



OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF JUNE 1, 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, Hewitt, Jeffries, Kaltenbach, Robinson, Wood

ABSENT: Councilmembers Dunbar (Arrived at 7:05 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 May 28, 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; In Remembrance of Glenn Dean

Councilmember Dunbar arrived at the meeting.

Councilmember Hewitt thanked the family of former councilmember Glen Dean and posthumously thanked Mr. Dean for all the work he did as a 1st Ward Councilmember in the 1960s. He stated that Councilmember Dean was instrumental in the creation of the Boys and Girls Club. He gave thanks to all former Councilmembers who blazed the trails in city government.

Don Dean stated that his father owned a hardware store and laundry mat and held various jobs throughout the years. He stated that he lived through the Great Depression. He stated that his father was a great man and appreciated the fact that Councilmember Hewitt recognized him.

Councilmember Hewitt stated that Mr. Dean helped open the Gier Center and hopes to have the road leading to the center named after Mr. Dean.

Chief Deputy City Clerk Reeves read the following Resolution:

RESOLUTION #2009-166

BY COUNCILMEMBER ERIC HEWITT
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Glen Edwin Dean was born to George Harold Dean and Minnie Hazel Stocking on August 13, 1918, and raised in Alma, Michigan;

and

WHEREAS, he served in the United States Air Force as a Corporal and flight instructor; and

WHEREAS, Glen and his first wife, Anna Puagas, had two children, Karen Ann and Debra Kay Dean; after Anna died on December 25, 1963, Glen was suddenly a single parent of two children; and

WHEREAS, Glen's second wife, A. Marie Dean, brought six children into the family; Patricia, George, Rita, Laraine, Steven, and Shirley and bore two children, Glen Edwin Dean II and Donald Hale Dean; and

WHEREAS, he worked for Motor Wheel Corporation for a number of years prior to opening Dean Hardware on Turner Street in Lansing. In 1964, he converted the hardware store into a Laundromat, Lux Laundry; and

WHEREAS, Glenn's favorite pastimes included golfing, bowling, deer hunting, and gardening, for which he received an award from the Garden Club of Greater Lansing for the biggest and most beautiful rose bush; and

WHEREAS, in 1966, Glen was a proud participant in the creation of the float for the Rose Bowl in Pasadena, California; and

WHEREAS, Glen served as First Ward Councilman from 1961 to 1967, during which time he helped start the Boys & Girls Club of Lansing and began what is now called the Glen Dean Scrabble Tournament held annually at the Gier Park Community Center; and

WHEREAS, he loved children and was recognized for his work with them by President Ronald Reagan;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to recognize Glen Edwin Dean for his contributions to the City of Lansing and to the community at-large. He will always be remembered for his kindness and generosity.

By Councilmember Hewitt

Motion Carried

Councilmember Hewitt thanked the Dean Family for their participation in the ceremony.

Don Dean stated that today is the 16th anniversary of Glen Dean's passing.

2. Mayoral Presentation; Recognition of the Lewton Elementary School Basketball Team

Mayor Bernero thanked the Lansing Parks & Recreation Department, as well as the Lansing School District for the basketball program. He spoke about the performance of the students and about the 5th grade basketball program. He also spoke about the excellent jobs the coaches do every year and stated that the team has won 7 of the last 9 championships.

Mayor Bernero read the following Proclamation:

WHEREAS: It is an honor to congratulate Lewton Elementary's Basketball team on their 2009 championship; and

WHEREAS: The team's victory against Atwood Elementary was truly one for the books. With a final score of 29-27, the team's defensive and

offensive players skillfully worked together during the nail-biter of a game to clinch the championship; and

WHEREAS: This is the team's seventh championship, and third under Coach Kenny James. For the first time the fourth grade athletes were included on the team. This season did not come without trials on the court. Once assembled, the 12 teammates took on the season with passion and determination; and

WHEREAS: Headed by the determined Coach James and Assistant Coach Ray Villarreal the Lobos became a resolute, talented force to be reckoned with. Their dedication to the Lobos both on and off the court contributed mightily to the team's success. Assistant Coach Ray Villarreal began coaching when his daughter Veronica was on the team; however he has continued his dedication to the Lobos basketball team. This family tradition continues as Veronica Villarreal is now a junior coach for her old team.

NOW, THEREFORE, I, VIRG BERNERO, Mayor of the City of Lansing, by the power vested in me do hereby offer congratulations on June 1, 2009, to

"Lewton Elementary 4th - 5th Grade Basketball Champions"

in Lansing. I encourage all residents and sports fans to join in recognizing their success and in wishing them the best in future seasons.

Vice President Robinson congratulated the team and stated that she was proud of the students and encouraged them to keep up the great work.

Coach Kenny James stated that he was honored to receive this recognition and introduced the team members present. He thanked the Mayor & City Councilmembers for this honor.

Coach Ray Villareal stated that it is nice to be able to do nice things in Lansing during these troubling times.

Brett Kaschinske of the Parks & Recreation Department spoke about the basketball program.

Mark Simon of the Parks and Recreation Department spoke about the coaches and thanked the parents. He encouraged students to participate.

Principal Virginia Bernero thanked the coaches and spoke about the work Kenny James does with the kids in the program.

Mayor Bernero encouraged students to participate in the future and spoke about scholarship opportunities.

**COUNCILMEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Councilmember Hewitt thanked the Tourist in Your Home Town participants and announced the Board of Water and Light's Annual Chili Cook-Off. He also announced the next Eastside Neighborhood Organization meeting and the last 1st Contact meeting of the summer for residents of the 1st Ward.

Councilmember Wood spoke about the ribbon cutting ceremony for the upcoming Ground Water Display at Impression 5 Museum. She announced the next Genesee Neighborhood meeting where they will be working on a new garden project. She also announced the Tri-County Regional Planning town hall meeting for a transportation plan.

Councilmember Allen asked the administration to do something about the weeds on Cedar St.

Jerry Ambrose, Executive Assistant to Mayor Bernero, stated that the Public Service Department is working hard to get all of the grass projects in the city completed, and Cedar St. should be completed by the end of

the week.

Councilmember Allen asked Jerry Ambrose to follow up on the situation with city resident Arlene Parrish who has a private contractor issue and he stated that Joe MacDonald from the Mayor's office would follow up with her later this week.

Councilmember Dunbar spoke about the 3rd Annual Hawk Island Triathlon and stated that she participated this year.

Councilmember Robinson congratulated councilmember Dunbar on her participation in the triathlon.

Councilmember Kaltenbach stated that he wished that he attended the triathlon.

Councilmember Allen asked about the events at the triathlon.

Councilmember Dunbar spoke about triathlon training courses.

Chief Deputy City Clerk Reeves recognized two Holt High School government class groups present tonight.

**SPEAKER REGISTRATION FOR
PUBLIC COMMENT**

Chief Deputy City Clerk Reeves 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 General Motors bankruptcy and about a rally for U.S. workers at the state capitol that included the Rev. Jesse Jackson. He recognized employee of the month Angie Bennett of the Finance Department. He asked citizens to join him at this weekend's Mayor's Riverwalk event. He congratulated Councilmember Dunbar for completing the triathlon and for bringing the event to Lansing.

**PUBLIC COMMENT
ON LEGISLATIVE MATTERS**

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about the proposed Ordinance to Ban Miniature Motorized Cycles from streets or highways, sidewalks, alleys, public parks, or public parking facilities within the City of Lansing.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about the proposed Ordinance to Ban Miniature Motorized Cycles from streets or highways, sidewalks, alleys, public parks, or public parking facilities within the City of Lansing.

John Pollard of 1718 Blair St. spoke in opposition to Z-10-2008 and the proposed Ordinance to Ban Miniature Motorized Cycles from streets or highways, sidewalks, alleys, public parks, or public parking facilities within the City of Lansing.

Don Dean of 1321 E. North St. spoke about the proposed Ordinance to Ban Miniature Motorized Cycles from streets or highways, sidewalks, alleys, public parks, or public parking facilities within the City of Lansing.

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

Donna Hannalis of 3300 Dansbury Crossroad St. spoke about city sewer and drainage issues in her neighborhood.

Arlene Parrish of 3521 Wildwood Ave. spoke about the Administration's response to issues related to an independent contractor who worked on her house.

John Brady of 614 W. Northrup St. spoke about sewer issues on Northrup St.

Ted Boettcher of 320 W. Northrup St. spoke about sewer issues on Northrup St.

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

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

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

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

Samara Washington of 2312 Bernard St. spoke about various city matters.

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

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

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-167

BY THE COMMITTEE ON PERSONNEL
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on February 23, 2009, the City Council passed Resolution No. 2009-040 to bring compensation and fringe benefits for City Council staff in accord with the compensation and fringe benefits of other City employees, including Teamsters Local 214; and

WHEREAS, said resolution inadvertently failed to include the Teamsters Local 214 increase in retirement benefit multiplier factor from 1.6 to 1.8; and

WHEREAS, City Council staff since 2003 have, unlike other City employees, been eligible for partial retirement health care after 8 years and 12 years of fulltime service instead of eligibility solely with 15 years of fulltime service like other City employees; and

WHEREAS, the Committee on Personnel reviewed and considered these matters inadvertently not included in Resolution No. 2009-040 and the Committee recommends the Council include these changes to City Council staff fringe benefits, to be effective as of May 1, 2009; and

WHEREAS, the benefit package adjustments recommended are within the parameters of the costs and provisions in recently negotiated labor contracts and other personnel group rules;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves the adjustments to the City Council staff fringe benefits

as follows:

1. RETIREMENT PENSION MULTIPLIER: Effective immediately for current Council staff who were hired after October 29, 1990 and who are members in the ERS defined benefit retirement system, increase 1.6% factor to 1.8%.
2. For City Council staff hired on or after May 1, 2009, eligibility for retirement healthcare shall require 15 years of fulltime service and there shall be no partial eligibility for said employees.

By Councilmember Dunbar

Motion Carried

RESOLUTION #2009-168

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

RESOLUTION TO AMEND
RESOLUTION AUTHORIZING ISSUANCE AND SALE OF
CAPITAL IMPROVEMENT BONDS

A RESOLUTION TO PROVIDE FOR:

- Option to issue the Bonds as Build America Bonds;
- City to elect to receive credit payments from U.S. Treasury equal to 35% of interest paid on Build America Bonds;
- Option of negotiated Bond sale;
- Other matters relative to sale and delivery of bonds.

PREAMBLE

WHEREAS, on May 11, 2009, the City Council of the City of Lansing, Counties of Ingham and Eaton, Michigan (the "City") adopted a Resolution (the "Authorizing Resolution") authorizing issuance of the City's Limited Tax General Obligation Capital Improvement Bonds, Series 2009 (the "Bonds"); and

WHEREAS, as an alternative to issuing the Bonds on a tax exempt basis, the City may, pursuant to the American Recovery and Reinvestment Act of 2009 signed into law on February 17, 2009 (the "Recovery Act"), designate the Bonds as Build America Bonds for purposes of the Recovery Act ("Build America Bonds"), and receive credit payments from the United States Treasury equal to 35% of the interest payable on the Bonds, on or about each interest payment date; and

WHEREAS, the City Council wishes to authorize the Mayor, Finance Director and the Public Service Director (each an "Authorized Officer") to elect that the City issue the Bonds as Build America Bonds for purposes of the Recovery Act if he determines that it would be in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Each Authorized Officer is hereby authorized, in consultation with the Stauder, Barch & Associates, Inc. (the "Financial Consultant") and Dykema Gossett PLLC ("Bond Counsel") to authorize revisions to the Official Notice of Sale for the Bonds to permit bidders to submit bids for purchase of all of the Bonds with tax-exempt interest and/or with taxable interest assuming that all of the Bonds will be issued as Build America Bonds.

2. The Authorized Officer is hereby authorized to determine, based upon the advice of the Financial Consultant, whether to sell the Bonds on a tax exempt basis or on a taxable basis as Build America Bonds.

3. If the Bonds are issued as Build America Bonds, then an Authorized Officer is hereby directed to elect, on behalf of the City, to qualify the Bonds as Build America Bonds as such term is described in Section 54AA of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code"). Each Authorized Officer and other officers, administrators and agents of the City are authorized and directed to take all other actions necessary or advisable, and to make such filings with any parties, including the Internal Revenue Service, as may be necessary or advisable in order to request the payment of the appropriate credits from the United States Treasury. Any credit payments received from the United States Treasury shall be deposited into the Bond Payment Fund created for the Bonds in the Authorizing Resolution or into any escrow fund which may be established for defeasance of the Bonds.

4. If the Bonds are issued as Build America Bonds they shall be designated as the "City of Lansing Limited Tax General Obligation Capital Improvement Bonds, Series 2009" (Taxable). The Authorized Officer may determine whether to add phrases describing the Bonds as Build America Bonds.

5. The covenants made by the City in Section 17 of the Authorizing Resolution to take actions necessary to maintain the exclusion of the interest on the Bonds from adjusted gross income for general federal income tax purposes shall not apply if the Bonds are issued as Build America Bonds; provided, however, the Authorized Officer is authorized and directed to make such representations and agreements in certificates delivered at the time of delivery of the Bonds as may be necessary to qualify the Bonds as Build America Bonds and receive the direct payment credit from the United States Treasury. The Bonds are not designated as "qualified tax-exempt obligations" for purposes of deduction of interest expense by financial institutions.

6. The Authorizing Resolution is hereby amended to provide that the Bonds shall bear interest at a rate or rates not exceeding 8.00% per annum, with a net effective rate to the City, after application of credit payments received from the United States Treasury, of not exceeding 7.00% per annum and the purchase price for the Bonds, exclusive of any original issue discount or premium, shall not be less than 98.50% or more than 101% of the principal amount thereof. The maximum amount of the Bonds that may be allocated to reimbursement of Project expenses remains unchanged at \$20,000,000.

7. The Authorized Officer is hereby authorized on behalf of the City to determine to conduct and pursue a negotiated sale of the Bonds if, in light of current market conditions and upon advice of the City's financial advisor, or if necessary to ensure compliance with provisions of the Internal Revenue Code relating to Build America Bonds, a negotiated sale would present advantages and opportunities to select and adjust terms for the Bonds, to allow more flexibility in accessing the municipal bond market, and to price and sell the Bonds at the time that is expected to best achieve the most advantageous interest rates and costs to the City. In the event that a negotiated sale is pursued, then the Authorized Officer is authorized to select an underwriter for the Bonds, negotiate and execute a bond purchase agreement with the underwriter, and take all other necessary actions required to effectuate the sale, issuance and delivery of the Bonds within the parameters authorized in the Authorizing Resolution and this Resolution.

8. In the event that an Authorized Officer is not available at the time that it becomes necessary to take actions directed or authorized under this resolution, then another City official designated by an Authorized Officer is authorized to take the actions delegated to the Authorized Officer by this Resolution.

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

CERTIFICATE

The undersigned, being the duly qualified and acting Clerk of the City of Lansing, Counties of Ingham and Eaton, Michigan, hereby certifies that the foregoing is a true and complete copy of a resolution duly adopted at a meeting of the City Council of the City of Lansing, at which meeting a quorum was present and remained throughout and that an original thereof is on file in the records of the City of Lansing. I further certify that the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with Act No. 267, Michigan Public Acts of 1976, as amended, and minutes were kept and will be or have been made available as required thereby.

By Councilmember Wood

Motion Carried

RESOLUTION #2009-169

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

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council approves the acceptance of the Region 1 Homeland Security SHSP grant and LETPP grant for planning, training, and tactical programs to prevent and respond to terrorist attacks, major disasters, and other emergencies;

BE IT FURTHER RESOLVED, the Lansing City Council, hereby, authorizes the Administration to create the appropriate grant accounts and transfer funds for the expenditure and control of the grants in accordance with grant requirements;

BE IT FINALLY RESOLVED, the following FY 2009 transfers are approved:

State/Federal Programs	
State Homeland Security Programs (2007 SHSP)	
\$2,042,938.00 from Federal Revenue	273.0.528000.17070
\$36,050.00 to Salaries	273.343580.702000.17070
\$25,238.00 to Fringe Benefits	273.343580.715000.17070
\$107,505.00 to Miscellaneous Operating	273.343580.741000.17070
\$200,000.00 to Sub-Grant Salaries	273.343580.961702.17070
\$1,674,145.00 to Sub-Grant Misc Operating	273.343580.961741.17070

(To provide for a 2-year State Homeland Security Program in the nine-county Region 1 and City of Lansing, from April 1, 2008 to March 31, 2010. This grant emphasizes emergency response and rescue objectives in the region. The Lansing Fire Department is the fiduciary agent of the grant.)

State/Federal Programs	
State Homeland Security Programs (2007 LETPP)	
\$1,376,326.00 from Federal Revenue	273.0.528000.17071
\$24,288.00 to Salaries	273.343580.702000.17071
\$17,002.00 to Fringe Benefits	273.343580.715000.17071
\$72,246.00 to Miscellaneous Operating	273.343580.741000.17071
\$200,000.00 to Sub-Grant Salaries	273.343580.961702.17071
\$1,062,610.00 to Sub-Grant Misc Operating	273.343580.961741.17071

(To provide for a 2-year State Homeland Security Program in the nine-county Region 1 and City of Lansing, from April 1, 2008 to March 31, 2010. This grant emphasizes law enforcement objectives in the region. The Lansing Fire Department is the fiduciary agent of the grant.)

By Councilmember Wood

Motion Carried

RESOLUTION #2009-170

BY THE COMMITTEE OF THE WHOLE
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 Jerome Abood to Transfer Ownership of 2008 Class C Licensed business, located in escrow at 3552 Meridian Crossing, Okemos, MI 48864, Meridian Township, Ingham County, from Lite-R-Side, Inc. to API East of Eden, Inc.: Transfer Location (Governmental Unit) (MCL 436.1531 (1) to 205 S. Washington, Lansing, MI 48933, Ingham County; and requests a new Dance-Entertainment Permit and new Official Permit (Dance-Entertainment) for weekdays (2:30 a.m. to 3:00 a.m.) and Sundays (12:00 p.m. to 3:00 a.m.); and

WHEREAS, the Committee of the Whole met on Thursday, May 28, 2009, to review the request with affirmative action taken;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the request from Jerome Abood to Transfer Ownership of 2008 Class C Licensed business, located in escrow at 3552 Meridian Crossing, Okemos, MI 48864, Meridian Township, Ingham County, from Lite-R-Side, Inc. to API East of Eden, Inc.: Transfer Location (Governmental Unit) (MCL 436.1531 (1) to 205 S. Washington, Lansing, MI 48933, Ingham County; and requests a new Dance-Entertainment Permit and new Official Permit (Dance-Entertainment) for weekdays (2:30 a.m. to 3:00 a.m.) and Sundays (12:00 p.m. to 3:00 a.m.);;

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 #2009-171

BY THE COMMITTEE OF THE WHOLE
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 American Promotional/TNT Fireworks of on behalf of:

- Sam's Club #8137 located at 340 E. Edgewood Blvd.
- Target #361 located at 500 E. Edgewood Blvd.
- Aldi's #1519 located 6555 S. Pennsylvania Ave.
- L & L Food Center #279 located at 1615 W. Mt Hope Ave.
- L & L Food Center #275 located at 5016 S Martin Luther King Blvd.
- Meijer #24 located at 6200 S. Pennsylvania Ave.
- Kroger #884 located at 921 W. Holmes St.
- Kroger #852 located at 443 Mall Court

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, American Promotional/TNT Fireworks agrees 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 that the application for a license to sell or offer to sell retail fireworks filed by American Promotional/TNT Fireworks on behalf of:

- Sam's Club #8137 located at 340 E. Edgewood Blvd
- Target #361 located at 500 E. Edgewood Blvd
- Aldi's #1519 located 6555 S. Pennsylvania Ave
- L & L Food Center #279 located at 1615 W. Mt Hope Ave
- L & L Food Center #275 located at 5016 S Martin Luther King Blvd

- Meijer #24 located at 6200 S. Pennsylvania Ave.
- Kroger #884 located at 921 W. Holmes St
- Kroger #852 located at 443 Mall Court

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

REPORTS FROM COUNCIL COMMITTEES

RESOLUTION #2009-172
REPORT OF COMMITTEE

THE COMMITTEE ON DEVELOPMENT AND PLANNING was held on May 21, 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

To receive this Committee Report

Motion Carried

RESOLUTION #2009-173
COMMITTEE REPORT

THE COMMITTEE OF THE WHOLE held a meeting on Thursday, May 28, 2009, in which to consider the ordinance amendment to Chapter 6, to add Section 6.24 to the Lansing Codified Ordinances, to ban miniature motorized cycles from streets or highways, sidewalks, alleys, public parks, or public parking facilities within the City of Lansing.

The Committee recommends adoption of the amendment to the City of Lansing Codified Ordinances to add Section 6.24 to the Lansing Codified Ordinances, to ban miniature motorized cycles from streets or highways, sidewalks, alleys, public parks, or public parking facilities within the City of Lansing.

By the Committee of the Whole

Signed: A'Lynne Robinson, Vice President

By Councilmember Jeffries

Motion Carried

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE

AMEND CHAPTER 292, SECTIONS 292.14, 292.155, 292.20, 292.21, 292.26, 292.35, 292.37B AND 292.37C

By Councilmember Wood, Chair of the Committee on Ways and Means

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

By the Committee on Ways and Means

By Councilmember Wood

That:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 292 of the Lansing Code of Ordinances by Amending Sections 292.14, 292.155, 292.20, 292.21, 292.26, 292.35, 292.37b and Section 292.37c of Chapter 292, Employees Retirement System to provide for membership in the Retirement System for those FOP 911 Operators' Division employees who were previously members of the Defined Contribution Plan; to provide for age and service requirements; to modify employee contributions to the system and for retirement health care; to modify final average salary calculation; and to provide vesting requirements for retirement health care

was introduced by Councilmember Wood and read by its title Hearing

RESOLUTION #2009-174
RESOLUTION SETTING PUBLIC HEARING
By Councilmember Wood

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, June 22, 2009 at 7:00 P.M. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance of the City of Lansing, Michigan, to Amend Chapter 292 of the Lansing Code of Ordinances by Amending Sections 292.14, 292.155, 292.20, 292.21, 292.26, 292.35, 292.37b and Section 292.37c of Chapter 292, Employees Retirement System to provide for membership in the Retirement System for those FOP 911 Operators' Division employees who were previously members of the Defined Contribution Plan; to provide for age and service requirements; to modify employee contributions to the system and for retirement health care; to modify final average salary calculation; and to provide vesting requirements for retirement health care.

Interested Persons are invited to attend this Public

By Councilmember Wood

Motion Carried

INTRODUCTION OF ORDINANCE
AMEND CHAPTER 290, SECTION 4

By Councilmember Jeffries, Vice-President of the Committee of the Whole

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

By the Committee of the Whole

By Councilmember Jeffries

That:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 290, Section 4, of the Lansing Codified Ordinances to provide that a City officer or employee who receives a gift for himself, herself, or on behalf

of the City, with a value over \$50.00 from someone not related to the donee by blood or marriage shall be required to submit a letter of disclosure to the City Clerk for transmission to the ethics board for appropriate action

was introduced by Councilmember Jeffries and read by its title

RESOLUTION #2009-175
RESOLUTION SETTING PUBLIC HEARING
By Councilmember Jeffries

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, June 15, 2009 at 7:00 P.M. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance of the City of Lansing, Michigan, to Amend Chapter 290, Section 4, of the Lansing Codified Ordinances to provide that a City officer or employee who receives a gift for himself, herself, or on behalf of the City, with a value over \$50.00 from someone not related to the donee by blood or marriage shall be required to submit a letter of disclosure to the City Clerk for transmission to the ethics board for appropriate action.

Interested Persons are invited to attend this Public Hearing

By Councilmember Jeffries

Motion Carried

ORDINANCES FOR PASSAGE

BY COUNCILMEMBER JEFFRIES

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

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

BY COUNCILMEMBER JEFFRIES

Resolved by the City Council of the City of Lansing that an Ordinance of the City of Lansing, Michigan, Providing for the Rezoning of a parcel of real property located in the City of Lansing, Michigan and for the revision of the district maps adopted by section 1246.02 of the Code of Ordinances for property located at Z-10-2008; 527 W. Hillsdale St. and the vacant property to its east, be placed on order of immediate passage.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

BY COUNCILMEMBER JEFFRIES

Resolved by the City Council of the City of Lansing that an Ordinance of the City of Lansing, Michigan, Providing for the Rezoning of a parcel of real property located in the City of Lansing, Michigan and for the revision of the district maps adopted by section 1246.02 of the Code of Ordinances for property located at Z-10-2008; 527 W. Hillsdale St. and the vacant property to its east, be now passed.

YEAS: Councilmembers Allen, Hewitt, Jeffries, Robinson and Wood

NAYS: Councilmembers Dunbar and Kaltenbach

ABSENT: Councilmember Quinney

By Councilmember Jeffries

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 #2547

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification of the property described as follows:

Case Number: Z-10-2008
 Address: 527 W. Hillsdale Street
 Parcel Number: PPN: 33-01-01-16-361-001
 Legal Descriptions: The West 4 Rods of Lot 8, Block 162, Original Plat, City of Lansing, Ingham Co., MI, from "DM-4" Residential District to "D-1" Professional Office District, with the following conditions which shall run with the land and be binding upon the successor owners of the land:

1. A trade association or union office is prohibited;
2. A bank, credit union or saving and loan association is prohibited;
3. A funeral home is prohibited;
4. A clinic is prohibited;
5. A planned development is prohibited; and
6. A functional family which does not meet the conditions permitted in the D-1 Professional Office District is prohibited.

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

Section 3. This ordinance was duly adopted by the Lansing City Council on June 1, 2009, and a copy is available in the office of the Lansing City Clerk, 9th Floor, City Hall, 124 W. Michigan Avenue, Lansing, MI 48933.

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

By Councilmember Jeffries

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

BY THE COMMITTEE OF THE WHOLE

By Councilmember Jeffries

That:
 An Ordinance of the City of Lansing, Michigan, to Amend Chapter 6, to Add Section 6.24 to the Lansing Codified Ordinances, to Ban Miniature Motorized Cycles from streets or highways, sidewalks, alleys, public parks, or public parking facilities within the City of Lansing be placed on order of immediate passage.

BY THE COMMITTEE OF THE WHOLE

By Councilmember Jeffries

That:
 An Ordinance of the City of Lansing, Michigan, to Amend Chapter 6, to Add Section 6.24 to the Lansing Codified Ordinances, to Ban Miniature Motorized Cycles from streets or highways, sidewalks, alleys, public parks, or public parking facilities within the City of Lansing

be now passed.

YEAS: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Robinson and Wood

NAYS: None

ABSENT: Councilmember Quinney

By Councilmember Jeffries

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 #1142

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 6, TO ADD SECTION 6.24 TO THE LANSING CODIFIED ORDINANCES, TO BAN MINIATURE MOTORIZED CYCLES FROM STREETS OR HIGHWAYS, SIDEWALKS, ALLEYS, PUBLIC PARKS, OR PUBLIC PARKING FACILITIES WITHIN THE CITY OF LANSING.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 6 of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to add section 6.24 as follows:

SEC. 6.24 MINIATURE MOTORIZED CYCLES

(a) MINIATURE MOTORIZED CYCLE DEFINED.

AS USED IN THIS SECTION, MINIATURE MOTORIZED CYCLE SHALL MEAN ANY TWO OR THREE WHEELED, SELF-PROPELLED, ELECTRIC, OR GAS-POWERED VEHICLE THAT IS CAPABLE OF SPEEDS GREATER THAN 15 MPH AND DOES NOT MEET THE MOTOR VEHICLE LICENSING AND REGISTRATION REQUIREMENTS OF THE MICHIGAN VEHICLE CODE. IT DOES NOT INCLUDE MOTORIZED WHEELCHAIRS OR OTHER AIDS DESIGNED FOR USE BY PERSONS WITH LIMITED OR IMPAIRED MOBILITY, OR SEGWAY SELF-BALANCING SCOOTERS AND OTHER DEVICES THAT FALL UNDER THE MICHIGAN VEHICLE CODE'S DEFINITION OF "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES."

(b) PROHIBITIONS.

NO PERSON SHALL OPERATE A MINIATURE MOTORIZED CYCLE ON ANY STREET OR HIGHWAY, OR SIDEWALK, OR IN ANY ALLEY, PUBLIC PARK, OR PUBLIC PARKING FACILITY.

(c) PENALTIES.

ANY PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION AND SHALL BE SUBJECT TO A FINE OF UP TO \$100.00.

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 Vice-President Robinson make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letters from the City Clerk:
 - i. Providing notice of the placement on file of the Lansing Board of Water and Light's Fiscal Year 2010 Budget

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

- ii. Submitting a request from Progressive Restaurant Services LLC for a New Class C License issued under MCL 436.1521(a)(1)(b) with Dance-Entertainment Permit to be located at 107 E. Allegan St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- b. Letters from the Mayor re:
 - i. Transfer of Funds; General Fund, State/Federal Programs Fund and State/Federal Programs, Gang Resistance (GREAT) Subgrant

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

• Communications and Petitions, and Other City Related Matters:

- a. Letter from the United States Department of Energy requesting contact information for the person serving as the main point of Contact (POC) for the City of Lansing's participation in the Energy Efficiency and Conservation Block Grant (EECBG) Program

RECEIVED AND PLACED ON FILE

- b. Letter from the State of Michigan Department of Treasury providing notice to Cool City Developers, LLC of the issuance of an Obsolete Property Rehabilitation Exemption Certificate for property located at 310 E. North St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- c. Notice from the State of Michigan Public Service Commission providing notice of a Public Hearing to the Gas Customers of Consumers Energy Company Case No. U-15929 to be held June 9, 2009

RECEIVED AND PLACED ON FILE

- d. Michigan Tax Tribunal appeals filed on behalf of:
 - i. ShoreBank for property located at 3501 and 3615 Bayview Dr. and sub-addresses

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

- ii. Jai Ambe Corp. for property located at 1100 Ramada Dr.

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

- iii. TMT Lansing LLC for property located at 1200 Keystone Ave.

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

- iv. Walter Neller Enterprises, Inc. for property located at 111 W. Edgewood Blvd.

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

- v. GTB Properties for property located at:

1. 5601 Enterprise Dr.
2. 5511 Enterprise Dr.
3. 5615 Enterprise Dr.
4. 5643 Enterprise Dr.

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

- vi. Bowden, James III and Martha L. for property located at 6900 S. Cedar St. and sub-addresses

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

- vii. DJF Landholding LLC for property located at 134 E. Edgewood Blvd.

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

- viii. AJZ-Cedar LLC for property located at 4811 S. Cedar St.

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

- e. Applications for Community Funding submitted by:

- i. Gier Area Neighborhood Watch #158 for its 2nd Annual National Night Out & Lansing 150 Years Family Event to be held August 4, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- ii. Faith Fellowship Baptist Church for its Annual Children's/Neighborhood Block Party to be held July 11, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- f. Letter from John Pollard of 1718 Blair St. submitting copies of Freedom of Information Act (FOIA) request responses regarding Mayor Bernero's City-Owned Cadillac and Washington, DC trip expenses

RECEIVED AND PLACED ON FILE

MOTION OF EXCUSED ABSENCE

By Councilmember Hewitt

To excuse President Quinney from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Councilmember Jeffries asked if there was a substitute resolution for the liquor license transfer for Jerome Abood and he was informed that there was not a substitute.

Councilmember Wood asked about a pick-up of large items due to the recent floods and about grass cutting on Martin Luther King, Jr. Blvd. Jerry Ambrose stated that he would address both issues during his remarks.

Vice President Robinson announced that the next 2nd Saturdays meeting would be held at Harry Hill Center and invited citizens to attend.

Councilmember Dunbar announced the opening of the South Lansing Farmer's Market.

Vice President Robinson thanked Parks Director Murdoch Jemerson for the use of Harry Hill Center.

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about mowing the state trunk lines on Cedar St. and Martin Luther King, Jr. Blvd. He stated that the state has only authorized four mowings of the medians this year on those streets but the Public Service Department will do what it can to pay for the mowings.

Councilmember asked for clarification on mowing the medians and asked that funds be found to mow them more often.

Jerry Ambrose reiterated his point that state revenues are down and that the city is going to do all it can to keep the medians mowed.

Councilmember Allen asked to cut programs in order to pay for mowing.

Councilmember Wood stated that if the residents are required to mow their lawns then the city should be held to the same set of standards.

Councilmember Kaltenbach spoke about the Principal Shopping District's special assessment to keep downtown beautiful.

Councilmember Allen compared city neighborhoods to downtown and stated that the neighborhoods look terrible in comparison.

ADJOURNED TIME 9:33 P.M.

CHRIS SWOPE, CITY CLERK