MINUTES
Committee of the Whole
Monday, August 14, 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- excused
Councilmember Adam Hussain
Councilmember Peter Spadafore
Councilmember Patricia Spitzley – excused
Councilmember Brian T. Jackson
Councilmember Jeffrey Brown
Councilmember Ryan Kost

OTHERS PRESENT
Sherrie Boak, Council Office Manager
Jim Smiertka, City Attorney
Lisa Hagen-Lawrence, City Attorney
Emily Linden, Internal Auditor
Shelbi Frayer, Chief Strategy Officer
Loretta Stanaway
Andy Kilpatrick, Public Service Director
Dale Schrader
Sharon Civils
Chris Stralkowski, Red Cedar
Kim Coleman, HRCS
Ryan Cabell, Energy Event Center
Mark King
Mike Lynn
Mr. Groebel, Mariott Attorney
Tim Ellis

Minutes
MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE MINUTES FROM JULY 24, 2023.
MOTION CARRIED 6-0.

Public Comment
Mr. Cabell spoke on violence in the City in 2023, particularly the recent incident at Logan Square, sent out his condolences and asked for solutions.

Mr. King spoke on behalf of Mr. Cabell and his business, and asked Council to consider giving Mr. Cabell a fair opportunity to do his business.

Mr. Lynn spoke on the incident at Logan Square, gun violence in the City, and in support of working with Mr. Cabell instead of addressing it with revocation. He offered to work with Mr. Cabell on his events so he can continue with the events at Logan Square.

Presentation Recycling Fees

Council President Wood invited Mr. Kilpatrick to offer a presentation on the recycling fee.

Mr. Kilpatrick acknowledged the invitation and summarized that recycling and yard waste is fee based on property taxes, roughly 38,000 parcels roughly $4 million in revenue. 70% of that fee to recycling expenses and remaining to yard waste. There is curb side recycling which they can do with a fee if people are interested. It is $122 per year/residential and based on expenses. The fee covers the cost of expenses, with any additional goes back to the enterprise fund and they look at it there for the following year. The vehicles include 2 dedicated yard waste trucks, which are manually loaded. They are 2002 and 2004 and will be replaced this year, with the hopes to replace 2 per year.
The cost increase has been about $2 per year, below the cost of inflation. The fee has been in place historically, and with the change in dynamics in recycling, in 2021 the City had a private processor facility opened on Pennsylvania. That agreement came with a 7500 ton minimum. In 2022 the City total tonnage amount dropped to 5500 tons, and the City had research into participation rate, and at least 1/3 are not participating. There are 10 employees that do yard waste and recycling, and rely on seasonal employees. With the shortage in the seasonal, they have used regular full time employees, and so there is an increase in payroll for the full time employees. Overall cost wise, 50% is salary cost and benefits. Mr. Kilpatrick offered to send his bullet points and place on the website.

Council Member Kost asked if there is a plan for unlimited bags, and Mr. Kilpatrick stated there has not been a decision, but if they continued with unlimited it would be in the spring and fall. Council Member Kost asked if there is a balance in the enterprise fund, and Mr. Kilpatrick stated the last audit financial for FY2022 was $2.3 million. Before that the average was $1.27 million. Recycling and commodity prices are in flux, but once that is stable they can figure out what is more set in the commodities. Trash is separate from yard waste and recycling, and yard waste and recycling is combined. Council Member Kost asked if there is a discussion on expanding what can be recycled. Mr. Kilpatrick confirmed the discussion was held, but the City is limited to what the processor can take. There is hopes that with a drop off center that would increase what can be dropped off.

Council Member Hussain asked about the seasonal employees, it is not an issue with lack of posting. Mr. Kilpatrick stated they are finding a lot of places pay more than the City for employees with CDL. Some is also the City hiring process takes longer than the private practice, so there could be things that could be changed. Council Member Hussain asked for HR to be brought in to talk about the hiring process and timeline because he has heard some departments take 8-10 weeks. He then asked Mr. Kilpatrick, regarding the enterprise funds, those funds have not been used anywhere else. Mr. Kilpatrick confirmed to his best knowledge, but he is not finance. Regarding revenue coming in, revenue stays in that enterprise fund. Hours and equipment stay in that enterprise fund. Council Member Hussain asked if the City has investigated routes, scheduling routes, and addressing delays. Mr. Kilpatrick stated they are looking at the routes, and some routes have fewer customers. With snow they look at where trash collectors will be next.

Council President Wood asked what the City is making from sale of commodities. Mr. Kilpatrick stated that changes every month and would have to provide that after the meeting. It is based on materials and percentage of the stream. Council President Wood noted that the City had to supply so much tonnage or City would have to pay them. Mr. Kilpatrick stated the City is paying for 7500 tons to process whether there is 7500 or not.

Council Member Spadafore asked Mr. Kilpatrick why was there a minimum. Mr. Kilpatrick stated it was a private facility and they wouldn't come to the City unless the minimums were met.

Council President Wood asked if it is safe for Council to say to the resident that of the $122, 70% is for recycling, 30% is yard waste, and that pays vehicles, staff and the cost of processing. Mr. Kilpatrick confirmed. Council President Wood asked if we get anything for the yard waste, and Mr. Kilpatrick confirmed they do not.

Council Member Kost asked if there was a discussion with MSU on using compost. Mr. Kilpatrick stated they have done a preliminary, unless get other partners, to cover cost and equipment. A City only option would not be feasible.

<u>Discussion/Action</u>
<u>RESOLUTION – Appointment; Sharon Civils; At Large Member Board of Review; Term to Expire June 30, 2026</u>
Ms. Civils introduced herself and spoke on her interested to serve on the Board of Review. She stated she has resided in the City for over 27 years, retiree from the State of Michigan Information and Technology. Ms. Civils interest for serving on the Board of Review to get a better understanding to assist with her ministry work with seniors on their homes and taxes.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO APPOINT SHARON CIVILS TO THE BOARD OF REVIEW. MOTION CARRIED 6-0.

<u>RESOLUTION – Appointment; Dale Schrader; At Large Member; Board of Water & Light; Term to Expire June 30, 2027</u>
Mr. Schrader spoke on his interest in renewable energy, climate change, energy requirements, and is something he has always been interested in. He spoke briefly on his business in environmental clean up for 20 years, and is currently a President of Walnut Neighborhood, and served on the sustainability board. Regarding the LBWL position, he spoke in support of his experience in environment that would bring good qualities to the Board.

Council President Wood acknowledged Mr. Schrader for the work he has done in the community.

Council Member Jackson asked Mr. Schrader on his opinion on the climate crisis. Mr. Schrader stated he believes it is true, there is a crisis, and we need to do the best we can to reduce and eliminate. He stated he would be a strong voice for the environment. Council Member Jackson stated he has attended BWL meetings and there is a lot of silence. Mr. Schrader stated it is exciting because the world is moving to electric cars and battery plants. The crisis is not exciting but tragic, and BWL has a plan but they need to be held to it. Council Member Jackson asked what his thoughts on the Board is towards addressing the climate crisis. Mr. Schrader stated there are times where there are decisions on how to address power, but will push for renewable energy. Natural gas is not clean energy, but is the lesser of evils, and at the present time you have to use it and it is better than coal. Council Member Jackson asked if he had discussions with local energy groups, and Mr. Schrader stated not everyone but the Mid Michigan Council.

Council Member Kost stepped away at 6:14 p.m. and returned at 6:15 p.m.

Council Member Jackson asked if he can ask the hard questions to the BWL Manager. Mr. Schrader stated that he has spoken before the Board and they are aware of his opposition to some of the topics they have addressed in the past. Council Member Jackson asked if he would be willing to work to get the understanding to ask the hard questions, and Mr. Schrader confirmed he would and offered his assistance to residents if they have questions.

Council Member Hussain asked if he would support the sale to a private company. Mr. Schrader acknowledged he used to think it was a great idea, but at the present time he does not support that.

Council President Wood asked his plan to communicate with the community. Mr. Schrader stated he strongly supports the communication, but not sure of the path he would take. Council President Wood encouraged him to attend the Ward meetings.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO APPOINT DALE SCHRADER TO THE BOARD OF WATER AND LIGHT BOARD OF COMMISSION; TERM TO EXPIRE JUNE 30, 2027. MOTION CARRIED 6-0.

RESOLUTION -Liquor License; CP Lansing- Red Cedar
Council President Wood informed the Committee that this is for a new hotel to open, and it is before this Committee because they were hoping to have it by 8/18/2023 with the MSU students coming back. This will be on the Council agenda tonight as well.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE LIQUOR LICENSE FOR CP LANSING- RED CEDAR.

Mr. Groebel confirmed this is for the new Marriott on Michigan Avenue, with the first stage opening later this week and grand opening. There is a conditional liquor license from the State which gives them the ability to sell at the restaurant and the lobby bar. Currently they are awaiting the permanent license transfer and that would need the approval from the City. The City is being managed by Concord Management, and they manage approximately 100 across the country and have the experience and trustworthy.

Council Member Jackson asked if he was aware of the new trend for dry restaurants. Mr. Groebel stated he is not aware of the trend but is aware of hotel lines that do not have liquor licenses. In this case the owner is interested in obtaining one.

Mr. Smiertka noted for the Committee the Social District designation is not included in this resolution but just the liquor license.

MOTION CARRIED 6-0.

DISCUSSION – Board of Public Service Rules of Procedure
Council President Wood explained that the City board rules of procedure come to Council and at that time, Council can review and send back to the boards if there is an issue. The document was then outlined noting the changes reflected membership and addresses situations where they have an issue obtaining quorum. Section 1.1 changes from "five" to "majority", Section 2.2 changes from "five" to "the majority of current", Section 2.4 A. changes from "five" to "majority of the voting members…" Section 2.4 C. changes from "five" to "majority"., Section 2.5 B. "five" to "majority" "present ", Section 2.7 changes from "five" to "majority" and Section 3.1 "five" to "majority" and "present" to "seated on the Board".

MOTION BY COUNCIL MEMBER HUSSAIN TO PLACE ON FILE. MOTION CARRIED 6-0.

DISCUSSION – Diversity, Equity and Inclusion Advisory Board Rules of Procedure
Council Member Hussain asked for a correction to the document to since IX is missing. Mr. Smiertka stated they would make the change.

MOTION BY COUNCIL MEMBER HUSSAIN TO PLACE ON FILE WITH THE CHANGE. MOTION CARRIED 6-0.

RESOLUTION – Set Hearing; Revocation of Cabaret License; Energy Events; 3222 S MLK Jr. Blvd.
Mr. Smiertka explained this was the resolution to set the hearing for revocation of an existing license. A report has been filed with the City Clerk.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO SET THE REVOCATION HEARING FROM AUGUST 24TH AT 1 PM IN THE TONY BENAVIDES LANSING CITY COUNCIL CHAMBERS WITH ELIZABETH O'LEARY SERVING AS THE HEARING OFFICER.

Council Member Jackson spoke in opposition to Ms. O'Leary serving as the hearing officer.
Council President Wood noted that City staff in the past (Nick Tate) has served as a hearing officer in similar cases.

MOTION CARRIED 5-1.

<u>RESOLUTION - Introduction and Set a Public Hearing; Amendment to Chapter 240, Section 240.02, 240.03, 240.04; Clarify role of Human Relations and Community Services (HRCS) Advisory Board</u>

Mr. Smiertka informed the Committee that the following four (4) items were changes provided to the HRCS Advisory Board. These address some duties not allowed to advisory boards, so things were changed to recommend that they do not make decisions but advise.

Council President Wood went through the proposed amendments in Chapter 240, Sections 204.02, 240.03, 240.04.
HRCS was defined;
240.03 (b) was added that speaks to evaluation and examination of the elements of the Basie Human Services being reserved to HRCS. HRCS Advisory Board will make recommendations in connection with evaluation and awarding the grants.;
Formatting changes;
The label of "department" was eliminated throughout the document
Correction on page 3 line 10 removing (a) where it does not exist in 240.04 (7);
240.04 similar language from 240.03 (b) was added;
240.04 (4) has the Board making recommendations;
240.04 (7) has the HRCS Board providing OCA non-conflict of interest forms;

Council Member Kost noted the changes were to "recommendation" and asked why. Mr. Smiertka stated he was asked to review the ordinance in relation to the Charter, and the OCA opinion has been issued. These changes reflect the opinion and the department has made changes as well. The original request he stated was from the department director.

Council Member Jackson asked if this has anything to do with the recent Executive Order that changed redefining the police review process. Mr. Smiertka stated it did not, these changes have been in the works for months.

Council Member Brown asked if these changes were made because the HRCS Board is advisory, if the other City advisory boards were getting amendments to their Rules of Procedure as well. Mr. Smiertka briefly spoke on the Charter 5-106 defining boards. In this situation it is only focused on the HRCS board because he stated again it was a request from the department director, and not initated by the OCA. Council Member Brown again asked what the reason was for the request and Mr. Smiertka stated that would be a question for the director since that who initiated it. They were asked to make the change and did not go beyond the motive of the request. Council Member Brown again asked the purpose. Mr. Smiertka stated that HRCS has administrative functions; and if there is an encroachment by an advisory board that needs to be corrected.

Council President Wood noted that there are four (4) different sections in the Ordinance Chapter 240 and 273 that being proposed to be amended or repealed. Council Member Brown asked if this would change the process for the grants, and again Mr. Smiertka stated the request was brought to OCA from the HRCS Director, and the intent would need to be asked of the director. He suggested that the HRCS Director can speak to the Council on the request before the public hearing.

Council Member Spadafore asked for clarification on if this ordinance was just recently amended, and Council President Wood stated Council did look at something but that was a policy that they worked on with the Internal Auditor at the time on awards of the grants, not changes in the ordinance.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR AUGUST 28, 2023. MOTION CARRIED 6-0.

RESOLUTION - Introduction and Set a Public Hearing; Amendment to Chapter 273, Section 273.01 and 273.04; Clarify Role of Human Relations and Community Services (HRCS) Advisory Board

Council President Wood went through the changes in the document.
273.01 change "formulate and carry out" to "evaluate and recommendation";
Eliminate "examine reports of discrimination or prejudice";
Change "developing" to "evaluating and recommending";
Eliminate "conciliate alleged discriminatory practice relating to City Government";
273.04 (e) change "develop" to "review and evaluate" to be provided to City employees;
273.04 (g) change "Formulate and carry out" to "Evaluate and recommend";
273.04 (h) eliminated;
273.04 new (h) Change "issue" to "evaluate and recommend";
273.04 new (i)Change "secure" to "evaluate and recommend";
273.04 new (j) Change "developing" to "evaluating and recommending";
273.04 new (k) change " advise any official or competent authority on" to "provide recommendation on";

Mr. Smiertka again stated that any questions can be asked of the Director who can attend in person at the public hearing.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR AUGUST 28, 2023. MOTION CARRIED 6-0.

Council President Wood asked for a consensus of the Committee if they want to move through the following two ordinance repeals line by line and hold discussion, or just set the public hearings since it is close to 7 p.m. Committee consensus was to set the public hearings and hold the discussions at the hearings.

RESOLUTION - Introduction and Set a Public Hearing; Repeal Chapter 273, Section 273.06, "Examination of complaints; hearings and studies" to conform with the City Charter 5-106

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR AUGUST 28, 2023. MOTION CARRIED 6-0.

RESOLUTION - Introduction and Set a Public Hearing; Repeal Chapter 273, Section 273.08 "Prohibited discrimination by city departments or employees" to conform with the City Charter 5-106

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR AUGUST 28, 2023. MOTION CARRIED 6-0.

OTHER

Update by the Administration – South Washington Complex (SWOC) Current City Department(s) Relocations (Temporary and Permanent) & Financial Impact

Ms. Frayer referenced a spreadsheet which outlined the changes for relocations. They are eligible to use for moving costs, and this is current plan is fluid; nothing is locked in. Council Member Spadafore asked if the bonds were included in the contractor costs and Ms. Frayer stated it should be under $500,000 to tear down, and the funds were worked in to relocation.

FISCAL YEAR 2024/2025 BUDGET PRIORITIES

Council President Wood asked each Committee to review at their meetings for adoption by Council before October 1, 2023; at the September 18, 2023 meeting.

Adjourn
The meeting adjourned at 7:01 p.m.
Respectfully Submitted by,
Sherrie Boak, Recording Secretary, Lansing City Council
Approved by the Committee August 21, 2023