



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF APRIL 20, 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 Vice President Robinson.

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

ABSENT: Councilmembers Hewitt (Arrived at 7:06 p.m.) and Quinney

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

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Jeffries

To approve the printed Council Proceedings of April 13, 2009

Motion carried

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; Mayor's Recognition of National Arbor Day

Councilmember Hewitt arrived at the meeting at 7:06 p.m.

Mayor Bernero reminded viewers about the importance of Arbor Day. He spoke about the importance of planting trees.

Paul Dykema of the Parks and Recreation Department thanked the Mayor, City Council and residents of Lansing for recognizing Arbor Day. He stated that Lansing has been designated as a Tree City for the past 25 years. He spoke about the benefits of planting trees.

Mayor Bernero spoke about the many Arbor Day events he plans to attend.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Allen announced the next Old Everett neighborhood meeting and she recognized a Lansing Community College government class in attendance.

Councilmember Dunbar recognized a Holt High School 11th grade government class in attendance. She announced the next Churchill Downs and Averill Woods neighborhood meetings. She thanked the

organizers of Michigan Pride's recent brunch for letting her bartend. She spoke about spending time with her neighbors playing Catch the Flag.

Councilmember Wood announced the Healing Fields flag event for child abuse victims and she announced the Westside Fiesta and Silent Auction.

City Clerk Swope announced the Tri-County Office on Aging's annual golf outing and stated that census workers would be checking addresses in the city and that information collected by or given to census workers is protected as confidential information.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero spoke about the recent Adopt A River Clean-Up, National Association of Negro Business & Professional Women's 27th Annual Founders' Day Awards Ceremony and the Diversity Day events. He announced National Volunteer Week for 2009 and the next Mobile Food Pantry.

Councilmember Dunbar spoke about upcoming master planning meetings.

SHOW CAUSE HEARINGS

- Comment on Scheduled Show Cause Hearings:

1. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 1235 W. Michigan Ave.

Councilmember Allen gave a brief overview of the Show Cause Hearing.

There were no speakers for this Show Cause Hearing.

REFERRAL OF SHOW CAUSE HEARINGS

1. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 1235 W. Michigan Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings.

Vice President Robinson invited the public to attend upcoming budget meetings.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about authorizing the expansion of the Ingham County/City of Lansing Community Corrections Advisory Board to include two representatives from the general public.

Stan Shuck of 818 Cooper Ave. spoke about Cesar E. Chavez Day.

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Justin Sleight of 215 N. Capitol Ave. spoke about Oliver Towers.

Loretta Stanaway of 546 Armstrong Rd. spoke about the city's budget.

Christopher Davis of 122 W. Huron St. spoke about various city matters.

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

Manuela Kress of 1712 E. Michigan Ave. spoke about the Women's Center of Greater Lansing.

Jonathan Braun, homeless, spoke about homeless matters.

Michael Evans of 4224 Mt. Olivet, Kalamazoo, spoke about homeless matters.

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

Don Dean of 1321 E. North St. spoke in support of the proposed sale of the North Capitol Parking Ramp.

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

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

Carl Calille of 306 Harriett Ave. spoke about various city matters.

Rob Wilcox of 1104 Pershing Dr. spoke about Lansing Public Schools.

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

Berhsar Chapman of 4405 Ingham St. spoke about youth activities in the City of Lansing.

Nicole Bell of 2305 Bollman Dr., Delta Twp., spoke about various city matters.

Jerry Roe of 4809 Gull Rd., Delta Twp. spoke about the proposed sale of the North Capitol Parking Ramp.

Curt Busque of 130 Swart St., East Lansing, spoke about bars in the City of Lansing potentially serving alcohol to 4:00 a.m.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-104

BY COUNCILMEMBER SANDY ALLEN

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Cesar E. Chavez was co-founder and leader of the United Farm Workers and for over 30 years worked to bring unity, fair wages, respect, and humane living conditions to hundreds of thousands of farm workers throughout the country; and

WHEREAS, on April 23, 1993, Cesar E. Chavez, a great hero and leader in our United States of America, died of natural causes in San Luis, Arizona; and

WHEREAS, Cesar E. Chavez's dedication to non-violence, public service, community, and respect for all cultures continues to serve as an inspiration to others who wish for a more peaceful and just society; and

WHEREAS, on April 17, 2009, the City of Lansing will host the 1st Annual Cesar E. Chavez Memorial Observance honoring this great community leader; and

WHEREAS, the theme for this year's observance, as proclaimed by the Cesar E. Chavez Foundation, "Si Se Puede! Yes We Can!" reminds us that our actions can bring HOPE and positive CHANGE to our Communities and Country;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council honors the memory of Cesar E. Chavez, who devoted his life to be of service to others and to bring positive change;

BE IT FURTHER RESOLVED, the Lansing City Council, hereby, declares Friday, April 17, 2009, as Cesar E. Chavez Day.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-105

BY COUNCILMEMBER CAROL WOOD
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Edmund Banasikowski was born April 3, 1914, in Siedlce, Central Poland; and

WHEREAS, he graduated from the Military College for Professional Officers of the Polish Army and was assigned to the 23rd infantry regiment. In August 1939, at the rank of Lieutenant, he was transferred to Freelance Fortrece Detachment in Mikolow, where he was serving when World War II broke out; and

WHEREAS, between 1939 and 1940, Banasikowski worked for the Polish Underground in Siedlce. He was recruited and assigned to the Offensive Intelligence Unit as second in command of the Intelligence Post "Zygmunt"; and

WHEREAS, during WWII, he fought for the freedom of Poland during the domination and occupation of the Soviet Union and was at one time among the most wanted by the KGB. He was captured by the Soviet Red Army, the Gestapo, and the KGB; and

WHEREAS, at the end of 1944, he contacted the Polish Underground and worked as co-editor of the underground bulletin, "Na Zew Ziemi Ojczystej"; and

WHEREAS, in 1956, Banasikowski and friends activated the Polish American Congress Wisconsin State Division, where he served for seventeen years, the longest serving president of the organization; and

WHEREAS, Banasikowski also served as a member of the World Council of Polish Veterans of World War II Association, the Head Council of Polish Home Army Association in London, England, the Polish American Congress Board of Directors, the Polish Affairs

Study, and the National Council of Polish Government in Exile; and

WHEREAS, as an orator and author, Banasikowski's various articles regarding Polish Affairs were heard on "Radio Free Europe" in Munich and on "Echoes from Poland" in Milwaukee; and

WHEREAS, Edmund Banasikowski wrote a bestseller, titled, "Na Zew Ziemi Wilenskiej," for which he was named in 1988 the "Polish Writer of the Year" by the Polish Writer's Association Abroad in London, England; and

WHEREAS, Banasikowski won numerous awards for his service, including the Cross of Wituti Militari V-Class, the Cross of Valour, the Cross of the Home Army, the Order of Poland's Revival Cavalier Cross, and the Officer's Cross by Poland's Government in Exile in London; and

WHEREAS, in 1991, invited by Home Army, he traveled to Poland with his wife; his first return to Poland after the fall of communism. He was greeted by a military 21-gun salute on the soil of the Republic of Poland, an independent Poland, for which he fought his entire life; and

WHEREAS, he was awarded two proclamations by Pope John Paul II for his service and dedication to the freedom of Poland and was invited to the White House by three Presidents; Jimmy Carter, Ronald Reagan, and George Bush Sr.; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes Edmund Banasikowski a very happy 84th birthday and commend him on his extraordinary lifetime of achievements.

By Councilmember Wood

Motion Carried

THIS ITEM WAS RETURNED TO COUNCILMEMBER WOOD

Tribute; Recognition of Glenn Dean for his contributions to the City of Lansing

By Councilmember Wood

To return this item to her

Motion Carried

RESOLUTION #2009-106

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

WHEREAS, Case Cares has requested a resolution of recognition as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a Local Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, recognizes Case Cares as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license.

BE IT FURTHER RESOLVED the City Clerk is requested to provide a copy of this resolution to the Case Cares, c/o Terry Pearson, 4316 S. Pennsylvania Street, Lansing, Michigan 48909.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-107

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

WHEREAS, Progressive Empowerment Education Resource Service (P.E.E.R.S.) has requested \$500.00 to defray costs associated with the Juneteenth Celebration to be held on June 19 and 20, 2009; and

WHEREAS, the Committee on General Services met on Monday, April 13, 2009 and reviewed the request; and

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

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves the allocation of \$500.00 from the Community Promotion Account to the Progressive Empowerment Education Resource Service to defray costs associated with the Juneteenth Celebration to be held on June 19 and 20, 2009;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500.00 to the Council Community Promotion Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that the P.E.E.R.S. shall submit a written analysis of the event, including information regarding the number of attendees, a detail account on all funds received, expenditures, and receipts to the Lansing City Council within 60 days after the event.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-108

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

WHEREAS, Old Town Commercial Association has requested \$500.00 to defray costs associated with the Festival of the Moon and Festival of the Sun to be held on June 26 and 27, 2009; and

WHEREAS, the Committee on General Services met on Monday, April 13, 2009 and reviewed the request; and

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

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves an allocation from the Community Promotion Account to the Old Town Commercial Association to defray costs associated with the Festival of the Moon and Festival of the Sun to be held on June 26, and 27, 2009;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500.00 to the Council Community Promotion Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that the Old Town Commercial Association shall submit a written analysis of the event, including information regarding the number of attendees, a detail account on all funds received, expenditures, and receipts to the Lansing City Council within 60 days after the event.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-109

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

WHEREAS, Michigan Pride has requested \$500.00 to defray costs

associated with the Michigan Pride Diversity Festival to be held on June 13, 2009; and

WHEREAS, the Committee on General Services met on Monday, April 13, 2009 and reviewed the request; and

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

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves an allocation from the Community Promotion Account to Michigan Pride to defray costs associated with the Michigan Pride Diversity Festival to be held on June, 13, 2009;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500.00 to the Council Community Promotion Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that Michigan Pride shall submit a written analysis of the event, including information regarding the number of attendees, a detailed account as to contributors, funds received, expended, and residual funds to the Lansing City Council within 60 days after the event.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-110

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

WHEREAS, Janet Smith sought to eliminate special assessment of \$351.50 on trash and debris and all associated penalties and interest on the property tax bill of 614 Helen Street, Lansing, Michigan, 48912; and

WHEREAS, the Committee on General Services met on April 13, 2009 to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, denies the claim filed by Janet Smith on a trash and debris special assessment of \$351.50 and all associated penalties and interest on the property tax bill of 614 Helen Street, Lansing, Michigan, 48912;

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

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-111

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

WHEREAS, the City Clerk has forwarded an application for a City Permit, which has been routinely processed without objection, and is ready for final action by this Council; and

WHEREAS, all required signatures have been obtained supporting the application for a fireworks display permit;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the application for a City Permit as follows:

FIREWORKS DISPLAY PERMIT:

The Lansing Lugnuts and Roger Bonney of Night Magic Displays for a public display of fireworks in the City of Lansing at 505 E. Michigan Ave. to be held May 8th, 9th, 16th, 29th, and 30th; June 6th, 12th, 13th, 26th,

and 27th; and July 4th, 17th, 18th, and 31st, 2009 with rain dates of August 1st, 7th, 8th, and 15th; and September 4th, 2009.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-112

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

WHEREAS, the Michigan Community Corrections Act of 1988 (PA511) authorizes the establishment of a Community Corrections Advisory Board (CCAB) and Community Corrections programming; and

WHEREAS, Ingham County authorized the participation of Ingham County in a joint City/County CCAB in 1990 through Resolution #90-51; and

WHEREAS, Public Act 511 of 1988, Section 791.401(7) (m) sets forth the membership of local Community Correction Advisory Boards, stating that one member shall be a representative of the general public; and

WHEREAS, CCAB membership has historically complied with the requirements of PA511 as set forth in the legislation; and

WHEREAS, the Law Enforcement Committee wishes to permanently expand the number of general public representatives from one to two; and

WHEREAS, the State of Michigan, Department of Corrections – Office of Community Corrections has advised that the State has always interpreted the language of Public Act 511 of 1988, Section 791.401(7) as non-exclusive, therefore allowing for the expansion of the number of CCAB members;

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council, hereby, approve the permanent expansion of the number of Community Corrections Advisory Board general public representatives from one to two.

By Councilmember Allen

Motion Carried

**REPORTS FROM CITY OFFICERS, BOARDS, AND
COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

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

Motion Carried

Reports from City Officers, Boards and Commissions:

- a. Letter from the City Clerk submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:

- i. Resolution in support of West Saginaw Associate Level Michigan Mainstreet Designation

Motion Carried

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- ii. Sole Source Purchase; Building Maintenance Division request for Carrier Corporation as the vendor for the repair of the Carrier Chiller at City Hall

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

- Communications and Petitions, and Other City Related Matters:
 - a. Letters from the State of Michigan Department of Environmental Quality:
 - i. Providing notice of the issuance of Permit No. 08-33-0008-P to The Christman Company Phoenix Development Partners to allow for the construction of a three story, 105,000 Sq. Ft. addition (with no basement) to the Board of Water and Light Ottawa Street Station, the construction of a +/- 1,000 car parking deck, a 25-foot wide riverfront trail extension, and the placement of 3190 cubic yards of fill and excavation of 5685 cubic yards resulting in 2,495 cubic yards of net compensatory cut

RECEIVED AND PLACED ON FILE

- ii. Providing notice of the issuance of Permit No. 08-33-0059-P to Grand Tower LLC to allow for the excavation of 1 cubic yard within the 100-year floodway of the Grand River for the construction of a new 12 story mixed use building

RECEIVED AND PLACED ON FILE

- b. Letter from the Treasurer of Lansing Sesquicentennial Foundation, Timothy Adams, submitting its monthly report of expenditures for March 2009

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

- c. Application for Community Funding submitted by Native American Arts and Crafts Council for their Riverbank Traditional Pow Wow, Native American Cultural Event to be held June 19 – 21, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- d. Request for Recognition of Non-Profit Status in the City of Lansing submitted by Sergeant Traci Ruiz, Chair of Ingham County TRIAD, Seniors and Law Enforcement Together of P.O. Box 26182

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

- e. Letter of Resignation from the Board of Ethics effective July 1, 2009 submitted by Donald Cote

RECEIVED AND PLACED ON FILE

MOTION OF EXCUSED ABSENCE

By Councilmember Allen

To excuse Council President Quinney from tonight's proceedings

REMARKS BY COUNCILMEMBERS

Councilmember Kaltenbach asked Jerry Ambrose, Executive Assistant to Mayor Bernero, regarding the possible need for traffic calming at the intersection of Glenrose Ave. and Muskegon Ave.

Councilmember Hewitt asked Jerry Ambrose of the possibility for more signage to alert drivers to the fact that Grand Ave. has returned to a one-way street.

Councilmember Wood told Councilmember Kaltenbach that the Glenrose Ave./Muskegon Ave. issue was already being addressed.

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

Jerry Ambrose, Executive Assistant to Mayor Bernero, announced the next Mobile Food Pantry and City Hall on the Road events.

Councilmember Dunbar complimented Vice President Robinson on how she ran tonight's meeting.

ADJOURNED TIME 8:40 P.M.

CHRIS SWOPE, CITY CLERK