



**MINUTES**  
**Committee of the Whole**  
**Monday, January 9, 2023 @ 5:30 p.m.**  
**Tony Benavides Lansing City Council Chambers**

**CALL TO ORDER**

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

**PRESENT**

Council Member Carol Wood  
Council Member Jeremy Garza  
Councilmember Adam Hussain  
Councilmember Peter Spadafore  
Councilmember Patricia Spitzley  
Councilmember Brian T. Jackson  
Councilmember Jeffrey Brown  
Councilmember Ryan Kost

**OTHERS PRESENT**

Sherrie Boak, Council Office Manager  
Jane DiSessa, Deputy Mayor  
Jim Smiertka, City Attorney  
Lisa Hagen-Lawrence, OCA  
Andy Kilpatrick, Public Service  
Eric Sudol  
Stan Shuck  
Desiree Kirkland  
Scott Keith, LEPFA  
Chris Swope, City Clerk  
Daphne Whitfield, ARPA Fund Manager

**Minutes**

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE MINUTES FROM DECEMBER 12, 2022, AS PRESENTED. MOTION CARRIED 8-0.

**Public Comment**

Mr. Shuck spoke on the "chip sealing" process on streets in the City and his frustration with the quality of the work performed by the contractor.

**Presentations**

**2022 Street Project Updates and 2023 Planning Street Projects**

Mr. Kilpatrick acknowledged Council for the opportunity. Mr. Kilpatrick then went through the handout which included a project map, the project summary that outlined the location, type, length, cost start and projected finish date. Mr. Kilpatrick stated if they wanted detailed breakdowns they can in the future.

Council Member Garza asked about a project on Northrup, and if there was information on the application process, and details on sweeping of chip and seal. He asked for what the application of the material is. Mr. Kilpatrick provided examples of chip seal in rural roads, they do not sweep because there is a gravel shoulder. In the City there is a "fog" seal because there are curb and gutter, and in this case there was not a specification on when contractor had to come back for the fog. In that case, there could have been more stone that left then the City wanted, they would have liked 2-3 weeks for stone to get into the cracks and then sweep. They will start placing that requirement in the bids in the future so the contract or comes back in a more timely fashion. Council Member Wood, if not sweeping and going into the storm gutter, does it not then go into the drains and clogging. Mr. Kilpatrick confirmed it is a possibility not a guarantee it will get in the drain. In those drains there is a catch basin, and they do some cleaning those out just not as frequently. The storm sewers will flush themselves out faster because of the rain pattern. Council Member Jackson asked about the timing of the projects on Cooper Street as well. Mr. Kilpatrick stated he would have to check on the project engineer.

Council Member Spadafore stepped away at 5:45 p.m.

Mr. Kilpatrick stated he would look at dates for specific streets and let Council aware. Council Member Jackson asked if they did not come back, was it out of their contract. Mr. Kilpatrick confirmed that the City did not list a "time between applications" in their specifications. What currently the City is a "final completion date". Council Member Jackson asked if there is a best practice, and if they go outside of that they are in fault. Mr. Kilpatrick confirmed there is, but if it is not in the contract they cannot go back on them.

Council Member Spitzley asked what recourse does a neighborhood have; what can they do to get it evaluated. Mr. Kilpatrick stated on the Public Service website where the construction map is, each project lists the project engineer, and that is best way to get in contact with that contractor and project engineer.

Council Member Spadafore returned at 5:49 p.m.

Council Member Spitzley asked Public Service to look at the 800 block of Cooper Street.

Council Member Hussain acknowledged the City addressing the deficiencies on the practice, but asked if there is a "claw back" on the contractor not meeting the quality for what the contract was for. Mr. Kilpatrick confirmed the projects have not been closed out yet, but if it is not in writing it is hard to enforce.

Council Member Spitzley stepped away at 5:50 p.m.

Council Member Hussain asked about the Miller Road project with the mounding and the man covers. Mr. Kilpatrick acknowledged they are looking at that project and not sure if it would be in the contract.

Council Member Spitzley returned to the meeting at 5:51 p.m.

Council Member Hussain asked how which projects get funded in each construction season. Mr. Kilpatrick noted in major streets that get federal funding, they look at projects that might have sewer or water, and generally might have \$1.5 million per year, and try to get larger projects. Council Member Hussain where the complaints and the pacer rating come into consideration. Mr. Kilpatrick noted they to consider, but they try to spread throughout the City, but certain maintenance projects depending on pacer rating they might not do because the road has failed. Council Member Hussain spoke in opposition to location of projects, noting in his opinion there is not a lot of projects in the 3<sup>rd</sup> and 2<sup>nd</sup> Ward compared to the North.

Council Member Garza asked about why Schafer project was so expensive, but other areas were not. Mr. Kilpatrick stated it was the cost of the entire project, but not by foot or mile of specific street. He offered to do a breakdown on a per foot basis.

Council Member Brown asked about the process with contracting and prevent the current challenge going forward. Mr. Kilpatrick stated with a new type of work, they will use other practices from other areas and modify for the City. The contract and specifications has a timeline and completion date, however if they start they have to finish out, and if they don't the City has liquidated procedures. In general there is a 12 month performance contingency. Council Member Brown asked if there are public sites where the public can list where they want projects, and where the City can justify where they chose.

Council Member Kost asked about the chip and seal lifespan. Mr. Kilpatrick stated it depends on the volume of the street, but expect 5-8 years. Council Member Kost voiced his concern of multiple roads that are not lasting under this type of treatment. He then asked about turn around time on pot hole filling right now. Mr. Kilpatrick stated 24-48 hours. Council Member Kost referenced the use of Lansing Connect and if they are going through, specifically on Sheldon. Mr. Kilpatrick asked for a specific house or complaint number to check on.

Council President Wood referenced Pennsylvania and what the hold up on this area and why. In addition she asked about the reconfiguration in the project. Mr. Kilpatrick stated this project has water main also, the contract went through MDOT, there was pipe supply chain orders, cement shortage with the concrete work, and so at the end of the season that was why the curb gutter and sidewalk was delayed. The configuration was done for the end of season and will go back to 2 lane when project is done next year. Council President Wood suggested a "speed bump" sign for the mound mentioned earlier at Miller.

#### Mayor ARPA Community Grants Awards- Overview on Determination

Ms. DiSessa stated they did receive a great response on the applications, and then outlined the number of applications. She began with the process of a total of 67 applications and \$17,829,00 in the terms for the amount request of the \$1.9 million. The intent of the ARPA funds is to provide support to respond to the COVID-19 impacts. On November 21, 2022 the ARPA Committee convened and reviewed the 67 applications, of those they recommended 27. As far as process, the prime directive was to review the qualify applications, and when reviewing they agreed to protocols. That was in addition to the questions on the applications. Those included did the request comply with ARPA regulations, it fell under ARPA usage category code, and use the Matrix as a guide. The Committee reviewed the matrix in the packet. Ms. DiSessa stated that as of today, all applicants have been informed. For those that did not meet qualifications, they were provided with recommendations for other funding that they may qualify for. The qualified applicants have received information on how to meet the ARPA guidelines. Ms. Daphine Whitfield was present as the ARPA Fund Manager.

Council President Wood asked for copies of the individual matrix for each applicant so they can explain how the scoring was done for the results.

Council Member Hussain asked if they got tailored feedback, and Ms. DiSessa confirmed they did. Ms. DiSessa noted that the matrix is one part of the evaluation, and when looking at other items such as ARPA qualifications and qualifications under the code. They also looked to make sure they served the citizens of Lansing.

Ms. Whitfield acknowledged that she was not part of the review process, and she is currently doing follow up with those that received funding and those that did not. She confirmed she has received positive feedback. She added that during the application process she spoke to many applicants and during that process they knew the "ask" was incredible, and informed them then that if they do not receive the funds, to reach back out and the City can assist with

helping them other resources. The letters went out the week of January 3, 2023 and she has started verbal communications with people this week.

Council Member Jackson referenced the list of awarded applications, specifically Riverwalk Theatre, and how they obtain. Ms. Whitfield outlined the ARPA review qualifications, and Riverwalk lost revenue which met the requirement. Ms. DiSessa it is a non-profit entity, they provide services to the community and they met ARPA regulations. It also depends on what they asked for and it might not have qualified for ARPA.

Council Member Brown asked about what all the factors are.

Council Member Garza stepped away at 6:30 p.m.

Council Member Brown noted there is an interest in the score card, and the full picture on how the Committee looked at it.

Council Member Garza returned to the meeting at 6:31 p.m.

Ms. DiSessa reiterated that the key qualification was to meet the ARPA regulations, especially when they meet the future reporting. They also had to fall under a specific usage category code. Council Member Brown asked why some were not qualified and those details. Ms. DiSessa stated if they do not meet ARPA qualifications they were not funded, and that could include the project or fund request did not meet the ARPA qualifications.

Council President Wood asked again for the breakdown.

Ms. Whitfield stated a lot of people were disqualified due to the definition of ARPA, and Council President Wood stated Council needs details to explain to the public. Ms. DiSessa stated they applications that were awarded did meet all the top 3 qualifications.

Council Member Hussain asked how the Committee decided on the final amounts for the applications. Ms. DiSessa stated sometime they submitted a request with the breakdown, and looking at ARPA qualifications some of their projects did not qualify so they did not get the full funds.

### **Discussion/Action**

#### **RESOLUTION – Appointment; Eric Sudol; At Large Member; LEPFA for a term to Expire Jun 30, 2025**

Mr. Sudol introduced himself, noting he has been in hospitality for over 35 years, and at the Marriott for 28 years. He has been appointed by the Visitors Convention Bureau Board to serve on the LEPFA Board, and has an interest in serving.

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE RESOLUTION FOR THE APPOINTMENT OF ERIC SUDOL TO LEPFA FOR A TERM TO EXPIRE JUNE 30, 2025. MOTION CARRIED 8-0.

#### **RESOLUTION – Outside Legal Counsel – Board of Trustees of the City of Lansing Employee's Retirement System and the City of Lansing Police and Fire Retirement System**

Council President Wood outlined the resolution adding VanOverbeke, Michaud & Timmony, P.C.

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE RESOLUTION FOR THE ADDITION OF OUTSIDE LEGAL COUNSEL FOR THE RETIREMENT BOARD. MOTION CARRIED 8-0.

### **CLOSED SESSION**

MOTION BY COUNCIL MEMBER GARZA AT 6:44 p.m. pursuant to MCL 15.268(h), City Council will recess into closed session to consult with the City Attorney to consider material exempt from discussion or disclosure by State Statute. Specially to discuss a written legal opinion from the City Attorney provided under attorney-client privilege and attorney work-product, and which is also exempt from discussion under the Freedom of Information Act pursuant to MCL 15.243(g). Deputy Mayor DiSessa will also be included in this Closed Session.

ROLL CALL VOTE, MOTION CARRIED 7-1.

**RECONVENE**

Council President Wood reconvened the meeting at 7:07 p.m.

**Adjourn**

The meeting adjourned at 7:08 p.m.

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

Approved by the Committee on January 23, 2023