MINUTES
Committee of the Whole
Monday, September 18, 2023 @ 5:00 p.m.
Tony Benavides Lansing City Council Chambers

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

PRESENT
Council Member Carol Wood
Council Member Jeremy Garza
Councilmember Adam Hussain
Councilmember Peter Spadafore
Councilmember Patricia Spitzley – arrived at 5:02 p.m.
Councilmember Brian T. Jackson – arrived at 5:16 p.m.
Councilmember Jeffrey Brown
Councilmember Ryan Kost

OTHERS PRESENT
Sherrie Boak, Council Office Manager
Joseph Abood, City Attorney
Lisa Hagen-Lawrence, City Attorney
Emily Linden, Internal Auditor
Mark Lawrence, Mayor's Office
Jake Brower, Chief Finance Officer
Elizabeth O'Leary, HR Director
Loretta Stanaway
Ryan Cabell, Energy Event Center
Dan Doyle, Attorney Representing Energy Event Center
Michael Lynn
Erika Lynn
Terrance Cooper
Al Phillips
Summer Green
Mr. Watkins
Mr. Delmonte
Dale Smith
Pastor Tab
Markel
Charity Jones
Erica Munchman

Minutes
MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE MINUTES FROM SEPTEMBER 11, 2023. MOTION CARRIED 6-0.

Public Comment
Ms. Stanaway spoke on the Energy Event, and encouraged Council to not revoke but provide him with guidelines and steps on how to move forward. Ms. Stanaway then spoke on the other items on the agenda including funding in the budget amendments.

Council Member Brown stepped away from the meeting at 5:02 p.m.

Ms. Stanaway asked what occurs with the current LPD offices when the City Hall moves.

Mr. Cooper spoke in support of Mr. Cabell and work that can positively affect the community.

Mr. Lynn apologized to Council Member Spadafore for comments made at the last meeting and understands that Council is taking the time to make the right decision. Mr. Lynn spoke in support of the Energy Event site, commented on discussions he has had with Mr. Cabell and the parking lot on site. Mr. Lynn concluded by acknowledging Council for the time they are taking on consideration of the Energy Event license.

Ms. Lynn asked for Council to consider gathering information and see what actions are on the table outside of revoking the license.

Council Member Brown returned to the meeting at 5:08 p.m.

Ms. Lynn asked Council to consider options, steps, plans and something to show support for small businesses coming to the south side of Lansing. Lastly, she referenced the warming and cooling centers on the agenda, referencing a plan in Alaska she sent to Council last year using existing resources.

Mr. Phillips spoke on violence in the city, then spoke in support of Mr. Cabell asking Council not to consider revocation of the license. He then offered assistance to Council Member Hussain on working in the 3rd Ward addressing issues.

Ms. Green spoke in support of Mr. Cabell.

Mr. Watkins spoke in support of Mr. Cabell and keeping his license at 3222 S MLK Jr. Blvd. asking for implementation of a police presence in the parking lot for future events.

Mr. Delmonte spoke in support of Mr. Cabell, the narrative that has been stated on the incident that occurred, asked for police presence all over the city.

Mr. Lawrence stepped away from the meeting at 5:18 p.m.

Mr. Smith spoke in support of Mr. Cabell and asked Council to provide him with warnings not revocation of the license.

Mr. Lawrence returned at 5:22 p.m.

Pastor Tab spoke in support of Mr. Cabell and information on the incident itself.

Markel spoke as a participant at the event, and in support of Energy Event Center.

Ms. Jones spoke on her concerns with the violence in the city, as an employee during the incident, in support of Mr. Cabell, and asking for the Mayor to work with Mr. Cabell.
Mr. Doyle, attorney for Mr. Cabell, reiterated his request for Council to review the law, goal for written warnings, and asked them for consideration.

Ms. Munchman spoke on the incident and her connection to some of the victims in the shooting. She requested that Council consider conversations with Mr. Cabell, as she herself had conversations with Mr. Cabell telling him her concerns. She concluded asking Council to give him another chance because she believes he is in a good position to do good things in the city.

Mr. Cabell spoke on his business, his belief that people always come first, and stated he would take full accountability for anything that is wrong.

Ms. Hagen-Lawrence and Mr. Abood stepped away from the meeting at 5:33 p.m.

Mr. Cabell outlined his purpose of the Energy Events Center and his motivation to turn around things that are happening in the community.

Ms. Hagen-Lawrence and Mr. Abood returned to the meeting at 5:34 p.m.

Mr. Cabell asked Council to consider his integrity and things done legally.

DISCUSSION/ACTION

Hearing Determination from the License Revocation of Energy Event Center; 3222 S MLK Jr Blvd, Suite 41A Lansing

Ms. Linden stepped away from the meeting at 5:35 p.m.
Mr. Lawrence stepped away from the meeting at 5:35 p.m.

Council Member Spadafore asked Ms. O'Leary if restaurants and bars, when charging cover for a band, if a show license is required. Ms. O'Leary that anything that falls in the definition of show license would require that.

Ms. Linden returned to the meeting at 5:36 p.m.

Council Member Spadafore asked if other establishments in the city are required. Ms. O'Leary stated she has not done research on other entities.

Council Membre Jackson asked Ms. O'Leary if she could describe and explain how many security guards were on site, and how does that play to the provision of "measures to prevent violence". Ms. O'Leary referred back to her findings report, and clarifying that her role was not to say what happened but make findings of fact based on the hearing.

Council Member Jackson referred to the exhibit which listed the number of security guards, and asked if she found the same number.

Mr. Lawrence returned to the meeting at 5:38 p.m.

Council Member Jackson asked if there were any written communications outlining the violations. Ms. O'Leary stated Council has received all the exhibits and transcripts, and he should review those documents. Council Member Jackson voiced his frustration on non-responses from Ms. O'Leary. Ms. O'Leary confirmed she is here as a courtesy, was not and is not being told what to say. Council Member Jackson asked again if it was determined there were 10 security guards. Ms. O'Leary referred Council Member Jackson to the report.

Council Member Hussain first apologized for being absent from the last meeting, and made it clear that Council has duties to address this. In reference to the ordinance Chapter 808, which is continually referred to in the documents and in discussions, he asked if the City has to give written notice. He asked for verification that his understanding of a written notice in this section is to go back on the cost of mutual aid on site. Therefore, he asked OCA if the City can even consider revocation, based on the fact they were not able to the make area safe.

Ms. Hagen- Lawrence, also referred to Section 808; which outlines the requirement of 2 instances, written warning 808.10 – pertaining to city costs. She noted there are a number of bases for revocation, one being 808.10. The other item falls under 808.08. Both were listed in the hearing notice, and the items under LPD pertaining to state and federal law. Ms. Hagen-Lawrence confirmed there has never been an ask of recovery of cost. Council President Wood noted that historically when the cost item was added to the ordinance it was there were other situations where there was a large amount of police and fire services present at events.

Council Member Spitzley agreed with Ms. Hagen-Lawrence on the interpretation of the ordinance, but was also looking at a letter dated August 2, 2023 that Mr. Cabell shared with Council that showed he had submitted an updated security plan for Energy events. Ms. O'Leary stated she did not recall having that letter as part of the hearing exhibits. Council Member Spitzley asked what "keep premise safe" is. Ms. Hagen-Lawrence stated the entire lot located, parking, parking where patrons, 1500 ft from where cabaret is located. Council Member Spitzley again referred to the August letter which spoke to what Mr. Cabell outlined he was doing to coordinate with law enforcement.

Ms. O'Leary reiterated she was asked by Council to be the hearing officer, provided in transcript, have not intent in saying anything that is not contained in the transcript.

Council Member Spadafore asked the OCA to explain the revocation ordinance, since there appears to be a discussion on alternative measures, short of revocation. Ms. Hagen-Lawrence stated the questions could be "does the ordinance provide for an option other than revocation", the answer would be that the ordinance speaks only to revocation or not revocation. There is nothing on intervention or a security plan, and any of those options would require the Council to amend the current ordinance. Council Member Spadafore asked if there are other licenses in the ordinances that speak to options. Ms. Hagen-Lawrence stated that when speaking to "cabaret" it is specific only to 808. The other license types are under other ordinances, and she would need to look into those, so cannot speak to that specifically at this time.

Council Member Jackson again referenced Ms. O'Leary analysis and recommendation, specific to open alcohol, and asked her if it was determined there was no alcohol sales inside, and since there were no sales inside, no alcohol inside. And if so, how is that attributed to the Energy Event Center. Ms. O'Leary again referred Council Member Jackson to her findings report, stating Council can either revoke, not revoke or make recommendations. Council Member Jackson explained to Ms. O'Leary he was attempting to figure out the rationale behind this so he can make his decision, and then he did note 1500 feet is excessive and that asked if during the process all the surrounding businesses within that 1500 ft. were interviewed.

<u>RESOLUTION – Determination on License Revocation for Energy Event Center; 3222 S MLK Jr Blvd., Suite 41A Lansing</u>
MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE RESOLUTION.

COUNCIL MEMBER SPADAFORE MOTIONED TO STRIKE FINDINGS 6, 7, & 8 FROM THE FINDINGS SINCE IT WAS NOT MADE CLEAR THAT THESE APPLY.

Ms. Hagen-Lawrence confirmed that per 808.08 Council can modify the findings.

MOTION CARRIED 8-0.

MOTION BY COUNCIL MEMBER SPITZLEY TO STRIKE FINDING 13 BASED ON TESTIMONY SHOW THE ALCHOL WAS OUTSIDE THE SUITE IN QUESTION AND NOTHING WAS ESTABLISHED THAT THE LIQUID IN THE RED SOLO CUPS WAS ACTUALLY ALCHOHOL. MOTION CARRIED 8-0.

Council Member Jackson stated His opposition to the actions taken to address gun violence in this action.

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

Council Member Jackson continued stating his opposition.

Council Member Brown retuned to the meeting at 5:57 p.m.

He then expanded that there was not proof there were warnings given, businesses should get a courtesy outlining a fine. He then referenced the document on exhibits and transcripts that spoke to 10 security guards at the event. Council Member Jackson expanded on his belief of the situation and charge the Council has been given in this situation.

Council Member Spitzley acknowledged Ms. O'Leary for her work at the hearing, the ordinance, a letter from Mr. Cabell to Council dated August 2 on the security measures he planned to use, which however was not part of the hearing.

Council Member Hussain addressed comments by the public at the last meeting which asked Council to revoke liquor licenses noting City Council does not have the authority to do that, but have reached out to the State legislature to amend the liquor control act. Council Member Hussain then spoke on the work he has done in the 3rd Ward and south Lansing. He spoke in support of Mr. Cabell as a good business owner, but was hoping for a middle ground with an ability to suspend with a future plan that is workable with Council, administration and LPD.

Council Member Spadafore asked OCA about rental properties in the City and asked if businesses are subject to the rental ordinances, and if there is any licensing that goes with rental businesses and why landlords of commercial businesses are not addressed with this. Ms. Hagen-Lawrence stated that her belief is the City ordinance speaks only to residential rentals.

Council President Wood spoke on the document and there is nothing to hold them to. This is a vote of revocation or not, and this is not conditional on holding the business owner to something. With reviewing the findings, even though items were struck, there were many items. Council needs to consider even if revoked, Mr. Cabell can come and reapply.

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE RESOLUTION HEREBY MODIFYING THE HEARING OFFICER'S PROPOSED FINDINGS OF FACT REMOVING FINDINGS 6, 7, 8 & 13, AND RECOMMENDING REVOCATION OF THE CABARET LICENSE FOR ENERGY EVENT CENTER AT 3222 S MLK JR. BLVD SUITE 41A, LANSING EFFECTIVE IMMEDIATELY. MOTION CARRIED 5-3.

Council Member Spitzley stepped away from the meeting at 6:17 p.m.

<u>RESOLUTION – Budget Amendment (HRCS Fiscal Year 2023-2024</u>
Council Member Brown asked Mr. Brower asked if the funds are specifically for hoteling, and Mr. Brower confirmed.

Council Member Spitzley returned to the meeting at 6:19 p.m.

Mr. Brower confirmed again referencing the resolution which specifically says “hotel”.

Council Member Spadafore confirmed that this was a hold over from the last meeting, and Council President Wood confirmed.

Council Member Kost asked Ms. Linden if Mr. Brower was able to get an answer to his question from the last meeting on if SIMTOB did submit funds to cover the hotels in that incident. Ms. Linden referred to Mr. Brower, and he stated that they contacted Advent House and the OCA, and were told the City did receive a$10,091 settlement and it was deposited to the GF for the expenses. Mr. Brower confirmed it would be a carry forward at a later date.

Council President Wood passed the gavel to Council Member Garza.

Council Member Wood asked to be recused from discussion and action on the resolution due to a conflict with her job and the HRCS department.

MOTION BY COUNCIL MEMBER GARZA TO RECUSE COUNCIL MEMBER WOOD. MOTION CARRIED 7-0.

MOTION BY COUNCIL MEMBER HUSSAIN TO APPROVE THE RESOLUTION FOR THE BUDGET AMENDMENT TO THE HRCS BUDGET FOR FY 2023/2024. MOTION CARRIED 7-0, 1 RECUSSAL.

Council Member Garza passed the gavel back to Council Member Wood.

RESOLUTION – Budget Amendment; RE Storm Disaster Contingency Fund
Mr. Brower spoke briefly on questions from the last meeting, referencing an email he sent to Council speaking to two of the items. One being the SIMTOB question just asked, and the other was:

> **Why the General Fund debt service budget increased between the FY23 and FY24 budgets:** The FY24 budget includes the 2021 Capital Improvement Bonds for the Pedway Improvements. This is a Brownfield eligible expense for which the City may request reimbursement but is also secured by the full faith and credit of the City as a Limited Tax General Obligation issuance. This was not included in the FY23 Budget on the basis of that reimbursement but is kept on our debt service schedule and included for the FY24 budget.

Council President Wood passed the gavel to Council Vice President Garza at 6:25 p.m. and stepped away from the meeting.

Mr. Brower explained the potential expenses thus far, and the need to set the appropriation in advance so it is set aside when they submit to FEMA for reimbursement.

Council President Wood returned to the meeting at 6:27 p.m. and Council Vice President Garza passed the gavel.

Council Member Spitzley asked if this will be funded every year for disasters. Mr. Brower confirmed, but noted it does not demand an appropriation of a given amount every year; but set aside a portion or the whole amount. Potentially they will apply to a contingency revenue anticipating state reimbursement. Council Member Spitzley asked what happens if the funds are not use, and was told they will fall to a disaster contingency fund.

Council Member Garza stepped away from the meeting at 6:28 p.m.

He added that the City can consider depleting it or draw from it. It must be specifically earmarked for contingency provisions, and he cited the State ACT.

Council Member Garza returned to the meeting at 6:30 p.m.

Council Member Spadafore asked if this was a special contingency fund under Treasury, if it is lock-boxed and can Council release the funds for operations or permanent disaster. Mr. Brower stated it is in disaster for disaster purposes, but they anticipate plenty of uses, such as mitigation planning, and economic recovery over time. Council Member Spadafore asked if in future there are funds and a need for resources somewhere else, can Council un-restrict the account. Mr. Brower stated the State ACT description says they have to earmark the revenue, but he believes technically they could un-earmark.

Council Member Wood asked if Council next year only wanted to put in $100,000, as long as the account is still there, can it be limited. Mr. Brower assured them there is no obligation to fund, and they anticipate reimbursement and reappropriation.

Council Member Spitzley asked where the funds from the 2013 ice storm came from. Mr. Brower stated there was an account created, and Council President Wood recalled the funds were used out of the GF revenue reserve fund, and then were paid back through the State.

Council Member Spadafore asked if by creating the fund, is the City isolating the fund and setting aside for disasters, and Mr. Brower stated it will be separate from the GF and independent of the 12-15% treshhold.

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE RESOLUTION FOR THE BUDGET AMENDMENT FOR STORM DISASTER CONTINGENCY FUNDS. MOTION CARRIED 8-0.

RESOLUTION – Budget Priorities for the Fiscal Year 2024/2025 Budget
Council Member Spadafore stepped away from the meeting at 6:37 p.m.

The Committee went through the document, beginning on page 1 with the highlighted areas in Committee of the Whole

Council Member Brown asked if the 1st item; $100,000 was to work with housing ombudsman role. Council President Wood stated these were all from last year at this time for the current budget Carol FY2023/2024 and this was to get someone with legal experience to assist tenants and landlords.

Council Member Spadafore returned to the meeting at 6:38 p.m.

Council Member Spitzley added that she believed last year this was a suggestion from the 2022 Ad Hoc on Housing and Resident Safety.

Item 1. The consensus of the Committee was to keep in the priorities.
Item 2. Council Member Spadafore amended the amount from a total of $500,000 to $600,000. Consensus of Committee to keep in the priorities. Council Member Spadafore informed the Committee that the Director of Public Service has been asked to come to a Committee on City Operations before the end of the year to speak on the street projects, and he was asked to also request the Director speak on sidewalks. Council Members asked the question to be asked for attention to be given to underserved areas.
Item 3. The consensus of the Committee is to change the total from $5 million to $7 million.
Item 4. Ms. Linden was asked for an exact figure, and she was able to provide information that a GED test is $150 test, but she could not provide an estimate on classes because it would depend on how many people they wanted to fund. Council Member Jackson suggested keeping the language as it is. Mr. Lawrence asked Council if there was a specific demographic they wanted to focus on, such as the recently released from incarceration, but it was explained that there are already programs for

that, and Council Member Spitzley clarified it should be for anyone who does not have a high school diploma.

Council Member Kost stepped away from the meeting at 6:46 p.m.

Item 5 and 6. Consensus of the Committee to remove from the priorities.

Council Member Kost returned to the meeting at 6:48 p.m.

Item 7. Council Member Jackson requested it remain, and provided a handout with his proposal to change to "Sustainability - $140,000 Funding for marketing, training, professional development, needed risk assessments and updated plans, along with an additional part-time employee." which is information and funding amounts he received from the sustainability manager, Lori Welch.   Council Member Brown questioned some of the funds requested, specifically pointing to branding and logo for $10,000 where there are already departments and services in the City that are City employees that could do that without out sourcing for $10,000. Council Member Jackson agreed to the reduction.
Consensus of the Committee to amend Item 7 to:
Sustainability - $134,000 Funding for marketing, training, professional development, needed risk assessments and updated plans, along with an additional part-time employee
Item 8 and 9. Consensus of the Committee to remove from the priorities.
Item 10. Consensus of the Committee to keep in the priorities.

Council Member Spadafore asked the Council to provide him with their understanding of "underserved" so that he may have an understanding when he speaks to the Director of Public Service for the future meeting of City Operations.

The Committee moved to page 4, what was remaining from the 2022 Ad Hoc on Housing and Resident Safety budget priorities from last year. The consensus of the Committee was to remove:
Prepare a report of red tag statistics annually to Council during budget discussions to determine if there are fess that need to be added or updated in the upcoming budget cycle.
Move under Committee on Public Safety the remaining two items:
Dedicate resources to searching appropriate databases for non-homestead ownership. (EDP)
Implement a pilot program to incentivize landlords to accept Sectio 8 vouchers. (EDP)

Council Member Jackson went through the additional items on his handout on forestry and sustainability. Council Member Brown acknowledged the explanation of the request, but asked the in the future requests like this be provided to Council in advance of the meeting, not at the meeting they are taking action.

MOTION BY COUNCIL MEMBER JACKSON TO AMEND ITEM 7 ON THE BUDGET PRIORITIES UNDER COMMITTEE OF THE WHOLE TO ADD THE AMENDED LANGUAGE FOR $134,000. MOTION CARRIED 8-0.

Council Member Garza asked to add funds for a community center in southeast Lansing at $75,000 to a feasibility study.

Council Member Spadafore objected to the request based on the past practice that all Council Members must submit amendments in writing. He did concur with the suggestion, however. Council Member Brown also supported the suggestion.

Ms. Hagen-Lawrence stepped away from the meeting at 7:10 p.m.

Council President Wood stated that Council Member Garza did approach her with the idea and she neglected to remind him to put it in writing.

MOTION BY COUNCIL MEMBER GARZA TO ADD $75,000 UNDER COMMITTEE OF THE WHOLE BUDGET PRIORITIES FOR A FEASIBLITY STUDY TO GET A COMMUNITY CENTER IN SOUTHEAST LANSING. MOTION CARRIED 8-0.

MOTION BY COUNCIL MEMBE GARZA TO APPROVE THE BUDGET PRIORITIES WITH AMENDMENTS. MOTION CARRIED 8-0.

<u>ORDINANCE – Amendment to Chapter 288.21 Chief Strategy Office</u>
Council President Wood stated the OCA had made changes since the public hearing and asked the OCA to speak to those changes.

Mr. Abood stated that “duties” was changed to “responsibilities, functions” on page 1, lines 4 and 10, and line 2 on page 2 was changed from “report to” to “meet and conference with the”. Mr. Abood stated the OCA made the changes because they believed it would clarify it to comport with City Charter.

Ms. Hagen-Lawrence returned to the meeting at 7:12 p.m.

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE ORDINANCE TO AMEND CHAPTER 288.21 CHIEF STRATEGY OFFICER. MOTION CARRIED 8-0.

<u>DISCUSSION – Requested Reports in the Budget Policies from the Adopted FY 2023/2024 Budget Resolution; Cost of Warming and Cooling Centers; Stump Grinding; Community Mental Health Social Worker Housing Outreach Specialist</u>
Council President Wood moved the discussion on these reports to the next meeting.

<u>OTHER</u>
<u>Update by the Administration – South Washington Complex (SWOC) Current City Department Relocations and Financial Impact</u>
Mr. Lawrence stated Ms. Frayer was not present because there were no new updates since the last time she was present and spoke on it.

<u>Adjourn</u>
The meeting adjourned at 7:14 p.m.
Respectfully Submitted by,
Sherrie Boak, Recording Secretary, Lansing City Council
Approved by the Committee on October 2, 2023