



**OFFICIAL PROCEEDINGS OF  
THE CITY COUNCIL  
CITY OF LANSING  
PROCEEDINGS OF JULY 13, 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, Jeffries, Quinney, Robinson, Wood

**ABSENT:** Councilmembers Dunbar (Arrived at 7:10 p.m.) and Kaltenbach

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

#### **APPROVAL OF PRINTED COUNCIL PROCEEDINGS**

By Vice President Robinson

To approve the printed Council Proceedings of July 6, 2009

Motion carried

#### **CONSIDERATION OF LATE ITEMS**

By Vice President Robinson

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 Jeffries; Letter from the Mayor re: Application for Industrial Facilities Tax Exemption Certificated filed by Symmetry Medical Inc. Jet for property located at 5212 Aurelius Rd.

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

Vice President Robinson announced the next Colonial Village neighborhood meeting and thanked the citizens who attended the recent 2nd Saturdays meeting for residents of the 3rd Ward.

Councilmember Wood announced that the next Colonial Village neighborhood meeting has been canceled.

Vice President Robinson announced that the next Lewton-Rich neighborhood meeting has been canceled.

Councilmember Hewitt thanked Lansing Police Officer Lindeman for his dedication to residents of the 1st Ward. He also congratulated Officer Lindeman on his promotion to Sergeant.

Vice President Robinson asked Mayor Bernero to have the Public Service Department replace missing sewer covers in the 3rd Ward. She also asked him to look into a matter regarding a student in a Parks and Recreation program not accounted for during one of the program days.

*Councilmember Dunbar arrived at the meeting at 7:10 p.m.*

Council President Quinney thanked Eric Hart of the Lansing Entertainment and Public Facilities Authority and the Police and Fire departments for their work in making this year's Common Ground festival a safe and successful event.

City Clerk Swope stated that absentee ballots can be requested at the armory building at 2500 S. Washington Ave. as well as in his office in City Hall. He spoke about the Complete Streets initiative and the petitions that his office has received on which signatures must be verified. He stated that his office has 15 days to check all of the signatures and that once verified, the City Council must within 30 days either adopt the ordinance as submitted or direct its placement on the ballot in November.

#### **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 congratulated the Lansing Entertainment and Public Facilities Authority for this year's Common Ground festival. He spoke about the clean-up efforts at Discount Dave's and about General Motors leaving bankruptcy. He announced the next Concert in the Park and Blues on the square events. He spoke about the Police Department's response to a suspect during the Moores Park picnic event. He stated that Flag Month was in its final two days and he spoke about flag etiquette.

#### **PUBLIC COMMENT ON LEGISLATIVE MATTERS**

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

There were no Public Hearings

William Hubbell of 3916 Wedgewood Blvd. stated concerns with Act-24-2008; Holmes Road and Waverly Road – Right of Way Acquisition.

Lynne Martinez of 306 Leslie St. spoke in support of Z-2-2009.

John Pollard of 1718 Blair St. spoke in support of Z-2-2009 and stated concerns with the Lansing Tax Increment Finance Authority Bond Refunding to Reduce Annual Debt Service.

#### **PUBLIC COMMENT ON CITY GOVERNMENT RELATED 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.

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

Dennis Burdick of 518 N. Verlinden St. spoke about the City and State budgets.

Bob Gray of 422 Dadson Dr. spoke about various city matters.

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

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

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

Willy Williams of P.O. Box 11042 spoke about various city matters.

## LEGISLATIVE MATTERS

### RESOLUTIONS

#### **RESOLUTION #2009-265**

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

**ACT-6-08 (Part A), Acquisition of Right of Way at the west terminus of W. Howe Street (including parts of parcels 33-01-01-04-155-001 and 33-01-01-04-155-011).**

WHEREAS, the Public Service Department proposes to acquire two properties enable the separation of the sanitary sewer and storm systems, extension of these systems to the impacted properties and immediate vicinity, and construction of a cul-de-sac at the west end of W. Howe; and

WHEREAS, the Planning Board, at its regular meeting held on May 6, 2008, voted unanimously (6-0) to recommend approval of Act-6-08; and

City Council, by resolution #440 dated August 11, 2008, approved Act-6-08 (Part A), negotiations for two property acquisitions at the west terminus of W. Howe for the CSO Project, subject to final Council approval of each purchase; and

WHEREAS, environmental assessment of the properties was waived as the properties are currently being used as non-paved right-of-way in a residential neighborhood, and will now be used as paved right-of-way; and

WHEREAS, **Parcel 1** consists of an L shaped portion of the southeast corner of parcel 33-01-01-04-155-001, an industrial parcel owned by Nomen LLC, (taxpayer), whose address is 7211 Tyrrell Road, Laingsburg, MI 48848; and

WHEREAS, the Assessor's estimate of value for Parcel 1 is \$9,150.00; and

WHEREAS, **Parcel 2** consists of the north 25 ft. of parcel 33-01-01-04-155-011, and is owned and occupied by Hector and Guadalupe Arroyo, husband and wife, 639 W. Howe Avenue, Lansing, MI 48906; and

WHEREAS, the Assessor's estimate of value for Parcel 2 is \$1,600.00; and

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council hereby approves Act-6-08, the acquisition of property located at the west terminus of West Howe Street, Parcel 1, more particularly described as:

*A parcel of land being part of the plat of Mayfield Farms Subdivision of a part of the South ½ of the South ½ of the Northwest ¼ of Section 4, Town 4 North, Range 2 West,*

*Lansing Township, Ingham County, Michigan as recorded in Liber 6 of Plats on Page 49, Ingham County Records, being more particularly described as: Commencing at the West ¼ corner of said Section 4; thence East, 437.00 feet along the South line of said Mayfield Farms; thence Northerly, 330.00 feet along the East line of Lot 1 of said Mayfield Farms to the point of beginning of the following described parcel; thence West, 80.00 feet; thence North, 90.00 feet; thence East, 110.00 feet to the East line of Lot 1; thence South, 65.00 feet along said East line to the North line of Howe Street; thence West, 30.00 feet along said North line to the West line of Howe Street; thence South, 25.00 feet along said West line to the point of beginning.*

by warranty deed, for the purchase price of Ten Thousand Dollars (\$10,000.00), including the relocation and reinstallation of an existing chain link fence to the Seller's new property line, at no cost to Seller.

BE IT FURTHER RESOLVED, that the Lansing City Council hereby approves Act-6-08, the acquisition of property located at the west terminus of West Howe Street, Parcel 2, more particularly described as:

*A parcel of land being the North 25.00 feet of the East 64.00 feet of the South 330.00 feet of Lot 1 of Mayfield Farms Subdivision of a part of the South ½ of the South ½ of the Northwest ¼ of Section 4, Town 4 North, Range 2 West, Lansing Township, Ingham County, Michigan as recorded in Liber 6 on Page 49 of Plats, Ingham County Records,*

by warranty deed, for the purchase price of One Thousand, Six Hundred Dollars (\$1,600.00).

BE IT FINALLY RESOLVED that the Mayor is hereby authorized to sign and execute any and all documents necessary to complete this transaction, subject to prior approval as to form and content by the City Attorney.

By Councilmember Jeffries

Motion Carried

#### **RESOLUTION #2009- 266**

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

**ACT-24-08, Acquisition of Right of Way at the Holmes & Waverly Roads intersection (including parts of parcels 33-01-01-31-101-001 and 33-01-01-31-101-011).**

WHEREAS, the Public Service Department proposes to acquire part of two properties to accommodate a left turn lane on Waverly Road; and

WHEREAS, **Parcel 1** consists of an L-shaped 17-foot wide portion of the entire western and northern boundaries of parcel 33-01-01-31-101-001, a residential property owned and occupied by Mark Johnson (taxpayer), whose address is 3835 W. Holmes Road, Lansing, MI 48911; and

WHEREAS, the Assessor's estimate of value for Parcel 1 is \$5,358.00 (rounded); and

WHEREAS, **Parcel 2** consists of the west 17-feet of parcel 33-01-01-31-101-011, a residential property owned and occupied by Soonthone & Namvilay Thackthay, husband and wife, 3425 S. Waverly Road; and

WHEREAS, the Assessor's estimate of value for Parcel 2 is \$3,052.00 (rounded); and

WHEREAS, the Planning Board, at its meetings on February 3, 2009 and July 7, 2009, voted unanimously (6-0 and 4-0, respectively) to recommend approval of Act-24-08; and

WHEREAS, the Committee on Development and Planning has reviewed the report and recommendation of the Planning Board and concurs therewith;

WHEREAS, environmental assessment of the properties is hereby waived as the properties are currently being used as right-of-way and residential property in a residential neighborhood, and will now be used as paved right-of-way.

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council hereby approves Act-24-08, the acquisition of property located at the intersection of Holmes & Waverly Roads, Parcel 1, more particularly described as:

*That part of the Northwest ¼ of Section 31, T4N, R2W, City of Lansing, Ingham County, Michigan, being more particularly described as: Beginning at the Northwest corner of said Section 31, thence East, 231.00-feet; thence South, 33.00-feet parallel with the West line of Section 31 to the Southerly right of way of Holmes Road; thence West, 158.00-feet along said right of way; thence S56°53'19"W, 27.46-feet; thence South, 216.00-feet parallel with said West line of Section 31; thence West, 50.00-feet to the West line of Section 31; thence North, 264.00-feet along said West line to the point of beginning, containing 19,345 square feet,*

by warranty deed, for the purchase price of Eight Thousand Five Hundred Dollars (\$8,500.00), including completion of an ALTA Mortgage survey of owner's remaining property; waiver of any assessment charges if a sidewalk and/or non-motorized path is installed on the West side (Waverly Road) of the property as part of this project; payment for any damage incurred as part of this project; filing of a lot split application as part of this transaction so city assessment records will accurately reflect parcel size, at no cost to Seller.

BE IT FURTHER RESOLVED, that the Lansing City Council hereby approves Act-24-08, the acquisition of property located at the intersection of Holmes & Waverly Roads, Parcel 2, more particularly described as:

*That part of the Northwest ¼ of Section 31, T4N, R2W, City of Lansing, Ingham County, Michigan being more particularly described as: Commencing at the Northwest corner of said Section 31, thence South, 264.00-feet along the West line of said Section 31 to the point of beginning of the following described parcel; thence East, 50.00-feet; thence South, 94.00-feet parallel with said West section line; thence West, 50.00-feet to the West line of Section 31; thence North, 94.00-feet along said West line to the point of beginning, containing 4700 square feet,*

by warranty deed, for the purchase price of Two Thousand Five Hundred Dollars (\$2,500.00) including completion of an ALTA Mortgage survey of owner's remaining property; waiver of any assessment charges if a sidewalk and/or non-motorized path is installed on the West side (Waverly Road) of the property as part of this project; replacement of existing driveway approach with new concrete approach if it is disturbed as part of this project; installation of nine (9) new maximum 25-gallon container size cedar trees in Spring 2009 by the city's Parks & Recreation Department Forestry staff.

BE IT FINALLY RESOLVED that the Mayor is hereby authorized to sign and execute any and all documents necessary to complete this transaction, subject to prior approval as to form and content by the City Attorney.

By Councilmember Jeffries

To place an affirmative roll on the resolution

By Councilmember Jeffries

To amend the resolution by moving the final WHEREAS clause to appear before the NOW, THEREFORE, BE IT RESOLVED clause

Motion Carried

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

Motion Carried

**RESOLUTION #2009-267**

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lansing, hereby, sets a public hearing for Monday, August 3, 2009, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of opposing and/or approving the proposed Special Land Use, SLU-1-2009, 801 S. Holmes Street, Church in an "F" Commercial District.

By Councilmember Jeffries

Motion Carried

**RESOLUTION #2009-268**

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

WHEREAS, the Mayor made the appointment of Anthony Cox to an At Large position on the Planning Board for a term to expire June 30, 2011.

WHEREAS, the Committee on Development and Planning met on July 8, 2009 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Anthony Cox to an At Large position on the Planning Board for a term to expire June 30, 2011.

By Councilmember Jeffries

Motion Carried

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

Confirmation of Appointment of Barry Wood to the Historic District Commission for an At-Large Term to Expire June 30, 2012

By Councilmember Jeffries

To recommit this item

Motion Carried

**RESOLUTION #2009-269**

BY THE COMMITTEE OF THE WHOLE  
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING  
City of Lansing  
Counties of Ingham and Eaton, State of Michigan

RESOLUTION REGARDING REFUNDING OF  
BUILDING AUTHORITY BONDS AND  
TAX INCREMENT FINANCE AUTHORITY BONDS

A RESOLUTION TO:

- Request the City of Lansing Building Authority to issue refunding bonds in order to reduce annual debt service.
- Request the Lansing Tax Increment Finance Authority (TIFA) to issue refunding bonds in order to reduce annual debt service.

- Approve other matters related thereto.

#### PREAMBLE

WHEREAS, the City of Lansing, Counties of Ingham and Eaton, State of Michigan (the "City") has incorporated the City of Lansing Building Authority (the "Building Authority") under the provisions of Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended ("Act 31"); and

WHEREAS, the City has previously established the Tax Increment Finance Authority of Lansing (the "TIFA") under the provisions of Act 450, Public Acts of Michigan, 1980, as amended (the "TIFA Act"); and

WHEREAS, the Building Authority and the City entered into a Full Faith and Credit General Obligation Contract of Lease dated November 14, 1989 (the "1989 Contract") pursuant to which the Building Authority acquired, constructed, and equipped a project which was later modified by resolution of City Council to consist of several automobile parking lots, together with necessary and related appurtenances (the "Parking Facilities"), and the City makes Cash Rental payments (the "Cash Rentals") to the Building Authority for lease of the Parking Facilities pursuant to the 1989 Contract; and

WHEREAS, in anticipation of the Cash Rentals, in order to finance the acquisition, construction, and equipping of the Parking Facilities, the Building Authority issued its Building Authority Bonds, Series 1990 dated May 17, 1990 in the original aggregate principal amount of \$32,791,403.90 (the "1990 Bonds") and the outstanding portion of the 1990 Bonds are capital appreciation bonds; and

WHEREAS, the City has been paying the Cash Rentals from contract payments which the City receives from the TIFA under a Contract of Lease between the City and the TIFA dated December 20, 1994 (the "TIFA Lease"); and

WHEREAS, the TIFA has made its contract payments to the City under the TIFA Lease from Tax Increment Revenues (the "Tax Increment Revenues") derived from the TIFA's Tax Increment Finance District (the "Tax Increment Finance District") described in the TIFA's Third Amended Development Plan and Tax Increment Financing Plan for the Phase III Lansing Convention / Exhibition Center and Associated Facilities and Parking System Project; and

WHEREAS, buildings located in the Tax Increment Finance District which had been privately owned have been acquired by state government, thereby reducing the taxable value of the Tax Increment Finance District and reducing the Tax Increment Revenues available to the TIFA for making contract payments to the City under the TIFA Lease; and

WHEREAS, the City and the TIFA propose to amend the TIFA Lease by extending the payment schedule and reducing annual contract payments in order to better match the payments to be made by the TIFA to the substantially reduced estimated annual Tax Increment Revenues; and

WHEREAS, the Building Authority proposes to amend the 1989 Contract for the purpose of better matching the annual Cash Rental payments paid by the City to the payments which the City will receive from the TIFA under the TIFA Lease; and

WHEREAS, in order to reduce the annual Cash Rental payments and still pay the annual debt service payments on the 1990 Bonds, the Building Authority must refund the 1990 Bonds, and so proposes to issue its 2009 Building Authority Refunding Bonds (Limited Tax General Obligation) (Federally Taxable) in an original aggregate principal amount currently estimated not-to-exceed \$10,000,000 (the "Building Authority Refunding Bonds"); and

WHEREAS, Act 31 was amended by Act 452, Public Acts of Michigan, 2008, to authorize a building authority to issue bonds for the purpose of defraying all or part of the cost of refunding capital appreciation bonds originally issued on May 17, 1990, in anticipation of the contract obligations of the incorporating unit to make cash rental payments to the Building Authority under a full faith and credit general obligation contract of lease dated November 14, 1989, which refunding bonds may be payable through 2039; and

WHEREAS, the City has been advised that the refunding of the 1990 Bonds through issuance of the Building Authority Refunding Bonds will not result in net present value savings; and

WHEREAS, the TIFA has previously issued its 1994 Development and Refunding Bond (Limited Tax General Obligation) in the original aggregate principal amount of \$25,108,133.20 (the "1994 Bond") pursuant to the provisions of Act 450, Public Acts of Michigan, 1980, as amended (the "TIFA Act"); and

WHEREAS, the primary security pledged for payment of the principal of and interest on the 1994 Bond is the Tax Increment Revenues; and

WHEREAS, the TIFA proposes to refund the 1994 Bond through issuance of 2009 Refunding Bonds (Limited Tax General Obligation) (Federally Taxable) in an original aggregate principal amount currently estimated not-to-exceed \$10,500,000 (the "TIFA Refunding Bonds") in order to better match the TIFA's annual debt service costs to the reduced estimated annual Tax Increment Revenues; and

WHEREAS, the TIFA Act was amended by Act 453, Public Acts of Michigan, 2008, to permit an TIFA to issue a qualified refunding obligation under the TIFA Act if the TIFA refunds a bond, such as the 1994 Bond, which is refunding bond that is an other protected obligation issued as a capital appreciation bond delivered to the Michigan Municipal Bond Authority on December 21, 1994; and

WHEREAS, the City has been advised that the refunding of the 1994 Bond through issuance of the TIFA Refunding Bonds will not result in a net present value savings; and

WHEREAS, the TIFA has been using Tax Increment Revenues to make lease payments to the City under a Contract of Lease dated December 20, 1994 (the "1994 Contract") pursuant to which the TIFA leases a parking project from the City; and

WHEREAS, the City and the TIFA propose to amend the 1994 Contract by extending the payment schedule and reducing annual contract payments in order to better match the payments to be made by the TIFA to the substantially reduced estimated annual Tax Increment Revenues; and

WHEREAS, the TIFA Act was amended by Act 453, Public Acts of Michigan, 2008, to permit the 1994 Contract to be included within the definition of Other Protected Obligation after amendment under certain circumstances.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Building Authority Refunding Bonds. The City hereby requests the Building Authority to issue the Building Authority Refunding Bonds for the purposes described in the preamble of this resolution. City Council acknowledges that the issuance of the Building Authority Refunding Bonds will increase the number of years that the Cash Rentals will be payable by the City for lease of the Parking Facilities under the 1989 Contract, and hereby approves reduction of the current annual Cash Rentals payable by the City for lease of the Facilities if the Building Authority Refunding Bonds are issued. The City acknowledges that the

underwriter of the Building Authority Refunding Bonds has advised that under current market conditions, the refunding will produce preliminary estimated net present value dis-savings as shown in the Authority's resolution authorizing the Building Authority Refunding Bonds.

The City covenants and agrees to continue to make payments to the Building Authority, in accordance with the requirements of the 1989 Contract, of Cash Rentals in amounts sufficient to pay the principal of and interest on the Building Authority Refunding Bonds and any of the 1990 Bonds which are not refunded and remain outstanding, and to pay all transfer and escrow agent fees and other expenses and charges payable with respect thereto. The City acknowledges and agrees that the Building Authority shall have all rights and remedies set forth in the 1989 Contract to enforce the obligations of the City with respect to the Building Authority Refunding Bonds in the same manner and to the same extent that such rights and remedies were available with respect to the 1990 Bonds.

The City specifically (but not by way of limitation) reaffirms its pledge of its full faith and credit for the payment of its obligations with respect to the bonds issued under the 1989 Contract, including the Building Authority Refunding Bonds, and reaffirms the City's obligation to levy taxes to pay Cash Rentals under the 1989 Contract in amounts sufficient to enable the Building Authority to pay the principal of and interest on the bonds issued under the 1989 Contract, including the Building Authority Refunding Bonds. The Mayor and the City Clerk are hereby authorized to execute and deliver any necessary amendments or supplements to the 1989 Contract.

The City hereby agrees to co-operate with the Building Authority in preparation of preliminary and final official statements describing the Building Authority Refunding Bonds, and in any application for bond ratings and municipal bond insurance. The City hereby agrees to enter into a Continuing Disclosure Undertaking Agreement in order to enable the underwriters of the Building Authority Refunding Bonds to comply with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission.

2. TIFA Refunding Bonds. The City hereby irrevocably pledges its full faith and credit for the payment of the TIFA Refunding Bonds. If at any time the Tax Increment Revenues are insufficient to pay the principal of and interest on the Bonds as the same become due, the City, upon notification by the TIFA, shall as a first budget obligation advance from its general funds an amount to pay said principal and interest, or in the event of insufficiency of the City's general funds, levy ad valorem taxes on all taxable property within the boundaries of the City in an amount to pay said principal and interest, provided that such tax levy shall be within applicable constitutional, statutory and charter tax rate limitations.

The City acknowledges that the issuance of the TIFA Refunding Bonds will increase the number of years that the TIFA will collect Tax Increment Revenues for payment of the debt issued to finance the project financed or re-financed with proceeds of the 1994 Bond. The City acknowledges that the underwriter of the TIFA Refunding Bonds has advised that under current market conditions, the refunding will produce preliminary estimated net present value dis-savings as shown in the resolution of the TIFA authorizing the TIFA Refunding Bonds.

The City hereby agrees to co-operate with the TIFA in preparation of preliminary and final official statements describing the TIFA Refunding Bonds, and in any application for bond ratings and municipal bond insurance. The City hereby agrees to enter into a Continuing Disclosure Undertaking Agreement in order to enable the underwriters of the TIFA Refunding Bonds to comply with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission.

3. Amendment to 1994 Contract. The Amendment to the Contract of Lease dated December 20, 1994 presented with this resolution, which will increase the number of years that the TIFA will lease the facilities from the City, is hereby approved. The Mayor and City Clerk are

authorized and directed to execute the Amendment to the Contract for and on behalf of the City in substantially the form presented herewith with such additions or deletions as they shall, in consultation with counsel, determine to be appropriate.

4. Conflicting Resolutions. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the City Council of the City of Lansing, Counties of Ingham and Eaton, State of Michigan, at a \_\_\_\_\_ meeting held on \_\_\_\_\_, 2009, at \_\_\_\_\_ o'clock \_\_\_\_\_m., prevailing Eastern Time, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act 267.

If the above meeting was a Special meeting, I further certify that notice of said Special meeting was give to each member of the Council in accordance with the rules of procedure of the Council.

I further certify that the following Members were present at said meeting:

\_\_\_\_\_ and that the following Members were absent: \_\_\_\_\_.

I further certify that Member \_\_\_\_\_ moved for adoption of said resolution and that Member \_\_\_\_\_ supported said motion.

I further certify that the following Members voted for adoption of said resolution: \_\_\_\_\_ and that the following Members voted against adoption of said resolution: \_\_\_\_\_.

\_\_\_\_\_  
City Clerk

By Councilmember Robinson

Motion Carried

**RESOLUTION #2009-270**  
BY THE COMMITTEE OF THE WHOLE  
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Marilyn Plummer of 3601 Lucie, Lansing, Michigan 48911 to an At-Large position on the Board of Water and Light for a term to expire June 30, 2013; and

WHEREAS, the Committee of the Whole met on July 9, 2009, and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Marilyn Plummer of 3601 Lucie, Lansing, Michigan 48911 to an At-Large position on the Board of Water and Light for a term to expire June 30, 2013.

By Councilmember Robinson

Motion Carried

Clerk Swope administered the Oath of Office to Ms. Plummer.

**RESOLUTION #2009-271**

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

WHEREAS, the Mayor made the appointment of Luke Canfora to an At-Large position on the Park Board for a term to expire June 30, 2013.

WHEREAS, the Committee of the Whole met on July 9, 2009, and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Luke Canfora to an At-Large position on the Park Board for a term to expire June 30, 2013.

By Councilmember Robinson

Motion Carried

**RESOLUTION #2009-272**

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

WHEREAS, the Mayor made the Mayoral appointment of Todd Regis to an At-Large position on the Potter Park Zoo Board for a term to expire December 31, 2011; and

WHEREAS, the Committee of the Whole met on July 9, 2009, and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the Mayoral appointment of Todd Regis to an At-Large position on the Potter Park Zoo Board for a term to expire December 31, 2011.

By Councilmember Robinson

Motion Carried

Clerk Swope administered the Oath of Office to Mr. Regis.

**REPORTS FROM COUNCIL COMMITTEES**

**RESOLUTION #2009-273**

**REPORT OF COMMITTEE**

THE COMMITTEE ON DEVELOPMENT AND PLANNING met on July 8, 2009, and reviewed the proposed ordinance 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 Committee recommended passage of an ordinance 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.

Signed: Brian Jeffries, Chairperson  
Sandy Allen, Vice Chairperson  
Derrick Quinney, Member

By Councilmember Jeffries

To receive this committee report

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-2-2009; 600 W. Maple St., 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-2-2009; 600 W. Maple St., be now passed.

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

NAY: None

ABSENT: Councilmember Kaltenbach

**ORDINANCE #2548**

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-2-2009  
Address: 600 W. Maple Street  
Parcel Number: PPN: 33-01-01-08-427-051  
Legal Descriptions: Part of the SW 1/4 of Sec. 9, T4N-R2W, City of Lansing, Ingham Co. MI and part of Lots 1,2 & 3 of Block 27 of the "Map of the Subdivision of Blocks 26 & 27 in Town of MI", more particularly described as beginning at a M.A.G. nail at the intersection of the W line of Pine St. (82.5') and the S line of W. Willow St. (variable width), said point also being the NE Corner of Lot 1, Block 26, thence S01'45'54" W, 510' along the W line of Pine St. for a place of beginning; thence S01'45'54"W, 360' along the W line of Pine St. to the N line of Maple St. (82.5') and the S line of Lot 3, Block 27 of said plat; thence N88'07'17"W. 240' along the N line of Maple St. and the S

line of Lot 3, Block 27 of said plat; thence N01°45'54"E, 360'; thence S88°07'17"E, 240.00 feet to the point of beginning. Containing 1.98 acres +/-, City of Lansing, Ingham Co., MI, from "B" Residential District to "D-1" Professional Office District.

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 July 13, 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.

**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. Providing notice of the Denial of an Application for a Canvasser's License in the City based upon the recommendation of the Lansing Treasury Department filed by:
    - 1. Evan Mitchell of Aurora Home Funding dba Pinnacle Exterior Remodeling, located at 3351 Remy Dr.

RECEIVED AND PLACED ON FILE

- 2. Michael McVay of Aurora Home Funding dba Pinnacle Exterior Remodeling, located at 3351 Remy Dr.

RECEIVED AND PLACED ON FILE

- ii. Submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:
  - i. Z-1-2009; 1141 N. Pine Street, Planning Board recommendations regarding a request from the Ingham County Land Bank to rezone the property located at 1141 N. Pine St. from "B" Residential District to "D-1" Professional Office District to permit the building at this location to be used for professional and business offices

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- ii. Z-3-2009; 1114 W. Ionia St., Planning Board recommendations regarding a request from Rickey Cotton to rezone the property located at 1114 W. Ionia Street from "B" Residential District to "C" Residential District to permit the building at this location to be used for a duplex

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. Application for Industrial Facilities Tax Exemption Certificate submitted by Demmer Corporation for property located 705 E. Oakland Ave.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iv. Transfer of Funds; Police Administration, CARE Program and Problem-Solving Overtime

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

- v. ACT-24-08— Acquisition of Right of Way at the Southeast Corner of Holmes and Waverly Roads

RECEIVED AND PLACED ON FILE

- vi. ACT-6-08 (Part A) — Acquisition of Right of Way at the West Terminus of W. Howe St.

RECEIVED AND PLACED ON FILE

- vii. Application for Industrial Facilities Tax Exemption Certificated filed by Symmetry Medical Inc. Jet for property located at 5212 Aurelius Rd.

\*SUSPENSION ITEM – REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

• Communications and Petitions, and Other City Related Matters:

- a. Letter from the State of Michigan Public Service Commission providing Notice of Opportunity to Comment or Request a Hearing regarding Consumers Energy Company's Application requesting approval of the reconciliation of Consumers Energy's Electric Choice Incentive Mechanism (ECIM) for the period June 20, 2008 through December 31, 2008

RECEIVED AND PLACED ON FILE

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

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

- c. Letter from G2 Consulting Group, LLC inviting comments regarding SLU-4-2008; 5405 S. Martin Luther King, Jr. Blvd., Wireless Communication Tower in "A" Residential District

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- d. Community Funding Reporting Statement filed by Churchill Downs Community Association for its Wainwright Carnival Picnic held June 20, 2008

RECEIVED AND PLACED ON FILE

- e. Letters regarding alleged illegal fireworks displays/sales in the City of Lansing submitted by:

- i. Melissa Cappel-Iverson and Brian Iverson of 1123 W. Allegan St.

RECEIVED AND PLACED ON FILE

- ii. Barry Henderson of 5545 W. Michigan Ave., Delta Township

RECEIVED AND PLACED ON FILE

- iii. Wes Thorpe of 3016 S. Deerfield Ave.

RECEIVED AND PLACED ON FILE

**MOTION OF EXCUSED ABSENCE**

By Councilmember Robinson

To excuse Councilmember Kaltenbach from tonight's proceedings

Motion Carried

**REMARKS BY COUNCILMEMBERS**

Councilmember Wood addressed comments made by a speaker tonight regarding a sound wall and General Motors.

Councilmember Dunbar commented on the behavior of speakers at the podium tonight.

Councilmember Robinson addressed comments made by a speaker tonight regarding a letter in support of a street name change for Malcolm X. She also spoke about the public comment portion of the meeting and possible changes to that portion of City Council meetings.

Councilmember Jeffries requested that Mayoral referrals v. and vi. be received and placed on file, since they were acted upon tonight.

Councilmember Dunbar spoke about City Council meetings being business meetings.

**REMARKS BY THE MAYOR  
OR EXECUTIVE ASSISTANT**

Mayor Bernero announced the next Mobile Food pantry event.

Councilmember Jeffries commented on how much he liked Mayor Bernero's mailbox.

**ADJOURNED TIME 8:36 P.M.**

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**CHRIS SWOPE, CITY CLERK**