



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF JULY 7, 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, Kaltenbach, Quinney, Robinson, Wood

ABSENT: Councilmember Dunbar (Arrived at 7:24)

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 30, 2008

Motion carried

**COUNCILMEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Councilmember Hewitt spoke about the Allen Street Market, thanked attendees of the Clifford Park Picnic and announced the Holmes Street Neighborhood Association meeting. He asked Jerry Ambrose, Executive Assistant to Mayor Bernero, to make sure the baseball diamond where Potter-Walsh Neighborhood is having its picnic is cleaned up before the event. He also announced the Potter-Walsh Neighborhood Picnic.

Councilmember Wood announced the Genesee Neighborhood Association meeting and the Alabaster Box concert at Penway Church of God.

Councilmember Robinson announced that the next 2nd Saturday meeting has been canceled. She also announced the Lansing-Eaton Neighborhood Association Picnic.

City Clerk Swope stated that over 4,000 absentee voter ballots have been mailed out. Absentee ballots can be obtained at the Clerk's Office, requested through the mail, or picked up at his new off-site location, the South Washington Armory at 2500 S. Washington Ave.

**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

Jerry Ambrose, Executive Assistant to Mayor Bernero, stated that last week the Accident Fund Insurance Company unveiled their very exciting plans for the historic redevelopment of the Ottawa Street Power Station on the banks of the Grand River in downtown Lansing. He reminded the

City Council that the Development Agreement for the Market Place project and the \$1 million environmental cleanup grant from the State Department of Environmental Quality needs to be considered in a timely fashion. He stated that this past weekend the City hosted a wonderful Independence Day celebration that included a parade on Friday morning and a spectacular fireworks show that night. He announced that tonight is the kickoff of the Ninth Annual Common Ground Music Festival. Finally, he was pleased to report that our Employee of the Month for June is Yvette Morgan. Yvette has been a City employee since August 2001 and works as a Principal Clerk in the Parks and Recreation Department.

**PUBLIC COMMENT
ON LEGISLATIVE MATTERS**

• Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of Public Improvement III; New sidewalk project along the north side of Edgewood Blvd. from 200 E. Edgewood Blvd. to S. Martin Luther King Jr. Blvd. Also, along the east side of S. Martin Luther King Jr. Blvd from Edgewood Blvd. to Miller Rd., also along the south side of Miller Rd. from S. Pennsylvania Ave. to Beechfield Dr., and also the west side of N. Larch St. in front of Otto Middle School, excepting all public streets and alleys and other land deemed not benefited

William Hubbell of 3916 Wedgewood Dr. spoke about public improvement projects.

Willie Williams of P.O. Box 11042 spoke about speakers sticking to legislative matters during this segment of public comment.

Steve Hein of 825 Hein Ave. stated concerns with public improvements.

Thomas Ryan of 4336 Chadburne Dr. spoke about public improvement projects.

Charlene Decker of 2711 Pleasant Grove Rd. stated concerns with public improvements.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of Public Improvement III; New sidewalk project along the north side of Edgewood Blvd. from 200 E. Edgewood Blvd. to S. Martin Luther King Jr. Blvd. Also, along the east side of S. Martin Luther King Jr. Blvd from Edgewood Blvd. to Miller Rd., also along the south side of Miller Rd. from S. Pennsylvania Ave. to Beechfield Dr., and also the west side of N. Larch St. in front of Otto Middle School, excepting all public streets and alleys and other land deemed not benefited

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

Councilmember Dunbar arrived at the meeting at 7:24 p.m.

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

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

Don Dean of 1321 E. North St. spoke about various city matters.

DelRae Finnerty of 214 Lathrop St. spoke about democracy.

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

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

Ted Boettcher of 320 W. Northrup St. spoke about the public improvement project for Northrup St.

John Brady of 614 W. Northrup St. spoke about the public improvement project for Northrup St.

Willie Williams of P.O. Box 11042 spoke about various city matters.

Carl Calille of 306 Harriet Ave. spoke about city parking ramps.

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

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

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #363

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 **226 S. ML King** Parcel # **3301.01.17.403.271** and Legal Description: **S 47.75 Ft Lot 1 Exc W 41.5 Ft of S 14.83 Ft Taylors Add** 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 **October 8, 2007**, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on **May 22, 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, July 21, 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 **226 S. ML King**; 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 #364

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 **1344 Christopher** Parcel # **3301.01.09.156.001** and Legal Description: **N ½ Lot 4 Block 2 Glendale Place** 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 **February 12, 2007**, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on **May 22, 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, July 21, 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 **1344 Christopher**; 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 #365

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 **3604 Karen** Parcel #

3301.01.31.352.061 and Legal Description: **Lot 710 Churchill Downs No 3 Sub** 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 **August 7, 2007**, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on **May 22, 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, July 21, 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 3604 Karen; 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 #366

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

WHEREAS, the Lansing Code Compliance Officer has declared certain structures at **0 Starr Avenue (aka 4719 Starr Avenue)** Parcel # **3301.01.32.352.021** and Legal Description: **Lot 85 Pleasant Grove Sub** to be unsafe and dangerous buildings or structures 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 **July 10, 2006**, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, the property owner demolished the primary structures, and neglected to demolish the garage, shed, wood deck, and fence resulting in a zoning violation for using the property for storage; and

WHEREAS, on **May 22, 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, July 21, 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 **0 Starr Avenue (aka 4719 Starr Avenue)**; 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 #367

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 **1222 Lathrop** Parcel # **3301.01.22.258.191** and Legal Description: **Lot 28 Parkview Land Co Add** 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 **August 27, 2007**, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on **May 22, 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, July 28, 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 **1222 Lathrop**; 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 #368

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 **221 E. Randolph Parcel # 3301.01.04.403.101** and Legal Description: **Lot 9 North Gardens Sub** 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 **March 26, 2008**, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on **May 22, 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, July 28, 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 **221 E. Randolph**; 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 #369

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 **1308 N. Walnut Parcel # 3301.01.09.180.111** and Legal Description: **S 44 Ft of N 66 Ft Lots 1 & 2; Smith's Sub of Lot 3 & Part of Lot 4 Block 25** 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 **November 15, 2005**, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on **May 22, 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, July 28, 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 1308 N. Walnut; 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 #370

BY COUNCILMEMBER SANDY ALLEN

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, in 1958, a small group of Lansing theater lovers dedicated to an all volunteer theatrical organization organized the Community Circle Players in a 140 seat theater on Sheridan Street; and

WHEREAS, the Community Circle Players established their bylaws in 1962 and received their tax-exempt status only two years later; and

WHEREAS, in 1964, they relocated to the Okemos Barn Theater, after being converted from an old cow barn, by the faith and hard work of Bee and Karly Vary, Ron Grow, Evelyn Machtel, Wes and Winifred Olds, Wayman Underwood, Adrian Robinson, Bill Montgomery, and others along with the support of the community, into a revitalized theater, now recognized as a respected community theater; and

WHEREAS, when Delta Dental chose to develop the surrounding land, in 1986, they offered \$25,000 in matching funds to assist in the Community Circle Players relocation to a river side warehouse; and

WHEREAS, the Community Circle Players welcomed another challenge and renovated an old warehouse in the downtown area by the river into a beautiful, viable, and thriving theater, opening for its first show on October 19, 1989; and

WHEREAS, as it is known today, the Riverwalk Theater continues to produce some of the most outstanding productions in live theater providing a forum for local actors and entertainment for Lansing residents, visitors, and conventioners, as well as providing a performance space for special meetings, classes, and convention planners for special events; and

WHEREAS, in August 1999, the "Players", through generous donations by members, local and state grants, and foundation grants, raised \$252,000 to purchase a 15,750 square foot warehouse from the Impression Five Science Center; and

WHEREAS, the Capital Development Campaign charged forward in the pursuit of raising \$355,000 for expansion plans, which was realized in January 2001 when plans were developed. Phase I included a new scene shop, prop loft, green room, and rehearsal hall, and Phase II included a storage area, expansion of the lobby, kitchen area, and bathroom facilities, and a "black box" experimental performing space; and

WHEREAS, the Riverwalk Theater is not just a part of Lansing's history but a fifty year old tradition dedicated to arts and expression by and for Lansing residents; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to congratulate the Riverwalk Theater on their 50th Anniversary. We wish you continued success!

By Councilmember Allen

Motion Carried

RESOLUTION #371

BY COUNCILMEMBER DERRICK QUINNEY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, life experiences began for Richard O. "Dick" Mask on July 7, 1928, in Lansing, Michigan, with his journey ending on July 12, 2005; and

WHEREAS, Dick was born the eldest son to the late Claudius O. and Leona Harden Mask, with brothers; Claudius, Jr., Philip, George, Robert, Ronnie, Donnie, Alvin, and Leon, and sisters; Peggy, Rosemary, Joyce, and Sara; and

WHEREAS, he grew up in a Lansing neighborhood and attended Lansing schools along with his sisters and brothers; and

WHEREAS, his background was diverse, working at the Idlewild Resort, The Grand Hotel on Mackinaw Island, The Paradise Club, Hugh Hefner's Playboy Mansion, Gregory's, Inc., General Motors, Motor Wheel, and retired from the Michigan House of Representatives as a Sergeant at Arms for the Blanchard Administration; and

WHEREAS, Dick loved jazz and golf and was a member of the Capitol City Golfers, Par Makers Golf Club, Capitol Lodge #8, F&AM, and Friendship Baptist Church; and

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, pays tribute to Richard O. "Dick" Mask for his worldwide accomplishments and contributions to his country and to his hometown, Lansing.

By Councilmember Quinney

Motion Carried

RESOLUTION #372

BY THE COMMITTEES ON AND DEVELOPMENT AND PLANNING
AND

GENERAL SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Act-08-08, 320 E. Michigan, Outdoor Seating in Right-of-Way

WHEREAS, Charlotte S. Sinadinos, 1003 Darlington Ave., East Lansing MI, requests permission to provide outdoor seating in the East Michigan Avenue right of way in front of restaurant/pub at 320 East Michigan Avenue 1145 S. Washington Avenue known as The Knight Cap; and

WHEREAS, the proposed outdoor seating area will be enclosed by a portable barrier in accordance with regulations of the Michigan Liquor Control Commission; and

WHEREAS, the enclosed seasonal seating area will be located along the front of the building, will be no greater than seven feet in width, and will contain tables, chairs and the portable barrier which will be taken in each evening at; and

WHEREAS, on June 17, 2008 the Planning Board reviewed the request through its Act 285 procedures, and found based on testimony and evidence that:

1. The proposed seating area provides for a five foot wide unobstructed area for pedestrian movement,
2. The character of the area is commercial and will not change as a result of the installation of the outdoor seating,
3. The outdoor seating is not permanent and will be removed at night and during the off-season,
4. The proposed seating area is subject to the noise ordinance and parking regulations of the Zoning Code; and

WHEREAS, on June 17, 2008, the Planning Board unanimously (5-0) recommended approval of Act-08-08, to allow seasonal outdoor seating within the ROW at 320 East Michigan Avenue by annual permit, in accordance with Section V.B.2 & 3 of the Downtown Mall and Environs procedures, with conditions; and

WHEREAS, one person spoke in favor of the proposal at the June 17, 2008 Planning Board meeting and no one spoke in opposition; and

WHEREAS, the Committee on Development and Planning reviewed the report and recommendation of the Planning Board, and concurs therewith;

NOW, THEREFORE BE IT RESOLVED, the Lansing City Council hereby approves Act-08-08, the request Charlotte S. Sinadinos, 1003 Darlington Ave., East Lansing MI, to allow seasonal outdoor seating within the ROW directly in front of 320 East Michigan Avenue by annual permit, in accordance with Section V.B.2 & 3 of the Downtown Mall and Environs procedures, provided:

1. The barrier surrounding the sidewalk café is located in the area adjacent to the building that extends west of the entryway and no greater than seven feet in width, and
2. The barrier is not permanently affixed to the sidewalk,
3. The outdoor seating is not permanent and will be removed at night and during the off-season.

BE IT FINALLY RESOLVED, that the administration, on behalf of the City, is authorized to sign and execute all documents necessary to effectuate the aforementioned annual permit subject to their prior approval as to form by the City Attorney.

By Councilmember Wood

Motion Carried

RESOLUTION #373

BY THE COMMITTEES ON GENERAL SERVICES AND DEVELOPMENT AND PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, The Knight Cap, Inc. has requested a new outdoor service (1 area) to be held in conjunction with 2008 Class C licensed business located at 320 E. Michigan, Lansing, Michigan; and

WHEREAS, the Committees on General Services and Development and Planning approved the request at a joint meeting held on Monday, July 7, 2008;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves the request by the Knight Cap, Inc. for a new outdoor service (1 area) to be held in conjunction with 2008 Class C licensed business located at 320 E. Michigan, Lansing Michigan.

BE IT FURTHER RESOLVED, the City Clerk is requested to notify Charlotte S. Sinadinis, The Knight Cap, Inc., 320 E. Michigan Avenue, Lansing, Michigan 48933.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #374

BY THE COMMITTEES ON GENERAL SERVICES AND DEVELOPMENT AND PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing-Eaton Neighborhood Association has requested \$385.00 to defray costs associated with their Neighborhood Picnic to be held on ~~July 12~~ July 13, 2008; and

WHEREAS, the Committees on General Services and Development and Planning held a joint meeting on July 7, 2008, and reviewed the request; and

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

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves a \$385.00 allocation from the Community Promotion Account to the Lansing-Eaton Neighborhood Association to defray costs associated with their Neighborhood Picnic to be held on ~~Saturday, July 12~~ **Sunday, July 13**, 2008;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$385.00 to the City Council Community Promotion Account – 1012101.741289.0;

BE IT FINALLY RESOLVED that the Lansing-Eaton Neighborhood 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 Kaltenbach

To place an affirmative roll on the Resolution

By Councilmember Robinson

To amend the first WHEREAS clause by striking “July 12” and inserting “July 13” and to amend the NOW, THEREFORE, BE IT RESOLVED clause by striking “Saturday, July 12” and inserting “Sunday, July 13”

Motion Carried

The question being the motion to place an affirmative roll on the Resolution

Motion Carried

RESOLUTION #375

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 **835 May Parcel # 3301.01.10.351.061 and Legal Description: Lot 4 Assessors Plat No 23 & E ½ Lot 12 Block 1 Prines Sub Rec L 51 P 440** 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 **March 14, 2006**; and

WHEREAS, a hearing was held by the Hearing Officers on **August 23, 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 **September 27, 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 **November 26, 2007**, 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 **835 May** 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, July 7, 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. Submitting Applications for Peddler and Transient Merchants Licenses filed by Aaron Quinlan, Justin Cordoua, Aron Larson, Albert Newman, Jake Ellis, Kyle Fransen, Eric Hooiman, Robert Vogelsberg Jr, Nathan Zundel, Chris Reilly, Darryl Carpenter, Richard Cervantes, Taylor Porter, Jacob Sheridan, Eric Caldera, Jeremy Cowart, Will Brunner, and Brian Vogelsberg on behalf of Apex Alarm System to solicit door-to-door sales of Alarm Systems

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- ii. Submitting a request filed by The Knight Cap, Inc. for new Outdoor Service (1 area) to be held in conjunction with 2008 Class C licensed business located at 320 E. Michigan Ave.

RECEIVED AND PLACED ON FILE

- iii. Providing notice to Robert Borton of 4075 E. Holt Rd, Holt, of the Denial of a request for a Peddler and Transient Merchants License to sell frozen food in the City of Lansing by the Lansing City Council

RECEIVED AND PLACED ON FILE

- iv. 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. ACT-11-2008; 624 Truck Court, Sewer Easement

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- ii. Planning Board recommendations regarding Neighborhood Enterprise Zone (NEZ) #23 – Ottawa Butler Area

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. Public Improvement IV; New sidewalk project along the north side of Edgewood Blvd. from 200 E. Edgewood Blvd. to S. Martin Luther King Jr. Blvd. Also, along the east side of S. Martin Luther King Jr. Blvd from Edgewood Blvd. to Miller Rd., also along the south side of Miller Rd. from S. Pennsylvania Ave. to Beechfield Dr., and also the west side of N. Larch St. in front of Otto Middle School, excepting all public streets and alleys and other land deemed not benefited

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

- Communications and Petitions, and Other City Related Matters:
 - a. Letter from the State of Michigan Liquor Control Commission providing 15-day notice of an application from A&C Brothers, Inc. requesting to Transfer Ownership of Escrowed 2008 SDD and SDM Licensed Business from Cedar Food & Gas, Inc.; and Transfer Location from 4600 S. Cedar St. to 4114 S. Cedar St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- b. Ingham County Resolution #08-179, Amendments to Ingham County Public Safety Radio System Cost Participation Policy, which was adopted on June 24, 2008

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- c. Letter from Ingham Intermediate School District submitting Okemos Public Schools' 2008 Tax Levy and Millage Reduction Fraction Computation, 2008 Summary of Summer Debt Levy and 2008 Summary of Summer Sinking Fund Levy

REFERRED TO THE CITY ASSESSOR and REFERRED TO THE TREASURY DEPARTMENT

- d. Letter from Comcast Cable submitting a copy of Comcast Michigan Region's 2007 Community Investment Report

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS AND REFERRED TO THE CABLE ADVISORY BOARD AND REFERRED TO THE CITY ATTORNEY

- e. Request for recognition of non-profit status in the City of Lansing filed by Mattie Brown of Michigan Scholarship Trust Fund located at 1200 E. Grand River Ave.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- f. Letter from Jerry Heathcote, P.O.B ox 4341, East Lansing appealing the decision of the Claims Review Committee for property located in the Glenburne subdivision

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- g. Application for Community Funding filed by Lansing-Eaton Neighborhood Association for their Neighborhood Picnic to be held July 12, 2008

RECEIVED AND PLACED ON FILE

REMARKS BY COUNCILMEMBERS

Councilmember Hewitt stated that the Potter-Walsh picnic would be held from 12-4 p.m. He asked Jerry Ambrose to check into building materials being left outside – and disappearing from Foster Park. He also asked Jerry Ambrose to address comments made by a speaker tonight regarding Vermont. Ave.

Councilmember Kaltenbach addressed speakers concerns regarding signing up to speak at City Council meetings, as well as council members' engagement of speakers while at the podium.

Councilmember Dunbar spoke about issues related to monies available to fix the bathrooms at St. Joseph Park. She announced the next Benjamin Davis Park planning meeting.

Councilmember Wood asked Jerry Ambrose about grass cutting in medians on State highways in the city and about the funding-reimbursement thereof.

Jerry Ambrose spoke about ongoing negotiations with the State regarding grass cutting in city medians.

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

Jerry Ambrose, Executive Assistant to Mayor Bernero, addressed issues related to Vermont Ave. and Northrup St.

ADJOURNED TIME 8:26 P.M.

CHRIS SWOPE, CITY CLERK