



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF JUNE 23, 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, Jeffries, Kaltenbach, Quinney, Robinson, Wood

ABSENT: Councilmembers Dunbar (Arrived at 7:16 p.m.) and Hewitt (Arrived at 7:15 p.m.)

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 June 16, 2008

Motion carried

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 Kaltenbach; Approval of an application for a License to Sell or Offer to Sell Retail Fireworks in the parking lot of Meijer Store located at 6200 S. Pennsylvania Ave., filed by Charles Friese of TNT Fireworks
2. From Councilmember Kaltenbach; Approval of an application for a License to Sell or Offer to Sell Retail Fireworks filed by Justin Kesto, Inc., located at 3405 S. Cedar St.
3. From Councilmember Kaltenbach; Approval of an application for a Peddler and Transient Merchants License filed by Dany Hanosh to Sell Fireworks from a tent located at 3405 S. Cedar St.
4. From Councilmember Kaltenbach; Approval of an application for a Peddler and Transient Merchants License filed by David Stephens to Sell Fireworks from a tent located at 6200 S. Pennsylvania Ave.
5. From Councilmember Kaltenbach; Approval of an application for a Peddler and Transient Merchants License filed by Lonnie Cox to Sell Fireworks from a tent located at 6200 S. Pennsylvania Ave.
6. From Councilmember Kaltenbach; Approval of an application for a Peddler and Transient Merchants License filed by Raymond Donley to Sell Fireworks from a tent located at 6200 S. Pennsylvania Ave.

7. From Councilmember Kaltenbach: Approval of an application for a Peddler and Transient Merchants License filed by Charles Friese to Sell Fireworks from a tent located at 6200 S. Pennsylvania Ave.

SPECIAL CEREMONIES

- Special Ceremonies

1. Tribute; Capital City African American Cultural Association, Inc. celebrating their 9th Annual African American Parade and Family Heritage Festival

City Clerk Swope read Resolution #288 of 2008 adopted June 16, 2008

Councilmember Hewitt arrived at the meeting at 7:15 p.m.

Councilmember Dunbar arrived at the meeting at 7:16 p.m.

Councilmember Wood stated that Michael Murphy was the brainchild of this event and spoke about his hard work in making this event a success.

Mayor Bernero stated that this is a great event that celebrates diversity in the City of Lansing.

Michael Murphy thanked the Mayor and City Council for this acknowledgement. He spoke about this being a fun-filled family event. He stated that while other parades may not take place this year, this event will certainly take place. He mentioned that the parade will travel down Capitol Avenue. He spoke about Alpha Kappa Alpha sorority's 100th Anniversary in connection with this event.

2. Presentation; Micro-Enterprise Graduates

Councilmember Wood spoke about all of the new businesses that have recently been created through the Entrepreneur Institute.

Denise Peek stated that the Entrepreneur Institute changed its focus to become a regional, tri-county organization. She spoke of her appreciation of the Mayor and City Council for their support of her organization and all of its efforts. She acknowledged recent graduates of the micro-enterprise project present and had them introduce themselves.

Joe Barshaw spoke about his video production service.

Lisa Barshaw spoke about her auto repair service, which will cater to women.

Marilyn Duncan spoke about her alterations business.

Monte Flagg spoke about his cleaning business.

Valerie Glosson spoke about her retail bead shop.

Renee Metts spoke about her personal chef service.

Michael McKissic spoke about his building company.

Angela Washington, mother of Naomi Washington, spoke about her daughter's inspirational creations.

Denise Peek thanked the Mayor and City Council for this special ceremony and acknowledged her board members present.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Hewitt spoke about the Allen Street Market and stated that citizen Bill Houghtaling was in the hospital and hoped he gets well soon.

Councilmember Kaltenbach announced the next Concert in the Park at Moores Park.

Councilmember Dunbar spoke about the master plan for Benjamin Davis Park and announced a master planning meeting.

Councilmember Wood announced the Youth in Flight aviation camp and Why Am I Tempted? program for youth.

Councilmember Quinney spoke about the quick response by the City's Forestry Division to a constituent's call for assistance.

Councilmember Robinson announced the next Woodmere and DAFT neighborhood meetings. She spoke about the renewal of vows ceremony for the Zieglers, 22 year residents of the city.

Councilmember Dunbar announced the Sagamore Hill neighborhood meeting.

Council President Jeffries spoke about the Passing of Brian Bevez. Brian was an Assistant City Attorney since 1987 and retired in 2005.

City Clerk Swope stated that absentee ballot applications are available for the upcoming elections and those on the permanent absentee voter list should have received their application by now. He stated that ballots should be mailed out in early July. He also stated that notices to our regular election inspectors will be in the mail shortly and asked anyone interested in becoming an election inspector to contact his office. He spoke about requirements for the job such as inspectors living in the county in which they are assigned to work and the age requirements.

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 spoke about several events that took place this past weekend, including the Festivals of the Moon and Sun in Old Town, the Pow Wow at Riverfront Park, the Juneteenth Celebration, Lugnuts baseball games and our fifth Mobile Food Pantry, sponsored by our Department of Human Relations and Community Services and the Mid-Michigan Food Bank. He spoke about several items on tonight's agenda, including the Personal Property Exemption for Jackson National Life Insurance Company, the Brownfield Development Plan for 6501 South Cedar Street, the OPRA Certificate and the rezoning request for the Old Town Medical Building, and the OPRA Certificate for AnnaBelle's Pet Station. He stated that we announced the exciting new plans for the revitalization of the historic Lansing City Market and the development agreement for the \$30 million Market Place project planned for the current market site. He mentioned that his administration proposes to sell the property where the current market is located and use the proceeds, estimated at 1.6 million dollars, to build a state-of-the-art new home for the City Market. He spoke about the cleanup efforts from the recent storms still in high gear across the City, with crews working 12 hour days to get the remaining debris removed from our neighborhoods and parks. He announced several upcoming events, including the next Concert In the Park on Wednesday Night at Moores Park from 7 until 9 p.m., Project Homeless Connect this Thursday, June 26 from 10 a.m. until 4 p.m. at Lansing Eastern High School's Don Johnson Fieldhouse

and Blues on the Square this Thursday night from 6 p.m. until 10 p.m. on the 200 block of South Washington Square in downtown Lansing.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of a Waiver of the Provisions of the Noise Ordinance contained in Chapter 654 of the Code of Ordinances filed by Kamminga & Roodvoets, Inc. to work on Saturdays from 8:00 a.m. to 8:00 p.m. for construction activities in the CSO 018 Southeast Project Area
2. In consideration of a Waiver of the Provisions of the Noise Ordinance contained in Chapter 654 of the Code of Ordinances filed by Six-S, Inc. to work on Saturdays from 8:00 a.m. to 5:00 p.m. for construction activities in the CSO 013 Northwest Project Area

Councilmember Kaltenbach gave a brief overview of both Public Hearings.

John Pollard of 1718 Blair St. spoke about the noise waiver requests and in opposition to tax abatements.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke against tax abatements.

Thomas Ryan of 4336 Chadburne Dr. spoke against tax abatements.

Angela Brown 600 S. Capitol Ave. spoke in support of an Obsolete Property Rehabilitation Act (OPRA) Certificate for AnnaBelle & Associates, LLC.

Charlene Decker of 2711 Pleasant Grove Rd. spoke in opposition to tax abatements.

Christine Timmon of 2519 S. Washington Ave. spoke in support of Brownfield Redevelopment Plan #42 and in opposition to an Obsolete Property Rehabilitation Act (OPRA) Certificate for AnnaBelle & Associates, LLC.

Rock Hudson of 1017 E. Grand River Ave. spoke against noise waivers.

Charles Friese of 516 Parkers Dr. spoke in support of an application for a License to Sell or Offer to Sell Retail Fireworks.

Rod Shangle of 3203 Westwood Ave. spoke about PRD-1-2007; 7.116 Acres on the north end of Westwood Ave.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of a Waiver of the Provisions of the Noise Ordinance contained in Chapter 654 of the Code of Ordinances filed by Kamminga & Roodvoets, Inc. to work on Saturdays from 8:00 a.m. to 8:00 p.m. for construction activities in the CSO 018 Southeast Project Area

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

2. In consideration of a Waiver of the Provisions of the Noise Ordinance contained in Chapter 654 of the Code of Ordinances filed by Six-S, Inc. to work on Saturdays from 8:00 a.m. to 5:00 p.m. for construction activities in the CSO 013 Northwest Project Area

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

**PUBLIC COMMENT
ON CITY GOVERNMENT RELATED MATTERS:**

Michael Morofsky of 1300 Woodbine Ave. spoke about a shooting in the Churchill Downs area.

Joel Wiese of 311 Strathmore Rd. spoke about the city market.

Charlie Spagnuolo of 2415 Aurelius Rd., Holt and Douglas Williams of 1111 E. Columbia St., Mason spoke about the Harry James Orchestra.

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

William Hubbell of 3916 Wedgewood Dr. spoke about the Mayor's declaration of emergency.

Dale Dezess, no address given, spoke about various city matters.

Madge Harris of 5550 Mall West Dr., Delta Twp. spoke about various city matters.

Frank S. Curtis X. of 1137 W. Allegan St. 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.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

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

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION#322

BY COUNCILMEMBER TIM KALTENBACH

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on December 6, 1890, Hollister & Skinner announced their plan to plat 116 acres south of the train depot on Washington Avenue into 265 lots to be known as the Park Place; and

WHEREAS, in 1908, Mr. J. H. Moores purchased the land, and in looking over the ground, he was able to see a vision. He let no time slip away until he closed up the deal, stating in a speech to business men of the City that "It seems to me that for the health and happiness of all, parks and playgrounds should be developed in proportion as our growth and manufacturing interests increase"; and

WHEREAS, on December 21, 2008, Mr. Moores presented title to the 18 acres, then known as Moores Park, to the Lansing City Council. He installed pedestals at the east and west entrances where Moores River Drive then entered and exited the park going over a bridge that crossed the stream from Bradley Avenue; and

WHEREAS, to this day, the pedestals still have the bronze tablets with Mr. Moores motto "I shall pass through this world but once; if, therefore, there be any good thing I can do to any fellow human being let me do it now, for I shall not pass this way again; and

WHEREAS, the park has provided a variety of outdoor experiences to the City of Lansing residents over the years. At one time, elk roamed the land but were moved to Potter Park after it opened. The park provides access to the City's River Trail and offers fishing, ball fields, basketball, tennis, shuffleboard, playground equipment, picnicking, and beautiful fall colors; and

WHEREAS, there have been many changes to the park over the years. The stream that once flowed through the park was diverted through a drainage tile and covered over. The concrete ends of the bridge over the stream remained until the late 1960's; and

WHEREAS, the swimming pool at the east end of Moores Park was dedicated as a "J.H. Moores Memorial Natatorium" in 1922, boasting three diving boards, which were removed for safety reasons in the 1970's; and

WHEREAS, at one time so many children came to swim on hot summer afternoons that they had to hold "shifts" with children waiting on long benches in front of the pool while other swimmers enjoyed the water for an hour; and

WHEREAS, the labyrinth is dedicated to the good neighbors and citizens of the Moores Park Neighborhood and in honor of J.H. Moores and the 100th Anniversary of the Park; and

WHEREAS, the success of Moores Park would not have been possible without the help of the Moores Park Neighbors, such as Dorothy and Howard Jones, Betty Kost, and Jim and Gladys Gilson, all longtime residents, who were instrumental in the growth and maintenance of the park;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, encourages residents of the City of Lansing to join in the Moores Park's 100th Anniversary celebration extended throughout the summer and expresses a special "thank you" to all of the neighbors who have helped make the park a success!

By Councilmember Kaltenbach

Motion Carried

RESOLUTION#323

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Obsolete Property Rehabilitation Tax Exemption Certificate Approval, 600 South Capitol

WHEREAS, pursuant to the Michigan Obsolete Property Rehabilitation Act, being Public Act 146 of 2000 (PA 146 of 2000), Annabelle's and Associates, LLC has filed an application for an Obsolete Property Rehabilitation Exemption Certificate (OPT Certificate) with the Lansing City Clerk, for a proposed obsolete facility at 600 South Capitol, Lansing, Michigan (Obsolete Property); and

WHEREAS, Annabelle's and Associates, LLC (the Developer) owns the proposed Obsolete Property; and

WHEREAS, the proposed Obsolete Property is located within an Obsolete Property Rehabilitation District legally established by resolution adopted May 16, 2008, after a public hearing was held, as provided by section 3 of PA 146 of 2000; and

WHEREAS, a public hearing was held on June 9, 2008 on the Developer's application for an OPT Certificate, after proper notice was made, pursuant to section 4(2) of PA 146 of 2000; and

WHEREAS, the Developer has represented and committed to the City to undertake, and complete not later than December 31, 2010, the rehabilitation, renovation, and reconstruction of the Obsolete Property into office, and retail commercial use throughout the structure;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves of the issuance of an Obsolete Property Rehabilitation Exemption Certificate to Annabelle's and Associates, LLC, for the Obsolete Property located at 600 South Capitol, Lansing,

Michigan, legally described as:

LOTS 1, 2, & 3 BLOCK 159 ORIG PLAT

for the period of twelve (12) consecutive years.

BE IT FURTHER RESOLVED that the Lansing City Council, in approving the Developer's application by this resolution, finds and determines all of the following;

1. The taxable value of the property proposed to be exempt plus the aggregate taxable value of the property already exempt under PA 146 of 2000 and under Public Act 198 of 1974 (IFT's) does exceed five percent (5%) of the total taxable value of the City of Lansing and does not substantially impede the operation of the City of Lansing or impair its financial soundness.
2. The applicant is not delinquent in any taxes related to the facility.
3. All of the items described on line 9 of the Application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the City of Lansing by the applicant.
4. The application is for obsolete property as defined in section 2(h) of PA 146 of 2000.
5. The commencement of rehabilitation activities of the facility did not occur prior to the establishment of the Obsolete Properties Rehabilitation District.
6. The application relates to the rehabilitation program for the building located at 600 South Capitol, Lansing, Michigan and, when completed, will constitute a rehabilitated facility within the meaning of PA 146 of 2000 and the facility is situated within the Obsolete Property Rehabilitation District established by the City of Lansing, which is a Qualified Local Governmental Unit eligible under PA 146 of 2000 to establish such a district.
7. The completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create some employment, and revitalize an urban area.
8. The rehabilitation includes improvements aggregating ten percent (10%) or more of the true cash value of the property at the commencement of the rehabilitation as provided by section 2(L) of PA 146 of 2000.
9. The rehabilitation must be completed not later than December 31, 2010 as evidence by the issuance of a Certificate of Occupancy from the City of Lansing Building Safety Office.

BE IT FINALLY RESOLVED that the City Clerk shall cause the Application for Obsolete Property Rehabilitation Certificate to be completed, including the "Clerk Certification" and shall file the completed application, together with a certified copy of this resolution with the State Tax Commission.

By Councilmember Wood

Motion Carried

RESOLUTION#324

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Obsolete Property Rehabilitation Tax Exemption Certificate Approval,
1106 North Cedar Street

WHEREAS, pursuant to the Michigan Obsolete Property Rehabilitation Act, being Public Act 146 of 2000 (PA 146 of 2000), Old Town Medical Building, LLC has filed an application for an Obsolete Property Rehabilitation Exemption Certificate (OPT Certificate) with the Lansing City Clerk, for a proposed obsolete facility at 1106 North Cedar Street Lansing, Michigan (Obsolete Property); and

WHEREAS, Old Town Medical Building LLC (the Developer) owns the proposed Obsolete Property; and

WHEREAS, the proposed Obsolete Property is located within an Obsolete Property Rehabilitation District legally established by resolution adopted March 24, 2008, after a public hearing was held, as provided by section 3 of PA 146 of 2000; and

WHEREAS, a public hearing was held on June 9, 2008 on the Developer's application for an OPT Certificate, after proper notice was made, pursuant to section 4(2) of PA 146 of 2000; and

WHEREAS, the Developer has represented and committed to the City to undertake, and complete not later than December 31, 2010, the rehabilitation, renovation, and reconstruction of the Obsolete Property into office, and retail commercial use throughout the structure;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves of the issuance of an Obsolete Property Rehabilitation Exemption Certificate to Old Town Medical Building, LLC, for the Obsolete Property located at 1106 North Cedar Street, Lansing, Michigan, legally described as:

LOTS 7, 8, 9, 10 & 11 & W 1 R LOT 12 BLOCK 15
ORIG PLAT

for the period of eight (8) consecutive years.

BE IT FURTHER RESOLVED that the Lansing City Council, in approving the Developer's application by this resolution, finds and determines all of the following;

1. The taxable value of the property proposed to be exempt plus the aggregate taxable value of the property already exempt under PA 146 of 2000 and under Public Act 198 of 1974 (IFT's) does exceed five percent (5%) of the total taxable value of the City of Lansing and does not substantially impede the operation of the City of Lansing or impair its financial soundness.
2. The applicant is not delinquent in any taxes related to the facility.
3. All of the items described on line 9 of the Application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the City of Lansing by the applicant.
4. The application is for obsolete property as defined in section 2(h) of PA 146 of 2000.
5. The commencement of rehabilitation activities of the facility did not occur prior to the establishment of the Obsolete Properties Rehabilitation District.
6. The application relates to the rehabilitation program for the building located at 1106 North Cedar Street, Lansing, Michigan and, when completed, will constitute a rehabilitated facility within the meaning of PA 146 of 2000 and the facility is situated within the Obsolete Property Rehabilitation District established by the City of Lansing, which is a Qualified Local Governmental Unit eligible under PA 146 of 2000 to establish such a district.

7. The completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create some employment, and revitalize an urban area.
8. The rehabilitation includes improvements aggregating ten percent (10%) or more of the true cash value of the property at the commencement of the rehabilitation as provided by section 2(L) of PA 146 of 2000.
9. The rehabilitation must be completed not later than December 31, 2010 as evidence by the issuance of a Certificate of Occupancy from the City of Lansing Building Safety Office.

BE IT FINALLY RESOLVED that the City Clerk shall cause the Application for Obsolete Property Rehabilitation Certificate to be completed, including the "Clerk Certification" and shall file the completed application, together with a certified copy of this resolution with the State Tax Commission.

By Councilmember Wood

Motion Carried

RESOLUTION#325

BY THE DEVELOPMENT AND PLANNING COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
RESOLUTION APPROVING
BROWNFIELD PLAN #42 NUUNION CREDIT UNION
SOUTH LANSING BRANCH OFFICE

WHEREAS, the Brownfield Redevelopment Authority (the Authority) of the City of Lansing, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act, Public Act 381 of 1996, as amended, (the Act) has prepared a Brownfield Plan, submitted to Council and placed on file in the office of City Clerk, LBRA Brownfield Plan #42 - NuUnion Credit Union South Lansing Branch Office. (the Plan); and

WHEREAS, a public hearing was held by the Lansing City Council and at least 10 days before the public hearing the taxing jurisdictions were provided notice to be fully informed about the fiscal and economic implications of the proposed Plan and given a reasonable opportunity to express their views and recommendations regarding the Plan in accordance with Section 13 (10) and 14(1) of the Act; and

WHEREAS, the Lansing City Council, after its public hearing on June 2, 2008, reviewed testimony and evidence regarding the Plan, and found that:

1. the Project Property was historically used for hotel / lodging operations,
2. the Plan provides for the reimbursement of costs attributable to eligible activities to the developer and the Authority,
3. the Project includes, in addition to the eligible activities identified in the Plan, the redevelopment of the property,
4. the Project may result in new private investment of approximately \$3,400,000,
5. the Plan provides for the capture of property tax increment revenues due to the private investment on the site, and devotes them to repaying the Authority for its costs associated with eligible activities it performs, and to repaying the developer for their costs associated with eligible activities they perform, in accordance with the Plan,

WHEREAS, the Authority Board of Directors, at its meeting of April 1, 2008, unanimously recommended approval of the Plan, for this Project;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, after having duly considered the Plan, finds it is in compliance with the provisions of the Act and further finds:

1. The Plan constitutes a public purpose under the Act;
2. The Plan meets all of the requirements for a Brownfield Plan set forth in Section 13 of the Act;
3. The proposed method of financing the costs of the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing;
4. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act; and
5. The amount of the captured taxable value estimated to result from the adoption of the Plan is reasonable.

IT IS FINALLY RESOLVED that the Lansing City Council hereby approves the LBRA Brownfield Plan #42 – NuUnion Credit Union South Lansing Branch Office.

By Councilmember Wood

Motion Carried

RESOLUTION#326

BY THE PLANNING AND DEVELOPMENT COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
Personal Property Exemption – Jackson National Life Insurance
Company

WHEREAS, pursuant to Public Act 328 of 1998 (1998 PA 328), Jackson National Life Insurance Company (JNL) has made Application for Exemption of New Personal Property (PPE-4-08) for property commonly known as 1 Corporate Way, Lansing, MI, which is contained within Lansing Industrial Development District (IDD-2-08), established, by the Lansing City Council on May 12, 2008 pursuant to Public Act 198 of 1974, as amended, and

WHEREAS, a public hearing was held June 16, 2008, on the JNL application for exemption of new personal property, at which, and with advance written notice, the assessor and all representatives of affected taxing units were afforded an opportunity to appear and be heard on the application and exemption request; and

WHEREAS, Lansing Industrial Development District area is an eligible district under Public Act 328, as amended, and it is within the jurisdiction of the City of Lansing and, therefore, within an eligible distressed community; and

WHEREAS, JNL meets the requirements of an eligible business under Public Act 328 by being primarily engaged in office operations;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves the application of Jackson National Life Insurance Company for exemption of new personal property PPE-4-08 pursuant to Public Act 328 of 1998, as amended, for

Parcel 2008-A

A parcel of land in the Southwest ¼ of Section 4, T3N, R1W, Alaiedon Township, Ingham County, Michigan, the surveyed boundary of said parcel described as: Commencing at the South ¼ corner of said Section 4; thence N00°10'19"W along the North-South ¼ line of said Section 4 a distance of 1326.88 feet to the South line of the North ½ of the Southwest ¼ of said Section 4; thence S89°21'56"W along said South line a distance of 50.00 feet to the point of beginning of this description; thence S00°10'19"E parallel with said North-South ¼ line 330.00 feet; thence S89°21'56"W parallel with said South line 660.03 feet; thence N00°10'19"W parallel

with said North-South ¼ line 330.00 feet; thence N89°21'56"E along said South line 660.03 feet to the point of beginning; said parcel containing 5.00 acres more or less; including 0.25 acres more or less presently in use as public right of way; said parcel subject to all easements and restrictions if any. Also including that portion of the Okemos Road right-of-way to the center of the road along the portions of Parcel 2008-A adjacent to said Okemos Road,

Parcel 2008-B

A parcel of land in the Southwest ¼ of Section 4, T3N, R1W, Alaiedon Township, Ingham County, Michigan, the surveyed boundary of said parcel described as: Commencing at the Southwest corner of said Section 4; thence N00°27'04"W along the West line of said Section 4 a distance of 660.01 feet to the point of beginning of this description; thence N00°27'04"W continuing along said West line 1990.05 feet to the West ¼ corner of said Section 4; thence N89°19'36"E along the East-West ¼ line of said Section 4 a distance of 668.23 feet; thence S00°22'52"E 2650.97 feet to the South line of said Section 4; thence S89°24'16"W along said South line 335.00 feet; thence N00°27'04"W parallel with said West line 660.01 feet; thence S89°24'16"W parallel with said South line 330.00 feet to the point of beginning; said parcel containing 35.56 acres more or less; including 0.25 acres presently in the use as public right of way; said parcel subject to all easements and restrictions if any,

Parcel 2008-C

A parcel of land in the Southwest ¼ of Section 4, T3N, R1W, Alaiedon Township, Ingham County, Michigan, the surveyed boundary of said parcel described as: Commencing at the Southwest corner of said Section 4; thence N89°24'16"E along the South line of said Section 4 a distance of 665.00 feet to the point of beginning of this description; thence N00°22'52"W along the West line of the East ½ of the Southwest ¼ of the Southwest ¼ of said Section 4 a distance of 1325.49 feet to the North line of the Southwest ¼ of the Southwest ¼ of said Section 4; thence N89°21'56"E along said North line 666.61 feet to the East line of the Southwest ¼ of the Southwest ¼ of said Section 4; thence S00°18'41"E along said East line 1325.95 feet to the South line of said Section 4; thence S89°24'16"W along said South line 665.00 feet to the point of beginning; said parcel containing 20.25 acres more or less, including 0.50 acre more or less presently in use as public right of way; said parcel subject to all easements and restrictions if any,

Parcel 2008-D

A parcel of land in the Southwest ¼ of Section 4, T3N, R1W, Alaiedon Township, Ingham County, Michigan, the surveyed boundary of said parcel described as: Commencing at the South ¼ corner of said Section; thence S89°24'16"W along the South line of said Section a distance of 50.00 feet to the point of beginning of this description; thence S89°24'16"W continuing along said South line 615.00 feet; thence N00°14'30"W 663.21 feet; thence N89°23'06"E 615.81 feet; thence S00°10'19"E parallel with the North-South ¼ line of said Section a distance of 663.42 feet to the point of beginning; said parcel containing 9.37 acres more or less; including 0.46 acre more or less presently in use as public right of way; said parcel subject to all easements and restrictions if any. Also including that portion of the Okemos Road right-of-way to the center of the road along the portions of Parcel 2008-D adjacent to said Okemos Road,

Parcel 2008-E

A parcel of land in the Southwest ¼ of Section 4, T3N, R1W, Alaiedon Township, Ingham County, Michigan, described as: Commencing 663.21 feet North of the Southeast corner of the Southwest ¼ of Section 4, thence North 272 feet, thence West 154 feet, thence South 272 feet, thence East 154 feet to the point of beginning. Also including that portion of the Okemos Road right-of-way to the center of the road along the portions of Parcel 2008-E adjacent to said Okemos Road, and

BE IT FURTHER RESOLVED that the personal property exemption PPE-04-08 under Public Act 328 shall be for the period of forty (40) years effective Dec. 30, 2008 and ending Dec 30, 2048.

BE IT FINALLY RESOLVED that the City Clerk shall cause the application for exemption of new personal property PPE-04-08 to be completed and shall cause the completed application and a copy of this Resolution to be filed with the State Tax Commission.

By Councilmember Wood

Motion Carried

RESOLUTION#327

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

WHEREAS, the Help A Willing Kid Foundation (H.A.W.K.) 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 Help A Willing Kid foundation 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 that the City Clerk is requested to provide a copy of this resolution to Ali Easley, P.O. Box 13, East Lansing, Michigan 48826.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION#328

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 Charles Friese of TNT fireworks in the parking lot of Meijer Store located at 6200 S. Pennsylvania 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, TNT fireworks and Meijer 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 Charles Friese of TNT Fireworks at the Meijer 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 Kaltenbach

Motion Carried

RESOLUTION#329

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 Justin Kesto, Inc. at 3405 S. Cedar Street 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, Justin Kesto, Inc. 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 Justin Kesto, Inc. at 3405 S. Cedar Street 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 Kaltenbach

Motion Carried

RESOLUTION#330

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

WHEREAS, Dany Hanosh of 3405 S. Cedar Street, Lansing, Michigan 48910 has applied for a Peddlers and Transient Merchants License for the purpose of selling fireworks at 3405 S. Cedar Street; and

WHEREAS, the Committee on General Services met on June 23, 2008 , and recommends approval of the application of Dany Hanosh for a 2008 Peddlers and Transient Merchants License.

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the 2008 Peddlers and Transient Merchants License for Dany Hanosh for the purpose of selling fireworks at 3405 S. Cedar Street, Lansing, Michigan.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION#331

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

WHEREAS, David Stephens of 650 Waverly Road, Lansing, Michigan has applied for a Peddlers and Transient Merchants License for the purpose of selling fireworks from a tent located at 6200 S. Pennsylvania Avenue; and

WHEREAS, the Committee on General Services met on June 23, 2008, and recommends approval of the application of David Stephens for a 2008 Peddlers and Transient Merchants License.

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the 2008 Peddlers and Transient Merchants License for David Stephens for the purpose of selling fireworks from a tent located at 6200 S. Pennsylvania Avenue, Lansing, Michigan.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION#332

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

WHEREAS, Lonnie Cox of 340 W. Jefferson Street , Dimondale, Michigan has applied for a Peddlers and Transient Merchants License for the purpose of selling fireworks from a tent located at 6200 S. Pennsylvania Avenue; and

WHEREAS, the Committee on General Services met on June 23, 2008, and recommends approval of the application of Lonnie Cox for a 2008 Peddlers and Transient Merchants License.

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the 2008 Peddlers and Transient Merchants License for Lonnie Cox for the purpose of selling fireworks from a tent located at 6200 S. Pennsylvania Avenue, Lansing, Michigan.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION#333

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

WHEREAS, Raymond Donley of 6499 Bishop Road, Lansing, Michigan has applied for a Peddlers and Transient Merchants License for the purpose of selling fireworks from a tent located at 6200 S. Pennsylvania Avenue; and

WHEREAS, the Committee on General Services met on June 23, 2008, and recommends approval of the application of Raymond Donley for a 2008 Peddlers and Transient Merchants License.

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the 2008 Peddlers and Transient Merchants License for Raymond Donley for the purpose of selling fireworks from a tent located at 6200 S. Pennsylvania Avenue, Lansing, Michigan.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION#334

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

WHEREAS, Charles Friese of 516 Parkers Drive, Portland, Michigan has applied for a Peddlers and Transient Merchants License for the purpose of selling fireworks from a tent located at 6200 S. Pennsylvania Avenue; and

WHEREAS, the Committee on General Services met on June 23, 2008, and recommends approval of the application of Charles Friese for a 2008 Peddlers and Transient Merchants License.

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the 2008 Peddlers and Transient Merchants License for Friese for the purpose of selling fireworks from a tent located at 6200 S. Pennsylvania Avenue, Lansing, Michigan.

By Councilmember Kaltenbach

Motion Carried

By Councilmember Kaltenbach

To reconsider the vote by which Resolution #294 of 2008 was adopted on June 16, 2008

Motion Carried

RESOLUTION#294

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

WHEREAS, the Woodmere Neighborhood Association/Neighborhood Watch has requested \$500.00 to defray costs associated with the rental the showmobile and other associated costs for the block Party National Night Out to be held on Tuesday, August 5, 2008; and

WHEREAS, the Committee on General Services met on June 9, 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 Woodmere Neighborhood Association/Neighborhood Watch to defray costs associated with the rental of the showmobile and other associated costs for the Block party National Night Out to be held on Tuesday, August 5, 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 – 101.112101.741289.0; and

BE IT FINALLY RESOLVED that the Progressive Empowerment Education Resource Services 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 Kaltenbach

To amend the BE IT FINALLY RESOLVED clause by striking "Progressive Empowerment Education Resource Services" and inserting "Woodmere Neighborhood Association/Neighborhood Watch"

Motion Carried

The question being the original motion to adopt the resolution

Motion Carried

RESOLUTION#335

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Code Compliance Manager has determined that the building located at **313 W. Saginaw, Parcel # 3301.01.16.126.161** legally described as: **W 3 R Lot 1 Block 62 Orig Plat** 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 **May 17, 2007**; and

WHEREAS, a hearing was held by the Hearing Officers on **March 27, 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 **April 24, 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 **June 9, 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 **313 W. Saginaw** 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, June 23, 2008**; and

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#336

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Code Compliance Manager has determined that the building located at **717 S. Francis, Parcel # 3301.01.23.127.041** legally described as: **Lots 15 & 16 J L Putmans Sub Rec L7 P 35** 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 12, 1999**; and

WHEREAS, a hearing was held by the Hearing Officers on **September 27, 2007**, at which the Hearing Officers determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by **October 25, 2007**; 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 **February 25, 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 **717 S. Francis** 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, June 23, 2008**; and

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#337

BY THE COMMITTEE ON PUBLIC SERVICE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT III

WHEREAS, Resolution #075 of 2005 requested that the Administration develop a plan for closing gaps on the sidewalk network on trunk lines and major streets within the City; and

WHEREAS, this plan was completed by the Public Service Department on April 27 of 2005; and

WHEREAS, budget policy # 32 of City Council Resolution #213 adopting the FY 2008-09 budget states the following: "The Council supports installation of sidewalks to fill the gaps on major streets as outlined in the Public Service Department's 2005 Sidewalk Analysis."; and

WHEREAS, pursuant to the Public Improvement I/II resolution adopted by this council on February 25, 2008, the City Assessor has completed the assessment roll for new sidewalk construction, and furnished the following information:

PROJECT TITLE: 2008 New Sidewalk
P.S. #01092

PROPERTY BENEFITED:

Along the north side of Edgewood Blvd. from 200 E. Edgewood to S. ML King Jr. Blvd. Also, along the east side of S. ML King Jr. Blvd from Edgewood to Miller,
Also along the south side of Miller Rd. from S. Pennsylvania Ave. to Beechfield,
And also along the west side of North Larch in front of Otto School.
Excepting all public streets and alleys and other land deemed not benefited

ENGINEER'S ESTIMATE, COST OF IMPROVEMENTS:

ASSESSMENT ROLL NO. B-090	CITY CONTRIBUTION	ASSESSABLE TO PROPERTY OWNER
SIDEWALK	\$ 129,954.03	\$ 63,020.13
CURB AND GUTTER	\$ 4,720.32	\$ 4,982.56
OTHER COSTS	\$ 8,457.98	\$ 0.00
TOTAL COSTS	\$ 143,132.33	\$ 68,002.69

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council will hold a public hearing on Monday, July 7, 2008 at 7:00 PM, in the Council Chambers, to review, prior to confirmation, said assessment roll; and

BE IT FURTHER RESOLVED that the City Clerk and the Public Service Director are hereby requested to give due notice of this public hearing as provided by Chapter 1020, Section 1026.06(c)(1), of the Code of Ordinances by publishing a notice of a public hearing in a daily newspaper of the City, not more than twenty days and not less than ten days before such public hearing. Said notice shall include the time and place of the hearing; a description of the section or area of the City determined by Council to be within the assessment district as contained in the special assessment roll; where the special assessment roll is on file and may be examined; that any person aggrieved by the assessments as contained in the special assessment roll, or the necessity of the improvement, may file a written objection thereto which must be delivered to the City Clerk prior to the close of the hearing, or the person may appear and protest the same at the public hearing in person or by his or her representative; that the appearance and protest or written protest in the manner described is required if the person desires to appeal the amount of the assessment to the Michigan Tax Tribunal; and that any appeal to the Michigan Tax Tribunal must be taken within thirty days of the confirmation of the special assessment roll, provided a protest was timely made.

BE IT FINALLY RESOLVED, that pursuant to the requirement of 1962 PA 162, as amended, MCL 211.741, et seq.; MSA 5.3534(1), et seq., appearance and protest at the hearing in the special assessment proceedings is required in order to appeal the amount of the special assessment to the State Tax Tribunal. An owner or party in interest, or his or her agent may appear in person at the hearing to protest the special assessment, or shall be permitted to file his or her appearance or protest by letter and his or her personal appearance shall not be required.

Funds are available for the City of Lansing's share of the project in accounts as follows:

		<u>Account Number</u>
City Share of Sidewalk	\$ 143,132.33	202 453601 974100 50017
Assessment Roll B-090	\$ 68,002.69	Acct to be established

By Councilmember Hewitt

Motion Carried

RESOLUTION#338

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, powerful thunderstorms swept through the Lansing area on June 7, followed by an EF1 tornado on June 8, 2008, causing widespread property damage, downed trees and power lines, and spreading debris across the City; and

WHEREAS, in response to the severe conditions and extensive damage, and under the authority granted under Chapter 234, the Lansing Emergency Management Ordinance, of Title Two of the Lansing Codified Ordinance, the Mayor declared a local state of emergency on June 8, 2008; and

WHEREAS, public safety, public service and utility crews have been working diligently to clear roads, remove tree hazards and debris, and, among other things, repair power lines, but the wide-ranging

damage continues to require damage assessment and extensive clean up response;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council finds that the circumstances warrant an extension of the Mayor's emergency declaration and continuation of the emergency response plan to ensure that public safety is secured and clean up is effectuated.

BE IT FURTHER RESOLVED that the Lansing City Council will require a detailed weekly report that includes, but is not limited to, costs, time tables as to the remainder of any other clean-up, purchases made, transfers of any and all funds related to the emergency, as well as a report in the exercise of powers pursuant to Ordinance Chapter 234.05 (c) (8), which report shall occur in Thursday Committee of the Whole prior to City Council granting an extension under this resolution.

BE IT FINALLY RESOLVED that the City Council approves an extension of the declaration of emergency, through and including June 30, 2008, and authorizes such powers and duties as provided by Chapter 234, the Lansing Emergency Management Ordinance, of Title Two of the Lansing Codified Ordinances, together with those powers provided by statute, including those set forth in MCL § 30.401 et seq.

By Councilmember Quinney

Motion Carried

RESOLUTION#339

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

RESOLUTION AUTHORIZING SUBSTITUTION OF PROPERTY
UNDER CONTRACT WITH TAX INCREMENT FINANCE
AUTHORITY

WHEREAS, the City of Lansing, Michigan (the "City") has previously created the Tax Increment Finance Authority of the City of Lansing (the "Authority") under and in pursuance of the provisions of Act 450, Public Acts of Michigan, 1980, as amended (the "TIFA Act"); and

WHEREAS, pursuant to the TIFA Act, the Authority has prepared its amended Development Plan and Tax Increment Financing Plan for the Phase III – Lansing Convention/ Exhibition Center and Associated Facilities and Parking System Project (such Plan, as it may be amended or supplemented in the future, is referred to herein as the "Plan"); and

WHEREAS, in order to implement the Plan, the City leases various automobile parking structures and lots (the "Project") to the Authority pursuant to a Contract of Lease dated December 20, 1994 (the "Contract"); and

WHEREAS, under Section 10 of the Contract, the Authority may release a portion of the Project from the Contract if the City substitutes other property therefor; and

WHEREAS, the City wishes to release the portion of the Project described on Exhibit A of this resolution (the "Released Property") from the Contract; and

WHEREAS, the City wishes to substitute the property described on Exhibit B of this resolution (the "Substituted Property") for the Released Property; and

WHEREAS, the City Public Service Director has certified to this City Council that as of the date of substitution of the property, the value of the Project, after the consummation of such substitution of property, will be greater than the value of the Project prior to the substitution, and the certificate is attached as Exhibit C of this Resolution.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City hereby requests that the Authority accept the

Substituted Property as a portion of the Project subject to the Contract, and in exchange therefor that the Authority release the Released Property from the terms of the Contract and amend the Contract to provide that the Substituted Property may be conveyed to the Authority when the Limited Tax Full Faith and Credit General Obligation Bonds issued for the construction of the parking structure on the Exhibit B property are fully paid or defeased. The actions authorized in this section are subject to the condition that the City Attorney is able to provide the Authority with an opinion that the conveyances are in compliance with the City Charter and applicable state law and City ordinances.

2. Either the City Finance Director or the City Public Service Director is hereby directed to provide the Authority with an adequate legal description of that portion of the Project being released and of property to be substituted therefor, together with a survey thereof.
3. The Mayor is hereby authorized on behalf of the City to sign and execute Amendment No. 2 to the Contract of Lease to effectuate this resolution.
4. The Mayor, City Clerk, City Finance Director, Deputy Finance Director, City Public Service Director, City Attorney, and other officers, administrators, agents and attorneys of the City are authorized and directed to execute such documentation and take all other actions necessary and convenient to facilitate the transactions authorized by this resolution.

All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

By Councilmember Quinney

To accept a substitute resolution for the one originally placed in the packet

Motion Carried

By Councilmember Quinney

To place an affirmative roll on the substitute resolution

Motion Carried

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the City Council of the City of Lansing, Counties of Ingham and Eaton, State of Michigan, at a regular meeting held on _____, 2008, at _____ o'clock ____m., prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act 267.

I further certify that the following Members were present at said Meeting:

and that the following Members were absent:

I further certify that Member _____

moved for adoption of said resolution and that Member supported said motion.

I further certify that the following Members voted for adoption of said resolution:

and that the following Members voted against adoption of said resolution:

City Clerk

EXHIBIT A

SOUTH GRAND RAMP

Part of Lots 3 & 4, Block 112, also part of Lots 1,2 & 3, Block 113, and part of vacated Allegan Street lying between Block 112 and 113, Original Plat, City of Lansing, Ingham County, Michigan, described as: commencing at the Northwest corner of Lot 3, Block 113; thence N 00°00'00"E, 302.50 feet along the East line of Grand Avenue; thence S89°54'07"E 7.57 feet and S89°58'23"E, 6.09 feet along an existing concrete wall and the water's edge of the Grand River to the point of beginning of the following described parcel; thence continuing S89°58'23"E, 28.48 feet; thence S00°04'55"W, 239.83 feet along the East edge of an existing elevated concrete sidewalk and retaining wall; thence S37°28'21"E, 7.04 feet and S22°54'33"E, 57.66 feet along the water's edge of the Grand River; thence N89°54'07"W, 55.32 feet along the South line of the North 4 feet of Lot 3, Block 113; thence N00°05'15"E, 54.71 feet along an existing concrete wall; thence continuing N00°05'15"E, 243.73 feet along an existing concrete wall and the water's edge of the Grand River to the point of beginning. Contains 0.21 acres, more or less.

AND ALSO:

Part of Lots 3 & 4, Block 112, also part of Lots 1,2 & 3, Block 113 and part of vacated Allegan Street lying between Blocks 112 & 113, Original Plat, City of Lansing, Ingham County, Michigan, described as: Beginning at the Northwest corner of Lot 3, Block 113; thence N00°00'00"E, 302.5 feet along the East line of Grand Avenue; S89°54'07"E, 109.04 feet along the North line of the South 22 feet of Lot 3, Block 112, thence S01°54'07"E, 7.57 feet, S89°58'23"E, 6.09 feet and S00°05'15"W, 243.73 feet along an existing concrete wall and the water's edge of the Grand River; thence continuing S00°05'15"E 54.71 feet along said concrete wall; thence N89°54'07"W 18.42 feet along the South line of the North 4 feet of Lot 3, Block 113; thence N02°51'46"W 13.52 feet; thence N89°54'07"W, 65.07 feet, thence S00°05'53"W, 10.0 feet; thence N89°54'07"W, 30.73 feet to the point of beginning. Contains 0.79 acres, more or less.

LOT 18

Part of Lots 3, 4 & 5, Block 113, Original Plat, City of Lansing, Ingham County, Michigan described as: Commencing at the Northwest corner of Lot 3, Block 113; thence S89°54'07"E, 30.73 feet along the North line of Lot 3; thence N00°05'53"E, 10.00 feet; thence S89°54'07"E, 65.07 feet; thence S02°51'46"E, 13.52 feet to the point of beginning of the following described parcel; thence continuing S89°54'07"E, 46.58 feet along the South line of the North 4 feet of Lot 3, Block 113; thence S02°10'40"E, 140.03 feet; thence N89°54'29"W, 57.39 feet; thence N00°00'00"E, 74.25 feet along a line 91.0 feet East of and parallel with the East line of Grand Avenue; thence S89°54'07"E, 8.77 feet along a line 3.75 feet South of and parallel with the North line of Lot 4, Block 113; thence N02°51'46"W, 79.29 feet to the point of beginning. Contains 0.17 acres, more or less.

The aforesaid description of the property is approximate and is subject

to adjustment as the City Attorney and Developer determine after survey.

SOUTH CAPITOL RAMP

Lots 3 thru 6 inclusive Lots 9 & 10, East 49.5 feet Lot 7, Lot 8 excluding South 25.75 feet of West 115.5 feet, also Lot 11 excluding East 55 feet of Block 127, original plat City of Michigan (now Lansing), Ingham County, Michigan described as: Commencing at the Northwest corner of Lot 11, Block 127; thence N89°54'56"E, 110.04'; thence S00°04'01"E, 66.03'; thence N89°54'56"E, 219.95' along the North face of the parking structure, thence S00°04'01"E, 265.16' along the West line of Capitol Avenue; thence N89°58'26"W, 214.18' along the North line of Kalamazoo Street; thence N00°04'01"W, 90.78'; thence N89°59'20"W, 115.50'; thence N00°04'01"W, 239.25' along the East line of Townsend Street to the point of beginning. Contains approximately 1.93 acres.

NORTH CAPITOL RAMP

West 125 feet of Lots 7 thru 12 inclusive, Block 83 of the original plat, City of Michigan (now Lansing), Ingham County, Michigan described as: Commencing in the Northwest corner of Lot 12, Block 83; thence South 396.03' along the West line of the public alley; thence N89°55'53"W, 125' along the North line of Ionia Street; thence North 396.03' along the east line of Capitol Avenue to the point of beginning. Contains approximately 1.14 acres.

EXHIBIT B

Description of the Portion of the Project to be Substituted

TOWNSEND RAMP

Lots 7 through 10 inclusive, also South approximately 28 feet of Lot 11, Block 118 of the original plat, City of Michigan (now Lansing), Ingham County, Michigan, described as: Commencing at a point on the East line of Lot 11 a distance of 104.04 feet Southerly from the Northeast corner of Lot 12; thence Southerly 291.81' to the Southeast corner of Lot 7; thence Westerly 165' along the South line of Lot 7 to the Southwest Corner of Lot 7; thence Northerly 291.98' along the East line of Townsend Street to the point of beginning. Contains approximately 1.10 acres, including the parking structure on the described parcel but excluding the air rights above the horizontal plane of 950'3" elevation of the described parcel.

EXHIBIT C

Certificate of City Public Service Director

I certify that I am the duly authorized and qualified Public Service Director of the City of Lansing, State of Michigan (the "City"), and that I am familiar with the various automobile parking structures and lots (the "Project") described in the Contract of Lease dated December 20, 1994 (the "Contract") between the City and the Tax Increment Finance Authority of the City of Lansing (the "Authority").

In order to enable the City Council of the City to adopt a resolution (the "Resolution") requesting the Authority to release a portion of the Project from the Contract in exchange for other property, I further certify that I am familiar with the property comprising the portion of the Project described on Exhibit A of the Resolution (the "Released Property") and the property described on Exhibit B of the Resolution (the "Substituted Property"), and that as of the date of substitution of the property, the value of the Project, after the consummation of such substitution of property, will be greater than the value of the Project prior to the substitution, and that the Substituted Property may be conveyed to the Authority when the Limited Tax Full Faith and Credit General Obligation Bonds issued for the construction of the parking structure on the Exhibit B property are fully paid or defeased.

Dated: _____

Chad Gamble
Public Service Director

AMENDMENT NO. 2 TO CONTRACT OF LEASE

THIS AMENDMENT NO. 2 TO THE CONTRACT OF LEASE (Amendment No. 2) IS MADE AND EXECUTED as of _____, 2008, by and between the **CITY OF LANSING** (City), a Michigan municipal corporation, and the **TAX INCREMENT FINANCE AUTHORITY OF THE CITY OF LANSING** (Authority), a public body corporate, organized and existing under and in pursuance of the provisions of Act 450, Public Acts of Michigan 1980, as amended (TIFA Act).

RECITALS

WHEREAS, the City has previously created the Authority under and in pursuance of the TIFA Act; and

WHEREAS, pursuant to the TIFA Act, the Authority has prepared its amended Development Plan and Tax Increment Financing Plan for the Phase III – Lansing Convention/ Exhibition Center and Associated Facilities and Parking System Project (such Plan, as it has or may be amended or supplemented in the future, is referred to herein as the "Plan"); and

WHEREAS, in order to implement the Plan, the City leases various automobile parking structures and lots (the Project) to the Authority pursuant to a Contract of Lease dated December 20, 1994 (the Contract); and

WHEREAS, under Section 10 of the Contract, the Authority may release a portion of the Project from the Contract if the City substitutes other property therefor; and

WHEREAS, pursuant to Lansing City Council Resolution No. _____ of _____, 2008, the City has expressed its intent to release the portion of the Project described in Exhibit A, attached hereto (the Released Property), from the Contract and to substitute the property described in Exhibit B, attached hereto (the Substituted Property), in place of the Released Property; and

WHEREAS, the City Public Service Director certified to the City Council that as of the date of substitution of the property, the value of the Project, after the consummation of such substitution of property, will be greater than the value of the Project prior to the substitution;

NOW, THEREFORE, IT IS AGREED by and between the City and the Authority as follows:

1. The Contract is hereby amended to release the Released Property described in Exhibit A from the terms and restrictions of the Contract and to substitute therefor the Substituted Property legally described in Exhibit B, subject to easement, restrictions, and agreements of record, and to make the Substituted Property subject to the terms and restrictions of the Contract.
2. The Authority acknowledges that the release from the Contract of the Released Property for the Substituted Property will not abate or diminish the Cash Rentals (as defined in the Contract) or other obligations payable under the Contract.
3. The City and the Authority agree that the Substituted Property may be conveyed to the Authority when the Limited Tax Full Faith and Credit General Obligation Bonds issued for the construction of the parking structure on the Exhibit B property

are fully paid or defeased.

4. The City and the Authority agree that all conditions precedent to the release of the Released Property and substitution of the Substituted Property under the Contract have been met.
5. The Contract is amended and superseded by this Amendment No. 2 and shall be in conformity with it and all provisions, terms, and conditions in the Contract that are not inconsistent with this Amendment No. 2 shall remain binding and in full force and effect.

The parties hereto have caused this Amendment No. 2 to be executed as of the date and year first above written.

CITY OF LANSING

By: _____
Virg Bernero
Its: Mayor

By: _____
Chris Swope
Its: City Clerk

TAX INCREMENT FINANCE AUTHORITY OF THE CITY OF LANSING

By: _____
Its: Chairperson

By: _____
Its: Secretary

I hereby certify that funds are available in Acct. No. _____

City Controller

THIS ITEM WAS RETURNED TO THE COMMITTEE OF THE WHOLE

Action related to PRD-1-2007; 7.116 Acres on the north end of Westwood Ave.

REPORTS FROM COUNCIL COMMITTEES

RESOLUTION#340
REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING was held on June 17, 2008 and reviewed the Ordinance amendment to Chapter 1246, Section 1246.02 of the Code of Ordinances to allow for rezoning a parcel of real property located at 1106 N. Cedar from "D-1" Professional Office and "J" Parking Districts to "E-2" Local Shopping District.

The Committee recommends approval of the Ordinance amendment to Chapter 1246, Section 1246.02 of the Code of Ordinances to allow for rezoning a parcel of real property 1106 N. Cedar from "D-1" Professional Office and "J" Parking Districts to "E-2" Local Shopping District.

Signed: Carol Wood, Chairperson
Sandy Allen, Vice Chairperson
Brian Jeffries, Member

By Councilmember Wood

To receive this Committee Report

Motion Carried

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCES

The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-6-2008, 1022 and 1112 E. Grand River Ave.,
from "F" Commercial District to "C" Residential
District

was introduced by Councilmember Wood, read by its title and referred to the Committee on Development and Planning.

RESOLUTION#341

BY THE COMMITTEE ON DEVELOPMENT & PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, July 14, 2008, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-6-2008, 1022 and 1112 E. Grand River Ave.,
from "F" Commercial District to "C" Residential
District

By Councilmember Wood

Motion Carried

ORDINANCES FOR PASSAGE

BY COUNCILMEMBER WOOD

That we move to the passage of Ordinances

BY COUNCILMEMBER WOOD

That the Ordinance when read be considered as read in its entirety.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

BY COUNCILMEMBER WOOD

Resolved by the City Council of the City of Lansing that an Ordinance of the City of Lansing, Michigan, Providing for the Rezoning of a parcel of real property located in the City of Lansing, Michigan and for the revision of the district maps adopted by section 1246.02 of the Code of Ordinances for property located at Z-3-2008; 1106 N. Cedar St., be placed on order of immediate passage.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

BY COUNCILMEMBER WOOD

Resolved by the City Council of the City of Lansing that an Ordinance of the City of Lansing, Michigan, Providing for the Rezoning of a parcel of real property located in the City of Lansing, Michigan and for the revision of the district maps adopted by section 1246.02 of the Code of Ordinances for property located at Z-3-2008; 1106 N. Cedar St., be now

passed.

YEAS: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson and Wood

NAY: None

ABSENT: None

By Councilmember Wood

THAT THIS ORDINANCE, BEING NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC, PEACE, HEALTH OR SAFETY SHALL TAKE EFFECT UPON ITS PASSAGE

Motion Carried

ORDINANCE #2543

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification of the property described as follows:

Case Number: Z-3-2008
Address: 1106 N. Cedar Street
Parcel Number: PPN: 33-01-01-09-427-011
Legal Descriptions: Lots 7, 8, 9, 10 & 11 & the West 1 Rod of Lot 12, Block 15, Original Plat, City of Lansing, Ingham Co., MI from "D-1" Professional Office & "J" Parking districts to "E-2" Local Shopping District.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance shall take effect thirty (30) days from its passage unless given immediate effect by the City Council.

**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. Letter from the City Clerk submitting:
 - i. Application for a Public Display of Fireworks filed by Lansing Parks & Recreation and Charles Holm of Wolverine Fireworks Display to be held on July 4, 2008 with a rain date of July 6, 2008

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- ii. 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. Transfers of Funds:
 - Police Administration, Problem-Solving Overtime
 - Police Administration, Supplemental Problem-Solving Overtime
 - State/Federal Programs, P.A. 32 Training
 - Police Administration, Donations-Contributions
 - Police CARE Program, Donations-Contributions
 - Parks Millage Capital Projects, St. Joe Park Restroom Renovation
 - State/Federal Programs, Department of Housing and Urban Development (HUD) St. Vincent Catholic Charities one-year renewal grant
 - State/Federal Programs, Department of Housing and Urban Development (HUD) St. Vincent Catholic Charities one-year renewal grant
 - State/Local Programs, Operating Transfers

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND INTERNAL AUDIT

- ii. Budget Amendment Resolution – Fiscal Year 2008 Year-End

REFERRED TO THE COMMITTEE OF THE WHOLE AND REFERRED TO THE INTERNAL AUDITOR

- iii. Grant Application; Michigan Department of Environmental Quality Brownfield Cleanup Grant, Proposed Marketplace Development

REFERRED TO THE COMMITTEE OF THE WHOLE AND REFERRED TO THE INTERNAL AUDITOR

- iv. Establishment of Principal Shopping District Special Assessment Zones

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND INTERNAL AUDIT

- v. Application for Obsolete Property Rehabilitation Act (OPRA) District filed by 3323 LLC for property located at 3323 N. East St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- Communications and Petitions, and Other City Related Matters:
 - a. Letter from State of Michigan Department of Environmental Quality providing following-up to its March 17, 2008 Notice of

Violation to Jones Property Development LLC for property located at T4N, R1W, Section 32, College Fields Golf Course

REFERRED TO THE PLANNING AND DEVELOPMENT DEPARTMENT AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- b. Letter from Ingham Intermediate School District submitting their 2008 Tax Levy and Millage Reduction Fraction Computation and their Estimated 2008 Summer Tax Levy Summary

REFERRED TO THE TREASURY DEPARTMENT AND REFERRED TO THE CITY ASSESSOR

- c. Letter from Traci Gorman, Shady Oaks Neighborhood Association Co-Chairperson, requesting a shutdown and investigation regarding PRD-1-2007; 7.116 Acres on the north end of Westwood Ave., and submitting documents related thereto

REFERRED TO THE COMMITTEE OF THE WHOLE AND REFERRED TO THE CITY ATTORNEY

REMARKS BY COUNCILMEMBERS

Councilmember Hewitt thanked the attendees of the Festival of the Sun and Moon.

Councilmember Robinson addressed comments made by a speaker tonight regarding trash receptacle stickers.

Councilmember Dunbar addressed comments made by a speaker tonight regarding storm damage. She thanked city worker Irena Cahill for all of her hard work accessing storm damage to city trees.

Council President Jeffries stated that issues related to PRD-1-2007 and the Northrup St. project would be on this Thursday's Committee of the Whole Agenda.

Councilmember Robinson stated that the Intergovernmental Relations meeting on Wednesday will begin at 1 p.m. and the city's cell phone tower plan will be addressed.

ADJOURNED TIME 9:41 P.M.

CHRIS SWOPE, CITY CLERK