MINUTES
Committee of the Whole
Monday, March 28, 2022 @ 5:30 p.m.
Tony Benavides Lansing City Council Chambers

CALL TO ORDER
Council Vice President Wood called the meeting to order at 5:30 p.m.

PRESENT
Councilmember Adam Hussain- excused
Councilmember Carol Wood
Councilmember Peter Spadafore
Councilmember Patricia Spitzley
Councilmember Jeremy Garza
Councilmember Brian T. Jackson
Councilmember Jeffrey Brown
Councilmember Brian Daniels

OTHERS PRESENT
Sherrie Boak, Council Office Manager
Jim Smiertka, OCA
Heather Sumner, OCA
Amanda, O'Boyle, OCA
Joseph Abood, OCA
David Price, BWL
Calvin Jones, BWL
Andrew Fedewa, EDP
Chris Swope, City Clerk
Jane DiSessa, Deputy Mayor
Randy Dykis

Minutes
MOTION BY COUNCIL MEMBER SPADAFORE TO APPROVE THE MINUTES FROM MARCH 14, 2022 AS PRESENTED. MOTION CARRIED 7-0.

Public Comment
Randy DyKisc spoke in opposition on the reappointment of David Price to the LBWL.

Discussion
RESOLUTION – Condemn Russian Invasion of Ukraine
MOTION BY COUNCIL MEMBER SPADAFORE TO APPROVE THE RESOLUTION TO CONDEMN RUSSIAN INVASION OF UKRAINE.

Council Member Spadafore summarized the resolution in the packet.
Council Member Jackson spoke in the symbolic nature of the resolution.

MOTION CARRIED 7-0.

RESOLUTION- Reappointment of David Price; BWL Board At Large Member; Term to Expire June 30, 2026

Mr. Price acknowledged Mayor Schor for his recommendation for reappointment, and noted going forward in making the BWL as the utility of the future, and then highlighted items he hoped that would appear on their agenda in the future. This included affordability for the 100,000 customers. In addition he spoke on future discussions for onboard financing, and the BWL commitment to increase the number of miles of pipe replacement for water supply. Regarding tree trimming, they are up to schedule and working on the next five (5) year schedule.

Council Member Jackson spoke in support of the work Mr. Price has done to keep the public informed but inquired on the life expectancy of the plants, and Mr. Price stated he did not see an issue with a facility. He noted that with carbon neutral it does not mean fossil fuels are not in the mix if there are other assets that contribute to carbon neutrality. Council Member Jackson asked what type of education they are receiving and what steps they take to continue to be educated. Mr. Price admitted they do not have any mandatory education classes, but they are strongly recommended, and there are Board Members with many back grounds of experience they bring to the table. Council member Jackson asked about the tree trimming practice and if they have started over in the first area, and Mr. Price confirmed, noting that with trimming there have not been the number of outages.

Council Member Spadafore asked if the Board is looking at net metering and trying to reduce the community reliance on fossil fuels, and helping people to do their own power. Mr. Price acknowledged that anyone property owner that asked about having their own power, i.e. solar panels, they do assist them in the direction of the right resources so people do not get taken advantage of. Council Member Spadafore asked for confirmation if the Delta Plant was on line, and Mr. Price confirmed.

Council Member Wood asked Mr. Price what he has done in his role as Board leadership dealing with training of the Board as an "employer", since they have three (3) employees; Corporate Secretary, General Manager and Internal Auditor, in regards to sexual harassment and bullying. Mr. Price admitted they have not had not training on bullying, but have had attorney led training on diversity equity and inclusion. Council Member Wood asked if when the Board received a complaint on sexual harassment, why they did not look into training. Mr. Price stated they have 3 employees, but the alleged harassment was not against one of those employees. Council Member Wood asked if the complaint in September led to the diversity, equity and inclusion training, if training was done before that, and have they created a policy to make it an annual training. Mr. Price admitted they have not determined an annual training, and the training was done after the September date. He then admitted that since none of the Board members are paid, it is difficult to get everyone on the same page. Council Member Wood pointed out that the Board does oversee a multi-million dollar business, what actions they take trickled down to the other employees and they need to represent that it is being taken seriously.

Council Member Daniels asked about the steps they have taken in preparing to protect against cyberattacks, being that energy companies are a target. Mr. Price confirmed they are monitored regularly by IT, and have been ramped up dramatically daily since Ukraine invasion.

MOTION BY COUNCIL MEMBER SPADAFORE TO APPROVE THE RESOLUTION FOR THE REAPPOINTMENT OF DAVID PRICE TO THE AT LARGE MEMBER OF THE BOARD OF WATER AND LIGHT BOARD OF COMMISSIONERS, WITH A TERM TO EXPIRE JUNE 30, 2026. MOTION CARRIED 5-2.

Mr. Smiertka stated to the Committee that his office, OCA, is responsible for legal affairs, in addition to BWL. There is an OCA in house with BWL, and he has been attending the Board meetings, observing their activities, and in his opinion believes the Chair and Vice Chair are running the meetings in a business-like manner. He added that recently they did debated the Governance and Rules of Procedures, which will come to City Council in the future. Council Member Spitzley stated to Mr. Smiertka that she would have like to hear his opinion earlier, and still has a concern with the harassment statements Council Member Wood noted, and questioned why BWL does not have a policy in place.

<u>RESOLUTION – Setting Public Hearing; Ordinance Amendment to Chapter 1300, Section 1300.047, 1300.10 and 1300.11; Marihuana Operations</u>

Mr. Swope spoke briefly on the marihuana operations industry and impact on the City. He summarized the changes that reflected licensing changes and updated zoning to the Form Based Code. Mr. Swope noted there are going to be issues where previous zoning classification, the new one does not line up, so there will be some non-conforming previous existing zoning.

Council Member Spitzley asked if the newly created non-confirming will be "grandfathered" or expanded. Mr. Swope confirmed they will not add any different license types, it will effect a business where formally they were a grow and could add a processor, but now can't. Council Member Spitzley asked if these amendments will result in an increase of available licenses in any category. Mr. Swope confirmed that the ordinance caps at 28, and there are 28 approved; consumption is full at 4, micro is full at 4 with 3 of those now becoming non-conforming existing uses. The ordinance allows for 75 grow locations up to 2020, then it went to 55. They are at the maximum for grow, and not adding. He did admit the ordinance does not have a maximum on processing, testing or transport.

Council Member Garza asked if any of the non-conforming will now fall in the 500-1000 ft buffers, and Mr. Swope confirmed that would not change. The zoning classification that is creating the non-conforming would no longer allow for their type. He was then asked for locations of the four (4) consumption sites; 134 Edgewood, 415 Baker, 6289 MLK and 600 S Capitol.

Mr. Fedewa referenced the maps in the packet, and outlined the zoning changes. Regarding the details from the Planning Board where they wanted to eliminate the DT-2 from 1300.11, staff did not believe that some of the aesthetics were being addressed, so they do not support allowing 1300.11 to include DT-2.

Council Member Spadafore asked why they didn't make these amendments when they went to the Form Based Code. Mr. Fedewa stated they wanted to separate them out and at the time focus more on all the changes of the Form Based Code.

Council Member Spitzley referenced the 1300.11 and staff not wanting DT-2 as a permitted area, and asked if without that could they have been there before these amendments, and Mr. Fedewa confirmed they could not because these intersections were a focus on neighborhood businesses and they did not meet the threshold. Council Member Spitzley voiced her concern that it sounds subjective. Mr. Fedewa assured the Committee that if they felt differently than the planning staff and Planning Board they can amended it. Council Member Spitzley stated she wanted to make sure the ordinance can be defended if someone does challenges it. Mr. Fedewa stated they believe it does follow the FBC intent.

The OCA was asked if it would withstand a challenge, and Ms. O'Boyle stated the proposal pending today is a 1 for 1 to the best ability that the OCA could draft. They understand the old designation is compatible, and the recommendation from the Planning Board was to remove DT-2 from Section 1300.11. The perspective is to look long term; zoning is to look forward and where the City is moving. Ms. O'Boyle concluded that it could be defensible to adopt with that modification, there could be legal challenges to that, but from the OCA perspective is not to have an option where not a lot of licenses where 1 off spots, pre-existing not conforming and so they are trying to be proactive.

MOTION BY COUNCIL MEMBER SPADAFORE TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR APRIL 25, 2022 ON THE ORDINANCE AMENDMENTS TO CHAPTER 1300, SECTIONS 1300.07, 1300.10 AND 1300.11. MOTION CARRIED 7-0.

CLOSED SESSION

MOTION BY COUNCIL MEMBER SPADAFORE AT 6:21 P.M. PURSUANT TO MCL 15.268(E), COUNCIL WILL RECESS INTO CLOSED SESSION TO CONSULT WITH THE CITY ATTORNEY IN CONNECTION WITH PENDING LITIGATION. AN OPEN MEETING WILL HAVE A DETRIMENTAL FINANCIAL EFFECT ON THE LITIGATING OR SETTLEMENT POSITION OF THE CITY OF LANSING CONCERNING THE FOLLOWING CASES

Atkinson et al. v. City of Lansing, et al.
Burwell v. City of Lansing, et al.
Calkins-Darling v. City of Lansing, et al.
Career Quest Learning Centers, Inc. & Little Rainbows, LLC v. Lansing City Treasurer, et al.
Chen v. City of Lansing, et al.
City of Lansing v. OCOF Nonprofit Housing Corp
City of Lansing, et al. v. Purdue Pharma, et al.
Fire Farm, LLC v. City of Lansing
Freeman v. City of Lansing
Hardy v. City of Lansing, et al.
Hulon v. City of Lansing, et al.
Jackson & Lansing Railroad Co. v. City of Lansing
Joseph v. City of Lansing
Lynn v. City of Lansing
Lynn v. Mayor Schor, et al.
Michigan Basic Property Ins Assoc, v. City of Lansing
New Residential Mortgage, LLC v. Mao, Chaolin, et al.
OPV Partners, LLC and RESSCO, LLC v. City of Lansing
Overstrom v. City of Lansing
Reed v. City of Lansing, et al.
Stafford v. Klein and City of Lansing
Taylor v. City of Lansing, et al.
Williams v. City of Lansing
McLaren v. City of Lansing

ROLL CALL VOTE, MOTION CARRIED 6-1.

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

Adjourn
The meeting adjourned at: 7:06 p.m.
Respectfully Submitted by,
Sherrie Boak, Recording Secretary,