



OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF MAY 4, 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, Wood

ABSENT: Councilmember Robinson

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

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Jeffries

To approve the printed Council Proceedings of April 27, 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. Tribute; Recognition of Teamsters and Chauffeurs Local 580 75th Anniversary

City Clerk Swope read the following Resolution:

RESOLUTION #2009-118

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

WHEREAS, the Teamsters & Chauffeurs Local 580 was originally formed to help drivers, warehouse workers, and stablemen; and

WHEREAS, today the Union provides for workers from many fields ranging from "A to Z", including; trucking services, vending delivery and food services, American Red Cross, hospitals, uniform services, sales, schools, highway construction, and the lumber industry; and

WHEREAS, the Union's primary objectives are to:

- unite into one labor organization all workers eligible for membership; regardless of religion, race, creed, color, national origin, age, or sex
- engage in organizing workers and to provide services to those who are organized

- to secure improved wages, hours, working conditions, and other economic advantages through organization, negotiations and collective bargaining, through legal and economic means, and other lawful methods
- to provide educational advancement and training for employees, members and officers
- safeguard, advance, and promote the principle of free collective bargaining; the rights of workers, farmers, and consumers; and the security, and welfare of all the people by political, educational, and other community activity
- engage in cultural, civic, legislative, political, fraternal, educational, charitable, welfare, social, and other activities which further the interests of this organization and its membership, directly or indirectly
- provide financial and moral assistance to other labor organizations or other bodies having purposes and objectives in whole or in part similar or related to those of this organization
- engage in community activities which will advance the interests of this organization and its members in the community and in the nation, directly or indirectly
- protect and preserve the Union as an institution and to perform its legal and contractual obligations
- carry out the objectives of the International Union as an affiliate thereof and its duties as such an affiliate;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, extends its appreciation to the Teamsters & Chauffeurs Local 580 for their contributions in helping to build a solid foundation for families and the community here in Lansing. Congratulations on your 75th Anniversary!

By Councilmember Wood

Motion Carried

Councilmember Wood stated that the Teamsters formed in 1903 and they were the first organization to settle a contract with laundry working women. She said that the local Teamster chapter has 1,800 members and she thanked them for all of their hard work and congratulated them on their 75th Anniversary.

Mike Parker stated that it is an honor to represent his local chapter which was founded in 1934. He stated that they have always stood for racial and gender equality and he thanked the City Council for this honor.

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Wood announced the next Genesee Neighborhood Association meeting.

Councilmember Jeffries announced a fundraiser for the South Side Community Coalition and he spoke about some of its programs.

Councilmember Allen announced the next Elmwood Farms neighborhood meeting.

Councilmember Dunbar announced the next Master Planning training classes.

Councilmember Wood announced the Friends of Lansing's Historic Cemeteries' flower give-away.

City Clerk Swope stated that Lansing Citizens in the Waverly and Holt school districts have school elections tomorrow. He thanked the National Pan-Hellenic Council of Lansing for allowing him to be a judge at their recent step show. He announced that the filing deadline to run for Mayor, City Council At-Large, City Council 2nd and 4th Wards, and for City Clerk is Tuesday, May 12, 2009 at 4:00 p.m. He spoke about census canvassing and the need to cooperate with the workers in order to ensure an accurate count. He announced the upcoming Lansing Branch of the ACLU's fundraiser. He stated that this past weekend that he attended the graduation ceremony of Siena Heights University where Chief Deputy City Clerk Reeves received his Bachelor of Arts degree.

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 fire that destroyed Discount Dave's on Washington Ave. and commended the Fire and Police Departments for their efforts. He spoke about the Complete Count Committee for the census and asked that citizens cooperate with census workers. He announced the Cinco De Mayor holiday and the Capitol City Clean Sweep event. He stated that Estella Escamilla is the City of Lansing's employee of the month for May, 2009. He announced the Neighborhood Expo and Picnic, Letter Carriers National Food Drive and the upcoming Sesquicentennial Parade.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings.

Stan Shuck of 818 Cooper Ave. spoke about Recognition of Teamsters and Chauffeurs Local 580 75th Anniversary.

Kathi Raffone of 1221 Muskegon Ave. spoke about vendor licenses.

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Bob Gray of 422 Dadson Dr. spoke about Edgewood Blvd.

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

Robert Engel of 335 N. Sycamore St. spoke about various city matters.

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

Bonnie Eastman of 1901 Vermont Ave. spoke about Riverfront Towers.

Stacey Merrick, homeless, spoke about the Substantial Amendments to the Consolidated Action Plan, 7/1/08-6/30/09 Homeless Prevention and Rapid Rehousing (HPRP) Information Packet.

Jonathan Braun, homeless, spoke about the Substantial Amendments to

the Consolidated Action Plan, 7/1/08-6/30/09 Homeless Prevention and Rapid Rehousing (HPRP) Information Packet.

Chris Perry, homeless, spoke about the Substantial Amendments to the Consolidated Action Plan, 7/1/08-6/30/09 Homeless Prevention and Rapid Rehousing (HPRP) Information Packet.

Justin Sleight of 215 N. Capitol Ave. spoke about the homeless.

Loretta Stanaway of 546 Armstrong Rd. spoke about the City budget.

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

Chris Singer of 1915 Clifton Ave. spoke about the Substantial Amendments to the Consolidated Action Plan, 7/1/08-6/30/09 Homeless Prevention and Rapid Rehousing (HPRP) Information Packet.

Claude Beavers of 3010 Boston Blvd. spoke about the City golf courses.

Kathi Raffone of 1221 Muskegon Ave. spoke about various city matters.

Bryan Decker of 543 Edgewood Blvd. spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-119

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

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires that the City of Lansing submit the Annual Consolidated Strategy and Plan Submission in order to receive Community Development fund resources, including Community Development Block Grant (CDBG), HOME and Emergency Shelter Grant (ESG) program funds, for the upcoming fiscal year 2009-2010; and

WHEREAS, the estimated CDBG, HOME and ESG entitlement amount allocated to Lansing for the upcoming fiscal year is \$2,852,158 estimated to be available from the CDBG & HOME Programs; and

WHEREAS, pursuant to program requirements, the City has conducted a citizen participation and open review process which has included planning and meetings with neighborhood groups, housing and supportive service providers, the State and neighboring local governments; and

WHEREAS, the City has further promoted participation, input and review in the process by conducting two (2) separate advertised public hearings before the Lansing Planning Board, one on November 5, 2008 regarding housing and community development needs and one on January 6, 2009 regarding proposed Annual CSPA program objectives and projected use of Federal entitlement and formula program funds; and

WHEREAS, the City did also initiate and carry out the required thirty (30) day public comment period on the proposed Five-Year and Annual CSPA by publishing a summary of the plan in the City Pulse on, March 4, 2009; and

WHEREAS, a public hearing was held by the Lansing City Council on April 13, 2009, to again receive citizen comments and

recommendations and to give final review to the Annual CSPS; and

WHEREAS, Federal regulations require the City to make certain certifications and assurances to HUD as a part of the City's Annual CSPS application;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lansing adopts the Five-Year and Annual Consolidated Strategy and Plan Submission for the City of Lansing that includes housing and community development goals, objectives and strategies, and the budget for the use of community development fund resources for fiscal year 2009-2010 as proposed by the Committee on Development and Planning; and

BE IT FURTHER RESOLVED that the Mayor, as the City's Chief Executive Officer, is hereby authorized to sign the Annual CSPS application for FY 2009-2010, including all understandings, assurances and certifications contained therein, and to submit the grant application to the Department of Housing and Urban Development; and

BE IT FINALLY RESOLVED that the Mayor is authorized, as the official representative of the City of Lansing, to provide any and all information, to act in connection with the Annual CSPS application and to execute all agreements, contracts and legal documents, including the Agreement between the City and the Department of Housing and Urban Development, to secure funds and implement the CSPS program.

By Councilmember Jeffries

Motion Carried

RESOLUTION #2009-120

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

WHEREAS, Ingham County Triad, Seniors and Law Enforcement Together 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, the Lansing City Council, hereby, recognizes Ingham County Triad, Seniors and Law Enforcement Together 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 Traci Ruiz, Ingham County Triad, Seniors and Law Enforcement Together, P.O. Box 26182, Lansing, Michigan 48909.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-121

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

WHEREAS, the Native American Arts and Crafts Council has requested \$1,000 to defray costs associated with the Riverbank Traditional Pow Wow, Native American Cultural event to be held on Friday, June 19, Saturday, June 20, and Sunday, June 21, 2009; and

WHEREAS, the Committee on General Services met on Monday, April 27, 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, the Lansing City Council, hereby, approves an allocation of \$500.00 from the Community Promotion Account to the Native American Arts and Crafts Council to defray costs associated with the Riverbank Traditional Pow Wow, Native American Cultural event to be held on Friday, June 19, Saturday, June 20, and Sunday, June 21, 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 Native American Arts and Crafts Council 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 #2009-122

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

WHEREAS, the Licensing and Enforcement Division of the Michigan Liquor Control Commission received a request from The Chrome Cat, LLC to Transfer Ownership of a 2008 Class C Licensed Business with Dance-Entertainment Permits, located at 226 E Grand River, Lansing, Michigan 48906 from Thatzit, Inc., to The Chrome Cat, LLC; and

WHEREAS, the Committee on General Service met on Monday, April 27, 2009, to review the request with affirmative action taken;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the request from The Chrome Cat, LLC to Transfer Ownership of a 2008 Class C Licensed Business with Dance-Entertainment Permits, located at 226 E Grand River, Lansing, Michigan 48906 from Thatzit, Inc., to The Chrome Cat, LLC;

BE IT FURTHER RESOLVED, the City Clerk is requested to notify the Michigan Liquor Control Commission of the action taken.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-123

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

WHEREAS, the application for a license to sell or offer to sell retail fireworks filed by B.J. Alan on behalf of K-Mart, Store #4382, located at 5400 S. Cedar Street was referred to the Committee on General Services; and

WHEREAS, the application has been previously approved by the appropriate departments within the City of Lansing; and

WHEREAS, B.J. Alan and K-Mart, Store #4382, agree that only retail fireworks that are approved for sale by the State of Michigan and the City of Lansing will be sold at the site;

NOW, THEREFORE, BE IT RESOLVED, the application for a license to sell or offer to sell retail fireworks filed by B.J. Alan on behalf of K-Mart, Store #4382, located at 5400 S. Cedar Street is approved;

BE IT FURTHER RESOLVED that this license to sell retail fireworks will expire on April 30, 2010, as set forth in the City of Lansing

Fireworks Ordinance, Chapter 1615 of the Lansing Code of Ordinances.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-124

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

WHEREAS, pursuant to Lansing Codified Ordinance Chapter 844, Section 844.01 et seq, an applicant for a canvasser, peddler, or itinerant merchant license must meet certain requirements to qualify for a license; and

WHEREAS, the ordinance requires the Chief of Police and the City Treasurer to conduct an investigation to determine whether a license applicant meets the ordinance criteria; and

WHEREAS, the ordinance authorizes the Lansing City Council to establish, by resolution, a fee to reimburse the City for the cost of the investigation; and

WHEREAS, the ordinance additionally authorizes the Lansing City Council to establish, by resolution, a license fee; and

WHEREAS, the Committee met on Monday, April 27, 2009, and reviewed costs associated with processing an application for a canvasser, peddler, or itinerant merchant license and determined that the current license fee and investigation fee be modified;

NOW, THEREFORE, BE IT RESOLVED, pursuant to Ordinance Section 844.01 et seq of Chapter 844, each license requiring a background investigation shall be required to pay \$25.00 to the City Clerk for each and every person to be licensed;

BE IT FURTHER RESOLVED that pursuant to Ordinance Section 844.01 et seq of Chapter 844, the license fee for an itinerant merchant shall be \$75.00 for each and every location from which goods are to be sold;

BE IT FURTHER RESOLVED that pursuant to Ordinance Section 844.01 et seq of Chapter 844, the license fee for a canvasser or peddler shall be \$75.00 for the first individual licensed by a each company or organization and \$10.00 for each and every additional individual licensed by such company or organization.

By Councilmember Kaltenbach

Motion Carried

RESOLUTION #2009-125

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

WHEREAS, Resolution #690 of December 17, 1990, requires the administration to submit golf and athletic league fee change recommendations so that fees may be considered for approval prior to program implementation; and

WHEREAS, additional revenues are necessary for the Golf Fund to not receive General Fund subsidy; and

WHEREAS, in an effort to encourage more golf participation by offering season pass opportunities for all residents; and

WHEREAS, the Committee has concurred with the recommendation of the Mayor for the golf fee changes and establishing season pass opportunities;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council

approves the fees as stated below in this resolution, effective on the date of passage of this resolution.

	Current	Proposed
<u>Season Discount Pass</u>		
Individual	N/A	\$650
Family	N/A	\$1200
<u>Cart Season Pass</u>		
	\$400	\$350
<u>Driving Range Pass</u>		
	N/A	\$350
<u>Driving Range add on to season Pass</u>		
		\$250
<u>Season Driving Range Pass First Tee Members</u>		
	N/A	\$175
Golf Cart Fee (discount time)		
18 HOLES	\$6.00	\$7.00
Golf Cart Fee (non-discount time)		
18 HOLES	\$12.00	\$14.00
	\$8.00	\$7.00
	\$16.00	\$14.00

By Councilmember Wood

Motion Carried

RESOLUTION #2009-126

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

WHEREAS, fees for services are to be approved by Lansing City Council; and

WHEREAS, the Parks and Recreation Department desires to make a program of recreation services available to the citizens of Lansing; and

WHEREAS, the Parks and Recreation Department desires to offer these services at fees that recover the costs of providing these services;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council, hereby, approves the fee schedule as stated below in this resolution, effective on the date of passage of this resolution for Recreation Equipment and Services:

INFLATABLE SPORTS ARENA

Resident Use within Non-resident Use or Resident

PROPOSED FEES	City Limits	Use Outside City Limits
2 hours of use (Leisure staff setup)	\$150	\$225
Additional hours of use	\$50	\$75
*If site is beyond a half hour add \$15.00 for every additional 15 minutes travel time. Priority will be given to resident set-up within the city limits.		
Non-staff option (customer pickup)		
Up to 8 hours use	\$175	\$260
24 hours use	\$225	\$340

By Councilmember Wood

Motion Carried

RESOLUTION #2009-127

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

That the following FY 2009 transfers be approved:

Police Administration

\$ 665.00 from Donations Revenue
101.0.675012.0
\$ 665.00 to Administration Problem-Solving Overtime
101.343201.708103.0

(To appropriate Ruth Hallman donations revenue to support Problem Solving Overtime efforts in the Lansing Police Department).

By Councilmember Wood

To recuse Councilmember Wood for possible conflict of Interest

Motion Carried

By Councilmember Wood

To place an affirmative role on the resolution

Motion Carried (Councilmember Wood Abstaining)

RESOLUTION #2009-128

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

That the following FY 2009 transfers be approved:

Forfeiture Fund
Drug Law Enforcement - Special Operations

\$18,342.00 from Fund Balance 265.0.679100.0
\$12,360.00 to Equipment/portable cameras 265.343254.977000.0
\$ 5,982.00 to Equipment < \$5,000 forensic cell phone data extraction system 265.343254.977101.0

(To provide for acquisition and operation of covert camera systems and forensic cell phone data extraction systems.)

By Councilmember Wood

Motion Carried

RESOLUTION #2009-129

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

WHEREAS, the Public Service Department of the City of Lansing received confirmation from the Michigan Department of Transportation of our selection to receive a Transportation Enhancement grant (Job Number 103418 A) totaling \$200,000 for the Grand Avenue Streetscape Project; and

WHEREAS, the proposed streetscape project will enhance the Grand Avenue Corridor by installing safer sidewalks, highlighted pedestrian crossings, and compliment new developments by creating a walkable corridor for businesses and new residents to enjoy; and

WHEREAS, the Mayor's Downtown 2020 Task Force recommended that pedestrian based and beautification based elements be installed to improve the overall downtown design and function; and

WHEREAS, the Public Service Department will fund the remaining construction project cost not covered by the grant, estimated to be \$600,000, using funds commensurate with the improvements being

made; and

WHEREAS, the Public Service Department recognizes the importance of the continued maintenance of these and other enhancements and has committed to owning, operating, and implementing a maintenance plan/program over the design life of the facility constructed with the traffic enhancement funding and has budgeted specific monies to ensure the continued maintenance of the enhancements; and

WHEREAS, Dan Danke, P.E., a Staff Engineer for the Public Service Department, will act as the agent on behalf of the Grand Avenue Enhancement project; and

WHEREAS, Chad A. Gamble, P.E., Director of Public Service is authorized to sign a project agreement upon receipt of a funding award; and

WHEREAS, the Administration and the City Council recognize the importance of the Grand Avenue Enhancement improvements that coordinate the development of the right-of-way adjacent to the Accident Fund, Capitol Club Tower, and the State Police Headquarters sites;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves acceptance of the Michigan Department of Transportation Enhancement grant for the purposes of funding of environmental, aesthetic, and safety related improvements to the Grand Ave. corridor;

BE IT FINALLY RESOLVED, the Administration is authorized to receive the funds, create the necessary accounts, and make necessary transfers for administration in accordance with the requirements of the grantor.

By Councilmember Wood

Motion Carried

REPORTS FROM COUNCIL COMMITTEES

**RESOLUTION #2009-130
COMMITTEE REPORT**

THE COMMITTEE ON GENERAL SERVICES held a meeting on Monday, April 27, 2009, in which to consider the ordinance amendment to Chapter 844, Sections 844.01 through 844.19 of the City of Lansing Codified Ordinances by providing for approval of Canvasser, Street Peddler, and Itinerant Merchant licenses by the City Clerk as opposed to the City Council, by removing the exemption provision and by deeming violation of this Chapter a Municipal Civil Infraction.

The Committee recommends adoption of the amendment ordinance to Chapter 844, Sections 844.01 through 844.19 of the City of Lansing Codified Ordinances by providing for approval of Canvasser, Street Peddler, and Itinerant Merchant licenses by the City Clerk as opposed to the City Council, by removing the exemption provision and by deeming violation of this Chapter a Municipal Civil Infraction.

By the Committee on General Services

Signed: Tim Kaltenbach, Chair
A'Lynne Robinson, Vice Chair
Derrick Quinney, Member

May 4, 2009

By Councilmember Kaltenbach

To Receive this Committee Report

Motion Carried

RESOLUTION #2009-131
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY held a meeting on April 29, 2009, and the Committee received an update on the status of the surveillance cameras used within the City of Lansing and the possibility of having a surveillance camera installed in the North Cemetery. Due to the numerous trees, a surveillance camera would not be an effective method of monitoring that area. In consideration of alternative options, LPD recommended placing signage that would reward individuals for information leading to the arrest and conviction of vandals.

The Committee supports the Lansing Police Department's recommendation. LPD will work with the Park and Recreation and Law departments to develop the appropriate signage.

Signed: Sandy Allen, Chairperson
Carol Wood, Vice Chairperson
Eric Hewitt, Member

By Councilmember Allen

To Adopt this Committee Report

Motion Carried

ORDINANCES FOR PASSAGE

By Councilmember Kaltenbach

That we move to the passage of Ordinances

By Councilmember Kaltenbach

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

BY THE COMMITTEE ON GENERAL SERVICES

By Councilmember Kaltenbach

That:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 844, Sections 844.01 through 844.19, of the Lansing Codified Ordinances by providing for approval of canvasser, street peddler, and itinerant merchant licenses by the City Clerk as opposed to City Council, by removing the exemption provision, and by deeming violation of this Chapter a Municipal Civil Infraction be placed on order of immediate passage.

BY THE COMMITTEE ON GENERAL SERVICES

By Councilmember Kaltenbach

That:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 844, Sections 844.01 through 844.19, of the Lansing Codified Ordinances by providing for approval of canvasser, street peddler, and itinerant merchant licenses by the City Clerk as opposed to City Council, by removing the exemption provision, and by deeming violation of this Chapter a Municipal Civil Infraction be now passed.

YEAS: Councilmember Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Quinney and Wood

NAYS: None

ABSENT: Councilmember Robinson

By Councilmember Kaltenbach

THAT THIS ORDINANCE, BEING NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC, PEACE, HEALTH, OR SAFETY SHALL TAKE EFFECT UPON ITS PASSAGE

Motion Carried

ORDINANCE #1139

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 844, SECTIONS 844.01 THROUGH 844.19, OF THE LANSING CODIFIED ORDINANCES BY PROVIDING FOR APPROVAL OF CANVASSER, STREET PEDDLER, AND ITINERANT MERCHANT LICENSES BY THE CITY CLERK AS OPPOSED TO CITY COUNCIL, BY REMOVING THE EXEMPTION PROVISION, AND BY DEEMING VIOLATION OF THIS CHAPTER A MUNICIPAL CIVIL INFRACTION.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 844, Sections 844.01 through 844.19, of the Codified Ordinances of the City of Lansing, Michigan, be and are hereby amended to read as follows:

844.01. Definitions.

As used in Sections 844.01 to 844.18 ~~844.19~~, unless otherwise provided:

Canvasser or *solicitor* means any individual, whether a resident of the City or not, traveling either by foot, wagon, automobile, motor truck or any other type of conveyance, from place to place, from house to house or from street to street, taking or attempting to take orders for the sale of goods, wares, merchandise or personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale, or whether or not he or she is collecting advance payments on such sales. "Canvasser" or "solicitor" includes any person who, for himself or herself or for another, hires, leases, uses or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop or other place in the City for the sole purpose of exhibiting samples and taking orders for future delivery.

Peddler means and includes any person, whether a resident of the City or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden trucks or farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or, without traveling from place to place, selling or offering the same for sale from a wagon, automotive vehicle, railroad car or other vehicle or conveyance. A person who solicits orders and as a separate transaction makes deliveries to purchasers as a part of a scheme or design to evade the provisions of Sections 844.01 to 844.18 ~~844.19~~ shall be deemed a peddler. "Peddler" includes "hawker" and "huckster."

Transient merchant, itinerant merchant or itinerant vendor means any person, whether as owner, agent, consignee or employee, whether a resident of the City or not, who engages in a temporary business of selling and delivering goods, wares and merchandise within the City, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad box car, boat, hotel room, lodging house, apartment, shop, street, alley or other place in the City, for the exhibition and sale of such goods,

wares and merchandise, either privately or at public auction. Such definition shall not be construed to include any person who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery. The person so engaged shall not be relieved from complying with Sections 844.01 to 844.18~~844.19~~ merely by reason of association temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of, any local dealer, trader, merchant or auctioneer.

844.02. License required.

No person shall engage in the business of peddler, solicitor, canvasser, transient merchant, itinerant merchant or itinerant vendor in the City without first obtaining a license therefor as provided in Sections 844.01 to 844.18 ~~844.19~~, UNLESS ENGAGING IN SUCH BUSINESS IN CONNECTION WITH A SPECIAL EVENT FOR WHICH A PERMIT HAS BEEN OBTAINED THROUGH THE PARKS AND RECREATION DEPARTMENT.

844.03. Exemptions.

~~(a) Requirements for Exemption. The licensing provisions of Sections 844.01 to 844.19 shall not apply to peddlers, solicitors or transient tradesmen representing a company, firm, corporation or partnership which:~~

~~(1) Subscribes to and is bound by a policy statement, code or regulation established by the company, firm, corporation or partnership individually, or subscribes to the policy statement, code or regulation of a recognized trade association of which the applicant company, firm, corporation or partnership is a member in good standing, which policy statement, code or regulation requires:~~

~~A. That the offer of products or services for sale, either through oral representation or advertising literature, shall be truthful and accurate as to price, grade, quality, make, value, performance, quantity, currency of model and availability;~~

~~B. That the terms of any guaranty offered by the seller in connection with the sale shall be furnished to the buyer in writing and shall clearly state the nature and extent of such guaranty; and~~

~~C. That the policy statement, code or regulation prohibit the initiation or continuation of any deceptive or unlawful trade practice as defined by any statute or ordinance in force and effect in the City;~~

~~(2) Recognize a responsibility to consumers for violations of either its policy statement, code or regulation or deceptive and/or unlawful trade practice statutes by its solicitors or representatives, even if the company had no knowledge of such violation, when such lack of knowledge is the result of failure by the company to establish procedures whereby it would be kept informed of the activity of its solicitors and representatives; and~~

~~(3) Has established a procedure for processing consumer complaints within a reasonable time and providing consumer redress if, after the fact finding is completed, it is determined that the consumer was aggrieved by a violation of the policy statement, code or regulation or a statutory deceptive or unlawful trade practice.~~

~~(b) Applications. An application for the exemption provided in paragraph (a)(1) hereof shall be completed by filing the following with the City Clerk for approval of Council:~~

~~(1) Five current copies of the policy statement, code or regulation which meets the requirements as specified in paragraph (a)(1) hereof; and~~

~~(2) The name of the company, firm, corporation or partnership subscribing thereto, complete with the address, telephone number and name of the executive within the company, firm, corporation or partnership designated to administer the policy statement, code or regulation. In the case of a trade association policy statement, code or regulation, the association must submit such required information for each of its member companies which desires an exemption under paragraph (a)(1) hereof, along with the name of the person, officer, agent or employee in charge of administering the trade association's policy statement, code or regulation program.~~

~~(c) Processing of Complaints.~~

~~(1) Upon receipt of a consumer complaint against a company, firm,~~

~~corporation or partnership having an exemption as provided in this section, the City Clerk shall forward the information surrounding the complaint to the person, officer, agent or employee designated by the company, firm, corporation, partnership or trade association on its exemption application to receive such complaints. The complaint information thus forwarded shall contain the following:~~

~~A. The name and address of the consumer;~~

~~B. The name or trade name of the product purchased;~~

~~C. The name of the firm, corporation or partnership which manufactures and/or distributes the product, if such name differs from the trade name of the product itself;~~

~~D. The name of the sales representative involved in the transaction, if known;~~

~~E. The purchase date, if known; and~~

~~F. The identifying contract or receipt number, if available.~~

~~(2) Upon receipt of a consumer complaint or an official complaint against a company, firm, corporation or partnership having an exemption, which complaint does not involve a sale but alleges a violation of a deceptive or unlawful trade practice statute in force and effect in the City, the City Clerk shall forward the information surrounding the allegation to the person, officer, agent or employee designated by the company, firm, corporation, partnership or trade association on its exemption application to receive such complaints.~~

~~(3) Each company, firm, corporation or partnership, or a trade association authorized to act for such company, firm, corporation or partnership, receiving an exemption, shall file a written statement with the City Clerk containing the disposition of any written complaint against such company forwarded to it by the City Clerk. The statement shall include the findings of fact upon which the action taken is based. It shall be filed with the City Clerk within a reasonable time which, for purposes of this section, shall be defined as 20 business days from the date of receipt of such written complaint by the person, officer, agent or employee designated by the company, firm, corporation, partnership or trade association to receive such material.~~

~~(d) Loss of Exemption.~~

~~(1) Any company, firm, corporation or partnership receiving an exemption as provided for in this section, which company, firm, corporation or partnership fails to honor the provisions of the policy statement, code or regulation upon which such exemption was granted, or violates any of the other requirements for obtaining and maintaining such exemption, shall have the exempt status of that company, firm, corporation or partnership suspended for not less than one year.~~

~~(2) The authority to revoke the exempt status shall be at the discretion of Council which shall consider the following criteria in making that determination:~~

~~A. Failure by the company to file any response with the City Clerk concerning a consumer complaint forwarded by the City Clerk to the person, officer, agent or employee designated by that company to receive such information;~~

~~B. Failure to return money or replace products which were received by the consumer in a defective condition;~~

~~C. Failure to deliver products ordered by the consumer. A pattern of failure to deliver ordered goods without adequate explanation shall constitute grounds for automatic revocation. For purposes of this section, a pattern shall be defined as ten instances of failure to deliver without explanation.~~

~~D. Failure to correct or adequately explain repeated allegations of violations of statutory deceptive or unlawful trade practices in force and effect in the City by the company, firm, corporation, partnership or trade association, or violations of the policy statement, code or regulation filed with the City as part of the exemption application, even where a sale did not result, when such allegations have been forwarded by the City Clerk to the person, officer, agent or employee designated by that company, firm, corporation, partnership or trade association to receive such material.~~

~~(3) Prior to a revocation of exemption becoming final, the City Clerk shall give written notice, at least 15 business days in advance of the effective date thereof, to the company, firm, corporation or partnership, informing it of the effective date of revocation of exempt~~

status for that company. Such notice shall include findings upon which the determination was based and shall state that such company can appeal the determination to revoke the exempt status by filing a notice of review with the City Clerk not later than ten business days after receipt of the notice of revocation.

~~(e) Review of Revocation.~~

~~(1) The determination of Council to revoke the exempt status of a company, firm, corporation or partnership, as provided for in subsection (d) hereof, shall be subject to review. An appeal is perfected if such company, firm, corporation or partnership, within ten business days after receipt of the notice of revocation, files a written petition for review with the City Clerk.~~

~~(2) Upon receipt of a petition for review, the City Clerk shall set a hearing date within 15 days, at which time the petitioner may present written and oral testimony and evidence contesting the revocation of exempt status to Council. The City Clerk shall submit to Council the findings upon which the proposed revocation was made.~~

~~(3) The City Clerk shall notify the petitioning company, firm, corporation or partnership of Council's decision to either revoke or continue the exemption within ten days from the date of the review hearing.~~

~~844.04. 844.03. License applications.~~

~~(a) Applicants for licenses under Sections 844.01 to 844.18 844.19 shall file with the City Clerk a sworn application, in writing, in triplicate, on forms to be furnished by the City Clerk, which application shall give the following information:~~

~~(1) The name and a description of the applicant, INCLUDING THE TYPE OF LICENSE FOR WHICH AN APPLICATION IS SOUGHT (PEDDLER'S LICENSE, TRANSIENT MERCHANT'S LICENSE, OR CANVASSER'S OR SOLICITOR'S LICENSE);~~

~~(2) The applicant's address (legal and local);~~

~~(3) A brief description of the nature of the business and the goods to be sold, and, in the case of products of a farm or orchard, a statement as to whether the products are produced or grown by the applicant;~~

~~(4) If the applicant is employed, the name and address of the employer, together with credentials establishing the exact relationship;~~

~~(5) The length of time for which the right to do business is desired;~~

~~(6) If a vehicle is to be used, a description of the same, together with the license number or other means of identification;~~

~~(7) Three photographs of the applicant, taken within 60 days immediately prior to the date of the filing of the application, which pictures shall be two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner;~~

~~(8) The fingerprints of the applicant;~~

~~(9) A statement as to whether the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor; and~~

~~(10) A statement by a reputable physician of the City, dated not more than ten days prior to submission of the application, certifying the applicant to be free of infectious, contagious or communicable disease.~~

~~(10) A STATEMENT THAT THE APPLICANT HAS OBTAINED ALL OTHER APPROPRIATE LICENSES OR CERTIFICATIONS REQUIRED BY LAW TO CONDUCT THE APPLICANT'S BUSINESS.~~

~~At the time of filing the application, a fee as set by resolution of Council shall be paid to the City Clerk to cover the cost of investigation. Such fee shall be in addition to the license fees provided for in Section 844.06-844.05.~~

~~The applicant shall file with the completed application a copy of any form contracts to be used in the course of his or her business under Sections 844.01 to 844.18 844.19. (Adopting Ordinance)~~

~~(b) An applicant for a license to do business as a solicitor or canvasser shall, in addition to supplying the information required by subsection (a) hereof, file a statement showing the place where the goods or property proposed to be sold, or for the sale of which orders will be taken, are manufactured or produced, where such goods or products are located at the time such application is filed and the proposed method of delivery.~~

~~(c) An applicant for a license to do business as a transient merchant shall, in addition to supplying the information required by subsection (a) hereof, file a statement showing:~~

~~(1) The name of the person having the management or supervision of the applicant's business during the time that it is proposed that it will be carried on in the City; the local address of such person while engaged in~~

such business; the permanent address of such person; the capacity in which such person will act (that is, whether as proprietor, agent or otherwise); the name and address of the person, firm or corporation for whose account the business will be carried on, if any; and, if a corporation, under the laws of what state the same is incorporated;

(2) The place in the City where it is proposed to carry on the applicant's business, WHICH PLACE SHALL NOT BE WITHIN 300 FEET OF A PERMANENT BUSINESS DEALING IN THE SAME GOODS;

(3) The place, other than the permanent place of business of the applicant, where the applicant, within the six months preceding the date of such application, conducted a transient business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;

(4) The nature, character and quality of the goods, wares or merchandise to be sold or offered for sale by the applicant in the City; the invoice value and quantity of such goods, wares and merchandise; whether the same are proposed to be sold from stock in possession, from stock in possession and by sample, at auction, by direct sale or by the taking of orders for future delivery; where the goods or property proposed to be sold are manufactured or produced; and where such goods or products are located at the time the application is filed;

(5) The nature and character of the advertising done or proposed to be done in order to attract customers. If required by the City Clerk, copies of all such advertising, whether by handbills, circulars, newspaper advertising or otherwise, shall be attached to such application as exhibits thereof.

(6) Credentials from the person for whom the applicant proposes to do business, authorizing the applicant to act as such representative; and

(7) Such other reasonable information as to the identity or character of the person having the management or supervision of the applicant's business, or as to the method or plan of doing such business, as the City Clerk may deem proper to fulfill the purpose of this chapter in the protection of the public good.

~~844.05. 844.04. Investigations; license issuance or denial.~~

~~(a) Upon receipt of an application for a license required by Sections 844.01 to 844.18 844.19, the original and one copy/ES shall be referred to the Chief of Police AND THE CITY TREASURER, who shall cause such investigation of the applicant's business and moral character to be made as he or she deems necessary for the protection of the public good.~~

~~(b) If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, The Chief of Police AND THE CITY TREASURER shall endorse on such application his or her APPROVAL OR disapproval and reasons for the same, BASED UPON THE RESULTS OF THEIR INVESTIGATIONS, and return the application to the City Clerk who shall forward such application to Council, along with his or her recommendations to Council, based on the investigation by the Chief of Police, for Council's approval or disapproval of the license application. For purposes of Sections 844.01 to 844.18 844.19, character or business responsibility shall include, but not be limited to, those items of cause for license revocation contained in Section 844.16-844.14.~~

~~(c) If, as a result of such investigation, the applicant's character or business responsibility is found to be satisfactory, the Chief of Police shall endorse on the application his or her approval and return the same to the City Clerk who shall forward the original application to Council, along with his or her recommendation and that of the Chief of Police, for Council's approval or disapproval of the license application. If such application is approved by Council, the City Clerk shall immediately, upon payment of the prescribed fee, issue the license and deliver to the applicant his or her license certificate. Such certificate shall contain the signature and seal of the issuing officer and shall show the name, address and photograph of the licensee, the class of license issued, the kinds of goods to be sold thereunder, the amount of fee paid, the date of issuance, the length of time the same shall be operative and the license number and other identifying description of any vehicle used in the business, AND THE~~

LOCATION WHERE THE APPLICANT'S BUSINESS IS PERMITTED. The City Clerk shall keep a permanent record of all licenses issued. One copy of the application shall be returned to the Chief of Police for his or her files.

(d) ~~If Council denies such application~~ THE APPLICATION IS DENIED, the City Clerk shall notify the applicant thereof by registered or certified mail, return receipt requested, postage prepaid, sent to the applicant's address as stated on such application. The notice of denial shall include a statement of the reasons therefor. GROUNDS FOR DENIAL SHALL BE THE SAME AS THE GROUNDS FOR REVOCATION LISTED IN SECTION 844.14(a).

~~844.06.~~ 844.05. License fees.

(a) *Establishment by Council.* Fees for licenses required by Sections 844.01 to 844.18 ~~844.19~~ shall be as established by resolution of Council. ~~(Adopting Ordinance)~~

(b) *Exemption.* No fee shall be required of one selling products of a farm or orchard, which products are actually produced by the seller.

(c) *Basis.* For the purpose of Sections 844.01 to 844.18 ~~844.19~~, any period of seven calendar days or less shall be considered one week; AND any period of more than seven calendar days and not more than 30 calendar days shall be treated as one month; ~~and any period of more than 30 calendar days and not more than one calendar year shall be treated as one year.~~ Annual fees established by Council shall be assessed on a calendar year basis and on and after November 1 the amount of the fee for such annual licenses shall be one half of the amount stipulated for the remainder of the year.

~~844.07.~~ 844.06. Issuance and display of license plates and badges.

(a) The City Clerk shall issue A PHOTO IDENTIFICATION BADGE to each licensee for peddling, soliciting and canvassing, at the time of delivery of his or her license certificate, ~~two license plates for each vehicle to be used, plus a metal badge for each individual licensed under Sections 844.01 to 844.19.~~ The license plates or badges shall bear the words "Licensed Peddler," the period for which the license is issued, and the number of the license in letters and figures plainly discernible, AND A PHOTOGRAPH OF THE LICENSEE. ~~License plates shall be attached to the vehicle used by the licensee, either on both sides of the vehicle so used or on the front and rear thereof. Such badges shall be worn constantly DISPLAYED CONSPICUOUSLY by the licensee on the front of his or her hat or outer garment in such a way as to be conspicuous during the time the licensee is engaged in peddling.~~

(b) Licenses issued to transient merchants under Sections 844.01 to 844.18 ~~844.19~~ shall be posted conspicuously in the place of business named therein. If a person applying for such license desires to do business in more than one place in the City, a separate license may be issued for each place of business and shall be posted conspicuously in each place of business.

~~844.08.~~ 844.07. Transferability of licenses and badges.

(a) No license or badge issued to a peddler, solicitor or canvasser under Sections 844.01 to 844.18 ~~844.19~~ shall be used or worn at any time by any person other than the one to whom it was issued.

(b) No license issued to a transient merchant shall be transferred without written consent therefor from THE CITY CLERK Council, as evidenced by an endorsement on the face of the license by the City Clerk showing to whom the license is transferred and the date of the transfer.

~~844.09.~~ 844.08. Sound amplifying systems prohibited; exception.

No person licensed under Sections 844.01 to 844.18 ~~844.19~~, nor any person in his or her behalf, shall shout, make any outcry, blow a horn, ring a bell or use any sound device, including any loud speaking radio or sound amplifying system, upon any of the streets, alleys, parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such licensee proposes to sell. This section shall not apply to street musicians as defined in Section 864.01- OR TO ICE CREAM PEDDLERS LICENSED UNDER SECTIONS 844.20 – 844.26.

~~844.10.~~ Use of streets.

~~Any applicant aggrieved by the action of the City Clerk in the denial of a license of an outdoor gathering, may appeal to Council by filing, within 14 days after notice of the denial has been mailed to the applicant's address contained on the application, a written statement setting forth fully the grounds for the appeal. Upon appeal to Council, the matter shall be referred to the general services committee for consideration. The Committee shall set a time and place for a hearing on such appeal and~~

~~notice of such hearing shall be given by registered or certified mail. After reviewing the appeal, the General Services Committee shall make a recommendation to the Council for final decision. The decision of Council on such appeal shall be final and conclusive.~~ ~~844.11.~~ 844.09. License exhibition.

Persons licensed under Sections 844.01 to 844.18 ~~844.19~~ are required to exhibit their licenses at the request of any resident.

~~844.12.~~ 844.10. Enforcement by police officers.

(a) Any police officer of the City shall require any person seen peddling, soliciting or canvassing, and who is not known by such officer to be duly licensed, to produce his or her peddler's, canvasser's or solicitor's license, and shall enforce the provisions of Sections 844.01 to 844.18 ~~844.19~~ against any person found to be violating the same.

(b) Police officers of the City shall examine all places of business and persons in their respective territories subject to Sections 844.01 to 844.18 ~~844.19~~ to determine if such sections have been complied with and shall enforce the provisions of such sections against any person found to be violating the same.

~~844.13.~~ 844.11. Records.

(a) The Chief of Police shall report to the City Clerk all convictions for violations of Sections 844.01 to 844.18 ~~844.19~~, and the City Clerk shall maintain a record for each license issued and record the reports of violation therein.

(b) The City Clerk shall deposit the record of fingerprints of the licensee, together with his or her license number, with the Chief of Police.

~~844.14.~~ 844.12. Hours of operation.

No peddler, solicitor or canvasser shall engage in such business in the City after 8:00 p.m. OR SUNSET, WHICHEVER IS EARLIER, and before 9:00 7:00 a.m. of any day, , EXCEPT WHEN DONE SO IN COMPLIANCE WITH A POLICY OF THE PRINCIPAL SHOPPING DISTRICT, FOR WHICH A PROPER LICENSE IS REQUIRED.

~~844.15.~~ 844.13. Bond.

No peddler, solicitor or canvasser shall engage in such business, and no license therefor shall be issued by the City Clerk, unless there is on file an indemnity bond with the City Clerk in the penal amount of \$1,000.00 to indemnify the City for any and all damage to public property of any kind, and conditioned that the licensee will pay to the City all fines and penalties which may be assessed against the licensee for a breach of any ordinance relating to the business carried on by such person, and conditioned, further, that such licensee will fulfill any obligation to a resident of the State, which obligation is incurred as a result of the operation of such licensee in the City.

~~844.16.~~ 844.14. License revocation.

(a) Licenses issued under Sections 844.01 to 844.18 ~~844.19~~ may be revoked by Council, after notice and hearing, for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for the license;
- (2) Fraud, misrepresentation or false statement made in the course of carrying on the business of peddler;
- (3) Any violation of any of the provisions of Sections 844.01 to 844.18 ~~844.19~~;
- (4) Conviction of any crime or misdemeanor involving moral turpitude; or
- (5) Conducting the business of peddler, solicitor, canvasser or transient merchant in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

(b) Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed by registered or certified mail, return receipt requested, postage prepaid, to the licensee at his or her last known address at least five days prior to the date set for the hearing.

~~844.17.~~ 844.15. Appeals.

Any person aggrieved by the action of Council in the denial of a license, as provided in Section ~~844.05~~ 844.04, may appeal to

Council. Such appeal shall be taken by filing with Council, within 14 days after notice of the action complained of has been mailed to such person's last known address, a written statement setting forth fully the grounds for the appeal. Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be given to the appellant in the same manner provided in Section ~~844.16~~ 844.14(b) for notice of a hearing on revocation. The decision and order of Council on such appeal shall be final and conclusive.

~~844.18.~~ 844.16. Peddling or soliciting in parks.

(a) No license shall be issued for peddling or soliciting in any areas controlled by the Parks and Recreation Department. No hawking, peddling or soliciting shall be allowed, and no article shall be exposed or offered for sale or barter, within any park, recreation area, public place or boulevard under the control of the Department, except by Department employees or by concessions for which permits have been issued.

(b) No person, whether licensed under Sections 844.01 to 844.18 ~~844.19~~ or Chapter 1066 of the Streets, Utilities and Public Services Code, shall sell, hawk, vend, peddle, solicit or otherwise distribute any food or other items in the area contained within the following boundaries:

- (1) That portion of North Grand Avenue between East Saginaw Street and East Shiawassee Street;
- (2) That portion of East Saginaw Street between North Grand Avenue and North Cedar Street;
- (3) That portion of North Cedar Street between East Saginaw Street and East Shiawassee Street; and

(4) That portion of East Shiawassee Street between North Grand Avenue and North Cedar Street.

This prohibition shall also apply to the areas known as the City Market parking lot and Mill Street, during any festival, show or fair which is sponsored or co-sponsored by the City and held in Riverfront Park, unless the person has first obtained a license therefor from the City Clerk's office. Council may establish a fee schedule for such licenses by resolution. The City Clerk shall obtain the approval of the Department prior to the issuance of the license. In addition, the Department shall recommend, and Council shall review and approve, any rules or regulations concerning the issuance of licenses, denial of licenses and revocation of approved licenses. The licenses may be made conditional upon location.

(c) Any applicant denied a license to operate within the areas described in subsection (b) hereof may appeal the denial to Council.

~~844.19.~~ 844.17. License expiration.

All annual licenses issued under Sections 844.01 to 844.18 ~~844.19~~ shall expire ONE YEAR FROM THE DATE ON WHICH THEY ARE ISSUED. ~~on April 30 of each year.~~ A license, other than an annual license, shall expire on the date specified in the license.

844.18. PENALTY.

WHOEVER VIOLATES ANY OF THE PROVISIONS OF THIS CHAPTER IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION AND SHALL BE SUBJECT TO THE CIVIL FINE PROVIDED IN SECTION 203.06 OF THESE CODIFIED ORDINANCES, PLUS COSTS AND OTHER SANCTIONS, FOR EACH INFRACTION. REPEAT OFFENSES SHALL BE SUBJECT TO INCREASED FINES AS PROVIDED BY SECTION 202.99(c)(2).

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

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council.

**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 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. Letters from the Mayor re:
 - i. FY 2009 3rd Quarter General Fund Status Report

REFERRED TO THE COMMITTEE OF THE WHOLE

- ii. Substantial Amendment — Action Plan, 7/1/08- 6/30/09 — Homeless Prevention and Rapid Re-Housing (HPRP) Information Packet

REFERRED TO THE COMMITTEE OF THE WHOLE

- iii. Appointments to Boards and Authorities

REFERRED TO THE COMMITTEE OF THE WHOLE

• Communications and Petitions, and Other City Related Matters:

- a. Letter from Comcast Cable providing notice of channel lineup changes effective May 27, 2009

REFERRED TO THE TELECOMMUNICATIONS AND CABLE ADVISORY BOARD

- b. Application for Community Funding submitted by Churchill Downs Community Association for its Carnival Picnic to be held June 20, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- c. Michigan Tax Tribunal appeal filed on behalf of Ford Leasing Development Co. for property located at 6540 S. Cedar St.

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

- d. Claims Appeals submitted by:
 - i. David Pizana for property located at 217 E. South St.

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

- ii. Rev. LaSandra Jones for property located at 1225 Dakin St.

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

- iii. Richard and Julieta Cole for property located at 712 Randall St.

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

- e. Request for refund of Grass and Weeds Special Assessment fee submitted by Karl Glarner for property located at 4404 Ballard Rd.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

MOTION OF EXCUSED ABSENCE

By Councilmember Allen

To excuse Councilmember Robinson from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Councilmember Kaltenbach asked Jerry Ambrose, Executive Assistant to Mayor Bernero, to look into a matter regarding an overflowing dumpster in an ally behind Washington Sq. south of Kalamazoo St.

Jerry Ambrose stated that there was no required Public Hearing to consider the Substantial Amendments to the Consolidated Action Plan, 7/1/08-6/30/09 Homeless Prevention and Rapid Rehousing (HPRP) Information Packet. He said that written comments were the only requirement.

Councilmember Allen asked Jerry Ambrose if in fact a Public Hearing was not set to consider the Substantial Amendments to the Consolidated Action Plan, 7/1/08-6/30/09 Homeless Prevention and Rapid Rehousing (HPRP) Information Packet and he stated that was correct.

By Councilmember Allen

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

Motion carried

The following items were added to the agenda:

1. From Councilmember Allen; Setting a Public Hearing for May 11, 2009 in consideration of the Substantial Amendments to the Consolidated Action Plan, 7/1/08-6/30/09 Homeless Prevention and Rapid Rehousing (HPRP) Information Packet

The City Council returned to the order of:

RESOLUTIONS

RESOLUTION #2009-132
BY COUNCIL MEMBER ALLEN
RESOLVED BY THE CITY COUNCIL OF LANSING

WHEREAS, the Lansing City Council desires to hold a public hearing to consider the Substantial Amendments to the Consolidated Action Plan, 7/1/08-6/30/09 Homeless Prevention and Rapid Rehousing (HPRP) Information Packet;

NOW, THEREFORE, BE IT RESOLVED that a public hearing be and hereby is scheduled for Monday, May 11, 2009 at 7:00 p.m. in City Council Chambers, 100' Floor, City Hall, 124 W. Michigan Ave., Lansing, MI 48933.

By Councilmember Allen

Motion Carried

REMARKS BY THE MAYOR OR EXECUTIVE ASSISTANT

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about the upcoming City of Lansing Sesquicentennial Parade and the proposed sale of the North Capitol Parking Ramp to Lansing Community College.

Councilmember Kaltenbach stated that there has been great response lately from the Police Department. He also stated that the recommendations of the Elected Officers Compensation Commission took effect on April 29, 2009.

Jerry Ambrose announced the Letter Carrier Food Drive for this coming weekend.

Councilmember Wood announced the next 2nd Saturdays meeting for residents of the 3rd Ward.

ADJOURNED TIME 9:07 P.M.

CHRIS SWOPE, CITY CLERK