



MINUTES
Committee of the Whole
Monday, May 16, @ 5:00 p.m.
Tony Benavides Lansing City Council Chambers

CALL TO ORDER

Council President Hussain called the meeting to order at 5:00 p.m.

PRESENT

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

OTHERS PRESENT

Sherrie Boak, Council Office Manager
Jake Brower, Finance
Desiree Kirkland, Finance
Jane Bias DiSessa, Deputy Mayor
Mark Lawrence, Mayors Office
Loretta Stanaway
Libby Rice
Dan Komm, Fire Department Union Representation
Mayor Schor – arrived at 5:30 p.m.

Minutes

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM MAY 9, 2022 AS PRESENTED. MOTION CARRIED 7-0.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM MAY 10, 2022 AS PRESENTED. MOTION CARRIED 7-0.

Public Comment

Ms. Stanaway spoke in support of funding in the budget for Moores Park Pool.

Ms. Rice spoke in support of funding in the budget for Moores Park Pool.

Discussion/Action

RESOLUTION – Setting a Public Hearings in Consideration of Re-Adopting the Codified Ordinances

MOTION BY COUNCIL MEBMER WOOD TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING TO RE-ADOPT THE CODIFIED ORDINANCES FOR JUNE 13, 2022. MOTION CARRIED 7-0.

RESOLUTION – Set a Public Hearing; Noise Special Permit; MDOT for construction Horsebrook Creek Culvert Replacement Project on Grand River Avenue east of Delta River Drive from 8 pm – 7 am on weekdays and weekends or holidays from June 17, 2022 to June 30, 2022

Mr. Kilpatrick informed the Committee that this was an MDOT request for Grand River Avenue, across from the former school and the UAW hall. There is a culvert that is in need of replacement, and cannot be done in parts, but the road must be closed. The numerous emails received by Council today were sent onto MDOT. They do not think they need to work extended hours, however in case they get behind schedule or run into unintended consequences and get behind schedule they are asking for this. Mr. Kilpatrick confirmed MDOT will be present at the public hearing on May 23, 2022.

Council Member Wood noted that neighborhood has dealt with sound and noise issues for an extended period of time in the past, and that could be their concerns this time. Mr. Kilpatrick confirmed any concern is valid. The work area is not just the culvert area, so the mailing went 600' from the crossing point. Council Member Garza asked how long the road would be shut down. Mr. Kilpatrick stated he could not speculate, but MDOT can speak to the entire project at the hearing, but again this noise waiver is only for the specific work listed.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR MAY 23RD FOR THE NOISE PERMIT FOR THE HORSEBROOK CREEK CULVERT REPLACEMENT PROJECT ON GRAND RIVER AVENUE. MOTION CARRIED 7-0.

PLACE ON FILE – Communication from Kyle Richard regarding the City Budget policies

MOTION BY COUNCIL MEMBER WOOD TO PLACE ON FILE. MOTION CARRIED 7-0.

Presentations

Union Representation on Proposed FY 2022/2023 Budget

Mr. Komm distributed a presentation on the Fire Department.

Council Member Garza asked if they have applied for grants, and Mr. Komm stated he was not aware of any applications. Mr. Lawrence, stated the Stryker documents in the presentation were part of the Rep. Slotkin proposal Council recently approved in a resolution. Council Member Garza asked why the positions are not being filled, and Mr. Komm stated he was not sure, but they are down 15 positions. Ms. Bias DiSessa confirmed they met with HR and the LFD Chief and are working on the vacancies quickly. Council Member Garza asked how long the position have been vacant, and Mr. Komm stated they have not been fully staffed for three (3) years. He asked for consideration on the hiring process and look at all the options to make the hiring process competitive. Council Member Wood referenced the Budget Policies where they have asked for a study of the Fire Stations, and asked if there are structure issues with other fire stations, and Mr. Komm confirmed they are not in an extreme situation similar to what happened at the Hillsdale Street Station. Council Member Wood asked about 2023, and Mr. Komm stated in fall 2023 there is the potential of 15-18 officers leaving, and also confirmed they do not front load positions. Mr. Lawrence stated the Mayor is working with HR and the new Fire Chief on the front loading proposal. Mr. Brower stated that it has been authorized by the Mayor, but did not have specifics.

Mayor Schor arrived at 5:30 p.m.

Mr. Brower continued, stating that the Mayor has authorized front loading, but for the budget there is a City wide vacancy factor, and they do not hold to specific departments. All positions are funded in the Fire Department budget, and HR is working diligently to resolve. Mayor Schor confirmed he is looking at front loading positions in the Fire Department and will propose something similar to the police department. Currently there is a fire academy with 9-10 students. Council Member Wood noted the Fire Department and Police Department are not fully staffed, and to front load as an option would be to prepare when the retirement occurs. Council President Hussain acknowledged that the proposed budget does propose a Deputy HR Director and another hiring specialist to assist in filling vacancies.

Council Member Spadafore supported the Stryker program, and was hopeful on the funding from Rep. Slotkin's funds. He then asked for thoughts on funding a fire station. Council Member Wood stated the City has bonded in the past, and were able to build two fire stations in the 1990's. Council Member Spadafore asked if those bonds count against the millage cap. Council Member Wood acknowledged that when those were passed, the City was not at the current threshold. Mr. Brower stated that to levy a debt millage against bonds would not count against, and deferred the explanation to legal.

Council Member Jackson stepped away at 5:38 p.m.

Discussion/Action:

DISCUSSION – Budget Policies – Adopted as Part of the FY 2022/2023 Budget

Council Member Wood went through the proposed amendments. The first amendment is found on page 2, adding:

Any residual funds in the salary line item that would create a new position after Council has approved this budget, Council requests being notified of changes in positions within sixty (60) days of action. This budget is being approved based on the number of employees provided by the Administration at the time of adoption.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE ADDITION TO THE BUDGET POLICIES. MOTION CARRIED 7-0.

Page 3 first line amended: "revenues" changed to "expenditures"

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE AMENDMENT TO THE BUDGET POLICIES. MOTION CARRIED 7-0.

Page 3-4 added the following under "Civil Actions, Claims, and Damages", per the City Attorney recommendation and drafting of the language:

Whenever a claim is made or any civil action is commenced against the Mayor, a City Council member, a non-bargaining unit employee, a Lansing retirement board trustee, or a member of a City advisory board established by the City Charter or ordinance (collectively in this provision "the Employee or Officer") for damages caused by an act or acts of the Employee or Officer within the scope of his or her authority and while in the course of his or her employment with the City or while performing his or her duties on behalf of the retirement board or advisory board, the City will pay for, engage, or furnish the services of an attorney to advise the Employee or Officer as to the claim and to appear for and represent the Employees or Officers in the action. If the City Attorney does not provide the attorney services, the attorney selection shall be made by the City Attorney in the manner the City Charter requires. The City may compromise, settle, and pay a claim before or after the commencement of any civil action. Whenever any judgment for damages caused by the act or acts of the Employee or Officer

covered under this provision is awarded against the Employee or Officer as the result of a civil action, the City will, to the extent not covered by insurance, indemnify the Employee or Officer or will pay, settle, or compromise the judgment. The City's obligations under this provision, however, is contingent upon the Employee or Officer giving prompt notice of the commencement of the action and upon the Employee or Officer cooperating in the preparation, defense, and settlement of the action. The terms "scope of authority" "course of employment" and "performing duties" under this provision do not include any act or acts of Employee or Officer of (i) fraud, (ii) dishonesty, (iii) willful, intentional, or deliberate violation of the law or breach of fiduciary duty, (iv) criminal act, or (v) traffic violation; nor does this provision abrogate or diminish governmental immunity of the City or the Employee or Officer. This provision does not apply to the Lansing Housing Commission nor the Board of Water and Light employees or board/commissioner members.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE ADDITION TO THE BUDGET POLICIES. MOTION CARRIED 7-0.

Page 4 – added under "Transparency and Accountability in Government" per a request from Council Member Spitzley:

Annual reporting of the metrics for the 311 Call Center; number of calls, number of calls referred to departments; number of calls not referred but assisted by the 311 Call Center.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE ADDITION TO THE BUDGET POLICIES. MOTION CARRIED 7-0.

MOTION BY COUNCIL MEMBER WOOD TO REMOVE "RACIAL JUSTICE AND EQUITY PLAN" WHICH WAS ADDRESSED IN THE CURRENT BUDGET. MOTION CARRIED 7-0.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE BUDGET POLICEIS AS AMENDED. MOTION CARRIED 7-0.

Mayor Schor asked Council to amend the "Grants" section where it spoke to Council review of applications within 10 days. Mr. Smiertka explained that this was in place to address approving the application, and approving the appropriation. Council Member Spadafore confirmed this policy came out of the Committee on Ways and Means last year due to an issue that arose where a grant had been expended prior to Council acceptance. This will require Council approval for acceptance so there are no misgivings. Mayor Schor accepted the explanation, Council Member Wood added to Council Member Spadafore explanation by emphasizing the last sentence:

Any grant that can be applied for administratively should be submitted for Council review within 10 days of the application.

Mr. Brower confirmed for the Committee that the Finance department best practices have procedures in review of contracts to confirm Council has looked at the appropriation.

RESOLUTION – FY 2022/2023 Budget and Budget Policies

MOTION BY COUNCIL MEMBER SPADAFORE TO APPROVE THE AMENDMENTS TO THE PROPOSED BUDGET RESOLUTION.

Council Member Spadafore went through the amendments as follows:

Date correction from "2022" to "2023".

\$550,000 addition in Estimated Revenues due to State Revenues from Marijuana Licenses.

\$37,562 removal from City Council operating budget for 311 services, and the operating budget will still hold \$50,000 additional in miscellaneous
\$120,000 addition in NEC for grant writing and to correct a \$40,000 clerical error

Council Member Wood added that it was part of the GF funding in the past.

Council Member Spadafore continued with the explanation of the amendments:

\$175,000 addition in EDP for the Façade Grant Program
\$60,000 addition in Finance Personnel for a PT Buyer and Temp Help in Audit Season
\$37,562 addition in Finance Operating for the 311 Cost from City Council
\$407,500 addition in City Supported Services to restore the Arts/Culture and Advance Peace
\$212,500 appropriation in Federal Reimbursement to balance the General Fund

Council Member Daniels explained his proposed amendments to the Street Funds, which was mutual agreed upon by the Administration. This would allow for funding to repair local streets.

\$500,000 Major Streets Use of Fund Balance
\$500,000 Major Streets Transfer of Appropriations
\$500,000 Local Streets Transfer from Other Funds
\$500,000 Local Streets Capital in Appropriations

Council Member Jackson asked if any of these amendments are eliminating programs or are they just moving funds from ARPA to the General Fund. Council Member Spadafore confirmed there are no cuts, everything is funded at last year's levels.

Lastly, Council Member Spadafore explained the wastewater fund changes:

\$500,000 in Revenues Fund Balance
\$500,000 in Appropriations Operating for Facility Improvement Activities

Council Member Spadafore addressed the statements at public comment regarding Moores Park Pool funding, stating that the Committee on Ways and Means meets on May 23rd at 4:30 p.m. and again on June 6th at 3 pm to talk about the ARPA funding, and the pool is part of that discussion.

MOTION TO APPROVE THE AMENDED BUDGET CARRIED 7-0.

Council Member Jackson outlined his request for funding for Climate action, requesting an additional \$100,000 to make a total of \$150,000 in the Public Service Operating for Climate Action.

MOTION BY COUNCIL MEMBER JACKSON TO ADD \$100,000 TO PUBLIC SERVICE OPERATING AND TAKE \$100,000 FROM THE GENERAL FUND.

Mr. Brower explained the document in the packet reflects the funds coming from the Federal Reimbursement, and if this is passed it would take that amount from (\$212,500) to (\$312,500).

Council Member Spadafore asked if this would be eligible for ARPA Funds. Mr. Brower confirmed the ARPA funds can be used for loss of revenue.

Council Member Wood asked for confirmed that Council Member Jackson wanted \$100,000 in addition to the \$50,000 that is already being proposed in the budget, and Council Member Jackson confirmed. Council Member Wood pointed out that the General Fund is now balance, and if this is passed the \$100,000 would have to come out of the rainy day fund or he could take it out of the Federal Reimbursement as Mr. Brower provided in his example. Mr. Brower noted there is \$2 million in the ARPA for Council projects.

Council Member Spadafore stated he would prefer taking this recommendation to the Committee on Ways and Means in the ARPA Resolution they are working on instead of effecting the General Fund.

Council Member Wood asked the Administration if Ms. Welch stated she was in need of additional dollars at this time. Mayor Schor confirmed she did request more funds, but was not specific for their use. Council President Hussain confirmed he also heard that but did not hear her state a specific amount. Council Member Wood asked if the amount is for a study not staff, and Council Member Jackson stated the funds would be to implement the climate action plan. Council Member Brown stated he spoke to Ms. Welch about a grant writer. Council Member Garza asked if Ms. Welch still continues to work for MSU, and Mayor Schor confirmed she was never a MSU employee, she has always been an employee of the City. Council Member Wood asked if these funds were to address a contract position since those funds would not hire a position. There are positions open that cannot be filled currently, so she is reluctant on this position.

MOTION BY COUNCIL MEMBER JACKSON TO ADD \$100,000 TO PUBLIC SERVICE OPERATING FROM THE FEDERAL REIMBURSEMENT FUND. MOTION FAILED 1-6.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE AMENDED BUDGET AND BUDGET POLICIES AS PRESENTED. MOTION CARRIED 6-1.

MOTION BY COUNCIL MEMBER WOOD TO RESCIND THE MOTION. MOTION CARRIED 7-0.

MOTION BY COUNCIL MEMBER WOOD TO SEPARATE THE BUDGET BY REMOVING HRCS BUDGET AND THE 54-A DISTRICT COURT BUDGET. MOTION CARRIED 7-0.

MOTION BY COUNCIL MEMBER WOOD TO BE RECUSED FROM THE HRCS BUDGET DUE TO HER JOB RELATED CONFLICTS WITH PROGRAMMING. MOTION CARRIED 7-0.

MOTION BY COUNCIL MEMBER SPADAFORÉ TO APPROVE HRCS BUDGET, MOTION CARRIED 5-1.

MOTION BY COUNCIL MEMBER JACKSON TO BE RECUSED FROM THE 54-A DISTRICT BUDGET DUE TO HIS JOB RELATED CONFLICTS WITH THE COURTS. MOTION CARRIED 7-0.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE 54-A DISTRICT COURT BUDGET. MOTION CARRIED 6-0.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE REMAINING FY 2022/2023 BUDGET AND AMENDED BUDGET POLICIES. MOTION CARRIED 6-1.

Mayor Schor updated the Committee on a conversation he had in text with the HR Director who confirmed that HR is currently vetting applications for the Fire Department to fill the 14 openings and meeting with the new Fire Chief. The Administration has given permission to front load so they are looking to hire 17 officers. Council Member Garza asked how long the 14 positions have been vacant and the Mayor could not confirm, but stated it is ongoing due to retirements and resignations.

Adjourn

The meeting adjourned at: 6:19 p.m.

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

Approved by the Committee on May 23, 2022