filed.

Mayor Schor returned to the meeting at 5:34 p.m.

Mayor Schor assured the Council that Mr. McGrain in EDP has been working on those complaints. Council Member Betz asked the Administration to investigate the complaints and progress and report back.

Council Member Hussain noted before the motion that the resolution speaks to the original conditions from the first approval and the added condition now speaking to the sewer.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR ACT-1-2020. MOTION CARRIED 8-0.

<u>RESOLUTION - Amending Social Districts to include Sidecar Lansing, LLC DBA Sidecar Slider Bar, 500 E. Michigan Ave. and The Potent Potables Project, LLC DBA The Creole Burger Bar & Southern Kitchen, 1218 Turner Rd.</u>
Council President Spadafore explained that he had asked the OCA to draft this resolution to correct and clarify the two names listed. Council Member Betz asked if this would also extend the Social District into the 500 block of Michigan Avenue, and Council President Spadafore noted it already is in the Social District, this lists businesses that can utilize it in that block that were not previously listed.

MOTION BY COUNCIL MEMBER M HUSSAIN TO APPROVE THE RESOLUTION AMENDING THE SOCIAL DISTRICT TO INLCUDE SIDECAR LANSING, LLC DBA SIDECAR SLIDER BAR AND THE POTENT POTABLES PORJECT, LLC DBA THE CREOLE BURGER BAR & SOUTHERN KITCHEN. MOTION CARRIED 8-0.

<u>RESOLUTION - Setting a Public Hearing; Ordinance to amend Chapter 890, Poverty Exemption Guidelines Reform</u>
Ms. Frischman informed the Committee that there was legislation passed late 2020 that required changes to the guidelines. It speaks to 100% exemption to all applicants that are seniors on fixed income, and the disabled. Another change is a requirement to review income

of all owners, not just the applicant. Council Member Wood asked if they still have to apply annually, and it was confirmed.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR 1/10/2022. MOTION CARRIED 8-0.

<u>RESOLUTION - Exemption of City Charter Provision 6-401: Extend multiyear contracts for the open positions of Police Chief and Fire Chief</u>
Mayor Schor explained that this item on multi-year contracts has come up before and in the case of these two departments the Administration is interested in having the option to offer more than a year. He added that this is not a guarantee it is going to happen, but they want the option. Council Member Spitzley spoke in support of the resolution and asked the Mayor if he had a specific year in mind, and was told 2-3 year contract.

Council Member Spitzley suggested a three-year provision to be added to the "NOW THEREFORE BE IT SOLVED………."

Council Members asked for an update on the process with the two vacancies and Mayor Schor made it known that he was recommending Interim Chief Sosebee to the Police Commissioners. Council Member Hussain asked what happens if the Commission rejects the recommendation and read the Charter. Mr. Smiertka stated that per Charter, the Mayor makes the recommendation and then confirmed by the Board of Commissioners.

Council Member Wood reminded the Council that even though this would be a contract, the position is still an at-will and can be terminated. The OCA confirmed that that portion has not been changed. She then asked if the City does enter into 3 year contract, and in the Mayor's election year that Mayor is not re-elected, would Chief be held to the remaining years under a new Mayor, and Mr. Smiertka stated it would be under the Office of the Mayor, not the person in that elected seat. Council President Spadafore asked if this exemption was only being asked for under these two particular current vacancies, and Mr. Smiertka confirmed it was intended for this selection process now.

Council Member Dunbar asked if this would be used for other departments as well, and asked what the obligation under the contract will be if they do not fulfill 3 years. Mr. Smiertka stated the contract addresses other items other than the term. Council President Spadafore then read the Charter that speaks to the restrictions on contracts. Council Member Dunbar asked what incentive there was for the candidate and what rights they have. Council Member Spitzley referred to the Charter that spoke to the removal of the Police Chief. Mr. Smiertka added that public employment is recognized by the courts.

MOTION BY HUSSAIN TO APPROVE RESOLUTION WITH CHANGE IN "NOW THEREFORE" TO ADD "UP TO THREE YEAR". MOTION CARRIED 7-1.

<u>RESOLUTION -Issuance Of Sewage Disposal System Revenue Bonds</u>
Mr. Malvetis went through the resolution that allows for the issue of bonds for paying for improvements and coving the costs relating to, and that this is consistent with the CSO Program.

Council Member Jackson stepped away from the meeting at 5:55 p.m.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION ON THE ISSUANCE OF SEWAGE DISPOSAL SYSTEM BONDS. MOTION CARRIED 7-0

<u>RESOLUTION - Participation Agreements in Partial Settlement of the National Prescription Opiate Litigation</u>

Mr. Abood explained to the Committee that this resolution and the next action item are partial settlements with four (4) defendants.

The second resolution is specific to participate in the partial settlement with all government entities weighing in. If 80% participate the amounts would be reduced by 20%, so the attorney are attempting to get 100% to participate and in turn generate more funds to the State.

Mr. Smiertka informed that they were asked to inform the Council when they registered and they assured council they did register and once the resolutions are passed they will be submitted to the appropriate parties.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION ON PARTICIPATION AGREEMENTS IN PARTIAL SETTLEMENT OF THE NATIONAL PRESCRIPTION OPIATE LITIGATION. MOTION CARRIED 7-0.

RESOLUTION - State Local Government Intrastate Agreement concerning Allocation of Settlement Proceeds in the National Opioids Litigation
Mr. Abood made note to the Committee that there would be 15% to the State 15% to the government entity and 70% to a fund to administer by a 3rd party. The City of Lansing negotiated 50% of proceeds to State and 50% to the government entities.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE STATE LOCAL GOVERNMENT INTRASTATE AGREEMENT. MOTION CARRIED 7-0.

RESOLUTION - Second Amendment to the Lansing-Delta Township Public Act 425 Agreement
Mayor Schor acknowledged the Council for their assistance an expediting the process today.

Council Member Jackson returned to the meeting at 6:00 p.m.

Mayor Schor encouraged Council to pass resolution for the amendment and the next two action items, allowing a huge impact on the City.

Mr. Trezise provided a presentation on the $2.5 billion project of a 2.5 million square foot facility by Ultium built on 590 acres of vacant land adjacent to the GM Delta Plant. The property currently does sit in the current 425 agreement, but that agreement expires in 2025, so there is the potent for a major revenue loss at that time. The project if awarded to Lansing on this property promises jobs in 2025 and peaks in 2029 with 1,700 total. If this site is selected they would begin construction in the 1st quarter in 2022. Mr. Trezise went on to acknowledge all parts involved.

Mr. Dorshimer outlined the two incentives, the renaissance zone, and noted that the application is for 18 years, because it would take 3 years to build and then there would be 15 years once it is open. This will not cover all taxes, there is debt millage, and therefore they are asking for 198 to cover those. In total there is over 1,000 acres and the Lansing Delta GM plant already sits on a portion of that and the incentives in front of Council now will not apply to the current factory. Mr. Dorshimer concluded by stating there is $14 million being exempt over 25 years, but with the tax revenues there will be a 7 to 8 times that for return on investment.

Council Member Wood briefly spoke about the history to the 425 with the Township and the plans at that time to have feeder suppliers on the property for the plan, and adding this innovation is an example of the strategic plan that was set out initially.

Mr. Brewer was asked to comment on numbers provided by LEAP, and Mr. Brewer stated he agreed with all the numbers in the applications and reports provided by Mr. Dorshimer.

Mr. Trezise noted that there were Clinton County Commissioners in support also, and Mayor Schor confirmed he had spoken to the UAW who also supports this.

CM Garza read a letter of support from Local 602.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION ON AMENDING THE DELTA TOWNSHIP/CITY OF LANSING 425 AGREEMENT. MOTION CARRIED 8-0

RESOLUTION - Renaissance Zone; Ultium Cells, LLC for property located at 8100 Davis Hwy
MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE RENAISSANCE ZONE FOR 8100 DAVIS HIGHWAY. MOTION CARRIED 8-0

RESOLUTION - Set a Hearing for Jurisdictions on the Application for an Industrial Facilities Exemption Certificate; Ultium Cells, LLC at 8100 Davis Hwy.
MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO SET THE JURISDICATION HEARING FOR 12/20/2021 FOR IFT EXEMPTION CERTIFICATE FOR ULTIUM CELLS, LLC AT 8100 DAVIS HIGHWAY.

Council Member Wood asked if the applicants were asking for a hearing and action the same night and it was confirmed.

MOTION CARRIED 8-0.

OTHER
Mr. Trezise updated the Committee that the Township also just approved the 425 amendment unanimously.

Adjourn
The meeting adjourned at: 6:32 pm
Respectfully Submitted by,
Sherrie Boak, Recording Secretary,
Lansing City Council
Approved by the Committee January 3, 2022