



OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF APRIL 27, 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 April 20, 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. Council and Mayoral Presentation; Recognition of Everett High School's Marching Band

Councilmember Wood stated that this is a great group of students and congratulated them on their 1st place finish in their division of the Chik-fil-A band competition.

Councilmember Allen recognized the seniors and the parents of all of the students. She presented the students with certificates.

Mayor Bernero congratulated the band members on behalf of all Lansing citizens and stated that the band put Lansing on the map in a positive way. He read part of a proclamation.

Ben Baldwin stated that it was an honor to be here and spoke about the various fundraisers that were held to raise money for the trip to Atlanta for the competition. He stated that his band members were the best kids in the state. He introduced his drum majors.

2. Tribute and Mayoral Presentation; Recognition of Workers' Memorial Day

City Clerk Swope read the following Resolution:

RESOLUTION #2009-113

BY COUNCIL PRESIDENT DERRICK QUINNEY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on April 28, 2009, the labor movement will once again observe Workers' Memorial Day to remember workers who have been killed or injured on the job. It is also a day to highlight the preventable nature of most workplace accidents and ill health and to promote campaigns and union organizations to fight for improvements in workplace safety and health protections; and

WHEREAS, more than three decades ago, Congress passed the Occupational Safety and Health Act and Mine Safety and Health Act promising every worker the right to a safe job; and

WHEREAS, despite the efforts of the unions and their allies, who fought to make that promise a reality, the toll of workplace injuries, illnesses, and deaths remains enormous. Each year thousands of worker's are killed and millions more are injured or diseased because of their jobs; and

WHEREAS, progress in protecting workers' safety and health has slowed, and for some groups of workers, jobs are becoming more dangerous; and

WHEREAS, many employers, in a race to the bottom in the global economy, have been pushing to cut wages and benefits and loosen protections; and

WHEREAS, with fewer and fewer workers having the protection of unions, more workers are afraid to speak out and raise job safety concerns, fearing retaliation and firing; and

WHEREAS, on April 28, 2009, the unions of the AFL-CIO observe Worker's Memorial Day to remember those who have suffered and died on the job and to renew the fight for safe workplaces, to speak out and bargain for safe jobs, respect, and a better future; and

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, urges employers and employees to continue to fight to make workers' issues a priority, to guarantee the freedom of workers to form a union, and to keep and create good, safe jobs in this country. *"Good Jobs; Safe Jobs — Give Workers a Voice for a Change"*.

BE IT FURTHER RESOLVED, the Lansing City Council declares Tuesday, April 28, 2009, *Workers' Memorial Day*.

By Councilmember Quinney

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

Motion Carried

By Councilmember Quinney

To place an affirmative roll on the substitute resolution

Motion Carried

Council President Quinney stated that April 28, 2009 marks the 40th anniversary of OSHA and spoke about their efforts to reduce workplace injuries. He stated that nationwide there were over 5,000 workplace related fatalities in 2008.

Mayor Bernero stated that recognition of Workers' Memorial Day was very important and he read parts of a proclamation.

Martha Yoder stated that there are great prevention programs available. She thanked the City of Lansing for all of its safety efforts.

Caroline Ross passed out a proclamation from Governor Granholm.

Council President Quinney presented a plaque to the sister of Abel Gonzalez.

Irene Cahill spoke about the Greater Lansing Labor Council.

Eva Gonzalez thanked everyone for honoring her brother Abel, a City of Lansing worker who was killed while on the job.

Council President Quinney asked that everyone share workplace safety information.

3. Presentation; Mayoral Recognition of Bingham Elementary School's Go Green Project

Mayor Bernero spoke about Bingham Elementary School's large scale composting project and how the school is becoming a certified green school.

Andon Pogoncheff spoke about going green and the importance of getting kids into recycling at an early age.

Natae Tyler stated that Bingham Elementary School is trying to become a great school.

Mayor Bernero stated that he would love to work with Andon on the City's recycling program.

Andon Pogoncheff stated that he would like to collect cardboard from all the schools as part of the City's recycling program.

Mayor Bernero passed out certificates to the attendees.

4. Tribute; Recognition of Children's Mental Health Awareness Day

Councilmember Wood stated that May is National Children's Mental Health Awareness month and spoke about the number of services, the need for effective programs and about positive outcomes. She stated that these programs teach kids with mental illness how to thrive.

City Clerk Swope read the following Resolution:

RESOLUTION #2009-114

BY COUNCILMEMBER CAROL WOOD

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, May 8, 2009, will be the fourth annual National Children's Mental Health Awareness Day launched by the Substance Abuse and Mental Health Services Administration (SAMHSA); and

WHEREAS, the National Children's Mental Health Awareness Day is an opportunity for SAMHSA-funded communities and partner organizations to promote positive youth development, resilience, recovery, and the transformation of mental health services for children and youth with serious mental health needs and their families; and

WHEREAS, the three goals of National Children's Mental Health Awareness Day are to:

- Raise awareness of effective programs for children's mental health issues

- Demonstrate how children's mental health initiatives promote positive youth development, recovery, and resilience
- Show how children with mental health needs thrive in their community; and

WHEREAS, Impact, Ingham County's System of Care Initiative, seeks to transform how children and youth with serious mental health needs and their families are supported as valuable members of Ingham County by ensuring access to integrated and high quality mental health services and full participation in the design and implementation of their care; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, declares Friday, May 8, 2009 as *National Children's Mental Health Awareness Day* and endorses occasions of the 2009 Children's Mental Health Awareness Week and Mental Health Month in May.

BE IT FURTHER RESOLVED that the Lansing City Council wishes to recognize the outstanding efforts of all involved in the success of *National Children's Mental Health Awareness Day*, including youth and families from Ingham County, Association for Children's Mental Health, Boys & Girls Club of Lansing, Capital Area United Health Authority C-E-I, Cristo Rey Community Center, Highfields, Ingham County Circuit Court/Family Division, Ingham County Department of Human Services, Ingham Intermediate School District, Lansing Police Department, Lansing School District, Lutheran Social Services/Michigan, Michigan Indian Child Welfare Agency, and St. Vincent Catholic Charities.

By Councilmember Wood

Motion Carried

Councilmember Wood spoke of the fabulous art that was displayed at last year's National Children's Mental Health Awareness Day event.

Katie Vandorn spoke about Impact System of Care and introduced two students present.

Lorie spoke about kids affected with mental illness.

Amber spoke about how Impact helped her.

Katie Vandorn spoke about how Impact brings families and youths together with agencies that can help them and she announced the upcoming Youth Art Show event. She stated that anyone who needs to contact Impact can do so by visiting Impactsystemofcare.org.

5. Presentation; Lansing Firefighters' Recognition of those who participated in the Fire Fighters one-day Ground Operation

Bryan Epling of the Lansing Fire Department spoke about the program and how Councilmember Allen spent the day in the life of a firefighter. He presented Councilmember Allen with a certificate of completion.

Councilmember Allen stated that the program was an eye opener but her time in the program was just a glimpse into the life of a firefighter.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Hewitt announced the next 1st contact meeting for residents of the 1st Ward.

Councilmember Wood spoke about Bingham Elementary School's

gavel and baton ceremony which held talks with elected officials. She stated that one of the children at the event asked her to remind citizens to clean up after their pets.

Councilmember Allen spoke about the Healing Flags event for child abuse victims. She thanked those who participated in the Susan Komen Race for the Cure.

Councilmember Robinson, as a proud graduate, congratulated the Everett High School Band on their 1st place finish in their division of the Chik-fil-A band competition. She spoke about upcoming budget hearings and congratulated the 21 new members of her sorority, Delta Sigma Theta. She especially congratulated Danielle Parsons.

Councilmember Dunbar announced an upcoming master planning meeting. She spoke about Impression 5 Museum's Give Camp where developers created software for non-profit organizations.

Councilmember Jeffries announced a fundraiser for the South Side Community Coalition.

City Clerk Swope reminded citizens of census workers verifying addresses. He stated that the deadline to file to run for a City office in the August Primary is two weeks away.

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 selling the North Capitol Parking Ramp. He stated that Brian O'Boyle is the Employee of the Month for May 2009. He stated that the deadline to reject the recommendations from the Elected Officers Compensation Commission is this Wednesday. He spoke about General Motors' closing its Pontiac division and said his heart goes out to all of the laid-off workers. He spoke about President Obama's Cash for Clunkers program and about free trade.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of selling the North Capitol Parking Ramp building at 316 N. Capitol Avenue and the adjoining north-south alley between Ionia Street and Shiawassee Street to Lansing Community College
2. In consideration of an Application for Industrial Facilities Tax Exemption Certificate submitted by Bharat Forge America, Inc. for property located at 2807 S. Martin Luther King, Jr. Blvd.
3. In consideration of a Waiver of the Provisions of the Noise Ordinance contained in Chapter 654 of the Code of Ordinances filed by the Public Service Department for the Edgewood Blvd. Resurfacing Project

Councilmember Robinson gave a brief overview of Public Hearing #1.

Councilmember Jeffries gave a brief overview of Public Hearing #2.

Councilmember Kaltenbach gave a brief overview of Public Hearing #3.

Bob Johnson, Director of the Planning and Neighborhood Development Department gave an extensive overview of Public Hearing #1.

Loretta Stanaway of 546 Armstrong Rd. spoke in opposition to selling the North Capitol Parking Ramp.

Penny Gardner of 1035 Seymour Ave. spoke in support of selling the North Capitol Parking Ramp.

Stan Shuck of 818 Cooper Ave. spoke in opposition to selling the North Capitol Parking Ramp.

Chris Struger-Fritsch of Lansing Community College spoke in support of selling the North Capitol Parking Ramp.

Bob Gray of 422 Dadson Dr. spoke in opposition to selling the North Capitol Parking Ramp.

Gregory Frens of 330 N. Chestnut St. spoke in support of selling the North Capitol Parking Ramp.

Jason Green of 500 E. Michigan Ave. spoke in support of selling the North Capitol Parking Ramp.

John Lenhard of 15851 S. US 127 spoke in support of selling the North Capitol Parking Ramp.

Stephen Goodwin of 2807 S. Martin Luther King, Jr. Blvd. spoke in support of selling the North Capitol Parking Ramp.

Gina Nelson of 605 W. Shiawassee St. spoke in support of selling the North Capitol Parking Ramp.

Alicia Perez-Banuet of 804 W. Shiawassee St. spoke in support of selling the North Capitol Parking Ramp.

Kathi Raffone of 1221 Muskegon Ave. spoke in opposition to selling the North Capitol Parking Ramp.

Bill Petry of 1416 N. Genesee Dr. spoke in support of selling the North Capitol Parking Ramp.

Russell Terry of 121 E. Mt. Hope Rd. spoke in support of selling the North Capitol Parking Ramp.

Monica Zuchowski of 320 N. Walnut St. spoke in support of selling the North Capitol Parking Ramp.

Haris Sorovigas of 827 W. Hillsdale St. spoke in support of Z-10-08.

Charlene Decker of 2711 Pleasant Grove Rd. spoke in opposition to selling the North Capitol Parking Ramp.

Carl Calille of 306 Harriet Ave. spoke in opposition to selling the North Capitol Parking Ramp.

John Pollard of 1718 Blair St. spoke in opposition to selling the North Capitol Parking Ramp and Z-10-08.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of selling the North Capitol Parking Ramp building at 316 N. Capitol Avenue and the adjoining north-south alley between Ionia Street and Shiawassee Street to Lansing Community College

REFERRED TO THE COMMITTEE OF THE WHOLE

2. In consideration of an 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

3. In consideration of a Waiver of the Provisions of the Noise Ordinance contained in Chapter 654 of the Code of Ordinances filed by the Public Service Department for the Edgewood Blvd. Resurfacing Project

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

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

- Loretta Stanaway of 546 Armstrong Rd. spoke about the City budget.
- Stan Shuck of 818 Cooper Ave. spoke about various city matters.
- Ron Kruger of 3333 Moores River Dr. spoke about various city matters.
- Bob Gray of 422 Dadson Dr. spoke about Edgewood Blvd.
- Sue Ellen Brown of 1610 Bailey St. spoke about opening the City golf courses.
- Bonnie Eastman of 1901 Vermont Ave. spoke about Riverfront Towers.
- Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.
- Carl Calille of 306 Harriet Ave. spoke about various city matters.
- Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.
- John Pollard of 1718 Blair St. spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-115

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

Support of West Saginaw Associate Level Michigan Mainstreet Designation

WHEREAS, the West Saginaw Commercial Association is proposing to request an Associate Level Michigan Mainstreet Designation along Saginaw Avenue in the City of Lansing, Michigan and has requested in writing that the City of Lansing support the application for this designation by the Michigan State Housing Development Authority; and

WHEREAS, the Applicant has committed to undertake the project,

WHEREAS, the project is consistent with local development and redevelopment plans, and is supported by the City in its efforts to leverage public stakeholder input and volunteerism, and

WHEREAS, the Lansing Economic Development Corporation pledges to assist the applicant with the proposed project to bring State of Michigan support to the West Saginaw Corridor; and

WHEREAS, the City of Lansing, per the conditions of the Michigan Mainstreet Program, will not be subject to any financial obligation as a requisite of receiving the designation; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lansing supports the West Saginaw Commercial Association's application for an Associate Level Michigan Mainstreet Designation by the Michigan State Housing Development Authority.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-116

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

WHEREAS, the Mayor presented his budget to the Lansing City Council on Monday, March 23, 2009; and

WHEREAS, the City Charter provides that citizens be afforded the opportunity to comment on proposed city spending to the adoption of the annual City Budget; and

WHEREAS, Public Act 5 of 1982, as amended, provides that units, such as the City of Lansing, which are in compliance with Section 16 of the Uniform Budgeting and Accounting Act (P.A. 2 of 1968, as amended) must provide appropriate public notice that a public hearing will be held on the budget and on the property tax millage rate necessary to support the budget;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, sets a public hearing to be held on Monday, May 11, 2009, at 7:00 p.m. in the City Council Chambers on the 10th Floor of City Hall in consideration of the City of Lansing's FY 2009/2010 Budget.

By Councilmember Hewitt

Motion Carried

REPORTS FROM COUNCIL COMMITTEES

RESOLUTION #2009-117

REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING was held on April 27, 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 527 W. Hillsdale Street from "DM-4" Residential to "D-1" Professional Office 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 527 W. Hillsdale Street from "DM-4" Residential to "D-1" Professional Office District.

Signed: Brian Jeffries, Chairperson

Sandy Allen, Vice Chairperson

Derrick Quinney, Member

By Councilmember Jeffries

Motion Carried

ORDINANCES FOR PASSAGE

**THIS ITEM WAS RETURNED TO THE COMMITTEE ON
DEVELOPMENT AND PLANNING**

Adoption of Z-10-2008; Rezoning the property located at 527 W.

Hillsdale St. and the vacant property to its east from "DM-4" Residential District to "D-1" Professional Office District to utilize the building at this location for a law office and title insurance company
By Councilmember Jeffries

To recommit this Ordinance

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. Letters from the City Clerk:
- i. Recommending Denial of a request by Fuentes, LLC to Transfer Ownership of a 2005 Class C Licensed Business with Dance Entertainment, Located in Escrow at 1138-40-42-1146 S. Washington Ave., Lansing, MI 489110, Ingham County, From Cooper Corporation to Fuentes, LLC; with license to remain in Escrow based on the recommendation of the City Treasurer

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- ii. 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. Authorization of Issuance of Bonds for Capital Improvement

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

- ii. Action Plan 2010 – Proposed Community Development Block Grant Activities and Use Fund

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. 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

• Communications and Petitions, and Other City Related Matters:

- a. Notice from the State of Michigan Public Service Commission of a public hearing for the electric customers of Consumers Energy Company Case U-15415-R to be held on May 5, 2009

RECEIVED AND PLACED ON FILE

- b. Michigan Tax Tribunal appeal filed on behalf of A&W

Gershenson Corp. for property located at 5400 S. Cedar St.

REFERRED TO THE CITY TREASURER AND REFERRED TO THE CITY ASSESSOR AND REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

Jerry Ambrose, Executive Assistant to Mayor Bernero, stated that Lansing's Dog Park is listed as a top ten dog park in the June 2009 issue of Dog Fancy magazine. He spoke about various parks projects in the works.

Council President Quinney announced upcoming budget hearings.

ADJOURNED TIME 10:05 P.M.

CHRIS SWOPE, CITY CLERK