

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF LANSING, MICHIGAN
CITY COUNCIL CHAMBERS, 10TH FLOOR
LANSING CITY HALL
124 W. MICHIGAN AVENUE



AGENDA FOR AUGUST 29, 2016

TO THE HON. MAYOR AND MEMBERS OF THE CITY COUNCIL:

The following items were listed on the agenda in the City Clerk's Office in accordance with Section 3-103(2) of the City Charter and will be ready for your consideration at the regular meeting of the City Council on Monday, August 29, 2016 at 7:00 p.m. at the Council Chambers, 10th Floor, City Hall.

- I. ROLL CALL
- II. MEDITATION AND PLEDGE OF ALLEGIANCE
- III. READING AND APPROVAL OF PRINTED COUNCIL PROCEEDINGS
Approval of the Printed Council Proceedings of August 8, August 15, and August 22, 2016
- IV. CONSIDERATION OF LATE ITEMS (Suspension of Council Rule #9 is needed to allow consideration of late items. Late items will be considered as part of the regular portion of the meeting to which they relate.)
- V. TABLED ITEMS
- VI. SPECIAL CEREMONIES
 1. Tribute; in recognition of Marian Scott
 2. Mayoral Presentation; Mayors' Ramadan Unity Dinner Check Presentation to Greater Lansing Food Bank
- VII. COMMENTS BY COUNCIL MEMBERS AND CITY CLERK
- VIII. COMMUNITY EVENT ANNOUNCEMENTS (Time, place, purpose, or definition of event – 1 minute limit)
- IX. SPEAKER REGISTRATION FOR PUBLIC COMMENT ON LEGISLATIVE MATTERS
- X. MAYOR'S COMMENTS
- XI. SHOW CAUSE HEARINGS
- XII. PUBLIC COMMENT ON LEGISLATIVE MATTERS (Legislative matters consist of the following items on the agenda: public hearings, resolutions, ordinances for introduction, and ordinances for passage. The public may comment for up to three minutes. Speakers must sign up on white form.)

- A. SCHEDULED PUBLIC HEARINGS
 - 1. In consideration of SLU-2-2016; 5606 S Martin Luther King Jr. Blvd. to permit a church in “F” Commercial and “D-1” Professional Office Districts
- XIII. COUNCIL CONSIDERATION OF LEGISLATIVE MATTERS
- A. REFERRAL OF PUBLIC HEARINGS
 - B. CONSENT AGENDA
 - 1. BY COUNCIL MEMBERS BROWN CLARKE, HUSSAIN, DUNBAR, HOUGHTON, SPITZLEY, WASHINGTON, WOOD, AND YORKO
 - a. Tribute; in recognition of Marian Scott
 - 2. BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
 - a. ACT-1-2016; Grand Haven Manor; Vacate portion of Farrell Drain Easement; 3215 W. Mt. Hope
 - 3. BY THE COMMITTEE ON PUBLIC SAFETY
 - a. Appointment to the Ingham County/City of Lansing Community Corrections Advisory Board
 - 4. BY THE COMMITTEE ON WAYS AND MEANS
 - a. Maguire Park Parking Lot Expansion TAP Grant Support
 - b. Decisions on At-Will Employee Claims
 - c. Decisions on City Attorney Claims
 - 5. BY THE COMMITTEE OF THE WHOLE
 - a. Setting a Public Hearing in consideration of Second Amendment to the Hope Sports Complex Lease
 - b. In Support of HR 182 and CR15 to Shut Down Line 5
 - C. RESOLUTIONS FOR ACTION
 - D. REPORTS FROM COUNCIL COMMITTEES
 - E. ORDINANCES FOR INTRODUCTION and Setting of Public Hearings
 - 1. BY THE AD-HOC COMMITTEE ON DIVERSITY
 - a. Amendments to Section 297 Human Rights
 - F. ORDINANCES FOR PASSAGE
- XIV. SPEAKER REGISTRATION FOR PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS

XV. REPORTS OF CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS **(Motion that all items be considered as being read in full and that the proper referrals be made by the President)**

A. REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS

1. Letter(s) from the City Clerk re:
 - a. Minutes of Boards, Commissions, and Authorities placed on file in the Clerk's Office
2. Letter(s) from the Mayor re:
 - a. Noise Waiver for Frances Park Pump Station; Weekdays from 8:00 PM to 7:00 AM and 24 hours/day on Saturdays and Sundays from December 5, 2016 - March 3, 2017
 - b. Ordinance for the Payment in Lieu of Taxes (PILOT) for Grandhaven Manor Retirement Community
 - c. Ordinance for the Payment in Lieu of Taxes (PILOT) for Shiawassee Senior Lofts
 - d. Ordinance to Amend the Ordinance for the Payment in Lieu of Taxes (PILOT) for The Crossing

B. COMMUNICATIONS AND PETITIONS, AND OTHER CITY RELATED MATTERS

1. Letters from Dave Erickson and Melissa Quon Huber regarding the Lansing Board of Water & Light proposed substation

XVI. MOTION OF EXCUSED ABSENCE

XVII. REMARKS BY COUNCIL MEMBERS

XVIII. REMARKS BY THE MAYOR OR EXECUTIVE ASSISTANT

XIX. PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS (City government related matters are issues or topics relevant to the operation or governance of the city. The public may comment for up to three minutes. Speakers must sign up on yellow form.)

XX. ADJOURNMENT

A handwritten signature in black ink that reads "Chris Swope". The signature is written in a cursive, flowing style.

CHRIS SWOPE, CITY CLERK

Persons with disabilities who need an accommodation to fully participate in this meeting should contact the City Clerk's Office at (517) 483-4131 (TDD (517) 483-4479). 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.

CITY OF LANSING
NOTICE OF PUBLIC HEARING

SLU-2-2016, 5606 S. M.L. King Jr. Blvd.
Special Land Use Permit – Church

The Lansing City Council will hold a public hearing on Monday, August 29, 2016, at 7:00 p.m. in Council Chambers, 10th Floor, Lansing City Hall, 124 W. Michigan Avenue, Lansing, Michigan to consider SLU-2-2016. This is a request by The Bread House South for a Special Land Use permit to utilize the building at 5606 S. M.L. King Jr. Blvd. for a church. Churches are permitted in the "F" Commercial & "D-1" Professional Office districts, which are the zoning designations of the subject property, if a Special Land Use permit is approved by the Lansing City Council.

For more information, please call Lansing City Council at 517-483-4177. If you are interested in this matter, please attend the public hearing or send a representative. Written comments will be accepted between 8 a.m. and 5 p.m. on City business days if received before 5 p.m., on the day of the Public Hearing at the City Clerk's Office, Ninth Floor, City Hall, 124 West Michigan Ave., Lansing, MI 48933 or email city.clerk@lansingmi.gov.

Chris Swope, Lansing City Clerk
www.lansingmi.gov/Clerk
www.facebook.com/LansingClerkSwope

GENERAL INFORMATION

APPLICANT: The Bread House South
5606 S. ML King Blvd.
Lansing, MI 48911

OWNER: Victor Trevino
209 S. Holmes Street
Lansing, MI 48912

REQUESTED ACTION: Special Land Use permit to permit a church at 5606 S. M.L.
King Jr. Boulevard

EXISTING LAND USE: Office Building

EXISTING ZONING: "F" Commercial & "D-1" Professional Office Districts

PROPERTY SIZE & SHAPE: Rectangular Shape - See attached map
138.6' x 662' = 91,753 square feet (2.1 acres)

SURROUNDING LAND USE: N: Auto Repair Facility
S: Auto Sales Business
E: Multiple Family Residential
W: Consumers Energy Power Lines

SURROUNDING ZONING: N: "F" Commercial & "D-1" Professional Office
S: "F" Commercial & "D-1" Professional Office
E: "DM-1" Residential
W: "A" Residential

MASTER PLAN DESIGNATION: The Design Lansing Comprehensive Plan designates the
subject property for "Suburban Commercial" land use. S.
M.L. King Jr. Blvd. is designated as a major arterial.

SPECIFIC INFORMATION

This is a request by The Bread House South for a Special Land Use permit to utilize the building at 5606 S. M.L. King Jr. Blvd. for a church. Churches are permitted in the "F" Commercial & "D-1" Professional Office districts, which are the zoning designations of the subject property, if a Special Land Use permit is approved by the Lansing City Council.

AGENCY RESPONSES:

BWL:

Building Safety: There is no opposition for SLU-2-2016 however, prior to any occupancy of the building, a licensed architect in responsible charge, would need to be retained to provide drawings for a "Change of Use" permit. A plan review and building permit would be required for life and fire safety, sprinkler and fire alarm requirements, occupant loads, means of egress, accessibility, etc. Plan review and building permit applications would need to be applied for in the building safety office and an approved plan review and building permit would need to be provided by this office prior to any work completed or occupancy of the premises.

Development: Development Office has no comment.

Fire Marshal:

Parks & Recreation: No comment. This does not involve Parks and Recreation

Public Service:

Transportation: The proposed use should not create traffic issues based on the projected peak times of use. The applicant is responsible for making sure that all parking requirements, including the appropriate number of ADA accessible spaces, are met.

ANALYSIS

Section 1282.03(f)(1)-(2) sets forth the criteria which must be used to evaluate a Special Land Use permit request. The criteria and evaluation are as follows.

- 1. Is the proposed special land use designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area?**

The S. M.L. King Blvd. corridor in the vicinity of the subject property is characterized by commercial and quasi-industrial land uses. While churches are an important and valuable component of any community, so are vibrant commercial districts. Church activities are generally infrequent and occur outside of normal business hours. The majority of the time, there is little activity and vacant parking lots which detract, rather than contribute to a commercial environment.

2. Will the proposed special land use change the essential character of the surrounding area?

The proposed church will change the general character of the area. The Zoning Ordinance makes provisions for allowing churches in all zoning districts, including residential and office, where the conditions for evaluating special land use permits can be satisfied. Conversely, commercial uses are limited to major corridors. S. M.L. King Blvd. is zoned, master planned and designed for customer-oriented, commercial uses that generate a high volume of traffic on a daily basis. Given the location of the site and the surrounding zoning

and land use patterns in the area, a church does not appear to be the most appropriate use of the property.

While it is recognized that religious organizations are an extremely important and valued part of the community, there needs to be a balance between daytime uses such as stores and restaurants, which create a critical mass of activity that attracts the public and uses, such as religious facilities, that are primarily dormant during weekdays. There are numerous churches in and around the core downtown area of the city that serve as a prime example of the limited amount of activity that churches generate in a commercial environment.

3. Will the proposed special land use interfere with the enjoyment of adjacent property?

The primary concern with churches in terms of interfering with the enjoyment of adjacent properties is the potential conflicts with liquor licenses. By state law, a church has an opportunity to object to all new liquor licenses within 500 feet of the church property. In this case, there are numerous commercially zoned properties within 500 feet of the subject property. These zoning districts allow bars, taverns and restaurants as uses permitted by right. Such uses contribute to the economic vibrancy of commercial corridors by attracting large numbers of people to the area. The potential for a church to jeopardize the ability for businesses with liquor licenses to locate in a commercial area could have serious impacts on its future as a thriving commercial district.

4. Will the proposed special land use represent an improvement to the use or character of property under consideration and the surrounding area in general, and will the use be in keeping with the natural environment of the lot?

The proposed church will not represent an improvement to the use or character of the property or the surrounding area. S. M.L. King is a major arterial that is designed to carry a high volume of traffic, which is why the properties that front along S. M.L. King Blvd. are zoned and master planned for commercial land use. The church will result in a hole of little activity, with a great deal of parking, within an otherwise fairly active commercial area.

With regard to the natural environment of the lot, no changes are proposed for the site.

5. **Will the proposed special land use be hazardous to adjacent property or involve uses, activities, materials or equipment which are detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare?**

The church will not generate any nuisances or hazardous conditions.

6. **Will the proposed special land use be adequately served by essential public facilities and services, or is it demonstrated that the person responsible for the proposed special land use is able to continually provide adequately for the services and facilities deemed essential to the special land use under consideration?**

The subject property is currently served by all necessary public services and utilities. No negative comments have been received from any of the reviewing departments or agencies. Inspections will be necessary to determine if the structure complies with current building code and fire code requirements for an assembly use.

7. **Will the proposed special land use place demand on public services and facilities in excess of current capacity?**

The proposed special land use is not expected to increase the demand on public services and facilities in excess of current capacity.

8. **Is the proposed special land use consistent with the intent and purpose of this Zoning Code and the objectives of any currently adopted Comprehensive Plan?**

The proposed church is not consistent with the intent and purpose of the Zoning Ordinance or the Design Lansing Comprehensive Plan. The intent of the Zoning Ordinance is to concentrate commercial land uses along major arterials/state trunklines. Such streets are designed to accommodate uses that generate a high volume of vehicular trips on a daily basis and receive heavy truck deliveries. Unlike commercial uses, the Zoning Ordinance allows churches, with a special land use permit, in residential and office districts. Churches are considered compatible uses in residential neighborhoods and office districts since they are quiet, the majority of the traffic is on weekends and there is no heavy truck traffic associated with their use.

The intent of the "District Mixed Use Center" Master Plan designation is:

"To allow for general retail and commercial use, including large footprint and automobile-oriented uses, in a suburban development format that also encourages a mix of uses and accommodates pedestrians, cyclists and transit users."

The Master Plan lists the following as the types of uses that should be promoted in the "District Mixed Use Center" area:

“General and convenience retail uses; medium-density residential in a suburban format (see Medium-Density Residential, above); office; and light industrial with special approval.”

The proposed church is clearly in conflict with the goals of both the Zoning Ordinance and the Master Plan. It is not a customer-oriented business and will not generate the type of activity that would complement the existing businesses in the area and encourage additional economic growth.

9. Will the proposed special land use meet the dimensional requirements of the district in which the property is located?

There are no physical changes proposed for the exterior of the building or the site at 3015 S. M.L. King Blvd. and therefore, the only dimensional requirement that applies to this request is parking. The Zoning Ordinance requires 1 parking space for each 3 seats in the main sanctuary. There are more than 60 parking spaces on the subject property which would allow a seating capacity of at least 180 persons.

SUMMARY

This is a request by The Bread House South for a Special Land Use permit to utilize the building at 5606 S. M.L. King Jr. Blvd. for a church. Churches are permitted in the "F" Commercial & "D-1" Professional Office districts, which are the zoning designations of the subject property, if a Special Land Use permit is approved by the Lansing City Council.

Based on the findings contained in this staff report, the proposal does not comply with all of the criteria of Section 1282.03(f)(1)-(9) of the *Zoning Code* for evaluating Special Land Use permits.

1. The proposed Special Land Use will not be harmonious with the character of adjacent properties and surrounding uses.
2. The proposed Special Land Use will change the essential character of the surrounding properties.
3. The proposed Special Land Use may interfere with the general enjoyment of adjacent properties.
4. The proposed Special Land Use does not represent an improvement to the lot as it currently exists.
5. The proposed Special Land Use will not be hazardous to adjacent properties.
6. The proposed Special Land Use can be adequately served by public services and utilities.
7. The proposed Special Land Use will not place any demand on public services and facilities in excess of current capacities.
8. The proposed Special Land Use is not consistent with the specific designations of the Zoning Code and the Design Lansing Comprehensive Plan.
9. The proposed Special Land Use will comply with the dimensional requirements of the Zoning Ordinance.

RECOMMENDATION

Staff recommends denial of SLU-2-2016, a special land use permit to allow a church at 5606 S. M.L. King Jr. Boulevard, based upon the findings of fact as outlined in this staff report

Respectfully Submitted,

**Susan Stachowiak
Zoning Administrator**





5606 S. ML King Jr Blvd

S. Martin Luther King Jr Blvd

Laffey Pkwy

Phos Rd



City of Lansing Zoning Map

- roads_final
- A Residential-Single
- B Residential-Single
- C Residential-2 Unit
- NONE
- CUP Community Unit Plan
- D-1 Professional Office
- D-2 Residential/Office
- DM-1 Residential-Multiple
- DM-2 Residential-Multiple
- DM-3 Residential-Multiple
- DM-4 Residential-Multiple
- E-1 Apartment Shop
- E-2 Local Shopping
- F Commercial
- F-1 Commercial
- G-1 Business
- G-2 Wholesale
- H Light Industrial
- I Heavy Industrial
- J Parking
- ROW Right of Way



BY COUNCIL MEMBERS BROWN CLARKE, DUNBAR, HOUGHTON, HUSSAIN,
SPITZLEY, WASHINGTON, WOOD, AND YORKO
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, today more than ever, our religious leaders play a critical role in keeping the community nurtured and motivated to take on every day challenges and to celebrate the community's triumphs. These leaders carry significant influence in our lives and are among the most highly respected individuals in the community. Members of the Heralds of Faith Choir gather from near and far to celebrate Sister Scott's 41 years of service as the choir director on Saturday, August 27, 2016; and

WHEREAS, Sister Marian Scott became choir director of the Heralds of Faith at Friendship Baptist Church (Friendship House of Prayer Baptist Church) under Pastor E.C. Hawkins in 1975. Sister Scott accepted the position while afflicted with an incurable disease; after being healed by God in the early 80s, she continues to serve with faithfulness, love, obedience to God, and perseverance; and

WHEREAS, Sister Scott's goals and mission continue to be to glory God in singing, win souls for Christ and encourage and inspire. In the history of the Church, this is the only Acappella choir in Friendship to remain together for this length of time. The Choir currently praises the Lord in song every 2nd Sunday at Friendship House of Prayer Baptist Church; and

WHEREAS, Under Sister Marian Scott's leadership, the choir has had numerous engagements across the State of Michigan including Michigan State University, singing before Governor Jennifer Granholm and Mayor Virg Bernero. The Choir was the first to sing at the Commemorative services of Dr. Martin Luther King, Jr. in the Lansing City Council Chambers. Sister Scott's choir was directed under the late Pastor E.C. Hawkins, later Pastor Lester Stone, Pastor Robert Nicholson, and presently Pastor David Ford.

BE IT RESOLVED, Lansing City Council hereby recognizes Sister Marian Scott as a mentor, leader, devoted to her church, family and community. Sister Scott is a model of spiritual excellence – "Whatever you do, whether in word or deed, do it all in the name of the Lord Jesus, giving thanks to God the Father through Him." Colossians 3:17 (NIV) Lansing City Council would like to say Thank You Mrs. Scott, Sister Scott, Ma Scott, Mom Scott and Auntie.

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

Act-1-2016, 3215 W. Mt. Hope (PPN 33-01-01-30-126-021), Vacate Farrell Drain

WHEREAS, Grandhaven Manor Limited Dividend Housing Association Limited Partnership, 3215 W. Mt. Hope (PPN 33-01-01-30-126-021), requests a reduction in the storm water Farrell Drain crossing its property in order to facilitate the construction of a residential housing project; and

WHEREAS, record review and field investigations by the Lansing Public Service Department have determined that the Farrell Drain east of the Grandhaven Manor properties no longer exists, and the area that was drained by the Farrell Drain east of Grand Haven Manor properties are now drained by street drainage; and

WHEREAS, at its meeting on June 7, 2016, the Planning Board found, based on a review of the location, character, and extent of the Act-1-2016 proposal, that:

- the section of the Farrell Drain on the Grand Haven Manor properties only services the Grand Haven Manor properties and does not provide benefit to other properties within the City,
- the pipe connection between the terminal drainage structure of the Farrell Drain and the 72" storm sewer in Glasgow Street runs down the Deerfield Street right-of-way (as extended), and appears to be a public storm sewer,
- this outlet pipe is within the current Farrell Drain easement; and

WHEREAS, the Planning Board voted unanimously (6-0) to recommend approval of Act-1-2016, to vacate the Farrell Drain in its entirety on the Grand Haven Manor properties except for a 30 foot drainage easement for the storm sewer in Deerfield Street, extended from the south property line to the manhole south of the detention pond; and

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

NOW THEREFORE BE IT RESOLVED, the Lansing City Council hereby approves Act-1-2016, and vacates and abandons that portion of the Farrell Drain located on the subject Grandhaven Manor property and approves the release of the Farrell Drain Easement as recorded in Liber 62 of Miscellaneous Records page 539, and Liber 62 of Miscellaneous Records page 554, and Liber 2769, page 1125, Ingham County Records.

BE IT FINALLY RESOLVED, that the Mayor, on behalf of the City, is authorized to sign and execute all documents to complete this transaction, subject to prior approval as to content and form by the City Attorney.

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

WHEREAS, the Ingham County Board of Commissioners made the appointment of Jacqueline Straub on July 28, 2016 to the Ingham County/City of Lansing Community Corrections Advisory Board as the Circuit Court Probation representative for a term expiring September 17, 2018; and

WHEREAS, the Committee on Public Safety met and took affirmative action on August 26, 2016.

THEREFORE BE IT RESOLVED, that the Lansing City Council, hereby, affirms the appointment of Jacqueline Straub to the Ingham County/City of Lansing Community Corrections Advisory Board as the Circuit Court Probation representative for a term expiring September 17, 2018.

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

WHEREAS, the Public Service Department of the City of Lansing received a Conditional Commitment letter from the Michigan Department of Transportation of our selection to receive a Federal Transportation Alternatives Program (TAP) grant totaling up to \$101,494 in federal funds for the Maguire Park Trailhead Improvements project; and

WHEREAS, the local match is 25% up to \$34,506 of the total estimated project cost of \$136,000; and

WHEREAS, the project will expand the Maguire Park Trailhead parking located off Aurelius Road, north of Jolly Road; and

WHEREAS, the improvements include expansion of the parking lot using hot mix asphalt paving with curb and gutter, ADA parking, and bioretention improvements; and

WHEREAS, the Public Service Department is requesting acceptance of the TAP grant; and

WHEREAS, the proposed enhancements are identified in the Tri-County Regional Planning Commission's Transportation Improvement Program; and

WHEREAS, the City of Lansing recognizes the importance of the continued maintenance of these and other enhancements and has committed to implementing a maintenance plan/program over the design life of the facility constructed with TAP funding and has budgeted sufficient monies to ensure the continued maintenance of the enhancements; and

WHEREAS, Mitchell Whisler, a staff engineer for the Public Service Department, will act as the agent on behalf of the Maguire Park Trailhead project; and

WHEREAS, Chad A. Gamble, P.E., Director of Public Service and Chief Operations Officer is authorized to sign a project agreement upon receipt of a funding award; and

WHEREAS, the Administration and the City Council recognize the importance and need for safe, alternate modes of transportation for all users;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves acceptance of the Transportation Alternatives Program grant for the purposes of funding of environmental, aesthetic, parking and safety related improvements to the Maguire Park Trailhead;

BE IT FINALLY RESOLVED, the Administration is authorized to receive the funds, create the necessary accounts, and make necessary transfers for administration in accordance with the requirements of the grantor.

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

WHEREAS, pursuant to Article 7 of the City Charter, the City Council has defined responsibilities concerning the City budget on an annual basis and throughout the year; and

WHEREAS, in recognition of these responsibilities of the City Council as referenced in the Charter, this Council has determined that it is in the best interest of the City that City Council participate in decisions regarding claims at-will employees may have against the City.

NOW, THEREFORE, BE IT RESOLVED that no at-will employee be paid any remuneration, compensation, or separation payments in settlement of a recognized public policy claim under federal or state law unless the claim is clearly made in writing before the employee's termination of employment and the settlement has first been recommended by the Mayor and the City Attorney and consented to by the City Council.

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

WHEREAS, pursuant to Section 4-304.1 of the City Charter, the City Attorney is responsible to the Mayor and the City Council to see that the legal affairs of the City are properly managed; and

WHEREAS, in recognition of the responsibility of the City Attorney to City Council as referenced in the Charter, this Council has determined that it is in the best interest of the City that City Council participate in decisions regarding claims the City Attorney may have against the City.

NOW, THEREFORE, BE IT RESOLVED that the employee occupying the position of City Attorney shall not be paid any remuneration, compensation, or separation payments in settlement of a recognized public policy claim under federal or state law unless the claim is clearly made in writing before the employee's termination of employment and the settlement has first been recommended by the Mayor and consented to by the City Council.

DRAFT

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

WHEREAS, Mid-Michigan Sports Turf, L.L.C., has requested an extension of its lease of the Hope Sports Complex consistent with the proposed Hope Sports Complex Lease Amendment #2, which was placed on file with the City Clerk on July 29, 2016.

NOW THEREFORE BE IT RESOLVED that a public hearing be held on Monday, September 12, 2015, at 7:00 PM in the City of Lansing Council Chambers, 124 W. Michigan, in consideration of the request from Mid-Michigan Sports Turf, L.L.C., for extension of its lease of the Hope Soccer Sports Complex consistent with the proposed Hope Sports Complex Lease Amendment #2.

BY COUNCIL MEMBERS BROWN CLARKE, DUNBAR, HOUGHTON, HUSSAIN,
SPITZLEY, WASHINGTON, WOOD, AND YORKO
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Line 5 is a set of twin, 62-year-old pipelines owned by Enbridge that carry light crude oil and natural gas under the Straits of Mackinac; and

WHEREAS, the currents in the Straits of Mackinac at peak volumetric transport can be more than 10 times greater than the flow of Niagara Falls and switch bi-directionally from east to west every few days, and according to a 2014 University of Michigan study are the “worst possible place” for an oil spill in the Great Lakes; and

WHEREAS, the Great Lakes contain 20 percent of the world’s fresh, available, surface water and are a drinking water source for over 35 million people; and

WHEREAS, one out of every five jobs in Michigan is linked to the high quality and quantity of fresh water in the Great Lakes; and

WHEREAS, tourism is one of Michigan’s largest income industries bringing in billions of travelers dollars spent each year; and

WHEREAS, agriculture, fisheries, shipping and industry depend on the health of the Great Lakes; and

WHEREAS, in 2009 the Great Lakes were linked to over 1.5 million jobs, with Michigan accounting for 35 percent of those jobs; and

WHEREAS, Enbridge has a shaky track record that includes 1,244 reportable spills, leaks and releases from 1996 to 2013; and

WHEREAS, Enbridge was in violation for their spacing requirements of its 1953 easement for Line 5 in 2014 and were responsible for a pinhole leak in a section of the pipeline north of the Straits in December 2014; and

WHEREAS, Enbridge was responsible for one of the worst and most expensive oils spills in U.S. history when Line 6b ruptured near Kalamazoo in 2010 allowing almost 1 million gallons of tar sands oil to leak for 17 hours before shutting down the line; and

WHEREAS, corrosion is the number one reason that pipelines fail; and

WHEREAS, Line 5 was built before the Great Lakes Submerged Lands Act was adopted so it didn’t have to obtain a permit and ensure that the pipeline wouldn’t pose a threat to the waters or the public’s use of the waters; and

WHEREAS, Michigan's Attorney General Bill Schuette has stated (in regards to Line 5) that the "pipeline wouldn't be built today" and that "the pipeline's days are numbered"; and

WHEREAS, the Coast Guard Commandant testified before congress in 2015 that the Coast Guard would be unable to respond effectively to an open water oil spill in the heart of the Great Lakes; and

WHEREAS, there is no plan for how to recover oil if there was a leak during the winter when the lakes are covered with ice; and

WHEREAS, as Michiganders we have a responsibility to be wise stewards of the waters of our state for generations to come; and

WHEREAS, protection of Michigan's water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to clean up contamination and restore degraded environments after the fact;

NOW, THEREFORE, BE IT RESOLVED, that on the 8TH day of August , 2016, the City of Lansing supports stopping the transportation of oil under the Great Lakes.

BE IT FURTHER RESOLVED, that City of Lansing supports shutting down Line 5 and the flow of oil under the Great Lakes.

BE IT FURTHER RESOLVED, that City of Lansing supports H.R. 182 and C.R. 15 introduced by State Representatives Sarah Roberts and Jeff Irwin calling on Governor Rick Snyder and Attorney General Bill Schuette to shut down Line 5.

BE IT FINALLY RESOLVED that the City of Lansing will send a letter to Governor Rick Snyder, Attorney General Bill Schuette, our State Representatives, State Senators and U.S. Senators calling on them to take swift action to shut down Line 5.

INTRODUCTION OF ORDINANCE
AMEND SECTION 297

Council Member Carol Wood, Chair of the Ad Hoc on Diversity and Inclusion Committee introduced:

An Ordinance of the City of Lansing, Michigan, to Amend Section 297 of the Lansing Codified Ordinances by updating the definitions to include “Bullying” and “Hostile” and to update the ordinance on sexual orientation, discrimination, bullying, domestic partners, complaints and complaint decision.

The Ordinance is referred to the Ad Hoc on Diversity and Inclusion Committee

RESOLUTION SETTING PUBLIC HEARING
By Council Member Carol Wood

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, September 12, 2016 at 7:00 p.m. in the City Council Chambers, 10th Floor of City Hall, 124 W. Michigan Avenue, Lansing, Michigan for the purpose of considering an Ordinance of the City of Lansing, Michigan to Amend Section 297 of the Lansing Codified Ordinances by updating the definitions to include “Bullying” and “Hostile” and to update the ordinance on sexual orientation, discrimination, bullying, domestic partners, complaints and complaint decision.

Interested Persons are invited to attend this Public Hearing.

THIS ITEM NOT AVAILABLE AT TIME OF PRINT

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OFFICE OF THE MAYOR

9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

Virg Bernero, Mayor

TO: City Council President Judi Brown Clarke and Councilmembers
FROM: Mayor Virg Bernero
DATE: 8-25-16
RE: Noise Waiver for the Frances Park Pump Station Project

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment



City of Lansing
Inter-Departmental
Memorandum



To: Virg Bernero, Mayor

From: Chad A. Gamble, P.E., Director of Public Service

Subject: CITY COUNCIL AGENDA ITEM - Noise Waiver for the Frances Park Pump Station Project

Date: August 24, 2016

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

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

WHEREAS, the City of Lansing Department of Public Service will be constructing the Frances Park Pump Station Improvements Project with a work and staging area in the southwest corner of Frances Park in the vicinity of the existing facility located at 3201 Moores River Drive; and

WHEREAS, the work to replace the facility's existing sewage pumps will result in the need for the construction contractor to operate a bypass pumping system as a back-up system for handling excess sewage flows generated during wet weather; and

WHEREAS, the bypass pumping system must be set up exterior to the existing building structure, which, based on the intermittent operation, will unavoidably result in the generation of some noise; and

WHEREAS, the construction contract requires the contractor for the project to utilize sound attenuating enclosures around the pumps in order to mitigate noise generation; and

WHEREAS, for the period December 5, 2016, through March 3, 2017, the construction contractor, Sorensen Gross Company, has requested a waiver of the noise ordinance on weekdays from 8:00 PM to 7:00 AM and twenty-four (24) hours a day on Saturdays and Sundays; and

WHEREAS, the City of Lansing Public Service Department recommends that the contractor be granted a noise waiver for the period December 5, 2016, through March 3, 2017;

NOW THEREFORE BE IT RESOLVED that a public hearing be held on Monday, November 14, 2016, at 7:00 PM in the City of Lansing Council Chambers, 124 W. Michigan, in consideration of the request for granting a waiver of the noise ordinance on weekdays from 8:00 PM to 7:00 AM and twenty-four (24) hours a day on Saturdays and Sundays for the period December 5, 2016, through March 3, 2017.

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

WHEREAS, a public hearing was held on Monday, November 14, 2016, in consideration of the request by Sorenson Gross Company, the construction contractor for the Frances Park Pump Station Improvements Project, for issuance of a waiver of the noise ordinance on weekdays from 8:00 PM to 7:00 AM and twenty-four (24) hours a day on Saturdays and Sundays during the period December 5, 2016, through March 3, 2017; and

WHEREAS, this waiver of the noise ordinance is urgently needed during this period when the new pumps are being installed, so the back-up, bypass pumping system can be intermittently operated to handle excess sewage flows resulting from wet weather; and

WHEREAS, the construction contract requires the contractor to utilize sound attenuating enclosures around the pumps in order to mitigate noise generation; and

WHEREAS, the City of Lansing Public Service Department recommends that this waiver of the noise ordinance be granted in order to allow project work to proceed; and

WHEREAS, no substantive written or verbal comments in opposition to this noise waiver were received from anyone within the project area at the public hearing or during the public comment period.

NOW THEREFORE BE IT RESOLVED that City Council grant a waiver of the noise ordinance on weekdays from 8:00 PM to 7:00 AM and twenty-four (24) hours a day on Saturdays and Sundays for the period December 5, 2016, through March 3, 2017.



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(517) 483-6066 (Fax)

Virg Bernero, Mayor

TO: City Council President Judi Brown Clarke and Councilmembers
FROM: Mayor Virg Bernero
DATE: 8-26-16
RE: Pilot - Grandhaven Manor Retirement Community

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment



City of Lansing
Inter-Departmental
Memorandum



To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM - Pilot - Grandhaven Manor Retirement Community

Date: August 26, 2016

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

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

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, _____, 2016, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of supporting and/or opposing the Ordinance for the Payment in Lieu of Taxes (PILOT) for Grandhaven Manor Retirement Community.

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ORDINANCE NO. 884.07

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND
THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING
CHAPTER 884 BY ADDING AN AMENDED SECTION 884.07 FOR THE
PURPOSE OF PROVIDING FOR A SERVICE CHARGE IN LIEU OF TAXES
FOR QUALIFIED LOW INCOME SENIOR DWELLING UNITS IN A HOUSING
DEVELOPMENT PROJECT KNOWN AS THE GRANDHAVEN MANOR
RETIREMENT COMMUNITY AND GRANDHAVEN MANOR II RETIREMENT
COMMUNITY, PURSUANT TO THE PROVISIONS OF THE STATE
HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, AS AMENDED.

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT CHAPTER 884 OF THE CODE OF ORDINANCES OF
THE CITY OF LANSING, MICHIGAN BE AMENDED TO ADD AN AMENDED
SECTION 884.07 TO READ AS FOLLOWS:

§884.07. - Grandhaven Manor Retirement COMMUNITIES.

(A) *Qualification.* Grandhaven Manor Retirement Community
AND GRANDHAVEN MANOR II RETIREMENT COMMUNITY COME
within the purpose as set forth in section 884.01 of this chapter.

(B) *Definitions.* As used in this section:

Grandhaven Manor Retirement Community means the 150 unit HOUSING

development and the 10.56 acres of real property on which it is located described as:

UNIT 1, GRANDHAVEN MANOR CONDOMINIUM, A CONDOMINIUM PROJECT,

3. ACCORDING TO THE MASTER DEED AND RECORDED IN THE OFFICE OF THE
4. INGHAM COUNTY REGISTER OF DEEDS TOGETHER WITH RIGHTS IN
5. GENERAL COMMON ELEMENTS AND LIMITED COMMON ELEMENTS AS SET
6. FORTH IN SAID MASTER DEED, AND AMENDMENTS THERETO, AND AS
7. DESCRIBED IN ACT 59 OF THE PUBLIC ACTS OF 1978, AS AMENDED.

8. *GRANDHAVEN MANOR II RETIREMENT COMMUNITY* MEANS THE 78 UNIT

1. HOUSING DEVELOPMENT AND THE 7.93 ACRES OF REAL PROPERTY ON
2. WHICH IT IS LOCATED DESCRIBED AS:

3. UNIT 2, GRANDHAVEN MANOR CONDOMINIUM, A CONDOMINIUM PROJECT,
4. ACCORDING TO THE MASTER DEED AND RECORDED IN THE OFFICE OF THE
5. INGHAM COUNTY REGISTER OF DEEDS TOGETHER WITH RIGHTS IN
6. GENERAL COMMON ELEMENTS AND LIMITED COMMON ELEMENTS AS SET
7. FORTH IN SAID MASTER DEED, AND AMENDMENTS THERETO, AND AS
8. DESCRIBED IN ACT 59 OF THE PUBLIC ACTS OF 1978, AS AMENDED.

9. *Low income* means elderly persons of low or moderate income eligible to move into the
10. housing DEVELOPMENTS under THE ACT. All other

11. definitions as set forth in section 884.02 of this chapter are applicable to Grandhaven

12. Manor Retirement Community and GRANDHAVEN MANOR II RETIREMENT

13. COMMUNITY AND are incorporated in this section by reference.

14. (C) *Establishment of annual service charge.*

15. (1) The Grandhaven Manor Retirement Community AND

16. GRANDHAVEN MANOR II RETIREMENT COMMUNITY for elderly persons of low

17. or moderate income and the property on which THEY shall be LOCATED

18. shall be exempt from all property taxes from and after the EFFECTIVE

19. DATE of

20. THIS ORDINANCE, AS AMENDED, FOR SUCH DURATION AS PROVIDED IN

21. SUBSECTION 3(E). The City, acknowledging that sponsor HAS

22. RECEIVED a mortgage loan from the authority for Grandhaven Manor Retirement

1. Community Housing Development and IS RECEIVING A MORTGAGE LOAN FROM

2. THE AUTHORITY FOR GRANDHAVEN MANOR II RETIREMENT COMMUNITY,

3. AND THAT the sponsor and the authority have established the economic feasibility of

4. THESE housing developments in reliance upon the enactment of this ordinance

5. section, shall accept payment of an annual service charge

6. for public services in lieu of all property taxes as provided and paid in the manner in

7. sections 884.04 and 884.05 of this chapter.

8. (2) The annual service charge FOR UNIT 1 OF GRANDHAVEN MANOR

9. CONDOMINIUM shall be equal to four percent of the

10. difference between the annual shelter rent

11. actually collected from the operation of the HOUSING DEVELOPMENT AND

UTILITIES, AND THE ANNUAL

12. SERVICE CHARGE FOR UNIT 2 OF GRANDHAVEN MANOR

13. CONDOMINIUM SHALL BE EQUAL TO FOUR PERCENT OF THE

14. DIFFERENCE BETWEEN THE ANNUAL SHELTER RENT ACTUALLY

15. COLLECTED FROM THE OPERATION OF THE HOUSING DEVELOPMENT AND

16. UTILITIES. HOWEVER, NOTHING IN THIS ORDINANCE AS AMENDED, SHALL

17. EXTEND THE TIME PERIOD FOR WHICH UNIT 1 OF GRANDHAVEN MANOR
18. CONDOMINIUM HAS BEEN GRANTED THE ABILITY TO MAKE PAYMENT OF
19. AN ANNUAL SERVICE CHARGE IN LIEU OF PAYMENT OF PROPERTY TAXES.
20. THE DURATION OF PAYMENT OF A SERVICE CHARGE IN LIEU OF PAYMENT
21. OF PROPERTY TAXES FOR UNIT 1 OF GRANDHAVEN MANOR
22. CONDOMINIUM AND UNIT 2 OF GRANDHAVEN MANOR CONDOMINIUM
1. SHALL BE CALCULATED INDEPENDENTLY.
2. (3) Notwithstanding section (2), the service charge to be paid each year in lieu of taxes
3. shall not exceed the amount of taxes which would be paid if the housing development were not tax exempt.
4. (D) *Contractual effect.* Notwithstanding the provisions of section 15(a)(5) of the Act to
5. the contrary, a contract between the City and the sponsor, with the authority as third-party
6. beneficiary under the contract, to provide tax exemption and accept payments in lieu of
7. taxes as previously described, will be effectuated by the enactment of this section by
8. Council.
9. (E) *Duration; commencement of construction.* The property tax exempt status OF UNIT
10. 1 OF Grandhaven Manor
11. CONDOMINIUM AND UNIT 2 OF GRANDHAVEN MANOR CONDOMINIUM AS
12. approved by this section shall remain in effect RESPECTIVELY FOR EACH
13. INDEPENDENT OF THE OTHER and shall not terminate so long as the RESPECTIVE
14. mortgage loans for EACH housing development remain outstanding and unpaid, or
15. for such period as the Authority has any interest in EITHER
16. HOUSING DEVELOPMENT, provided that FOR UNIT 2, GRANDHAVEN MANOR

17. CONDOMINIUM, the construction of the housing development commences within one
18. year from the effective date of this AMENDED section. If the construction of the housing
19. development does not commence within one year from the effective date of this section,
20. this section shall automatically expire and be of no effect WITH RESPECT TO UNIT 2.
21. THE DURATION OF THE EXEMPTIONS FOR UNIT 1, GRANDHAVEN MANOR
22. CONDOMINIUM AND UNIT 2, GRANDHAVEN MANOR CONDOMINIUM, AND
1. THEIR ELIGIBILITY FOR EXEMPTION SHALL EACH BE INDEPENDENT OF
2. THE OTHER, AND THE TERMINATION OF THE EXEMPTION FOR UNIT 1
3. OF GRANDHAVEN MANOR CONDOMINIUM SHALL NOT CAUSE THE
4. TERMINATION OF UNIT 2 OF GRANDHAVEN MANOR CONDOMINIUM.



OFFICE OF THE MAYOR

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Virg Bernero, Mayor

TO: City Council President Judi Brown Clarke and Councilmembers
FROM: Mayor Virg Bernero
DATE: 8-26-16
RE: Pilot - E. Shiawassee Lofts

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment



City of Lansing
Inter-Departmental
Memorandum



To: Virg Bernero, Mayor
From: Susan Stachowiak, Zoning Administrator
Subject: CITY COUNCIL AGENDA ITEM - Pilot - E. Shiawassee Lofts
Date: August 26, 2016

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

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

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, _____, 2016, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of supporting and/or opposing the Ordinance for the Payment in Lieu of Taxes (PILOT) for Shiawassee Senior Lofts.

1 ACKNOWLEDGED THAT SUCH HOUSING FOR PERSONS OF LOW AND
2 MODERATE INCOME IS A PUBLIC NECESSITY, AND AS THE CITY WILL BE
3 BENEFITED AND IMPROVED BY SUCH HOUSING, THE ENCOURAGEMENT OF
4 THE SAME BY PROVIDING CERTAIN REAL ESTATE TAX EXEMPTION FOR
5 SUCH HOUSING IS A VALID PUBLIC PURPOSE.

6 (B) *DEFINITIONS.*

7 (1) "*ACT*" MEANS THE STATE HOUSING DEVELOPMENT AUTHORITY ACT,
8 BEING PUBLIC ACT 346 OF 1966, AS AMENDED.

9 (2) "*ANNUAL SHELTER RENTS*" MEANS THE TOTAL COLLECTIONS DURING AN
10 AGREED ANNUAL PERIOD FROM ALL PERSONS OF LOW OR MODERATE
11 INCOME, OCCUPYING THE HOUSING DEVELOPMENT REPRESENTING
12 RENTS FOR OCCUPANCY, WHICH RENTAL AMOUNTS SHALL BE
13 EXCLUSIVE OF CHARGES FOR GAS, ELECTRICITY, HEAT OR OTHER
14 UTILITIES FURNISHED TO THE OCCUPANTS.

15 (3) "*AUTHORITY*" MEANS THE MICHIGAN STATE HOUSING DEVELOPMENT
16 AUTHORITY.

17 (4) "*HOUSING DEVELOPMENT* " OR " *DEVELOPMENT*" MEANS A DEVELOPMENT
18 WHICH CONTAINS A SIGNIFICANT ELEMENT OF HOUSING FOR PERSONS
19 OF LOW AND MODERATE INCOME AND SUCH ELEMENTS OF OTHER
20 HOUSING, COMMERCIAL, RECREATIONAL, INDUSTRIAL, COMMUNAL AND
21 EDUCATIONAL FACILITIES AS THE AUTHORITY MAY DETERMINE WILL
22 IMPROVE THE QUALITY OF THE DEVELOPMENT AS IT RELATES TO

1 HOUSING FOR PERSONS OF LOW AND MODERATE INCOME. FOR THE
2 PURPOSE OF THIS SECTION, THE NAME OF THIS DEVELOPMENT IS
3 SHIAWASSEE SENIOR LOFTS, AND CONSISTS OF SEVENTY SEVEN (77)
4 UNITS OF RENTAL HOUSING LOCATED WITHIN LANSING AT:

5 [TO BE DETERMINED...METES AND BOUNDS SURVEY TO BE PREPARED
6 TO FOLLOW],

7 COMMONLY KNOWN AS 627 EAST SHIAWASSEE STREET & RELATED
8 PARCELS, LANSING (PARCEL ID: 33-01-01-16-227-144 & PART OF 33-01-01-16-
9 227-132 & 33-01-01-16-227-143).

10 (5) "*HUD*" MEANS THE DEPARTMENT OF HOUSING AND URBAN
11 DEVELOPMENT OF THE UNITED STATES GOVERNMENT.

12 (6) "*LOW INCOME HOUSING TAX CREDIT PROGRAM*" MEANS THE PROGRAM
13 ESTABLISHED BY SECTION 42 OF THE UNITED STATES INTERNAL
14 REVENUE CODE.

15 (7) "*LOW OR MODERATE INCOME*" MEANS LOW OR MODERATE INCOME
16 ELIGIBILITY UNDER THE AUTHORITY ACT OR RULES.

17 (8) "*MORTGAGE LOAN*" MEANS A LOAN TO BE MADE BY A PRIVATE ENTITY
18 AND INSURED BY HUD, OR A LOAN FROM THE AUTHORITY FOR THE
19 FINANCING OF THE PURCHASE AND REHABILITATION OF THE HOUSING
20 DEVELOPMENT.

21 (9) "*SPONSOR*" MEANS A PERSON OR OTHER ENTITY WITH A HOUSING
22 DEVELOPMENT WHICH IS FINANCED OR ASSISTED PURSUANT TO THE

1 ACT. FOR PURPOSES OF THIS SECTION, THE SPONSOR OF SHIAWASSEE
2 SENIOR LOFTS HOUSING DEVELOPMENT IS MV AFFORDABLE HOUSING,
3 LLC, OR ITS SUCCESSORS OR ASSIGNS.

4 (10) "UTILITIES" MEANS FUEL, WATER, SANITARY SEWER AND/OR
5 ELECTRICAL SERVICE, WHICH IS PAID FOR BY THE HOUSING
6 DEVELOPMENT.

7 (C) *ESTABLISHMENT OF ANNUAL SERVICE CHARGE.*

8 (1) THE CITY ACKNOWLEDGES THAT THE SPONSOR AND THE AUTHORITY
9 HAVE ESTABLISHED THE ECONOMIC FEASIBILITY OF SHIAWASSEE
10 SENIOR LOFTS HOUSING DEVELOPMENT IN RELIANCE UPON THE
11 ENACTMENT AND CONTINUING EFFECT OF THIS SECTION AND UPON THE
12 QUALIFICATION OF THE SEVENTY SEVEN (77) UNITS OF HOUSING IN THE
13 HOUSING DEVELOPMENT FOR EXEMPTION FROM ALL PROPERTY TAXES
14 AS ESTABLISHED IN THIS SECTION.

15 (2) SUBJECT TO THE CONDITIONS AND REQUIREMENTS OF THIS SECTION
16 AND THE ACT, THE SEVENTY SEVEN (77) UNITS IN THE HOUSING
17 DEVELOPMENT FOR PERSONS OF LOW AND MODERATE INCOME
18 IDENTIFIED AS SHIAWASSEE SENIOR LOFTS AND THE PROPERTY ON
19 WHICH THEY ARE CONSTRUCTED SHALL BE EXEMPT FROM ALL
20 PROPERTY TAXES FOR NOT MORE THAN THE TAX CREDIT COMPLIANCE
21 PERIOD OF FIFTEEN (15) YEARS, COMMENCING WITH AND INCLUDING
22 TAX YEAR 2019.

1 (3) IN LIEU OF ALL SAID PROPERTY TAXES ON THE SEVENTY SEVEN (77)
2 UNITS IN THE HOUSING DEVELOPMENT, THE SPONSOR SHALL PAY, AND
3 THE CITY WILL ACCEPT, AN ANNUAL SERVICE CHARGE FOR PUBLIC
4 SERVICES, IN THE SUM EQUAL TO, FOUR PERCENT (4%) OF THE
5 DIFFERENCE BETWEEN THE ANNUAL SHELTER RENTS ACTUALLY
6 COLLECTED AND UTILITIES.

7 (4) THE EXEMPTION PROVIDED UNDER THIS SECTION SHALL COMMENCE
8 WHEN THE SPONSOR COMPLIES WITH SECTION 15A(1) OF 1966 PA 346, AS
9 AMENDED, CODIFIED AS MCL 125.1415a(1), WHICH PROVIDES: THE OWNER
10 OF A HOUSING PROJECT ELIGIBLE FOR THE EXEMPTION SHALL FILE WITH
11 THE LOCAL ASSESSING OFFICER (THE CITY ASSESSOR) A NOTIFICATION
12 OF THE EXEMPTION, WHICH SHALL BE IN AN AFFIDAVIT FORM AS
13 PROVIDED BY THE AUTHORITY. THE COMPLETED AFFIDAVIT FORM FIRST
14 SHALL BE SUBMITTED TO THE AUTHORITY FOR CERTIFICATION BY THE
15 AUTHORITY THAT THE PROJECT IS ELIGIBLE FOR THE EXEMPTION. THE
16 OWNER THEN SHALL FILE THE CERTIFIED NOTIFICATION OF THE
17 EXEMPTION WITH THE LOCAL ASSESSING OFFICER BEFORE NOVEMBER 1
18 OF THE YEAR PRECEDING THE TAX YEAR IN WHICH THE EXEMPTION IS
19 TO BEGIN.

20 (5) IN ADDITION TO THE CERTIFICATION REQUIRED PURSUANT TO
21 SUBSECTION (C) (4), THE SPONSOR SHALL PROVIDE FOR THE HOUSING
22 DEVELOPMENT ANNUALLY IN WRITING TO THE CITY ASSESSOR FOR THE

1 PRECEDING YEAR IN WHICH THE PROPERTY TAX EXEMPTION WAS IN
2 EFFECT:

3 A. THE ANNUAL AUDITED ACCOUNTING REPORT FOR THE PAYMENT IN
4 LIEU OF TAXES; AND

5 B. A CERTIFIED STATEMENT IDENTIFYING ALL THE UNITS RENTED TO
6 PERSONS OF LOW OF MODERATE INCOME; AND

7 C. IF REQUESTED BY THE CITY, PROOF THAT THE HOUSING
8 DEVELOPMENT UNITS HAVE NOT INCREASED, DECREASED, OR BEEN
9 ALTERED IN ANY FORM, UNLESS THE CITY HAS OTHERWISE
10 AMENDED THE PROVISIONS OF THIS SECTION.

11 (D) *LIMITATION ON THE PAYMENT OF THE ANNUAL SERVICE CHARGE.*
12 NOTWITHSTANDING SUBSECTION (C), THE SERVICE CHARGE TO BE PAID
13 EACH YEAR IN LIEU OF TAXES FOR THE PART OF THE HOUSING
14 DEVELOPMENT PROJECT THAT IS TAX EXEMPT AND OCCUPIED BY OTHER
15 THAN LOW OR MODERATE INCOME PERSONS SHALL BE EQUAL TO THE FULL
16 AMOUNT OF THE TAXES THAT WOULD OTHERWISE BE DUE AND PAYABLE
17 ON THAT PORTION OF THE HOUSING DEVELOPMENT PROJECT IF THE
18 PROJECT WERE NOT TAX EXEMPT.

19 (E) *PAYMENT OF ANNUAL SERVICE CHARGE.* THE SERVICE CHARGE IN LIEU OF
20 TAXES, AS ESTABLISHED UNDER THIS SECTION, SHALL BE PAYABLE IN THE
21 SAME MANNER AS GENERAL PROPERTY TAXES ARE PAYABLE TO THE CITY,
22 EXCEPT THAT THE ANNUAL PAYMENT SHALL BE MADE ON OR BEFORE JULY

1 1 OF THE YEAR FOLLOWING THE YEAR UPON WHICH SUCH CHARGE IS
2 CALCULATED.

3 (F) *CONTRACTUAL EFFECT*. NOTWITHSTANDING THE PROVISIONS OF SECTION
4 15(A)(5) OF THE ACT TO THE CONTRARY, A CONTRACT BETWEEN THE CITY
5 AND THE SPONSOR WITH THE AUTHORITY AS THIRD-PARTY BENEFICIARY
6 UNDER THE CONTRACT, TO PROVIDE TAX EXEMPTION AND ACCEPT
7 PAYMENT IN LIEU OF TAXES AS PREVIOUSLY DESCRIBED, IS EFFECTUATED
8 BY THE ENACTMENT OF THIS SECTION.

9 (G) *DURATION*. THIS SECTION SHALL REMAIN IN EFFECT AND SHALL NOT
10 TERMINATE UNTIL THE END OF THE 15 YEAR TAX CREDIT COMPLIANCE
11 PERIOD, COMMENCING WITH AND INCLUDING TAX YEAR 2019, PROVIDED
12 THAT THE SPONSOR COMPLIES WITH THE REQUIREMENTS OF THE ACT AND
13 THIS SECTION, AND FURTHER PROVIDED THAT THE HOUSING DEVELOPMENT
14 CONTINUES TO BE RENTED TO LOW OR MODERATE INCOME PERSONS AT
15 RENTS DETERMINED UNDER THE LOW INCOME HOUSING TAX CREDIT
16 PROGRAM, AS THE SAME MAY BE FURTHER AMENDED OR SUPERSEDED, OR
17 THERE IS AN AUTHORITY-AIDED OR FEDERALLY-AIDED MORTGAGE ON THE
18 HOUSING DEVELOPMENT AS PROVIDED IN THE ACT, OR THE AUTHORITY OR
19 HUD HAS AN INTEREST IN THE PROPERTY; BUT IN NO EVENT BEYOND
20 DECEMBER 31, 2034. IF THE SPONSOR FAILS TO COMPLETE THE
21 DEVELOPMENT OR CHANGES THE SCOPE OR PURPOSE OF THE SEVENTY
22 SEVEN (77) UNITS OF HOUSING WITHIN THE DEVELOPMENT WITHOUT THE
23 CONSENT OF THE CITY OF LANSING, BY AND THROUGH ITS

1 REPRESENTATIVES, AND IN ACCORDANCE WITH THE REQUIREMENTS OF THE
2 LANSING CITY CHARTER, THIS SECTION SHALL AUTOMATICALLY EXPIRE
3 AND BE OF NO EFFECT.

4 Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or
5 rules inconsistent with the provisions hereof are hereby repealed as they pertain to
6 **SHIAWASSEE SENIOR LOFTS** housing development.

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

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

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Approved as to form:

James D. Smiertka, City Attorney
Dated: _____



OFFICE OF THE MAYOR

9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

Virg Bernero, Mayor

TO: City Council President Judi Brown Clarke and Councilmembers
FROM: Mayor Virg Bernero
DATE:
RE: Pilot - The Crossing

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment



City of Lansing
Inter-Departmental
Memorandum



To: Virg Bernero, Mayor
From: Susan Stachowiak, Zoning Administrator
Subject: CITY COUNCIL AGENDA ITEM - Pilot - The Crossing
Date: August 26, 2016

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

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

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, _____, 2016, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of supporting and/or opposing the Ordinance for the Payment in Lieu of Taxes (PILOT) for The Crossing.

1 ACKNOWLEDGED THAT SUCH HOUSING FOR PERSONS OF LOW AND
2 MODERATE INCOME IS A PUBLIC NECESSITY, AND AS THE CITY WILL BE
3 BENEFITED AND IMPROVED BY SUCH HOUSING, THE ENCOURAGEMENT OF
4 THE SAME BY PROVIDING CERTAIN REAL ESTATE TAX EXEMPTION FOR
5 SUCH HOUSING IS A VALID PUBLIC PURPOSE.

6 (B) *DEFINITIONS.*

7 (1) "*ACT*" MEANS THE STATE HOUSING DEVELOPMENT AUTHORITY ACT,
8 BEING PUBLIC ACT 346 OF 1966, AS AMENDED.

9 (2) "*ANNUAL SHELTER RENTS*" MEANS THE TOTAL COLLECTIONS DURING AN
10 AGREED ANNUAL PERIOD FROM ALL PERSONS OF LOW OR MODERATE
11 INCOME, OCCUPYING THE HOUSING DEVELOPMENT REPRESENTING
12 RENTS FOR OCCUPANCY, WHICH RENTAL AMOUNTS SHALL BE
13 EXCLUSIVE OF CHARGES FOR GAS, ELECTRICITY, HEAT OR OTHER
14 UTILITIES FURNISHED TO THE OCCUPANTS.

15 (3) "*AUTHORITY*" MEANS THE MICHIGAN STATE HOUSING DEVELOPMENT
16 AUTHORITY.

17 (4) "*HOUSING DEVELOPMENT* " OR " *DEVELOPMENT*" MEANS A DEVELOPMENT
18 WHICH CONTAINS A SIGNIFICANT ELEMENT OF HOUSING FOR PERSONS
19 OF LOW AND MODERATE INCOME AND SUCH ELEMENTS OF OTHER
20 HOUSING, COMMERCIAL, RECREATIONAL, INDUSTRIAL, COMMUNAL AND
21 EDUCATIONAL FACILITIES AS THE AUTHORITY MAY DETERMINE WILL
22 IMPROVE THE QUALITY OF THE DEVELOPMENT AS IT RELATES TO

1 HOUSING FOR PERSONS OF LOW AND MODERATE INCOME. FOR THE
2 PURPOSE OF THIS SECTION, THE NAME OF THIS DEVELOPMENT IS **THE**
3 **CROSSING**, AND CONSISTS OF **SEVENTY SEVEN (77)** UNITS OF RENTAL
4 HOUSING LOCATED WITHIN LANSING AT:

5 **[TO BE DETERMINED...METES AND BOUNDS SURVEY TO BE PREPARED**
6 **TO FOLLOW]**,

7 COMMONLY KNOWN AS **627 EAST SHIAWASSEE STREET & RELATED**
8 **PARCELS**, LANSING (PARCEL ID: **33-01-01-16-227-121 & 33-01-01-16-227-111 &**
9 **PART OF 33-01-01-16-227-132 & 33-01-01-16-227-143**).

10 (5) "*HUD*" MEANS THE DEPARTMENT OF HOUSING AND URBAN
11 DEVELOPMENT OF THE UNITED STATES GOVERNMENT.

12 (6) "*LOW INCOME HOUSING TAX CREDIT PROGRAM*" MEANS THE PROGRAM
13 ESTABLISHED BY SECTION 42 OF THE UNITED STATES INTERNAL
14 REVENUE CODE.

15 (7) "*LOW OR MODERATE INCOME*" MEANS LOW OR MODERATE INCOME
16 ELIGIBILITY UNDER THE AUTHORITY ACT OR RULES.

17 (8) "*MORTGAGE LOAN*" MEANS A LOAN TO BE MADE BY A PRIVATE ENTITY
18 AND INSURED BY HUD, OR A LOAN FROM THE AUTHORITY FOR THE
19 FINANCING OF THE PURCHASE AND REHABILITATION OF THE HOUSING
20 DEVELOPMENT.

21 (9) "*SPONSOR*" MEANS A PERSON OR OTHER ENTITY WITH A HOUSING
22 DEVELOPMENT WHICH IS FINANCED OR ASSISTED PURSUANT TO THE

1 ACT. FOR PURPOSES OF THIS SECTION, THE SPONSOR OF **THE CROSSING**
2 HOUSING DEVELOPMENT IS **MV AFFORDABLE HOUSING, LLC**, OR ITS
3 SUCCESSORS OR ASSIGNS.

4 (10) "*UTILITIES*" MEANS FUEL, WATER, SANITARY SEWER AND/OR
5 ELECTRICAL SERVICE, WHICH IS PAID FOR BY THE HOUSING
6 DEVELOPMENT.

7 (C) *ESTABLISHMENT OF ANNUAL SERVICE CHARGE.*

8 (1) THE CITY ACKNOWLEDGES THAT THE SPONSOR AND THE AUTHORITY
9 HAVE ESTABLISHED THE ECONOMIC FEASIBILITY OF **THE CROSSING**
10 HOUSING DEVELOPMENT IN RELIANCE UPON THE ENACTMENT AND
11 CONTINUING EFFECT OF THIS SECTION AND UPON THE QUALIFICATION
12 OF THE **SEVENTY SEVEN (77)** UNITS OF HOUSING IN THE HOUSING
13 DEVELOPMENT FOR EXEMPTION FROM ALL PROPERTY TAXES AS
14 ESTABLISHED IN THIS SECTION.

15 (2) SUBJECT TO THE CONDITIONS AND REQUIREMENTS OF THIS SECTION
16 AND THE ACT, THE **SEVENTY SEVEN (77)** UNITS IN THE HOUSING
17 DEVELOPMENT FOR PERSONS OF LOW AND MODERATE INCOME
18 IDENTIFIED AS **THE CROSSING** AND THE PROPERTY ON WHICH THEY ARE
19 CONSTRUCTED SHALL BE EXEMPT FROM ALL PROPERTY TAXES FOR NOT
20 MORE THAN **THE TAX CREDIT COMPLIANCE PERIOD OF FIFTEEN (15)**
21 **YEARS**, COMMENCING WITH AND INCLUDING TAX YEAR 2019.

1 (3) IN LIEU OF ALL SAID PROPERTY TAXES ON THE SEVENTY SEVEN (77)
2 UNITS IN THE HOUSING DEVELOPMENT, THE SPONSOR SHALL PAY, AND
3 THE CITY WILL ACCEPT, AN ANNUAL SERVICE CHARGE FOR PUBLIC
4 SERVICES, IN THE SUM EQUAL TO, FOUR PERCENT (4%) OF THE
5 DIFFERENCE BETWEEN THE ANNUAL SHELTER RENTS ACTUALLY
6 COLLECTED AND UTILITIES.

7 (4) THE EXEMPTION PROVIDED UNDER THIS SECTION SHALL COMMENCE
8 WHEN THE SPONSOR COMPLIES WITH SECTION 15A(1) OF 1966 PA 346, AS
9 AMENDED, CODIFIED AS MCL 125.1415a(1), WHICH PROVIDES: THE OWNER
10 OF A HOUSING PROJECT ELIGIBLE FOR THE EXEMPTION SHALL FILE WITH
11 THE LOCAL ASSESSING OFFICER (THE CITY ASSESSOR) A NOTIFICATION
12 OF THE EXEMPTION, WHICH SHALL BE IN AN AFFIDAVIT FORM AS
13 PROVIDED BY THE AUTHORITY. THE COMPLETED AFFIDAVIT FORM FIRST
14 SHALL BE SUBMITTED TO THE AUTHORITY FOR CERTIFICATION BY THE
15 AUTHORITY THAT THE PROJECT IS ELIGIBLE FOR THE EXEMPTION. THE
16 OWNER THEN SHALL FILE THE CERTIFIED NOTIFICATION OF THE
17 EXEMPTION WITH THE LOCAL ASSESSING OFFICER BEFORE NOVEMBER 1
18 OF THE YEAR PRECEDING THE TAX YEAR IN WHICH THE EXEMPTION IS
19 TO BEGIN.

20 (5) IN ADDITION TO THE CERTIFICATION REQUIRED PURSUANT TO
21 SUBSECTION (C) (4), THE SPONSOR SHALL PROVIDE FOR THE HOUSING
22 DEVELOPMENT ANNUALLY IN WRITING TO THE CITY ASSESSOR FOR THE

1 PRECEDING YEAR IN WHICH THE PROPERTY TAX EXEMPTION WAS IN
2 EFFECT:

3 A. THE ANNUAL AUDITED ACCOUNTING REPORT FOR THE PAYMENT IN
4 LIEU OF TAXES; AND

5 B. A CERTIFIED STATEMENT IDENTIFYING ALL THE UNITS RENTED TO
6 PERSONS OF LOW OF MODERATE INCOME; AND

7 C. IF REQUESTED BY THE CITY, PROOF THAT THE HOUSING
8 DEVELOPMENT UNITS HAVE NOT INCREASED, DECREASED, OR BEEN
9 ALTERED IN ANY FORM, UNLESS THE CITY HAS OTHERWISE
10 AMENDED THE PROVISIONS OF THIS SECTION.

11 (D) *LIMITATION ON THE PAYMENT OF THE ANNUAL SERVICE CHARGE.*
12 NOTWITHSTANDING SUBSECTION (C), THE SERVICE CHARGE TO BE PAID
13 EACH YEAR IN LIEU OF TAXES FOR THE PART OF THE HOUSING
14 DEVELOPMENT PROJECT THAT IS TAX EXEMPT AND OCCUPIED BY OTHER
15 THAN LOW OR MODERATE INCOME PERSONS SHALL BE EQUAL TO THE FULL
16 AMOUNT OF THE TAXES THAT WOULD OTHERWISE BE DUE AND PAYABLE
17 ON THAT PORTION OF THE HOUSING DEVELOPMENT PROJECT IF THE
18 PROJECT WERE NOT TAX EXEMPT.

19 (E) *PAYMENT OF ANNUAL SERVICE CHARGE.* THE SERVICE CHARGE IN LIEU OF
20 TAXES, AS ESTABLISHED UNDER THIS SECTION, SHALL BE PAYABLE IN THE
21 SAME MANNER AS GENERAL PROPERTY TAXES ARE PAYABLE TO THE CITY,
22 EXCEPT THAT THE ANNUAL PAYMENT SHALL BE MADE ON OR BEFORE JULY

1 1 OF THE YEAR FOLLOWING THE YEAR UPON WHICH SUCH CHARGE IS
2 CALCULATED.

3 (F) *CONTRACTUAL EFFECT*. NOTWITHSTANDING THE PROVISIONS OF SECTION
4 15(A)(5) OF THE ACT TO THE CONTRARY, A CONTRACT BETWEEN THE CITY
5 AND THE SPONSOR WITH THE AUTHORITY AS THIRD-PARTY BENEFICIARY
6 UNDER THE CONTRACT, TO PROVIDE TAX EXEMPTION AND ACCEPT
7 PAYMENT IN LIEU OF TAXES AS PREVIOUSLY DESCRIBED, IS EFFECTUATED
8 BY THE ENACTMENT OF THIS SECTION.

9 (G) *DURATION*. THIS SECTION SHALL REMAIN IN EFFECT AND SHALL NOT
10 TERMINATE UNTIL THE END OF THE 15 YEAR TAX CREDIT COMPLIANCE
11 PERIOD, COMMENCING WITH AND INCLUDING TAX YEAR 2019, PROVIDED
12 THAT THE SPONSOR COMPLIES WITH THE REQUIREMENTS OF THE ACT AND
13 THIS SECTION, AND FURTHER PROVIDED THAT THE HOUSING DEVELOPMENT
14 CONTINUES TO BE RENTED TO LOW OR MODERATE INCOME PERSONS AT
15 RENTS DETERMINED UNDER THE LOW INCOME HOUSING TAX CREDIT
16 PROGRAM, AS THE SAME MAY BE FURTHER AMENDED OR SUPERSEDED, OR
17 THERE IS AN AUTHORITY-AIDED OR FEDERALLY-AIDED MORTGAGE ON THE
18 HOUSING DEVELOPMENT AS PROVIDED IN THE ACT, OR THE AUTHORITY OR
19 HUD HAS AN INTEREST IN THE PROPERTY; BUT IN NO EVENT BEYOND
20 DECEMBER 31, 2034. IF THE SPONSOR FAILS TO COMPLETE THE
21 DEVELOPMENT OR CHANGES THE SCOPE OR PURPOSE OF THE SEVENTY
22 SEVEN (77) UNITS OF HOUSING WITHIN THE DEVELOPMENT WITHOUT THE
23 CONSENT OF THE CITY OF LANSING, BY AND THROUGH ITS

1 REPRESENTATIVES, AND IN ACCORDANCE WITH THE REQUIREMENTS OF THE
2 LANSING CITY CHARTER, THIS SECTION SHALL AUTOMATICALLY EXPIRE
3 AND BE OF NO EFFECT.

4 Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or
5 rules inconsistent with the provisions hereof are hereby repealed as they pertain to **THE**
6 **CROSSING** housing development.

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

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

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22 Approved as to form:

23 _____
24 James D. Smiertka, City Attorney

25 Dated: _____
26
27

Jackson, Brian

From: Boak, Sherrie
Sent: Tuesday, August 23, 2016 11:25 AM
To: Swope, Chris; Jackson, Brian
Subject: FW: BWL and Scott Park

From: Wood, Carol
Sent: Tuesday, August 23, 2016 11:16 AM
To: Boak, Sherrie
Subject: FW: BWL and Scott Park

Please make this part of the Public Record.

Carol

From: Dave Errickson [<mailto:dcenur@yahoo.com>]
Sent: Monday, August 22, 2016 10:34 PM
To: City Council
Subject: BWL and Scott Park

Members of Council:

I attended most of tonight's presentation by BWL regarding Scott Park. I came in slightly late. I have been at the last two BWL commissioners meetings and have met with several commissioners regarding the Citizens Advisory Council recommendations on our energy future.

BWL stated tonight that they need 5 substations. In the strategic plan given by George Stojic on August 16 at BWL, he stated they need 5 substations to replace the substation at Eckart and 8 overall throughout the city. Can you ask about this discrepancy? Please refer to the draft strategic plan on their meetings notes from August 16 to confirm this.

BWL kept stating that Scott Park is the sweet spot for this substation. In the CAC recommended plan, BWL needs to build 3 new power plants generating up to 450MW of power to replace Eckart, Erickson and Belle River which supply Lansing. We do not know where or when these plants will be built and if Scott Park will still be the "sweet spot" for these new power plants. Could someone ask BWL what their future plans are for those plants? They have been asked in public meetings at BWL and they have not given an answer yet. However they said they need to build at least one plant by 2020 to replace Eckart and they need 2 to 3 years to build it. We are 3 1/2 years away from 2020. So where is the first plant going?

BWL needs to come clean and have an overall plan for our energy future. They discussed tonight the need to generate energy efficiently by building it close to where it is needed. Yet they are doing the minimum when it comes to energy efficiency programs for customers. They are considering doing another CAC focused on energy efficiency this fall. Again, as Commissioner Washington stated about this project, a little late and not very transparent.

For the record, I support having a public utility. I want the best and most efficient utility we can be. There are examples in capitol cities such as Austin Texas and Sacramento CA of what this looks like. BWL could be so much more with a little imagination, not scare tactics that they use to intimidate us into using the plan they want.

Thank you for your time and efforts tonight and always.

Regards

Dave Errickson
Chair CMG Sierra Club
Lansing, MI 48910
517 648-9115

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Jackson, Brian

From: Boak, Sherrie
Sent: Tuesday, August 23, 2016 11:24 AM
To: Swope, Chris; Jackson, Brian
Subject: FW: More comments on substation

From: Wood, Carol
Sent: Tuesday, August 23, 2016 11:12 AM
To: Boak, Sherrie
Subject: FW: More comments on substation

Please include these as part of the Public Record.

Carol

From: Melissa S. Quon Huber [<mailto:hubermelissa@gmail.com>]
Sent: Monday, August 22, 2016 10:51 PM
To: City Council
Subject: More comments on substation

1. Recall that BWL agreed that they provided the cheapest plan for Diamond REO way tonight -- the cheapest and not the best.

We fully expected BWL them to present the most ugly rendering of alternate options.

Ms. Spitzley's observation about exaggeration for effect very well may be true.

2. If additional costs are needed for getting the energy to the outlying areas in a "pretty" and efficient way, then can we have outlying customers bear more of the costs?

Then we have economic incentives for people and businesses to locate in the city for cheaper energy!!

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