



MINUTES
Committee of the Whole
Monday, September 12, 2016 @ 5:30 p.m.
City Council Chambers

CALL TO ORDER

The meeting was called to order at 5:32 p.m.

PRESENT

Councilmember Brown Clarke
Councilmember Jessica Yorke
Councilmember Patricia Spitzley
Councilmember Adam Hussain
Councilmember Kathie Dunbar-arrived at 6:12 p.m.
Councilmember Carol Wood
Councilmember Jody Washington
Councilmember Tina Houghton

OTHERS PRESENT

Sherrie Boak, Council Office Manager
Randy Hannan, Mayor Executive Assistant
Scott Reenders, Grand Haven Manor
Shirley Woodruff, Grand Haven Manor
Bob Johnson, Planning & Neighborhood Development Director

Minutes

MOTION BY COUNCIL MEMBER SPITZLEY TO APPROVE THE MINUTES FROM AUGUST 22, 2016 AS PRESENTED. MOTION CARRIED 7-0.

MOTION BY COUNCIL MEMBER SPITZLEY TO APPROVE THE MINUTES FROM AUGUST 29, 2016. MOTION CARRIED 7-0

Public Comment

Mr. Reenders spoke on the proposal for the PILOT request and project of Grand Haven Manor for low and moderate income for senior housing.

Council Member Washington as Committee on Development & Planning Chairperson requested all PILOT applications on the agenda be discharged from Development and Planning back to the Council President Brown Clarke to be placed on the Committee of the Whole agenda tonight, due to a conflict. Mr. Smiertka referenced the Charter and Council

rules that allow any Council Member the option to declare conflict of interest in a matter. The Committee must now vote to discharge from Committee and refer to Committee of the Whole. Council Member Yorke spoke in support of discharging so action on the setting of public hearings can occur tonight. Council Member Houghton asked for clarification if it was being discharged to the President or to the Committee of the Whole, and Mr. Smiertka confirmed it was to discharge to Committee. Action to discharge passed 7-0.

Public Comment continued

Mr. Reenders outlined the project for Grand Haven Manor, which he noted had already secured MSHDA funding and Low Income Tax Credits. They were waiting on the PILOT to finalize to submit to MSHDA. The project will build 78 units on the 8 acres of landlocked property on the campus. In 2007 they opened 150 senior apartments, and in 2002 they opened 80 units of assisted living. He did also noted that they will begin working on 20 units of assisted living in two weeks, and all current apartment and assisted living units are full now. Supplemental information was provided by Ms. Woodruff.

Mr. Smiertka noted that there was an issue raised by some council members that there is a potential conflict of interest. The Committee was referred to the Charter, Section 3-205 which states each member shall vote on each question unless excused by affirmative vote of two-thirds of the members serving. If a conflict is raised under this section, such question shall be determined by a majority of those Council members present and qualified to vote. Therefore, Mr. Smiertka noted that with 4 members concerned of a conflict, that would leave four members, and 3 members would have to approve or deny. It was also noted that the Charter over rules Masons Rule of Order. Council Member Spitzley pointed out that with the potential 4 members having conflict, and only 7 members currently, then 3 would be the voting members, and it would have to be approved or denied by 2. Mr. Smiertka confirmed that statement.

Council Member Wood asked to be excused from any vote on all the PILOT's on the agenda due to a conflict because she is named in a lawsuit and therefore a potential conflict. Motion carried 6-0.

Council Member Washington asked to be recused from all votes on the PILOT applications on the agenda due to conflict because of pending litigation where she is named as a defendant. Motion carried 6-0.

Council Member Hussain asked to be recused from voting on the PILOT applications on the agenda due to a conflict because of being named in pending litigation and being named in a complaint with the Fair Housing. Motion carried 6-0.

Council Member Brown Clarke passed the gavel to Council Member Yorke.

Council Member Brown Clarke asked to be recused from the vote on the PILOT's on the agenda due to conflict because she is named in a case of act of discrimination with HUD and Mr. Saboury's attorney has publicly stated she could be named as a defendant in his law suit. Motion carried 6-0.

Council Member Brown Clarke passed the gavel to Council Member Yorke.

Discussion/Action

Council Member Spitzley asked if Council Member Brown Clarke should recuse from chairing the discussion on the three PILOTS, and Mr. Smiertka confirmed. Council Member Brown Clarke passed the gavel to Council Member Yorke.

RESOLUTION- Set a Public Hearing; PILOT Amendment Grand Haven Manor Retirement Community

Council Staff provided clarification that if the Committee wanted to act on the three PILOT's on the agenda tonight at Council, then they would need to vote them out of Committee to set a public hearing for September 26, 2016, and they will need to be added as "Late Items" on the Council agenda tonight.

Council Member Wood asked to be excused from any vote on the PILOT's on the agenda due to a conflict because she is named in a lawsuit and therefore a potential conflict. Motion carried 6-0.

Council Member Washington asked to be recused from all votes on the PILOT applications on the agenda due to conflict because of pending litigation where she is named as a defendant. Motion carried 6-0.

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MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR SEPTEMBER 26, 2016 FOR THE AMENDMENT TO THE PILOT FOR THE GRAND HAVEN MANOR RETIREMENT COMMUNITY. MOTION CARRIED 3-0.

RESOLUTION – Set a Public Hearing; PILOT Shiawassee Senior Lofts

Mr. Smiertka confirmed that all four members who chose to be recused from the PILOT projects were recused in the beginning for all three (3) applications on the agenda.

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Council Member Washington asked to be recused from all votes on the PILOT applications on the agenda due to conflict because of pending litigation where she is named as a defendant. Motion carried 6-0.

Council Member Hussain asked to be recused from voting on the PILOT applications on the agenda due to a conflict because of being named in pending litigation and being named in a complaint with the Fair Housing. Motion carried 6-0.

Council Member Brown Clarke passed the gavel to Council Member Yorke.

Council Member Brown Clarke asked to be recused from the vote on the PILOT's on the agenda due to conflict because she is named in a case of act of discrimination with HUD and

Mr. Saboury's attorney has publicly stated she could be named as a defendant in his law suit. Motion carried 6-0.

Mr. Johnson noted that Mr. Hughes, with Miller Valentine as present at the D & P meeting last week, and was not able to attend tonight. He then outlined the project as a senior affordable housing of 77 units. Council Member Spitzley asked for renderings and specifics by the public hearing. Mr. Johnson stated he could provide those, and confirmed the PILOT is for the financial piece.

MOTION BY COUNCIL MEMBER SPITZLEY TO APPROVE THE RESOLUTION SET THE PUBLIC HEARING FOR SEPTEMBER 26, 2016 FOR THE PILOT FOR SHIAWASSEE SENIOR LOFTS. MOTION CARRIED 3-0.

RESOLUTION – Set a Public Hearing; PILOT The Crossing

Council Member Wood asked to be excused from any vote on all the PILOT's on the agenda due to a conflict because she is named in a lawsuit and therefore a potential conflict. Motion carried 6-0.

Council Member Washington asked to be recused from all votes on the PILOT applications on the agenda due to conflict because of pending litigation where she is named as a defendant. Motion carried 6-0.

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Council Member Brown Clarke passed the gavel to Council Member Yorko.

Council Member Brown Clarke asked to be recused from the vote on the PILOT's on the agenda due to conflict because she is named in a case of act of discrimination with HUD and Mr. Saboury's attorney has publicly stated she could be named as a defendant in his law suit. Motion carried 6-0.

Mr. Johnson noted that this project was also by the developer Miller Valentine, and stated again that Mr. Hughes was present at the D & P meeting last week before it was sent to Committee of the Whole. This project is affordable housing with commercial

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR SEPTEMBER 26, 2016 FOR THE PILOT FOR THE CROSSING. MOTION CARRIED 3-0.

Council Member Yorko passed the gavel back to Council Member Brown Clarke.

FY2017/2018 Budget Priorities

Council Member Brown Clarke reminded the Committee that per the Charter, these Priorities will need to be approved by October 1, 2016. It will appear for action on the Committee of the Whole for final action on September 26, 2016, so she asked for final review before that.

Council Member Wood noted that the Committee on Public Safety will review it this Friday, September 16, 2016, and Council Member Brown Clarke noted that all action can be taken back at Committee of the Whole on September 26, 2016.

Other

{CLOSED SESSION}

Active Litigation Update

MOTION BY COUNCIL MEMBER YORKO TO GO INTO CLOSED SESSION AT 6:13 P.M.
ROLL CALL VOTE, MOTION PASSED 8-0.

Committee of the Whole was called back to order at 7:05 p.m.

ADJOURN

The meeting was adjourned at 7:06 p.m.

Respectfully Submitted by,

Sherrie Boak

Officer Manager, Lansing City Council

Approved by the Committee on September 26, 2016