



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF MAY 10, 2010**

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 Robinson

PRESENT: Council Members Dunbar, Hewitt, Jeffries, Quinney, Robinson, Wood, Yorke

ABSENT: Council Member Houghton (Arrived at 7:23 p.m.)

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

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Council Member Dunbar

To approve the printed Council Proceedings of May 3, 2010

Motion carried

CONSIDERATION OF LATE ITEMS

By Vice President Dunbar

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

Motion carried

THIS ITEM WAS RETURNED TO THE COMMITTEE ON WAYS AND MEANS

Correction to Resolution #2010-126; Grant Acceptance; 2009 Continuum of Care Homeless Assistance Supportive Housing Program – Notice of Availability

By Council Member Wood

To recommit this item

Motion Carried

By Council Member Wood

That Public Hearing #4 and #5 be removed from the agenda

Motion Carried

The following items were added to the agenda:

1. From Council Member Wood; Setting a Public Hearing for May 24, 2010 in consideration of an ordinance of the City of Lansing, Michigan, to amend the Police and Fire Retirement System, Chapter 294, Section 294.02(h) of the Lansing Codified Ordinances, to permit employee members to purchase service credits of up to five years pursuant to IRS code section 415 (n)(3)(b)

2. From Council Member Wood; Setting a Public Hearing for May 24, 2010 in consideration of an ordinance of the City of Lansing, Michigan, to amend the Employees' Retirement System, Chapter 292, Section 292.155 of the Lansing Codified Ordinances, to permit employee members to purchase service credits of up to five years pursuant to IRS code section 415 (n)(3)(b)
3. From Council Member Wood; Setting a Public Hearing for May 24, 2010 in consideration of an Ordinance of the City of Lansing, Michigan to amend the Police and Fire Retirement System, Chapter 294 of the Lansing Codified Ordinances, to provide for the suspension of retirement for employees who retire and return to employment with the City, whether on a salaried or contractual basis
4. From Council Member Wood; Setting a Public Hearing for May 24, 2010 in consideration of an Ordinance of the City of Lansing, Michigan to amend the Employees' Retirement System, Chapter 292 of the Lansing Codified Ordinances, to provide for the suspension of retirement for employees who retire and return to employment with the City, whether on a salaried or contractual basis

Council Member Yorke removed Special Ceremony #2 from the agenda, Tribute; Recognizing the City of Lansing's Bronze Level Achievement as a Bicycle Friendly Community

CONSIDERATION OF THIS ITEM WAS POSTPONED

Tribute; Recognizing the City of Lansing's Bronze Level Achievement as a Bicycle Friendly Community

By Council Member Yorke

To postpone consideration of this item

Motion Carried

THIS ITEM WAS RETURNED TO THE COMMITTEE ON WAYS AND MEANS

Adoption of an ordinance of the City of Lansing, Michigan, to amend the Police and Fire Retirement System, Chapter 294, Section 294.02(h) of the Lansing Codified Ordinances, to permit employee members to purchase service credits of up to five years pursuant to IRS code section 415 (n)(3)(b)

By Council Member Wood

To recommit this item

Motion Carried

THIS ITEM WAS RETURNED TO THE COMMITTEE ON WAYS AND MEANS

Adoption of an ordinance of the City of Lansing, Michigan, to amend the Employees' Retirement System, Chapter 292, Section 292.155 of the Lansing Codified Ordinances, to permit employee members to purchase service credits of up to five years pursuant to IRS code section 415 (n)(3)(b)

By Council Member Wood

To recommit this item

Motion Carried

THIS ITEM WAS RETURNED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

Setting a Public Hearing for June 7, 2010 in consideration of SLU-1-2010; 5750 S. Cedar St., a Special Land Use request by Abundant Grace Faith Church to utilize the building at 5750 S. Cedar St. for a church

By Council Member Jeffries

To recommit this item

Motion Carried

The following item was added to the agenda:

- From Council Member Wood; Letter from the Mayor re: Ratification of the Fraternal Order of Police, Capitol City Lodge #141 Non-Supervisory Unit for a new collective bargaining agreement effective July 1, 2009 through June 30, 2015

SPECIAL CEREMONIES

• Special Ceremonies

- Tribute; Recognizing the Greater Lansing Convention and Visitor's Bureau on its 50th Anniversary

Vice President Dunbar spoke about the Tourist in Your Own Town event and other events sponsored by the bureau.

Lee Hladki spoke about the Over the Edge event. He stated that the bureau appreciates this honor and spoke about its history.

Cindy Bowen stated that she is honored to represent our region.

RESOLUTION #2010-131

BY COUNCILMEMBER KATHIE DUNBAR

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, The Greater Lansing Convention and Visitors Bureau was founded in 1960 to positively impact the area's economy by marketing the region as a travel destination; and

WHEREAS, after several years located at the Lansing Civic Center, the company moved to Père Marquette Street in downtown Lansing and then to Turner Street in Old Town Lansing, contributing to the renaissance and resurgence of that neighborhood for ten years.

WHEREAS, with strategic forethought, the organization put down roots in the Stadium District in September 2009, in close proximity of the Lansing Center where the bulk of their convention business is serviced; and

WHEREAS, throughout fifty years, The Greater Lansing Convention and Visitors Bureau has worked in partnership with the City of Lansing as well as with other local municipalities and Ingham County in the regional hospitality industry and made a valuable contribution to the quality of traveling experiences by Lansing residents; and

WHEREAS, in 1994, they created the annual event, *Be A Tourist In Your Own Town*, to increase community awareness of the area's attractions and the tourism industry's impact and to empower residents to become ambassadors of their community; and

WHEREAS, The Greater Lansing Convention and Visitor's Bureau conceived the Greater Lansing Sports Authority in 2006 to promote sports in the area by bringing in and supporting quality athletic tournaments

while also fostering the development of local sports events; and

WHEREAS, with the establishment of the Team Lansing Foundation, in 2007, they promoted destination development through education, research, and participation with initiatives that enhance and elevate the value of the tourism assets within the community; and

WHEREAS, The Greater Lansing Convention and Visitors Bureau will celebrate its 50th anniversary in 2010;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, congratulates The Greater Lansing Convention and Visitors Bureau on their accomplishments and advancements and on their 50th Anniversary;

BE IT FURTHER RESOLVED, the Lansing City Council wishes them continued growth and success in all future endeavors.

By Council Member Dunbar

Motion Carried

COUNCIL MEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Council Member Hewitt asked Jerry Ambrose, Executive Assistant to Mayor Bernero to expedite improved handicap accessibility at the Foster Community Center.

Council Member Wood announced the Baker-Donor Watch meeting and the Baker-Donora annual meeting. She announced Children's Mental Health Day events.

President Robinson announced the Alpha Kappa Alpha sorority 31st Annual Senior Salute event.

Council Member Houghton arrived at the meeting at 7:23 p.m.

THIS ITEM WAS MOVED TO A LATER MEETING

Adoption of the City of Lansing Fiscal Year 2011 Operating and Capital Improvements Budgets and the City's Tax Rate

City Clerk Swope announced that May 11, 2010 at 4:00 p.m. is the filing deadline for candidates on the August Primary ballot.

COMMUNITY EVENT ANNOUNCEMENTS

Loretta Stanaway announced a day of free geraniums offered by the Friends of Lansing Cemeteries.

SPEAKER REGISTRATION FOR PUBLIC COMMENT ON LEGISLATIVE MATTERS

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative 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 several items on tonight's agenda including items related to Community Development Block Grants and the Knapp's building renovation. He announced a dedication ceremony for the Tony Noyola memorial plaque and the next Mobile Food Pantry.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of SLU-2-2010; 4615 Tranter St., a request filed on behalf of MetroPCS to construct a new 145-foot high monopole telecommunications tower in the rear yard at 4615 Tranter Street (CATA)
2. In consideration of an amendment to the City of Lansing's Annual Consolidated Strategy and Plan Submission for Fiscal Year 2010, which includes the budget for the use of Community Development Block Grant, HOME Program and Emergency Shelter Grant Program funds
3. In consideration of a HUD Section 108 loan of approximately \$5,400,000 and Brownfields Economic Development Initiative (BEDI) grant funds of approximately \$2,000,000 to assist in the historic renovation of the Knapp's Building in downtown Lansing. The project will include approximately 10,000 square feet of incubator space to be operated by the Lansing Economic Development Corporation

Council Member Jeffries gave a brief overview of the Public Hearings.

Bob Trezise of the Lansing Economic Development Corporation gave a detailed overview of the Knapp's building renovation.

Nick Eyde gave a detailed overview of the Knapp's building renovation.

Bob Trezise spoke about the challenges of renovating the Knapp's building.

Bob Johnson of the Planning and Neighborhood Development Department spoke about the nuances of the loan agreements and the protections to the City of Lansing.

Mark Klaus spoke about Brownfields Economic Development Initiative (BEDI) grant funds.

Stan Shuck of 818 Cooper Ave. spoke about the Mayor's proposed budget related to the 36-hour workweek.

Loretta Stanaway of 546 Armstrong Rd. spoke in opposition to the Knapp's building renovation and stated concerns with the Mayor's proposed budget.

T.J. Garrett of 8065 W. Grand River Ave. stated that she will answer questions related to SLU-2-2010.

Claude Beavers of 3010 Boston Blvd. spoke about the city budget.

John Pollard of 1718 Blair St. spoke in opposition to the Knapp's building renovation and in opposition to a proposed tax increase by the City Council.

Fred Sible of the Capital Area Transportation Authority stated that he will answer questions related to SLU-2-2010.

Tremaine Phillips of 401 S. Washington Ave. spoke in support of the Knapp's building renovation.

Ryan Vartoogian of 115 W. Allegan St. spoke in support of the Knapp's building renovation.

Joe Manzella of 500 E. Michigan Ave. spoke in support of the Knapp's building renovation.

Carl Calille of 306 Harriet Ave. stated concerns with the Mayor's proposed budget.

Phil Mondro of 1910 Jerome St. spoke in support of the Knapp's building renovation.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of SLU-2-2010; 4615 Tranter St., a request filed on behalf of MetroPCS to construct a new 145-foot high monopole telecommunications tower in the rear yard at 4615 Tranter Street (CATA)

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

2. In consideration of an amendment to the City of Lansing's Annual Consolidated Strategy and Plan Submission for Fiscal Year 2010, which includes the budget for the use of Community Development Block Grant, HOME Program and Emergency Shelter Grant Program funds

RECEIVED AND PLACED ON FILE

3. In consideration of a HUD Section 108 loan of approximately \$5,400,000 and Brownfields Economic Development Initiative (BEDI) grant funds of approximately \$2,000,000 to assist in the historic renovation of the Knapp's Building in downtown Lansing. The project will include approximately 10,000 square feet of incubator space to be operated by the Lansing Economic Development Corporation

RECEIVED AND PLACED ON FILE

LEGISLATIVE MATTERS

CONSENT AGENDA

Council Member Wood asked that items 2a, 2b, 2c, 7b, 7c, and the late resolutions be removed from the consent agenda.

Council Member Jeffries asked that items 4a, 4b, 4c, 4d, 4e 4f, 4g, 4i, 4j, 4k, 4l, 5a, 5b, 5c, 5d, 5e, 6a, 8a, 8b and 8c be removed from the consent agenda.

RESOLUTIONS

RESOLUTION #2010-132

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

WHEREAS, the Lansing Code Compliance Officer has declared a certain structure (dwelling) at 6226 Barker, Parcel # 33-01-05-08-203-141 and Legal Description: Lot 136 Southfield to be an unsafe and dangerous building and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, The Code Compliance Officer red tagged the said structure on April 23, 2008, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on March 25, 2010, the Lansing Demolition Board held a special meeting to consider and make a recommendation on whether to declare the structure a dangerous building, as defined in the Housing Law of Michigan (MCLA 125.539) and the Lansing Housing and Premises Code (1460.09) to order the property owner to make safe or demolish the structure; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board officer has not occurred; and

WHEREAS, the Housing Law of Michigan and the Housing and Premises Code require that a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby schedules a show cause hearing for Monday, May 24, 2010 at 7:00 p.m. in the Lansing City Council Chambers, 10th Floor City Hall, 124 W. Michigan, Lansing, Michigan in consideration of the finding and order of the Lansing Demolition Hearing Board Officer regarding the structure at 6226 Barker to give the owner, or the owner's agent, the opportunity to appear and show cause why the building should not be demolished or otherwise made safe; and to approve, disapprove, or modify the order of the hearing officer to demolish or make safe the subject structure.

BE IT FINALLY RESOLVED that the Lansing City Council requests that the Manager of Code Compliance notify the owner of said property of the opportunity to appear and present testimony at the hearing, as required by law.

By Council Member Wood

Motion Carried

RESOLUTION #2010-133

BY COUNCIL MEMBER CAROL WOOD

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Code Compliance Officer has declared a certain structure (dwelling) at 711 Carrier, Parcel # 33-01-01-04-151-001 and Legal Description: Lot 38, 39 & 40 Ideal Homesites to be an unsafe and dangerous building and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, The Code Compliance Officer red tagged the said structure on January 27, 2009, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on March 25, 2010, the Lansing Demolition Board held a special meeting to consider and make a recommendation on whether to declare the structure a dangerous building, as defined in the Housing Law of Michigan (MCLA 125.539) and the Lansing Housing and Premises Code (1460.09) to order the property owner to make safe or demolish the structure; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board officer has not occurred; and

WHEREAS, the Housing Law of Michigan and the Housing and Premises Code require that a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby schedules a show cause hearing for Monday, May 24, 2010 at 7:00 p.m. in the Lansing City Council Chambers, 10th Floor City Hall, 124 W. Michigan, Lansing, Michigan in consideration of the finding and order of the Lansing Demolition Hearing Board Officer regarding the structure at 711 Carrier to give the owner, or the owner's agent, the opportunity to appear and show cause why the building should not be demolished or otherwise made safe; and to approve, disapprove, or modify the order of the hearing officer to demolish or make safe the subject structure.

BE IT FINALLY RESOLVED that the Lansing City Council requests that the Manager of Code Compliance notify the owner of said property of the opportunity to appear and present testimony at the hearing, as required by law.

By Council Member Wood

Motion Carried

RESOLUTION #2010-134

BY COUNCIL MEMBER CAROL WOOD

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Code Compliance Officer has declared a certain structure (dwelling) at 420 N. Martin Luther King Jr. Blvd, Parcel # 33-01-01-17-231-041 and Legal Description: S 1/2 Lot 10 Dodge and Daniels Sub W of Butler Rec L 55 P 553 to be an unsafe and dangerous building and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, The Code Compliance Officer red tagged the said structure on April 7, 2008, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on March 25, 2010, the Lansing Demolition Board held a special meeting to consider and make a recommendation on whether to declare the structure a dangerous building, as defined in the Housing Law of Michigan (MCLA 125.539) and the Lansing Housing and Premises Code (1460.09) to order the property owner to make safe or demolish the structure; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board officer has not occurred; and

WHEREAS, the Housing Law of Michigan and the Housing and Premises Code require that a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby schedules a show cause hearing for Monday, May 24, 2010 at 7:00 p.m. in the Lansing City Council Chambers, 10th Floor City Hall, 124 W. Michigan, Lansing, Michigan in consideration of the finding and order of the Lansing Demolition Hearing Board Officer regarding the structure at 420 N. Martin Luther King Jr. Blvd to give the owner, or the owner's agent, the opportunity to appear and show cause why the building should not be demolished or otherwise made safe; and to approve, disapprove, or modify the order of the hearing officer to demolish or make safe the subject structure.

BE IT FINALLY RESOLVED that the Lansing City Council requests that the Manager of Code Compliance notify the owner of said property of the opportunity to appear and present testimony at the hearing, as required by law.

By Council Member Wood

Motion Carried

RESOLUTION #2010-135

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires that the City of Lansing submit the Annual Consolidated Strategy and Plan Submission (CSPS) in order to receive Community Development fund resources, including Community Development Block Grant (CDBG), HOME and Emergency Shelter Grant (ESG) program funds, for the upcoming fiscal year 2010-2011; and

WHEREAS, the CDBG, HOME and ESG entitlement amount allocated to Lansing for the upcoming fiscal year is \$3,426,631 from HUD; and

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

WHEREAS, the City has further promoted participation, input and review in the process by conducting two (2) separate advertised public hearings before the Lansing Planning Board, one on December 1, 2009 regarding housing and community development needs and one on February 2, 2010 regarding proposed Annual CSPA program objectives and projected use of Federal entitlement and formula program funds; and

WHEREAS, the City did also initiate and carry out the required thirty (30) day public comment period on the proposed Five-Year and Annual CSPA by publishing a summary of the plan in the City Pulse on, March 10, 2010; and

WHEREAS, a public hearing was held by the Lansing City Council on April 12, 2010, to again receive citizen comments and recommendations and to give final review to the Annual CSPA; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lansing adopts the Five-Year and Annual Consolidated Strategy and Plan Submission for the City of Lansing that includes housing and community development goals, objectives and strategies, and the budget for the use of community development fund resources for fiscal year 2010-2011 as proposed by the Committee on Development and Planning; and

BE IT FURTHER RESOLVED that the Mayor, as the City's Chief Executive Officer, is hereby authorized to sign the Annual CSPA application for FY 2010-2011, including all understandings, assurances and certifications contained therein, and to submit the grant application to the Department of Housing and Urban Development; and

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

By Council Member Jeffries

Motion Carried

RESOLUTION #2010-136

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

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires that the City of Lansing submit an amendment to its Five Year and Annual Consolidated Strategy and Plan Submission (CSPA) when it intends to undertake a new activity that is not included in the approved plan; and

WHEREAS, the City of Lansing proposes to submit applications for a Brownfields Economic Development Initiative grant and a Section 108 loan for the Knapp's building renovation; and

WHEREAS, pursuant to program requirements, the City has published a notice of the proposed change to its CSPA in the Lansing State Journal on April 10, 2010 and posted a copy of the proposed applications on its website and at other locations for public review and comment; and

WHEREAS, a public hearing was held by the Lansing City Council on May 10, 2009, to again receive citizen comments and recommendations and to give final review to the proposed amendment to the CSPA; and

WHEREAS, Federal regulations require the City to make certain certifications and assurances to HUD as a part of the City's Section 108

loan application and Brownfields Economic Development Initiative application;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lansing adopts the Amendment to its Five-Year and Annual Consolidated Strategy and Plan Submission to include the submission of a Section 108 loan application and Brownfields Economic Development Initiative grant application for the Knapp's project as part of its housing and community development goals, objectives and strategies for fiscal year 2009-2010 as proposed by the Committee on Development and Planning; and

BE IT FURTHER RESOLVED that the Mayor, as the City's Chief Executive Officer, is hereby authorized to sign the amendment to the CSPA, including all understandings, assurances and certifications contained therein, and to submit the amendment to HUD; and

BE IT FINALLY RESOLVED that the Mayor is authorized, as the official representative of the City of Lansing, to provide any and all information, to act in connection with the amendment to the CSPA amendment and to execute all agreements, contracts and legal documents to implement the CSPA amendment.

By Council Member Jeffries

Motion Carried

RESOLUTION #2010-137

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF LANSING, MICHIGAN AUTHORIZING THE SUBMISSION OF A BROWNFIELDS ECONOMIC DEVELOPMENT INITIATIVE GRANT APPLICATION AND SECTION 108 LOAN GUARANTEE APPLICATION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the City of Lansing has determined that a high priority exists to bring vacant historic buildings in the downtown back into productive use and the Knapp's Building project meets this priority; and

WHEREAS, the Knapp's Building project is included in the City's adopted One Year Action Plan of the Consolidated Plan; and

WHEREAS, the Brownfield's Economic Development Initiative (BEDI) and the Section 108 Loan Guarantee programs, implemented by the United States Department of Housing and Urban Development (HUD), are designed to provide funds to assist with these types of projects; and

WHEREAS, under the Section 108 Loan Guarantee program, the City can borrow up to five years its annual Community Development Block Grant allocation, and can take up to twenty years to repay the principal and interest; and

WHEREAS, the City is requesting a total of \$2,000,000 in BEDI funds and \$4,395,400 in Section 108 Loan Guarantee funds to assist with the development project; and

WHEREAS, the Mayor is authorized to submit the Section 108 Loan Guarantee application and amendments thereto and all understandings and assurances contained therein, and to act in connection with the application to provide such additional information as may be required.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Lansing resolves as follows:

SECTION 1. The City hereby certifies and assures with respect to its application for a loan guarantee pursuant to Section 108 of the Housing and Community Development Act of 1974, as amended, that it poses the legal authority to make the pledge of grants required under 24 CFR 570.705 (b) (2).

SECTION 2. As prerequisites for submission of the application to HUD, the City certifies that it has:

(a) Furnished citizens with information required by Section 570.704(a) (2)(i) of Title 1 of the Housing and Community Development Act of 1974, as amended;

(b) Held at least one public hearing, on May 10, 2010, to obtain the views of citizens on community development and housing needs; and

(c) Prepared its application in accordance with Section 570.704(a)(1)(iv) of Title 1 of The Housing and Community Development Act of 1974, as amended, and made the application available to the public.

SECTION 3. The City has and will continue to follow a detailed citizen participation plan that meets the requirements described in Section 570.704(a)(2) of Title 1 of the Housing and Community Development Act of 1974, as amended.

SECTION 4. The City has and will continue to affirmatively further fair housing, and the guaranteed loan funds will be administered in compliance with:

(a) Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. 2000d et seq.); and

(b) The Fair Housing Act (42 U.S.C. 3601-20).

SECTION 5. Will expend in the aggregate, at least 70 percent of all CDBG funds, as defined in Section 570.303(e) of Title 1 of The Housing and Community Development Act of 1974, as amended, during the one, two, or three consecutive years specified by the City for its CDBG program on activities which benefit low/moderate income persons, as described in criteria in Section 570.208(a) of the Act.

SECTION 6. The City has and will continue to comply with the requirements governing displacement, relocation, real property acquisition, and the replacement of low and moderate income housing described in Section 570.606.

SECTION 7. The City has and will continue to comply with other provisions of the Act and with other applicable laws.

SECTION 8. The City has and will continue to Certify regarding debarment, suspension, and other responsibility as follows:

(a) The prospective recipients of the Section 108 Loan Guarantee funds and all of their contractors will certify to the best of their knowledge and belief, that they:

1). Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

2). Have not within a three year period preceding approval of their application, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

3). Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)2 of this certification; and

4). Have not within a three year period preceding approval of their application, had one or more public transactions (Federal, State or local) terminated for cause or default.

SECTION 9. The City hereby assures and certifies with respect to its application for a loan guarantee pursuant to Section 108 of the Housing and Community Development Act of 1974, as amended, that it has made efforts to obtain financing for the activities described herein without the use of such guarantee, that it will maintain documentation of such efforts for the term of the loan guarantee, and that it cannot complete such financing consistent with the timely execution of the program plans without such guarantee.

SECTION 10. The City has and will continue to hereby certify, to the best of its knowledge and belief, the following:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any or cooperative agreement, and the extension, continuation, renewal amendment, or modification of any /Federal contract, grant, loan or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or any employee of grant, loan or cooperative agreement, it will complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

(c) It will require that the language of paragraph (a) of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

SECTION 11. Continue to maintain a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about the following:

1). The dangers of drug abuse in the workplace;

2). The grantee's policy of maintaining a drug-free workplace;

3). Any available drug counseling, rehabilitation, and employee assistance programs; and

4). The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

(c) Making it a requirement that each employee engaged in grant activity be given a copy of the statement required by paragraph (a).

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

1). Abide by the terms of the statement; and

2). Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)2 from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position and title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant.

(f) Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d)2, with respect to any employee who is so convicted:

1). Taking appropriate personnel action against such employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended, and any other applicable federal and state laws; and

2). In appropriate circumstances, require an employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purpose by a Federal, State or local health, law enforcement, or other appropriate agency.

SECTION 12. This Resolution shall be effective immediately upon its adoption.

By Council Member Jeffries

Motion Carried

RESOLUTION #2010-138

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

Obsolete Property Rehabilitation Tax Exemption Certificate Approval
1118 South Washington Ave.

WHEREAS, pursuant to the Michigan Obsolete Property Rehabilitation Act, being Public Act 146 of 2000 (PA 146 of 2000), Tom Arnold has filed an application for an Obsolete Property Rehabilitation Exemption Certificate (OPT Certificate) with the Lansing City Clerk, for a proposed obsolete facility at 1118 South Washington Ave., Lansing, Michigan (Obsolete Property); and

WHEREAS, Tom Arnold (the Developer) owns the proposed Obsolete Property; and

WHEREAS, the proposed Obsolete Property is located within an Obsolete Property Rehabilitation District legally established by resolution adopted February 8, 2010, after a public hearing was held, as provided by section 3 of PA 146 of 2000; and

WHEREAS, a public hearing was held on January 1, 2010 on the Developer's application for an OPT Certificate, after proper notice was made, pursuant to section 4(2) of PA 146 of 2000; and

WHEREAS, the Developer has represented and committed to the City to undertake, and complete not later than December 31, 2011, the rehabilitation, renovation, and reconstruction of the Obsolete Property into a mixed-use facility with commercial space on the first floor and 23 residential units throughout the structure; and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby rescinds resolution 2010-014 regarding 1118 South Washington Ave. Obsolete Property Rehabilitation Tax Exemption Certificate Approval

as passed on February 8, 2010;

BE IT FURTHER RESOLVED that the Lansing City Council hereby approves of the issuance of an Obsolete Property Rehabilitation Exemption Certificate to Tom Arnold, for the Obsolete Property located at 1118 South Washington Ave., Lansing, Michigan, legally described as:

E 198 Ft Lot 6, Also N 27 FT of E 110 FT 10 In Lot 7 Block 195
Orig Plat

for the period of 12 consecutive years.

BE IT FURTHER RESOLVED that the Lansing City Council, in approving the Developer's application by this resolution, finds and determines all of the following;

1. The taxable value of the property proposed to be exempt plus the aggregate taxable value of the property already exempt under PA 146 of 2000 and under Public Act 198 of 1974 (IFT's) does exceed five percent (5%) of the total taxable value of the City of Lansing.
2. The applicant is not delinquent in any taxes related to the facility.
3. All of the items described on line 9 of the Application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the City of Lansing by the applicant.
4. The application is for obsolete property as defined in section 2(h) of PA 146 of 2000.
5. The commencement of rehabilitation activities of the facility did not occur prior to the establishment of the Obsolete Properties Rehabilitation District.
6. The application relates to the rehabilitation program for the building located at 1118 South Washington., Lansing, Michigan and, when completed, will constitute a rehabilitated facility within the meaning of PA 146 of 2000 and the facility is situated within the Obsolete Property Rehabilitation District established by the City of Lansing, which is a Qualified Local Governmental Unit eligible under PA 146 of 2000 to establish such a district.
7. The completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create some employment, and revitalize an urban area.
8. The rehabilitation includes improvements aggregating ten percent (10%) or more of the true cash value of the property at the commencement of the rehabilitation as provided by section 2(L) of PA 146 of 2000.
9. The rehabilitation must be completed not later than December 31, 2011 as evidence by the issuance of a Certificate of Occupancy from the City of Lansing Building Safety Office.

BE IT FINALLY RESOLVED that the City Clerk shall cause the Application for Obsolete Property Rehabilitation Certificate to be completed, including the "Clerk Certification" and shall file the completed application, together with a certified copy of this resolution with the State Tax Commission.

By Council Member Jeffries

Motion Carried

RESOLUTION #2010-139

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

BROWNFIELD PLAN #49 – Marshall St. Armory Redevelopment
BROWNFIELD PROJECT

WHEREAS, the Lansing Brownfield Redevelopment Authority has prepared and forwarded an approved Brownfield Plan pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act 381 of 1996, as amended, for property commonly referred to as located in the City of Lansing; and

WHEREAS, prior to Council's action on this request, it is necessary to hold a public hearing on the Plan, to allow for any resident, taxpayer or ad valorem taxing unit the right to appear and be heard;

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on May 24, 2010 at 7:00 p.m. on Brownfield Plan #49 – Marshall St. Armory Redevelopment Brownfield Plan Project under the Brownfield Redevelopment Financing Act, for property located within the boundary more particularly described by parcel numbers 33-01-01-15-226-012 as:

300 Elvin Court, Lansing, MI

Legal: COM NW COR LOT 1 BLOCK 1 RUMSEYS MICHIGAN AVENUE ADD, TH N 503 FT ALONG E LINE MARSHALL ST, E 388.16 FT, S 502.98 FT TO N LINE JB RAYNERS ADD, W 390.06 FT TO BEG SEC 15 T4N R2W

And that the City Clerk cause notice of such hearing to be published twice in a publication of general circulation, no less than 10 days or more than 40 days prior to the date of the public hearing, and that the City Clerk also cause the legislative body of each taxing unit levying ad valorem taxes on this property, to be notified of Brownfield Plan #49 and the scheduled public hearing.

By Council Member Jeffries

Motion Carried

RESOLUTION #2010-140

BY THE DEVELOPMENT AND PLANNING COMMITTEE
RESOLUTION TO SET A PUBLIC HEARING REGARDING THE
ESTABLISHMENT OF AN OBSOLETE PROPERTY
REHABILITATION DISTRICT
Marshall St. Armory Redevelopment - 300 Elvin Court

WHEREAS, the purchaser of property located at 300 Elvin Court, in the City of Lansing, Michigan (the Property) has requested in writing that the City of Lansing establish an Obsolete Property Rehabilitation District (the District) as enabled by Public Act 146 of 2000, the "Obsolete Property Rehabilitation Act (the Act), and

WHEREAS, the owner of the Property, Eastside Armory, LLC, is the legal owner of greater than fifty percent (50%) of all taxable value of the property located within the proposed District, and

WHEREAS, the property in question and the proposed boundary of the District is legally described as:

Parcel# 33-01-01-15-226-012
COM NW COR LOT 1 BLOCK 1 RUMSEYS MICHIGAN AVENUE ADD,
TH N 503 FT ALONG E LINE MARSHALL ST, E 388.16 FT, S 502.98 FT
TO N LINE JB RAYNERS ADD, W 390.06 FT TO BEG SEC 15 T4N R2W

and,

WHEREAS, the Act requires that before establishing a District the Lansing City Council hold a public hearing in order to provide an opportunity for owners, residents or other taxpayers of the City of Lansing to appear and be heard regarding the establishment of the District.

NOW THEREFORE BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on May 24, 2010 at 7:00 p.m. for the purpose of receiving public comment on the establishment of an Obsolete Property Rehabilitation District under the provisions of Public Act 146 of 2000 and that the Clerk shall publish once in a publication of general circulation within the community a notice of the scheduled public hearing and that the notice appear not less than 10 or more than 30 days prior to the date of the hearing and that the Clerk also cause the owner of property within the proposed district to receive written notice of the public hearing to be delivered by certified mail.

By Council Member Jeffries

Motion Carried

RESOLUTION #2010-141

BY THE DEVELOPMENT AND PLANNING COMMITTEE
RESOLUTION TO SET A PUBLIC HEARING REGARDING THE
ESTABLISHMENT OF AN OBSOLETE PROPERTY
REHABILITATION EXEMPTION CERTIFICATE
Marshall St. Armory Redevelopment - 300 Elvin Court

WHEREAS, Eastside Armory, LLC, owner of the property located at 300 Elvin Court in the City of Lansing, Michigan (the Property) has applied to the City of Lansing for the City to approve the issuance of an Obsolete Property Rehabilitation Exemption Certificate (the "OPT Certificate"), pursuant to the Michigan Obsolete Property Rehabilitation Act, being Public Act 146 of 2000 (the Act); and

WHEREAS, the property in question of the Certificate is legally described as:

Parcel# 33-01-01-15-226-012
COM NW COR LOT 1 BLOCK 1 RUMSEYS MICHIGAN AVENUE ADD,
TH N 503 FT ALONG E LINE MARSHALL ST, E 388.16 FT, S 502.98 FT
TO N LINE JB RAYNERS ADD, W 390.06 FT TO BEG SEC 15 T4N R2W

WHEREAS, an Obsolete Property Rehabilitation District is anticipated to be established by the Lansing City Council on June 14, 2010 in accordance with the act; and

WHEREAS, the Act requires that before granting a Certificate the Lansing City Council hold a public hearing in order to provide an opportunity for the applicant, the City Assessor, a representative of the affected taxing units, the residents, and other taxpayers of the City of Lansing general public appear and be heard regarding the approval of the OPT Certificate.

NOW THEREFORE BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on May 24, 2010 at 7:00 p.m. for the purpose of receiving public comment on the establishment of an Obsolete Property Rehabilitation Certificate under the provisions of Public Act 146 of 2000 and that the Clerk shall publish once in a publication of general circulation within the community a notice of the scheduled public hearing and that the notice appear not less than 10 or more than 30 days prior to the date of the hearing and that the Clerk also cause the owner of property within the proposed district to receive written notice of the public hearing to be delivered by certified mail.

By Council Member Jeffries

Motion Carried

RESOLUTION #2010-142

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

SLU-2-2010
4615 Tranter Street
Wireless Communication Tower in the "H" Light Industrial District

WHEREAS, the applicant, Haley Law Firm, on behalf of Metro PCS, has requested a Special Land Use permit (SLU-2-2010) to construct a wireless communication tower at 4615 Tranter Street, and has provided all information required by Ordinance 1298.07; and

WHEREAS, the property is zoned "H" Light Industrial District where wireless communication towers are permitted subject to obtaining a special land use permit; and

WHEREAS, a review was completed by staff evaluating the character, location and impact this proposal would have on the surrounding area and the impact on the environment, utilities, services and compliance with the Zoning Code and objectives of the Comprehensive Plan; and

WHEREAS, the Planning Board held a public hearing on April 6, 2010, at which time the applicants representative and a representative of CATA spoke in favor of the request and no other comments were received; and

WHEREAS, the Planning Board (based upon testimony, evidence and the staff report) at its April 6, 2010 meeting, voted unanimously (4-0) to recommend approval of SLU-2-2010 to permit a wireless communication tower at 4615 Tranter Street, with certain conditions; and

WHEREAS, the City Council held a public hearing regarding SLU-2-2010 on May 10, 2010; and

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

WHEREAS, the ordinance regulating wireless communication towers requires a setback of 108.75 feet from the east property line at 4615 Tranter Street, based on the 145 foot height of the tower; and

WHEREAS, the applicant is proposing a setback of 19 feet from the east property line at 4615 Tranter Street; and

WHEREAS, the Lansing City Council hereby determines that the goals of the wireless communication tower ordinance can be met by allowing the reduced setback;

NOW THEREFORE BE IT RESOLVED that the Lansing City Council hereby approves SLU-2-2010, for a wireless communication tower at 4615 Tranter Street, as depicted on the plans dated 2/18/10, with the following conditions:

1. The proposed monopole tower shall provide for a co-location of at least 3 antennas, and
2. The tower shall not interfere with telemetry communications of local hospitals and emergency services.

BE IT FURTHER RESOLVED that this Special Land Use permit shall remain in effect only so long as the petitioner fully complies with this resolution, and if the petitioner fails to comply, the Special Land Use permit may be terminated by City Council Resolution.

BE IT FINALLY RESOLVED that in granting this request with conditions, the City Council has considered the factors listed in Section 1298.07(B)(2), and determines the following:

1. The proposed wireless communication tower is compatible with the essential character of the surrounding area, as designed.
2. The proposed wireless communication tower will not change the essential character of the surrounding area.

3. The proposed wireless communication tower will not interfere with the general enjoyment of adjacent properties.
4. The proposed wireless communication tower will not impact adjacent properties as it will not be detrimental to the use or character of the property under consideration.
5. The proposed wireless communication tower will not impact the health, safety and welfare of persons or property in the surrounding area.
6. The proposed wireless communication tower can be adequately served by essential public facilities and services.
7. The proposed wireless communication tower will not place any demands on public services and facilities in excess of current capacities.
8. The proposed wireless communication tower is consistent with the intent and purposes of the Zoning Code and in conformance with the master plan.
9. The proposed wireless communication tower will comply with the requirements of the "H" Light Industrial District.

By Council Member Jeffries

Motion Carried

RESOLUTION #2010-143

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

LS-8-2009, 340 E. Edgewood Blvd.
Lot Split Application

WHEREAS, Carlson Consulting Engineers, on behalf of Sam's Real Estate Business Trust, has requested a lot split (LS-8-09) to divide the property at 340 E. Edgewood Blvd. into two separate parcels of land; and

WHEREAS, the newly created vacant parcel will have access via a permanent easement from American Road rather than directly abutting a public street; and

WHEREAS, Section 1236.07(e) of the Subdivision Ordinance requires that all lots abut upon and have permanent access to a public street; and

WHEREAS, the lot split will not change the character of the area; and

WHEREAS, the lot split will not present a significant deviation from the existing development pattern in the area; and

WHEREAS, the Planning Board, at its meeting held on April 6, 2010 voted (4-0) to recommend approval of the lot split, with the condition that the permanent access easement, as legally described on page 6 of the survey documents dated 7-17-09, is lawfully executed before there is a change of ownership on one or both the resulting lots; and

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

NOW THEREFORE BE IT RESOLVED that the Lansing City Council hereby approves the lot split request (LS-8-2009) by Carlson Consulting Engineers, Inc., on behalf of Sam's Real Estate Business Trust (Sam's Club), to split off a 139' x 333' section of the property at 340 E. Edgewood Blvd. for the purpose of creating a new buildable parcel of land that would be accessed via a permanent easement from American Road rather than directly abutting a public street, with the condition that the permanent access easement, as legally described on page 6 of the survey documents dated 7-17-09, is lawfully executed before there is a change of ownership on one or both the resulting lots

BE IT FURTHER RESOLVED that the resulting parcels are legally

described as follows:

340 E. Edgewood: Lot 27, Kahres Farm No. 2, Except the part described as: Commencing at a point on the Southerly line of Edgewood Blvd. (120 feet wide) at the NE Corner of said Lot 27 and the NW Corner of Lot 29 of Kahres Farm No.2; thence along the Easterly line of said Lot 27 and the Westerly line of said Lot 29 the following two (2) course: S 27°58'02" E, 217.43 feet and N 62°01'58" E, 36.00 feet to the Point of Beginning; thence continuing along said line the following two (2) courses: N 62°01'58" E, 139.00 feet and S 27°58'02" E, 333.43 feet; thence S 62°01'58" W, 139.00 feet; thence N 27°58'02" W, 333.43 feet along a line which is parallel and 139.00 feet southwesterly of said easterly line of Lot 27 to the Point of Beginning.

Vacant Parcel: That part of Lot 27, Kahres Farm No. 2, described as: Commencing at a point on the Southerly line of Edgewood Blvd. (120 feet wide) at the NE Corner of said Lot 27 and the NW Corner of Lot 29 of Kahres Farm No.2; thence along the Easterly line of said Lot 27 and the Westerly line of said Lot 29 the following two (2) course: S 27°58'02" E, 217.43 feet and N 62°01'58" E, 36.00 feet to the Point of Beginning; thence continuing along said line the following two (2) courses: N 62°01'58" E, 139.00 feet and S 27°58'02" E, 333.43 feet; thence S 62°01'58" W, 139.00 feet; thence N 27°58'02" W, 333.43 feet along a line which is parallel and 139.00 feet southwesterly of said easterly line of Lot 27 to the Point of Beginning. Containing 46,346.8 square feet or 1.06 acres.

By Council Member Jeffries

Motion Carried

RESOLUTION #2010-144

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

Re: Act-17-2008, E. Howe Avenue East of 7th Ave. – Vacate ROW.

WHEREAS, Phil Emmons, representing the MacKenzie Companies, owners of 2924 and 3012 Seventh Avenue, requests that the City vacate the Howe Avenue right of way (ROW) E. of 7th Ave.; and

WHEREAS, the subject ROW segment is 50' wide and 362' in length, 18,100 sq. ft. in size, and dead-ends at this location; and

WHEREAS, the MacKenzie Companies own property on both sides of the street, vacating the east end of Howe Avenue would give MacKenzie more flexibility for future business expansion; and

WHEREAS, all adjacent properties are accessible by either Chilson Ave. or E. Paulson Street; and

WHEREAS, the Planning Office contacted the owners of those adjacent properties, and received no objection; and

WHEREAS, the Planning Board, based on its review of the requested ROW vacation in accordance with its Act 33 Review procedures, found that the request could be approved with minimal impact on the neighborhood, and without causing access difficulties for other properties; and

WHEREAS, The Lansing Planning Board, at its regular meeting held on March 17, 2009, voted unanimously (5-0) to recommend approval of the request by the MacKenzie Companies, that the City vacate the Howe Avenue right of way (ROW) E. of 7th Ave., where the Howe Ave. ROW terminates; and

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

NOW THEREFOR BE IT RESOLVED, that the Lansing City Council hereby vacates that portion of Howe Street, east of 7th Avenue, more particularly described as:

Beginning at the southwest corner of Lot 55, Elmore Hunt Subdivision; thence east along the south line of Lots 55, 59, 60, 61, and 62; to the southeast corner of Lot 62, thence south 50 feet to the northeast corner of Lot 66, thence west along the north line of Lots 66, 65, 64, 63 and 54 to the northwest corner of Lot 54, thence north to the point of beginning, all within Elmore Hunt Subdivision, Lansing Township, City of Lansing, Ingham County, Michigan,

but reserving, however, unto the City of Lansing an easement under, across, above, and within the right of said vacated street for utility purposes, including the right of ingress and egress at all times for public or private utility agents and employees to use the vacated street, or so much of it as may be necessary, for the installation, maintenance, repair, or removal of utilities.

BE IT FINALLY RESOLVED, that the City Clerk within 30 days of passage of the resolution shall forward certified copies of the resolution to the Ingham County Register of Deeds for recording and upon return, transmit a copy of the recorded resolution to the Michigan Department of Labor and Economic Growth, Subdivision Control Unit, the Planning and Development and Assessor's Offices, the Department of Public Service, and the applicant.

By Council Member Jeffries

Motion Carried

RESOLUTION #2010-145

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

Establishment of a Historic District Study Committee

WHEREAS, Pat Gillespie, of the Gillespie Group, by letter dated March 22, 2010, requests a local historic district designation as a single historic resource for the former Marshall Street Armory, located at 300 Elvin Court; and

WHEREAS, the Marshall Street Armory, built in 1924, may be eligible for designation on the National Register of Historic Places as a building with local architectural significance, due to its possible association with significant persons or events, or the distinctive character of the building; and

WHEREAS, the applicants have indicated their commitment to improving the property in accordance with the federal standards for its rehabilitation; and

WHEREAS, the local historic district designation will make this property eligible for State and Federal income tax credits of up to 25 percent of qualified building rehabilitation costs; and

WHEREAS, Jason Kildea, of the Gillespie Group, has been designated as the applicant's representative on the Historic District Study Committee; and

WHEREAS, Historic District Commission members Cassandra Nelson, Mary Toshach, and Nathalie Winans have also volunteered to serve on a Historic District Study Committee, and would satisfy the Study Committee membership requirements under the Ordinance; and

WHEREAS, the Committee on Development and Planning has reviewed the requests by the property owners within the proposed districts;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby waives the optional public hearing on this proposal, which would

have been held prior to the establishment of the Historic District Study Committee, due to the fact that the proposed district is a single property district.

BE IT FURTHER RESOLVED, the City Council hereby establishes a Historic District Study Committee pursuant to Chapter 1220 of the Lansing Code of Ordinances with the powers and duties thereunder to conduct studies and make reports and recommendations regarding the former Marshall Street Armory, 300 Elvin Court.

BE IT FURTHER RESOLVED, the Mayor's appointments of Jason Kildea, Cassandra Nelson, Mary Toshach, and Nathalie Winans to the Study Committee are hereby confirmed.

BE IT FINALLY RESOLVED that this Historic District Study Committee make its reports and recommendations to the Council within 180 days after all its members have been appointed by the Mayor and confirmed by City Council.

By Council Member Jeffries

Motion Carried

RESOLUTION #2010-146

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

WHEREAS, the Lansing Juneteenth Celebration Organization has requested \$500.00 to defray costs associated with the rental of the Showmobile and facility for the Juneteenth Celebration to be held on June 18 and 19, 2010; and

WHEREAS, the Committee on General Services met on Monday, May 3, 2010 and reviewed the request; and

WHEREAS, the maximum total amount of Community Funding to be awarded an organization in one fiscal year is \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves an allocation from the Community Funding Account to Lansing Juneteenth Celebration Organization to defray costs associated with the rental of the Showmobile and facility for the Lansing Juneteenth Celebration to be held on June 18 and 19, 2010;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500.00 to the Council Community Funding Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that Lansing Juneteenth Celebration Organization shall submit a written analysis of the event, including information regarding the number of attendees, a detailed account as to contributors, funds received, expended, and residual funds to the Lansing City Council within 60 days after the event.

By Council Member Quinney

Motion Carried

RESOLUTION #2010-147

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

WHEREAS, the Native American Arts and Craft Council has requested \$500.00 to defray costs associated with the rental of the facility and miscellaneous rental for the Riverbank Traditional Pow Wow, Native American Cultural Event to be held on June 18, 19, and 20, 2010; and

WHEREAS, the Committee on General Services met on Monday, May 3, 2010 and reviewed the request; and

WHEREAS, the maximum total amount of Community Promotion Funds

to be awarded an organization in one fiscal year is \$500.00;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves an allocation from the Community Funding Account to the Native American Arts and Craft Council to defray costs associated with the rental of the facility and miscellaneous rental for the Riverbank Traditional Pow Wow, Native American Cultural Event to be held on June 18, 19, and 20, 2010;

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500.00 to the Council Community Funding Account – 101.112101.741289.0;

BE IT FINALLY RESOLVED that the Native American Arts and Craft Council shall submit a written analysis of the event, including information regarding the number of attendees, a detailed account as to contributors, funds received, expended, and residual funds to the Lansing City Council within 60 days after the event.

By Council Member Quinney

Motion Carried

RESOLUTION #2010-148

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

WHEREAS, the Licensing and Enforcement Division of the Michigan Liquor Control Commission received a request from Uncle John's Fruit House Winery, LLC for a new Wine Tasting Room License to be located at 325 City Market Dr., Lansing, MI 48912, Ingham County, which is in the Lansing City Market; and

WHEREAS, the Committee on General Services met on Monday, May 3, 2010 to review the request with affirmative action taken;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the request from Uncle John's Fruit House Winery, LLC for a new Wine Tasting Room License to be located at 325 City Market Dr., Lansing, MI 48912, Ingham County;

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

By Council Member Quinney

Motion Carried

RESOLUTION #2010-149

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

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

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

WHEREAS, B.J. Alan and Kmart #4382 located at 5400 South Cedar Street agree that only retail fireworks that are approved for sale by the State of Michigan and the City of Lansing will be sold at the site;

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

BE IT FURTHER RESOLVED that this license to sell retail fireworks will expire on April 30, 2011 as set forth in the City of Lansing Fireworks Ordinance, Chapter 1615 of the Lansing Code of Ordinances.

By Council Member Quinney

Motion Carried

RESOLUTION #2010-150

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:

Roger Bonney on behalf of Lansing Lugnuts for a public display of fireworks in the City of Lansing at 505 E. Michigan Ave to be held on June 4, 5, 25, and 26; July 4, 10, 23, 24, and 30, 2010 with a rain date of August 1, 2010.

By Council Member Quinney

Motion Carried

RESOLUTION #2010-151

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

WHEREAS, the Committee on Personnel reviewed the City of Lansing 2010 Retirement Incentive Program Description presented and explained to the Committee by Mr. Ambrose on behalf of the Mayor and the Human Resources Director; and

WHEREAS, the Committee recommends that the Council authorize the Retirement Incentive Program for its Council Staff Employees consistent with its provisions for the other interested and eligible City employees;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves and offers the following Retirement Incentive Program to the City Council Staff Employees:

1. ELIGIBILITY:

- Council Staff Employees eligible to retire by August 31, 2010 under the original terms of their personnel rules or fringe benefit summaries, or,
- Council Staff Employees who will have at least 25 years of service on or before August 31, 2010 (i.e. where applicable under the terms of current benefits plan, any minimum age requirement will be waived).

2. INCENTIVE:

- Council Staff Employees who retire pursuant to this incentive will be entitled to retiree healthcare without premium sharing expense if otherwise eligible for retiree healthcare pursuant to their current personnel rules or fringe benefit summaries.
- Council Staff Employees with at least 20 years of service who are considering the purchase of additional service credits at their own cost will be charged only \$50 for an actuarial study, with the City paying the remaining balance of the cost. In the event an employee retires, the City will also rebate the \$50 actuarial charge paid by the employee.
- One-time voluntary incentive of 100% cash payout for all accrued sick leave time up to 1,360 hours.

- Council Staff Employees may use accumulated leave time payouts to "buy back" for inclusion in the employee's Final Average Compensation (FAC) for pension purposes the salary lost due to unpaid furlough days imposed or taken through the Voluntary Unpaid Leave Program during fiscal year 09/10 (July 1, 2009 – June 30, 2010), subject to Internal Revenue Service Section 415 limits.
- Council Staff Employees may use accumulated leave time payouts to purchase additional service credits as provided for in the applicable retirement ordinances up to Internal Revenue Service Section 415 limits.

3. IMPORTANT DATES:

- June 30, 2010: 5 p.m. - Deadline to submit written declaration of intention to retire to the Retirement Office on the 8th floor of City Hall, receive 2010 Retirement Incentive Agreement documents and request an actuarial study, if desired, for the purchase of service credits.
- August 15, 2010: Latest date to submit signed 2010 Retirement Incentive Agreement and an election form to purchase furlough days for FAC purposes. The Agreement may be submitted prior to this date if you wish to voluntarily waive the 45 day consideration or "think it over" period.
- August 22, 2010: Latest date to revoke a submitted and signed 2010 Retirement Incentive Agreement and election forms. This assumes submission of your Agreement occurred on August 15, 2010. If you have voluntarily waived the 45 day consideration or "think it over" period and submitted your Agreement prior to August 15, 2010, you have 7 calendar days from the date of submission to revoke your Agreement to retire.
- August 31, 2010: Latest date to retire from City of Lansing employment.

4. CONTACT INFORMATION FOR COUNCIL STAFF EMPLOYEES:

- To confirm eligibility and obtain necessary documents, contact Karen Williams in the Finance Department at 483-4508.
- To obtain leave balance and related information, contact Lisa Thelen in the Department of Human Resources at 483-4014.

To obtain answers to other questions, contact Sue Graham in the Department of Human Resources at 483-4016.

By Council Member Dunbar

Motion Carried

RESOLUTION #2010-152

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

That the following FY 2010 transfer be approved;

\$21,849.24 from CDBG Contingency	252.932651.992000.41000
\$53,885.27 from CDBG Contingency	252.932651.992000.42000
\$93,824.52 from CDBG Contingency	252.932651.992000.43000
\$21,849.24 to CDBG – Single Family Building Rehab	252.932658.975201.41000
\$53,885.27 to CDBG – Single Family Building Rehab	252.932658.975201.42000
\$93,824.52 to CDBG – Single Family Building Rehab	252.932658.975201.43000

These amounts represent CDBG Funds originally appropriated in prior years but not expended.

CDBG Funds are being reprogrammed for use in the City's single-family housing rehabilitation program.

Total funds being reprogrammed at this time: \$169,559.03.

By Council Member Wood

Motion Carried

RESOLUTION #2010-153

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

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves acceptance of the Asset Seizure Federal Grant for the period covering October 2, 2009 through September 30, 2010 and the following FY 2010 transfer be approved:

State/Federal Programs
Police
Asset Seizure Grant

\$ 278,210.00 from Federal Revenue	273.0.527001.17091
\$ 108,636.00 from Local Match – MSP	273.0.527001.17091
\$ 27,680.00 from Local Match – Eaton Co	273.0.527001.17091
\$ 82,716.00 from Local Match – Ingham Co	273.0.527001.17091
\$ 44,178.00 from Local Match – City of Lansing	273.0.527001.17091
\$ 15,000.00 from Local Match – Drug Law Fund	273.0.527001.17091
\$ 55,238.00 to Salaries	273.343253.702000.17091
\$ 55,238.00 to Temporary Help	273.343253.707000.17091
\$ 55,238.00 to Fringe Benefits	273.343253.715000.17091
\$ 55,238.00 to Subcontract – Contractual Svcs	273.343253.961743.17091

(To appropriate the federal Asset Seizure Grant revenues and expenditures for the grant year ending 9/30/10 for multi-county drug law enforcement. Total cost equals \$556,420, with federal cost share 50% and local match cost share 50%. State of Michigan project # ODCP 70901-1-10-B.)

By Council Member Wood

Motion Carried

RESOLUTION #2010-154

RESOLUTION SETTING PUBLIC HEARING
By Council Member Wood

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, May 24, 2010 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 the Police and Fire Retirement System, Chapter 294, Section 294.02(h) of the Lansing Codified Ordinances, to permit employee members to purchase service credits of up to five years pursuant to IRS code section 415 (n)(3)(b).

Interested Persons are invited to attend this Public Hearing

By Council Member Wood

Motion Carried

RESOLUTION #2010-155

RESOLUTION SETTING PUBLIC HEARING
By Council Member Wood

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, May 24, 2010 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 the Employees' Retirement System, Chapter 292, Section 292.155 of the Lansing Codified Ordinances, to permit employee members to purchase service credits of up to five years pursuant to IRS code section 415 (n)(3)(b).

Interested Persons are invited to attend this Public Hearing

By Council Member Wood

Motion Carried

RESOLUTION #2010-156

RESOLUTION SETTING PUBLIC HEARING
By Council Member Wood

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, May 24, 2010 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 the Police and Fire Retirement System, Chapter 294 of the Lansing Codified Ordinances, to provide for the suspension of retirement for employees who retire and return to employment with the City, whether on a salaried or contractual basis.

Interested Persons are invited to attend this Public Hearing

By Council Member Wood

Motion Carried

RESOLUTION #2010-157

RESOLUTION SETTING PUBLIC HEARING
By Council Member Wood

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, May 24, 2010 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 the Employees' Retirement System, Chapter 292 of the Lansing Codified Ordinances, to provide for the suspension of retirement for employees who retire and return to employment with the City, whether on a salaried or contractual basis.

Interested Persons are invited to attend this Public Hearing

By Council Member Wood

Motion Carried

THIS ITEM WAS RETURNED TO THE COMMITTEE OF THE WHOLE

City Council Members' pledge of a percentage of their gross pay in
Fiscal Year 2011

By Council Member Wood

To recommit this item

Motion Carried

RESOLUTION #2010-158

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

WHEREAS, the City of Lansing and the International Association of Fire Fighters (IAFF) Local #421 have negotiated a labor agreement for the period covering July 1, 2010 through June 30, 2013; and

WHEREAS, the IAFF membership has ratified this agreement; and

WHEREAS, the Mayor has recommended that the contract be approved; and

WHEREAS, the City Council has reviewed the contract provisions; and

WHEREAS, the proposed agreement is within the parameters established by the City and within budget limitations;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, ratifies the contract between the City of Lansing and the International Association of Fire Fighters Local #421 for the period covering July 1, 2010 through June 30, 2013; and

BE IT FURTHER RESOLVED, that the Lansing City Council authorizes the Administration to process the necessary appropriations and transfers to the appropriate salary and fringe benefit accounts to fund this agreement.

By Council Member Dunbar

Motion Carried

SPEAKER REGISTRATION FOR PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

By Council Member Dunbar that all items be considered as being read in full and that President Robinson make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

- a. Letters from the City Clerk providing notice of the Denial of:
- i. An Application for a Waste Hauler License in the City of Lansing filed by Darrick Flegler for D and V Trash located at 7275 Church Rd, St. Johns, MI 48879 based on the recommendation of the Lansing Treasurer's Office

RECEIVED AND PLACED ON FILE

- ii. An Application for a Cabaret License in the City of Lansing filed by Derek A. Wroblewski of CDDM Inc., dba Cheetah's of Lansing, 5910 S. Pennsylvania Ave. based on the recommendation of the Lansing Treasurer's Office

RECEIVED AND PLACED ON FILE

- b. Letters from the Mayor re:
- i. Application for an Obsolete Property Rehabilitation Act (OPRA) District submitted by Foresight Group for property located at 2282 N. Martin Luther King, Jr. Blvd.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- ii. Amended Resolution; 2009 Homeless Assistance Supportive Housing Program Grant Awards, Correcting \$1.00 Change from the Original Resolution

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

- iii. Grant Acceptance; 2009 Continuum of Care Homeless Assistance Supportive Housing Program Notice of Funding Availability (NOFA) grant renewal funding for St. Vincent Catholic Charities Permanent Supportive Housing Programs Two and Three

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

- iv. Fiscal Year 2010 3rd Quarter General Fund Status Report

REFERRED TO THE COMMITTEE OF THE WHOLE

- v. 2010 Park Millage Ballot Resolution

REFERRED TO THE COMMITTEE OF THE WHOLE

- vi. ACT-17-2008; East Howe Ave. east of 7th Ave. Vacation of Right-of-Way

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- vii. Public Hearing request for: SLU-1-2010; 5750 S. Cedar St., Special Land Use Permit requested by Abundant Grace Faith Church to utilize the building at 5750 S. Cedar St. for a church

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- viii. Approval request for: LS-8-2009; 340 E. Edgewood Blvd., Lot Split request on behalf of Sam's Club to split off a 139' x 333' section of the property at 340 E. Edgewood Blvd. for the purpose of creating a new buildable parcel of land

RECEIVED AND PLACED ON FILE

- ix. Establishment of Historic District Study Committee for the Marshall Street Armory and Appointment of its members

RECEIVED AND PLACED ON FILE

- x. Public Hearing request for: Brownfield Redevelopment Plan #48; Holmes Street School Redevelopment Project

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- xi. Ratification of the Fraternal Order of Police, Capitol City Lodge #141 Non-Supervisory Unit for a new collective bargaining agreement effective July 1, 2009 through June 30, 2015

*SUSPENSION ITEM – REFERRED TO THE COMMITTEE OF THE WHOLE

- Communications and Petitions, and Other City Related Matters:

There were no communications.

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

Jerry Ambrose, Executive Assistant to Mayor Bernero, addressed comments related to firefighter response times.

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

Loretta Stanaway of 546 Armstrong Rd. 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.

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

Claude Beavers of 3010 Boston Blvd. spoke about the city budget.

Patrick Mercer of 4350 Dell Rd., Holt, spoke about various city matters.

ADJOURNED TIME 9:21 P.M.

CHRIS SWOPE, CITY CLERK