



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF JULY 6, 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, Hewitt, Kaltenbach, Quinney, Robinson, Wood

ABSENT: Councilmembers Dunbar and Jeffries (Arrived at 7:04 p.m. and left at 8:11 p.m.)

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

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Robinson

To approve the printed Council Proceedings of June 29, 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

COUNCILMEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Wood spoke about the City's 4th of July parade.

Councilmember Hewitt asked Jerry Ambrose, Executive Assistant to Mayor Bernero, to check into issues related to water backups at Bancroft Park.

Councilmember Allen announced the next Miller Road Neighborhood Association meeting.

Vice President Robinson announced the next 2nd Saturdays meeting for residents of the 3rd Ward.

Councilmember Jeffries arrived at the meeting at 7:04 p.m.

Vice President Robinson spoke about the Lansing Police Department's response to fireworks display complaints over the 4th of July holiday weekend. She announced the Arbors at Georgetown Family Day event. She asked Jerry Ambrose about Code Compliance's response to yard waste being put on curbs too early.

Councilmember Wood stated that she received several e-mails from citizens regarding complaints about illegal fireworks displays in the city over the 4th of July holiday weekend.

Councilmember Robinson stated that she would forward a letter to City Clerk Swope regarding fireworks to be included in next week's City

Council meeting packet.

Councilmember Jeffries asked Jerry Ambrose to look into an issue related to falling tree limbs at the intersection of Pleasant Grove Rd. and Mt. Hope Ave.

City Clerk Swope stated that the City Clerk's Election Unit at the former armory, 2500 S. Washington Ave., was open for citizens to request and receive absentee ballots. He stated that the back entrance should be used by the public. He also stated that tomorrow is the last day to register to vote for the August Primary Election. He reminded citizens that they could check the status of absentee ballots on his website.

Councilmember Hewitt asked Clerk Swope if Grand River School would be used as a polling location for the November General Election and Clerk Swope stated that he anticipates the use of the school for that election.

Councilmember Allen stated that the Miller Road neighborhood meeting will begin at 6:30 p.m. and not 7:00 p.m. as she previously stated.

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

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about the City of Lansing's 4th of July parade and related events, and thanked the sponsors. He stated that tonight kicks off this year's Common Ground festival. He spoke about the city retaining its credit rating. He thanked Art Van for donating mattresses and boxed spring sets to the Human Relations and Community Services Department to distribute to homeless citizens. He spoke about several items on tonight's agenda including board and authority appointments and the Motor Carrier Safety Act Ordinance.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of a Project Plan prepared by the Lansing Economic Development Corporation for - the Blue Coyote Brewing Company, LLC for property located at 113 Pere Marquette Dr.

Councilmember Jeffries gave a brief overview of the Public Hearing.

Stan Shuck of 818 Cooper Ave. spoke about the Blue Coyote Brewing Company, LLC.

Kathi Raffone of 1221 Muskegon Ave. stated concerns with the Blue Coyote Brewing Company, LLC. She also spoke about board appointments.

Harold King of 1563 N. High St. spoke in opposition to the Project Plan for

the Blue Coyote Brewing Company, LLC.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke in opposition to the Project Plan for the Blue Coyote Brewing Company, LLC.

John Pollard of 1718 Blair St. spoke in opposition to the Project Plan for the Blue Coyote Brewing Company, LLC and in opposition to the Motor Carrier Safety Act Ordinance.

Willy Williams of P.O. Box 11042 spoke in support of the Project Plan for the Blue Coyote Brewing Company, LLC.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of a Project Plan prepared by the Lansing Economic Development Corporation for - the Blue Coyote Brewing Company, LLC for property located at 113 Pere Marquette Dr.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

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

- Bob Gray of 422 Dadson Dr. spoke about various city matters.
- Stan Shuck of 818 Cooper Ave. spoke about various city matters.
- Lorraine Couchman of 2704 Northwest Ave. spoke about illegal fireworks displays in the city.
- Ammahad-Shekarakki of 902 W. Willow St. spoke about Malcolm X.
- Kathi Raffone of 1221 Muskegon Ave. 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.
- Harold King of 1563 N. High St. spoke about various city matters.
- Charlene Decker of 2711 Pleasant Grove Rd. 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.
- Willy Williams of P.O. Box 11042 spoke about various city matters.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2009-259

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

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

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

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

FIREWORKS DISPLAY PERMIT:

Application for a Public Display of Fireworks filed by Larry Holley of Night Magic Displays on behalf of Center Park Productions, to be held on July 11 2009.

By Councilmember Kaltenbach

Motion Carried

Councilmember Jeffries left the meeting at 8:11 p.m.

RESOLUTION #2009-260

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

WHEREAS, the Mayor made the appointment of Josephine Washington of 521 Nantucket Drive, Lansing, Michigan 48906 to an At Large position on the Board of Fire Commissioners for a term to expire June 30, 2013.

WHEREAS, the Committee on Public Safety met on July 1, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Josephine Washington of 521 Nantucket Drive, Lansing, Michigan 48906 to an At Large position on the Board of Fire Commissioners for a term to expire June 30, 2013.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-261

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

WHEREAS, the Mayor made the appointment of Walter Steele of 313 E. Edgewood Blvd. Apt. 7, Lansing, Michigan 48911 as the Citizen Representative on the Board of Plumbing for a term to expire June 30, 2011.

WHEREAS, the Committee on Public Safety met on July 1, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Walter Steele of 313 E. Edgewood Blvd. Apt. 7, Lansing, Michigan 48911 as the Citizen Representative on the Board of Plumbing for a term to expire June 30, 2011.

By Councilmember Allen

To place an affirmative roll on the resolution

By Councilmember Allen

To amend the resolution by striking both instances of "to the First Ward position"

Motion Carried

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

Motion Carried

RESOLUTION #2009-262

BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Samara Washington of 2312 Bernard, Lansing, Michigan 48911 to an At Large position on the Traffic Board for a term to expire June 30, 2010.

WHEREAS, the Committee on Public Safety met on July 1, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Samara Washington of 2312 Bernard, Lansing, Michigan 48911 to an At Large position on the Traffic Board for a term to expire June 30, 2010.

By Councilmember Allen

Motion Carried

RESOLUTION #2009-263

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

WHEREAS, the Mayor made the appointment of Nancy Mahlow of 430 N. Fairview, Lansing, Michigan 48912 to an At Large position on the Traffic Board for a term to expire June 30, 2012.

WHEREAS, the Committee on Public Safety met on July 1, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Nancy Mahlow of 430 N. Fairview, Lansing, Michigan 48912 to an At Large position on the Traffic Board for a term to expire June 30, 2012.

By Councilmember Allen

Motion Carried

REPORTS FROM COUNCIL COMMITTEES

RESOLUTION #2009-264
REPORT OF COMMITTEE

THE COMMITTEE ON PUBLIC SAFETY met on July 1, 2009, and reviewed the proposed ordinance amendment to Part 4, "Traffic Code," Section 11.4(8) to align weight restrictions with those in the Michigan Motor Vehicle Code and add Chapter 13, which adopts by reference the Motor Carrier Safety Act.

The Committee recommended passage of an ordinance amendment proposed amendment to Part 4, "Traffic Code," Section 11.4(8) to align weight restrictions with those in the Michigan Motor Vehicle Code and add Chapter 13, which adopts by reference the Motor Carrier Safety Act and requested a list of written procedures for enforcement of the ordinance within thirty days of passage.

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 Allen

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

BY THE COMMITTEE ON PUBLIC SAFETY

By Councilmember Allen

That:

An Ordinance of the City of Lansing, Michigan, to Amend Part 4, Traffic Code, Section 11.4(8) to align weight restrictions with those in the Michigan Motor Vehicle Code and add Chapter 13, which adopts by reference the Motor Carrier Safety Act be placed on order of immediate passage.

BY THE COMMITTEE ON PUBLIC SAFETY

By Councilmember Allen

That:

An Ordinance of the City of Lansing, Michigan, to Amend Part 4, Traffic Code, Section 11.4(8) to align weight restrictions with those in the Michigan Motor Vehicle Code and add Chapter 13, which adopts by reference the Motor Carrier Safety Act be now passed.

YEAS: Councilmembers Allen, Hewitt, Kaltenbach, Quinney, Robinson and Wood

NAYS: None

ABSENT: Councilmembers Dunbar and Jeffries

By Councilmember Allen

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 #1143

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND PART 4, "TRAFFIC CODE," SECTION 11.4(8) TO ALIGN WEIGHT RESTRICTIONS WITH THOSE IN THE MICHIGAN MOTOR VEHICLE CODE AND ADD CHAPTER 13, WHICH ADOPTS BY REFERENCE THE MOTOR CARRIER SAFETY ACT.

THE CITY OF LANSING ORDAINS:

Section 1. That Part 4 of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

Section 11.4. Size, weight and load.

(8) Wheel and axle loads.

(a) The maximum axle loads shall not exceed the number of pounds designated in the following provisions which prescribe the distance between axles:

(i) When the axle spacing is 9 feet or more between axles, the maximum axle load shall be 18,000 pounds for vehicles equipped with high pressure pneumatic or balloon tires.

(ii) When the axle spacing is less than 9 feet between 2 axles but more than three and one-half feet, the maximum axle load shall be 13,000 pounds for high pressure pneumatic or balloon tires.

(iii) When axles are spaced less than 3 1/2 feet apart, the maximum axle load shall be 9,000 pounds per axle.

(iv) Subdivisions 1, 2 and 3 shall be known as the normal loading maximum.

(b) When normal loading is in effect, the director of public service, with respect to streets under the city's jurisdiction, may designate certain streets or sections of streets where bridges and road surfaces are adequate for heavier loading, which designation may be revised as needed, on which the maximum tandem axle assembly loading shall be 16,000 pounds for any axle of the assembly IF THERE IS NO OTHER AXLE WITHIN 9 FEET OF ANY AXLE OF THE ASSEMBLY.

(c) On a legal combination of vehicles, only 1 tandem axle assembly shall be permitted on such designated highways at the gross permissible weight of 16,000 pounds for a tandem axle IF THERE IS NO OTHER AXLE WITHIN 9 FEET OF ANY AXLE OF THE ASSEMBLY, and no other tandem axle assembly in such combination of vehicles shall exceed a gross weight of 13,000 pounds for a tandem axle. ~~When the maximum gross weight of a combination of vehicles with load does not exceed 73,280 pounds, 2 tandem axle assemblies shall be permitted on such designated highways at a gross permissible weight of 16,000 pounds for a tandem.~~ ON A COMBINATION OF TRUCK TRACTOR AND SEMITRAILER HAVING NOT MORE THAN 5 AXLES, 2 CONSECUTIVE TANDEM AXLE ASSEMBLIES SHALL BE PERMITTED ON THE DESIGNATED HIGHWAYS OR STREETS AT A GROSS PERMISSIBLE WEIGHT OF 16,000 POUNDS PER AXLE, IF THERE IS NO OTHER AXLE WITHIN 9 FEET OF ANY AXLE OF THE ASSEMBLY.

(d) The normal size of tires shall be the rated size as published by the manufacturers, and the maximum wheel load permissible for any wheel shall be 700 pounds per inch of width of tires.

(e) During the months of March, April and May in each year, the maximum axle loads allowable on all city streets, except those designated as class A all-weather truck routes, shall be reduced by 35 percent from the maximum axle loads specified in this chapter. The maximum wheel load shall be 450 pounds per inch of tire width on all city streets, except class A streets, during the period the seasonal road restrictions are in effect.

(f) The director of public service, with respect to city streets, may suspend the restrictions imposed by this section when and where, at his or her discretion, conditions of the streets or the public health, safety and welfare so warrant and may impose the restricted loading requirements of this section on designated streets at any other time that the conditions of the street may require.

(g) For the purpose of enforcement of this section, the gross vehicle weight of a single vehicle and load, or a combination of vehicles and loads, shall be determined by weighing individual axles or groups of axles and the total weight on all the axles shall be the gross vehicle weight.

(9) Weight of vehicles; officers authorized to order vehicles stopped.

(a) A police officer or a duly authorized agent of the city having reason to believe that the weight of a vehicle and load is unlawful may require the driver to stop and submit to a weighing of the vehicle by means of either portable or stationary scales approved and sealed by the state department of agriculture as a legal weighing device and may require that the vehicle be driven to the nearest weighing scales for the purpose of allowing an officer or agent of the city to determine whether the conveyance is loaded in conformity with this section.

(b) When the officer or agent, upon weighing a vehicle and load, determines that the weight is unlawful, the officer or agent may require the driver to stop the vehicle in a suitable place and remain standing until that portion of the load is shifted or removed as necessary to reduce the gross axle load weight of the vehicle to the limit permitted under this section. All material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator. A judge or magistrate imposing a civil fine and costs under this section, which are not paid in full immediately or for which a bond is not immediately posted in double the amount of the civil fine and costs, shall order the driver or owner to move

the vehicle at the driver's own risk to a place of safekeeping within the jurisdiction of the judge or magistrate, inform the judge or magistrate in writing of the place of safekeeping, and there keep the vehicle until the fine and costs are paid or sufficient bond furnished or until the judge or magistrate is satisfied that the fine and costs will be paid. The officer or agent who has determined, after weighing a vehicle and load, that the weight is unlawful, may require the driver to proceed to a judge or magistrate within the city. If the judge or magistrate is satisfied that the probable civil fine and costs will be paid by the owner or lessee, the judge or magistrate may allow the driver to proceed, after the load is made legal. If the judge or magistrate is not satisfied that the owner or lessee, after a notice and right to be heard on the merits are given, will pay the amount of the probable civil fine and costs, the judge or magistrate may order the vehicle to be impounded, until trial on the merits is completed, under conditions set forth in this section for the impounding of vehicles after the civil fine and costs have been imposed. Removal of the vehicle, and forwarding, care or preservation of the load, shall be under the control of and at the risk of the owner or driver. Vehicles impounded shall be subject to a lien, subject to a prior valid bona fide lien of prior record, in the amount of the civil fine and costs, and if the civil fine and costs are not paid within 90 days after the seizure, the judge or magistrate shall certify such unpaid judgment to the prosecuting attorney of the county in which the violation occurred, who shall proceed to enforce the lien by foreclosure sale in accordance with procedure authorized in the case of chattel mortgage foreclosures.

When the duly authorized agent of the city is performing his or her duties under this section, such agent shall have all the powers conferred upon peace officers by the general laws of this state.

(c) An owner of a vehicle or a lessee of the vehicle or an owner-operator, who causes or allows a vehicle to be loaded and driven or moved on a highway, when the weight of that vehicle violates subsection (8) of this section, is responsible for a civil infraction and shall be assessed a civil fine in an amount equal to ~~3~~ 2-cents per pound for each pound of excess load over 1,000 pounds when the excess is 2,000 pounds or less; ~~4~~ 6 cents per pound of excess load when the excess is over 2,000 pounds BUT NOT OVER 3,000 POUNDS; ~~6~~ 9 cents per pound of excess load when the excess is over 3,000 pounds but not over 4,000 pounds; ~~eight~~ 12 cents per pound of excess load when the excess is over 4,000 pounds but not over 5,000 pounds; ~~and 10~~ 15 cents per pound of excess load when the excess is over 5,000 pounds BUT NOT OVER 10,000 POUNDS; AND 20 CENTS PER POUND FOR EACH POUND OF EXCESS LOAD WHEN THE EXCESS IS OVER 10,000 POUNDS. ~~However, the court shall have discretionary power as to the amount of the civil fine within the schedule provided in this subsection and may impose a civil fine not exceeding \$100.00 where, at the time of the violation, either the motor vehicle, the motor vehicle and semitrailer, or the trailer, did not exceed the total weight which would be lawful for each unit by a proper distribution of the load upon the various axles supporting each unit.~~

(d) HOWEVER, IF THE COURT DETERMINES THAT THE MOTOR VEHICLE OR THE COMBINATION OF VEHICLES WOULD BE LAWFUL BY A PROPER DISTRIBUTION OF THE LOAD UPON ALL OF THE AXLES OF THE VEHICLE OR THE COMBINATION OF VEHICLES, BUT THAT 1 OR MORE AXLES OF THE VEHICLE EXCEEDED THE MAXIMUM ALLOWABLE WEIGHT BY 4,000 POUNDS OR LESS, THE COURT SHALL IMPOSE A MISLOAD FEE OF \$200.00 PER AXLE. NOT MORE THAN 3 AXLES SHALL BE USED IN CALCULATING THE FINE TO BE IMPOSED UNDER THIS SECTION.

~~(e)~~ (d) An agent or authorized representative of the city shall not stop a truck or vehicle in movement upon a road or highway within the city for any purpose, unless the agent or authorized representative is driving a duly marked vehicle, clearly showing and denoting the branch of government represented.

~~(e)~~ (f) A driver or owner of a vehicle who knowingly fails to stop when requested or ordered to do so by a police officer or duly authorized agent of the city authorized to require the driver to stop and submit to a weighing of the vehicle and load by means of a portable scale, is guilty of

a misdemeanor.

(10) Special permits for excess size or weight of other nonconforming vehicles; concrete pipe.

(a) The director of public service, with respect to highways under the jurisdiction of the city, may, at his or her discretion, upon WRITTEN application and for good cause shown, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this section, or otherwise not in conformity with this section, upon a street under the jurisdiction of the city granting the permit and for the maintenance of which the city is responsible.

(b) The application for a special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular highways upon which the permit to operate is required.

(c) The director of public service, as to city streets, may issue special permits authorizing the operation upon a street of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of those movable tracks, on farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

(d) A permit shall specify the trip or trips and the date or dates for which it is to be valid, and the authority granting the permit may restrict or prescribe conditions of operation of the vehicle or vehicles, when necessary to protect the safety of the public or to ensure against undue damage to road foundations, surfaces, structures or installations, and may require a reasonable inspection fee and other security as may be deemed necessary to compensate for damages caused by the movement.

(e) A permit issued under this section shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by a police officer or authorized agent of the authority granting the permit, and no person shall violate any of the terms or conditions of the special permit.

CHAPTER 13 MOTOR CARRIERS
SEC. 13.1 ADOPTION OF THE MOTOR CARRIER SAFETY ACT; PURPOSE.

(A) THE PURPOSE OF THIS CHAPTER IS TO PROMOTE SAFETY UPON THE PUBLIC HIGHWAYS BY REGULATING THE OPERATION OF CERTAIN VEHICLES, TO ESTABLISH THE QUALIFICATIONS OF PERSONS NECESSARY FOR THE SAFE OPERATIONS OF SUCH VEHICLES, TO LIMIT THE HOURS OF SERVICE OF PERSONS ENGAGED IN OPERATING SUCH VEHICLES, TO REQUIRE THE KEEPING OF RECORDS OF SUCH OPERATIONS, TO PROVIDE FOR THE ASSESSMENT OF FEES, AND TO PROVIDE PENALTIES FOR THE VIOLATIONS OF THIS CHAPTER. IN SO DOING, ACT NO. 181 OF THE PUBLIC ACTS OF 1963, BEING MCL 480.11 *ET SEQ.*, AS AMENDED, AND NAMED THE MOTOR CARRIER SAFETY ACT (HEREIN REFERRED TO AS "THE ACT"), COPIES OF WHICH ARE AVAILABLE IN THE CITY CLERK'S OFFICE, IS ADOPTED BY REFERENCE, AS THOUGH SET FORTH HEREIN IN FULL.

SECTION 13.2 PENALTY.

(A) *MISDEMEANOR.* A VIOLATION OF ANY PROVISION SPECIFICALLY DESIGNATED AS A MISDEMEANOR IN THE ACT, AND INCORPORATED IN THIS CHAPTER BY REFERENCE, SHALL BE SUBJECT TO THE PENALTY PROVIDED WITHIN SECTION 202.99(B) OF THE LANSING CODIFIED ORDINANCES.

(B) *MUNICIPAL CIVIL INFRACTION.* UNLESS A VIOLATION OF A PROVISION OF THE ACT IS SPECIFICALLY DESIGNATED AS A MISDEMEANOR, THE VIOLATION OF THE PROVISION, AS INCORPORATED IN THIS CHAPTER, SHALL CONSTITUTE A

MUNICIPAL CIVIL INFRACTION AND SHALL BE SUBJECT TO A CIVIL FINE, PLUS COSTS AND OTHER SANCTIONS AS APPLICABLE, FOR EACH INFRACTION.

SECTION 13.3 ENFORCEMENT

(A) PURSUANT TO THE ACT, IN ORDER TO BE CLASSIFIED AS A MOTOR CARRIER ENFORCEMENT OFFICER, A POLICE OFFICER MUST HAVE TRAINING EQUAL TO THE MINIMUM TRAINING REQUIREMENTS, INCLUDING ANY ANNUAL TRAINING UPDATES, ESTABLISHED BY THE DEPARTMENT OF STATE POLICE FOR AN OFFICER OF THE MOTOR CARRIER DIVISION OF THE DEPARTMENT OF STATE POLICE. IF TRAINING IS PROVIDED FOR SPECIFIC CATEGORIES OF ENFORCEMENT, THE CHIEF OF POLICE MAY DETERMINE THE CATEGORIES OF ENFORCEMENT FOR WHICH TRAINING IS APPROPRIATE.

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 Robinson that all items be considered as being read in full and that President Quinney make the appropriate referrals

Motion Carried

- Reports from City Officers, Boards and Commissions:
 - a. Letters from the City Clerk:
 - i. Submitting an Application for a Public Display of Fireworks filed by Larry Holley of Night Magic Displays on behalf of Center Park Productions, to be held on July 11, 2009

RECEIVED AND PLACED ON FILE

- ii. Providing notice of the Denial of an Application for a Cabaret License in the City filed by Chris Strange of The Firm Food and Spirits, LLC, located at 227 S. Washington Sq., based upon the recommendation of the Lansing Treasury Department

RECEIVED AND PLACED ON FILE

- iii. Providing notice of the Denial of an Application for a Cabaret License in the City filed by Michael Brogan of Brannigan Brothers Restaurant and Tavern, LLC located at 210 S Washington Sq., based upon the recommendation of the Lansing Treasury Department

RECEIVED AND PLACED ON FILE

- iv. 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. Lansing Police Department 2008 Annual Report

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- ii. Request for Public Hearing regarding the Intent to Create the Saginaw Avenue Corridor Improvement Authority

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- Communications and Petitions, and Other City Related Matters:
 - a. Letter from the State of Michigan Department of Environmental Quality submitting a Land and Water Management Division application for alteration or occupation of a floodplain submitted by Thomas-Modern Companies, L.L.C for work at 2260 Tecumseh River Rd.

RECEIVED AND PLACED ON FILE

- b. Letter from the Tri-County Office on Aging submitting a copy of its Area Plan Fiscal Years 2010-2012

REFERRED TO THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS

- c. Letter from Comcast Cable providing notice of channel lineup changes effective July 30, 2009

REFERRED TO THE TELECOMMUNICATIONS AND CABLE ADVISORY BOARD

- d. Substitute Application for Community Funding submitted by Potter-Walsh Neighborhood Association/Faith Fellowship Baptist Church for the Annual Potter-Walsh Neighborhood Children's Block Party to be held July 11, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- e. Letter of Resignation from the Memorial Review Board submitted by Delaney Newberry

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- f. Letter from Clara Heath of 6911 Cooper Rd. and Cooper Rd. residents requesting traffic calming on Cooper Rd.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY AND REFERRED TO THE TRANSPORTATION DIVISION

- g. Letter from Daniel Bradley of Vertical Properties, LC in support of SLU-4-2008; 5405 S. Martin Luther King, Jr. Blvd., Wireless Communication Tower in "A" Residential District

RECEIVED AND PLACED ON FILE

MOTION OF EXCUSED ABSENCE

By Councilmember Wood

To excuse Councilmember Dunbar from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Councilmember Kaltenbach spoke about the number of illegal fireworks

display that occurred over the 4th of July holiday.

Council President Quinney stated that fireworks displays occurred citywide.

Councilmember Allen spoke about fireworks displays in her neighborhood.

REMARKS BY THE MAYOR OR EXECUTIVE ASSISTANT

Jerry Ambrose, Executive Assistant to Mayor Bernero, stated that the Bancroft Park water issue that councilmember Hewitt raised earlier in tonight's meeting had been addressed at least a week and a half ago.

Councilmember Allen asked Jerry Ambrose to follow up on complaints received regarding maintenance of equipment at Washington Park.

ADJOURNED TIME 8:39 P.M.

CHRIS SWOPE, CITY CLERK