



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF JULY 14, 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, Dunbar, Jeffries, Kaltenbach, Quinney, Robinson, Wood

ABSENT: Councilmember Hewitt

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 July 7, 2008

Motion carried

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

Councilmember Quinney congratulated all of the volunteers who help during Common Ground on jobs well done. He also thanked the attendees for their support.

Councilmember Kaltenbach thanked Teen Challenge and the Friends of Comstock Park for cleaning Comstock Park after the Independence Day celebrations.

Councilmember Wood announced MSU Extension's Eat Healthy...Live Longer event at the Black Child & Family Institute, Grace Lutheran's Vacation Bible School, the 8th Annual "Cruisin' the Gut" Car Show, and Women's Equality Day 2008.

Councilmember Allen asked Mayor Bernero about weeds on Michigan Ave. and to pressure the State to mow their property on Martin Luther King, Jr. Blvd. and on S. Cedar St.

Councilmember Robinson announced Camp Lansing, Sam and Dorothy Duncan's 16th Pastoral Anniversary and Churchill Downs and Colonial Village neighborhood meetings.

Councilmember Dunbar announced Greencroft Park's Art in the Park event and the Blessing of God's Animals event at Grace United Methodist Church.

Council President Jeffries thanked the volunteers who help during Common Ground and addressed concerns regarding the noise level of the event.

City Clerk Swope spoke about the Post Office's issues related to the delivery of absentee ballots. He informed citizens that this is a partisan primary and a vote for only one political party's candidates can be cast. He stated that the ballot has races/issues on both sides and reminded citizens to consider votes on each side. He spoke about various ways to obtain an absentee ballot.

**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 last week's groundbreaking at the old Cedar Street School in Old Town. The former school house has been vacant for two decades, but soon it will be transformed into the Old Town Medical Center. He spoke about several economic incentives for development in the City of Lansing. He gave extensive information regarding several items on tonight's agenda, including a request to set a public hearing for an Industrial Facilities Exemption Certificate for BRD Printing, a PA 328 personal property tax incentive for AquaBioChip, an application from XYZ Machine seeking an economic incentive that will help them invest more than \$1 million dollars and create 10 new jobs here in the City, a request to accept a \$1 million grant from the U.S. Department of Homeland Security for the Buffer Zone Protection Plan, and a grant for Frances Park. He announced our next Concert in the Park on the grounds of the historic Turner Dodge Mansion, the next Blues on the Square event and the next Mobil Food Pantry event. He stated that next week the eyes of the world will be focused on Michigan's Capital City as we host the 17th annual U.S.-Africa Sister Cities Conference. He also announced that tomorrow night at 6:30 p.m. is the next edition of my City Hall on the Road outreach program. The event will be held at the Frances Park pavilion. He spoke about 9th Annual Common Ground Music Festival being a phenomenal success, drawing more than 80,000 people from across Michigan for seven nights of superb entertainment. Finally, he spoke about the exciting new plans for the revitalization of the historic Lansing City Market and the development agreement for the \$25 to \$30 million Market Place project planned for the current market site.

**PUBLIC COMMENT
ON LEGISLATIVE MATTERS**

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of Z-6-2008; 1022 and 1112 E. Grand River Ave., a request filed by Steven & Karylinda Leathem and Eleanor Miller to rezone the properties at 1022 and 1112 E. Grand River Ave. from "F" Commercial District to "C" Residential District to bring the single family residential use of the properties into compliance with the Zoning Ordinance

Councilmember Wood gave a brief overview of the Public Hearing.

Joel Wiese of 311 Strathmore Rd. spoke in opposition to Grant Application; Michigan Department of Environmental Quality Waterfront Redevelopment Clean Michigan Initiative.

Dianne Thompson of 1611 Osborn Rd. spoke in opposition to Grant Application; Michigan Department of Environmental Quality

Waterfront Redevelopment Clean Michigan Initiative.

Linda Appling of 4010 Thackin Dr. spoke in support of Grant Application; Hunters Ridge Land Acquisition.

Sandra Finley of 3936 Hunters Ridge Dr. spoke in support of Grant Application; Hunters Ridge Land Acquisition.

John Pollard of 1718 Blair St. spoke in support of Z-6-2008 and in opposition to tax abatements.

Thomas Ryan of 4336 Chadburne Dr. spoke in opposition to tax abatements.

Kris Zawisa of 322 Westmoreland Ave. stated concerns regarding the proposed new city market.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke in opposition to tax abatements.

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

REFERRAL OF PUBLIC HEARINGS

1. In consideration of Z-6-2008; 1022 and 1112 E. Grand River Ave., a request filed by Steven & Karylinda Leathem and Eleanor Miller to rezone the properties at 1022 and 1112 E. Grand River Ave. from "F" Commercial District to "C" Residential District to bring the single family residential use of the properties into compliance with the Zoning Ordinance

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

PUBLIC COMMENT

ON CITY GOVERNMENT RELATED MATTERS:

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

John Boise of 4921 Tenny St. spoke about various city matters.

Mary Prince of 2116 Ferrol St. spoke about needs in the Baker/Donora neighborhood.

Dianne Thompson of 1611 Osborne Rd. spoke about the city market.

William Hubbell of 3916 Wedgewood Dr. spoke about the time to sign up to speak at City Council meetings.

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

Don Dean of 1321 E. North St. spoke about the time to sign up to speak at City Council meetings.

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

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

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

Kris Zawisa of 322 Westmoreland Ave. stated concerns regarding the proposed new city market.

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

Deborah Mulcahey of 1200 S. Genesee Dr. spoke about street parking

on Genesee Dr. circle.

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

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

Council President Jeffries explained the reason for tonight's revised agenda being mailed out after the original mailing.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #376

BY COUNCILMEMBERS JEFFRIES, WOOD, ROBINSON,
HEWITT, ALLEN,
QUINNEY, DUNBAR, AND KALTENBACH
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on March 28, 2005, the City Council adopted the City of Lansing Five Year Parks and Recreation Plan including the Capital Improvement Plan for 2005 – 2010; and

WHEREAS, in order to be eligible to receive grant funds from the State of Michigan Department of Natural Resources, the Michigan Department of Transportation, and the U. S. Department of the Interior, and in order to receive Park Millage Funds, projects must be contained in the Five Year Parks and Recreation Plan; and

WHEREAS, the Mayor of the City of Lansing, whose term of office started after the adoption of the current Five Year Parks and Recreation Plan, proposes to amend the Five Year Parks and Recreation Plan to incorporate new riverfront initiatives at Frances Park; and

WHEREAS, the changes contained in this resolution need to be made to the Capital Improvements Schedule of the Five Year Parks and Recreation Plan so as to be eligible for available grants; and

WHEREAS, the Lansing Park Board reviewed these initiatives at their January 2008 meeting and approved their inclusion in the Five Year Parks and Recreation Plan Capital Improvements Schedule; and

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council approves amending the Five Year Parks and Recreation Plan "Capital Improvements Schedule" to include the above projects and adopts the following Plan amendment;

Add text to page 5.8 to include:

Frances Park: Frances Park Waterfront Improvements Grant: Grant Source – Michigan Natural Resources Trust Fund - \$461,779. Park Millage: \$197,905. Total: \$659,684
-develop boat docks/fishing platform
-construct accessible walkways and paths:

BE IT FINALLY RESOLVED the Lansing City Council approves and authorizes the Administration to submit a grant proposal to the Michigan Department of Natural Resources Trust Fund for the Frances Park Boating Access Program as listed above.

By Councilmember Wood

Motion Carried by the following roll call vote

Yeas: Councilmembers Allen, Dunbar, Jeffries, Kaltenbach, Quinney, Robinson and Wood

Nays: None

Absent: Councilmember Hewitt

RESOLUTION #377

BY COUNCIL MEMBER DUNBAR

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing's Waterfront Study encourages city departments to actively seek out and obtain waterfront property within the City limits; and

WHEREAS, the City of Lansing's Department of Parks and Recreation, "5 Year Parks and Recreation Plan 2005 – 2010" states as a goal "To routinely assess park lands for acquisition/expansion, disposal and/or leasing"; and

WHEREAS, the City of Lansing's Department of Parks and Recreation, "5 Year Parks and Recreation Plan 2005 – 2010" states as a goal "The department will continue the development of other significant projects along the river that will provide residents access to and use of the water resources and adjacent park lands"; and

WHEREAS, the Michigan Natural Resources Trust Fund (NRTF) provides matching grants to local units of governments for the acquisition of lands suitable for park development; and

WHEREAS, the City of Lansing's Department of Parks and Recreation has identified a wooded parcel covering approximately 28.5 acres with 500 feet of Grand River shoreline, which the owner intends to make available to the City for purchase; and

WHEREAS, the owner has stated that if the grant is awarded, the owner will donate to the City of Lansing 25% of the state appraised value of their property (in-kind) and 25% of the City's "incidental costs" in order to fulfill the NRTF local match requirement, and

WHEREAS, this plan has been presented, reviewed and recommended to the Mayor by the Lansing Park Board; and

WHEREAS, the NRTF requires a resolution from the governing body of the applicant supporting the application and committing the amount and source of the required match specified in the application;

NOW, THEREFORE, BE IT RESOLVED that a Public Hearing be held on Monday, July 21, 2008 at 7:00 p.m., in the City Council Chambers, 10th Floor, City Hall, Lansing, Michigan in consideration of a grant application to Michigan Natural Resources Trust Fund for the acquisition of lands suitable for park development.

By Councilmember Dunbar

Motion Carried

RESOLUTION #378

BY THE DEVELOPMENT AND PLANNING COMMITTEE
 RESOLUTION TO SET A PUBLIC HEARING REGARDING THE
 ESTABLISHMENT OF AN OBSOLETE PROPERTY
 REHABILITATION DISTRICT
3323 N. East Street

WHEREAS, the owner of property located 3323 N. East Street in the City of Lansing, Michigan (the Property) has requested in writing that the City of Lansing establish an Obsolete Property Rehabilitation District (the District) as enabled by Public Act 146 of 2000, the Obsolete Property Rehabilitation Act (the Act), and

WHEREAS, the intending owner of the Property, 3323 LLC, is intending to be legal owner of greater than fifty percent (50%) of all taxable value of the property located within the proposed District, and

WHEREAS, the property in question and the proposed boundary of the District is legally described as:

LOTS 52, 53, 54, 55, 56, & N 100 FT OF OUTLOT A SUPERVISORS PLAT OF SCHWORERS BLOOMFIELD FARMS and,

WHEREAS, the Act requires that before establishing a District the Lansing City Council hold a public hearing in order to provide an opportunity for owners, residents or other taxpayers of the City of Lansing to appear and be heard regarding the establishment of the District.

NOW THEREFORE BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on the 28th Day of July, 2008 at 7:00 p.m. for the purpose of receiving public comment on the establishment of an Obsolete Property Rehabilitation District under the provisions of Public Act 146 of 2000 and that the Clerk shall publish once in a publication of general circulation within the community a notice of the scheduled public hearing and that the notice appear not less than 10 or more than 30 days prior to the date of the hearing and that the Clerk also cause the owner of property within the proposed district to receive written notice of the public hearing to be delivered by certified mail.

By Councilmember Wood

Motion Carried

RESOLUTION #379

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

WHEREAS, the City of Lansing received and filed an application from BRD Printing Incorporated requesting an Industrial Facilities Exemption Certificate (IFT-01-08) for real and personal property, pursuant to Public Act 198 of 1974, as amended; and

WHEREAS, prior to acting upon this request, it is necessary to hold a public hearing on BRD Printing Incorporated's application for an Industrial Facilities Exemption Certificate (IFT-01-08), to allow for any resident or taxpayer or ad valorem taxing unit the right to appear and be heard.

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on the 28th day of July, 2008 at 7:00 p.m., on the BRD Printing Incorporated application for an Industrial Facilities Exemption Certificate (IFT-0 1-08) for real and personal property located within the boundary more particularly described as:

LOTS 17, 18, 19, E 1/2 LOT 16, ALSO LOT 20 EXC S 75.9 FT OF E 42 FT; ALSO S 16.5 FT LOT 2; BLOCK 7 BUSH, BUTLER & SPARROW'S ADD,

and that the City Clerk cause to be published in a publication of general circulation, giving notice of such hearing, and that the City Clerk also cause the legislative body of each taxing unit levying ad valorem taxes on this property, as well as the owners of real and personal property located within the stated boundary, be notified by certified mail of this application and the scheduled public hearing.

By Councilmember Wood

Motion Carried

RESOLUTION #380

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
 RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
 Personal Property Exemption – AquaBioChip LLC.

WHEREAS, pursuant to Public Act 328 of 1998 (1998 PA 328),

AquaBioChip LLC. has made Application for Exemption of New Personal Property (PPE-01-08) for LOTS 4,5,6,7,8,10,11 & 12 BLOCK 39 ORIG PLAT; Commonly known as 1012 N. Walnut Street, Lansing, MI and that is contained within the Lansing Brownfield Redevelopment Zone, established by the Lansing City Council on August 18, 1997 pursuant to Act 381 of 1996, as amended; and

WHEREAS, a public hearing was held June 9, 2008, on the AquaBioChip LLC 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, the City is an eligible distressed community under Public Act 328 by containing NEZ classifications under Neighborhood Enterprise Zone Act of 1992, and as acknowledged in the State Tax Commission bulletin on exemption of new personal property to assessing officers, dated May 10, 1999; and

WHEREAS, Lansing Brownfield Redevelopment Zone 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, AquaBioChip LLC. meets the requirements of an eligible business under Public Act 328 by being primarily engaged in Research and Development;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves the application of AquaBioChip LLC for exemption of new personal property PPE-01-08 pursuant to Public Act 328 of 1998, as amended, for that portion of the Lansing Brownfield Redevelopment Zone , legally described as:

LOTS 4,5,6,7,8,10,11 & 12 BLOCK 39 ORIG PLAT; Commonly known as 1200 N. Walnut Street., Lansing, Michigan.

BE IT FURTHER RESOLVED that the personal property exemption PPE-01-08 under Public Act 328 shall be for the period of twelve (12) years effective Dec. 31, 2008 and ending Dec 30, 2020.

BE IT FINALLY RESOLVED that the City Clerk shall cause the application for exemption of new personal property PPE-03-08 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 #381

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

Obsolete Property Rehabilitation Act: 308 E Grand River.

WHEREAS, the prospective owner of property located at 308 East Grand River in the City of Lansing, Michigan (the Property) has requested in writing that the City of Lansing establish an Obsolete Property Rehabilitation District (the District) as enabled by Public Act 146 of 2000, the Obsolete Property Rehabilitation Act (the Act), and

WHEREAS, the current owner is Lingg Brewer, hereinafter called the Developer, and

WHEREAS, the owner is presently the legal owner of greater than fifty percent (50%) of all taxable value of the property located within the proposed District, and

WHEREAS, the owner has, in writing, requested the District for the Property and for the City of Lansing to take all necessary steps and

actions to establish the District on their behalf, and

WHEREAS, the property in question and the proposed boundary of the District is legally described as:

E 22 FT OF W 112 FT OF N 100 FT OF LOTS 1 & 2 BLOCK 13 ORIG PLAT; and,

WHEREAS, the Act requires that before establishing the District the Lansing City Council hold a public hearing in order to provide an opportunity for owners, residents or other taxpayers of the City of Lansing to appear and be heard regarding the establishment of the District and that said public hearing was held on June 9, 2008;

NOW THEREFORE BE IT RESOLVED that the following property is hereby approved and established as an Obsolete Property Rehabilitation District as provided by Public Act 146 of 2000:

E 22 FT OF W 112 FT OF N 100 FT OF LOTS 1 & 2 BLOCK 13 ORIG PLAT; and,

BE IT FINALLY RESOLVED that this resolution shall not be construed as the City Council's approval of any future application for an Obsolete Properties Rehabilitation Exemption Certificate for the Developer or any other applicant.

By Councilmember Wood

Motion Carried

RESOLUTION #382

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

Act-10-08, W. Washtenaw between Walnut and Pine, Vacation of narrow strip of ROW

The Michigan Department of Management and Budget requests that the City vacate a narrow strip of ROW running on the south side of W. Washtenaw, just north of the Lewis Cass Building, between Walnut and Pine Streets; and

WHEREAS, this ROW strip is roughly linear, and measures 742.5' long and 5.5' to 7.9' wide, and contains a State parking lot which encroaches on the subject ROW; and

WHEREAS, the fair market value of the subject ROW is less than \$50,000 as established by the Assessor's Office using comparable taxed property; and

WHEREAS, the State of Michigan, by passage of House Bill 6094, has expressed its agreement that in consideration of the receipt of the ROW strip, it will release all interest reserved to the state in the South Grand Ramp, as contained in an April 11, 1997 quit claim deed to the City, recorded in Liber 2451, page 1140, Ingham County records, more particularly described as follows:

City of Lansing, Ingham County, Michigan: All of that parcel bounded on the north by the south line of Block 112, of the recorded plat of the City; on the east by the Grand River; on the south by the north line of Block 113, Plat of City; and on the west by east line of Grand Street, City of Lansing; and

WHEREAS, the State of Michigan is the sole owner of the property adjacent to that portion of Washtenaw Street to be vacated; and

WHEREAS, no agency has expressed an objection to said vacation, provided that an easement for utilities is retained; and

WHEREAS, the Lansing Planning Board, at its meeting on June 3, 2008, reviewed the request under its Act 285 Review procedures, and found that:

1. The ROW vacation is requested to correct an existing encroachment along the south side of W. Washtenaw Street.
2. The requested ROW vacation has a negligible effect on the appearance and development pattern along W. Washtenaw.
3. The W. Washtenaw ROW will be of sufficient width (70' ±) to accommodate the anticipated traffic levels, and no impact on the level of service is anticipated; and

WHEREAS, on June 3, 2008, the Board voted unanimously (6-0) to recommend approval of the request by the Michigan Department of Management and Budget that the City vacate the ROW, reserving easements for utilities as appropriate; and

WHEREAS, the Council Committee on Development and Planning has reviewed the request and the Planning Board's recommendation;

NOW THEREFORE, BE IT RESOLVED, that the Lansing City Council hereby vacates the narrow strip of right of way (ROW) running on the south side of W. Washtenaw, just north of the Lewis Cass Building, between Walnut and Pine Streets in the City of Lansing; said vacated street being more particularly described as:

That part of Washtenaw Street lying between Pine Street and Walnut Street, City of Lansing, Ingham County, Michigan, described as: Beginning at the NE corner of Block 125, City of Lansing, Ingham County, Michigan, thence West, 742.5 feet along the South line of Washtenaw Street to the NW corner of Block 124; thence North, 5.5 feet along the East line of Pine Street; thence East, 742.5 feet along a line 1.0 feet South of and parallel to an existing 6 foot wide sidewalk, thence South 7.9 feet along the West line of Walnut Street to the point of beginning, contains 4970 square feet, more or less,

but reserving, however, unto the City of Lansing an easement under, across, above, and within the vacated street ROW for existing utilities, including the right of ingress and egress at all times for utility agents, contractors, and employees, to use the vacated street ROW, or so much of it as may be necessary, for the maintenance, repair, replacement, or removal of said utilities.

BE IT FURTHER RESOLVED, that the City Clerk shall cause a certified copy of this resolution to be recorded with the Ingham County Register of Deeds in fulfillment of the exchange provided in House Bill 6094 and upon return, transmit a copy of the recorded resolution to the Michigan Department of Labor and Economic Growth, Subdivision Control Unit, the Planning and Development and Assessor's Offices, the Department of Public Service, and the applicant.

BE IT FINALLY RESOLVED, that the Mayor, on behalf of the City, is authorized to sign and execute a quit claim deed, or other instrument approved by the City Attorney, to the State of Michigan in evidence of the vacation of the street ROW in this resolution.

By Councilmember Wood

Motion Carried

RESOLUTION #383

BY THE COMMITTEE ON WAYS & MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, at the April 28, 2008, Lansing City Council meeting Resolution #191 was adopted; and

WHEREAS, the language in the resolution stated that the transfer was from the FY 08 Revenue account of \$4,500 to the Miscellaneous Operating Expenditures account in the Drug Law Enforcement Fund (265 Fund);

WHEREAS, upon additional research, it was determined that the revenue of \$4,500 was, in fact, received in FY 07 which changes ~~the~~ ~~allegation~~ of the appropriation from FY 08 Revenue account to the FY 08 - 265 Fund Balance account;

NOW, THEREFORE, BE IT RESOLVED that Resolution #191 is to be superseded and that the following transfer be approved.

Drug Law Enforcement
Tri- County task Force (IEC Co-Op)

AMOUNT TO TRANSFER	TRANSFER FROM ACCOUNT #	TRANSFER TO ACCOUNT #
\$4,500.00	Fund Balance 265.0.679100.0	
\$4,500.00		Miscellaneous Operating 265.343253.741000.0

By Councilmember Dunbar

To place an affirmative roll on the Resolution

By Councilmember Dunbar

To amend the third WHEREAS clause by striking "the allegation of"

Motion Carried

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

Motion Carried

RESOLUTION #384

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing desires to encourage and support shopping and commercial activity in the Principal Shopping District area by public improvement to develop, redevelop, promote economic activity and provide for the maintenance, security and operation of the Principal Shopping District by such public improvement which especially benefits any property within a district; and

WHEREAS, the City of Lansing desires to encourage promotional efforts, business recruitment in all zones and physical improvements and maintenance services (in zone "A") of the Principal Shopping District; and

WHEREAS, the City of Lansing has determined that this should be provided through special assessment zones established for the purpose of financing Principal Shopping District activities; and

WHEREAS, the City of Lansing has determined that the cost of providing such services should be recovered by a special assessment against properties especially benefited as authorized by Act No. 120 of the Public Acts of 1961, as amended, and Chapters 812 and 1026 of the Lansing Code of Ordinances; and

WHEREAS, the City of Lansing has reviewed the proposed special

assessment boundaries; and

WHEREAS, the City of Lansing has also reviewed the proposed services within the boundaries with an estimated cost of these services, and

WHEREAS, a public hearing was held on June 16, 2008 at 7:00 pm in the City Council Chamber, 10th Floor City Hall, Lansing, Michigan to consider the establishment of the Principal Shopping District special assessment roll; and

WHEREAS, that the City Clerk published notice of a hearing to confirm the special assessment roll in a newspaper of general circulation at least 10 (ten) days prior to the date of the hearing; and

WHEREAS, notice to the affected owners of the properties in said district was published in accordance with Chapter 1026 of the Lansing Code of Ordinances and

WHEREAS, City Council passed Resolution #351 on June 30, 2008, which established the annual PSD assessment and provided notice therefore, and

WHEREAS, Resolution #351 was silent on the mechanisms and deadlines for collection of unpaid assessments, including the designation of the due date upon which any unpaid tax would be placed on the December tax roll; and

WHEREAS, this resolution is being submitted to correct omitted language, hereby expressly includes these mechanisms and deadlines and supersedes the June 30, 2008 Resolution #351,

NOW, THEREFORE, BE IT RESOLVED that the special assessment zones for the Principal Shopping District are established by City Council as follows:

Principal Shopping District: Beginning at the intersection of West right-of-way line of S. Capitol Avenue and the north right-of-way line of W. St. Joseph Street, "Point of Beginning," North along S. Capitol Avenue right-of-way line to the center-line of W. Washtenaw Street, west along the centerline of W. Washtenaw Street to the center-line of Townsend Street, north along the center-line of Townsend Street to the center-line of W. Allegan Street, then east along the W. Allegan Street center-line to the center-line of S. Capitol Avenue, north along the S. Capitol Avenue center-line to the center-line of W. Saginaw Street; east along the W. Saginaw Street center-line to the west right-of-way line of N. Washington Avenue, north along the N. Washington Avenue right-of-way line to the north right-of-way line of W. Grand River Avenue, east along the W. Grand River Avenue right-of-way line to the west right-of-way line of Turner Street, north along the Turner Street right-of-way line to the north right-of-way line of Clinton Street, east along Clinton Street right-of-way to the east right-of-way line of Center Street, south along the Center Street right-of-way line to the north right-of-way line of Liberty Street, east along the Liberty Street right-of-way line to the centerline of N. Cedar Street, south along the N. Cedar Street center-line to the south right-of-way line of East Grand River Avenue, east along the E. Grand River Avenue right-of-way line to the west right of-way line of N. Larch Street, south along the N. Larch Street right-of-way line to the center-line of E. Shiawassee Street, east along the E. Shiawassee Street center-line to the west right-of way line of the Conrail right-of-way, south along the Conrail right-of-way line to the south right-of-way line of E. Michigan Avenue, west along the E. Michigan Avenue right-of-way to the east right-of-way line of S. Larch Street, south along the S. Larch Street right-of-way line to the center-line of E. Kalamazoo Street, then west along E. Kalamazoo Street center-line to the center-line of S. Larch Street, then south along the S. Larch Street center-line to the north right-of-way line of St. Joseph Street (extended), west along the St. Joseph Street right-of-way line (extended) to the Point of Beginning.

The Principal Shopping District, as described herein, shall contain zones as described below:

Zone A: Beginning at the intersection of the center-line of W. Shiawassee Street and the centerline of N. Capitol Avenue, the "Point of Beginning - A", east along the center-line of Shiawassee Street to the west right-of-way line of the Conrail right-of-way, south along the Conrail right-of-way line to the center-line of E. Michigan Avenue, west along the center-line of E. Michigan Avenue to the center-line of S. Cedar Street, south along the S. Cedar Street center-line to the center-line of E. Kalamazoo Street, west along the E. Kalamazoo Street center-line to the center-line of Museum Drive, northwesterly along the center-line of Museum Drive to the north line of Impression Five Condominium (extended), west along the said north line of Impression Five Condominium (extended) to the center-line of the Grand River, southeasterly along the center of the Grand River to the center-line of E. Kalamazoo Street, continuing along the center-line of E. Kalamazoo Street to the center-line of Grand Avenue, south along the Grand Avenue center-line to the center-line of W. Lenawee Street, west along the W. Lenawee Street center-line to the west right-of-way line of S. Capitol Avenue, north along the west right of-way line of S. Capitol Avenue to W. Washtenaw street, west along the centerline of W. Washtenaw Street to the centerline of Townsend Street, north along the centerline of Townsend Street to the centerline of W. Allegan Street, then east along the W. Allegan Street center-line of W. Allegan Street to the center-line of S. Capitol Avenue, north along the S. Capitol Avenue center-line to the Point of Beginning —A.

Zone B: Beginning at the intersection of west right-of-way line of N. Washington Avenue and the north right-of-way line of W. Grand River Avenue, the "Point of Beginning - B," east along the W. Grand River right-of-way line to the west right-of-way line of Turner Street, north along the Turner Street right-of-way line to the north right-of-way line of Clinton Street, east along the Clinton Street right-of-way line to the east right-of-way line of Center Street, south along the Center Street right-of-way line to the north right-of-way line of Liberty Street, east along the Liberty Street right-of-way line to the center, line of N. Cedar Street, south along the N. Cedar Street center-line to the centerline of E. Maple Street, west along E. Maple Street center-line (as aligned) to the west right-of-way line of N. Washington Avenue, north along the N. Washington Avenue right-of-way line to the Point of Beginning —B.

Zone C - North: Beginning at the intersection of the center-line of N. Capitol Avenue and the center-line of W. Shiawassee Street, the "Point of Beginning - C (North)," north along the N. Capitol Avenue center-line to the center-line of W. Saginaw Street, east along the W. Saginaw Street center-line to west right-of-way line of N. Washington Avenue, north along the N. Washington Avenue right-of-way line to the center-line of E. Maple Street, east along E. Maple Street (as aligned) center-line to the center-line of N. Cedar Street, north along the N. Cedar Street center-line to the south right-of-way line of E. Grand River Avenue, east along the E. Grand River Avenue right-of-way line to the west right-of-way line of N. Larch Street, south along the N. Larch Street right-of-way line to the center-line of E. Shiawassee Street, west along the E. Shiawassee Street Center-line to the Point of Beginning - C (North).

Zone C - South: Beginning at the intersection of the west right-of-way line of S. Capitol Avenue and the center-line of W. Lenawee Street, the "Point of Beginning - C (South)," east along the W. Lenawee Street center-line to the center-line of Grand Avenue, north along Grand Avenue centerline to the center-line of E. Kalamazoo Street, east along the Kalamazoo Street center-line to the center of the Grand River, northwesterly along the center-line of the Grand River to the north line of Impression Five Condominium (extended), east along the north line of Impression Five Condominium (extended) to the center-line of Museum Drive, southeasterly along the center-line of Museum Drive to the center-line of E. Kalamazoo Street, east along the Kalamazoo Street centerline to the center-line of S. Cedar Street, north along the Cedar Street center-line to the center-line of E. Michigan Avenue,

east along the E. Michigan Avenue center-line to the west right-of-way line of the Conrail right-of-way, south along the Conrail right-of-way line to the south right-of-way line of E. Michigan Avenue, then west along the E. Michigan Avenue right-of-way line to the east right-of-way line of S. Larch Street, south along the S. Larch Street right-of-way line to the center-line of E. Kalamazoo Street, west along the E. Kalamazoo Street center-line to the center-line of S. Larch Street, south along the S. Larch Street center-line to the north right-of-way line of St. Joseph Street (extended), west along the St. Joseph Street right-of-way line (extended) to the west right-of-way line of S. Capitol Avenue, then north along the S. Capitol Avenue right-of-way to the Point of Beginning - C (South).

BE IT FURTHER RESOLVED that the Principal Shopping District public improvements and services be supported by a special assessment of these costs against the properties especially benefited as follows:

ZONE A - 13.2 cents per square foot for first floor and 6 cents per square foot for second floors and above, parking structures at the rate of 4.8 cents per square foot for the main floors and 2.4 cents per square foot for second floors and above, parking lots at 4.8 cents per square foot, vacant land at 1.2 cents per square foot, and industrial & manufacturing properties at 2.4 cents per square foot for the first floor and 1.2 cents per square foot for second floors and above; for a total of \$385,854.80.

ZONE B - 9.2 cents per square foot for first floor and 3.45 cents per square foot for second floors and above, parking structures at the rate of 4.6 cents per square foot for the main floors and 2.3 cents per square foot for second floors and above, parking lots at 4.6 cents per square foot, vacant land at 1.15 cents per square foot, and industrial & manufacturing properties at 2.3 cents per square foot for the first floor and 1.15 cents per square foot for second floors and above; for a total of \$22,609.76.

ZONE C (North & South) - 2 cents per square foot for first floor and 1 cent per square foot for second floors and above, parking structures at the rate of 2 cents per square foot for the main floors and 1 cent per square foot for second floors and above, parking lots at 2 cents per square foot, vacant land at 1 cent per square foot, and industrial & manufacturing properties at 2 cents per square foot for the first floor and 1 cent per square foot for second floors and above; for a total of \$28,724.09.

BE IT FURTHER RESOLVED that the cost and expense of making estimates, plans and assessments incidental to the preparation of the assessment and the role, and providing notices shall be included in the expense of the assessment.

BE IT FURTHER RESOLVED that the Principal Shopping District public improvement and services be financed by a special assessment of these costs against the properties especially benefited as contained in the assessment Roll No. PSD08-A/PSD08B/PSD08-C, compiled by the City Assessor and presented to Council with this resolution.

BE IT FURTHER RESOLVED that in zones "A," "B," and "C" (North & South), all property owners whose assessment would otherwise exceed \$10,000.00 per one parcel, shall be capped at no more than \$10,000.00 per one parcel on an annual basis.

BE IT FURTHER RESOLVED that in zones "A," "B," and "C" (North & South), any property owned by a non-profit entity which has received a Federal IRS Section 501(c)(3) non-profit designation shall have their property assessment capped at 40% of the proposed assessment rate; provided that said entity shall file with the City Assessor, not later than August 11, 2008 a written application for non-profit Principal Shopping District designation, together with a copy of said determination of IRS Section 501 (c)(3) status.

BE IT FURTHER RESOLVED that Special Assessment roll Numbers PSD08-A/PSD08B/PSD08-C as presented and as returned by the City

Assessor, is hereby, ratified and confirmed, and the Mayor is authorized to affix within ten days his warrant directing the City Treasurer to collect said tax.

BE IT FINALLY RESOLVED that if said payment is not received by October 31, 2008, said tax will be placed on the December tax roll without interest or penalty.

By Councilmember Dunbar

Motion Carried

RESOLUTION #385

BY THE COMMITTEE ON WAYS AND MEANS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Delaney Newbury, of 2000 Sunnyside, Lansing, Michigan 48910, to the At-large position of the Board of Review for a term to expire June 30, 2011; and

WHEREAS, the Committee on Ways and Means met on July 9, 2008, and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Delaney Newbury to the At-large position of the Board of Review for a term to expire June 30, 2011.

By Councilmember Dunbar

Motion Carried

RESOLUTION #386

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

Support of DEQ Waterfront Redevelopment CMI Grant Request

WHEREAS, the Lansing Brownfield Redevelopment Authority, applicant of the Michigan Department of Environmental Quality Waterfront Redevelopment Clean Michigan Initiative Grant for the clean up property located at 420 East Shiawassee and 333 North Cedar Street in the City of Lansing, Michigan (the "Property") has requested in writing that the City of Lansing support the Brownfield Redevelopment Authority of the City of Lansing's application for Brownfield Cleanup Grant monies authorized by the Michigan Department of Environmental Quality; and

WHEREAS, The Lansing Brownfield Redevelopment Authority is seeking grant funds for the purpose of remedial costs associated with a redevelopment of the property; and

WHEREAS, the project is consistent with local development and redevelopment plans, and zoning ordinances, specifically, the City of Lansing's master plan; and

WHEREAS, the Lansing Brownfield Redevelopment Authority is applying on behalf of the City of Lansing in support of funding specific environmental activities that must be conducted in the event of a redevelopment project on the property ; and

WHEREAS, funds granted by the Department of Environmental Quality can only be used in the event of redevelopment and economic impact on the property;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lansing supports the Grant application for the MDEQ Waterfront Redevelopment Clean Michigan Initiative.

By Councilmember Quinney

To place an affirmative roll on the Resolution

Councilmember Quinney Moved the Previous Question

Motion Carried

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

Motion Carried by the following roll call vote

Yeas: Councilmembers Allen, Dunbar, Jeffries, Kaltenbach, Quinney, Robinson and Wood

Nays: None

Absent: Councilmember Hewitt

RESOLUTION #387

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

That the following FY 2009 transfer be approved;

AMOUNT TO TRANSFER	TRANSFER FROM ACCOUNT #	TRANSFER TO ACCOUNT #
\$46,163.43	Park Millage-St Joe Mid Mi Football 412.933890.970000.13031	
\$25,068.62	Park Millage-PP Zoo Central Core 412.933890.975000.46120	
\$22,587.71	Park Millage-Fund Balance 410.000000.679100.00000	
\$93,819.76		Park Millage—St Joe Park RR Renovation 410.933890.975000.46128

(Explanation: Renovation of the restroom building at St. Joe Park. This transfer, and the existing balance in project 46128 (\$49,880.24) provide a total of \$143,700.00 for the St. Joe Park Restroom renovation.

Funds are no longer needed in the St. Joe Park Mid Mi Football and PP Zoo Central Core accounts. Fund Balance is available based on preliminary year end figures for FY 2008. Of the total preliminary 6/30/2008 fund balance of \$284,218, \$185,961 has been appropriated in the FY 2009 budget, leaving an available balance of \$98,257. This available balance is primarily made up of Interest Income posted in FY 2008 (\$94,362 as of 7/11/2008).

By Councilmember Quinney

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. Letter from the City Clerk 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. Application for Exemption of New Personal Property filed by XYZ Machine Tool & Fabrication Inc. for property located at 1305 S. Cedar St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- ii. Public Improvement V; Sidewalk Repair along Cedar St. between Miller Rd. and Kaynorth St., along Martin Luther King, Jr. Blvd. between Hughes Rd. and Jolly Rd. and Martin Luther King, Jr. Blvd. between the Grand River Bridge and N. Grand River Ave., excepting all public streets and alleys and other land deemed not benefited

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

- iii. Grant Acceptance; Buffer Zone Protection Program

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND INTERNAL AUDIT

- iv. Transfer of Funds; State/Federal Programs, PA 302 – Training

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND INTERNAL AUDIT

- v. Grant Application; Justice Assistance Grant (JAG) 2008

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND INTERNAL AUDIT

Communications and Petitions, and Other City Related Matters:

- a. Letters from the State of Michigan Liquor Control Commission:

- i. Providing a Notice of Deficiency to Progressive Restaurant Services LLC regarding an application for a new Class C & SDM licenses with Sunday Sales, Dance-Entertainment Permit and Outdoor Service for property located at 107 E. Allegan St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- ii. Providing 15-Day Notice of an application from G Spot, Inc. requesting to Transfer Ownership of 2008 SDM Licensed Business located at 1600 S. Washington Ave.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- b. Letter from Chris Holman of 120 N. Washington Sq. appealing a decision of the Claims Review Committee for property located at 617 Seymour Ave.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- c. Letter from Vickie Unferth of 617 N. Jenison Ave. regarding the possible closing of Fire Station #7

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- d. Letter from Dawn Klemens of 2415 Barstow Rd. in support

of a new City Market

REFERRED TO THE COMMITTEE OF THE WHOLE

- e. Letter from Leola Watts of P.O. Box 80041 regarding the issuance of orders to Make Safe of Demolish the property located at 226 S. Martin Luther King, Jr., Blvd.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- f. Letter from Debra Jones, no address given, regarding action related to PRD-1-2007; 7.116 Acres on the north end of Westwood Ave.

REFERRED TO THE COMMITTEE OF THE WHOLE

- g. Letter from Don Dean, no address given, regarding street closings and repairs in the City of Lansing

REFERRED TO THE COMMITTEE OF THE WHOLE

- h. Letter from the Juneteenth Committee expressing disappointment regarding the failure of the resolution to transfer funds for St. Joseph Park Restroom Renovation

RECEIVED AND PLACED ON FILE

MOTION OF EXCUSED ABSENCE

By Councilmember Wood

To excuse Councilmember Hewitt from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Councilmember Dunbar announced the next Benjamin Davis Park planning meeting.

Councilmember Kaltenbach asked the Mayor to have the medians on Martin Luther King, Jr. Blvd. mowed by the City or the State. He spoke about the parking survey for Genesee Dr. circle.

Councilmember Robinson announced a neighborhood picnic at Wainwright Park.

ADJOURNED TIME 9:37 P.M.

CHRIS SWOPE, CITY CLERK