



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF JULY 12, 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 Hewitt (left at 8:36 p.m.), Jeffries (Left at 8:36 p.m.), Quinney, Robinson, Wood, Yorke

ABSENT: Council Members Dunbar and Houghton (Arrived at 7:22 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 Quinney

To approve the printed Council Proceedings of July 8, 2010

Motion carried

CONSIDERATION OF LATE ITEMS

By Council Member Quinney

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; Letter from the Mayor Re: Confirmation of Appointment of Scott Dedic to the Employee Retirement System Board of Trustees for an At-Large Term to Expire June 30, 2014
2. From Council Member Wood; Confirmation of Appointment of Scott Dedic to the Employee Retirement System Board of Trustees for an At-Large Term to Expire June 30, 2014
3. From Council Member Quinney; Setting a Public Hearing for August 23, 2010 in consideration of an application filed by Ammahad Shekarakki to rename Main Street as Malcolm X

SPECIAL CEREMONIES

- Special Ceremonies

1. Mayoral Presentation; Recognition of Emerging Young Professionals Group from Ghana

Barbara Roberts Mason spoke about delegations coming soon to Lansing. She spoke about grants received for water sanitation and hygiene.

William Neque introduced members of the Emerging Young Professionals

Group from Ghana.

Judy Gardi thanked the Lansing City Council and Administration for the support for these programs.

Council President Robinson welcomed the professions and thanked them for sharing their knowledge with us as we share with them.

Randy Hannon, on behalf of Mayor Bernero, presented the group with certificates that speak to the commitment to partnership with the group.

Barbara Roberts Mason thanked the citizens of the Lansing area for welcoming this group as well as all other groups to our community.

Council Member Houghton arrived at the meeting at 7:22 p.m.

COUNCIL MEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Council President Robinson thanked the Barbecue Festival Committee for a wonderful barbecue event this past weekend.

Council Member Hewitt announced the next Baker-Donora area neighborhood watch meeting.

City Clerk Swope spoke about the upcoming August 3, 2010 State Primary Election. He also stated that absentee ballots are being mailed out and that there is plenty of time to still request and received an absentee ballot. He also stated that absentee ballots can be requested at the former armory building at 2500 S. Washington Ave. as well as in his office in City Hall and from his website.

COMMUNITY EVENT ANNOUNCEMENTS

Joy Gleason asked citizens to vote in the upcoming Lansing School District's Pepsi Refresh program for art history classes.

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

Randy Hannon stated that Jerry Ambrose, Executive Assistant to Mayor Bernero, was en route to the meeting.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of an Obsolete Property Rehabilitation Act (OPRA) District Application submitted by MSU Federal Credit Union for property located at 104 S. Washington Sq.
2. In consideration of an Obsolete Property Rehabilitation Act (OPRA) Certificate Application submitted by MSU Federal Credit Union for property located at 104 S. Washington Sq.
3. In consideration of an Application for Exemption of New Personal Property submitted by MSU Federal Credit Union for property located at 104 S. Washington Sq.
4. In consideration of an Ordinance of the City of Lansing to Amend the Employees' Retirement System, Chapter 292, Section 292.08 of the Lansing Codified Ordinances, to provide for a quorum of four trustees when the board has two or more trustee vacancies
5. In consideration of an Ordinance of the City of Lansing to Amend the Employees' Retirement System, Chapter 292, Section 292.04 and 292.05 of the Lansing Codified Ordinances, to provide that the retiree trustee of the retirement board be a Michigan resident and to change the title of the "Chief Personnel and Training Officer" trustee to the "Human Resources Director"

Patrick McPharlin of 3777 West Rd., East Lansing, spoke in support of tax abatements for MSU Federal Credit Union.

John Pollard of 1718 Blair St. spoke in opposition to tax abatements for MSU Federal Credit Union.

LEGISLATIVE MATTERS

REFERRAL OF PUBLIC HEARINGS

1. In consideration of an Obsolete Property Rehabilitation Act (OPRA) District Application submitted by MSU Federal Credit Union for property located at 104 S. Washington Sq.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

2. In consideration of an Obsolete Property Rehabilitation Act (OPRA) Certificate Application submitted by MSU Federal Credit Union for property located at 104 S. Washington Sq.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

3. In consideration of an Application for Exemption of New Personal Property submitted by MSU Federal Credit Union for property located at 104 S. Washington Sq.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

4. In consideration of an Ordinance of the City of Lansing to Amend the Employees' Retirement System, Chapter 292, Section 292.08 of the Lansing Codified Ordinances, to provide for a quorum of four trustees when the board has two or more trustee vacancies

RECEIVED AND PLACED ON FILE

5. In consideration of an Ordinance of the City of Lansing to Amend the Employees' Retirement System, Chapter 292, Section 292.04 and 292.05 of the Lansing Codified Ordinances, to provide that the retiree trustee of the retirement board be a Michigan resident and to change the title of the "Chief Personnel and Training Officer" trustee to the "Human Resources Director"

RECEIVED AND PLACED ON FILE

By Council Member Quinney

That the Council proceed to the order of Ordinances for Passage

Motion Carried

The Council proceeded to the order of:

ORDINANCES FOR PASSAGE

An Ordinance of the City of Lansing to Amend the Employees' Retirement System, Chapter 292, Section 292.08 of the Lansing Codified Ordinances, to provide for a quorum of four trustees when the board has two or more trustee vacancies

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

Yeas: Council Members Hewitt, Houghton, Jeffries, Quinney, Robinson, Wood, 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 #1155

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE EMPLOYEES' RETIREMENT SYSTEM, CHAPTER 292, SECTION 292.08 OF THE LANSING CODIFIED ORDINANCES, TO PROVIDE FOR A QUORUM OF FOUR TRUSTEES WHEN THE BOARD HAS TWO OR MORE TRUSTEE VACANCIES.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 292, Section 292.08, of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

Sec. 292.08 Voting; quorum; decisions.

- (a) Each Trustee shall be entitled to one vote on each question in the meetings of the Board of Trustees.
- (b) Five Trustees shall constitute a quorum at any meeting of the Board, EXCEPT WHEN A VACANCY EXISTS IN TWO OR MORE TRUSTEE OFFICES, THEN FOUR TRUSTEES SHALL CONSTITUTE A QUORUM.
- (c) A majority of concurring votes shall be necessary for a decision by the Trustees at any meeting of the Board.

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, Sections 292.04 and 292.05 of the Lansing Codified Ordinances, to provide that the retiree trustee of the retirement board be a Michigan resident, to provide for Michigan residency of the appointed trustee who is not a retiree or ERS member, and to change the title of the "Chief Personnel and Training Officer" trustee to the "Human Resources Director"

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

Yeas: Council Members Hewitt, Houghton, Jeffries, Quinney, Robinson, Wood, 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 #1156

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE EMPLOYEES' RETIREMENT SYSTEM, CHAPTER 292, SECTIONS 292.04 AND 292.05 OF THE LANSING CODIFIED ORDINANCES, TO PROVIDE THAT THE RETIREE TRUSTEE OF THE RETIREMENT BOARD BE A MICHIGAN RESIDENT, TO PROVIDE FOR MICHIGAN RESIDENCY OF THE APPOINTED TRUSTEE WHO IS NOT A RETIREE OR ERS MEMBER, AND TO CHANGE THE TITLE OF THE "CHIEF PERSONNEL AND TRAINING OFFICER" TRUSTEE TO THE "HUMAN RESOURCES DIRECTOR."

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 292, Sections 292.04 and 292.05, of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

292.04. Membership BOARD OF TRUSTEES; terms of office.

- (a) The Board of Trustees shall consist of nine trustees, as follows:
 - (1) The Mayor;
 - (2) A member of Council to be selected by, and to serve at the pleasure of, Council;
 - (3) The City Treasurer;
 - (4) ~~The Chief Personnel and Training Officer~~ HUMAN RESOURCES DIRECTOR;
 - (5) Three members of the retirement system to be elected by the members of the system under such rules and regulations as may from time to time be adopted by the Board, except that not more than one such elected member shall be from any one City department;
 - (6) A resident of ~~the City~~ MICHIGAN appointed by the Mayor, by and with the consent of City Council, who is not an ~~employee of the City~~ A MEMBER OF THE RETIREMENT SYSTEM and is not PRESENTLY eligible to receive benefits payable by the retirement system; and
 - (7) A resident of ~~the City~~ MICHIGAN appointed by the Mayor, by and with the consent of City Council, who is a retiree of the retirement system.

- (b) The regular term of office for such elected and appointed Trustees shall be four years.

292.05. Attendance at meetings; resignation; filling vacancies.

If an elected or appointed Trustee fails to attend three consecutive meetings of the Board of Trustees, unless in each case excused for cause by the remaining Trustees attending such meetings, or if a member Trustee leaves the employ of the City, or the retired appointed Trustee no longer resides in ~~the City~~ MICHIGAN, then such member shall be considered to have resigned from the Board and the Board shall, by resolution, declare the office of Trustee vacated as of the date of adoption of such resolution. If a vacancy occurs in the office of Trustee, the vacancy shall be filled within sixty days from and after the date of the vacancy, for the unexpired portion of the term, in the same manner as such office was previously filled.

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.

The Council proceeded to the order of:

CONSENT AGENDA

Council Member Hewitt asked that items 1a, 1b, 1c, 2a, 2b, 2c, 3a, 4a, 5a, 5b and 5c be removed from the consent agenda.

RESOLUTIONS

RESOLUTION #2010-245

BY COUNCILMEMBER 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 1604 Bailey, Parcel # 33-01-01-21-478-080 and Legal Description: N 6.86 Ft of E 63 Ft Lot 82 & E 63 Ft Lots 78 & 80 Torrance Farm Add 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 July 11, 2006, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on May 27, 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), and on whether 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, July 26, 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 1604 Bailey 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 #2010-246

BY COUNCILMEMBER 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 4613 Donald Street, Parcel # 33-01-01-33-407-011 and Legal Description: S 90 Ft Lot 26 Everett-Dale 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 22, 2004, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on May 24, 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, July 26, 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 4613 Donald Street 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 #2010-247

BY COUNCILMEMBER 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 801 N. Sycamore, Parcel # 33-01-01-09-357-031 and Legal Description: Lot 10 Block 2 O F Barnes Sub on Block 27 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 August 8, 2002, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on May 27, 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), and on whether 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, July 26, 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 801 N. Sycamore 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 #2010-248

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

Obsolete Property Rehabilitation Act Establishment of OPRA District
104 & 106 S. Washington Sq.

WHEREAS, the intending purchaser of property located at 104 & 106 S. Washington Sq. 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 as amended (the "Act"), and

WHEREAS, the owner is Michigan State University Federal Credit Union, hereinafter called the "Developer", and

WHEREAS, the Developer 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 Developer has, in writing, requested the District for the

Property and for the City of Lansing to take all necessary steps and actions to establish the District on their behalf, and

WHEREAS, the property in question and the proposed boundary of the District is legally described as: S 44 FT OF N 92 1/8 FT LOTS 1 & 2; BLOCK 110 ORIG PLAT, 33-01-01-16-325-070; and,

WHEREAS, the Act requires that before establishing the 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 and that said public hearing was held on July 12, 2010;

NOW THEREFORE BE IT RESOLVED that the following property is hereby approved and established as an Obsolete Property Rehabilitation District as provided by Public Act 146 of 2000 legally described as: S 44 FT OF N 92 1/8 FT LOTS 1 & 2; BLOCK 110 ORIG PLAT, 33-01-01-16-325-070, and

BE IT FINALLY RESOLVED that this resolution shall not be construed as the City Council's approval of any future application for an Obsolete Properties Rehabilitation Exemption Certificate for the Developer or any other applicant.

By Council Member Jeffries

Motion Carried

RESOLUTION #2010-249

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

Obsolete Property Rehabilitation Tax Exemption Certificate Approval,
104 & 106 S. Washington Sq.

WHEREAS, pursuant to the Michigan Obsolete Property Rehabilitation Act, being Public Act 146 of 2000 (PA 146 of 2000), Michigan State University Federal Credit Union has filed an application for an Obsolete Property Rehabilitation Exemption Certificate (OPT Certificate) with the Lansing City Clerk, for a proposed obsolete facility at 104 & 106 S. Washington Sq., Lansing, Michigan (Obsolete Property); and

WHEREAS, Michigan State University Federal Credit Union (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 July 12, 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 July 12, 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 30, 2010, the rehabilitation, renovation, and reconstruction of the Obsolete Property throughout the structure;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves of the issuance of an Obsolete Property Rehabilitation Exemption Certificate to Michigan State University Federal Credit Union, for the Obsolete Property located at 104 & 106 S. Washington Sq., Lansing, Michigan, legally described as:

S 44 FT OF N 92 1/8 FT LOTS 1 & 2; BLOCK 110 ORIG PLAT, 33-01-01-16-325-070,

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 and does not substantially impede the operation of the City of Lansing or impair its financial soundness.
2. The applicant is not delinquent in any taxes related to the facility.
3. All of the items required for 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 104 & 106 S. Washington Sq., 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 30, 2010 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 (Council Member Hewitt voting nay)

RESOLUTION #2010-250

BY THE PLANNING AND DEVELOPMENT COMMITTEE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
Approving a Personal Property Exemption

WHEREAS, pursuant to Public Act 328 of 1998 (1998 PA 328), Michigan State University Federal Credit Union (MSU-FCU) has made Application for Exemption of New Personal Property (PPE-01-2010) for property located at 104 & 106 S. Washington Sq. which is contained within the

Lansing Brownfield Redevelopment Zone, established by the Lansing City Council on August 18, 1997 pursuant to Act 381 of 1996, as amended, and

WHEREAS, a public hearing was held on July 12, 2010, on the Application for Exemption of New Personal Property, at which, and with advance written notice, the assessor and all representatives of affected taxing units were afforded an opportunity to appear and be heard on the application and exemption request; and

WHEREAS, the City is an eligible distressed community under Public Act 328 by containing NEZ classifications under Neighborhood Enterprise Zone Act of 1992, and as acknowledged in the State Tax Commission bulletin on exemption of new personal property to assessing officers, dated May 10, 1999; and

WHEREAS, Lansing Brownfield Redevelopment Zone is an eligible district under Public Act 198 of 1974, as amended, and it is within the jurisdiction of the City of Lansing and, therefore, within an eligible distressed community; and

WHEREAS MSU-FCU meets the requirements of an eligible business under Public Act 328 by being primarily engaged in Office Operations;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves the application of for exemption of new personal property (PPE-01-2010) pursuant to Public Act 328 of 1998, as amended, for that portion of the Lansing Brownfield Redevelopment Zone, legally described as: S 44 FT OF N 92 1/8 FT LOTS 1 & 2; BLOCK 110 ORIG PLAT 33-01-01-16-325-070, commonly known as 104 & 106 S. Washington Sq., Lansing, Michigan.

BE IT FURTHER RESOLVED that the personal property exemption (PPE-01-2010) under Public Act 328 shall be for the period of 12 years effective Dec. 31, 2010 and ending Dec 30, 2022.

BE IT FINALLY RESOLVED that the City Clerk shall cause the application for exemption of new personal property (PPE-01-2010) to be completed and shall cause the completed application and a copy of this Resolution to be filed with the State Tax Commission.

By Council Member Jeffries

Motion Carried (Council Member Hewitt voting nay)

RESOLUTION #2010-251

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

WHEREAS, the Code Compliance Manager has determined that the building located at 1125 W. Mt. Hope, Parcel # 33-01-01-29-202-251 legally described as: Lot 70 Block 31 Elmhurst No 1 Sub is an unsafe or dangerous building as defined in Section 1460.24 of the Lansing Uniform Housing Code and the Housing Law of Michigan and was red tagged on February 19, 2009; and

WHEREAS, a hearing was held by the Hearing Officers on April 22, 2010, at which the Hearing Officers determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by May 22, 2010; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and requested the City Council to take appropriate action under the Lansing Housing and Premises Code and the Housing Law of Michigan; and

WHEREAS, the Housing Law of Michigan and Premises Code require 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; and

WHEREAS, the City Council held a public hearing on June 28, 2010, to review the findings and the order of the Hearing Officers and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe; and

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

NOW, THEREFORE, BE IT RESOLVED that the owner(s) of 1125 W. Mt. Hope are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within sixty days from the date of this resolution, Monday, July 12, 2010.

BE IT FURTHER RESOLVED that the property owner(s) is hereby notified that this order must be appealed within twenty days pursuant to MCL 125.542 and should the owners fail to comply with the Hearing Officers' order for demolition or make safe, the Manager of Code Compliance is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED whether demolition is accomplished by said property owner or the city that appropriate seeding and restoration of property take place to avoid run-off to adjacent properties.

BE IT FURTHER RESOLVED that the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor.

BE IT FINALLY RESOLVED that the owners in whose name the property appears upon the last local tax assessment record shall be notified by the City Assessor of the amount of such cost by first class mail at the address shown on the records. Upon the owners failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the amount of said costs shall be a lien and shall be filed and recovered as provided by law and the lien shall be collected and treated in the same manner as provided for property tax liens under the general property tax act.

By Council Member Wood

Motion Carried (Council Members Houghton and Quinney voting nay)

RESOLUTION #2010-252

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

WHEREAS, the City of Lansing is named as defendant in a workers' compensation action, 2062876 WC10002747001, involving alleged work related injuries/illnesses; and

WHEREAS, it is proposed that the action be resolved by virtue of entering into a settlement agreement, in which the City of Lansing would agree to pay Plaintiff the sum of Thirty One Thousand Dollars (\$31,000.00) in exchange for a complete redemption and release of the City from any past, present, and future liability regarding any alleged injuries/illnesses whatsoever; and

WHEREAS, the Mayor recommends the proposed settlement, the Human Resources Department, the City of Lansing's Fund Administrator, and the City Attorney;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves payment of Thirty-One Thousand Dollars (\$31,000.00) pursuant to said proposed settlement agreement as a full and final settlement of said action.

BE IT FINALLY RESOLVED that the Law Department is authorized to prepare and execute the requisite documents to complete settlement of the aforementioned lawsuit.

By Council Member Wood

Motion Carried

RESOLUTION #2010-253

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

WHEREAS, Chief Deputy City Attorney Jack Roberts has served under 5 different Mayors and twice as many City Attorneys; and

WHEREAS, Jack has been Acting City Attorney twice; and

WHEREAS, Jack has been at the forefront of decades' worth of major development deals, which have literally transformed the City's skyline, including the National Headquarters for Accident Fund, the Michigan Hall of Justice, Constitution Hall, the Michigan State Police Building, the Michigan House of Representatives Office Building, the headquarters of the Michigan Manufacturers Association, the Michigan Catholic Conference, and the Michigan Chamber of Commerce, the Lansing Center, and Thomas M. Cooley Law School Stadium, the home of the Lansing Lugnuts; and

WHEREAS, Jack has also been at the forefront of nearly every other major legal and political issue to face the City in these decades; and

WHEREAS, Jack's intellect, integrity, wits and wisdom have made him a City Hall legend; and

WHEREAS; after two separate tours and of duty and over 28 years of service to the City of Lansing, Jack has announced his retirement; and

WHEREAS, Jack has left an indelible impression not only on all he touched in City Hall, but on City Hall itself;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lansing offers Jack Roberts its deepest gratitude for his service to the City and its warmest congratulations on his retirement from the City; we wish him the best in the future and thank him for his best in the past.

By Council Member Quinney

Motion Carried

RESOLUTION #2010-254

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

WHEREAS, the City of Lansing Fire Department Office of Emergency Management requests the Lansing City Council to accept and adopt the Michigan Emergency Management Assistance Compact; and

WHEREAS, the State of Michigan Emergency Management Act 390 of the Public Acts of 1976, as amended M.C.L. 30.401 et.seq. Authorizes the State and its political subdivisions to provide emergency aid and assistance in the event of a disaster or emergency; and

WHEREAS, the statutes also authorize the State to coordinate the provision of any equipment, services, or facilities owned or organized by the State or its political subdivisions for use in the affected area upon request of the duly constituted authority of the area; and

WHEREAS, this Resolution authorizes the request, provision, and receipt of Inter-jurisdictional mutual assistance in accordance with the Emergency Management Act, Act 390 of the Public Acts of 1976, as amended among political subdivisions within the State; and

WHEREAS, the Department of Homeland Security has developed the National Preparedness Goal, which establishes a vision for a National

Preparedness System and establishes seven National Priorities, one of which is expanded regional collaboration, in order to enhance coordinated development of capabilities for the National Preparedness Goal; and

NOW, THEREFORE, BE IT RESOLVED that in order to maximize the prompt, full, and effective use of resources of all participating governments in the event of an emergency or disaster, Lansing City Council, hereby, adopts the Michigan Emergency Management Assistance Compact as placed it on file with the City Clerk on July 12, 2010.

By Council Member Quinney

Motion Carried

RESOLUTION #2010-255

BY THE COMMITTEE OF THE WHOLE
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:

Meridian Entertainment Group and Kevin L. Meyer of Great Lakes Fireworks for a public display of fireworks in the City of Lansing at 333 North Cedar Street to be held on July 18, 2010 with a rain.

By Council Member Quinney

Motion Carried

RESOLUTION #2010-256

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

WHEREAS, an application filed by Ammahad Shekarakki to rename Main Street as Malcolm X was submitted and referred to the Memorial Review Board; and

WHEREAS, the Memorial Review Board did not act upon the application within the 90 day timeframe pursuant to Ordinance #1145 and was referred to the Committee on General Services on June 28, 2010; and

WHEREAS, pursuant to Ordinance #1145 a public hearing must be published 30 days prior to the public hearing date;

NOW, THEREFORE, BE IT RESOLVED that a Public Hearing be held on August 23, 2010 at 7:00 p.m. in the City Council Chambers, Tenth Floor, City Hall, 124 West Michigan Avenue, Lansing, Michigan to receive public comment on and to consider renaming Main Street as Malcolm X.

By Council Member Quinney

Motion Carried

RESOLUTION #2010-257

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

WHEREAS, the Mayor made the appointment of Scott Dedic to an At-Large seat on the Employee Retirement System Board of Trustees, the position formerly held by Michael C. Murphy, for a 4-year term to expire June 30, 2014; and

WHEREAS, the Committee of the Whole met on Monday, July 12, 2010 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Scott Dedic to an At-Large seat on the Employee Retirement System Board of Trustees, the position formerly held by Michael C. Murphy, for a 4-year term to expire June 30, 2014.

By Council Member Quinney

Motion Carried

The City Council Returned to the order of:

CONSIDERATION OF LATE ITEMS

By Council Member Quinney

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 Robinson; Setting a Public Hearing for July 26, 2010 in consideration of an Application for Exemption of New Personal Property Filed by General Motors, LLC for property located at 920 Townsend Ave.

Council Member Jeffries asked that, since the vote on this matter has to take place the night of the public hearing, that another public hearing be held prior to July 26, 2010. He stated that when public hearings are held on the same night as the vote on an item the public could ascertain that the vote was a foregone conclusion, rendering their comments meaningless.

City Attorney Smith stated public hearings are required for this type of action and another hearing could be held at the next Committee of the Whole meeting.

Council Member Quinney, acting as chair, stated that he would work to make that happen.

RESOLUTION #2010-258

BY COUNCILMEMBER A'LYNNE ROBINSON
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Setting a Public Hearing for a Personal Property Exemption

WHEREAS, pursuant to Public Act 328 of 1998, General Motors LLC, has made Application for Exemption of New Personal Property (PPE-02-2010) for an area commonly known as 920 Townsend Avenue which is contained within Lansing Industrial District (IDD-02-1999), established, by the Lansing City Council on May 17, 1999 pursuant to Public Act 198 of 1974, as amended, and

WHEREAS, prior to acting upon this request, the City desires to hold a public hearing on General Motors LLC's Application for Exemption of New Personal Property (PPE-02-2010), to allow for all residents, taxpayers and other interested persons 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 July 26, 2010, on General Motors LLC's application for New Personal Property Exemption on the following described property:

Beginning at the Northeast corner of Block 179, of the Original Plat of the Town of Michigan, now City of Lansing, recorded in Liber 2 of Plats,

Pages 36, 37 and 38, Ingham County Records, hereinafter referred to as the Original Plat of the City of Lansing, Ingham County, Michigan; thence along the West right of way line of Walnut Street, as platted in said Original Plat S00°12'42"E 761.11 feet to the Southeast corner of Block 186 of said Plat; thence along the North right of way line of Olds Avenue N89°23'42"E 412.50 feet to the Southeast corner of Block 187 of said Plat; thence along the West right of way line of Townsend Street S00°41'15"E 560.18 feet to the South right of way line of Elm Street, said line also being the North line of Block 2, Ann Barnes Addition to the City of Lansing, recorded in Liber 3 of Plats, Page 10, Ingham County Records; thence N89°52'46"E 87.78 feet to the Northeast corner of said Block 2; thence S00°41'20"E 41.25 feet along the East line of said Block; thence continuing along the South line of Elm Street N89°52'46"E 323.75 feet; thence along the Westerly bank of the Grand River the following three courses, S09°03'51"W 358.42 feet; thence S05°15'11"E 281.82 feet; thence S06°21'21"E 203.92 feet to the Northerly right of way line of the Grand Trunk Western Rail Road; thence along said right of way line S89°14'12"W 1039.08 feet; thence along the East face of the East wall line of Building 52 and its Southerly projection N00°23'45"W 236.54 feet; thence along the North face of the North wall line of Building 52 S89°35'10"W 308.43 feet; thence along the East face of the East wall line of Building 56 N00°32'37"W 173.99 feet; thence along the North face of the North wall line of Building 56 S89°31'08"W 247.87 feet; thence along the East face of the East wall line of Building 34 and its Northerly projection N00°32'22"W 576.59 feet to the Easterly projection of the South line of Block 192 of said Original Plat of the City of Lansing; thence along said South line of the South line of Block 193 and its Westerly projection S89°37'25"W 647.26 feet to the Southerly projection of the East line of Blocks 1 and 2 of Morrison's Subdivision, recorded in Liber 35 of Plats, Page 582, Ingham County Records; thence along said East line N00°31'23"W 808.50 feet to the Northeast corner of Block 2 of Morrison's Subdivision; thence along the North line of said Block 2 being the South right of way line of Williams Street and the South right of way line of Williams Street as platted in Assessor's Plat No. 3 of the City of Lansing, recorded in Liber 10 of Plats, Page 11, Ingham County Records S89°08'40"W 699.10 feet; thence N00°25'33"W 412.50 feet to the South right of way line of Main Street as platted in said Assessor's Plat No. 3; thence along said South right of way line and the South right of way line of Main Street as platted in said Morrison's Subdivision N89°08'40"E 765.60 feet to the Northwest corner of Block 182 of said Original Plat of the City of Lansing; thence continuing along the south right of way line of Main Street S89°37'25"E 1389.09 feet to the point of beginning, containing 3,596,509 square feet of land more or less, being 82.5645 acres, more or less; Commonly known as 920 Townsend Avenue, Lansing, Michigan,

and, that the City Clerk cause to be published in a publication of general circulation, giving notice of such hearing, and that the City Clerk also shall notify the Lansing City Assessor and the legislative body of each taxing unit that levies ad valorem property taxes in the eligible local assessing district in which the eligible district is located. Before acting on the resolution, the Lansing City Council shall afford an opportunity for all residents, taxpayers of the City of Lansing, other interested persons, including but not limited to the City Assessor and representatives of the affected taxing units, to appear and be heard on the approval of a New Personal Property Exemption (PPE-02-2010).

By Council Member Robinson

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

Motion Carried

Council Members Hewitt and Jeffries left the meeting at 8:36 p.m.

- Reports from City Officers, Boards and Commissions:

- a. Letter from the City Clerk expressing support for Applications for Naming and Renaming Memorials in the City of Lansing for Malcolm X and Cesar Chavez by members of the Memorial Review Board

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- b. Letters from the Mayor re:
 - i. Planning Board Recommendations regarding Z-4-2010; 1301 E. Miller Rd., a request from Dennis Stiffler to rezone the property located at 1301 E. Miller Rd. from "H" Light Industrial, "G-2" Wholesale and "J" Parking Districts to "D-1" Professional Office District to permit the building at this location to be used for a combination of residential and office purposes.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- ii. Z-3-2010; 2925 and 2935 N. East St., a request from Parviz Soroughian to rezone the property located at 2925 and 2935 N. East St. from "F" Commercial District to "E-1" Apartment Shop District to allow the buildings at this location to be used either exclusively for residential, light commercial or office use or for any combination of those uses

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iii. SLU-4-2010; Vacant property located between 3310 and 3320 Bardaville Dr., a request by Woodside E & D, LLC to construct a church on the vacant property located between 3310 and 3320 Bardaville Dr.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- iv. SLU-5-2010; 230 Bingham St., a request by Reformed Church of America, Classis South Grand Rapids, Blacksoil Church to utilize the first floor of the building located at 230 Bingham St. for a church.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- v. Application for Exemption of New Personal Property for General Motors, LLC

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- vi. Sole Source Purchase; Public Service Department/Wastewater Division request for Duperon Corporation as the vendor for Close Out Plates

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

- vii. Sole Source Purchase; Public Service Department/Wastewater Division request for Cutler-Hammer as the vendor for Adjustable Frequency Drives

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

- vii. Confirmation of Appointment of Scott Dedic to the Employee Retirement System Board of Trustees for an At-Large Term to Expire June 30, 2014

*SUSPENSION ITEM - RECEIVED AND PLACED ON FILE

- Communications and Petitions, and Other City Related Matters:

- a. Letter from the State of Michigan Liquor Control Commission providing 15-Day Notice of a application from N Johnson LLC requesting to Transfer Ownership of 2010 Specially Designated Merchant (SDM) Licensed Business from M.S.3. LLC, located at 820 W. Miller Rd.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

**REMARKS BY THE MAYOR
OR EXECUTIVE ASSISTANT**

Jerry Ambrose, Executive Assistant to Mayor Bernero, thanked the City Council for approving the Resolution to Set a Public Hearing in consideration of an Application for Exemption of New Personal Property for General Motors, LLC. He announced the next Mobile Food Pantry.

MOTION OF EXCUSED ABSENCE

By Council Member Wood

To excuse Council Member Dunbar from tonight's proceedings

Motion Carried

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

- John Pollard of 1718 Blair St. spoke about various city matters.
- Willy Williams of P.O. Box 11042 spoke about various city matters.
- Frank S. Curtis X of 1137 W. Allegan St. spoke about various city matters.
- Michael Mercer of 4530 Sycamore St. in Delhi Township spoke about various city matters.
- Joel Christie of 1125 W. Mt. Hope Ave. spoke about his efforts to rehabilitate his property located at 1125 W. Mt. Hope Ave.

ADJOURNED TIME 8:59 P.M.

CHRIS SWOPE, CITY CLERK