



OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF MAY 24, 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, Houghton, Jeffries, Quinney, Robinson, Wood, Yorko

ABSENT: None

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 10, 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

The following items were added to the agenda:

1. From Council Member Wood; Introduction of an Ordinance of the City of Lansing, Michigan, to amend the Employees' Retirement System, Chapter 292, Section 292.145 of the Lansing Codified Ordinances, to prohibit a person, who participated in the 2010 Retirement Incentive Program and becomes re-employed by the City, from receiving a city retirement allowance during the period of said re-employment, and setting a Public Hearing for June 3, 2010
2. From Council Member Wood; Introduction of an Ordinance of the City of Lansing, Michigan, to amend the Police and Fire Retirement System, Chapter 294, Section 294.02(k) of the Lansing Codified Ordinances, to prohibit a person, who participated in the 2010 Retirement Incentive Program and becomes re-employed by the City, from receiving a city retirement allowance during the period of said re-employment, and setting a Public Hearing for June 3, 2010

By Council Member Wood

That Public Hearings #6 and #7 be removed from the agenda

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 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

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 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

By Council Member Wood

To recommit this item

Motion Carried

THIS ITEM WAS RETURNED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

Adoption of Z-1-2010; 300 Elvin Ct., rezoning the property at 300 Elvin Court from "B" Residential District to "E-1" Apartment Shop District to permit the building at this location to be used for offices, a food service business and shared community space

By Council Member Jeffries

To recommit this item

Motion Carried

SPECIAL CEREMONIES

- Special Ceremonies

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

Council Member Yorko spoke about the City of Lansing being recognized by the League of American Bicyclists at a Bronze Level for its commitment to creating a bicycle friendly community through the Complete Streets program.

John Lindenmayer spoke about the Complete Streets program.

Linden Babcock spoke about advanced age cyclists.

Payal Ravani spoke about upcoming walking, cycling and commuting events.

Jerry Ambrose, Executive Assistant to Mayor Bernero, thanked the group for their efforts related to Lansing being recognized by the League of American Bicyclists at a Bronze Level.

Council Member Yorke stated that she hopes future generations have a more bike friendly city.

RESOLUTION #2010-162

BY COUNCILMEMBER JESSICA YORKE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing strives at becoming a bike friendly community and has demonstrated its commitment through its Complete Streets program and the extension of its River Trails; and

WHEREAS, a bicycle friendly community welcomes cyclists by providing safe accommodations for cycling and encouraging people to bike for transportation and recreation; and

WHEREAS, encouraging bicycling is a simple way to improve public health, and with more people bicycling, communities experience reduced traffic demands, improved air quality, and greater physical fitness; and

WHEREAS, building a bicycle friendly community can translate into a more connected, physically active, and environmentally sustainable community that enjoys increased property values, business growth, increased tourism, and more transportation choices for citizens; and

WHEREAS, the League of American Bicyclists' Bicycle Friendly Community Program provides incentives, hands-on assistance, and award recognition for communities that actively support bicycling; and

WHEREAS, the League of American Bicyclists awards are based on the "Five E's"; Engineering, Education, Encouragement, Enforcement, and Evaluation to yield a holistic picture of a community's work to promote bicycling; and

WHEREAS, applicant communities are judged in accordance with Five E's, requiring qualified applicants to demonstrate achievements in each of the five categories in order to be considered for an award. Communities with more significant achievements in these areas receive superior awards; and

WHEREAS, in 2010, the City of Lansing was recognized by the League of American Bicyclists at a Bronze Level for its commitment to creating a bicycle friendly community through the Complete Streets program.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, wishes to congratulate the City of Lansing for achieving the Bronze Level with the League of American Bicyclists and encourages the City to continue its efforts to promote and provide a safe and comprehensive biking community.

By Council Member Yorke

Motion Carried

2. Mayoral Presentation; Recognition of Cristo Rey Fiesta Days in Lansing

Jerry Ambrose, Executive Assistant to Mayor Bernero, spoke about Cristo Rey Fiesta Days in Lansing. He read the following mayoral proclamation:

WHEREAS: It is a distinct pleasure to join with the Cristo Rey Catholic Church as it celebrates the 31st Annual Cristo Rey Fiesta, which provides an opportunity for families and the community to renew bonds of faith and culture; and

WHEREAS: While serving to strengthen the identity of the Latino Community, it also serves the Greater Lansing area by showcasing the area's rich cultural diversity; and

WHEREAS: Each year the fiesta serves as a vital fundraiser for the Cristo Rey Catholic Church. The proceeds are used to enrich programs for the youth, senior citizens, visitation of the sick, education programs, and

additional programs that help improve the community; and

WHEREAS: The Cristo Rey Fiesta features the best in traditional music, the most dazzling folkloric performances, the best authentic Mexican food and a great "Mercado" (Traditional Market Place).

NOW, THEREFORE, I, VIRG BERNERO, Mayor of the City of Lansing, by the power vested in me, do hereby proclaim May 28 through May 30, 2010 as

"Cristo Rey Fiesta Days"

in Lansing. I encourage all citizens to take part in this dynamic cultural event which contributes to making Lansing a great place to live, work and play.

Manuel Delgado, Sr. spoke about events related to Cristo Rey Fiesta Days in Lansing.

Guillermo Lopez of the Human Relations and Community Services Department thanked Manuel Delgado, Sr. for starting the festival 31 years ago and invited the community to enjoy the festivities.

Council Member Houghton spoke about the vent and thanked the committee for all of their hard work.

3. Presentation; Recognition of the 22nd Annual Parents Action Committee on Minority Academic Concerns (PACMAC) Community Wide Spelling Bee

Council Member Wood gave recognition to the parents involved in PACMAC.

Audrey Smith spoke about the PACMAC spelling bee and acknowledged the founders and participants in the program. She recognized Ethel Williams and all of her contributions to the program over the years.

Council Member Wood handed out certificates to the winners present and City Clerk Swope read the following list of winners:

**PAC-MAC Spelling Bee Winners
2010**

Grade 1

1st Place	Alvin Hosendove, Jr.	George Washington Carver School (Detroit, MI)
2nd Place	David Ferguson, Jr.	Lansing Charter Academy
3rd Place	Rachel Hoskins	El-Hajj Malik El-Shabazz Academy
4th Place	Yusra Kulam	Greater Lansing Islamic School

Grade 2

1st Place	Vivek Rao	Cornell Elementary School
2nd Place	Ariann Smith	Kempton Elementary School (Saginaw, MI)
3rd Place	Janan Muhammad	El-Hajj Malik El-Shabazz Academy
4th Place	Quan'ell Kitchen	Marble Elementary School

Grade 3

1st Place	Mega Jayavelu	Central Elementary School
2nd Place	Deyea'Breon Rider	El-Hajj Malik El-Shabazz Academy
3rd Place	Alii Najj	Pinecrest Elementary School
4th place	Haywood Edwards, II	El-Hajj Malik El-Shabazz Academy

Grade 4

1st Place	Pratima Rao	Cornell Elementary School
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2nd Place	Sophia Simon	Fairview Elementary School
3rd Place	Anushka Murthy	Hiawatha Elementary School
4th Place	Jamari McKinney	El-Hajj Malik El-Shabazz Academy

Grade 5

1st Place	Alyssa Ghose	Hiawatha Elementary School
2nd Place	Neeraj Padmanabhan	Bennett Woods Elementary School
3rd Place	Ram Natla	Bennett Woods Elementary School
4th Place	Cami Hancock	Central Elementary School

Grade 6

1st Place	Imari Williams	Abbott Middle School (West Bloomfield, MI)
2nd Place	Augie Evered	Glencairn Elementary School
3rd Place	Jonee McKinney	El-Hajj Malik El-Shabazz Academy
4th Place	Lisa Taylor-Johnson	El-Hajj Malik El-Shabazz Academy

Grade 7

1st Place	Netra Murthy	Kinawa Middle School
2nd place	Swetha Jayavelu	Chippewa Middle School
3rd Place	None	
4th Place	None	

Grade 8

1st Place	Das Abhijit	Kinawa Middle School
2nd Place	Ye Li	Chippewa Middle School
3rd place	Debra Yan	Chippewa Middle School
4th place	Brittany Ruffin	Warren Wood Middle School (Warren, MI)

Grand Prize Winners

--Grand Prize Winner for grades 1-4: Aaliyah Hudson (4th Grade) Prairie Ridge Elementary-Kalamazoo, MI --Grand Prize Winner for grades 5-7: Swetha Jayavelu (7th Grade) Chippewa Middle School

Audrey Smith spoke about the bicycle incentive to get kids to participate in the spelling bee.

4. Presentation; Recognizing the Academic, Cultural, Technological, and Scientific Olympic. (ACT-SO) program encouraging high academic and cultural achievement among African-American High School students

Vice President Dunbar spoke about the events on the Olympiad.

Jerry Ambrose congratulated the winners present.

Councilmember Dunbar handed out certificated to the winners and Jerry Ambrose handed out gold medals to the following winners:

Jasmina Basic - Everett High School - Dance
 Jasmine Brooks - Everett High School - Vocal Contemporary
 Taylor McGhee - East Lansing High School - Dance
 Drevon Pruitt - Everett High School - Drawing
 Brittany Tyler - Sexton High School - Dance
 Alexis Watt - East Lansing High School - Dramatics

Drevon Pruitt stated that the group would bring back more medals from the national competition.

COUNCIL MEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS.

Vice President Dunbar announced the opening of the South Lansing Farmers' Market and spoke about the Allen Street Market. Council Member Wood announced the Lansing Spartan Youth Organization fundraiser, the Community Health Fair in Old Town and the upcoming African American Parade.

Council Member Houghton spoke about an assault in a city park and a forum related to the incident.

Council Member Quinney wished his father-in-law George Taylor a happy birthday.

Council Member Yorke announced the West side Commercial Association spring flower planting.

Vice President Dunbar invited musicians to perform at the South Lansing Farmers' Market. She and announced the Hawk Island Triathlon and Fenner summer camps.

President Robinson announced the Board of Water and Light Chili Cook-off.

City Clerk Swope stated that he and Council Member Dunbar will be participating in the Hawk Island Triathlon.

Vice President Dunbar announced the Over the Edge event.

City Clerk Swope stated that city hall will be closed on Friday for a furlough day and the following Monday is the Memorial Day holiday.

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, announced the Memorial Day Parade and Ceremony. He stated that street sweeping is taking place on the south side. He spoke about right-of-way mowing issues, the resurfacing of Edgewood Blvd. and the environmental cleanup of General Motors' sites. He spoke about several items on tonight's agenda including the retirement incentive ordinances and the parks millage language.

SHOW CAUSE HEARINGS

- Comment on Scheduled Show Cause Hearings:

1. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 6226 Barker St.
2. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 711 Carrier St.
3. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 420 N. Martin Luther King, Jr. Blvd.

There were no speakers for these Show Cause Hearings.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of Brownfield Redevelopment Plan #49; Marshall Street Armory
2. In consideration of an Obsolete Property Rehabilitation Act (OPRA) District application submitted by Eastside Armory, LLC for property located at 300 Elvin Ct.
3. In consideration of an Obsolete Property Rehabilitation Act (OPRA) Certificate application submitted by Eastside Armory, LLC for property located at 300 Elvin Ct.
4. 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)
5. 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)

Council member Wood gave a brief overview of Public Hearing #4 and #5.

Councilmember Jeffries gave a brief overview of Public Hearing #1, #2 and #3.

Kathi Raffone of 1221 Muskegon Ave. stated concerns with the parks millage.

Stan Shuck of 818 Cooper Ave. stated concerns with the parks millage and the retirement ordinances.

Carl Calille of 306 Harriet Ave. spoke about the City of Lansing's Bronze Level Achievement as a Bicycle Friendly Community.

Steve Willobee of Soil and Materials Engineers of 2663 Eaton Rapids Rd., spoke in support of the redevelopment of the Marshall Street Armory.

John Pollard of 1718 Blair St. spoke in opposition to the redevelopment of the Marshall Street Armory.

Christine Timmon, no address given, spoke in opposition to tax abatements.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke in opposition to tax abatements.

REFERRAL OF SHOW CAUSE HEARINGS

1. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 6226 Barker St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

2. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 711 Carrier St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

3. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 420 N. Martin Luther King, Jr. Blvd.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

REFERRAL OF PUBLIC HEARINGS

1. In consideration of Brownfield Redevelopment Plan #49; Marshall Street Armory

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

2. In consideration of an Obsolete Property Rehabilitation Act (OPRA) District application submitted by Eastside Armory, LLC for property located at 300 Elvin Ct.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

3. In consideration of an Obsolete Property Rehabilitation Act (OPRA) Certificate application submitted by Eastside Armory, LLC for property located at 300 Elvin Ct.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

4. 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)

RECEIVED AND PLACED ON FILE

5. 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)

RECEIVED AND PLACED ON FILE

LEGISLATIVE MATTERS

CONSENT AGENDA

Council Member Wood asked that items 2a, 2b, 2c, 2d, 2e, 2f, 3a, 3b and 4a be removed from the consent agenda.

RESOLUTIONS

RESOLUTION #2010-163

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

Act-18-08: 1941 Reo Road, Vacate a Portion of the Church Drain

WHEREAS, Jon Addiss, 1941 Reo Road, requests that the City reduce the easement width of Church Drain on his property to the minimum required by the Public Service Department.

WHEREAS, the Church Drain is in a single-use easement, 100' wide (50' from the centerline on both the north and the south), with no other utilities allowed within the easement.

WHEREAS, the Public Service Department investigated the necessity of the easement, and found that that the Church Drain easement be reduced to 20 feet, ten feet on either side of the drain pipe, at 1941 Reo Road; and

WHEREAS, the Church Drain is a former Ingham County drain that was transferred to the City of Lansing on August 23, 1963; and

WHEREAS, on November 17, 2009, the Planning Board reviewed the comments of the Public Service Department and location, character and extent of Act-2-09 in accordance with its Act 33 Review procedures, and found that there is no public purpose for 80% of the easement width; and

WHEREAS, the Planning Board voted unanimously (4-0) to recommend approval of Act-18-08, Mr. Addiss' request that the City vacate the in accordance with Section 208 of the City's Administration Code.

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

NOW THEREFORE BE IT RESOLVED, the Lansing City Council hereby approves Act-18-08, and vacates the north 40' and the south 40' of the Church Drain Easement at 1941 Reo Road, more particularly described as:

The North forty feet of that part of the Church Drain easement which lies within Lots 169 and 170,
AND

The South forty feet of that part of the Church Drain easement which lies within Lots 168, 169 and 170, Pleasant Grove Subdivision, City of Lansing, Ingham County, Michigan

BE IT FURTHER RESOLVED, that the Mayor, on behalf of the City, is hereby authorized to sign and execute all documents necessary to effectuate the aforementioned transaction(s), subject to their prior approval as to content and form by the City Attorney.

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 #2010-164

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

Act-8-09, Acceptance of Donation of Riverfront Property (PPN 33-01-01-23-128-001)

WHEREAS, Lansing Parks and Recreation Department, requests that the City accept the donation of riverfront land, offered by Joan E. Wright, of 600 E. Sherwood Road, Williamston; and

WHEREAS, the property is wooded triangular parcel that serves as a natural buffer between the East Lansing Sewer Treatment Facility and the Red Cedar River; and

WHEREAS, the property is located across the river from the Lansing River Trail, southwest of the I-96/US-127 interchange, and is approximately four (4) acres in size; and

WHEREAS, there were no objections from the various agencies regarding the proposal; and

WHEREAS, on March 2, 2010, the Planning Board reviewed the location, character, and extent of the proposal and found that:

- (1) This location is a wooded wetland in the 100 year flood plain and is situated adjacent to the river and the East Lansing wastewater treatment plant,

- (2) The property is depicted in the master plan for 'Parks/Open Space/Cemetery' use, and the proposed acquisition is consistent with the intended use being advanced in the plan,
- (3) Acquisition of the subject parcel for the purpose of preserving the site in its natural state is consistent with the existing character of the area,
- (4) The extent of the acquisition is consistent with the intent of Act 285 in view of the strategic benefits of this particular site for buffering and as a wildlife corridor; and

WHEREAS, the Planning Board, at its meeting held on March 2, 2010, voted unanimously (6-0) to recommend approval of Act-8-09, the request by the Parks and Recreation Department to accept the donation of a river front parcel of land for open space and preservation purposes.

WHEREAS, a commitment for title insurance, completed by Diversified National Title Agency, L.L.C. on behalf of the City (commitment #093169 dated October 14, 2009) reveals that the applicant owns a fee simple interest in the property, vested in the name Maguire Associates, a Michigan Limited Partnership; and

WHEREAS, the donor has agreed to pay for all taxes due or ongoing as of December 31, 2009; and

WHEREAS, an appraisal conducted by the R.S. Thomas & Associates, determined that as of April 14, 2010, the fair market value of a fee simple interest in the subject property is \$13,000; and

WHEREAS, the environmental review of the property, conducted in November, 2009 by the Harold Blake Co., revealed no contamination on the site; and

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

WHEREAS, the capital project fund account for park acquisition and development can be utilized for this acquisition with Council authorization; and

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council hereby approves Act-8-09, and accepts the donation of the property, legally described as:

THAT PART OF NORTHWEST ¼ SECTION 23 LYING NORTH OF C&O RAILROAD S'LY OF RED CEDAR RIVER, SECTION 23 OF T4N, R2W, CITY OF LANSING, INGHAM COUNTY, MICHIGAN.

BE IT FURTHER RESOLVED, that upon the transfer of the property to the City, the property shall be dedicated park property, subject to the conditions precedent in this resolution.

BE IT FURTHER RESOLVED, the Parks and Recreation Department is authorized to use the capital project fund account to pay all costs associated with the acceptance of this donation.

BE IT FINALLY RESOLVED, the City's acceptance shall be effective upon the compliance with the following conditions:

1. Presentment of evidence, to the satisfaction of the City Attorney, that the donors possess clear, marketable, insurable title to the property,
2. The owner's presentment of a good and sufficient warranty deed, subject to prior approval by the City Attorney, transferring clear marketable ownership of the property to the City of Lansing.

By Council Member Jeffries

To place an affirmative roll on the resolution

By Council Member Hewitt

To amend the eighth WHEREAS clause by striking "2003" and inserting "2009" and to amend the ninth WHEREAS clause by striking "\$" and inserting "&"

Motion Carried

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

Motion Carried

RESOLUTION #2010-165

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

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, June 14, 2010, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

SLU-1-2010, 5750 S. Cedar Street, Special Land Use Permit - Church in the "J" Parking, "G-2" Wholesale, "F" Commercial and "H" Light Industrial districts

By Council Member Jeffries

Motion Carried

RESOLUTION #2010-166

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

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, June 14, 2010, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing:

Act-5-2009, Marketing for sale of the Comfort Station located at 313 E. Grand River Avenue.

By Council Member Jeffries

Motion Carried

RESOLUTION #2010-167

BY THE PLANNING AND DEVELOPMENT COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
BROWNFIELD PLAN #48
HOLMES STREET SCHOOL REDEVELOPMENT 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 1030 Holmes Street 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 June 14th at 7:00 p.m. on Brownfield Plan #48 Holmes Street School Redevelopment Project under the Brownfield Redevelopment Financing Act, for property located within the boundary

more particularly described by parcel numbers as:

33-01-01-22-133-102

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 #48 and the scheduled public hearing.

By Council Member Jeffries

Motion Carried

RESOLUTION #2010-168

BY THE DEVELOPMENT AND PLANNING COMMITTEE
RESOLUTION TO SET A PUBLIC HEARING REGARDING THE
ESTABLISHMENT OF AN OBSOLETE PROPERTY
REHABILITATION DISTRICT
2822 N. Martin Luther King Jr., Blvd.

WHEREAS, the intending purchaser of property located at 2822 N. Martin Luther King Jr., Blvd. 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 intending owner of the Property, Foresight Group, will be 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:

LOT 1 AND PART OF LOTS 2 AND 3, ASSESSORS, PLAT NO. 57, CITY OF LANSING, INGHAM COUNTY, MICHIGAN, ACCORDING TO THE RECORDED PLAT THEREOF, AS RECORDED IN LIBER 29, PAGE 41, INGHAM COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHERNMOST CORNER OF LOT 1; THENCE S52-00'30"E, 802.91 FEET ALONG THE SOUTHWESTERLY LINE OF THE CSX RAILROAD TO THE EASTERNMOST LINE OF LOT 3; THENCE S02-14'42"W, 7.60 FEET ALONG THE EASTERNMOST LINE OF LOT 3; THENCE 235.43 FEET ALONG THE SOUTHERLY LINE OF LOT 3 AND A 342.70 FOOT RADIUS CURVE TO THE LEFT, HAVING A DELTA ANGLE OF 39-21'43" AND A CHORD OF N73-58'04"W, 61.01 FEET; THENCE S01-55'53"W, 7.72 FEET; THENCE N88-04'07"W, 298.97 FEET; THENCE N01-58'30"E, 361.76 FEET ALONG THE EAST LINE OF MARTIN LUTHER KING, JR. BOULEVARD TO THE POINT OF BEGINNING. CONTAINING 2.35 ACRES, MORE OR LESS.

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 Monday, June 14, 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 #2010-169

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

WHEREAS, Harvey Clarizio sought to eliminate special assessment of \$399.66 for Trash and Debris and all associated penalties and interest on the property tax bill of 325 N. Francis, Lansing, Michigan; and

WHEREAS, the Committee on General Services met on Monday, May 17, 2010 to review the claim; and

WHEREAS, the Committee encourages the claimant to pursue recourse action against the previous property owner or title company;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, denies the claim filed by Harvey Clarizio of \$399.66 for special assessment on Trash and Debris and all associated penalties and interest on the property tax bill of 325 N. Francis, Lansing, Michigan;

BE IT FURTHER RESOLVED that no further action is required by the City Attorney for processing this claim.

By Council Member Quinney

Motion Carried

RESOLUTION #2010-170

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

WHEREAS, the application for a Charitable Religious Solicitation License was filed by Lauren Leeds on behalf of Share Our Strength located at 1717 Bradley Avenue to sell baked goods for the "Great American Bake Sale" at the corner of Washington Square and Allegan Street; and

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

WHEREAS, the Committee on General Services met on Monday, May 17, 2010 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the application for a Charitable Religious Solicitation License filed by Lauren Leeds on behalf of Share Our Strength located at 1717 Bradley Avenue to sell baked goods for the "Great American Bake Sale" at the corner of Washington Square and Allegan Street is approved;

BE IT FURTHER RESOLVED that this license will expire one year after date of issuance.

By Council Member Quinney

Motion Carried

By Council Member Dunbar

To resolve into the Committee of the Whole

Motion Carried

The City Council resolved into the Committee of the Whole at 8:57 p.m.

The City Council rose from the Committee of the Whole at 9:38 p.m.

RESOLUTION #2010-171

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

WHEREAS, Act 156, Public Acts of 1917, authorizes cities to vote and expend funds for the operation of public recreation systems; and

WHEREAS, the voters in the elections held on August 7, 1990, August 8, 1995, August 8, 2000, and August 2, 2005 supported levying one mill (\$1.00 per \$1,000), commencing July 1, 1991, on all taxable real and personal property for the purpose of operating the City's recreation system; and

WHEREAS, fiscal year 2010-2011 marks the twentieth year of the millage; and

WHEREAS, on May 12, 2010 the Parks Board recommended to the Mayor and City Council that the renewal of the one mill for five years be placed on the August 3, 2010 ballot; and

WHEREAS, the City Council adopted a Parks and Recreation Five Year Master Plan on March 29, 2010 identifying numerous capital improvement deficiencies and needs in the Parks and Recreation System; and

WHEREAS, the one mill will be instrumental in addressing these deficiencies and needs; and

WHEREAS, the City seeks the support of the voters for a renewal of the one mill for an additional five (5) years commencing July 1, 2011.

NOW, THEREFORE, BE IT RESOLVED that at the Primary Election which is to be held in the City on Tuesday, August 3, 2010 between the hours of 7:00 o'clock a.m. and 8:00 o'clock p.m., there shall be submitted to vote of the qualified electors of said City the proposition of levying, for an additional five (5) years beginning July 1, 2011, one mill for the operation of the City's parks and recreation system;

BE IT FURTHER RESOLVED that the proposition to be submitted at said election shall be stated on a separate ballot or as a separate proposition on voting machines in substantially the following form:

PROPOSAL TO RENEW A LEVY OF ONE MILL FOR OPERATION OF PARKS AND RECREATION SYSTEM

Shall the City of Lansing, Counties of Ingham and Eaton, Michigan, renew a levy of one mill (\$1.00 per \$1,000) for five years commencing July 1, 2011 on all taxable real and personal property in the City of Lansing for the purpose of operating, maintaining, and providing capital improvements to the City's Parks and Recreation System?

YES

NO

BE IT FURTHER RESOLVED that the City Clerk shall cause notice of the submission of said proposition to be given at such times and places as other notices regarding the last day of registration and notice of election for the Primary Election to be held August 3, 2010 are given in accordance with Michigan Law.

BE IF FINALLY RESOLVED that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be, and the same are, hereby rescinded.

By Councilmember Dunbar

To place an affirmative roll on the resolution

By Councilmember Dunbar

To accept a substitute resolution for the one originally placed in the packet

Motion Carried

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

Vice President Dunbar requested a roll call vote
Motion Carried by the following roll call vote:

Yeas: Council Members Dunbar, Houghton, Jeffries, Quinney, Robinson, Yorke

Nays: Council Members Hewitt and Wood

Council Member Wood asked that the following statement be part of the record:

My reason for voting no on the ballot language deals with the language not whether I support the Park Millage. I support the Park Millage and believe that it is critical to the park system, but I also believe during the public meeting dealing with the Parks Master Plan and the budget it was repeatedly evident that the community wanted a guarantee that the parks in their neighborhoods would be maintained and repaired. I believe putting a percentage in the ballot language it would reassure the public that we will take care of what we have before we add to the existing parks system.

ORDINANCES FOR INTRODUCTION

Council Member Wood, Chair of the Committee on Ways and Means introduced:

An Ordinance of the City of Lansing to amend the Police and Fire Retirement System, Chapter 294, Section 294.02(k) of the Lansing Codified Ordinances, to prohibit a person, who participated in the 2010 Retirement Incentive Program and becomes re-employed by the City, from receiving a city retirement allowance during the period of said re-employment

The Ordinance was read by its title for a first time and referred to the Committee on Ways and Means

RESOLUTION #2010-173

RESOLUTION SETTING PUBLIC HEARING
By Council Member Wood

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Thursday, June 3, 2010 at 1:30 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(k) of the Lansing Codified Ordinances, to prohibit a person, who participated in the 2010 Retirement Incentive Program and becomes re-employed by the City, from receiving a city retirement allowance during the period of said re-employment.

Interested Persons are invited to attend this Public Hearing

By Council Member Wood

Motion Carried

Council Member Wood, Chair of the Committee on Ways and Means introduced:

An Ordinance of the City of Lansing to amend the Employees' Retirement System, Chapter 292, Section 292.145 of the Lansing Codified Ordinances, to prohibit a person, who participated in the 2010 Retirement Incentive Program and becomes re-employed by the City, from receiving a city retirement allowance during the period of said re-

employment

The Ordinance was read by its title for a first time and referred to the Committee on Ways and Means

RESOLUTION #2010-172

RESOLUTION SETTING PUBLIC HEARING
By Council Member Wood

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Thursday, June 3, 2010 at 1:30 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 292.145 of the Lansing Codified Ordinances, to prohibit a person, who participated in the 2010 Retirement Incentive Program and becomes re-employed by the City, from receiving a city retirement allowance during the period of said re-employment.

Interested Persons are invited to attend this Public Hearing

By Council Member Wood

Motion Carried

ORDINANCES FOR PASSAGE

An Ordinance of the City of Lansing 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)

Was read a second time by its title and adopted by the following roll call vote:

Yeas: Council Members Dunbar, Hewitt, Houghton, Jeffries, Quinney, Robinson, Wood and Yorke

Nays: None

By Council Member Wood

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

Motion Carried

ORDINANCE #1153

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).

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 294, Section 294.02(h), of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended by adding a new subsection 294.02(h)(4), to read as follows:

(h) *Service Credit.*

(1) *Generally.* The Board of Trustees shall determine, by appropriate rules and regulations, the amount of service to be credited any member, but in no case shall less than 11 months of service rendered by a member in any calendar year be credited him or her as a year of service; nor shall more than one year of service be credited any member for all service

rendered by him or her in any calendar year.

- (2) *Military service credit.* Should a policeman or fireman, who while employed by the City entered or enters any armed service of the United States Government during time of compulsory military service, such armed service actually required of him or her shall be credited him or her as City service in the same manner as if he or she has served the City uninterruptedly, provided that:

- A. He or she returns to the employ of the City within one year from and after termination of such armed service actually required of him or her;
- B. He or she returns to the employees' savings fund the amount, if any, he or she withdrew therefrom at the time he or she entered or while in such armed service, together with regular interest from the date of withdrawal to the date of repayment; and
- C. In no case shall any member be credited with more than five years of City service for all such armed service rendered by him or her. In case of doubt as to the period of such armed service to be credited, a member of the Board of Trustees shall have final power to determine such period.
During the period of a member's armed service in the Federal Government and until his or her return to City employment, his or her contributions to the employees' savings fund shall be suspended and his or her balance standings to his or her credit in such fund shall be accumulated at regular interest.

- (3) *Additional military service credit.* Police non-supervisory and firefighter members shall be eligible to receive retirement service credit for periods of compulsory or non-compulsory induction into the Armed Forces of the United States of America as if the employee had served the City during that period, provided that:

- A. The employee shall submit a written election to receive military service retirement credit for all or part of the period of military service;
- B. The employee requesting military service credit shall pay the cost of an actuarial evaluation of the cost of adding such military service to his or her retirement service credit, performed by the actuary denoted in paragraph (d)(4) hereof. Costs determined by said actuary shall be considered final and binding upon the City, the collective bargaining unit for which the employee is a member and the affected employee;
- C. The employee shall be responsible for the extra cost of adding such military service to his or her retirement service credit. The employee electing to exercise the right to receive military credit shall make full payment for the cost of such service credit no later than 60 days following receipt of the actuarial cost information;
- D. In no case shall any member be credited

with more than two years of City service for all such armed service rendered by him or her. In case of doubt as to the period of such armed service to be credited, the Board of Trustees shall have final power to determine such period;

- E. An employee eligible to receive military service credit, as defined in both this subsection and subsection (h)(2) hereof, shall receive such credit first as described in subsection (h)(2) hereof and second as described in this subsection for any remaining credit; and
- F. Active military service shall be defined to include periods of voluntary or involuntary induction into the Armed Forces of the United States of America under the Selective Service Act of 1940, as amended; it shall also include the initial training period required to be a reserve member of the Armed Forces of the United States of America or the United States National Guard. But shall specifically exclude annual reserve training programs required of reservists or National Guard members.

- (4) A member may elect to purchase up to ~~three~~ FIVE years of service credits for retirement pension benefits pursuant to IRS Code Section 415(n)(3)(b), provided the member meets all of the following additional criteria:

- (A) Is a member at the time of the election and purchase; and
- (B) Has earned at least 5 years of service credits for actual City service while a member; and
- (C) Signs and delivers to the City a request for actuarial calculations of the member's cost to purchase service credits under this subsection (4) and pays the fee for the actuarial services and cost of worksheet preparation; and
- (D) Signs and delivers to the City within 60 days of his or her receipt of the actuarial cost worksheet the requisite written agreement to purchase service credit and elects in the agreement to purchase a specific number of months and/or years of service credits; and
- (E) Except for City of Lansing IRC 457 Deferred Compensation Plan direct rollovers, tenders with the signed written agreement the funds to the City to purchase service credits; and
- (F) By purchasing such service credits, will not exceed the limitations prescribed by IRS Code Section 415.

In the event a member does not purchase at one time the full ~~three~~ FIVE years of service credits, he or she may purchase additional service credits of up to a maximum that does not exceed the aggregate of ~~three~~ FIVE years, provided that at the time of and for each purchase, the member meets all the criteria in this subsection (4). Service credits purchased pursuant to this subsection (4) shall be at 100 percent of the Chapter 294 retirement system cost to fund the member's pension benefit actuarially determined by the actuary denoted in paragraph (d)(4) for the time of purchase.

Service credits purchased pursuant to this subsection (4) shall not be used or included in meeting any of the requirements for eligibility for retirement health care, contained in collective bargaining agreements, including minimum years of actual service or minimum age at which the benefit begins.

Notwithstanding other sources of funds used to purchase service credits under this subsection (4), and solely in the event that the member retires within 60 days of his or her receipt of the actuarial cost worksheet and otherwise complies with this subsection (4), the service credits may be purchased after retirement for a period not to exceed 30 days following the retirement date, by a direct rollover of eligible rollover distributions [as described in IRS Code Section 401(a)(31)] otherwise payable to the eligible employee from the City of Lansing IRC 457 Deferred Compensation Plan.

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

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

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

An Ordinance of the City of Lansing 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)

Was read a second time by its title and adopted by the following roll call vote:

Yeas: Council Members Dunbar, Hewitt, Houghton, Jeffries, Quinney, Robinson, Wood and Yorko

Nays: None

By Council Member Wood

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

Motion Carried

ORDINANCE #1154

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) .

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 292, Section 292.155, of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

292.155. Purchase of service credit.

- (a) (1) A member of the retirement system may elect to purchase service credit for prior full-time service as an employee with the City, upon request, upon verification of the employment by documentation satisfactory to the Board of Trustees and upon payment to the retirement system of an amount equal to 14.9 percent of the member's current annual rate of compensation, including longevity bonus, multiplied by each year and fraction of a year of service to be purchased.
- (2) As used in this SUBsection, "service as an employee with the City" consists of prior full-time

employment with the City or its boards and commissions, or with the District Court, which employment has not already been credited to the member's service account and for which the member would not otherwise be entitled to a service credit, but for this section; "service as an employee with the City" includes periods during which the member's income from the City or its boards or commissions, or from the District Court, consisted of Workers' Compensation payments, provided the member has not already received credit for such service or is not otherwise entitled to service credit for such periods.

- (3) In order to purchase service credit pursuant to this SUBsection, a member must elect to do so in writing prior to July 16, 1988, and, within 30 days of such election, pay in one lump sum the amount required by subsection (a) hereof.
- (b) (1) An employee who elects an option to return as a member of the employees' retirement system pursuant to Subsections 292.14(c)(2) through (c)(4) may purchase service credits. Service credits purchased pursuant to this option shall be actuarially determined at 83.9 percent of the employees' retirement system's actuarially accrued liability as of October 1, 2000; except for a FOP 911 Operators' Division employee's date for determining the actuarially accrued liability shall be as of May 1, 2001. A City executive management plan employee, exempt employee, or a Teamsters 580 and 214 supervisory and non-supervisory employees shall have until September 1, 2000 to purchase service credits. A district court teamster or district court exempt employee shall have until September 22, 2000 to purchase service credits. A FOP 911 Operators' Division employee shall have until April 20, 2001 to purchase service credits.
- (2) The ceiling amount of service credits that may be purchased by these employees shall be in accordance with Section 292.01(f) and (r) including the time the employee was excluded pursuant to Section 292.14(c)(1).
- (3) An employee, who becomes a member pursuant to Section 292.14(d), Section 292.14(e), or Section 292.14(f) may purchase service credits in accordance with Section 292.20(a)(2).

(c) A member, who was an employee that elected to return to the Employees' Retirement System pursuant to Sections 292.14(c)(2) through (4) and has remained a member but did not purchase all the service credits for actual City service within his or her service credit purchase ceiling in accordance with Section 292.155(b)(2), may elect to purchase solely by in-service transfer from the City of Lansing IRC 457 Deferred Compensation Plan, up to the years and months of service credits for retirement pension benefits pursuant to IRS Code Sections 415(n)(3)(A) and 457(e)(17) limited to the difference between his or her service credits previously purchased and the service credits ceiling, provided the member meets all of the following criteria:

- (1) Is a member at the time of the election and purchase; and
- (2) Signs and delivers to the City on or before February 3, 2006 a request for actuarial calculations of the member's cost to purchase service credits under this subsection (c) and pays the fee for the actuarial services and cost of worksheet preparation; and
- (3) Signs and delivers to the City within 60 days of his or her receipt of the actuarial cost worksheet the requisite written agreement to purchase service

credit and elects in the agreement to purchase a specific number of months and/or years of service credits within his or her aforesaid limitation; and purchases the service credits within 30 days of the delivery of the signed agreement by an in-service transfer [as described in IRS Code Section 457(e)(17)] otherwise payable to the eligible employee from the City of Lansing IRC 457 Deferred Compensation Plan, or solely in the event that the member retires within 30 days of delivery of the signed agreement and otherwise complies with this subsection (c), the service credits may be purchased after retirement for a period not to exceed 30 days following the retirement date, by a direct rollover of eligible rollover distributions [as described in IRS Code Section 401(a)(31)] otherwise payable to the eligible employee from the City of Lansing IRC 457 deferred compensation plan, and;

- (4) By purchasing such service credits, will not exceed the limitations prescribed by IRS Code Section 415.

Service credits purchased pursuant to this subsection (c) shall be at 100 percent of the Employees' Retirement System cost to fund the member's pension benefit actuarially determined by the Employees' Retirement System's actuary for the time of purchase.

- (d) A member may elect to purchase up to ~~three~~ FIVE years of service credits for retirement pension benefits pursuant to IRS Code Section 415(n)(3)(b), provided the member meets all of the following additional criteria:

- (1) Is a member at the time of the election and purchase; and
- (2) Has earned at least 8 years of service credits for actual City service while a member; and
- (3) Signs and delivers to the City a request for actuarial calculations of the member's cost to purchase service credits under this subsection (d) and pays the fee for the actuarial services and cost of worksheet preparation; and
- (4) Signs and delivers to the City within 60 days of his or her receipt of the actuarial cost worksheet the requisite written agreement to purchase service credit and elects in the agreement to purchase a specific number of months and/or years of service credits; and
- (5) Except for City of Lansing IRC 457 Deferred Compensation Plan, in-service plan-to-plan transfers or post-separation direct rollovers, tenders with the signed written agreement the funds to the City to purchase service credits; and
- (6) By purchasing such service credits, will not exceed the limitations prescribed by IRS Code Section 415.

In the event a member does not purchase at one time the full ~~three~~ FIVE years of service credits, he or she may purchase additional service credits of up to a maximum that does not exceed the aggregate of ~~three~~ FIVE years, provided that at the time of and for each purchase, the member meets all the criteria in this subsection (d). Service credits purchased pursuant to this subsection (d) shall be at 100 percent of the Employees' Retirement System cost to fund the member's pension benefit actuarially determined by the Employees' Retirement System's actuary for the time of purchase.

Service credits purchased pursuant to this subsection (d) shall not be used or included in meeting any of the requirements for eligibility for retirement health care, whether contained in Chapter 293, collective bargaining agreements or applicable fringe benefit plans, including the minimum of 15 years of actual service or the minimum age at which the benefit begins.

Notwithstanding other sources of funds used to purchase service credits under this subsection (d), and solely in the event that the member retires within 60 days of his or her receipt of the actuarial cost worksheet and otherwise complies with this subsection (d), the service credits may be purchased after retirement for a period not to exceed 30 days following the retirement date, by a direct rollover of eligible rollover distributions [as described in IRS Code Section 401(a)(31)] otherwise payable to the eligible employee from the City of Lansing IRC 457 Deferred Compensation Plan.

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

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

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

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:
 - i. Providing notice of the placement on file of the Public Notice and Federal Register for Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act

RECEIVED AND PLACED ON FILE

- ii. Providing notice of the Denial of an application for a Cabaret License in the City of Lansing filed by Michelle Taylor of the Chrome Cat, LLC located at 226 E. Grand River Ave. based on the recommendation of the Lansing Treasurer's Office

RECEIVED AND PLACED ON FILE

- iii. Providing notice of the Denial of an application for a Cabaret License in the City of Lansing filed by MKE Inc. dba Tavern on the Square of Lansing, 206 S. Washington Sq. based on the recommendation of the Building Safety Department

RECEIVED AND PLACED ON FILE

- iv. Providing notice of the Denial of an application for a Health Club License in the City of Lansing filed by YMCA of Lansing, on behalf of Oak Park YMCA located at 900 Long Blvd.

RECEIVED AND PLACED ON FILE

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

RECEIVED AND PLACED ON FILE

- b. Letter from the Mayor re:
 - i. Proposed Zoning Ordinance Amendments, Overlay Districts; Old Town, REO Town, E. Michigan Ave. and W. Saginaw St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- Communications and Petitions, and Other City Related Matters:
 - a. Letters from Brad Lee Armstrong of Gabriel, Roeder, Smith and Company Consultants and Actuaries providing a supplemental actuarial analysis of:
 - i. 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

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

- ii. 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

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

- b. Letters in support of an Application for Naming and Renaming Memorials in the City of Lansing filed by Lansing for Cesar E. Chavez to Rename part of Grand River Avenue as Cesar E. Chavez Avenue submitted by:
 - i. Bill McDonald of McDonald Tailoring located at 1219 E. Grand River Ave.

REFERRED TO THE MEMORIAL REVIEW BOARD

- ii. Frank Delacruz of Famous Taco Restaurant located at 902 E. Grand River Ave.

REFERRED TO THE MEMORIAL REVIEW BOARD

- iii. Pablo Maldonado of Pablo's Restaurant located at 311 E. Grand River Ave.

REFERRED TO THE MEMORIAL REVIEW BOARD

- iv. Mary Rivera of 1555 E. Grand River Ave.

REFERRED TO THE MEMORIAL REVIEW BOARD

REMARKS BY COUNCIL MEMBERS

Council Member Wood made her colleagues aware of Letters from Brad Lee Armstrong of Gabriel, Roeder, Smith and Company Consultants and Actuaries providing a supplemental actuarial analysis of the retirement system ordinances introduced tonight.

PUBLIC COMMENT

ON CITY GOVERNMENT RELATED MATTERS:

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

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

Carl Caillie of 306 Harriet Ave. spoke about various city matters.

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

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

Christine Timmon, international, spoke about various city matters.

Christopher Davis of 921 W. Allegan St. spoke about various city matters.

William Hubbell of 3916 Wedgewood Dr. spoke about ACT-5-2009; 313 E. Grand River Ave., Comfort Station Sale.

ADJOURNED TIME 10:26 P.M.

CHRIS SWOPE, CITY CLERK