



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF MARCH 9, 2009**



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 Quinney.

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

ABSENT: None

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

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Robinson

To approve the printed Council Proceedings of March 2, 2009

Motion carried

CONSIDERATION OF LATE ITEMS

By Vice President Robinson

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

Motion Failed by the following roll call vote:

Yeas: Councilmembers Allen, Dunbar, Jeffries, Kaltenbach, Quinney

Nays: Councilmembers Hewitt, Robinson, Wood

TABLED ITEMS

1. BY THE COMMITTEE OF THE WHOLE
 - a. Authorizing Litigation Against the Mayor to Compel the Opening of Waverly and Red Cedar golf courses

SPECIAL CEREMONIES

- Special Ceremonies

1. Presentation; City of Lansing Retirees

Council President Quinney spoke about some of Lansing's finest moving on in their lives and thanked them for their years of service to the City of Lansing.

The following retirees were present: Robert Vargas of the Lansing Police Department, John Peterson of the Public Service Department, and Liz Homer of the Parks and Recreation Department.

Mayor Bernero thanked all of the retirees for jobs well done.

2. Presentation; Mayor's Hometown Hero Award to James Parish and Joseph Maguire, "Trailblazers" for Lansing River Trail

Murdock Jemerson, Director of the Parks and Recreation Department, spoke about the Michigan Recreation and Parks Association nominating process for Community Service Award winners.

Brett Kaschinske of the Parks and Recreation Department spoke about the Lansing Trailblazers and the important work that they are doing.

Mayor Bernero stated that the city takes its Parks and Recreation Department's programs seriously.

Joe McGuire spoke about the Lansing Trailblazers and all of the benefits that the city receives on its River Trail.

James Parish spoke about the Lansing Trailblazers and the plans for the River Trail.

Mayor Bernero spoke about the wonderful work being done by the Lansing Trailblazers.

3. Presentation; Mayor's Hometown Hero Award to Joan Lenhard, Recipient of the Outstanding Achievement Award from the Michigan Recreation and Parks Association

Mayor Bernero spoke about Joan Lenhard's 20-plus years of experience and stated that families with special needs kids should be grateful for her expertise. He presented her with the Hometown Hero Award.

Joan Lenard stated that her work has been a great experience and she has enjoyed all of her years of service to the City of Lansing.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Robinson announced the DAFT and Lansing-Eaton neighborhood meetings. She also announced the next 2nd Saturdays meeting and the "All of You Review" and the Children's Theater.

Councilmember Hewitt announced the Groesbeck neighborhood meeting. He thanked those who attended the recent 1st Contact meeting for residents of the 1st Ward and those who attended the Eastside Souper event. He spoke about the cancer awareness program being presented by St. Baldrick's.

Councilmember Wood announced the Eastside Neighborhood Organization meeting and spoke about the Eastside Souper event, as well as the Italian American Dinner.

Councilmember Dunbar announced the Bluebell Park and Beck Park neighborhood meetings. She spoke about church dinners available at Cristo Rey, Christ United Methodist Church and Mayflower Congregational Church. She announced the March Into Spring event at Fenner Nature Center.

Councilmember Kaltenbach expressed his disappointment that late items were not going to be considered to allow for the consideration

of the Notice of Intent to Issue Bonds for Capital Improvement Projects.

Councilmember Hewitt stated his concerns with the Notice of Intent to Issue Bonds for Capital Improvement Projects.

Councilmember Wood stated her concerns with the Notice of Intent to Issue Bonds for Capital Improvement Projects.

Councilmember Dunbar stated why she supports the Notice of Intent to Issue Bonds for Capital Improvement Projects.

City Clerk Swope spoke about the offices up for election this year and briefly stated the process to file. He stated that he received a protest petition for Z-8-2008 and that a two-thirds majority of the City Council would be needed to pass the Ordinance because of the petition.

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 expressed his disappointment that late items were not going to be considered to allow for the Notice of Intent to Issue Bonds for Capital Improvement Projects to be voted upon this evening. He spoke about the city's upcoming road repair program. He spoke about several items on tonight's agenda, including SLU-6-2008 and Authorizing the Issuance of Bonds for Phase V, Segment1 of the CSO Program.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no public hearings.

Gene Townsend of 815 Bancroft Ct. spoke in support of Z-8-2008.

Stephanie Whitbeck of 620 W. Ionia St. spoke in opposition to Z-8-2009.

John Pollard of 1718 Blair St. spoke in opposition to Z-8-2008.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke in opposition to Z-8-2008.

Charlene Decker of 2711 Pleasant Grove Rd. spoke in opposition to Z-8-2008.

Stan Shuck of 818 Cooper Ave. spoke about city sidewalks.

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Bonnie Eastman of 1901 Vermont Ave. spoke about the Riverfront Apartments.

Howard Casey of 3203 N. East St. spoke about the city's inspection process.

Catherine Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Michael Mercer of 4530 Sycamore St., Holt, spoke about various city matters.

Wendy Klein of 1017 W. Lapper St. spoke about 810 Bancroft Ct.

Walter Brown of 1310 Knollwood Ave. spoke about city surveillance cameras.

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

William Hubbell of 3916 Wedgewood Dr. spoke about city sidewalks.

Ammahad-Shekarakki of 902 Willow St. spoke about Malcolm X.

Carl Calille of 306 Harriet Ave. spoke about the North Capitol Parking Ramp.

Russell Terry of 121 E. Mt. Hope Ave. spoke about various city matters.

Stephanie Whitbeck of 620 W. Ionia St. spoke in opposition to Z-8-2009.

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.

Stan Shuck of 818 Cooper Ave. spoke about various city matters.

Willie Hobbs of 5017 Connors Ave. spoke about various city matters.

Kitty Lipsky of 1136 W. Washtenaw St. spoke about the city seal.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-048

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

WHEREAS, the mission of the Bethel Seventh-day Adventist Church is to serve and nurture their neighbors and share Christ's love while teaching and living by biblical principles; and

WHEREAS, the Seventh-day Adventist Church was born out of the Millerite movement of the 1840's when thousands of Christians searched for greater understanding of biblical prophecy; and

WHEREAS, among these believers was a group from New England that rediscovered the Seventh-day Sabbath. They chose the name "Seventh-day" because it refers to the biblical Sabbath, Saturday, ordained by God at Creation; "Adventist" means we are looking for the return of Jesus Christ; and

WHEREAS, the Seventh-day Adventist Church is one of the fastest growing Christian Protestant churches; 14 million baptized Seventh-day Adventist members live in 204 countries of the world, including 1 million in North America; and

WHEREAS, Family and Friends Day is a semi-annual celebration of the Bethel Seventh-day Adventist Church under the leadership of Pastor Darnell Parham; and

WHEREAS, we commend the Sabbath School, Personal Ministries, and the Public Affairs and Religious Liberty and their leaders Elder Gerard Mauze, Elder Elodia Jones, and Edward Woods III for their vision and efforts in the establishment of Family and Friends Day; and

WHEREAS, we pay tribute to this year's theme "Delivering Religious Freedom Around the World";

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, proclaims this day, Saturday, March 7, 2009 "Family and Friends Day" and congratulates the Bethel Seventh-day Adventist Church on their celebration and for their contributions to our community.

By Councilmember Robinson

Motion Carried

RESOLUTION #2009-049

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

SLU-6-2008
2312 E. Michigan Avenue
Church in the "F-1" Commercial District

WHEREAS, the applicant, Barefoot Christian Church, has requested a Special Land Use permit (SLU-6-08) to utilize the building at 2312 E. Michigan Avenue for a church; and

WHEREAS, the property is zoned "F-1" Commercial District where churches are permitted subject to obtaining a special land use permit; and

WHEREAS, a review was completed by staff evaluating the character, location and impact this proposal would have on the surrounding area and the impact on the environment, utilities, services and compliance with the Zoning Code and objectives of the Comprehensive Plan; and

WHEREAS, the Planning Board held a public hearing on November 5, 2008, at which time the applicant spoke in favor of the request and no other comments were received; and

WHEREAS, the Planning Board (based upon testimony, evidence and the staff report) at its December 2, 2008 meeting, voted unanimously (6-0) to recommend approval of SLU-6-08 to permit a church at 2312 E. Michigan Avenue, with certain conditions; and

WHEREAS, the City Council held a public hearing regarding SLU-6-08 on February 23, 2009; and

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

NOW THEREFORE BE IT RESOLVED that the Lansing City Council hereby approves SLU-6-08, for a church at 2312 E. Michigan Avenue in the "F-1" Commercial District with the following conditions:

1. The seating capacity be determined by the number of legal parking spaces that can be accommodated on the site, or within 300 feet of the site until such time as the parking requirement may be changed as a result of a Zoning Ordinance amendment (Overlay District), and
2. The applicant agrees to not object to the issuance of liquor licenses in the area.

BE IT FURTHER RESOLVED that this Special Land Use permit shall remain in effect only so long as the petitioner fully complies with this resolution, and if the petitioner fails to comply, the Special Land Use

permit may be terminated by City Council Resolution.

BE IT FINALLY RESOLVED that in granting this request with three conditions, the City Council determines the following:

1. The proposed church is compatible with the essential character of the surrounding area, as designed.
2. The proposed church will not change the essential character of the surrounding area.
3. The proposed church will not interfere with the general enjoyment of adjacent properties.
4. The proposed church will not impact adjacent properties as it will not be detrimental to the use or character of the property under consideration.
5. The proposed church will not impact the health, safety and welfare of persons or property in the surrounding area.
6. The proposed church can be adequately served by essential public facilities and services.
7. The proposed church will not place any demands on public services and facilities in excess of current capacities.
8. The proposed church is consistent with the intent and purposes of the Zoning Code and in conformance with the master plan.
9. The proposed church will comply with the requirements of the "F-1" Commercial District.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-050

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

WHEREAS, the Ingham County Board of Commissioners authorized participation of Ingham County with the City of Lansing in a joint City/County Community Corrections Advisory Board through Resolution 90-51; and

WHEREAS, the make-up of the Community Corrections Advisory Board must represent various criminal justice and community interests as specified in Public Act 511; and

WHEREAS, the business community and general public representative positions are currently vacant; and

WHEREAS, Thomas Halsted, 404 Mill Street, Leslie, 49251 was appointed to the Community Corrections Advisory Board as the adult probation representative; and

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council confirms the Ingham County Board of Commissioners' appointment of Thomas Halsted to serve on the Community Corrections Advisory Board as the adult probation representative to a term expiring September 17, 2009.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-051

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

WHEREAS, the Ingham County Board of Commissioners authorized participation of Ingham County with the City of Lansing in a joint City/County Community Corrections Advisory Board through Resolution 90-51; and

WHEREAS, the make-up of the Community Corrections Advisory Board must represent various criminal justice and community interests as specified in Public Act 511; and

WHEREAS, the business community and general public representative positions are currently vacant; and

WHEREAS, Neal Johnson, 819 Charrington Court, Mason, 48854 was appointed to the Community Corrections Advisory Board as the business community representative; and

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council confirms the Ingham County Board of Commissioners' appointment of Neal Johnson to serve on the Community Corrections Advisory Board as the business community representative to a term expiring September 17, 2010.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-052

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

WHEREAS, the Ingham County Board of Commissioners authorized participation of Ingham County with the City of Lansing in a joint City/County Community Corrections Advisory Board through Resolution 90-51; and

WHEREAS, the make-up of the Community Corrections Advisory Board must represent various criminal justice and community interests as specified in Public Act 511; and

WHEREAS, the business community and general public representative positions are currently vacant; and

WHEREAS, Monica Jahner, 6752 Bickett, Lansing, 48911 was appointed to the Community Corrections Advisory Board as the general public representative; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Lansing City Council confirms the Ingham County Board of Commissioners' appointment of Monica Jahner to serve on the Community Corrections Advisory Board as the general public representative to a term expiring September 17, 2011.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-053

BY THE PUBLIC SERVICE COMMITTEE
RESOLVED BY THE CIYT COUNCIL OF THE CITY OF LANSING
PUBLIC IMPROVEMENT I/II

WHEREAS, the Mayor and City Council of the City of Lansing have established the need for construction of a public sidewalk in the following described districts:

Properties Benefited:

- 1) Along the south side of N. Grand River Avenue from Waverly Road to Delta River Drive
- 2) Along the north side of N. Grand River Avenue from Capitol City Blvd. to Remy Drive
- 3) Along the south side of N. Grand River Avenue from Culver Avenue to W. North Street

WHEREAS, this resolution re-establishes the need for sidewalk along Grand River Avenue between Waverly Road and Delta River Drive as

determined in Resolution #370, passed by City Council on July 21, 2003; and

WHEREAS, Peckham Industries has relocated to their new facilities on Grand River Avenue at Capital City Boulevard and installed public sidewalk along Grand River Avenue; and

WHEREAS, this project will provide sidewalks to complete a network along Grand River Avenue on the north side from Capital City Boulevard east to Martin Luther King Jr. Blvd., and along the entire length of Grand River Avenue on the south side from Waverly Road to the east; and

WHEREAS, the proposed sidewalk locations in the project are listed as Priority 1 gaps on the Major Street Sidewalk Network Completion Study; and

WHEREAS, the City Council has determined that this proposed public improvement will benefit especially the properties in the vicinity of the work to be done and that a benefit district pursuant to Chapter 1026 of the Lansing Codified Ordinances should be established to be specially assessed for the public improvement; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, determines it to be a public necessity to construct the following public improvements; **new sidewalk along N. Grand River Avenue**, excepting all public streets and alleys and other land not benefited; and

BE IT FURTHER RESOLVED that the cost of these improvements will be partially financed by special assessments to the benefited property owners, and the City's public share of the project costs shall be paid from **FY 09 Act 51 New Sidewalk** funds; and

BE IT FINALLY RESOLVED that the Department of Public Service, is hereby authorized to prepare necessary plans and specifications for these improvements, obtain the necessary easements for construction, and to determine the cost of said project, based upon the bids to be received, to establish the special assessment district and the applicable assessments to the properties in the district, and to furnish said information to the Mayor and City Council.

By Councilmember Dunbar

Motion Carried

RESOLUTION #2009-054

**City of Lansing
Counties of Ingham and Eaton, State of Michigan**

RESOLUTION AUTHORIZING ISSUANCE AND SALE OF A
COMBINED SEWER OVERFLOW
LIMITED TAX GENERAL OBLIGATION BOND
(PHASE V, SEGMENT 1), SERIES 2009

A RESOLUTION TO PROVIDE FOR:

- Issuance of up to \$27,000,000 of combined sewer overflow bonds to finance combined sewer separation improvements;
- Approval of issuance parameters and bond form;
- Payment of bonds from lawfully available funds including revenues derived from the operation of the City's sewage disposal system;
- Pledge of limited tax full faith and credit for payment of the bonds if other revenues insufficient;
- Creation of funds for deposit of bond proceeds and payment of bonds; and
- Authorization of sale of bonds to Michigan Municipal Bond Authority.

PREAMBLE:

WHEREAS, the State of Michigan Water Resources Commission has issued a Wastewater Treatment Facilities National Pollutant Discharge Elimination System Permit No. MI 0023400 (the "NPDES Permit") requiring the City of Lansing (the "City") to develop a final Combined Sewer Overflow Control Program (the "CSO Control Program") to be submitted to the State of Michigan acting through its Department of Natural Resources (subsequently restructured and renamed the Department of Environmental Quality and collectively hereafter referred to as the "DEQ") for approval; and

WHEREAS, by a letter dated March 9, 1992 to the City Clerk, DEQ, acting through its Supervisor of the Surface Water Quality Division, has approved the CSO Control Program submitted by the City in compliance with the NPDES Permit; and

WHEREAS, Act 320, Public Acts of Michigan, 1927, as amended, repealed and recodified by Part 43 of Act 451, Public Acts of Michigan 1994 ("Act 451") enables a city to issue and sell bonds to finance construction of improvements required by a permit issued by the State of Michigan Water Resources Commission; and

WHEREAS, the City Council has stated its intention to authorize the issuance of limited tax general obligation bonds in one or more series pursuant to Act 451 in an amount not to exceed Twenty Seven Million and 00/100 Dollars (\$27,000,000) for the purpose of financing the sewer improvements associated with Subareas 15 North, 34B and the 2009 Downtown Project improvements and necessary wastewater treatment plant improvements (the "Improvements"), included in Phase V, Segment 1 of the Combined Sewer Overflow Improvements Project Plan required by the NPDES Permit; and

WHEREAS, plans and specifications for the Improvements have been prepared by the City's consulting engineers and submitted for approval by the DEQ; and

WHEREAS, the City Council previously approved a Notice of Intent to Issue Bonds for Public Service Department Combined Sewer Overflow Project Resolution (the "Notice"), which, in compliance with the requirements of Section 5(g) of the Home Rule Cities Act, Act 279, Public Acts of Michigan, 1909, as amended ("Act 279"), required the City Clerk to cause to be published, on Wednesday, December 3, 2008, in City Pulse, a newspaper of general circulation within the City, an official notice to electors and taxpayers of the City of Lansing of intent to issue bonds (the "Notice of Intent") which describes the bonds to be issued to finance construction of the Improvements; and

WHEREAS, Act 34 of the Public Acts of Michigan, 2001, as amended, permits a municipality to authorize, within limitations which shall be contained in the authorization resolution of the governing body, an authorized officer to sell and deliver and receive payment for obligations, and to approve interest rates or methods for fixing interest rates, prices, discounts, maturities, principal amounts, denominations dates of issuance, interest payment dates, redemption rights, place of delivery and payment, and other matters and procedures necessary to complete the authorized transaction;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

1. **The Improvements.** Pursuant to the CSO Control Program approved by DEQ in accordance with the NPDES Permit, the City shall acquire and construct the Improvements. The estimated period of usefulness of the Improvements is not less than forty (40) years.

2. **Authorized Officers.** The term "Authorized Officer" as used in this Resolution shall refer to any one of the following city officers: the Finance Director, the Chief of Staff, the Director of Public Service, the Mayor, or the City Clerk.

3. **Authorization of Bond Issuance.** A bond of the City designated "Combined Sewer Overflow Limited Tax General Obligation Bond (Phase V, Segment 1) Series 2009" (the "Bond"), with such changes in name as may be deemed appropriate by an Authorized Officer so long as such changes are not misleading, is authorized to be issued for the purpose of paying a portion of the costs of the Improvements, including costs incidental to the issuance, sale and delivery of the Bond. In the event the Bond is to be issued simultaneously with another bond being issued to the Authority for similar improvements under the CSO Control Program, each Authorized Officer is authorized to have prepared a single bond and related documentation evidencing the obligation approved under this resolution and any other similar resolution of the City Council, in an aggregate maximum principal amount not to exceed the maximum principal amount authorized under this resolution and such other resolution of the City Council.

4. **Bond Details.** The Bond shall be issued in the aggregate principal sum not to exceed Twenty Seven Million and 00/100 Dollars (\$27,000,000) or such lesser amount as shall be determined by an Authorized Officer at the time of sale (the "Principal Amount") and approved by the DEQ and the Michigan Municipal Bond Authority (the "Authority"), pursuant to the Notice of Intent.

The Bond shall be issued in substantially the form of Appendix A, with such modifications as may be necessary to reflect changes in Bond terms or details determined by an Authorized Officer at or prior to the time of sale pursuant to authority granted by this Resolution. The Authorized Officer shall have the authority to make such changes in the form of Bond as shall be requested by the Authority, deemed reasonable by an Authorized Officer and not in conflict with the law or provisions of this Resolution. The Bond shall be in the form of a single fully-registered, nonconvertible, non-chargeable Bond of the denomination of the Principal Amount, dated as of the date of delivery of the Bond, or such other date as may be determined by an Authorized Officer at the time of sale of the Bond and approved by the DEQ and the Authority.

The Bond shall be payable in serial principal installments on October 1 of each year beginning October 1, 2010, or on such other dates as may be determined by an Authorized Officer at the time of sale of the Bond and approved by the DEQ and the Authority. The schedule of serial principal installments shall be determined by an Authorized Officer at the time of sale of the Bond and approved by DEQ and the Authority. Interest on the Bond will be payable as provided under Section 5, on April 1, 2009, and semiannually thereafter on April 1 of and October 1 of each year until maturity or earlier prepayment of said installment, or on such other dates as determined by an Authorized Officer at the time of the sale of the Bond and approved by the DEQ and the Authority.

The Bond or serial principal installments thereof will be subject to prepayment prior to maturity in the manner and at the times as provided in the form of Bond contained in this Resolution or as determined by an Authorized Officer at the time of sale of the Bond and approved by the DEQ and the Authority.

Final determination of certain Bond details, including the Principal Amount and the dates and amounts of principal installments, shall be evidenced by execution of the purchase contract to be executed between the City and the Authority as described below.

5. **Sale of Bond, Calculation of Repayment Obligations.** The City shall sell the Bond to the Authority at par value and at an interest rate of not to exceed two and one-half percent (2.50%) per annum. The Bond shall be delivered in accordance with the delivery instructions of the Authority.

Proceeds of the sale of the Bond shall not be received in one lump sum. Rather, the Authority shall purchase principal installments of the

Bond (the "Purchased Principal Installments") from the Authority as such purchases are approved by the DEQ. These Purchased Principal Installments shall be deemed to correspond to the serial principal installments contained in the Bond in direct chronological order of said serial principal installments. The City shall have no obligation to repay any serial principal installments for which the City did not receive proceeds from corresponding Purchased Principal Installments of at least a like amount.

Interest on the Bond shall only accrue on the purchased installments, and shall accrue based on the amount of and purchase date of such installments. In the event less than the Principal Amount of the Bond is purchased by the Authority, any portion of the Principal Amount is prepaid as provided below, or any serial principal payment becomes due before the City has received proceeds from corresponding Purchased Principal Installments of at least a like amount, then the Authority may prepare a new serial principal installment repayment schedule acceptable to the City.

6. Bond Register, Record of Payments. The Bond shall be registered on the bond register maintained by the Finance Director. The Finance Director shall record on the bond register payment by the City of each installment of principal or interest or both when made and the canceled checks or other records evidencing such payments shall be returned to and retained by the Finance Director and shall be conclusive evidence of such payments and the obligation of the City with respect to such payments shall be discharged to the extent of such payments.

7. Execution and Delivery. The Bond shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and the Clerk of the City (provided that at least one of the signatures on the Bond shall be a manual signature) and shall have the seal of the City, or a facsimile thereof, printed or impressed on the Bond. After execution, the Bond shall be delivered to the Authority by the Finance Director or his designee.

8. LTGO Nature of Bond. The Bond is anticipated to be paid from funds lawfully available to the City for this purpose such as revenues derived from the operation of the City's sewage disposal system, and ad valorem taxes pursuant to a pledge of the City's limited tax full faith and credit. The Bond shall be a limited tax general obligation of the City. As such, it shall be payable as a first budget obligation from the general fund of the City and from taxes imposed on all taxable property in the City, subject to applicable constitutional, statutory and charter tax rate limitations. Commencing with the year 2009, there shall be levied upon the tax rolls of the City in the manner required by law, an amount such that the estimated collection therefrom will be sufficient to promptly pay, when due, the principal of and interest on the Bond becoming due prior to the next annual tax levy; provided, however, that if at the time of making any such annual tax levy there shall be other monies to make the required payments on the Bond, then the City shall take such monies into account in determining such annual levy.

9. Debt Retirement Payments. The Finance Director is authorized and directed to open a separate depository account with a bank or trust company to be designated CSO Debt Retirement Fund (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of paying principal of and interest on the Bond and additional future series of bonds issued by the City for the purposes of completing construction of the Improvements as such principal and interest become due. The Finance Director is further authorized and directed to pay, or cause to be paid, from the Debt Retirement Fund or other available funds, all payments of principal, if any, and interest on the Bond to the Authority's depository, or in the event the Authority is no longer the owner of the Bond, to the owner of the Bond, in accordance with the requirements of the Bond. The Debt Retirement Fund may be pooled or combined with the other debt retirement funds for issues of bonds of like character as provided by the Revised Municipal Finance Act, Act 34, Public Acts of Michigan, 2001, as amended, or other state law.

10. Construction Fund. The proceeds of the Bond and the prior series of bonds issued by the City for the purposes of completing construction of the Improvements and no other moneys shall be deposited in a fund designated as the CSO Limited Tax General Obligation Bond Construction Fund (the "Construction Fund"). Said moneys shall be used solely for the purposes for which the Bond, and other bonds issued for the CSO Control Program, are issued. Any unexpended balance of the proceeds of the sale of the Bond remaining after completion of the Improvements herein authorized may be used at the discretion of the Director of Public Service or the Interim Director of Public Service for further Improvements included in the CSO Control Program required by the NPDES Permit. Any remaining balance after such expenditure shall be used for the prepayment of installments of the Bond or the purchase of installments of the Bond at not more than the fair market value thereof.

The appropriation of moneys for "eligible" (not to exceed the maximum Principal Amount of the Bond) and "ineligible" costs of the Improvements (as those terms are defined by the Authority and DEQ) is hereby approved. Said moneys shall be used solely for the purposes of making Improvements included in the CSO Control Program required by the NPDES Permit, and ancillary related expenses. After completion of the Improvements and disposition of remaining proceeds, if any, of the Bond pursuant to the provisions of this section, the Construction Fund may be closed.

11. Mutilated, Lost, Stolen or Destroyed Bonds. In the event any Bond is mutilated, lost, stolen or destroyed, the Mayor and the City Clerk may, on behalf of the City, execute and deliver a new Bond having a number not then outstanding, of like date, maturity and denomination as that mutilated, lost, stolen or destroyed. In the case of a mutilated Bond, a replacement Bond shall not be delivered unless and until such mutilated Bond is surrendered to the City.

In the case of a lost, stolen or destroyed Bond a replacement Bond shall not be delivered unless and until the City shall have received such proof of ownership and loss and indemnity as they determine to be sufficient, which shall consist at least of (i) a lost instrument Bond for principal and interest remaining unpaid on the lost, stolen or destroyed Bond; (ii) an affidavit of the registered owner (or his or her attorney) setting forth ownership of the Bond lost, stolen or destroyed and the circumstances under which it was lost, stolen or destroyed; (iii) the agreement of the owner of the Bond (or his or her attorney) to fully indemnify the city against loss due to the lost, stolen or destroyed Bond and the issuance of any replacement bond in connection therewith; and (iv) the agreement of the owner of the Bond (or his or her attorney) to pay all expenses of the City in connection with the replacement, including the transfer and exchange costs which otherwise would be paid by the City.

12. Arbitrage and Tax Covenants. The City hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest on the Bond from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds.

13. Approval of Documents. The proposed form of Purchase Contract between the City and the Authority (the "Purchase Contract"), the proposed form of Issuer's Certificate to be executed by the City (the "Issuer's Certificate") and the proposed form of Supplemental Agreement among the City, the Authority and the DEQ (the "Supplemental Agreement") on file with the City Clerk are hereby approved. The Authorized Officers are hereby jointly or severally authorized to execute and deliver the Purchase Contract, the Issuer's Certificate, and the Supplemental Agreement upon completion, in the forms approved hereby with such revisions as they may determine to

be necessary or desirable, permitted by law, and not materially adverse to the City.

14. General Authority for Authorized Officers. The Authorized Officers are hereby jointly or severally authorized to take any actions necessary to comply with requirements of the Authority and DEQ in connection with sale of the Bond to the Authority, including the administrative appropriation and transfer of funds related to the Bonds. The Authorized Officers are hereby jointly or severally authorized to execute and deliver such other certificates, documents, instruments, and other papers as may be required by the Authority or DEQ or as may be otherwise necessary or convenient to effect the delivery of the Bond as set forth above.

15. Conflicting Resolutions. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are rescinded.

By Councilmember Robinson

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, Michigan at a Regular meeting held on Monday, _____ 2009 at 7:00 o'clock p.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.

Chris Swope, City Clerk

APPENDIX A

FORM OF BOND

R-1

**UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTIES OF INGHAM AND EATON**

**CITY OF LANSING
COMBINED SEWER OVERFLOW LIMITED TAX
GENERAL OBLIGATION BOND
(Phase V, Segment 1), Series 2009**

The CITY OF LANSING, Counties of Ingham and Eaton, State of Michigan (the "City"), acknowledges itself to owe and for value received hereby promises to pay to the Michigan Municipal Bond Authority (the "Authority") the sum of _____ Million _____ Hundred _____ Thousand and No/100 Dollars (\$_____) (the "Principal Amount") or so much thereof as shall have been advanced to the City pursuant to a Purchase Contract between the City and the Authority, and a Supplemental Agreement by and among the City, the Authority and the State of Michigan acting through the Department of Environmental Quality. During the time funds are being drawn down by the City under this Bond, the Authority will periodically provide the City with a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided, that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the City of its obligation to repay the outstanding principal amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in

accordance with the terms of this Bond. The Principal Amount shall be payable on the dates and in the serial principal installment amounts set forth in Schedule A attached hereto and made a part hereof. Interest on the Bond shall accrue only on installments of the Principal Amount which have been purchased by the Authority, and shall accrue from the date each said installment is delivered to the City until repaid by the City at the rate of two and one-half percent (2.50%) per annum, payable on October 1, 2009, and semiannually thereafter. Principal is first payable October 1, 2011 and annually thereafter. In the event less than the Principal Amount of the Bond is purchased by the Authority, any portion of the Principal Amount is prepaid as provided below, or any serial principal payment becomes due before the City has received proceeds from corresponding purchased principal installments of at least a like amount, then the Authority may prepare a new serial principal installment repayment schedule which shall be presented to the City and be effective upon receipt as provided in the Purchase Contract.

Notwithstanding any other provision of this Bond, so long as the Authority is the owner of this Bond, (a) this Bond is payable as to principal, redemption premium, if any, and interest at The Bank of New York Trust Company, N.A., or at such other place as shall be designated in writing to the City by the Authority (the "Authority's Depository"); (b) the City agrees that it will deposit with the Authority's Depository payments of the principal of, and redemption premium, if any, and interest on this Bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise, in the event that the Authority's Depository has not received the City's deposit by 12:00 noon on the scheduled day, the City shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (c) written notice of any redemption of this Bond shall be given by the City and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

In the event of a default in the payment of principal or interest hereon when due, whether at maturity, by redemption or otherwise, the amount of such default shall bear interest (the "additional interest") at a rate equal to the rate of interest which is two percent above the Authority's cost of providing funds (as determined by the Authority) to make payment on the bonds of the Authority issued to provide funds to purchase this Bond but in no event in excess of the maximum rate of interest permitted by law. The additional interest shall continue to accrue until the Authority has been fully reimbursed for all costs incurred by the Authority (as determined by the Authority) as a consequence of the City's default. Such additional interest shall be payable on the interest payment date following demand of the Authority. In the event that (for reasons other than the default in the payment of any municipal obligation purchased by the Authority) the investment of amounts in the reserved amount established by the Authority for the bonds of the Authority issued to provide funds to purchase this Bond fails to provide sufficient available funds (together with any other funds which may be made available for such purpose) to pay the interest on outstanding bonds of the Authority issued to fund such account, the City shall and hereby agrees to pay on demand only the City's pro rata share (as determined by the Authority) of such deficiency as additional interest on this Bond.

This Bond is a single, fully-registered, non-convertible bond in the principal sum indicated above issued for the purpose of constructing Improvements pursuant to the State of Michigan Water Resources Commission Wastewater Treatment Facilities National Pollutant Discharge Elimination System Permit No. MI 0023400 as now in force or as hereafter revised. This Bond is issued under the provisions of Act 320, Public Acts of Michigan, 1927, as amended, repealed and recodified by Act 451, Public Acts of Michigan, 1994, as amended, and a resolution duly adopted by the City Council. This Bond is a limited tax general obligation of the City, payable as a first budget obligation from the general fund of the City, and other funds lawfully

available to the City for this purpose, including revenues derived from the operation of the City's sewage disposal system and, if necessary, from taxes imposed on all taxable property in the City, subject to applicable constitutional, statutory and charter tax rate limitations.

This Bond is subject to redemption by the City prior to maturity only with the prior written consent of the Authority and on such terms as may be required by the Authority.

This Bond shall be registered as to principal and interest on the books of the City kept by the Finance Director and may be transferred only upon surrender of this Bond by the registered owner of record in person, or by registered owner's attorney duly authorized in writing, to the Finance Director together with a written instrument of transfer satisfactory to the Finance Director duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor.

This Bond is payable out of the City's Debt Retirement Fund for this issue, and it is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this Bond exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the City, including this Bond, does not exceed any constitutional, statutory or charter debt limitation.

IN WITNESS WHEREOF, the City, by its City Council, has caused this Bond to be signed in the name of the City by the manual signatures of its Mayor and Clerk and its corporate seal or a facsimile thereof to be impressed hereon, all as of _____, 2009.

CITY OF LANSING

Counties of Ingham and Eaton
State of Michigan

By: _____
Virg Bernero
Its Mayor

(SEAL)

Countersigned

By: _____
Chris Swope
City Clerk

APPROVED AS TO FORM

City Attorney

SCHEDULE A

The following payment schedule indicates repayment by the City of Principal Amount due on this Bond. Repayment of the Principal Amount shall be made according to this schedule until the full Principal Amount disbursed to the City is repaid; provided, however, that the City shall have no obligation to repay any serial principal installment for which the City did not receive a disbursement of Principal Amount by the date such serial principal installment is due. In such an event, and in the event that less than the principal amount set forth below is disbursed by the Authority to the City, or in the event of prepayment of the Bond, the Authority shall prepare a new payment schedule which shall be effective upon receipt by the City.

Principal
Installment
Due on October 1

Amount of Serial
Principal
Installment
\$

During the time funds are being drawn down by the City under this Bond, MMBA will periodically provide the City a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of MMBA to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the City of its obligation to repay the outstanding principal amount actually advanced, all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of this Bond.

By Councilmember Dunbar

That the City Council resolve itself into the Committee of the Whole

Motion Carried

City Council resolved into the Committee of the Whole for consideration of legislative matters at 9:20 p.m.

The Committee held extensive discussion of a resolution regarding Notice of Intent to Issue Bonds for Capital Improvement Projects including a presentation by Public Service Director, Chad Gamble, and questions and discussion by several Councilmembers.

By Councilmember Dunbar

To reconsider the vote by which the resolution was not adopted by the Committee of the Whole

Motion carried

The question being motion to move the item from committee

Motion carried

By Councilmember Dunbar

That the committee shall rise

Motion carried

The Committee arose and President Quinney reconvened the City Council meeting at 10:30 p.m.

By Councilmember Dunbar

To suspend rule 11 to allow for the consideration of late items (6 votes)

Motion carried

The following item was added to the agenda:

RESOLUTION #2009-055
NOTICE OF INTENT TO ISSUE BONDS
FOR CITY CAPITAL IMPROVEMENT PROJECTS
City of Lansing
Counties of Ingham and Eaton, Michigan

WHEREAS, the City Council of the City has previously determined that it is appropriate for the City to proceed with certain improvements to its sanitary sewer system, its transportation system and related streetscape improvements (the "Project");

WHEREAS, the City Council of the City has determined that it is appropriate to issue capital improvement bonds pursuant to Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34") in one or more series at an estimated interest rate not to exceed seven percent (7%) and in an aggregate amount not to exceed \$20 million (the "Bonds") to pay for the costs of the Project, which Bonds will be payable from funds lawfully available to the City for this purpose such as revenues derived from the operation of the City's Sewage Disposal System, special assessments, general fund monies and ad valorem taxes pursuant to a pledge of the City's limited tax full faith and credit;

WHEREAS, Notice of Intent to Issue Bonds must be published at least forty-five (45) days before the issuance of the same in order to comply with the requirements of Section 5(g) of Act 279, Public Acts of Michigan, 1909, as amended ("Act 279") and Act 34; and

WHEREAS, the City must appoint bond counsel for the issuance of the Bonds; and

WHEREAS, prior to issuance of each series of Bonds the City must (i) receive prior approval of the Bonds from the Michigan Department of Treasury (ii) be granted qualified status as provided in Act 34;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Clerk is hereby authorized and directed to cause a Notice of Intent to Issue Bonds to be published, on or before March 10, 2009, in the LANSING STATE JOURNAL, or other newspaper of general circulation in the City, as a display advertisement at least ¼ page in size.

2. Said Notice of Intent so published shall be in substantially the following form:

OFFICIAL NOTICE TO ELECTORS AND TAXPAYERS
OF THE CITY OF LANSING
OF INTENT TO ISSUE BONDS SECURED BY THE
TAXING
POWER OF THE CITY AND RIGHT OF REFERENDUM
THEREON

PLEASE TAKE NOTICE that the City Council of the City of Lansing, Counties of Ingham and Eaton, Michigan, intends to authorize the issuance of Limited Tax General Obligations Bonds of the City in one or more series in an aggregate principal amount not to exceed \$ 20 million (the "Bonds") for the purpose of financing improvements to the City's road and sanitary sewer systems and related streetscape improvements (the "Improvements"). The Bonds will be issued pursuant to the provisions of Act No. 34, Public Acts of Michigan, 2001 ("Act 34"). The term of the Bonds shall not exceed 30 years and the Bonds shall bear interest at a rate not to exceed seven percent (7%) per annum, to be conclusively determined at the time of the sale of the Bonds.

SOURCE OF PAYMENT OF BONDS

The principal and interest of the Bonds shall be payable primarily from funds lawfully available to the City for this purpose such as revenues derived from the operation of the City's Sewage Disposal System, special assessments, general fund monies and ad valorem taxes pursuant to a pledge of the City's limited tax full faith and credit. Ad valorem taxes may not be levied in excess of the City's charter tax rate limitation for this purpose.

RIGHT OF REFERENDUM

The Bonds will be issued without vote of the electors unless a PETITION requesting an election of the question of issuing the Bonds signed by not less than TEN PERCENT (10%) OF THE REGISTERED ELECTORS in the City is filed with the City Council by deposit with the City Clerk WITHIN FORTY-FIVE (45) DAYS after publication of this Notice. If such a petition is filed, the Bonds cannot be issued without an approving vote by a majority of electors voting on the question.

This Notice is given pursuant to the requirements of Section 5(g) of Act 279, Public Acts of Michigan, 1909, as amended and Act 34. Further information concerning the matters set out in this Notice may be secured from the City Clerk's Office.

Chris Swope, City Clerk

3. The City Council hereby determines that the foregoing form of Notice of Intent to Issue Bonds and the manner of publication directed is adequate notice to the electors and taxpayers of the City and is well calculated to inform them of the intention of the City to issue the Bonds, the purpose of the Bonds, the security for the Bonds, and the right of referendum of the electors with respect thereto, and that the provision of forty-five (45) days within which to file a referendum petition is adequate to insure that the City's electors may exercise their right of referendum with respect to the Bonds.

4. In order to comply with Federal Treasury Regulation § 1.150-2, the City Council states that the City intends to reimburse expenditures for the Project with proceeds of the Bonds, including the Bonds described in this Resolution, by making the following declaration:

(A) The City reasonably expects to reimburse itself for the expenditures made to acquire the Projects with proceeds of debt to be incurred by the City.

(B) The maximum principal amount of debt expected to be issued for reimbursement purposes including bond issuance costs is \$_____, which may be issued in one or more series.

(C) A reimbursement allocation of the expenditures for the Project with the proceeds of the borrowing described here will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date of Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Improvements to reimburse the City for a capital expenditure made pursuant to this Resolution.

(D) This Resolution is adopted to indicate the intent of the City only, and does not bind the City to acquire and construct any Improvements or to issue any obligations of the City.

5. Either the Finance Director or the Public Service Director are authorized to request qualified status from the Michigan Department of Treasury and to pay the related fee, or to request the Michigan Department of Treasury to issue and order granting prior approval to issue Bonds, and to request any related waivers.

6. Dykema Gossett PLLC, of Lansing, Michigan, is appointed as Bond Counsel with respect to the Bonds described in this Resolution.

All Resolutions and parts of Resolutions insofar as they conflict with the provisions of this Resolution are rescinded.

By Councilmember Dunbar

To Adopt this Resolution

Motion carried

RESOLUTION #2009-056

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

RESOLUTION SETTING A PUBLIC HEARING REGARDING THE
INTENT TO CREATE
THE MICHIGAN AVENUE CORRIDOR IMPROVEMENT
AUTHORITY

WHEREAS, the City of Lansing, in conjunction with the City of East Lansing and Charter Township of Lansing has prepared and forwarded a resolution of intent to create the Michigan Avenue Corridor Improvement Authority (the Authority) in accordance with the provisions of the Michigan Corridor Improvement Authority, Public Act 280 of 2005, as amended (the Act);

WHEREAS, the Michigan Avenue Corridor Improvement Authority Development Area, as defined in the Act (the "Proposed Development Area"), is comprised of eligible property within an area along Michigan Avenue bounded by an area of all commercial property, as defined by PA 206 of 1893, found within 500 feet north and 500 feet south of the centerline of Michigan Avenue, and from the eastern edge of the Pere Marquette Rail Line in the City of Lansing to the west to the Lansing City limit to the east, and specifically identified in Exhibit A;

WHEREAS, the District meets all of the requirements of section 5 of Public Act 280 of 2005, including:

1. The Proposed Development Area is adjacent to a road classified as an arterial or collector according to the Federal Highway Administration Manual "Highway Functional Classification — Concepts, Criteria and Procedures;" and
2. The Proposed Development Area contains at least ten (10) contiguous parcels or at least five (5) contiguous acres; and
3. More than half of the existing ground floor square footage in the Proposed Development Area is classified as commercial real property under Section 34c of the General Property Tax Act, Act 206 of 1893, as amended (MCL 211.34c); and
4. Residential use, commercial use, or industrial use has been allowed and conducted under the zoning ordinance or conducted in the entire Proposed Development Area for the immediately preceding thirty (30) years.
5. The Proposed Development Area is presently served by municipal water and sewer; and
6. The Proposed Development Area is zoned to allow for mixed use that includes high density residential use and;

WHEREAS, in accordance with Act 280 the City would further agree to the following with respect to the Proposed Development Area:

1. To expedite the local permitting and inspection process in the Proposed Development Area; and
2. To modify its master plan to provide for walkable non-motorized interconnections, including sidewalks and streetscapes throughout the Proposed Development Area and;

WHEREAS, this resolution of intent to create the Authority that shall be issued to the governing boards of each municipality not less than 60 days prior to the adoption of the authority and its Corridor Improvement Plan,

WHEREAS, the Act requires that before creation of the Authority the Lansing City Council hold a public hearing in order to provide an opportunity for those living in and around the boundaries of the Authority, the City Assessor, a representative of the affected taxing units, the residents, and other taxpayers of the City of Lansing general public appear and be heard regarding the creation of the Authority.

WHEREAS at least one member of the delegation from the city of Lansing live within ½ mile of the corridor.

NOW, THEREFORE, BE IT RESOLVED that Council determines that it is necessary for the best interests of the City and the public to redevelop its commercial corridors and to promote economic growth; and

BE IT FURTHER RESOLVED that the City Council hereby declares its intent to work together with the City of East Lansing and the Charter Township of Lansing to create and provide for the operation of a corridor improvement authority as enabled by and pursuant to Act 280; and

BE IT FURTHER RESOLVED that Council hereby designates the boundaries of the Development Area as comprising parcels of real property identified in Exhibit A; and

BE IT FURTHER RESOLVED that the authority will be known as the "Michigan Avenue Corridor Improvement Authority."

BE IT FINALLY 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 6th day of April, 2009 at 7:00 p.m. for the purpose of receiving public comment on the establishment of the Michigan Avenue Corridor Improvement Authority as set forth in Public Act 280 of 2005 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 20 or more than 40 days prior to the date of the hearing. The clerk shall also mail, or cause to be mailed, not less than twenty (20) days before the public hearing, a notice of public hearing to taxpayers of record in the Proposed Development Area, to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the authority is established and a tax increment financing plan is approved, and to the State Tax Commission. Notice of the hearing shall be posted in at least 20 conspicuous and public places in the proposed development area not less than 20 days before the hearing.

By Councilmember Hewitt

To place an affirmative roll on the Resolution

By Councilmember Hewitt

To insert the clause "WHEREAS at least one member of the delegation from the city of Lansing live within ½ mile of the corridor"

Motion Carried

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

Motion Carried

REPORTS FROM COUNCIL COMMITTEES

RESOLUTION #2009-057
REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING was held on March 4, 2009 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 the northeast corner of W. Ottawa Street and Sycamore Street from "DM-3" Residential and "D-1" Professional Office Districts to "F-1" Commercial 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 located at the northeast corner of W. Ottawa Street and Sycamore Street from "DM-3" Residential and "D-1" Professional Office Districts to "F-1" Commercial District.

Signed: Brian Jeffries, Chairperson
Sandy Allen, Vice Chairperson
Derrick Quinney, Member

By Councilmember Jeffries

To receive this Committee Report

Motion Carried

ORDINANCES FOR PASSAGE

BY COUNCILMEMBER JEFFRIES

That we move to the passage of Ordinances

BY COUNCILMEMBER JEFFRIES

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

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

BY COUNCILMEMBER JEFFRIES

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-8-2008 Part II; The northwest corner of W. Ottawa St. and N. Sycamore St., be placed on order of immediate passage.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

BY COUNCILMEMBER JEFFRIES

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-8-2008 Part II; The northwest corner of W. Ottawa St. and N. Sycamore St., be now passed.

YEAS: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson and Wood
NAY: None
ABSENT: None

ORDINANCE #2546

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-8-2008
Address: Northwest Corner of W. Ottawa Street & N. Sycamore Street
Parcel Number: PPN's: 33-01-01-16-155-072 & Part of 33-01-01-17-279-002
Legal Descriptions: The East 15 feet of Lot 2, Block 4, Claypool Subdivision and Lots 5 & 6, Block 90, Original Plat, City of Lansing, Ingham Co., MI, be rezoned from "DM-3" Residential and "D-1" Professional Office district to "F-1" Commercial district, with the following conditions, which shall run with the land and be binding upon the successor owners of the land:

1. Billboards, automobile sales, motor vehicle service stations, drivethrough businesses of any kind and stand-alone parking lots are prohibited,
2. Ancillary surface parking is limited to 21 spaces,
3. Front yard (street) setbacks maybe no less than the 20 foot front yard setbacks required in the adjoining "DM-1" Residential & "D-2" Residential/Office districts,
4. A minimum of 3000 square feet of retail space be provided on the ground floor of the building,
5. The sale of packaged liquor (not packaged beer and wine) is prohibited, and
6. Northbound turning movements onto Sycamore Street are prohibited once office uses exceed 1,500 square feet.

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

Section 3. This ordinance was duly adopted by the Lansing City Council on, March 9, 2009, and a copy is available in the office of the Lansing City Clerk, 9th Floor, City Hall, 124 W. Michigan Avenue, Lansing, MI 48933.

Section 4. This ordinance shall take effect upon the expiration of seven (7) days from the date this notice of adoption is published in a newspaper of general circulation.

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS;

**COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

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

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letters from the Mayor re:
 - i. Fiscal Year 2012 Local Bridge Program Funding

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

- ii. Application for Industrial Facilities Tax Exemption Certificate submitted by Bharat Forge America, Inc. for property located at 2807 S. Martin Luther King, Jr. Blvd.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. Transfer of Funds; State/Federal Programs, Office of Highway Safety Planning/SCAO Sobriety Court Project

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND THE INTERNAL AUDITOR

• Communications and Petitions, and Other City Related Matters:

- a. Contract between the State of Michigan Department of Transportation and the City of Lansing for:

PART A - STATE PARTICIPATION

Deck replacement work for the structure B02 of 33-06-27, which carries Aurelius Road over the Red Cedar River, Sections 22 and 23, T4N, R2W, City of Lansing, Ingham County, Michigan; including railing replacement, pin and hanger replacement, and partial painting of structure steel work; and all together with necessary related work

PART B – NO STATE PARTICIPATION

Contractor staking and nameplate installation work for the structure B02 of 33-06-27, which carries Aurelius Road over the Red Cedar River; and all together with necessary related work

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES AND REFERRED TO THE PUBLIC SERVICE DEPARTMENT

- b. Order of the Michigan Manufactured Housing Commission re: Variance Request submitted by Dena Kostakos, Vice-President of Riverview 110 Estates, L.L.C.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- c. Letter from Comcast Cable providing notice of channel lineup changes effective April 1 and April 2, 2009

REFERRED TO THE TELECOMMUNICATIONS AND CABLE ADVISORY BOARD

- d. Letter from Ronald Callen, Gary Calkins, Joseph E. Graves, Jr. and Nancy Wonch submitting suggestions related to the Board of Water and Light's proposed coal-fired plant

REFERRED TO THE COMMITTEE OF THE WHOLE

- e. Letter of Resignation from the Human Relations and Community Services Board submitted by Melissa Miller

RECEIVED AND PLACED ON FILE

REMARKS BY COUNCILMEMBERS

Councilmember Hewitt addressed comments made by Mayor Bernero regarding golf course appropriations.

Councilmember Kaltenbach addressed comments made by a speaker tonight regarding the taping over of City Council meeting video tapes.

Councilmember Dunbar spoke about the upcoming city budget.

Councilmember Jeffries stated that he received a call regarding Z-10-08 and asked that the administration provide a follow-up on this issue.

ADJOURNED TIME 11:10 P.M.

CHRIS SWOPE, CITY CLERK