



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF AUGUST 23, 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, Houghton, Jeffries, Quinney, Robinson, Wood

ABSENT: Council Members Dunbar (Arrived at 7:35 p.m.) and Yorko (Arrived at 7:13 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 August 9 and 16, 2010

Motion carried

SPECIAL CEREMONIES

- Special Ceremonies

1. Presentation; Recognition of City of Lansing Retirees for June, 2010

President Robinson thanked the retirees present for all of their service to the City of Lansing and stated that she appreciated all of their work over the years. She read the names of the retirees present and handed them certificates.

Mayor Bernero spoke of his appreciation for city employees.

Council Member Yorko arrived at the meeting at 7:13 p.m.

Following a list of the recent retirees honored:

Robert Antekeier
Todd Burnett
Jimmy Butt
Carl Callile
Bradley Clemens
Ronald Detzler
Joseph Dionise
Estela Escamilla
Bruce Ferguson
David Ford
Charles Fulger
Richard Hansel
Peter Haueter
Paul Hayes
Ratana Hayes
Annette Hein
Cheryl Hill

Steven Hudson
Orval Huff
Sharon Johnson
Frank Koenigsnecht
John Kutt
Christine Kutt
Joan Lenhard
Andrew Lindeman
Denise Lynch
Clifford Mansfield
William Martin
Oscar Mazuca
Geraldyn McClymont
Richard Meaton
Kim Mingus
Edward Monroe
Suzanne Moore
Mikel Myers
Denise Packer
Daniel Perrone
Stephen Person
Jamie Peterson
David Phelps
Sue Podleski
Verne Read
Rick Reed
Steven Relyea
Mark Russ
Scott Schuelke
Paul Smith
Leslie Snyder
Eric Stinson
Joseph Walsdorf
Robert Welling
Craig Wilson
Dennis Wirth

COUNCIL MEMBERS' COMMENTS AND CITY CLERK'S ANNOUNCEMENTS:

Council Member Quinney spoke about the upcoming Lansing Mosaic Festival and the Red Hacker Basketball Classic.

Council Member Hewitt stated that changes to the snow removal ordinance will be discussed at the upcoming Public Service Committee meeting.

Council Member Wood spoke about the Torch Run for Special Olympics.

President Robinson spoke about the South Side Showcase and announced the next Averill Woods neighborhood meeting.

Council Member Wood spoke about the Bless Fest event.

Council Member Yorko congratulated the Old Town Commercial Association and the Lansing for Cesar Chavez Committee on their work to honor Cesar Chavez. She also spoke about a home rehabilitation project in the Genesee neighborhood.

COMMUNITY EVENT ANNOUNCEMENTS

Monique Smith announced a Walk for Christ and Christian Festival.

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

Mayor Bernero spoke about the recent Mobile Food Pantry and announced the next one. He spoke about several items on tonight's agenda including the Public Hearing on Z-5-2010 and the Obsolete Property Rehabilitation Act (OPRA) Certificate Application submitted by Foresight Property Investment LLC. He spoke about the upcoming Ramadan Unity Dinner, 100th Anniversary Celebration for the Lansing Police Department Motorcycle Unit, the Lansing Community College Caribbean Festival and the Lansing Mosaic Festival. He thanked the Lansing Police and Fire Departments on their response to the Haverhill Dr. and Haag Rd. bomb scare.

Council Member Dunbar arrived at the meeting at 7:35 p.m.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of an application filed by Ammahad Shekarakki to rename Main Street as Malcolm X Street
2. In consideration of 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
3. In consideration of 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
4. In consideration of Z-5-2010; 717 E. Shiawassee St., a request from Neogen Corporation to rezone the property at 717 E. Shiawassee Street from "A" Residential to "H" Light Industrial to utilize the property for laboratories, warehousing, assembly, light manufacturing and offices as part of its operations
5. In consideration of an Ordinance of the City of Lansing, Michigan to Amend Title 6 of the Planning and Zoning Code, Part 12 of the Codified Ordinances of the City of Lansing by Adding Chapter 1279 to establish and regulate overlay districts in certain geographic areas of the city

Council Member Quinney gave a brief overview of Public Hearing #1.

Council Member Jeffries gave a brief overview of Public Hearing #2, #3, #4 and #5.

William Hubbell of 3916 Wedgewood Dr. spoke in support of renaming Main Street as Malcolm X Street.

Loretta Stanaway of 546 Armstrong Rd. stated concerns with renaming streets.

Dale Martin of 1520 E. Main St. spoke in opposition to renaming Main Street as Malcolm X Street.

Ammahad-Shekarakki of 902 W. Willow St. spoke in support of renaming Main Street as Malcolm X Street.

Dennis Burnside of 1725 Sunnyside, Delta Twp., spoke in support of renaming Main Street as Malcolm X Street.

Doug Warren of 3122 Amherst Dr. spoke in support of renaming Main Street as Malcolm X Street.

Caroline Bolton of 1356 S. College Rd., Aurelius Twp. spoke in support of renaming Main Street as Malcolm X Street.

L'Sana Djahspora of 2400 Belaire Dr. spoke in support of renaming Main Street as Malcolm X Street.

Rick Kibbey of 1609 E. Kalamazoo St. spoke in support of Z-5-2010, SLU-5-2010 and an Ordinance of the City of Lansing, Michigan to Amend Title 6 of the Planning and Zoning Code, Part 12 of the Codified Ordinances of the City of Lansing by Adding Chapter 1279 to establish and regulate overlay districts in certain geographic areas of the city.

Willie Davis of 1136 Shepard St. spoke in support of renaming Main Street as Malcolm X Street.

John Pollard of 1718 Blair St. spoke in support of renaming Main Street as Malcolm X Street.

Richard Ferguson of 206 E. Main St. spoke in opposition to renaming Main Street as Malcolm X Street.

Kathi Raffone of 1221 Muskegon Ave. spoke in support of renaming Main Street as Malcolm X Street.

Charlene Decker of 2711 Pleasant Grove Rd. spoke in support of renaming Main Street as Malcolm X Street.

Samuel Nealy of 326 W. Grand River Ave. spoke in support of renaming Main Street as Malcolm X Street.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke in support of renaming Main Street as Malcolm X Street.

Willy Williams of P.O. Box 11042 spoke in opposition to renaming Main Street as Malcolm X Street.

Apaxu Maiz of 724 W. Genesee St. spoke in support of renaming Main Street as Malcolm X Street.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of an application filed by Ammahad Shekarakki to rename Main Street as Malcolm X Street

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

2. In consideration of 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

3. In consideration of 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

4. In consideration of Z-5-2010; 717 E. Shiawassee St., a request from Neogen Corporation to rezone the property at 717 E. Shiawassee Street from "A" Residential to "H" Light Industrial to utilize the property for laboratories, warehousing, assembly, light manufacturing and offices as part of its operations

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

5. In consideration of an Ordinance of the City of Lansing, Michigan to Amend Title 6 of the Planning and Zoning Code, Part 12 of the Codified Ordinances of the City of Lansing by Adding Chapter 1279 to establish and regulate overlay districts in certain geographic areas of the city

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

LEGISLATIVE MATTERS

CONSENT AGENDA

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

RESOLUTIONS

RESOLUTION #2010-293

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

Obsolete Property Rehabilitation Tax Exemption Certificate Approval,
2822 N. Martin Luther King Jr. Blvd.

WHEREAS, pursuant to the Michigan Obsolete Property Rehabilitation Act, being Public Act 146 of 2000 (PA 146 of 2000), Foresight Property Investment LLC has filed an application for an Obsolete Property Rehabilitation Exemption Certificate (OPT Certificate) with the Lansing City Clerk, for a proposed obsolete facility at 2822 N. Martin Luther King Jr. Blvd., Lansing, Michigan (Obsolete Property); and

WHEREAS, Foresight Property Investment LLC (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 June 28, 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 August 9, 2010 on the Developer's application for an OPT Certificate, after proper notice was made, pursuant to section 4(2) of PA 146 of 2000; and

WHEREAS, the Developer has represented and committed to the City to undertake, and complete not later than December 31, 2012, the rehabilitation, renovation, and reconstruction of the Obsolete Property into a new office and state of the manufacturing facility 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 Foresight Property Investment LLC, for the Obsolete Property located at 2822 N. Martin Luther King Jr. Blvd., Lansing, Michigan, 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.

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 described on line 9 of the Application for Obsolete Property Rehabilitation Exemption Certificate have been provided to the City of Lansing by the applicant.
4. The application is for obsolete property as defined in section 2(h) of PA 146 of 2000.
5. The commencement of rehabilitation activities of the facility did not occur prior to the establishment of the Obsolete Properties Rehabilitation District.
6. The application relates to the rehabilitation program for the building located at 2822 N. Martin Luther King Jr. Blvd., Lansing, Michigan and, when completed, will constitute a rehabilitated facility within the meaning of PA 146 of 2000 and the facility is situated within the Obsolete Property Rehabilitation District established by the City of Lansing, which is a Qualified Local Governmental Unit eligible under PA 146 of 2000 to establish such a district.
7. The completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, create some employment, and revitalize an urban area.
8. The rehabilitation includes improvements aggregating ten percent (10%) or more of the true cash value of the property at the commencement of the rehabilitation as provided by section 2(L) of PA 146 of 2000.

9. The rehabilitation must be completed not later than December, 31, 2012 as evidence by the issuance of a Certificate of Occupancy from the City of Lansing Building Safety Office.

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

By Council Member Jeffries

Motion Carried

RESOLUTION #2010-294

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

SLU-5-2010
230 Bingham Street
Church in the "C" Residential District

WHEREAS, the applicant, Reformed Church of America, Classis South Grand Rapids, Blacksoil Church, has requested a Special Land Use permit (SLU-5-2010) to establish a church in the building at 230 Bingham Street; and

WHEREAS, the property is zoned "C" Residential District where churches are permitted subject to obtaining a special land use permit; and

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

WHEREAS, the Board of Zoning Appeals, at its May 13, 2010 meeting, approved variances to the street classification, lot size and parking requirements to permit a church with seating for up to 75 persons at 230 Bingham Street, and

WHEREAS, the Planning Board held a public hearing on June 15, 2010, at which the applicant's representative spoke in favor of the request and no other comments were received; and

WHEREAS, the Planning Board (based upon testimony, evidence and the staff report) at its June 23, 2010 meeting, voted unanimously (3-0) to recommend approval of SLU-5-2010 to permit a church at 230 Bingham Street; and

WHEREAS, the City Council held a public hearing regarding SLU-5-2010 on August 9, 2010; and

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

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves SLU-5-2010 to establish a church at 230 Bingham Street.

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

BE IT FINALLY RESOLVED that in granting this request, the City Council determines the following:

1. The proposed church is compatible with the essential character of the surrounding area, as designed.

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

By Council Member Jeffries

Motion Carried

RESOLUTION #2010-295

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

WHEREAS, Fabulous Acres has requested \$500.00 to defray costs associated with the Neighborhood Festival and Block Party held on August 14, 2010; and

WHEREAS, the Committee on General Services met on Monday, August 16, 2010 to review the request and took affirmative action; and

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

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, approves an allocation of \$500.00 from the Community Funding Account to Fabulous Acres to defray costs associated with the Neighborhood Festival and Block Party held on August 14, 2010;

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

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

By Council Member Quinney

Motion Carried

RESOLUTION #2010-296

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

WHEREAS, the Licensing and Enforcement Division of the Michigan Liquor Control Commission received a request from Craig Landes & Jack Oliver to Transfer Ownership of 2010 Class C Licensed Business, located at 1145-1147 S. Washington Ave., Lansing, MI 48910, Ingham County from M.I.K., Inc. to Mad Bags, LLC; & Requests New Dance-Entertainment Permit; and

WHEREAS, the Committee on General Services met on Monday, August 16, 2010 to review the request with affirmative action taken;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the request from Craig Landes & Jack Oliverto Transfer Ownership of 2010 Class C Licensed Business, located at 1145-1147 S. Washington Ave., Lansing, MI 48910, Ingham County from M.I.K., Inc. to Mad Bags, LLC; & Requests New Dance-Entertainment Permit;

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

By Council Member Quinney

Motion Carried

RESOLUTION #2010-297

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

WHEREAS, Charles and Deborah McCort sought to eliminate special assessment of \$433.00 for Grass and Weeds and all associated penalties and interest on the property tax bill of 2403 Dillingham, Lansing, Michigan; and

WHEREAS, the Committee on General Services met on Monday, August 16, 2010 to review the claim;

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby, approves the claim filed by Charles and Deborah McCort on the special assessment of \$433.00 for Grass and Weeds and all associated penalties and interest on the property tax bill of 2403 Dillingham, 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 #2010-298

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 4613 Donald, Parcel # 33-01-01-33-407-011 legally described as: S 90 Ft Lot 26 Everett-Dale 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 April 22, 2004; and

WHEREAS, a hearing was held by the Hearing Officers on May 27, 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 June 27, 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 July 26, 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 4613 Donald 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, August 23, 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

RESOLUTION #2010-299

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

Resolution Authorizing the City Treasurer to provide a Check-off Box on Income Tax Forms which allow taxpayers to Designate Refunds for Specific Designated Purposes

WHEREAS, many cities that impose an income tax currently provide a check-off box on their income tax return forms, allowing taxpayers to designate their refunds or additional payments to the City for certain purposes; and

WHEREAS, the City expends funds on processing and mailing many income tax refunds of negligible value; and

WHEREAS, the City Treasurer has determined that it is feasible to provide a check-off box on the City's income tax return forms; and

WHEREAS, the City Income Tax Act, being MCL 141.501 *et seq* and Public Act 284 of 1964, and the Uniform City Income Tax Ordinance, adopted by the City in Chapter 882 of the Lansing Codified Ordinances, allows the City Treasurer to establish rules and regulations relating to the administration and enforcement of the Income Tax Ordinance with the approval of City Council and after publishing such rules in the official newspaper of the City;

NOW, THEREFORE, BE IT RESOLVED, that the City Treasurer may provide a check-off box on the City's income tax return forms, allowing taxpayers to designate all or any portion of their refunds or additional payments to the City for the purpose of:

- Supporting the HOPE Scholarship Fund
- Assistance to the homeless

- Increasing police overtime for problem solving

BE IT FURTHER RESOLVED that any check-off box placed on the City's income tax return forms pursuant to this resolution shall state the purpose for which the designated funds will be used.

By Council Member Wood

Motion Carried

RESOLUTION #2010-300

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

WHEREAS, The Give a Gift Foundation, Inc. has requested a resolution of recognition as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, the applicant qualifies as a Local Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, recognizes The Give a Gift Foundation, Inc. as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license.

BE IT FURTHER RESOLVED the City Clerk is requested to provide a copy of this resolution to The Give a Gift Foundation, Inc. of 28351 Gratiot Ave., Roseville, MI48066.

By Council Member Dunbar

Motion Carried

RESOLUTION #2010-301

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

WHEREAS, the City of Lansing (Employer) established the City of Lansing Public or Section 501 Tax – Exempt Employer Deferred Compensation Plan Pursuant to Section 457 of the Internal Revenue Code, a/k/a the Deferred Compensation Plan (the 457 Plan), effective July 1, 1985; and

WHEREAS, the new collective bargaining agreement between the City of Lansing and UAW Local 2256, Lansing City Unit, ratified March 8, 2010, (the CAB) provides in part for the City, as the Employer, to match a participating union employee's 457 Plan annual contribution of \$250; and

WHEREAS, the existing 457 Plan must first be amended to permit Employer plan contributions before this CAB provision can be effectuated; and

WHEREAS, the City, as Employer, desires to modify the 457 Plan by amending Section 4.02 and adding a new subsection 4.02g to conform to IRS Code requirements and to permit Employer contributions to be made under the 457 Plan; and

WHEREAS, the federal government enacted the Pension Protection Act of 2006 ("PPA") that provided for certain amendments to the Internal Revenue Code ("IRC") and requires Employer sponsored 457 Plans must be amended to comply with PPA changes; and

WHEREAS, the IRC requires the City's 457 Plan be amended specifically to make the following changes:

- All required distribution notices (for example, Notice of the employee's right to make a direct rollover to an IRA) had been subject to a 90-day maximum notice period. This maximum notice period is now 180 days.

- Distributions made to both spouse beneficiaries and non-spouse beneficiaries are eligible distributions that may be rolled into an IRA. Distributions made to a spouse beneficiary may also be rolled into another eligible retirement plane.
- Certain Employer contributions (such as discretionary matching contribution) made to the Plan for a year during which the participant is in "qualified military service" are required to be made for the benefit of the participant's surviving spouse.

WHEREAS, the City Attorney has presented the proposed 457 Plan amendments;

NOW, THEREFORE, BE IT RESOLVED that the City, as Employer, hereby amends the City of Lansing 457 Deferred Compensation Plan as follows, with the effective date of these amendments being the date of this resolution unless otherwise set forth below:

1. Effective for limitation years beginning on and after January 1, 2008, the first paragraph of Section 2.03a. is replaced with the following:

Normal Limitations: The maximum amount that may be deferred under this Plan for Participant's taxable year (except as provided in Subsections 2.03b. and 2.03c) is the amount prescribed under Code Sections 415 and 457(e)(15) and the related Treasury regulations that are incorporated herein by reference.

2. Section 2.05 is replaced with the following:

Separation From Service: The severance of the Participant's employment with the Employer whereby the Participant thereafter is not providing services to the Employer; provided, however, in the event a Participant terminates employment with the Employer and then resumes employment with the Employer within six (6) months of said termination date, there shall be a rebuttable presumption that the prior termination was not a Separation from Service and therefore, not an event that, in itself, allows the Participant to commence (or continue to receive) benefit payments under the Plan.

3. The second sentence of Section 4.02a. is replaced with the following:

The Participation Agreement will become effective no earlier than the first day of the calendar month following the date on which the Agreement is executed or any subsequent date that is administratively feasible as determined by the Employer.

4. Effective on and after the first day of the month immediately following the date this Amendment is adopted, Section 4.02 is amended by the addition of the following subsection 4.02g.:

g. The Employer may, in its sole discretion, declare a contribution to the Plan. Any such contribution shall be in the amount determined by the Employer's governing Board (subject to the overall annual contribution limits under the Plan as set forth in Plan Section 2.03 and Code Sections 414(v), 415 and 457(e) as applicable) and shall be allocated to such employee groups as determined by the governing Board.

5. Section 6.01a.(i) is amended by the addition of the following paragraph:

Subject to subsection c. below, benefits payable under the Plan may be distributed, at the Participant's election, upon the Participant's Separation from Service; provided

however, if a Participant has elected to receive benefit payments on account of a Separation from Service and his termination is then deemed to not meet the requirements of a Separation from Service pursuant to Section 2.05 above, then benefit payments shall not commence (or if applicable, any remaining benefit payments shall cease) and shall not commence (or if applicable, resume) until the occurrence of a distribution event otherwise permitted under the Plan.

6. Section 6.01b. is amended by the addition of the following paragraph at the end thereof:

All distributions under the Plan shall be made in accordance with Code Section 401(a)(9), the incidental death benefit rule and a special rules requiring death benefit to be paid at least as rapidly as any pre-death benefits and over a period no longer than fifteen (15) years or the life expectancy of the Participant's surviving spouse.

7. Effective in the case of a death occurring on or after January 1, 2007, Article VIII is amended by the addition of the following Section 8.03:

If a Participant dies while performing qualified service (as defined in Code Section 414(u)), the survivors of the Participant are entitled to any additional benefits (other than benefits relating to the period of qualified military service) provided under the Plan as if the Participant had resumed employment and then terminated employment on account of his death.

8. Effective for distributions made after December 13, 2007, Section 12.01 is amended by the addition of the following subsection 12.01e.:

e. The election described in subsection a. also applies to a non-spouse beneficiary who is a "designated beneficiary" under Code Section 401(a)(9)(E) and the regulations thereunder. Such beneficiary may, by a direct trustee-to-trustee transfer ("direct rollover"), roll over all or any portion of his distribution to an individual retirement account established by the beneficiary for purposes of receiving the distribution. In order to be able to roll over the distribution, the distribution otherwise must satisfy the definition of an eligible rollover distribution. If a non-spouse beneficiary receives a distribution from the Plan, the distribution is not eligible for a "60-day" rollover.

If the Participant's named beneficiary is a trust, the Plan may make a direct rollover to an individual retirement account on behalf of the trust, provided the trust satisfies the requirements to be a designated beneficiary within the meaning of Code Section 401(a)(9)(E).

A non-spouse beneficiary may not roll over an amount that is a required minimum distribution, as determined under applicable Treasury regulations and other Internal Revenue Service guidance. If the Participant dies before his required beginning date and the non-spouse beneficiary rolls over to an IRA the maximum amount eligible for rollover, the beneficiary may elect to use either the 5-year rule or the life expectancy rule, pursuant to Treas. Reg. Section 1.401(a)(9)-3, A-4(c), in determining the required minimum distributions from the IRA that receives the non-spouse beneficiary's distribution.

9. Effective for distributions made after December 31, 2006, Section 12.02 is replaced with the following:

Written Explanation Rollover Eligibility Provided: Within a reasonable period of time, not to exceed 180 days, in advance of making an eligible rollover distribution from the Plan, the Plan's administrator shall provide a written explanation of rollover eligibility to the recipient as required by Code Section 402(f).

BE IT FINALLY RESOLVED that the City of Lansing Deferred Compensation Committee is hereby authorized to pass resolutions, sign documents and take such other action necessary and appropriate to effectuate and administer subsection 4.02g in conformity with the Employer's UAW \$250 match contribution pursuant to the March 8, 2010 CAB and any other duly established Employer contributions made pursuant to the new subsection 4.02g of the 457 Plan.

By Council Member Dunbar

Motion Carried

SPEAKER REGISTRATION FOR PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS

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

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

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

Motion Carried

• Reports from City Officers, Boards and Commissions:

a. Letters from the Mayor re:

- i. Z-7-2010; 127 W. Grand River Ave., Planning Board recommendations regarding a request on behalf of S.A. Properties, LLC to rezone the property at 127 W. Grand River Ave. from "C" Residential District to "G-1" Business District to permit the building at this location to be restored to its original historic character and reused for commercial purposes

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- ii. Proposed Zoning Ordinance Amendments; Medical Marijuana Home Occupation Ordinance

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- iii. Transfer of Funds; Parks Millage Fund, Maguire Park Improvement

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

- iv. Transfer of Funds; State/Federal Programs, Community Oriented Policing Policies (COPS) Other Tech Grant

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

- v. Transfer of Funds; State/Federal Programs, Community Oriented Policing Policies (COPS) Project Safe Neighborhoods (PSN) Program

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

- Communications and Petitions, and Other City Related Matters:

- a. Letter from Capital Area Transportation Authority (CATA) submitting a revised copy of its 2010 Tax Levy and Millage Reduction Fraction Computation

REFERRED TO THE CITY TREASURER AND REFERRED TO THE CITY ASSESSOR

- b. Letter from Donald Clearwater, President of the Westside Neighborhood Association requesting that the Committee on Public Safety attend one of its meetings to discuss an extension of the 90 day trial period for the removal of parking time limit signs in the Westside Neighborhood

REFERRED TO THE COMMITTEE OF THE WHOLE

- c. Community Funding Reporting Statements submitted by:
 - i. Old Town Business & Arts Development Association for its 16th Annual Old Town BluesFest held September 18-19, 2009

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- ii. Pinebrook Manor for its Neighborhood Networks "Get to Know Your Neighbor Day" event held August 5, 2010

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- iii. Colonial Village Neighborhood Association for its Annual Picnic held August 3, 2010

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- iv. Wexford Montessori Magnet School PTA for its participation in the New Mt. Calvary Community Celebration held August 7, 2010

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

REMARKS BY COUNCIL MEMBERS

Vice President Dunbar spoke about the Southside Community Showcase, and a resident's concern about broken sidewalks on Rundle Ave.

Council Member Wood stated that she left Tax Tribunal papers in each Council Member's mailbox.

Council Member Yorke recognized the Ingham County Land Bank's work and encouraged citizens to contact them regarding vacant and foreclosed properties.

Vice President Dunbar spoke about proposed changes to the Ordinance regulating the hours of operation for street vendors.

REMARKS BY THE MAYOR OR EXECUTIVE ASSISTANT

PUBLIC COMMENT

ON CITY GOVERNMENT RELATED MATTERS:

Clinton Tarver of S. 3414 Deerfield Ave. spoke about the hours of operation for street vendors.

Loretta Stanaway of 546 Armstrong Rd. spoke about the Committee of the Whole agenda.

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

Claude Beavers of 3010 Boston Blvd. spoke about City Council actions.

Chris McCarus of 320 N. Butler Blvd. spoke about stray cats.

Sandy Allen of 5511 Kaynorth St. spoke about City Council actions.

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

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

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

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Russell Terry of 121 E. Mt. Hope Ave. spoke about various city matters.

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

Michael Mercer of 4530 Sycamore St. in Delhi Township spoke about various city matters.

ADJOURNED TIME 9:38 P.M.

CHRIS SWOPE, CITY CLERK