



AGENDA
Committee on Development and Planning
Monday, May 9, 2016 @ 5:15 p.m. (note time)
10th Floor Conference Room, City Hall

Councilmember Jody Washington, Chair
Councilmember Jessica Yorke, Vice Chair
Councilmember Judi Brown Clarke, Member

- 1. Call to Order**
- 2. Public Comment on Agenda Items**
- 3. Minutes**
 - April 14, 2016
 - April 28, 2016
- 4. Discussion/Action:**
 - A.) RESOLUTION – Moratorium on PILOTS
- 5) Other**
- 6) Adjourn**



MINUTES

Committee on Development and Planning Monday May 9, 2016 @ 5:15 p.m. 10th Floor Conference Room, City Hall

CALL TO ORDER

The meeting was called to order at 5:12 p.m.

ROLL CALL

Council Member Jody Washington, Chair
Council Member Jessica Yorke, Vice Chair
Councilmember Judi Brown Clarke, Member.

OTHERS PRESENT

Sherrie Boak, Council Staff
Todd Heywood, Lansing City Pulse
Bob Jacobson, LC Companies
Eric O'Leary, LC Companies
Joseph Abood, Interim City Attorney- arrived at 5:19
Bob Johnson, Planning & Neighborhood Development – arrived at 5:17 p.m.

PUBLIC COMMENT

Mr. Jacobson, regarding his project in the Ottawa Block, acknowledged they had submitted their PILOT application to MSHDA with 10% and asked if applications in the process are effected. Council Member Washington noted that there are two MSHDA deadlines one in April and one in October, so anything submitted in April to MSHDA is not affected by this, and the moratorium will end September 15, 2016. Mr. Jacobson stated his frustration with the process and lack of communication from Administration on the process. Council Member Washington informed Mr. Jacobson that the last time his project was at the Committee his representative brought no information, the 4th Ward Council Member had not heard of the project in her Ward until that meeting, and therefore the Committee denied the resolution for lack of information. Council Member Washington also reminded Mr. Jacobson that MSDHA does not need or require City approval or support if they are applying for 10%.

Mr. Abood clarified that the City does not do retro-active moratoriums.

Mr. Jacobson asked to be involved in any future discussions on a PILOT ordinance

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Minutes moved to the April 12, 2016 meeting for action.

DISCUSSION/ACTION

RESOLUTION- Moratorium on PILOTS

Council Member Washington clarified that Mr. Abood in Law helped write the Resolution, and a change was made to his version to change the dates to beginning May 9, 2016 to September 15, 2016.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE RESOLUTION ON THE MORATORIUM ON PILOTS FOR A MORATORIUM FROM MAY 9, 2016 THRU SEPTEMBER 15, 2016. MOTION CARRIED 2-1.

Council Member Yorke chose to vote in opposition she stated because she supports housing, and there are a number of compelling proposals that need to be considered allowing them to move on.

Adjourn at 5:22 p.m.

Submitted by,

Sherrie Boak, Recording Secretary,
Lansing City Council

Approved by the Committee on May 12, 2016

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MINUTES

**Committee on Development and Planning
Thursday, April 14, 2016 @ 10:00 a.m.
10th Floor Conference Room, City Hall**

CALL TO ORDER

The meeting was called to order at 10:00 a.m.

ROLL CALL

Council Member Jody Washington, Chair
Council Member Jessica Yorko, Vice Chair- left at 11:11 a.m.
Councilmember Judi Brown Clarke, Member.

OTHERS PRESENT

Sherrie Boak, Council Staff
Joseph Abood, Interim City Attorney
Pat Lindemann, Drain Commissioner
Paul Pratt, Drain Commissioner Office
Susan Stachowiak, Planning and Neighborhood Development
Bill Rieske, Planning and Neighborhood Development
Kathy Miles
Jon Miles
Michael Woodworth, Woodworth Law
Gina Woodworth, Woodworth Law
Dave VanHaaren, Potter Flats
Joel Ferguson, Ferguson Development
Council Member Wood

Council Member Washington spoke to the group and Committee Members assuring them that she is well aware of what occurs at the Committee and Brownfields and reports on behalf of the Committee at the Council meeting. The confusion that occurred at the last Council meeting was due to poor communication between Council Staff providing information and what was listed on the agenda.

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MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE MINUTES FROM MARCH 24, 2016 AS PRESENTED. MOTION CARRIED 3-0.

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DISCUSSION/ACTION

RESOLUTION – INGHAM COUNTY DRAIN COMMISSIONER MONTGOMERY DRAIN DRAINAGE DISTRICT EASEMENTS

Mr. Woodworth provided the Committee with a Resolution that he stated his office wrote and had spoken to the City Attorney on. Council Member Yorke asked for clarification on why there were two hearings, and Council Member Brown Clarke asked for clarification on the language.

Mr. Abood arrived at 10:06 a.m. and distributed his version of a proposed resolution. Mr. Abood then walked the Committee thru his resolution and highlighted the differences between the two resolutions. Mr. Woodworth voiced a concern with the sunset provision in Mr. Abode's resolution and the notes of limited access.

Mr. Rieske stated to the Committee that after discussion with City Departments and review of ACT 33, and he was directed that the Department wants the Conservation Easement with a sunset period at the end of the monitoring period. Also, similar to the park, we don't need the description of the entire easement to describe the access provided within the park. Mr. Woodworth stated again that the sunset item was an issue, and does not believe anyone with the made contact with the DEQ to determine if that is what they want. In terms of having accessibility for the DEQ, Mr. Woodworth stated it should not be a problem in allowing them access. Mr. Lindemann assured the Committee that DEQ puts easements in and monitoring timeline is spelled out. Access to it is for monitoring for the DEQ staff. Mr. Woodworth pointed out to Mr. Abood issues that the "Be it resolved" in his resolution refers only to the Conservation Easement. Mr. Abood stated he would make it reflect the appropriate easements. Mr. Rieske informed the Committee he was directed that Mr. Gamble wanted to address the other easements in separate resolutions. Mr. Lindeman was informed by Mr. Pratt that their DEQ consultant just informed Mr. Pratt that any change to the conservation easement is a no go. Discussions continued on the difference between the two proposed resolutions.

Council Member Washington stated her opinion that she was not comfortable taking action on a Resolution with pending issues between the applicant's attorney's resolution and one that the City Attorney office presented. A Committee meeting can be set for Monday night before the Council meeting if need be. Mr. Lindemann assured them that Mr. Woodworth had been talking to Mr. Abood, however his group had not seen the Resolution proposed by Law until this meeting. Council Member Washington then asked if Law could work with Mr. Woodworth and make any changes immediately. Mr. Abood acknowledged also that he had been speaking with Mr. Woodworth for days and Mr. Woodworth resolution is appropriate. Mr. Abood also added the he wanted Law to draft a resolution and they did work with Public Service.

The Committee discussed the cost, and it was reiterated from earlier presentations that it will be up to Council on how it gets paid, however currently Ingham County does not know the entire cost of the project.

Council Member Brown Clarke asked for affirmation that once this resolution for easements is approved by Council, wills the Council have any other opportunity to approve or deny the project. Mr. Lindemann assured her there will be public scope hearings and they will bring the plan to Council when it is 60-65% done for their input and the Drain Commissioner will listen to their input and consider their suggestions and entertain any suggested changes. The plans have to be approved by the Drain Office. Before approval there will be one hearing at Foster, one presentation at Council, Townships, East Lansing, MDOT, and the County. Then the last part of the design is to take into consideration all the comments. Chapter 20 provides for options of payment of the assessments. Mr. Lindemann noted that the petition has been

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processes, the hearings have been held, and they have been deemed the authority to assess. Council Member Brown Clarke reiterated for the Committee and all present that Council needs to look into the future to make sure there are opportunities for consideration when there are issues.

Council Member Yorke noted her understanding that Law does not want a financial risk.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTON FOR THE MONTGOMERY DRAIN DRAINAGE EASEMENTS AS PRESENTED BY MR. WOODWORTH WITH THE CAVAET THAT THE CITY CAN BE ASSURED THERE WILL BE SOMETHING TO ADDRESS THE FINANCIAL RISK.

Council Member Washington asked Mr. Abood and Mr. Woodworth to work together to present a resolution for action Monday night. Council understands they cannot tie DEQ and cannot add financial pieces, and each easement needs to be addressed.

COUNCIL MEMBER YORKO WITHDREW HER MOTION.

Mr. Woodworth noted he would work with the City Attorney, however he is not positive that there can be an agreement to write the resolution to address the impacts of the financial decision.

Mr. Abood acknowledged he did not have the time to thoroughly vet the resolution from his office, but is confident with the resolution by Mr. Woodworth. Mr. Abood admitted however that he did still have a concern about the financial item. Council Member Washington asked Mr. Abood if he could sign off on the resolution submitted by Mr. Woodworth, and Mr. Abood stated he could.

Mr. Abood then presented the Committee with a copy of a will for Ranney Park when it was dedicated to the City because of concern he wanted to make sure the City did not lose the park. Mr. Woodworth submitted his legal opinion that addressed it, and no lose. Council Member Yorke requested that the park remain a recreational use. Mr. Abood assured them that the language in the easement itself contains the correct language, and he feels comfortable with this also.

Mr. Gamble acknowledged the collaboration between the City, the Council and the Ferguson Group towards protecting future right of ways and blending the Red Cedar Renaissance. The Drain Commissioner has assured the City Administration he will work collaboratively on the designs, this Resolution will clear the way for the Drain Office to start the design, and this is the last formal approve that allows that to begin.

Council Member Brown Clarke recapped for Mr. Gamble the discussion that occurred before he arrived that brought to their attention his request for separate resolutions for each easement. Mr. Gamble admitted there were language issues that were resolved and any concerns addresses by the resolution presented by Mr. Woodworth. Therefore he admitted the Woodworth Resolution was satisfactory to the Administration.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR THE MONTGOMERY DRAIN DRAINAGE EASEMENTS.

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Council Members Brown Clarke and Washington recapped for Mr. Lindemann to assure them that this is the final process and the next steps will be the public hearings and presentations but no other formal opportunity for change. Mr. Lindemann agreed, adding that during the hearings and input he will listen, however if they are not happy Council can appeal. Mr. Woodworth added there is an appeal process to challenge the assessments.

Council Member Washington recapped the Motion on the floor which was to approve the resolution presented by Mr. Woodworth and signed off by Mr. Abood.

MOTION CARRIED 3-0.

Council Member Wood asked if Ranney Park will be similar to the project at Bancroft Park, and Mr. Lindemann noted the recreation will be enhanced.

Mr. Lindemann then asked the Committee to consider granting a resolution of support for a recent grant they are going to apply for National Parks and Recreation Association- Great Urban Parks Grant. Mr. Lindemann was asked for the deadline on the grant and information on it before they would add it to the Special Council Meeting on April 18, 2016. Mr. Lindemann stated the deadline was the end of the week of April 18th. Mr. Abood suggested a Resolution of Support not a letter since Council speaks thru Resolutions.

RESOLUTION- BROWNFIELD #65; POTTER FLATS REDEVELOPMENT PROJECT

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR THE BROWNFIELD #65; POTTER FLATS REDEVELOPMENT PROJECT.

Council Member Wood asked the representative about the status of the Green Initiative grant that was awarded to South Street in 2012 for \$427,535.

Council Member Yorke left the meeting at 11:11 a.m.

And how does this play into the recent Brownfield request. Mr. Van Haaran could not verify how all the funds were spent but it was used on the existing property not on the new project, however he can look into it. That tax ID does have at least two major structures. Council Member Wood asked for the answer before April 25th.

MOTION CARRIED 2-0.

ORDINANCE – REPEALING THE EXISTING ABIGAIL ORDINANCE PILOT

Council Member Washington noted for the group that the owners/applicants have moved forward with a new PILOT with MSHDA in order to continue with the project at a 10% PILOT, therefore this one needs to be repealed.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE ORDINANCE TO REPEAL THE EXISTING ABIGAIL PILOT ORDINANCE.

Mr. Abood added to the discussion that the developer is repealing this ordinance because it is a bad ordinance, and they plan to provide a resolution of support to the Council to consider in support of their 10% application that they can submit to MSHDA. Mr. Abood advised the Committee they do not have to approve this resolution but it would help their MSHDA scoring. The Resolution can also come from the administration. Council Member Washington clarified that she is not opposed to it but if Council does it then they are setting precedence so she is

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hesitant about broaching the subject. She then asked for reassurance from Mr. Abood that these types of resolutions will be no required, and Mr. Abood assured her. Council Member Brown Clarke reiterated what the MSHDA representative told the Council about ratings and points, and that they could score higher if they had local support. The question then was asked "what is local support". Could it be Council, Administration, and Ingham County, basically anyone who has buy in to their vision. Mr. Abood noted the question was asked and his opinion that the Administration could write a letter of support for the "local support", however he noted a concern since the PILOT is a legislative function. Council Member Washington reminded Mr. Abood that with their proposed 10% PILOT they do not come thru Council, so in this case they can go thru Administration.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE ORDINANCE TO REPEAL THE EXISTING ABIGAIL PILOT ORDINANNCE. MOTION CARRIED 2-0.

RESOLUTION – SET THE PUBLIC HEARING FOR Z-5-2015; 222 W GENESEE STREET FROM DM-3 RESIDENTIAL TO D-1 PROFESSIONAL

Mr. Swope informed the Committee that during his review of the codified ordinance it was brought to his attention that there was an error in the ordinance for this rezoning, even though the public hearing and notices were correct. After discussion with the City Attorney office they suggested a corrective action with a new hearing. The original ordinance even though adopted was null and void. Ms. Stachowiak confirmed the Zoning Board did see the correct document.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO SET THE PUBLIC HEARING FOR MAY 23, 2106 FOR Z-5-2015; 222 W GENESEE FROM DM-3 RESIDENTIAL TO D-1 PROFESSIONAL. MOTION CARRIED 2-0.

Adjourn at 11:25 a.m.

Submitted by,

Sherrie Boak, Recording Secretary,

Lansing City Council

Approved by the Committee on _____

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MINUTES

**Committee on Development and Planning
Thursday, April 28, 2016 @ 11:00 a.m.
10th Floor Conference Room, City Hall**

CALL TO ORDER

The meeting was called to order at 11:04 a.m.

ROLL CALL

Council Member Jody Washington, Chair
Council Member Jessica Yorko, Vice Chair
Councilmember Judi Brown Clarke, Member.

OTHERS PRESENT

Sherrie Boak, Council Staff
Susan Stachowiak, Planning & Neighborhood Development
Council Member Carol Wood
Karl Dorshimer, LEAP
Steve Willobee, LEAP
Mark Mello, UAW Local 7 Sheet Metal Workers
Price Dobernack, UAW 333
Fred Frederickson
Robert Long
Ken Jones, Studio Intrigue Architects
Chris Weir, Studio Intrigue Architects
Brian Brannick, Michigan Building Trades
Brett Stont, ATK Peerless
Joseph Abood, Interim City Attorney

MINUTES

Action on the April 14, 2016 minutes was moved to the next meeting.

DISCUSSION/ACTION

RESOLUTION- Set Public Hearing – SLU-1-2016, 2101 E. Mt Hope Avenue; Wireless Communication Tower in “A” Residential District – 100 year Flood Plain

Ms. Stachowiak noted the tower will be 700 ft. away from properties, surrounded by trees, however in the 100 year flood plan so it will require the DEQ permit. Council Member Washington asked what the need for the tower was for, and Ms. Stachowiak assured the Committee it was for additional coverage for Verizon for stronger coverage and the FCC allows them to also provide for 3 co-locations. Council Member Wood asked if the City would receive

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revenue since it was on Kregg Park. Ms. Stachowiak confirmed however did not have the exact amount, stating that would be know when the applicant goes thru the required ACT application process. This ACT will not require a public hearing though, and that is why they are doing this SLU first.

Council Member Washington reminded the public that just because the Committee agrees to set any public hearings it does not mean it is approved or coming back out of Committee after the hearing.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR JUNE 13, 2016 FOR SLU-1-2016; 2101 E. MT. HOPE AVENUE. MOTION CARRIED 3-0.

RESOLUTION – Set Public Hearing – Z-4-2016; South Edge Development, Rezoning from “DM-4” Residential; “F-1” Commercial & “D-1” Professional Office to “G-1” Business District

Ms. Stachowiak outlined the location, noting the area of the property, noting the City had rezoned the southeast to G-1 a year ago. The proposed mixed use project has grown and now the owner was able to obtain more area and expand the project. It was noted that G-1 allows the greatest density, no height limitations, no setbacks, and no parking requirements other than what needs to be required for employees, customers and residents.

Mr. Jones displayed a rendering that depicted maintain two of the historical homes already on the property, one being the Blake House. Everything in the project will be rented and planned for \$1.25 - \$1.75 per square foot, so market rate housing.

Council Member Wood asked about the F-1 zoning. Ms. Stachowiak clarified that this rezoning to all G-1 would put the whole area in G-1. Council Member Wood then asked if Medical Marihuana dispensaries would be allowed under the current ordinance they are drafting and Ms. Stachowiak noted they would not be allowed.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR JUNE 13, 2016 FOR Z-4-2016; SOUTH EDGE DEVELOPMENT. MOTION CARRIED 3-0.

INFORMATION DISCUSSION – Set Public Hearing – Z-3-2016; Lake Trust Site, “D-1” Professional Office and “F” & “F-1” Commercial to “G-1” Business

Ms. Stachowiak noted that ironically this application was for the block north of the previous request, Z-4-2016, and is the site currently owned by Lake Trust. The purpose is to rezone consistent with the area for G-1 and allowed the development to be marketed. This was done at the property of Oliver Towers also. It was noted that the Planning Department believes G-1 is the appropriate zone regardless of if there was already a plan or not, it allows for development consistent for what the City wants to see there. The Planning Department recommends approval. The concept drawings in the packet are potentially how it can be developed which allows for the building on the front property line, parking behind, mixed use with highest density, no limits on setback, height or parking. Currently the site is 80% surface parking.

Council Member Washington asked why rezone if there is currently no planned project, and Ms. Stachowiak stated this will fill the gap cause rest of block at and are south is already G-1.

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Council Member Brown Clarke recommended not showing rendering of what might be because it creates the mind the intent and if Lake Trust is not proposing the development is should be left out.

Council Member Wood asked who was asking for the rezoning since Studio Intrigue is the applicant but not the owner. Ms. Stachowiak clarified they are acting on behalf of Lake Trust and it is documented in the application.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR JUNE 13, 2016 FOR Z-3-2016; LAKE TRUST SITE. MOTION CARRIED 3-0.

INFORMATION/DISCUSSION – Z-2-2016; Vacant Lot west of 3000 Dunkel Road; “CUP” Community Unit Plan to “F” Commercial District

Ms. Stachowiak gave location details that noted the vacant lot location is next to the gas station on Jolly and Dunkel. It is currently zoned CUP which is an obsolete zoning designation in the City now. This property is owned by the same people as the station, and they wish to move the current Taco Bell out of the gas station into their own larger area with additional commercial opportunities. Council Member Washington asked if Zoning is looking at other CUP site to get rezoned, and Ms. Stachowiak noted that there are opportunities but the land owner has to request the rezoning.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR JUNE 13, 2016 FOR Z-2-2016; VACANT LOT WEST OF 3000 DUNKEL ROAD. MOTION CARRIED 3-0.

RESOLUTION – Moratorium on PILOTS

Council Member Washington referenced the 2002 and 2003 Resolution on Moratorium and her recent draft resolution to enact a moratorium on PILOT for 9 months. This would give the City time to determine the number of units now, vacancies, how they are being cared for, if they are meeting their obligations and the financial return. This would also allow time for research into a regional aspect. Council Member Washington noted for the record that this moratorium does not mean there will be no more PILOTS, but this will allow Council to look at what is currently on the books, what is taken care of and what to do in the future. The nine months will begin May 9th and could end sooner. Mr. Abood acknowledged his familiarity with the 2002 and 2004 Resolutions and will review her draft. He noted that in 2002 and 2003 there were law suits from that moratorium so he will want to make sure this resolution is carefully drafted. Council Member Washington advised Mr. Abood that if the City has to make an exception for senior or ADA it can be brought back. Mr. Abood noted he would be looking at the HUD definitions to reflect on senior housing and ADA. The Committee agreed to meet on Monday, May 9th at 5:15 p.m. to finalize the Resolution to send out of Committee and recommend adoption that night at the Council meeting. Mr. Abood was advised to provide the final resolution for adoption to Council Member Washington the week of May 2, 2016 so that she can forward to the other Committee members.

INFORMATION/DISCUSSION - Brownfield Compliance and FOIA Regarding SkyVue

Mr. Mello informed the Committee he had spoken to LEAP with questions on SkyVue and was advised to request the information in a FOIA. The FOIA was submitted to the Mayor's office on February 23, 2016. Mr. Mello then went on to speak on the need for accountability regarding the project Brownfield and tax incentive. Mr. Mello asked for site cleanup information, the asbestos report from the buildings, and wants to see the five (5) temporary wells on site and the

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reports from the monitoring of those wells. Mr. Mello concluded that he opposes LEAP and their funding and spending, he is opposed to out of town contractors and developers.

Council Member Washington informed the Committee that she had spoken to LEAP, and is aware the City of Lansing historically had been a manufacturing City which might not have been environmentally responsible, so this may require more clean up. Council needs to be assured that sites are being cleaned up, and since they are not sure if land getting cleaned up they need to be able to view that DEQ has signed off. Therefore LEAP needs to educate the City and prove that they are sure this site has been cleaned and DEQ has signed off. Council Member Washington went onto note her belief that the FOIA is being overused, and apologized to Mr. Mello that he felt this reflects lack of transparency.

Mr. Willobee noted that LEDC and LEAP first and foremost want to make sure the sites are use able and back on the tax rolls. It was then stated that Mr. Dorshimer and Mr. Willobee never saw the FOIA request from Mr. Mello.

Council Member Brown Clarke asked what the process for remediation entailed to be complete. Mr. Willobee outlined the process as when the developer addresses a site there are environmental reports and over a matter of months they evaluate them on what to do, and based on that it will determine what they can propose as their project. The Brownfield is not to remediate the whole site, but to minimize what can be done to allow the redevelopment. If they tried to remove all it would be an added cost that could go thru the roof. They go in and address conditions to make the development and not exasperate conditions or increase costs thru the roof. Council Member Brown Clarke asked if at some point of level of remediation is complete is there a report that is checked off with status of occurrence and compliance. Mr. Willobee that is signed off by DEQ and the State before they even can move forward on the project, they are involved from the beginning.

Council Member Wood moved back to the topic of the FOIA request and asked Mr. Abood why LEAP/LEDC did not see it. Mr. Abood stated he would have to speak to his FOIA Coordinator. Mr. Willobee wanted it known that LEAP/LEDC is not skirting providing the information, and presented the Committee with the ACT 381 Work Plan for SkyVue and the AKT Peerless Baseline Environmental Assessment. The information Mr. Mello requested is also on file as public record at DEQ since December 2015. Council Member Wood asked Mr. Willobee to place the information on their website or at least a link to the information.

Council Member Brown Clarke took the discussion back to the check off list, and asked if DEQ permits require that. Mr. Stonts went thru the steps that SkyVue followed beginning when they came in as a potential user, and filed the Phase 1 report which is in the ACT 381 plan. At this point they do not go into the soil ground water samples, but look at historical date of the site to identify any risk. They also look at the surrounding areas that might result in contamination. If that report concludes a material threat, to maintain liability exemption they then complete Phase 2, which SkyVue did. At this point they then soil sample and test ground water. The tests are based on contaminates found during the historical review of the use. Depending on what they find, the DEQ then sets forth certain requirements. Some requirements might require immediate response which is a check list. If the situation of contamination the State does not require clean up and not immediate response they are not require immediate action or a check off list. That is the case at SkyVue. They have metals above residential criteria and a solvent in the ground and the DEQ criteria is set forth based on exposed pathways. The DEQ looks at contaminate as for ingestion. What a new user of the property has to then do if no mandated policies, is they have to make sure how they use the site is done to meet the State guidelines, which is called due care. In the case of SkyVue there was no clean up mandated by the State

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to provide a report to check off. SkyVue has done an assessment for the BEA which lies out contaminates on the site.

Council Member Yorke stepped away from the meeting at 11:50 a.m.

They then review the ACT 381 work plan and conditions on site, then propose how to redevelop the site. The State then reviews and gives their formal approval. This can be provided to Council. The developer then makes sure that they take measures to protect human health. In the SkyVue project risks that are direct contact include the parking lot that was there and any ground cover that will not be covered by the new building and parking lot. Council Member Brown Clarke asked how the utility workers and future utility workers will be made aware of the findings. Mr. Stonts noted that the documentation plan comes into effect once the construction is done, and the plan is maintained on site. During construction the environmental construction management plan lays out the protocols. ATK Peerless will write it and give to the general contractor to inform their employees and subs. They also do health and safety oversight. It was stated again that there is no State clean up requirement and no contamination on the site. There was some soil taken off site, not because it was required, but to develop the site they need to remove some soil for the structure and parking. When soil is taken off site it is tracked and logged. This is signed off by the State, and the ACT 381 Plan outlines the responsible activities. Once the project is complete, the developer has to submit to the Brownfield Authority to be reimbursed. The manifests of removal of the soils have to be invoiced and the paid documentation has to be provided.

Council Member Wood asked if there is periodic verification and checking to make sure the soil goes to where it is suppose to go. Mr. Stonts noted that the manifest is chain of custody, and the landfill signs off when it arrives. The truck is identified at the site, signed off when loading, then later in the day the same truck is verified and signed off at the land fill.

Council Member Yorke returned to the meeting at 11:56 a.m. and stated she needs to leave.

Mr. Willobee asked Mr. Stonts if there is any interaction at the landfill. Mr. Stonts there is direct communication with the landfill to set up delivery, and they then they provide the land fill manifest. Any departure from that would be fraud. Council Member Brown Clarke asked if there are any quality controls and audit processed. It was confirmed the site has health and safety protocols maintained on site.

Mr. Mello agreed he witnessed the soil testing, but wanted to still know where the 5 wells are and what their results are. In addition he asked for the clean-up info, and information on the asbestos identification. Mr. Mello then continued to argue that LEAP should have been required to fill the FOIA. Council Member Washington asked Mr. Abood to make sure all FOIA request make it to LEAP, and Mr. Abood stated he would follow up. Council Member Wood asked Mr. Mello to provide his letter of request for information to Mr. Willobee. Mr. Mello provided the letter. Mr. Willobee wanted it noted on the record that his office understands they take all projects personally because they are imbedded into the community and the City of Lansing and thru checks and balances internally and making sure what is required by the law. At the end LEAP engages another engineer to consult on the project that has been separate from the development to verify everything. Council Member Washington stated to Mr. Willobee they are not targeting LEAP but want transparency, and it was suggested again they pursue placing the information on their website.

Mr. Willobee reminded the group there is no contaminate of the water on the site and asked Mr. Stont to explain the water testing process. Mr. Stont outlined the process of five (5) temporary water monitoring well, which is part of Phase 2 of the ACT 381 plan. They temporarily drill with

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a geo probe and go 20 ft underground and hit saturation at 15ft. where they then took samples. To do this they take a PVC sleeve with screen and push it 20 feet, then the water percolates thru a screen to collect samples. The fill dirt from the boring is used to fill in the hole. Therefore this temporary process is open only for the duration of the sample, so you cannot see the wells now. The water was found in a the shallow aquifer and in Lansing after the 15ft there is 85 ft of clay and shale, then below that is the Saginaw Formation which is where the City drinking water. Mr. Mello asked for those reports and Mr. Willobee referenced Phase 2 of the ACT 381 plan. Mr. Stont went onto note there was one well that noted 3 micrograms per liter of lead. 4 micrograms per liter is the limit on lead. This was found in surface water not in the drinking water the quantities are from the isolated area, and not hydro radiate south. These are conditions were on site before SkyVue started. Again it was noted this test was in the surface water not connected to the aquifer. If there was a connection reported then steps are taken. It was confirmed this is reported to the DEQ.

Mr. Mello asked for the asbestos report, and he was referred to the demolition contractor. Mr. Mello then asked why there are no local contractors on the project and Council Member Washington redirected him because it was a separate issue.

Council Member Wood went back to the FOIA request and the letter Mr. Mello gave Mr. Willobee and asked when it would be made available to Mr. Mello. Mr. Willobee asked to be given until Monday, May 2, 2016. He will also talk to his website company about placing items on the website.

Mr. Brannick spoke in opposition to non local workers and union workers on the SkyVue project. Mr. Willobee acknowledged they are currently working on a process but right now there is no system for onsite inspections of workers. Council Member Washington also acknowledged her involvement with a group that is meeting on the transparency of bidding.

Mr. Abood encouraged the Committee to consider using the FOIA process for any requests for information because it provides a chain of custody of a paper trail. Mr. Willobee stated again that some of the information requested is already available on the website of the DEQ, the State and MEDC. He did agree that there could be a better pathway to get information.

Adjourn at 12:26 p.m.

Submitted by,

Sherrie Boak, Recording Secretary,
Lansing City Council

Approved by the Committee on _____

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

WHEREAS, the State of Michigan enacted the State Housing Development Authority Act in 1966, as amended (the "Act"), to provide housing for residents of low income and to encourage the development of such housing through construction and rehabilitation by providing for tax breaks, specifically a payment in lieu of taxes (PILOT), as an option for local communities to enhance the likelihood of those developments; and

WHEREAS, the City of Lansing has acknowledged that the construction and rehabilitation of safe and affordable housing for persons of low income is a public benefit and has enacted ordinances to grant PILOTs for the development of low-income elderly persons and multi-family dwelling projects; and

WHEREAS, since 1978, the Lansing City Council has approved over 30 PILOT ordinances to help finance the building or the rehabilitation of low income housing projects; and

WHEREAS, the City Council deems it appropriate at this time to analyze whether the existing PILOTs are meeting the expectations and justifications for the PILOT program, to study and consider current demographics and housing pattern in the City, and the effect and need of future PILOTs on such housing;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby establishes that a nine month moratorium on PILOT ordinances, beginning May 9, 2016, and expiring December 9, 2016, to enable the Council to study, consider and analyze the impact of PILOTs in Lansing.

BE IT FURTHER RESOLVED that this moratorium exempts from inclusion the classification of PILOT applications and consideration of ordinances for the classification of elderly persons of low income under the Act.

BE IT FINALLY RESOLVED that the Administration is requested to provide information to Council to assist in effectuating the completion of the analysis within the time period of this moratorium.