



OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF MAY 19, 2008

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Jeffries.

PRESENT: Councilmembers Allen, Hewitt, Jeffries, Quinney,
Robinson, Wood

ABSENT: Councilmembers Dunbar (Arrived at 7:14) and Kaltenbach

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Jeffries

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Quinney

To approve the printed Council Proceedings of May 12, 2008

Motion carried

SPECIAL CEREMONIES

- Special Ceremonies

1. Tribute; Honoring Rev. Clyde Darden, Assistant Pastor at Union Missionary Baptist Church, on his Retirement

Councilmember Quinney stated that was a please and an honor to present this tribute resolution to Rev. Clyde Darden. He gave accounts of childhood memories with the Reverend.

City Clerk Swope read the following Resolution:

RESOLUTION#219

BY COUNCILMEMBER DERRICK QUINNEY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Reverend Clyde Darden's family moved from Evansville, Indiana as a young man; and

WHEREAS, Rev. Darden worked for General Motors at its Olds Forge Plant for 33 years before retiring in 1982; and

WHEREAS, in 1967, he accepted the call to ministry and was ordained September 2, 1967, by the Reverend C.J. Patterson, then pastor of Union Missionary Baptist Church; and

WHEREAS, in 1986, Union Missionary's current pastor appointed Rev. Darden as assistant pastor; and

WHEREAS, for the past four decades, he has been known for his ministry to the sick and those who are shut-in; and

WHEREAS, Rev. Darden has reached out to countless individuals in hospitals, nursing homes, and other locations throughout the Lansing community tending to their physical, emotional, and spiritual needs; and

WHEREAS, he has also been a dedicated member of the Laymen's and Gospel choruses, taught hundreds of Bible classes, and coached many basketball and touch football teams; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to commend Reverend Clyde Darden on sharing his gift of compassion with the residents of Lansing and members of the Union Missionary Baptist Church's congregation. We wish you a blessed retirement!

By Councilmember Quinney

Motion Carried

Councilmember Dunbar arrived at the meeting at 7:14 p.m.

Councilmember Quinney stated that Rev. Darden has been a major part of his life, as well as a major part of the community. He thanked the Reverend for all of his accomplishments and congratulated him on his retirement.

Mayor Bernero stated that Rev. Darden was there for Lansing kids, including Councilmember Quinney. He read a part of a Proclamation and thanked and congratulated Rev. Darden.

Council President Jeffries stated that Rev. Darden has made a positive impact on the City of Lansing.

Rev. Darden stated that the Lord has been good to him and that the best day of his life was when he was called to the ministry. He stated that he would do it all again, if given the chance.

Councilmember Quinney acknowledged members of Rev. Darden's family present: Joe and Shaleen Barkley, Allen Darden, Liz Bright, and his wife of 57 years, Mildred Darden. He also congratulated Rev. Darden on behalf of Councilmember Kaltenbach, who could not attend tonight's meeting.

2. Tribute; Mayflower Congregational Church on their 100th Anniversary

Councilmember Robinson stated that the church has actually passed its 100th Anniversary a few years ago.

City Clerk Swope read the following Resolution:

RESOLUTION#220

BY COUNCILMEMBER A'LYNNE ROBINSON
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayflower Congregational Church began humbly in 1891 in a place called Byrd's Hall, located above a grocery store on the corner of Division and West Main Street; and

WHEREAS, this first "Bible School" had a small table for a pulpit, mismatched benches for pews, two wood stoves, a melodian for an organ, and ten kerosene lamps for lighting; and

WHEREAS, the Ladies' Society was first organized in July of 1896 and played an integral part in the Church's history, furnishing clothing and providing food to destitute families; and

WHEREAS, the Ladies Society purchased vacant lots on the corner of West Saint Joseph and South Logan Streets where the new church was built; and

WHEREAS, during the Depression, suggestions that the Mayflower Church close its doors and their members join the Pilgrim Congregational Church inspired the women of the church to establish the "Penny Suppers", serving chicken dinners, bestowing enough

proceeds going to pay the mortgage payments, and remain independent; and

WHEREAS, Mayflower seeks to be active in worship, service, and fellowship seven days a week. There are adult, seniors, and handicraft groups, a choir, trustees, diaconate, finance officers, and other sub-committees who carry on the work of the church and who assist the Minister in his work; and

WHEREAS, Mayflower Congregational Church is well known within the community for their generosity and willingness to extend a helping hand whether it be in prayer, services, or offering the use of their social room.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to thank the Mayflower Congregational Church for their dedication and service to the Lansing community. We wish you continued success in the future!

By Councilmember Robinson

Motion Carried

Carolyn Condell stated that Mayflower Congregation Church has been an integral part of Riverview Mobile Home Park, and has supported her over the years and has kept her going.

Lorraine Finison of Mayflower Congregation Church stated that she is humbled to receive this honor.

A member of the congregation thanked the people of Mayflower Congregation Church and gave a recount of the type of service she has received from the church over the years.

3. Tribute; Proclaiming the Week of May 18-24, 2008 as Emergency Medical Services Week

Councilmember Wood stated that this ceremony was an opportunity to recognize the work of the Lansing Fire Department.

City Clerk Swope read the following Resolution:

RESOLUTION#221

BY COUNCILMEMBER CAROL WOOD

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical service providers by designating Emergency Medical Services Week.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, proclaims the week of May 18-24, 2008, as Emergency Medical Services Week.

BE IT FURTHER RESOLVED that the Lansing City encourages the

community to observe this week with appropriate programs, ceremonies, and activities.

By Councilmember Wood

Motion Carried

Mayor Bernero encouraged residents to visit Fire Station #1. He stated that Lansing's EMS is on the cutting edge of technology and thanked the Lansing Fire Department for all of its courageous service to the citizens of Lansing.

Fire Chief Cochran stated that his firefighters sacrifice for the City of Lansing everyday, and they put their lives on the line in order to serve the city.

The following firefighters introduced themselves: Battalion Chief Carl Yarsevich, Captain Paul Smith, Lt. Bill Pawluk, Engineer Ron Hagaman, Engineer Greg Meitler, Firefighter Dave Rivet, Firefighter Justin Conklin, Firefighter Dan Hamel and Firefighter Paul Hood.

Mayor Bernero acknowledged Steve Babcock for all of his hard work.

Councilmember Wood stated that Lansing's EMS program started on February 22, 1974, which was before the law approving such programs took place.

Councilmember Allen gave a recount of when Lansing's EMS unit responded to a call to care for her granddaughter.

4. Presentation; Recognition of Neighborhood Pride Week

Mayor Bernero spoke about all the hard work taking place in Lansing neighborhoods. He stated that even though we enjoy vacations, we always enjoy coming home. He thanked all of Lansing's neighborhood workers and read part of a proclamation for Neighborhood Pride Week.

Bill Houghtaling stated that one of Lansing's strengths is its quality of citizens.

Council President Jeffries congratulated all of the neighborhoods in the city and stated that people always feel safest at home. He thanked all of the hard working people in neighborhood associations.

Carolyn Condell encouraged citizens considering neighborhood associations to be relentless.

Monica Zuchowski stated that there are close to sixty neighborhood groups in the city and that there are always needs that need to be met. She encouraged citizens to reach out for help.

Bill Houghtaling spoke about Monica Dungey, who recently passed away. He stated that there will be a clean-up of the Coachlight Commons neighborhood in her honor.

5. Presentation; Announcing Cristo Rey Catholic Church's 28th Annual Fiesta

Mayor Bernero stated that this is the time of year to smell good food, hear great music and dance in south Lansing. He declared May 23-25 as Cristo Rey Days in the City of Lansing.

Manuel Delgado stated that Cristo Rey Catholic Church's 28th Annual Fiesta is the first major festival of the year in Lansing. He stated that the church started in 1962. He expects a turnout between 20,000 and 25,000 for this year's event.

Councilmember Allen stated that she has attended the festival for the past several years and that she always has a wonderful time.

CONSIDERATION OF LATE ITEMS

By Vice President Quinney

To suspend City Council Rule #11 to allow for Consideration of Late Items

Motion carried

The following items were added to the agenda:

1. From Councilmember Quinney; Presentation; Recognition of National Public Works Week

The Council returned to the order of:

SPECIAL CEREMONIES

6. Presentation; Recognition of National Public Works Week

Mayor Bernero stated that we are celebrating orange barrels in the city. He read part of a proclamation for National Public Works Week.

Dean Johnson of Lansing's Public Service Department recognized the hard work of the street crews in the city.

Councilmember Hewitt thanked Dean Johnson and his crews for getting the job done.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Allen spoke about Memorial Day weekend and announced a memorial service to be held in Evergreen Cemetery.

Councilmember Robinson announced the Churchill Downs, Colonial Village, Averill Woods, Wood-Mere and Kensington Meadows neighborhood meetings.

Councilmember Hewitt announced the Gier Neighborhood Watch meeting and spoke about the opening of farmers markets, including the Allen Street Farmers Market.

Councilmember Allen announced the Old Everett and Forest View neighborhood meetings.

Councilmember Dunbar announced Ingham Regional Medical Center's Evening of Women's Health, the Walk Michigan, Walking Works event and the Hawk Island Triathlon.

Councilmember Hewitt made corrections to his announcement of the Gier Neighborhood Watch meeting.

Council President Jeffries stated that the Resolution Overriding the Mayoral Veto of a portion of the Fiscal Year 2008-2009 Budget as Adopted would be considered during the Reports From City Officers, Boards, and Commissions referral portion of the meeting.

City Clerk Swope announced that between 400 and 500 poll workers will be needed for the November Presidential Election and stated that applications for positions are available on the Clerk's website, as well as in his office.

Councilmember Wood asked City Clerk Swope to explain the age requirements for poll workers.

City Clerk Swope stated that 16 and 17 year-olds are eligible to be poll workers.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully

completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero stated that last Tuesday he was privileged to help welcome home the 29 men and women of the Joint Forces Headquarters Brigade and Battalion Embedded Training Teams as they returned from more than a year on active duty service in Iraq. Also on Tuesday evening, he attended the annual Lansing Police Department Awards and Recognition Program which honors both officers and civilians who demonstrated extraordinary courage, commitment and diligence in the pursuit of a safer city over the past year. On Wednesday he joined Police Chief Alley and Fire Chief Cochran for the annual Police and Fire Field Day and Safety Patrol Picnic at Hawk Island. He spoke about an exciting new transportation service in downtown Lansing called Elite Pedicabs. A pedicab is a 3-wheeled bicycle attached to a small passenger carriage, not unlike a rickshaw, and you will be seeing them in downtown Lansing starting this summer. On Friday last week our Human Relations and Community Services Department, in association with the American Red Cross, sponsored another hugely successful Mobile Food Pantry. He stated that this Saturday, May 24th is our annual Memorial Day Parade in downtown Lansing to honor the men and women who have given their lives in service to our country as members of the United States armed forces.

SHOW CAUSE HEARINGS

- Comment on Scheduled Show Cause Hearings:

1. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 429 Hylewood Ave.

Councilmember Allen gave a brief overview of the Show Cause Hearing.

There were no speakers for this Show Cause Hearing

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings

Robert Noordhoek of 3640 Sawgrass Cir. spoke in support of the LPD surveillance cameras.

Jan Kolp of 2828 Forest Rd. spoke in support of the LPD surveillance cameras.

John Pollard of 1718 Blair St. stated concerns with noise waivers for CSO projects and spoke in opposition to LPD surveillance cameras.

Christine Timmon of 2519 S. Washington Ave. spoke in opposition to LPD surveillance cameras.

Darnell E. Oldham Sr. of 3815 Berwick Dr. spoke in opposition to LPD surveillance cameras.

Darla Artuso of 4590 Seaway Dr. spoke in support of the LPD surveillance cameras.

Harold King of 1563 N. High St. spoke in opposition to LPD surveillance cameras.

Thomas Ryan of 4336 Chadburne Dr. spoke in support of the LPD

surveillance cameras.

Paul Carrier of 3721 Sumpter St. spoke in support of the LPD surveillance cameras.

PUBLIC COMMENT

ON CITY GOVERNMENT RELATED MATTERS:

Michael Morofsky 1300 Woodbine Ave. spoke about neighborhood watch.

Cindie Alwood of 1710 W. Michigan Ave. spoke about the Women's Center of Greater Lansing.

Harold King of 1563 N. High St. spoke about various city matters.

Bob Gray of 422 Dadson Dr. spoke about various city matters.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

Steve Manuel of 1914 E. Michigan Ave. spoke about parking restrictions in front of his business.

Lynn Parks of 607 N. Sycamore St. spoke about code compliance issues on her property.

Denise LaFave Smith of 1918 E. Michigan Ave. spoke about parking restrictions in front of her business.

Kathy Kennedy of 306 W. Grand River Ave. spoke about the need to rename Grand River Ave. near the former Michigan School for the Blind.

Russell Terry of 121 E. Mt. Hope Ave. spoke about proposed budget cost cutting measures.

Thomas Ryan of 4336 Chadburne Dr. spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Christine Timmon of 2519 S. Washington Ave. spoke about various city matters.

William Hubbell of 3916 Wedgewood Dr. spoke about various city matters.

Gerald Rowley of 737 N. Pennsylvania Ave. spoke about various city matters.

Eric Schoen of 1800 N. Grand River Ave. spoke about a burned out building on Kalamazoo St.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION#222

BY THE COUNCILMEMBER SANDY ALLEN
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Code Compliance Officer has declared a certain structure (dwelling) at **313 W. Saginaw Parcel # 3301.01.16.126.161** and Legal Description: **W 3 R Lot 1 Block 62 Orig Plat** to be an unsafe and dangerous building and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, The Code Compliance Officer red tagged the said structure on **May 17, 2007**, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on **March 27, 2008**, the Lansing Demolition Board held a special meeting to consider and make a recommendation on whether to declare the structure a dangerous building, as defined in the Housing Law of Michigan (MCLA 125.539) and the Lansing Housing and Premises Code (1460.09) to order the property owner to make safe or demolish the structure; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board officer has not occurred; and

WHEREAS, the Housing Law of Michigan and the Housing and Premises Code require that a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby schedules a show cause hearing for **Monday, June 9, 2008, at 7:00 p.m.** in the Lansing City Council Chambers, 10th Floor City Hall, 124 W. Michigan, Lansing, Michigan in consideration of the finding and order of the Lansing Demolition Hearing Board Officer regarding the structure at **313 W. Saginaw**; to give the owner, or the owner's agent, the opportunity to appear and show cause why the building should not be demolished or otherwise made safe; and to approve, disapprove, or modify the order of the hearing officer to demolish or make safe the subject structure.

BE IT FINALLY RESOLVED that the Lansing City Council requests that the Manager of Code Compliance notify the owner of said property of the opportunity to appear and present testimony at the hearing, as required by law.

By Councilmember Allen

Motion Carried

RESOLUTION#223

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Churchill Downs Community Association has requested \$250.00 to defray costs associated with the rental of the blowup obstacle course for their annual "Carnival Picnic" to be held on Friday, June 6, 2008; and

WHEREAS, the Committee on General Services met on May 12, 2008, and reviewed the request; and

WHEREAS, the maximum total amount of Community Promotion Funds to be awarded an organization for one year is \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves a \$250.00 allocation from the Community Promotion Account to the Churchill Downs Community Association to defray costs associated with the rental of the blowup obstacle course for their annual "Carnival Picnic" to be held on Friday, June 6, 2008; and

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$250.00 to the Council Community Promotion Account – 101.112101.741289.0; and

BE IT FINALLY RESOLVED that the Churchill Downs Community Association shall submit a written analysis of the event, including information regarding the number of attendees, and a detail of their accounting of expenses to the Lansing City Council within 60 days after the event.

By Councilmember Quinney

Motion Carried

RESOLUTION#224

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Native American Arts and Crafts Council has requested \$1000.00 to defray costs associated with their annual Riverbank Traditional "Pow Wow" to be held on Friday, June 20, 2008, and Saturday, June 21, 2008; and

WHEREAS, the Committee on General Services met on May 12, 2008, and reviewed the request; and

WHEREAS, the maximum total amount of Community Promotion Funds to be awarded an organization for one year is \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves a \$500.00 allocation from the Community Promotion Account to the Native American Arts and Crafts Council to defray costs associated with their annual Riverbank Traditional "Pow Wow" to be held on Friday, June 20, 2008, and Saturday, June 21, 2008; and

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500.00 to the Council Community Promotion Account – 101.3112101.741289.0; and

BE IT FINALLY RESOLVED that the Native American Arts and Crafts Council shall submit a written analysis of the event, including information regarding the number of attendees, and a detail of their accounting of expenses to the Lansing City Council within 60 days after the event.

By Councilmember Quinney

Motion Carried

RESOLUTION#225

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Lansing Art Gallery has requested a resolution of recognition as a Local Nonprofit Organization operating in the City of Lansing for a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a Local 501 (c) (3) Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, hereby, recognizes Lansing Art Gallery as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license to conduct a raffle.

BE IT FURTHER RESOLVED the City Clerk is requested to provide a copy of this resolution to Catherine A. Babcock, Executive Director, Lansing Art Gallery, 113 S. Washington Square, Michigan 48933.

By Councilmember Quinney

Motion Carried

RESOLUTION#226

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City Clerk has forwarded an application for a City Permit, which has been routinely processed without objection, and is ready for final action by this Council; and

WHEREAS, all required signatures have been obtained supporting the application for a fireworks display permit;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, hereby, approves the application for a City Permit as follows:

FIREWORKS DISPLAY PERMIT:

Lansing Lugnuts and Roger Bonney of Night Magic Displays for a public display of fireworks in the City at Oldsmobile Park to be held on May 24, 26, and 31; June 6, 7, 20, and 21; and July 5, 11, 12, 25, and 26, 2008, with rain dates of August 22, and 28, 2008.

By Councilmember Quinney

Motion Carried

RESOLUTION#227

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the application for a license to sell or offer to sell retail fireworks filed by American Promotional Events, Inc., dba TNT Fireworks of Florence, AL for store locations: Aldi's #1519, 6555 Pennsylvania Avenue; Kroger #852, 443 Mall Court; Target #361, 500 E. Edgewood Blvd.; Sam's Club #8137, 340 E. Edgewood Blvd.; Kroger #884, 921 W. Holmes Street; L & L Food Center/Daily Deals #277, 3630 S. Cedar Street; L & L Food Center #275, 5016 S. Martin Luther King Jr. Blvd.; Meijer #24, 6200 S. Pennsylvania, and L & L Food Center #279, 1615 West Mt. Hope Ave. was referred to the Committee on General Services; and

WHEREAS, the application had been previously approved by the appropriate departments within the City of Lansing; and

WHEREAS, American Promotional Events, Inc., dba TNT Fireworks of Florence, AL, Aldi's #1519, 6555 Pennsylvania Avenue; Kroger #852, 443 Mall Court; Target #361, 500 E. Edgewood Blvd.; Sam's Club #8137, 340 E. Edgewood Blvd.; Kroger #884, 921 W. Holmes Street; L & L Food Center/Daily Deals #277, 3630 S. Cedar Street; L & L Food Center #275, 5016 S. Martin Luther King Jr. Blvd.; Meijer #24, 6200 S. Pennsylvania, and L & L Food Center #279, 1615 West Mt. Hope Ave. agree that only retail fireworks that are approved for sale by the State of Michigan and the City of Lansing will be sold at the site;

NOW, THEREFORE, BE IT RESOLVED that the application for a license to sell or offer to sell retail fireworks filed by American Promotional Events, Inc., dba TNT Fireworks of Florence, AL, on behalf of Aldi's #1519, 6555 Pennsylvania Avenue; Kroger #852, 443 Mall Court; Target #361, 500 E. Edgewood Blvd.; Sam's Club #8137, 340 E. Edgewood Blvd.; Kroger #884, 921 W. Holmes Street; L & L Food Center/Daily Deals #277, 3630 S. Cedar Street; L & L Food Center #275, 5016 S. Martin Luther King Jr. Blvd.; Meijer #24, 6200 S. Pennsylvania, and L & L Food Center #279, 1615 West Mt. Hope Ave. is approved;

BE IT FURTHER RESOLVED that this license to sell retail fireworks will expire on April 30, 2009, as set forth in the City of Lansing Fireworks Ordinance, Chapter 1615 of the Lansing Code of Ordinances.

By Councilmember Quinney

Motion Carried

RESOLUTION#228

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the application for a license to sell or offer to sell retail fireworks filed by B.J. Alan Company of Youngstown, Ohio for the Kmart #4382 store was referred to the Committee on General Services; and

WHEREAS, the application had been previously approved by the appropriate departments within the City of Lansing; and

WHEREAS, B.J. Alan Company of Youngstown, Ohio and the Kmart #4382 store agree that only retail fireworks that are approved for sale by the State of Michigan and the City of Lansing will be sold at the site;

NOW, THEREFORE, BE IT RESOLVED that the application for a license to sell or offer to sell retail fireworks filed by B.J. Alan Company of Youngstown, Ohio for the Kmart #4382 store is approved;

BE IT FURTHER RESOLVED that this license to sell retail fireworks will expire on April 30, 2009, as set forth in the City of Lansing Fireworks Ordinance, Chapter 1615 of the Lansing Code of Ordinances.

By Councilmember Quinney

Motion Carried

RESOLUTION#229

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Michigan Liquor Control Commission received a request filed by Applebee's Enterprises, LLC to transfer ownership of a 2007 Class C. licensed business, located at 6270 S. Cedar Street, Cedar Edge Shopping Mall, Lansing, Michigan 48911, Ingham County, from Applebee's of Michigan, Inc. to Applebee's Restaurants Mid-Atlantic LLC (A Delaware limited liability company); and

WHEREAS, the Committee on General Services met on May 15, 2008, to review the request with affirmative action taken;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves the transfer ownership of a 2007 Class C. licensed business, located at 6270 S. Cedar Street, Cedar Edge Shopping Mall, Lansing, Michigan 48911, Ingham County, from Applebee's of Michigan, Inc. to Applebee's Restaurants Mid-Atlantic LLC (A Delaware limited liability company);

BE IT FURTHER RESOLVED, the City Clerk is requested to notify the Michigan Liquor Control Commission of the action taken.

By Councilmember Quinney

Motion Carried

RESOLUTION#230

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing Department of Public Service will be separating the sewers in the CSO 018 Southeast Project Area, which is roughly bounded by Grand River Avenue, Pennsylvania Avenue, Saginaw Street, and Clark Street; and

WHEREAS, the City of Lansing Department of Public Service is requesting a waiver of the noise ordinance to help expedite construction in the CSO 018 Southeast Project Area; and

WHEREAS, the City of Lansing Public Service Department recommends that the contractor in the 018 Southeast Area be permitted to work on Saturdays from 8:00 a.m. to 8:00 p.m. to conduct construction activities necessary to completion of the project;

NOW THEREFORE BE IT RESOLVED that a public hearing be held on Monday, June 23, 2008 at 7:00 P.M. in the City of Lansing Council Chambers, Tenth Floor City Hall, 124 W. Michigan, in consideration of the request for issuance of a waiver of the noise ordinance to permit Kamminga & Roodvoets, Inc., to work Saturdays from 8:00 a.m. to 8:00 p.m. This waiver of the noise ordinance would be applicable for the duration of the 2008 construction season.

By Councilmember Quinney

Motion Carried

RESOLUTION#231

BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing Department of Public Service will be separating the sewers in the CSO 013 Northwest Project Area, which is roughly bounded by Turner Street, Sheridan Road, Carrier Street, and Jones Lake; and

WHEREAS, the City of Lansing Department of Public Service is requesting a waiver of the noise ordinance to help expedite construction in the CSO 013 Northwest Project Area; and

WHEREAS, the City of Lansing Public Service Department recommends that the contractor in the 013 Northwest Area be permitted to work Saturdays from 8:00 a.m. to 5:00 p.m. to conduct construction activities necessary to completion of the project;

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held on Monday, June 23, 2008 at 7:00 p.m. in the City of Lansing Council Chambers, Tenth Floor City Hall, 124 W. Michigan, in consideration of the request for issuance of a waiver of the noise ordinance to permit Six-S, Inc., to work Saturdays from 8:00 a.m. to 5:00 p.m. This waiver of the noise ordinance will be applicable for the duration of the 2008 construction season.

By Councilmember Quinney

Motion Carried

RESOLUTION#232

BY COUNCILMEMBER SANDY ALLEN
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Code Compliance Manager has determined that the building located at **2226 Rheamount, Parcel # 3301-01-03-377-141** legally described as: **Lot 111 Park Manor Heights** is an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan and was red tagged on **January 31, 2006**; and

WHEREAS, a hearing was held by the Hearing Officers on **January 24, 2008**, at which the Hearing Officers determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by **February 28, 2008**; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and requested the City Council to take appropriate action under the Lansing Housing and Premises Code and the Housing Law of Michigan; and

WHEREAS, the Housing Law of Michigan and Premises Code require a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe; and

WHEREAS, the City Council held a public hearing on **April 28, 2008**, to review the findings and the order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board Officer has not occurred; and

NOW, THEREFORE, BE IT RESOLVED that the owner(s) of **2226 Rheamount** are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within **sixty (60) days** from the date of this resolution, **Monday, May 19, 2008**.

BE IT FURTHER RESOLVED that the property owner(s) is hereby notified that this order must be appealed within twenty days pursuant to MCL 125.542 and should the owners fail to comply with the Hearing Officers' order for demolition or make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED whether demolition is accomplished by said property owner or the city that appropriate seeding and restoration of property take place to avoid run-off to adjacent properties.

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor.

BE IT FINALLY RESOLVED that the owners in whose name the property appears upon the last local tax assessment record shall be notified by the City Assessor of the amount of such cost by first class mail at the address shown on the records. Upon the owners failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the amount of said costs shall be a lien and shall be filed and recovered as provided by law and the lien shall be collected and treated in the same manner as provided for property tax liens under the general property tax act.

By Councilmember Allen

Motion Carried

RESOLUTION#233

BY COUNCILMEMBER SANDY ALLEN
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Code Compliance Manager has determined that the building located at **504 S. Hayford, Parcel # 3301.01.14.359.513** legally described as: **Lost 409 & 410 Leslie Park Sub** is an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan and was red tagged on **October 19, 2006**; and

WHEREAS, a hearing was held by the Hearing Officers on **January 24, 2008**, at which the Hearing Officers determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by **February 28, 2008**; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and requested the City Council to take appropriate action under the Lansing Housing and Premises Code and the Housing Law of Michigan; and

WHEREAS, the Housing Law of Michigan and Premises Code require a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe; and

WHEREAS, the City Council held a public hearing on **April 28, 2008**, to review the findings and the order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board Officer has not occurred; and

WHEREAS, the Board of Review has indicated that the property owner(s) must first pull a permit from the Michigan Department of Environmental Quality before any City building permits are pulled;

NOW, THEREFORE, BE IT RESOLVED that the owner(s) of **504 S. Hayford** are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within **sixty (60) days** from the date of this resolution, **Monday, May 19, 2008**.

BE IT FURTHER RESOLVED that the property owner(s) is hereby notified that this order must be appealed within twenty days pursuant to MCL 125.542 and should the owners fail to comply with the Hearing Officers' order for demolition or make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED whether demolition is accomplished by said property owner or the city that appropriate seeding and restoration of property take place to avoid run-off to adjacent properties.

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor.

BE IT FINALLY RESOLVED that the owners in whose name the property appears upon the last local tax assessment record shall be notified by the City Assessor of the amount of such cost by first class mail at the address shown on the records. Upon the owners failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the amount of said costs shall be a lien and shall be filed and recovered as provided by law and the lien shall be collected and treated in the same manner as provided for property tax liens under the general property tax act.

By Councilmember Allen

To place an affirmative roll on the Resolution

By Councilmember Wood

To amend the resolution by inserting after the 6th WHEREAS clause:

"WHEREAS, the Board of Review has indicated that the property owner(s) must first pull a permit from the Michigan Department of Environmental Quality before any City building permits are pulled;"

Motion Carried

The question being placing an affirmative roll on the resolution

Motion Carried

RESOLUTION#234

BY COUNCILMEMBER SANDY ALLEN
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Code Compliance Manager has determined that the building located at **1004 Dunlap, Parcel # 3301.01.29.426.081** legally described as: **Lot 40 Logancrest** is an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan and was red tagged on **December 5, 2006**; and

WHEREAS, a hearing was held by the Hearing Officers on **January 24, 2008**, at which the Hearing Officers determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by **February 28, 2008**; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and requested the City Council to take appropriate action under the Lansing Housing and Premises Code and the Housing Law of Michigan; and

WHEREAS, the Housing Law of Michigan and Premises Code require a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe; and

WHEREAS, the City Council held a public hearing on **April 28, 2008**, to review the findings and the order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity

to appear and show cause why said building should not be demolished or otherwise made safe; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board Officer has not occurred; and

NOW, THEREFORE, BE IT RESOLVED that the owner(s) of **1004 Dunlap** are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within **thirty (30) days** from the date of this resolution, **Monday, May 19, 2008**.

BE IT FURTHER RESOLVED that the property owner(s) is hereby notified that this order must be appealed within twenty days pursuant to MCL 125.542 and should the owners fail to comply with the Hearing Officers' order for demolition or make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED whether demolition is accomplished by said property owner or the city that appropriate seeding and restoration of property take place to avoid run-off to adjacent properties.

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor.

BE IT FINALLY RESOLVED that the owners in whose name the property appears upon the last local tax assessment record shall be notified by the City Assessor of the amount of such cost by first class mail at the address shown on the records. Upon the owners failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the amount of said costs shall be a lien and shall be filed and recovered as provided by law and the lien shall be collected and treated in the same manner as provided for property tax liens under the general property tax act.

By Councilmember Allen

Motion Carried

RESOLUTION#235

BY COUNCILMEMBER SANDY ALLEN
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Code Compliance Manager has determined that the building located at **1507 Donora, Parcel # 3301.01.22.309.032** legally described as: **Lot 13, Also Lot 6 Exc N 115.5 Ft Block 6 Assessors Plat No 28 Rec L10 P 33** is an unsafe or dangerous building as defined in section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan and was red tagged on **August 5, 2007**; and

WHEREAS, a hearing was held by the Hearing Officers on **January 24, 2008**, at which the Hearing Officers determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by **February 28, 2008**; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and requested the City Council to take appropriate action under the Lansing Housing and Premises Code and the Housing Law of Michigan; and

WHEREAS, the Housing Law of Michigan and Premises Code require a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe; and

WHEREAS, the City Council held a public hearing on **April 21, 2008**, to review the findings and the order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board Officer has not occurred; and

NOW, THEREFORE, BE IT RESOLVED that the owner(s) of **1507 Donora** are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within **sixty (60) days** from the date of this resolution, **Monday, May 19, 2008**.

BE IT FURTHER RESOLVED that the property owner(s) is hereby notified that this order must be appealed within twenty days pursuant to MCL 125.542 and should the owners fail to comply with the Hearing Officers' order for demolition or make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED whether demolition is accomplished by said property owner or the city that appropriate seeding and restoration of property take place to avoid run-off to adjacent properties.

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor.

BE IT FINALLY RESOLVED that the owners in whose name the property appears upon the last local tax assessment record shall be notified by the City Assessor of the amount of such cost by first class mail at the address shown on the records. Upon the owners failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the amount of said costs shall be a lien and shall be filed and recovered as provided by law and the lien shall be collected and treated in the same manner as provided for property tax liens under the general property tax act.

By Councilmember Allen

Motion Carried

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Councilmember Quinney that all items be considered as being read in full and that President Jeffries make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letters from the City Clerk:
 - i. Providing notice of Mayor Bernero's Veto of a portion of Council Resolution #213 of 2008

FAILED

BY COUNCILMEMBER WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing City Council has reviewed the Mayor's proposed budget, held various public hearings for the purpose of obtaining public comment, and with much deliberation adopted a budget on May 12, 2008, pursuant to resolution #213; and

WHEREAS, on May 14, 2008 the City Clerk received the Mayor's Notice of Veto and placed it on the City Council agenda for May 19, 2008; and

WHEREAS, the City Clerk on May 19, 2008 presented to the Lansing

City Council for its review the Mayor's Notice of Veto;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council, hereby, overrides the Mayor's Veto of the budget as adopted.

By Councilmember Wood

Motion Failed (Councilmembers Allen and Dunbar voting Nay; Councilmember Kaltenbach absent)

- ii. Regarding Relocation of Polling Place for Ward 4, Precinct 6

REFERRED TO THE COMMITTEE OF THE WHOLE

- iii. Providing notice to Able and Affordable Towing, LLC of the Non Issuance of a License to Own or Operate a Wrecker Service in the City of Lansing

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND REFERRED TO THE CITY ATTORNEY

- iv. Submitting an Application from Clinton Tarver of 3414 S. Deerfield Ave., requesting a Peddlers and Transient Merchants License to sell Hot Dogs and other miscellaneous items at the corner of Michigan Ave. and Capitol Ave.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND REFERRED TO THE CITY ATTORNEY

- v. Submitting an Application for a License to Sell or Offer to Sell Retail Fireworks filed by Mike Wurst of Pinnacle Fireworks on behalf of Menards located at 725 American Rd.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND REFERRED TO THE CITY ATTORNEY

- vi. Submitting an Application for a License to Sell or Offer to Sell Retail Fireworks filed by American Eagle Superstore at 901 N. Larch St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND REFERRED TO THE CITY ATTORNEY

- vii. Submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

b. Letters from the Mayor re:

- i. Requesting a Public Hearing for 2008-2009 Principal Shopping District Special Assessment

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND INTERNAL AUDIT

- ii. Application for an Obsolete Property Rehabilitation Act (OPRA) District filed by Lingg Brewer for property located at 308 E. Grand River Ave.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. Revocation of NEZ Certificates

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iv. ACT-6-08; West Ends of W. Howe (Part A) & E. Howe (Part B), Acquisitions for CSO 013

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- v. Application for Obsolete Property Rehabilitation Exemption Certificate filed by AnnaBelle & Associates, Inc. for property located at 600 S. Capitol Ave.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- vi. Transfers of Funds; State/Federal Programs, CRCF Wheel Chair Sports Grant and MRPA Foundation – Access to Recreation Grant

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND INTERNAL AUDIT

- vii. Board of Police Commissioners' 2007 Year-End Complaint Report

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

• Communications and Petitions, and Other City Related Matters:

- a. Michigan Tax Tribunal Appeal filed on behalf of TR Associates of Woodgate Limited Partnership for property located at 301 E. Edgewood Blvd.

REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE INCOME TAX DIVISION

- b. Request for Recognition of Non-Profit Status in the City of Lansing filed by Larry Helser, President of the Board of Michigan Patriot Guard located at 2915 S. Cambridge Rd.

RECEIVED AND PLACED ON FILE

- c. Letter from Comcast Cable providing notice of additions to its channel lineup effective June 10, 2008

REFERRED TO THE CABLE ADVISORY BOARD AND REFERRED TO THE COMMITTEE ON GENERAL SERVICES AND REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

- d. Application for Community Funding filed by Eastside Neighborhood Organization for their Saturday in the Park event to be held July 26, 2008

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- e. Letter from Walter Brown, President of Knollwood/Willow Neighborhood Association regarding surveillance cameras

REFERRED TO THE COMMITTEE OF THE WHOLE

- f. Letter from Paul Kindel, no address given, submitting a copy of Ingham County Farmland and Open Space Ballot Proposal and information related thereto

REFERRED TO THE COMMITTEE OF THE WHOLE

MOTION OF EXCUSED ABSENCE

By Councilmember Allen

To excuse Councilmember Kaltenbach from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Councilmember Dunbar stated her reasons for voting nay on the resolution Overriding the Mayoral Veto of a portion of the Fiscal Year 2008-2009 Budget as Adopted.

Councilmember Allen stated her reasons for voting nay on the resolution Overriding the Mayoral Veto of a portion of the Fiscal Year 2008-2009 Budget as Adopted.

ADJOURNED TIME 9:55 P.M.

CHRIS SWOPE, CITY CLERK