



OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF MARCH 30, 2009



City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 5:00 p.m. by President Quinney.

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

ABSENT: Councilmembers Dunbar (arrived at 5:08 p.m.) and Robinson (arrived at 6:45 p.m.)

SPECIAL HEARING – CADILLAC CLUB LIQUOR LICENSE
--

Council President Quinney called to order a Special Hearing is to receive evidence from the parties regarding whether the City Council finds sufficient evidence to recommend that the Michigan Liquor Control Commission revoke or not renew the Liquor License of the Cadillac Club.

Councilmember Dunbar arrived at 5:08 p.m.

Assistant City Attorney Mark Leonard, representing the City of Lansing, gave an opening statement.

Attorney Charles Ford, representing the Cadillac Club and its owner David Sheets, gave an opening statement.

Mr. Leonard called Antonia Kraus, City Treasurer, as a witness; Council President Quinney swore her in as a witness. Ms. Kraus presented evidence and answered questions of Mr. Leonard, Mr. Ford, and Councilmembers.

Mr. Leonard called Officer Matthew Kreft of the Lansing Police Department as a witness; Council President Quinney swore him in as a witness. Officer Kreft presented evidence and answered questions of Mr. Leonard, Mr. Ford, and Councilmembers.

Mr. Leonard called Officer Randal Hon of the Lansing Police Department as a witness; Council President Quinney swore him in as a witness. Officer Hon presented evidence and answered questions of Mr. Leonard, Mr. Ford, and Councilmembers.

Mr. Leonard called Captain Ray Hall of the Lansing Police Department as a witness; Council President Quinney swore him in as a witness. Captain Hall presented evidence and answered questions of Mr. Leonard, Mr. Ford, and Councilmembers.

Councilmember Robinson arrived at 6:45 p.m.

By Councilmember Allen

That the Council recess the Special hearing for the purposes of taking Public Comment on Legislative Matters and Public Comment on City Government Related Matters.

Motion failed on the following Roll Call Vote:

Yeas: Councilmember Allen

Nays: Councilmembers Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney, Robinson, and Wood

By Councilmember Wood

That the Council continue with the Special Hearing; that following the Special Hearing, Council take Public Comment on Legislative Matters for only the Cadillac Club resolution; that only the Cadillac Club resolution be considered tonight; and that when the Council recess for the day, the Council shall reconvene for the remainder of the agenda items on Thursday, April 2, 2009 at 7:00 p.m.

Motion carried

Mr. Leonard called Karen Chadwick of the Lansing 9-1-1 as a witness; Council President Quinney swore her in as a witness. Ms. Chadwick presented evidence and answered questions of Mr. Leonard, Mr. Ford, and Councilmembers.

Mr. Leonard called Detective Christopher Devlin of the Lansing Police Department as a witness; Council President Quinney swore him in as a witness. Detective Devlin presented evidence and answered questions of Mr. Leonard, Mr. Ford, and Councilmembers.

Mr. Leonard recalled Karen Chadwick of the Lansing 9-1-1 as a witness; Council President Quinney reminded her that she remained sworn in as a witness. Ms. Chadwick presented evidence and answered questions of Mr. Leonard, Mr. Ford, and Councilmembers.

Mr. Leonard called Officer Brandon Russell of the Lansing Police Department as a witness; Council President Quinney swore him in as a witness. Officer Russell presented evidence and answered questions of Mr. Leonard, Mr. Ford, and Councilmembers.

Mr. Leonard called Sergeant Darryl Green of the Lansing Police Department as a witness; Council President Quinney swore him in as a witness. Sergeant Green presented evidence and answered questions of Mr. Leonard, Mr. Ford, and Councilmembers.

Mr. Leonard called Sergeant Darrin Southworth of the Lansing Police Department as a witness; Council President Quinney swore him in as a witness. Sergeant Southworth presented evidence and answered questions of Mr. Leonard, Mr. Ford, and Councilmembers.

Mr. Leonard called Sergeant Dave Emmons of the Lansing Police Department as a witness; Council President Quinney swore him in as a witness. Sergeant Emmons presented evidence and answered questions of Mr. Leonard, Mr. Ford, and Councilmembers.

Mr. Leonard recalled Captain Ray Hall of the Lansing Police Department as a witness; Council President Quinney reminded him that he remained sworn in as a witness. Captain Hall presented evidence and answered questions of Mr. Leonard, Mr. Ford, and Councilmembers.

Mr. Ford called Jessica Smith as a witness; Council President Quinney swore her in as a witness. Ms. Smith presented evidence and answered questions of Mr. Ford, Mr. Leonard, and Councilmembers.

Mr. Ford called David Cripe as a witness; Council President Quinney swore him in as a witness. Mr. Cripe presented evidence and answered questions of Mr. Ford, Mr. Leonard, and Councilmembers.

Mr. Ford called Jaide Holz as a witness; Council President Quinney swore her in as a witness. Ms. Holz presented evidence and answered questions of Mr. Ford, Mr. Leonard, and Councilmembers.

Mr. Ford called Dexter Mackey as a witness; Council President Quinney swore him in as a witness. Mr. Mackey presented evidence and answered questions of Mr. Ford, Mr. Leonard, and Councilmembers.

Mr. Ford called Joe White as a witness; Council President Quinney swore him in as a witness. Mr. White presented evidence and answered questions of Mr. Ford, Mr. Leonard, and Councilmembers.

Mr. Ford called Nate Conner as a witness; Council President Quinney swore him in as a witness. Mr. Conner presented evidence and answered questions of Mr. Ford, Mr. Leonard, and Councilmembers.

Mr. Ford called David Sheets as a witness; Council President Quinney swore him in as a witness. Mr. Sheets presented evidence and answered questions of Mr. Ford, Mr. Leonard, and Councilmembers.

Mr. Leonard gave a closing statement on behalf of the City of Lansing.

Mr. Ford gave a closing statement on behalf of the Cadillac Club and David Sheets.

President Quinney closed the Special Hearing.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Jim Lyon of 1415 Park Ave. spoke against the proposed resolution requesting that the Cadillac Club's liquor license be revoked or non-renewed.

Bob Gray of 422 Dadson Dr. spoke against the proposed resolution requesting that the Cadillac Club's liquor license be revoked or non-renewed.

Harold King of 1563 N. High St. spoke against the proposed resolution requesting that the Cadillac Club's liquor license be revoked or non-renewed.

Charlene Decker of 2711 Pleasant Gr. spoke against the proposed resolution requesting that the Cadillac Club's liquor license be revoked or non-renewed.

John Lenhard of PO Box 4280, East Lansing, spoke against the proposed resolution requesting that the Cadillac Club's liquor license be revoked or non-renewed.

Gerald DeJuliannie of 721 N. Capitol spoke against the proposed resolution requesting that the Cadillac Club's liquor license be revoked or non-renewed.

Ifield Joseph of 1333 Turner St. spoke against the proposed resolution requesting that the Cadillac Club's liquor license be revoked or non-renewed.

Frank Lain of 2918 Sunderland Rd. spoke against the proposed resolution requesting that the Cadillac Club's liquor license be revoked or non-renewed.

By Councilmember Allen

That the Council Rules be suspended to allow those who have not signed in to speak.

Motion failed by the following roll call vote:

Yeas: Councilmembers Allen, Dunbar, and Kaltenbach

Nays: Councilmembers Hewitt, Jeffries, Quinney, Robinson, and Wood

By Councilmember Hewitt

That the Council proceed to the order of Public Comment on City Government Related Matters

Motion failed

FAILED

BY COUNCIL MEMBERS QUINNEY, ROBINSON, ALLEN,
DUNBAR,
JEFFRIES, HEWITT, KALTENBACH, AND WOOD

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

**License Non-Renewal/Revocation, David Sheets-Cadillac Club
1115 S. Washington Avenue, Lansing, Michigan 48910.**

WHEREAS, the City Council has received a request for non-renewal or revocation of a liquor license; and

WHEREAS, the aforementioned request for non-renewal or revocation was based upon objective criteria set out in Lansing Code of Codified Ordinances Section 830.06(f) and Section 830.06(i); and

WHEREAS, in accordance with the Codified Ordinances of Lansing, Michigan, Section 830.07, before filing an objection to the issuance or renewal of a liquor license or requesting the revocation of an already existing license with the Michigan Liquor Control Commission, the City Council, or its designated hearing officer, shall hold a hearing on the matter and serve the license holder and any other person known to have a legal interest in such license, by first-class mail, posted not less than ten days prior to such hearing; and

WHEREAS, on March 13, 2009 a Notice of Hearing, Copy of Complaint and Request for Action was mailed by First Class Mail to David W. Sheets, the licensee, informing him of the allegations, the day, date, and time of the Hearing on the allegations, and further informing David W. Sheets of his right to appear and present evidence and testimony and to confront witnesses; and

WHEREAS, on March 13, 2009, the licensee was also personally served with said Notice of Hearing; and

WHEREAS, on March 30, 2009 at 5:00 p.m. a Hearing was held at 124 W. Michigan Avenue, City Council Chambers, Tenth Floor, City Hall, Lansing, Michigan, pursuant to notice; and

WHEREAS, the licensee was provided notice and opportunity to be heard, to call witnesses on his behalf, and to cross-examine witnesses on the City's behalf during a Hearing on the record; and

WHEREAS, evidence was presented on the record regarding the allegations contained in the Complaint and Request for Action; to wit:

- a) On October 18, 2008 officers were dispatched to Cadillac Club reference a large fight. Approximately 200 patrons were exiting the building. The first responding officer requested priority back-up when he heard a gunshot and the crowd began to flee. Lansing Police Department performed emergency transport of gunshot victim who had suffered a life threatening gunshot wound to the chest. Subsequent interviews revealed that an argument began in the Cadillac Club. Cadillac Club security removed one individual from the building to the street. The perpetrator of

the crime then waited for the victim on the premises of the Cadillac Club and opened fire. Officers remained on scene until all clear.

- b) On July 27, 2008 officers were dispatched to the Cadillac Club reference felonious assault with a glass bottle. The subsequent investigation revealed that the victim suffered injury to her head and shoulder when assaulted inside the bar with a beverage bottle. The victim was transported to Sparrow Hospital for treatment.
- c) On July 13, 2008 officers were dispatched to the Cadillac Club reference a complaint of shots fired. Officers arrived to find 200 to 300 people milling around in the street. Officers interviewed several individuals in the crowd that confirmed hearing gunshots. None of the individuals were able to give more detailed information. No arrests were made regarding the unlawful discharge of a firearm. Further, investigation at the scene resulted in the discovery of one .45 caliber shell casing and two knives that had been discarded. It should be further noted that follow-up investigation revealed that a large number of people were loitering in the street and setting glass bottles in the street where they would be run over by passing vehicular traffic. Officers remained on scene until all clear.

On February 8, 2009 officers were dispatched to the Cadillac Club reference a complaint of Felonious Assault. Officers determined that the victim was assaulted in the Cadillac Club, at which time club security ejected the perpetrators of the assault. The individuals remained on the property of the Cadillac Club. The individuals accelerated and drove forward striking the victim. The victim was transported to the Ingham Regional Medical Center for treatment; and

WHEREAS, evidence was further presented on the record regarding the allegations contained in the Complaint and Request for Action are true; to wit:

- a) Allowed an intoxicated person to consume/loiter upon the licensed premise contrary to Section 707(4) of the Michigan Liquor Control Code, MCL 436.1707(4).
- b) Allowed fights or brawls on the licensed premises, contrary to Rule 436.1011(6)(c). January 24, 2009
- c) Furnish/sell or allow person under 21 to consume and/or possess alcohol on the licensed premises contrary to Rule 436.1009(1). July 5, 2008. November 14, 2008. January 24, 2009. February 15, 2009; and

WHEREAS, evidence was further presented on the record regarding the allegations contained in the Complaint and Request for Action; to wit:

- a) Fighting in Public call dispatched officers to Cadillac Club on July 19, 2008. Officers contacted several individual in the alley behind the Cadillac Club. Officers were not able to arrest for fighting. However, in the course of the investigation a quantity of marijuana was located. Arrest was made on bench warrant. The individual in possession of the drugs indicated he and his associates were smoking marijuana on Cadillac Club premises before entering the building. Defendant subsequently plead guilty on other charges.
- b) Fighting in Public, Hinder & Oppose, MIP. Officers were dispatched to Cadillac Club on August 3, 2008. Defendants subsequently plead guilty to Hindering and Opposing a Police Officer. Defendant required to attend alcohol abstinences counseling.
- c) Fighting in Public and MIP. On January 24, 2009 Lansing Police observed an individual fighting in front of the Cadillac Club. Officers arrested an underage female charged her with

Minor in Possession of Alcohol and Fighting in Public. The defendant pled guilty to both charges.

NOW, THEREFORE, BE IT RESOLVED, that, following the Hearing held on Monday, March 30, 2009, at 5:00 p.m. in the City Council Chambers, Tenth Floor, City Hall, 124 West Michigan Avenue, Lansing, Michigan, as provided in Chapter 830, Section 830.07 of the Codified Ordinances of Lansing, Michigan, the Lansing City Council finds that the evidence presented on the record supports the allegations contained in the Complaint and Request for Action.

BE IT FURTHER RESOLVED, that the City Council hereby finds that these allegations are together or separately sufficient grounds to request revocation or non-renewal.

BE IT FINALLY RESOLVED, that the City Council hereby requests that the Michigan Liquor Control Commission revoke or deny the renewal of the liquor license for the premises at 1115 S. Washington Avenue, Lansing, Michigan, commonly known as the Cadillac Club.

By Councilmember Robinson

Motion failed by the following Roll Call Vote

Yeas: Councilmembers Hewitt, Jeffries, Robinson, and Wood

Nays: Councilmembers Allen, Dunbar, Kaltenbach, and Quinney

The Council recessed until Thursday, April 2 at 7:00 p.m.

Council President Quinney called the meeting back to order at 7:00 p.m. on Thursday, April 2 and requested an attendance roll call by Clerk Swope.

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

ABSENT: Councilmember Dunbar

Councilmember Wood asked folks to keep Rudy Wilson, who recently underwent surgery, in their thoughts during the moment of Meditation. 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 23, 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, Kaltenbach, and Quinney

Nays: Councilmembers Hewitt, Jeffries, Robinson, and Wood

Absent: Councilmember Dunbar

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. Tribute and Mayoral Presentation; Recognition of Coach James Bibb's 80th Birthday and his contributions to the City of Lansing

City Clerk Swope read the following Resolution:

RESOLUTION #2009-080

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

WHEREAS, James E. Bibbs has lived an extraordinary life, full of exciting opportunities and achievements, including being offered a contract with the New York Yankees and tying the 60 yard dash record set in 1951 by Olympic four time gold medal winner Jesse Owens; and

WHEREAS, he is well known in the community for his integrity, honesty, and dedication to youth sports, both professionally and personally; and

WHEREAS, Coach James E. Bibbs has been involved in instructing and coaching Track and Field for nearly five decades on every level, including high school, collegiate, national, and international; and

WHEREAS, he has coached twenty-six All Americans, fifty-two Big Ten Champions, and founded the Detroit Track Club, winning five consecutive Women's national relay championships; and

WHEREAS, Coach Bibbs' deep commitment to youth and his passion for the sport has gained the respect and admiration of countless colleagues, athletes, parents, and friends nationwide. Under his tutelage, coaching, encouragement, and support many student athletes have been empowered to excel athletically and academically; and

WHEREAS, his numerous honors include being named the Amateur Athletic Union Women's Coach of the Year and being inducted into the Michigan Amateur Athlete Hall of Fame, Eastern Michigan and, most recently, into the Greater Lansing Sports Hall of Fame. He was selected as a torch bearer for the 2000 Winter Olympics; and

WHEREAS, in 2001, Ecorse High School dedicated their high school football stadium as the James E. Bibbs Stadium, and in 2003, Coach Bibbs received the Unsung Heroes Award and Omega Psi Phi Fraternity's Citizen of the Year award. The first annual James E. Bibbs Invitational Track Meet, sponsored by the Lightning Lynx Track Club, was held in 2006 to raise money for the Jim Bibbs scholarship; and

WHEREAS, Coach Bibbs retired as Head Coach of Michigan State University in 1995 and continues coaching as a volunteer at East Lansing High School. He also serves as a volunteer instructor of Health and Physical education at the Black Child and Family Institute;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes James E. Bibbs best wishes on his 80th birthday and congratulates him on his extraordinary achievements through his community involvement and as a role model and mentor to children, youth, and adults. We wish you continued success!

Council President Quinney stated that it was a pleasure and an honor to recognize a true champion and spoke of Mr. Bibb's many

accomplishments.

Mr. Bibbs thanked the Mayor and City Council for this honor and stated that he loves the Lansing community.

Jerry Ambrose, Executive Assistant to Mayor Bernero, read parts of the Mayor's proclamation.

Mr. Bibbs stated that he was truly blessed and once again thanked everyone.

2. Presentation; Recognition of Rank of Eagle Scout to Lansing Eagle Scout Troop 911

Councilmember Kaltenbach stated that only 2% of scouts nationwide reach the level of Eagle Scout and expressed pride in Lansing's Troop 911 having so many reach that level. He presented certificates to the scouts present.

Jeff Riffle thanked the City Council on behalf of Troop 911.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Hewitt thanked his colleagues for sticking it out for the duration of Monday's portion of the meeting. He announced the next 1st Contact meeting for residents of the 1st Ward.

Councilmember Kaltenbach stated that Louis Mangano had cataract surgery. He expressed his disappointment that late items were not considered to allow for a resolution setting a Public Hearing for the Buy/Sell Agreement for the North Capitol Ramp.

Councilmember Hewitt explained why he did not want to revisit the North Capitol Ramp issue.

Councilmember Allen asked Jerry Ambrose to check into issues related to trash barrels at the intersection of Fred St. and Joshua St.

Councilmember Wood stated that this past weekend she had the pleasure to read at Lewton Elementary School for Mrs. Hudson's 2nd grade class and other students. She announced the Community Resources Education and Assisting to Empower (CREATE) the City of Lansing event, which is in partnership with local unions, non-profit organizations, and businesses as an outreach event for Lansing citizens. She also announced Tri-County's Got Talent for Alcohol Awareness, a Minority Health Awareness Fair at Dino's Barber Studio and the Westside Spring Fiesta and Silent Auction. She explained why she voted against late items to not allow consideration of setting a public hearing on the Buy/Sell Agreement for the North Capitol Ramp. She requested information from the Administration concern the IBEW issue with fire hydrants at the next Committee of the Whole meeting.

Councilmember Allen spoke about school closings in the City of Lansing.

Councilmember Kaltenbach explained why he was so passionate about the Buy/Sell Agreement for the North Capitol Ramp.

Councilmember Robinson announced a skating party at Wexford School. She explained her reasons for not allowing late items to consider the Buy/Sell Agreement for the North Capitol Ramp.

Councilmember Jeffries explained his reasons for not allowing late items to consider the Buy/Sell Agreement for the North Capitol Ramp.

Councilmember Hewitt spoke about the North Capitol Ramp.

Councilmember Kaltenbach spoke about the North Capitol Ramp.

Council President Quinney announced CREATE Lansing event and thanked his colleagues for being sponsors. He explained why he wants to proceed with the Buy/Sell Agreement for the North Capitol Ramp.

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.

City Attorney Smith thanked the City Council, Police Officers, his staff and all of those who endured Monday's 12 hour special hearing.

MAYOR'S COMMENTS

Jerry Ambrose, Executive Assistant to Mayor Bernero, thanked Councilmembers Allen, Kaltenbach and Quinney for trying to push the Buy/Sell Agreement for the North Capitol Ramp forward. He called it a win-win situation for the City of Lansing and Lansing Community College. He spoke about the Recycled Art Exhibit and Fashion Show event at City Hall. He announced the CREATE Lansing event, Feed the Children Spring Break and the next Diversity Day event. He mentioned that the city would issue vouchers to those who have been overcharged for parking in the city.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings

Bob Gray of 422 Dadson Dr. spoke about the special hearing for the Cadillac Club.

William Hubbell of 3916 Wedgewood Dr. spoke about the proposed controlled burn of vegetation in and around Groesbeck Park.

Harold King of 1563 N. High St. spoke about the proposed controlled burn of vegetation in and around Groesbeck Park.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about spoke about the special hearing for the Cadillac Club.

Ingham County Drain Commissioner Pat Lindeman spoke in support of the proposed controlled burn of vegetation in and around Groesbeck Park.

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Bob Gray of 422 Dadson Dr. spoke about the CATA bus turn around on Edgewood Blvd.

Penny Gardner of 1035 Seymour Ave. spoke in support of the Buy/Sell Agreement for the North Capitol Ramp.

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

Cindy Redman of 609 W. Shiawassee St. spoke in support of the Buy/Sell Agreement for the North Capitol Ramp.

William Hubbell of 3916 Wedgewood Dr. spoke about various city

matters.

Chris Strugar-Fritsch of Lansing Community College spoke in support of the Buy/Sell Agreement for the North Capitol Ramp.

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

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

Ray Kurtis of 509 N. Butler Blvd. spoke in support of the Buy/Sell Agreement for the North Capitol Ramp.

Melody Tedoro-Curtis of 509 N. Butler Blvd. spoke in support of the Buy/Sell Agreement for the North Capitol Ramp.

Steve Manchester of 514 Westmoreland Ave. spoke about the Buy/Sell Agreement for the North Capitol Ramp.

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

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

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

Carl Calille of 306 Harriet St. spoke about the Buy/Sell Agreement for the North Capitol Ramp.

Gina Nelson of 605 W. Shiawassee St. spoke in support of the Buy/Sell Agreement for the North Capitol Ramp.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-081

BY COUNCILMEMBER SANDY ALLEN

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Sam Brooks is a member of Boy Scout Troop 411, chartered to Christ United Methodist Church; and

WHEREAS, Sam completed a project that, with the backing of the American Red Cross, included organizing, advertising, and recruiting donors for a community blood drive, attracting 61 possible donors of which the Red Cross was able to accept 51 donors and successfully collecting 47 usable pints of blood; and

WHEREAS, among the 61 possible donors, Sam was able to provide the American Red Cross with the names of 28 first time donors, making it one of the best Saturday drives held, according to Steve Berger and the staff from the Red Cross; and

WHEREAS, Sam supervised over 15 youths and adults who spent a total of 78 hours completing the project as well as spending almost 34 hours planning the eight hour blood drive; and

WHEREAS, he attended Everett High School where he was on the Honor Roll for four years and graduated with Honors in June 2008 with a GPA over 3.2.

WHEREAS, Sam participated in swimming and football for four years earning a varsity letter each year. He was awarded the "Most Improved Swimmer" and "Most Valuable Swimmer" as well as the "Humor Award" for three years running. He was presented the "Davis West Memorial Award" for his portrayal of dedication, hard work, bravery, and integrity on and off the field during his senior year in

football; and

WHEREAS, he was an active member of Pack 401 from Cavanaugh Elementary School where he earned his "Arrow of Light Award" in 2001 and moved up to Troop 411 in the spring of 2001; and

WHEREAS, Sam demonstrated leadership and citizenship throughout his Scout years earning 21 merit badges before reaching his 18th birthday to achieve Eagle Rank; and

WHEREAS, in his letter to the Eagle Advancement Committee, he stated "I joined the Boy Scouts because I wanted to make a difference in my community and become a better person";

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, congratulate Sam Brooks for earning the "Eagle Scout Award," Scouting's highest achievement from the Boy Scouts of America. We wish you continued success in all your future endeavors!

By Councilmember Allen

Motion Carried

THIS ITEM WAS RETURNED TO COUNCILMEMBER WOOD
Tribute; Tri-County Awareness Committee and Kickoff to Alcohol Awareness Month

By Councilmember Wood

That this item be returned to her

Motion Carried

RESOLUTION #2009-082
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing Department of Public Service, in participation with the Michigan Department of Transportation (MDOT), will be resurfacing Edgewood Blvd. (between Washington Ave. and Martin Luther King Jr., Blvd.) in the summer 2009; and

WHEREAS, the project is listed in the approved Transportation Improvement Plan (TIP) for Federal Urban STP funding for 2009 construction; and

WHEREAS, the approximate 1.3 mile long project includes milling the existing asphalt surface and overlaying the road with an ultra-thin concrete overlay (white-topping) for which the technical specifications require pavement joints to be saw-cut every four feet in a square grid pattern within 16 hours of concrete placement; and

WHEREAS, the Michigan Concrete Paving Association has determined that for a routine workday saw-cutting operations often continue until late night on white-topping projects; and

WHEREAS, pursuant to Section 654.07(g) of the Lansing Code of Ordinances, construction is prohibited between the hours of 8:00 PM and 7:00 AM on weekdays or at any time on weekends or holidays except for emergency work or a temporary or special permit issued pursuant to Sections 654.10 or 654.11; and

WHEREAS, the Public Service Department is requesting a waiver of the noise ordinance to complete the work according to specifications; and

WHEREAS, the Public Service Department recommends allowing concrete placement and saw-cutting in the extended hours, from 8:00 PM to 10:00 PM Monday through Friday and 8:00 AM to 10:00 PM on Saturdays, effective July 5, 2009 to October 30, 2009 (the anticipated construction period) with the following conditions:

- This waiver is requested only for an estimated period of twenty (20) days to occur during the above indicated dates depending on the paving schedule.
- Any work associated with this request will occur only once for each concrete placing and saw cutting operation in front of any one property.

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held on Monday, April 27, 2009 at 7:00 PM in the City of Lansing Council Chambers, 124 W. Michigan Ave., in consideration of the request for issuance of a waiver of the noise ordinance to permit construction in the extended hours from 8:00 PM to 10:00 PM Monday through Friday and from 8:00 AM to 10:00 PM on Saturdays effective July 5, 2009 to October 30, 2009 on Edgewood Blvd (between Washington Ave. and Martin Luther King Jr., Blvd.) for an estimated period of twenty (20) days during the above indicated dates depending on the paving schedule.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-083
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Claude Vaughn sought to eliminate Special Assessment of \$65.00 for a 2nd Notice Fee on trash and all associated penalties and interest on the property tax bill of 3714 Churchill Avenue, Lansing, Michigan, 48911; and

WHEREAS, the Committee on General Services met on Monday, March 23, 2009 to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, denies the claim filed by Claude Vaughn for a 2nd Notice Fee of \$65.00 on trash and all associated penalties and interest on the property tax bill of 3714 Churchill Avenue, Lansing, Michigan, 48911;

BE IT FURTHER RESOLVED that the City Attorney shall take the appropriate steps to process this claim.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-084
BY THE COMMITTEE ON GENERAL SERVICES
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, John Ray Pollock sought to eliminate Special Assessment of \$1,016.00 for trash and weeds and all associated penalties and interest on the property tax bill of 6129 Marscot, Lansing, Michigan, 48911; and

WHEREAS, the Committee on General Services met on Monday, March 23, 2009 to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, denies the claim filed by John Ray Pollock of \$1,016.00 for trash and weeds and all associated penalties and interest on the property tax bill of 6129 Marscot, Lansing, Michigan, 48911;

BE IT FURTHER RESOLVED that the City Attorney shall take the appropriate steps to process this claim.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-085

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

WHEREAS, Brian M. Singleton sought to eliminate Special Assessment of \$1,037.83 for a Board Up and all associated penalties and interest on the property tax bill of 4600 Pleasant Grove Road, Lansing, Michigan, 48910; and

WHEREAS, the Committee on General Services met on Monday, March 23, 2009 to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby, grants the claim filed by Brian M. Singleton of \$1,037.83 for a Board Up and all associated penalties and interest on the property tax bill of 4600 Pleasant Grove, Lansing, Michigan, 48910;

BE IT FURTHER RESOLVED that the City Attorney shall take the appropriate steps to process this claim.

By Councilmember Kaltenbach

That the resolution be adopted

By Councilmember Kaltenbach

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

Motion Carried

By Councilmember Kaltenbach

To amend the resolution by striking both instances of "49201" and inserting "48910"

Motion Carried

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

Motion Carried

RESOLUTION #2009-086

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

RESOLUTION APPROVING APPLICATION FOR LOCAL BRIDGE PROGRAM
FROM MICHIGAN DEPARTMENT OF TRANSPORTATION

WHEREAS, according to the requirements of the Michigan Department of Transportation (MDOT) Local Bridge Program, the City of Lansing, Public Service Department would like to submit funding applications for FY 2012 for the following three structures:

Replacement

- 1) Aurelius Road over Pawlowski Drain (South)

Rehabilitation

- 2) Aurelius Road Bridge over Grand Trunk Railroad
- 3) Mt. Hope Ave Bridge over Sycamore Creek

WHEREAS, if successful, the City will receive State funding to finance 95% of construction costs, and the City will fund 5% of the construction and 100% of the engineering costs; and

WHEREAS, based on the engineer's conceptual estimates, the estimated construction cost of the all structures will be approximately \$1,897,000; and

WHEREAS, 5% of the estimated construction cost of all structures will be approximately \$95,000 and the estimated engineering costs will be approximately \$474,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council approves the submittal of funding application for the MDOT's Local Bridge Program for the following three structures:

Replacement

- 1) Aurelius Road over Pawlowski Drain (South)

Rehabilitation

- 2) Aurelius Road Bridge over Grand Trunk Railroad
- 3) Mt. Hope Ave Bridge over Sycamore Creek

BE IT FURTHER RESOLVED that upon notification of the grant being awarded, the Administration shall bring such grant back to the City Council for acceptance.

By Councilmember Wood

Motion Carried

RESOLUTION #2009-087

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

That the following FY 2009 transfers be approved:

State/Federal Programs
Sobriety Court OHSP

\$27,000.00 from Federal Revenue	273.0.527000.17009
\$18,200.00 to Temp Help	273.132201.707000.17009
\$300.00 to Miscellaneous Operating	273.132201.707000.17009
\$8,500.00 to Contractual Services	273.132201.707000.17009

(To provide for supplemental funding in Sobriety Court with grant resources from the US department of Transportation, Office of Highway Safety Planning (OHSP)).

By Councilmember Wood

Motion Carried

RESOLUTION #2009-088

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

That the following FY 2009 transfers be approved:

State/Federal Programs
Help America Vote Act

\$9,362.00 from Federal Revenue	273.0.527000.0
\$9,362.00 to Miscellaneous Operating	273.172400.741000.17116

(To provide for improvement in accessibility to election polling places.)

By Councilmember Wood

Motion Carried

RESOLUTION #2009-089

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

WHEREAS, the Committee of the Whole received an update from Ingham County Drain Commissioner Pat Lindemann on March 26, 2009 in which he outlined the benefits of a proposed controlled burn of certain vegetation in and around Groesbeck Park; and

WHEREAS, these benefits include substantially decreased maintenance costs, and therefore assessments, as well as substantially increased growth of desirable indigenous flora; and

WHEREAS, the Drain Commissioner has determined that the controlled burn at Groesbeck Park be done by no later than mid-April 2009; and

WHEREAS, the proposed controlled burn requires approval by the City of Lansing Fire Chief; and

WHEREAS, the Drain Commissioner has committed to notifying the surrounding neighborhoods of the proposed controlled burn, including personal meetings with potentially affected organizations and leafletting of potentially affected residents; and

WHEREAS, this leafletting will include contact information for those with concerns about respiratory ailments; and

WHEREAS, controlled burns are deemed to be an ongoing concern to and interest of the City of Lansing;

NOW, THEREFORE, BE IT RESOLVED that the City Council encourages the Fire Chief's approval of the Drain Commissioner's proposed controlled burn of vegetation in and around Groesbeck Park.

BE IT FURTHER RESOLVED that the Committee on Intergovernmental Relations shall be the committee of jurisdiction for addressing controlled burns in the City of Lansing on an ongoing basis.

BE IT FINALLY RESOLVED that the Committee on Intergovernmental Relations shall explore appropriate mechanisms for securing regional consistency in dealing with controlled burns, including the possibility of the City entering into a Memorandum of Understanding with the Drain Commissioner and neighboring jurisdictions to consistently and correctly deal with controlled burning in Ingham County.

By Councilmember Robinson

Motion Carried

**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. 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. Letter from the Mayor re:

- i. Motor Carrier Safety Ordinance Amendment

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- Communications and Petitions, and Other City Related Matters:

- a. Request for Recognition of Non-Profit Status in the City of Lansing submitted by Kathy Devine, Chairperson for Case Cares located at 4316 S. Pennsylvania Ave.

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

- b. Letter from Susan Kaltenbach of 12 E. Hannum Blvd., Saginaw, regarding parking meters in downtown Lansing

REFERRED TO THE TRANSPORTATION DIVISION

- c. Letter from Penny Gardner of 1035 Seymour Ave. in support of the Buy/Sell Agreement for the North Capitol Parking Ramp

RECEIVED AND PLACED ON FILE

- d. Letter from Brent Bulmer, no address given, regarding thefts near Lansing Community College

REFERRED TO THE POLICE DEPARTMENT AND REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

MOTION OF EXCUSED ABSENCE

By Councilmember Allen

To excuse Councilmember Dunbar from tonight's proceedings

Motion Carried

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about CREATE Lansing and Feed the Children Spring Break event.

ADJOURNED TIME 9:19 P.M.

CHRIS SWOPE, CITY CLERK