AGENDA
Committee on Development and Planning
Thursday, September 22, 2016 @ 10:00 a.m.
10th Floor Conference Room, City Hall

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

1. **Call to Order**

2. **Public Comment on Agenda Items**

3. **Minutes:**
   - August 25, 2016
   - September 8, 2016

4. **Discussion/Action:**

   A.) RESOLUTION – Design Lansing Comprehensive Plan Amendment; 125 W. Malcom X; LBWL Central Substation Project

   B.) RESOLUTION- SLU-3-2016; 125 W. Malcom X; LBWL Central Substation Project

   C.) RESOLUTION - ACT-7-2016; Authorize Construction of LBWL Central Substation Project

   D.) RESOLUTION – ACT-9-2016; Sale of 1020 W. Hillsdale Street to Habitat For Humanity Capital Region (HFHCR); Relocation and Renovation of Scott Center

5) **Other/Place on File**

6) **Adjourn**

COMMITTEE on Development & Planning

DATE 9-22-16

Please print

NAME	ADDRESS	EMAIL	Representing	PHONE
Richard Peffley	1203 Washington	RLP@LBWL.com	BWL	242-6312
Annie Reepecki	1201 Washington	AMR1@LBWL.com	BWL	
Bob Ford	809 Center St	bford@LAPinc.net	"	485-5500
Price Dobernick	5465 MLK	price@local333.com	UA	
Dave Erickson	1724 Pingree St 48910	dcenve@yahoo.com	Sierra Club	6489115
Sue Stachowiak	316 N Capitol	sstachow@lansingmi.gov	Planning	4085
Sharon Burton		burtonbutn@aol.com	Garden Club	234-476-1451
DALE SCHRADER	226 W Mapk	S	PL	517-749-7292

MINUTES
Committee on Development and Planning
Thursday, September 22, 2016 @ 10:00 a.m.
10th Floor Conference Room, City Hall

CALL TO ORDER
The meeting was called to order at 10:05 a.m.

ROLL CALL
Council Member Jody Washington, Chair
Council Member Jessica Yorko, Vice Chair-left the meeting at 11:22 a.m.
Councilmember Judi Brown Clarke, Member- excused

OTHERS PRESENT
Sherrie Boak, Council Staff
Jim Smiertka, City Attorney- left the meeting at 11:25 a.m.
Susan Stachowiak, Planning & Neighborhood Development
Todd Heywood, City Pulse
Wayne Lynn, BWL
Melanie Lynn, BWL
Chris Knudstrup, BWL
Annie Rzepecki, BWL
Bob Ford,BWL
Dick Peffley, BWL
Steve Serkaian, BWL
George Stojic, BWL
Calvin Jones, BWL
Price Dobernick, Union
Mark Dotson, Deputy City
Jim Smiertka, City Attorney
Dave Erickson, Sierra Club
Sharon Burton, Garden Club
Dale Schrader, Preservation Lansing
Ryan Smith, Cherryhill Neighborhood

PUBLIC COMMENT
Public comment would be taken during each agenda item.

MINUTES
MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE MINUTES FROM AUGUST 25, 2016 AS PRESENTED. MOTION CARRIED 2-0.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE MINUTES FROM SEPTEMBER 8, 2016 AS PRESENTED. MOTION CARRIED 2-0.

Council Member Washington amended the agenda to address item D) first, the ACT-9-2016.
RESOLUTION – ACT-9-2016; Sale of 1020 W. Hillsdale Street to Habitat For Humanity Capital Region (HFHCR); Relocation and Renovation of Scott Center
Ms. Stachowiak informed the Committee that Habitat for Humanity no long wanted to accept the house. The topic will still stay on the November ballot, and the City will release a RFP to acquire someone to obtain the house and move it. Council Member Washington asked if the concept was still the same, and Ms. Stachowiak could not verify that since there is no prospective interest at this point. Council Member Washington then asked Mr. Peffley if BWL was still giving $100,000 towards the item, and it was confirmed they would.

MOTION BY COUNCIL MEMBER YORKO TO WITHDRAW THE REQUEST FOR ACT 9-2016 DUE TO THE FACT THAT HABITAT FOR HUMANITY HAS WITHDREW THEIR INTEREST. MOTION CARRIED 2-0.

DISCUSSION/ACTION:
RESOLUTION – Design Lansing Comprehensive Plan Amendment; 125 W. Malcom X; LBWL Central Substation Project
RESOLUTION- SLU-3-2016; 125 W. Malcom X; LBWL Central Substation Project
RESOLUTION - ACT-7-2016; Authorize Construction of LBWL Central Substation Project
Council Member Washington started the conversations by stating that based on her comments from the last meeting she submitted questions to BWL representatives. Those questions were answered, however some of the answers were not what she was looking for, and even stated that her questions were not relevant and therefore chose not to answer. Since that time, there have been further discussions with BWL and at this point the Committee will move forward on obtaining more information at this meeting. Council Member Washington informed the BWL representatives that Council needs to have the information to make an educated vote. Mr. Peffley agreed to answer the important questions, and move forward.

Mr. Peffley first spoke on the history behind why some questions were not answered, stating that 2 years ago the BWL received an intent to sue from the Sierra Club, along with the fact they are working with the EPA on alleged violations at a plant. This provide an unique situation where they could not answer some of Council Member Washington's questions. Since her submission of questions, as recent as 9/21/2016, they have met with the Sierra Club to resolve their issue. A lot of the questions in the initial Council Member's letter were related to the disclosure the Sierra Club was asking for. Mr. Peffley clarified that when they responded to the questions, the perception of intent was not intended. Council Member Washington asked Mr. Peffley to reach out via phone in the future if that situation arises again.

Council Member Yorko referenced renderings from the last meeting presented by Mr. Schrader that depicted two different presentations, one showing distribution ducts and transition lines to South street, and another graphic that didn't show that. Since that meeting she had reached out to BWL and was informed the initial image that showed it, was a small distribution duct with a couple lines, and sufficient to serve residential on Washington Street. This was nowhere near the ducts that currently exist under Eckert to GM to downtown. The reason Council Member

Yorko was given that it was taken from the later graphics was not to give people the understanding that the equal level of capacity was there. BWL confirmed in no way did they intend to mislead.

Council Member Washington began a detailed question and answer session going over some of her initial questions sent to BWL representatives on September 11, 2016. Council Member Washington asked the following questions with answers being provided by BWL representatives.

> Question 3 *We have been told that the substation would take about 18-24 months to build? Which statement is accurate? What is the actual written construction time table outlined for this project?*
> Mr. Stojic stated it will take 2 years.
> *Does the time table include all of the proposed amenities?*
> Mr. Stojic stated it does.
> *Have permits already been pulled for the Scott site? If so, what permits and from which agencies?*
> Mr. Peffley stated they had not been.

Council Member Washington deterred from the questions to inform the BWL representatives that she was encouraging them to put forth additional efforts for more community engagement, since in this case the park is just used by just a single neighborhood, but the entire City. The outreach needed to be broader. Mr. Peffley agreed it has been a learning curve, and noted they hope in the future they will not have to build in another park. Council Member Washington asked about the charrette that was done for the art on the wall, and why it was not for the actual design of the wall. Mr. Peffley confirmed the planning of the wall can be as low as 8' and they need to figure it out. There is flexibility on the wall, but it has to be a minimum of 8' for security. BWL can recreate the wall with options and will have community engagement.

> Question 5 *The BWL currently owns 117 properties in Lansing. How many more properties does he BWL think they will need in the future?*
> Mr. Peffley noted there are currently 123 well sites alone, substation locations, and booster locations, and very little of that property is vacant. Some of the vacant property is not in the City limits. Currently there is nothing on the drawing boards that show purchasing property at this point, and they do look 5 years out. The BWL future plans include replacing the coal plant

> Question 6 *Currently there are three parks that have sub-stations sitting on them. Does the BWL have plans in the future to be asking for more park land?*
> Mr. Peffley stated no.

> Question 7 *If the Scott Park site is not approved, what is the next financially prudent location for this substation (without the pole farm and other poles depicted in the presentation)?*
> Mr. Peffley stated they would like to consider Eckert, but if it is a viable option we would have moved on it already. It is an expensive option.

BWL has stated it would add $12.5 million dollars to the cost of the program to have it located at the current Eckert site. In the presentation given by BWL, the cost was $42 million. Add to the question was the example that Council is being told it will cost $30 million to fire up Eckert again.
BWL Representatives noted that is a small piece of the co-generation, it also backs up the electrical for South Lansing. A large percentage of the load covers downtown, the hospitals and the State. Council Member Washington asked if one on stand-by is enough. Mr. Peffley informed the Committee that it takes 8 hours to start the coal to make electricity, and the base load of electricity is downtown. If they relied on Eckert to cold start for the downtown area it would take 8 hours to create electricity. Therefore they keep three running constantly so if one needs repair, there are two other already running that can immediately kick in, they do not have to cold start them. Mr. Serkaian added to the conversation that it is $30 million to repower Eckert and $30 million to build. To keep the plant 7 years after the retirement date could take $60 million. Mr. Peffley stated that in 2020 when Eckert is due to close, to extend it for 60 days, they would need to put in improvements and that could extend 7 years because the improvements would be to the turbine generators which have a 7 year life. Council Member Washington asked if the cost to keep one on standby is less than $30 million. Mr. Peffley confirmed it that would be less, but to extend its life would take 3 turbines. Half of the funds are to comply with the EPA requirements, so the cost of 1 is 1/3 of the cost. Mr. Stojic stated that they want to run a plant on a 50 year plan with 3 turbines, and not rely on one turbine. Mr. Peffley assured the Committee that if they rehab one turbine, it would be less, but rehab does not make it new.

Question 9 *A separate substation will need to be built for GM. If the "sweet spot" is Townsend and Malcolm X, would that be the probable site for the GM substation? Added to this question, it was noted that it appears GM could consider their power station on the other side of the garden, and Council Member Washington stated she does not want 2 acres of substation, a park, then another substation.*
Mr. Peffley stated that area on GM is not the site they have been told. BWL is involved in the GM substation design, however the location will be where GM wants it on their property. Council Member Washington asked if they could encourage them not to put their substation next to the City. Mr. Knudstop confirmed they have been in discussions with GM and they are proposing sites not near this site, and closer to MLK.

Council Member Washington referenced the BWL budget and note it appeared they were projecting a 2.4 increase in rates, and asked if that was every year or compounded. Mr. Peffley assured her it was not a rate hike, it is an inflation projection. BWL does understand that as they move forward with the new generating plant, they will have to have plan for an increase, but until it is sized they won't know what that will be. The 2.4 is not approved by the Board, it is in there just as a place holder. It is being used as a placeholder for a projection of 2.4 for each of the 3 years. Council Member Washington asked if this would be on top of the other price; Mr. Peffley confirmed.

Question 10 *What is the tipping point that will no longer make the BWL competitive with private utility companies? Where are we in that regard?*
Mr. Peffley stated they are 2.5% under Consumers Energy and hope to be double digits for residents. Consumers is cheaper in the commercial in rates, but BWL is still getting commercial customers based on name sake. It is been heard that Consumers is proposing a rate hike, however BWL has a goal to be double digits under the

competitors. They are competitive with Consumers and DTE, and have a goal of 9% under Consumers, and a larger spread under DTE. Council Member Yorko referenced earlier community review team meetings, where they discussed the closing and replacements. At that time when they spoke on rates increases, 2.4 was predicted, and to keep Eckert it would be an additional 4.5%. There is an understanding that replacing the baseload from Eckert will be an additional expense to the Board, and you would expect there would be a cost to that, and therefore she questioned if the 2.4 predicts those costs. Mr. Peffley confirmed they do not. Council Member Yorko made it noted that she was comfortable with an additional rate increase for replacing the base load, but not with a rate increase to keep Eckert open. Mr. Peffley acknowledged her statement, and reiterated that maintenance on a new plan will be less than maintenance on the old one.

Question 12 *Who was contacted at GM in regard to building the substation on Townsend? Has there been any further discussion?*
Mr. Serkaian confirmed that GM indicated there is no room on their Grand River plant site for a station, and the Mayor's office also confirmed that after their discussions.

Question 14 *If two smaller substations were built, not on park land, what site would be considered and how much would it cost?*
Mr. Knudstrop stated that they did look at two smaller options, but size wise they would add up to 50% more space than one. And then when they looked around for property there were not a lot of sites.

Question 16 *We need to build a new gas plant? When is this to be built? Where is the proposed site?*
Mr. Peffley stated BWL has hired a firm to look at sites, where they can be closed to the gas line, and close to a transmission line. BWL hopes to have information by early 2017 of proposals for those sites. The BWL will keep the City updated on those locations, even if they are not in the City limits. Council Member Yorko asked if land acquisition is a component. Mr. Peffley confirmed they have engaged neighborhoods and some options include rehabs of existing sites. Council Member Yorko asked if there is land acquisition needed for the next ones they have foreseen. Mr. Peffley stated there is not, they will be rehabs. The only proposed new one is on the south side, across from a current one that will be removed. That land has already been purchased.

Mr. Dotson left the meeting at 10:39 a.m.

Mr. Peffley continued stated that the existing are rehabilitations of the sites and the public in those areas have been engaged. Council Member Washington asked that they also contact the Council Members in the Wards those will take place.

Question 20 *Is REO operating at 100%?*
Mr. Peffley stated that REO operates at whatever load is needed. It is capable of running at full load. Currently with the recent weather conditions, the electric side is running at full load, and the steam side is dispatched on an as need basis

Question 21 *Are the emissions from the Erickson Plant actually higher than what is coming from Eckert?*
Mr. Peffley assured the Committee that depends on how the load is. If Erickson is not on line, there are no emissions, but it is capable of 160 megawatts, if running one turbine. They are in compliance with all state guidelines.

Question 22 *Erickson needs to come down by 2030?*
Mr. Peffley noted that it will not be the same as what they are doing now. Erickson does not have a substation required to be built to be shut down. It is also not required to be shut down by 2030, but might be part of the negotiations with the Sierra Club. This date of 2030 will be close to the end of its life, and is currently just a date that is floating around.

Question 27 *How will the size of substations increase/decrease with the advancement of technology?*
Mr. Peffley noted there maybe percentage but the transformer is rated for a certain amount of power.

Question 28 *What are the industry best practices (not the cheapest) for the amount of poles and wires on aerial installations?*
Mr. Peffley acknowledged it is not the industry best practice, but the lowest cost.

Mr. Dotson returned to the meeting at 10:45 a.m.

Mr. Peffley continued, noting that with poles there is higher risk of a storm taking them down, and currently the service is already underground from Eckert GM to the park. If they go underground from an alternate site that is where the cost will rise. BWL has been asked to show the lowest cost option. Council Member Yorko asked if BWL had a recommendation on how to handle the scenario if it was being installed above ground. Mr. Peffley stated they have the costs for underground.

Question 29 *Does the BWL have the power of eminent domain?*
Mr. Peffley stated their attorney has told them yes. Mr. Smiertka stated that the City does, but BWL is just a part of the City. It has been restricted to a “public purpose” not private.

Question 34 *What is the life expectancy of underground distribution lines?*
Mr. Knudstrop informed the Committee it was 40 years. The duct banks have 40-60 years, and the cable 40 years. Mr. Peffley added that the can replace a cable in the duct bank any time without any disruption. Mr. Knudstrop noted that there are some duct banks that are 80-90 years old they still use.

Question 35 *When was the BWL first notified that Ecker must be closed? Who determined the timeline?*
Mr. Stojic there was no specific date. When they started reviewing REO Town in 2011-2012 they also reviewed smaller units in the Moores Park area. Mr. Peffley also noted that when steam was taken off, units 1-3 were shut down spring 2016 and REO picked

those up. Now they are running units 4-6, and those are the ones the new ones will replace.

Question 38 *If Bob Ford was hired a year before the unveiling of the project, why was the community not in involved during that time?*
Council Member Washington asked BWL to do this process different in the future.

Question 40 *What is the actual cost for placing the substation at the Scott site without the proposed amenities?*
The BWL representatives stated $27.9 million.

Question 43 *I was first told that the Diamond Reo site would cost $18 million more than the Scott site? If 4% would raise about $70 million, what would the percentage actually be for the $18 million?*
Mr. Peffley stated that it is $18 million to build it, then they roll in cost of extending the life of Eckert. Mr. Serkaian confirmed that the first answer was a quick response answer, so the new cost was based on comparative cost analysis. The 2.4% is a place holder.

Question 46 *The 2020 - 2022 budget shows $1.3million each year for capital outlay for Eckert. If Eckert is closing, what is the capital outlay money going to be used for?*
Mr. Peffley acknowledged that when the question came through the first time he was not able to locate the details or placeholder for his in their budget. The current projection will include work on the dam and that will stay ongoing. There will also be exiting costs to make the property available for a developer. These would be a line item under capital outlay for Eckert. Council Member Washington asked them to continue to search for the reference and if they locate it to forward to Council staff.

Question 47 *Which other entities, i.e., engineering companies, etc., were involved in choosing the Scott site for the substation?*
This was referenced only, and the answers were provided in the original responses.

Question 49 *Is this due to a NERC reliability requirement? If so cite the specific regulation. Do the Eckert coal burning units need to be in active service to meet this requirement and if so why? [This is the most likely scenario, but as soon as the new substation is up and running they will be able to satisfy this requirement and Eckert can be retired]*
Mr. Peffley responded no.

Question 50 *Is this due to a MISO capacity requirement? If so cite the specific regulation. Can the Eckert coal burning units be retired while still using the existing substation and other infrastructure at the Eckert site until the new substation is complete? In other words, can you purchase the limited capacity requirement (about 80-100 MW) from the national grid on a short term basis to satisfy the MISO requirement? (regardless of whether or not this is the BWL's preference)*
Mr. Peffley responded no.

Question 51 *Is this due to an EPA pollution regulation? If so cite the specific regulation. If this is the result of the Mercury and Air Toxics rule (MATS), the BWL has already installed temporary controls at the Eckert station to meet this. Was this only allowed for a limited time?*
Mr. Peffley stated no.

Question 52 *Is this due to a negotiated consent agreement with the EPA and/or MDEQ such as the EPA Notice of Violation of March 2015 for permit violations at the Erickson power plant? If so is the final agreement available to support the need to retire Eckert by January 1, 2020?*
Mr. Peffley stated no.

Question 53 *If one or more of these are true then document the costs associated with failing to meet the requirement.*
It was not this question was irrelevant.

Question 54 *I know we are planning on $100,000 to move the house, $40,000 endowment for the garden and $20,000 every three years for art, but what is the actual cost of each of the other amenities? The viewing platform? Improvements to the actual riverfront? Art on the walls? Fish platforms? The walls around the substation? Demolition of the existing wall? Building of the new parking lot? Actual cost of the bike path and walking path that is proposed? Is this this 4 million minus the 160,000*.

Mr. Peffley noted that art is rolled into the $4 million. BWL has not done details or specifications on the components, so they are assuming it will be $4 million based on discussion with the consultants. BWL has placed in the worst case scenario for the tallest wall, priced out at 25', and he noted the wall does not have to be the same height all the way around. Council Member Washington encourage BWL to look at the Lou Adado park sculpture and have it moved to the site. Mr. Peffley stated there is a 8-10' wall proposed along Washington and they are working to move that back to provide a greenspace. Mr. Knudstrop stated they could move it back 10', but continue to work on the projection.

Question 55 *Will trees need to be cut down to do a new parking lot?*
BWL representatives noted that trees and parking lot design will come up in the design process.

Council Member Washington acknowledged BWL for their apology and response. Council has been in a unique position, and every organization and public approaches them with their point of view. The Charter leaves it up to Council to make this difficult decision. Council Member Washington encouraged BWL to consider the fact that the Eckert property is river front property, and provides an opportunity for them to do something wonderful. The question then was raised on what BWL vision is for renewable energy. Mr. Peffley noted that LEAP has been involved with bringing prospective buyers to the Eckert site well before this project is done so that they are out in front of this to make sure people know it will be available. As regards to renewals, the State itself is struggling with a renewal portfolio goal. BWL has a goal of 20%, and has a goal of 40% clean energy by 2030. It was noted that no other utility has that goal in this area. BWL is working on a solar project of 20 megawatts in Delta now, and working on a wind farm up north. They currently have a contract with hydro power, and will use that to offset

the running of new plant. There is no economical large storage of electricity. BWL will continue to work with the Sierra Club with where they are going with renewables.

Council Member Yorko asked if BWL was securing grants for the renewables. Mr. Peffley acknowledged they have not reached out yet to secure grants but have spoken to people about 20 megawatt storage. They have a goal 30% by 2020, increasing in each year.

Council Member Washington again acknowledged BWL for their apology and responses, and encouraged them to work and communicate with Council in the future.

Council Member Yorko also acknowledged the difficulty in the decision, and understanding the emotional connection to the parks. All the concerns are important and equally valuable. Taking in to account all the information, and all the opportunities presented, the City needs reliable electricity that people can afford. She concluded by stating she believed that what is needed can be addressed on this site, understanding they will lose something historical.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR THE DESIGN LANSING COMPREHENSIVE PLAN AMENDMENT; 125 W. MALCOM X; LBWL CENTRAL SUBSTATION PROJECT. MOTION CARRIED 2-0.

Ms. Burton spoke in opposition to the differential costs on cleanup, rates, and the numbers presented for the project. Ms. Burton asked for continued research on other sites, and power from other sites. Mr. Peffley assured Ms. Burton they have looked at other sites but those could take longer to build, there could be an acquisition of land, building of underground banks, and issue of not being able to use some of the road ways because of existing utilities underground. Ms. Burton asked about the site at the 7th Day Adventist Church, and Mr. Peffley stated it would not big enough to build on and so they would have to move into the surrounding properties, and if they would not sell to them, they would have to condemn, and then the cost gets higher.

Council Member Washington assured the group Council will continue to take questions but at this point they are at a standstill, and for the sake of the City they have to move forward at this time. The full Council will see the items for a vote on September 26, 2016.

RESOLUTION- SLU-3-2016; 125 W. Malcom X; LBWL Central Substation Project
MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR SLU-3-2016.

Mr. Smiertka corrected the proposed resolution, stating that the SLU is not conditional so any references to such should be removed. Therefore the second resolved clause should be eliminated, and the words “with conditions” should be removed from the third resolved clause.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR SLU-3-2016 WITH THE AMENDMENTS MADE BY LAW. MOTION CARRIED 2-0.

RESOLUTION - ACT-7-2016; Authorize Construction of LBWL Central Substation Project
MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR ACT-7-2016. MOTION CARRIED 2-0.

Council Member Yorko left the meeting at 11:22 a.m.

Mr. Erickson supported the questions that were asked, and asked the Committee to considering placing those questions to outside experts. One question he noted asked was what was the definition of “clean energy”, noting that GM recently stated they want 40% renewables. Mr. Peffley confirmed that BWL would support that.

Mr. Smiertka left the meeting at 11:25 a.m.

Mr. Erickson asked about the other forms of energy BWL has, and Mr. Stojic informed the group that BWL is well balanced. Mr. Peffley also added that BWL continues its conversations with the Sierra Club, but due to negotiations on the pending case, they have been asked to keep any negotiations silent. Mr. Erickson concluded his statements stated his opposition to the answering of the questions, stating again that other experts should weigh in. Council Member Washington stated clearly to the group that she has continued to keep these submissions open for months to get answers, and she has performed her due diligence. The times of secrecy and lack of transparency need to come to an end, and it is important to change the culture in the City, she concluded.

Mr. Schrader also acknowledged Council Member Washington for her work, but spoke in opposition on a decision that was made in an hour. Mr. Schrader encouraged the Committee and Council to learn from the experience and stated his fear that BWL will again “push” in the future. He noted there are no specifications on the proposed amenities and wall. Mr. Peffley acknowledged that BWL has learned through this process, and they understand that some residents agree and some do not, but the outcome is the correct outcome.

Council Member Washington reminded the group that she could not speak to how the vote would be on Monday, September 26, 2016, but they do need to go forward, and Council will be left to deal with the issues. The studies could go on for year, and they would still not have all the answers. At some point the question has to be called.

Mr. Smith spoke in opposition to the process that was followed, and point to the issue that the restoration of the Eckert property will be paid for by the City when they are asked to approve bonds, Brownfields and other forms to make the property buildable. Council Member Washington suggested that BWL consider making that property into a greenspace. Mr. Smith referenced his recent visit to an urban garden under renovation by DTE in Detroit as an option for BWL to consider. His suggestion was that BWL take the $4 million to commission a new park in downtown, or enhance a park, or even consider an indoor park for year round concessions. Mr. Peffley stated that BWL has no issue with the discussions, and can even work with the City Parks and Recreation Director.

Adjourn at 11:37 a.m.
Submitted by,
Sherrie Boak, Recording Secretary,
Lansing City Council
Approved by the Committee on October 13, 2016

DRAFT

MINUTES
Committee on Development and Planning
Thursday, August 25, 2016 @ 10:00 a.m.
10th Floor Conference Room, City Hall

CALL TO ORDER
The meeting was called to order at 10:04 a.m.

ROLL CALL
Council Member Jody Washington, Chair
Council Member Jessica Yorko, Vice Chair- left the meeting at 11:27 p.m.
Councilmember Judi Brown Clarke, Member- excused

OTHERS PRESENT
Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Council Member Carol Wood
Bill Rieske, Planning & Neighborhood Development
Mark Dotson, Deputy City Attorney
Kathy Miles
Shirley Woodruff, Grand Haven Manor, Reenders Inc.,
Mackie Woodruff, Grand Haven Manor, Reenders, Inc.
Price Dobernick, UAW 333
Mark Mello, Sheet Metal Union 7
Kim Sakowski, DEQ
Janet Michaluk, DEQ
Bret Stuntz, SkyVue
Jeff Hukill, DEQ
Matt Marshall, Rise
Jamerson M. Ries, Wolverine
Steve Willobee, LEAP
Bill Rieske, Planning & Neighborhood Development
Brent, ATK Peerless

PUBLIC COMMENT
Council Member Washington stated all comments will be taken during each agenda item.

MINUTES
MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE MINUTES FROM AUGUST 11, 2016 AS PRESENTED. MOTION CARRIED 2-0.

DISCUSSION/ACTION:
RESOLUTION –ACT-1-2016; Grand Haven Manor; Farrell Drain Easement Reduction; 3215 W Mt. Hope

Mr. Rieske outlined the request, based on the anticipation of a possible expansion and new building for the Grand Haven Manor building. The owners have asked for the drain easement to be reduced in size to accommodate the building. The Department on Public Service have performed an investigation and determined the City does not need any of the easement. Therefore the proposed resolution is to vacate nearly all of easement. It was noted that at the south end, off their property, there is a manhole that feeds into the Deerfield Avenue drain. Law has determined the manhole in question is not on this property, therefore not included in the legal of the easement.

The group discussed the current Grand Haven Manor, site for expansion which is land locked, and lending. Ms. Woodruff confirmed for the Committee that they will be establishing a condo association to address the land lock issue and to build their 78 new senior mixed income independent units offering congregate services, etc.

Council Member Wood asked about the history of water issues on the site. Ms. Woodruff stated they are addressing that with enlarging the detention on the west, and they have gone thru the MDEQ wetland approval process so it will be engineered to accommodate.

Council Member Wood asked of the existing tree buffer will be staying, and it was acknowledged that some tree clearing will be done, but nothing beyond the drain.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR ACT-1-2016; FARRELL DRAIN EASEMENT REDUCTION; 3215 W MT HOPE. MOTION CARRIED 2-0.

DISCUSSION – Ordinance 206.25; Transparency in Bidding

Law distributed new version of the proposed ordinance dated 8/25/2016. Council Member Washington outlined the process and involvement on how it had gotten to this point. Mr. Smiertka outlined the ordinance highlighting that revisions were made based on comments from the Committee and outside organizations. The first revision was page 4 adding (6) per the Committee request and (7) per Law recommendation. Page 5 removed the waiver section, because Mr. Smiertka noted that under this proposal there is no reason for it, but would be needed in the dialogue that will occur during conversations with the developer. Page 5 the Committee asked for the addition of line 14, and line 16 was also added. Again it was stated this is not a regulatory ordinance. There is an application for incentive that Council will look at, and then Mr. Smiertka referenced an example from Corunna. Mr. Willobee confirmed that LEAP does a contract and it can be modified to reflect the changes. Council Member Washington asked to see the agreements, and Mr. Willobee noted the use a universal agreement currently. Council Member Wood asked if going from a regulatory ordinance to contract, where each will be different, can Council pick and choose, or will Council see each item. Mr. Smiertka stated that Council has the criteria, then referred the group to the definition on page 3, noting that this information should all be vetted before it even gets to Council.

The Committee and other public reviewed the “Requirements” on page 3- 4. Council Member Wood voiced a concern with items that the developer could choose not to. Mr. Smiertka noted they can have it written out, but if Council wants it in there, then Council can send it back to LEAP to renegotiate.

Mr. Dobernick asked for the requirements to be written into the LEAP boiler plate agreement. Mr. Willobee answered they the agreement they use is a universal agreement created under the Executive Order of 2008. Since it is an executive order no revisions can be made, and if are they are not substantiated. If Council has the power to change the executive order the LEAP can consider it. Council Member Wood referenced the universal agreement and concern with the item that states the developer will "attempt to use local and union labor." There is no criteria if they say they tried, and have nothing to prove they have or haven't. She pursued having this language of criteria built in which could be in the contract enforced by LEAP before it comes to Council. Per Law if this is passed by Council, it will be initiated in the documents they will work with LEAP on. Mr. Willobee reminded the Committee that if it is desire of the Council to move forward in this way, they are currently under the Executive Order and PA98. They will work with Law to do what Council considers, but they want to sure not a fraudulent agreement that could end up in litigation. Mr. Dobernick asked Mr. Smiertka if there be an issue going against the Executive Order. Mr. Smiertka noted that this appears to be a local concern, and the LEAP is a universal agreement. Mr. Willobee suggested adding the requested items into the "best effort" category, but the question would be how you do that without butting up against the Executive Order.

Council Member Yorko asked if it would be best to go back to the 2008 version; however Mr. Smiertka noted that one was a regulatory ordinance and it created the potential for multi law suits from non-parties, disgruntled bidders. Mr. Dobernick stated again his concern that there is nothing enforceable. The majority of the contracts that are dealt with are last minute, and Council needs to get away from that. Mr. Smiertka suggested that even though Council won't look at projects case by case, each project will look different. The standards will be the same. Whatever agreement the LEAP is talking about, Law would review and LEAP would make sure it meets the Council intentions. Council Member Washington pointed out that if they do not exercise fair and open bidding that will be addressed.

Mr. Willobee informed the group that many times the applicant has begun its investigative and financial work before Council even sees it. Can they move forward before Council takes any action. Mr. Smiertka reminded him it would be at their risk, and they will have to work with developer on the criteria. Council Member Washington noted that they are not asking for the bidding topic to be addressed for the architect, or general, but once the general contractor puts out for bids for the subcontractors open bidding should be addressed. Council Member Yorko suggested changing the language to state "upon approval of incentive".

Council Member Wood encouraged Mr. Willobee to start encouraging all current applications to follow what has been discussed in this ordinance, and Mr. Willobee acknowledged there are some projects already under way that might not be able to go back.

Mr. Smiertka went back to review of the ordinance noting the original ordinance was regulatory which had mandatory items. It the developer did not have the times it was a civil infraction. Council Member Yorko referred the Committee to page 4, Section D. Council Member Washington asked Law if all this Section would take place before Council approval. Mr. Dobernick admitted that it would be typical to bid after the incentive is approved. Mr. Willobee noted what can occur, and based on the ordinance there would be a delay. LEAP would have no issue with loosening up the language on page 4 and give the developer both ways. Mr. Smiertka clarified that what it says now, whatever they have done pre-bid or not, they will come to Council with a plan, so his opinion was that he was not sure if there needs to be a change. Mr. Willobee stated that if the applicant has followed every posting requirements and all

ordinance, then they come for consideration. Council Member Washington suggested that all the documentation be brought at the time of consideration of a Brownfield. Council Member Yorko again pointed out that there need to be a modification because now the ordinance says after approval. It needs language to assure that open bidding could occur before approval. Mr. Willobee stated it can be changed if possible, and Mr. Smiertka stated it would be.

Mr. Willobee asked for details on what "bidding" applies to since there a lot of federal funds with the activity in question, so is it what is being directly funded. Items included clean up, materials, etc. Mr. Smiertka referred them to page 2, and stated they could add a definition of "construction".

Council Member Yorko referred the group to page 2, which stated low income tax credits, and question how that could be listed since the City does not issue those. Mr. Smiertka stated it is a PILOT so that would cover it, but he could reference MSHDA. Council Member Yorko again asked that it be removed since it is an incentive the City does not have jurisdiction or control over. Mr. Smiertka stated he would make the change.

Council Member Yorko then referred to page 4, an asked why those items were listed under requirements. Council Member Wood stated they were in the original ordinance.

Council Member Yorko asked Mr. Dobernick if the labor councils and trades were promoting this and if so what other municipalities have adopted it. Mr. Dobernick confirmed he has spoken to Ingham County, Delta Township and East Lansing, however Lansing is further along in the process. There has been no push back from those municipalities though.

Mr. Mello spoke in support of the ordinance and the City setting precedence.

Council Member Washington outlined the process, with the last revision coming back 9/8/2016, then introduction and setting of a public hearing on 9/21/52016. The hearing will then be set 10/10/2016, and will be back to the Committee on 10/24/2016. Law should provide the final draft to the Committee the week of August 29th, and any concerns should be sent to herself of Law.

Discussion – SkyVue Development Questions and Answers

Introductions

Council Member Washington outlined the request for SkyVue Developers to attend the meeting which included questions on environmental cleanup, incentives, and the process of reporting. This is to educate Council and assure them who are responsible. Council is never been given a check list to follow when they give out incentives and abatements. Therefore Council never knows what, why the cost and assurance it was done and done responsibility.

Mr. Hukill began the conversation stating they administer the ACT 31 tax incentive which the City applied for, for SkyVue. The process includes the developer submits a work plan for review, and in the work plan there are specific criteria on what has to be included on the plan. In the plan they have to propose what to do, then propose a plan to reduce that off the site. This is not to clean up the site to present conditions, but purpose how they will reduce the risk to make it safe. The developer proposes a plan on due care responsibility of the owner of property, and to make the site safe for anyone who comes along. They have proposed how to mitigate with a variety of implementations. When they get ready to buy a parcel, they do a Phase 1 environmental testing, then baseline. Those are in the environmental assessments

and submitted to the DEQ for their liability protection. The purchasers/developers are not the contaminators, but they are pursuing to protect the third party. They are not responsible for clean up as long as they follow the due care to make sure process is followed and meets the plan. The plan will have a due care, then a budget of do not exceed. Then the DEQ will review the plan and make sure it is active, reasonable and appropriate, and evaluate the costs. In regards to the SkyVue project they have performed two (2) reviews, one under the letter of the law, and the other to look at the activities to make sure what they are proposing will make it safe. If the criteria is met, they issue them the approval to use the mills to fix it. Ms. Sakowski noted that when they do a review if it is contaminated soil, they can't move, but have to properly dispose of it. Mr. Willobee added that they also look at the ground water level, and DEQ reviews it to make sure the environmental conditions will not be made worse. They are trying to get the site back to a safe level. Mr. Hukill also clarified that that does not mean they have to remove anything, it needs to be safe, and it depends on what the contaminates are. There are many options, types of contaminates, and levels. For example for a due care for vapors, there could be vapor barriers, venting, etc. They need to make sure no one comes in contact with contaminates, and try to isolate contamination. In the case of the SkyVue plan, this is being considered a "construction on site" and there was no level of contamination. In Lansing there are other incentives or eligible activities they were approved for with MEDC. The parking structure, the site preparation, and land balancing would be brought up to level if they would have been a greenfield. The purpose of the site is a Brownfield, regardless of contamination or blight. The eligible activities can be used on either, however there has to be contamination for the DEQ to allow for tax incentive on school mills. Mr. Mello asked if the DEQ works with MIOSHA and the EPA, and who follows up on the tanks that were removed, and he also asked for those documents. Ms. Sakowski confirmed they do work with the EPA and has info on the tanks which can be FOIA from the State of Michigan. Mr. Mello wants to speak to the EPA and MIOSHA.

Mr. Hukill went on to outline that the due care compliance, when the project is complete, is a document on what they did, when the development is complete that document will be completes as well. At that point the DEQ will then know what the site is. They are not required to submit it to DEQ periodically but have to have on site. They only have to submit to the DEQ upon request. Mr. Mello stated to the group that it now falls on Council. Council Member Wood asked if the DEQ performs any periodic audits. They do receive the manifest directly from the landfill, provided by the environmental consultant, but an audit is not done. ATK Peerless is on site during excavation, there is not an audit but a daily inspection. They can ask for additional information, which is vetted and reviewed. It is a verification during the review of the process. The project engineer outlined the "chain of custody process" which involves ATK Peerless at the landfill before the excavation of soils, where they give them the data expectations. ATK then oversees the excavation details, and obtains a signed ticket and weight. ATK the will match the manifest from what they told the landfill would come in with the truck manifest, then the land fill manifest. The documents state what was to be done was done, then that goes to the cost incurred, what payments were made, and all done prior to the BEA. All this has to be done before BEA can approve the reimbursement. Brownfield and work plans are caps up to estimates. These are "not to exceed amounts", and in this case in the purpose of "construction". If say 6 tons, for footings, cutting for site prep, if that is a smaller tonnage, then record as actual ATK has done assessed environmental conditions on site, and reviewed the based on site, in Phase I and II, and based on those conditions they determine what needs to be done, then in turn have verified and against what they proposed, and what the building meets all the requirements to be protective of people living on property.

Council Member Yorko left the meeting at 11:27 p.m.

Lastly, what is submitted for the Brownfield reimbursement is what was done. Ms. Sakowski noted this is a reimbursement program, they can only submit for what has been done, with not to exceed amounts. When this is established they are estimates. For an example, if there was an estimate of 6 tons, but they only had to take 4 tons, they will only get approved for reimbursement on the 4 that was done. They are always doing on site sampling, and working with the environmental engineer. If the test shows an area is not contaminated, they do not remove. If there is an amendment to increase the removal, that will have to occur before the activity. Mr. Hukill stated again that the developer is not the liable party, they just need to review the amount of soil on what they need to develop. It is not up to them to clean up, and if they properly dispose it will help the site.

Council Member Washington thanked DEQ representatives and ATK Peerless engineers for the breakdown on the process, and reiterated it is the goal to educate Council on what they find, what they are doing, when it is done, what was the cost and process.

Ms. Sakowski said that to reimburse as ACT 381, LEAP reviews and makes sure it is in line , then DEQ has checks and balances. Council Member Washington asked LEAP to put together a sheet on the checks and balances they review which would show it was done.

Ms. Miles spoke in opposition to the process of documentation after the project is complete. Ms. Miles also asked why Mr. Mello is not getting the information he has requested. Mr. Willobee stated they have provided information that they have, information Mr. Mello seeks could be acquired from the State.

Mr. Mello asked what would happen if the property is not properly abated, and stated again his request for information on who did the abatement. Mr. Willobee confirmed LEAP has fulfilled the FOIA request with the information they have. They will not have any additional information until the project is complete. There are enforcement agencies he can call if he sees something illegal, such as the EPA, the police if there is dumping, but they cannot assume everyone is guilty.

Mr. Jameson informed them there is a 10 day process for demo and abatement, and perc contract they have to file with the State. The State can visit and inspect anytime, in addition there are checks and balances with LARA. Mr. Dobernick asked if Wolverine inspects, and Mr. Jameson clarified that Wolverine is the oversight as the general contractor, but they are not competent in abatement that is why they hired an abatement contractor that is competent.

Council Member Wood asked for a list of deliverable, which included a check list; compliance that when a request is made on the development it is being responded to, and that LEAP reaches out to the developer to get the information if they do not have it. She then asked Mr. Willobee if there were completed Brownfields that did not met the criteria. Mr. Willobee stated he would have to get that information from Mr. Dorshimer. Another deliverable is an end project sheet, a system to find information, and lastly if there is an issue, notify Council. Mr. Willobee was directed by Council Member Washington to provide those three (3) items back to the Committee. She then acknowledged DEQ, RISE, Wolverine and ATK Peerless for working through the process, that this meeting was never an attack but a learning process.

Mr. Dobernick asked for a list of contractors on site and list of employees. Council Member Washington explained the need for the request to verify the contractors are paying taxes.

Mr. Smiertka asked if a FOIA was sent by Mr. Mello, and Mr. Mello stated he would resubmit it.

Council Member Wood asked Mr. Jameson for a list of contractors and employees. Mr. Jameson stated that is possible but he was not sure if can get everyone. It is written in their contracts, however some contractors are only there for hours or one day. We do have it written in their contract.

Mr. Jameson asked how the City knows for any individual that works in the City if they have paid income taxes, and Council Member Wood admitted they are working through that process. Mr. Jameson then asked if there was a department in the City that can produce that information, and Mr. Mello answered his belief it was the Treasurer. Mr. Willobee noted that it could be a taxing responsibility for one person to verify every person who works in the City even for a day. Council Member Wood then asked Mr. Jameson to provide the Committee with a list of the subcontractors on the site and their employees and the City will follow up if they are filed in the Treasurer office. This can be provided to LEAP and the LEAP can forward to Council. Mr. Jameson noted that this request should be made to every business and project in the City not just this project. Wolverine has a head count on site daily, but do not require a sign in for everyone on the site in a day. The subcontractors themselves should be withholding the City income taxes, not the General Contractor.

Adjourn at 12:00 p.m.
Submitted by,
Sherrie Boak, Recording Secretary,
Lansing City Council
Approved by the Committee on_____

DRAFT

MINUTES
Committee on Development and Planning
Thursday, September 8, 2016 @ 10:00 a.m.
10th Floor Conference Room, City Hall

CALL TO ORDER
The meeting was called to order at 10:03 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
Jim Smiertka, City Attorney
Council Member Carol Wood
Josh Hughes, Miller Valentine
Joy Gleason
Sharon Burton
Shirley Woodruff, Grand Haven Manor
Bob Ford
Brian Branwick
Chris Knudstrup
Melanie Lynn, LBWL
Clair Lindemann
Wayne Lynn, LBWL
Heather Shawna-DeCook, LBWL
Stephen Serkanian, LBWL
Annie Rzepedri, LBWL
Calvin Jones, LBWL
Richard Peffley, LBWL
Norris Gibson
Susan Stachowiak, Planning & Neighborhood Development
Bob Johnson, Planning & Neighborhood Development
Bill Rieske, Planning & Neighborhood Development
Loretta Stanaway
Dale Schrader
Ryan Smith, Cherry Hill
Nancy Mahlow

Scott Munto, MMTB
Melissa Quon Huber
Jarl Brey, Zip the Grand

PUBLIC COMMENT
Public comment was taken during each agenda item.

MINUTES
Action on the minutes from August 25, 2016 will be addressed at the next meeting.

Council Member Washington amended the agenda moving the item on Ordinance; Section 206 to the first item, followed by the three PILOT topics. After the PILOTs, the Committee will address ACT-6-2015 for Zip the Grand, then ACT-4-2016 for an alley vacation; SLU-2-2016 for the church on MLK, then lastly address the four (4) items regarding BWL.

DISCUSSION/ACTION:
Ordinance; Section 206.25; Transparency on Bidding
Mr. Smiertka outlined the three changes to the Ordinance from the last meeting. Page two (2) now reflects the standard definition for "Construction Work", and line 9 now includes "that is contingent on receiving approval from Lansing City Council". Page four (4) corrects typos, and page 5 now reflects the changes to line 6-11 which now states "the acceptance of an application by the City does not constitute the approval of an economic incentive…".

Council Member Yorko referred the Committee back to page 2, line 10 and questioned the inclusion of the item "low income housing tax credits (LHTC)" since the City does not have authority to issue low income housing tax credits. Mr. Smiertka confirmed those are issued by MSHDA, so he will remove "low income housing tax credits (LIHTC)."

Council Member Washington recapped the ordinance process to allow local contractors and unions to bid on City projects where the City is giving credits. Again, they do not have to give to local contractors, but this ordinance emphasizes the efforts. Council Member Wood spoke in support of the proposed ordinance, and that it will be part of the contract the developers will enter into.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO INTRODUCE THE ORDINANCE AND SET THE PUBLIC HEARING FOR SECTION 206.25 FOR THE SEPTEMBER 26, 2016 MEETING, TO INCLUDE THE PROPOSED DELETION OF LOW INCOME HOUSING TAX CREDITS (LHTC). MOTION CARRIED 3-0.

The Michigan Building Trades representative spoke in support of the ordinance. Ms. Mahlow asked if the ordinance spoke to a requirement the developers speak to the neighborhoods. Council Member Washington informed the group this ordinance was specifically for bidding.

RESOLUTION- Set a Public Hearing; PILOT Amendment Grand Haven Manor Retirement Community
Council Member Washington noted that due to a conflict, she was referring the item back to the Council President. Council President Brown Clarke discharged and referred the item to the Committee of the Whole for the September 12, 2016 meeting.
Mr. Smiertka confirmed that the full Council can discharge the Committee, so the Council President can refer for placement on the Committee of the Whole agenda for a vote to discharge to that Committee.

RESOLUTION – Set a Public Hearing; PILOT Shiawassee Senior Lofts
Council Member Washington noted that due to a conflict, she was referring the item back to the Council President. Council President Brown Clarke discharged and referred the item to the Committee of the Whole for the September 12, 2016 meeting.

RESOLUTION – Set a Public Hearing; PILOT Amendment The Crossing
Council Member Washington noted that due to a conflict, she was referring the item back to the Council President. Council President Brown Clarke discharged and referred the item to the Committee of the Whole for the September 12, 2016 meeting.

Council Member Yorko stepped away from the meeting at 10:17 a.m.

RESOLUTION – ACT-6-2015 Zip the Grand; Lease Approval
Mr. Smiertka informed the Committee the contract was approved to form, and at the last meeting there were items that addressed upfront payments, the age limit of workers and security. Mr. Kaschinske with the Parks & Recreation Department was to address those with the applicant.

Council Member Yorko returned to the meeting at 10:19 a.m.

Mr. Brey agreed he had spoken to Mr. Kaschinske after the last meeting, and agreed to the condition of upfront lease payments, the waiver was still be finalized by Mr. Dotson, Deputy City Attorney, and he did agree to have cameras on site available to the City Lansing. Mr. Brey also agreed to no workers under the age of 18 on the structure, but there will be eligible 16 year old workers at the other areas such as the retail center. Mr. Smiertka asked about the release form. Mr. Brey stated they are working on that also.

MOTION BY COUNCIL MEMBER BROWN CLARKE TO APPROVE THE RESOLUTION FOR ACT-6-2015 AND THE LEASE FOR ZIP THE GRAND. MOTION CARRIED 3-0.

RESOLUTION - SLU-2-2016; 5606 S Martin Luther King Jr. Blvd. "F" Commercial to "D-1" Professional Office
Council Member Washington outlined the application and process thus far with this application. The applicant had been operating as a church on this site, after doing what they thought was due diligence on verifying their use of assembly, and services. However what were classes held there in the past is not the same as the form of assembly the church is doing. Therefore the application is a SLU for church services. Council Member Washington acknowledged she did visit the site, and there has been a lot of progress on the property. It was noted the Planning Board did recommend denial on this project.

Council Member Brown Clarke noted for the record she does not have an issue with the services the applicant is performing, but her decision is based on what the master plan looks like, not what the church itself is doing or what they offer.

Council Member Yorko pointed out the applicant did make every attempt in the beginning when they were purchasing to make sure the LFD was involved and their real estate agent also lead them to believe there were classes held there in the past. Realtors need to be knowledgeable, and in this case there was no intent to be dishonest by the church.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE SLU-2-2016 FOR 5606 S MARTIN LUTHER KING JR. BLVD. TO ALLOW THE REQUESTED USE. MOTION CARRIED 3-0.

Mr. Johnson confirmed his office does work with realtors, and in this case no permits were pulled so there was no contact with the church itself.

Council Member Washington asked Mr. Johnson and Ms. Stachowiak if there is any leverage with the applicants when they apply and are granted a SLU for a church but do not comply, which the Council has seen in the past. Ms. Stachowiak noted to the Committee there is no claw back.

RESOLUTION – ACT-4-2016; 1200 Block of Turner Street- Alley Vacation
Mr. Lindeman detailed the area he has requested to be vacated, which is a portion of the alley behind the 1200 block of Turner going east to west, and 50 ft.' north to south. This area, once vacated, will be for trash removal, access for cleanup, and allow for needed repair of the alley. Currently Mr. Lindeman has been working with all City Departments on the upgrades and they have signed off. Mr. Lindemann confirmed he owns all the property adjacent to the alley in this phase of the project request.

Mr. Rieske confirmed the Planning Board has looked at it, and Mr. Lindeman has also reached out to the surrounding property owners. The other property owners have given Mr. Lindemann written endorsement for this phage. The alley is necessary for utilities, but is unpassable without going onto private property. The Planning Board did recommended approval to vacate 10' of the east/west alley and north 50' 12' wide. This is stage 1 of 2 stages. During Stage 2, at a later date, Mr. Lindeman will work with other property owners to develop shared driveway easements to make the area usable.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR ACT-4-2016 FOR THE ALLEY VACATION IN THE 1200 BLOCK OF TURNER STREET. MOTION CARRIED 3-0.

RESOLUTION – Design Lansing Comprehensive Plan Amendment; 125 W. Malcom X; LBWL Central Substation Project
RESOLUTION- SLU-3-2016; 125 W. Malcom X; LBWL Central Substation Project
RESOLUTION - ACT-7-2016; Authorize Construction of LBWL Central Substation Project
Council Member Washington spoke on the difficulty Council is facing with the project and proposal when they are approached from different angles. She herself acknowledged she did not know how she would vote but will vote the vote of her constituents. Council Member Washington continued by stating her frustration on why BWL came to Council and the Committee in the last minute, and presented it as a done deal. Council found out at a press conference this was the plan. Her frustration was also noted with the loss of green space, and the feeling that BWL is pushing Council into a decision. Mr. Price was asked to attend this Committee meeting, however he informed Council Member Washington that he had nothing to present or say, just that the BWL Board approved this unanimously when they approved the budget. Council Member Washington asked BWL representatives questions such as the costs and figures, and why there are always differences, along with differences in the renderings they present. It was then noted to the group, that Council Member Washington had heard from residents that they initiated communications with GM, and were told GM has turned the interest over to their IGR Committee, however BWL keeps telling Council that GM said no. Council Member Washington continued with her questions which included the timeline, if there will be a

rate increase proposed, what are the plans for Eckert, and modulation. Lastly it was noted there would be no more questions, and asked for all issues to be brought to her.

Council Member Washington concluded that she will provide the questions to BWL by September 9th or as late as September 11th for them to review and provide answers by the next meeting. The answers should include supporting information to back up the answers. Mr. Peffley confirmed the questions will be answered.

Council Member Brown Clarke noted the Committee will meet again on September 22, 2016, with the potential of Council seeing it again on September26, 2016, and Council Member Washington confirmed the Committee date, but would not lock in the Council date.

Ms. Quon Huber presented Council Member Washington with questions from Preservation Lansing, who she stated have been working around the clock to find a win-win solution. Mr. Johnson confirmed that they did meet with Preservation Lansing in February. They have never spoken about privatization, and the Mayor does not take that position. Council Member Washington pointed out that Council has heard from the FHT that privatization will be proposed.

Council Member Brown Clarke admitted she will wait to more weeks for information, but her desire to move it out of Committee on September 22 then to Council September 26 for a vote.

Ms. Stanaway asked to receive a copy of the questions Council Member Washington was presenting to BWL so her group could review and add to them. Council Member Washington stated this was a dialogue between the Committee and BWL at this point, the questions will be answered at the next meeting at which point they will all hear the information then.

Ms. Gleason spoke in opposition to the communications from BWL to the communities and neighborhoods. She encouraged asking other groups to answer the questions Council Member Washington is posing to BWL because her belief the answers are not always correct. Council Member Washington did consider bringing in other people to look at, but that would have be part of the budget to hire a 3rd party, which the City does not have the time of the funds for.

Ms. Stanaway asked for an Ad Hoc group to be created as an Advisory Task Force to look at options and create an analysis. Council Member Washington noted there is not time for that, but she would consider adding that into her questions.

Mr. Schrader presented the Committee with two different renderings he stated were provided by BWL, and asked why they were different. He also stated a concern on the proposed 2020 closing of Eckert, and if they do not build is there a penalty.

Mr. Smith suggested BWL buy from the grid if they still have to close by 2020.

Ms. Stanaway informed the Committee that the Garden Club will be receiving an award for the park in October. Council Member Washington confirmed also that she received information and verification that once the park is moved it will no longer be historical.

RESOLUTION – ACT-9-2016; Sale of 1020 W. Hillsdale Street to Habitat For Humanity Capital Region (HFHCR); Relocation and Renovation of Scott Center

Council Member Washington asked if the resolution was for the condo development and the sale of the land. Mr. Johnson confirmed it was for the condo, and it would be contingent on the vote of the residents. The sale of the property will be $1 to Habitat for Humanity. Council

Member Washington asked how Habitat was going to set up and manage a condo association, and if they have considered if low income mortgages residents will know they have to pay condo associations fees. Ms. Stachowiak stated Habitat will not be responsible for the condo association it will be made up of owners of the condos. They will not be renting, but selling. Council Member Washington spoke on her concerns with the affordability of association fees, but in favor of Habitat. The next question would be if Habitat could do single family instead. Ms. Stachowiak stated to do that they would have to rezone and a PRD. This will be similar to the East Village development.

The Committee agreed to take no action on this ACT at this time, and have representatives from Habitat to the next meeting to provide examples of other habitat models and how those worked out.

Ms. Gleason asked if the homes would be the same architectural style as the Scott House that is moving there.

Council Member Washington spoke in support of owner occupied housing, but affordable.

Mr. Smith spoke in opposition with participation also by the owners of a condo, and an issue with the lack of experience residents have at running management dues.

Council Member Yorko spoke out on comments made by Mr. Smith, and stated that residents that buy a habitat home participate in extensive training through the Center of Financial Health, and there are networks for people to enter into. Council Member Washington clarified her understanding of Mr. Smith comments, that he did not say low income residents were not qualified. Some associations run themselves, and some don't. Ms. Stachowiak was asked to reach out to Habitat to let them know the questions to address in two weeks.

Adjourn at 11:30 a.m.
Submitted by,
Sherrie Boak, Recording Secretary,
Lansing City Council
Approved by the Committee on_____

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Virg Bernero, Mayor

TO: City Council President Judi Brown Clarke and Councilmembers

FROM: Mayor Virg Bernero

DATE: 6-23-16

RE: Resolution—Approval of Design Lansing Comprehensive Plan Amendment – 125 W. Malcolm X –Lansing Board of Water & Light— Central Substation Project

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

VB/rh
Attachment

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

WORKING TOWARD A CLEANER GREENER LANSING

To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM
Design Lansing Comprehensive Plan Amendment - 125 W. Malcolm X

Date: June 22, 2016

The Lansing Planning Board, at a special meeting held on June 21, 2016, voted (5-2) to recommend approval of an amendment to the Design Lansing Future Land Use Plan to change the future land use designation of the east, approximately 4 acres of the Scott Park property at the SW Corner of Washington Ave. and Malcom X Street (125 W. Malcolm X Street), from "Open Space -Dedicated Park" to "Open Space – Quasi-Public / Utility". This purpose of the amendment is to permit the construction of a Lansing Board of Water and Light substation on the eastern portion of the site, with park improvements to the remaining open space.

At the Planning Board public hearing held on May 17, 2016, the applicant's representatives and 3 other individuals spoke in favor of the request and 10 individuals spoke in opposition to the request.

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

LBWL Central Substation project
Amendment to in Resolution #0145 of 1981
Adoption of Design Lansing Comprehensive Plan Amendment #1

WHEREAS, on June 22, 1981, as recommended by the Lansing Parks Board and presented by the Parks and Recreation Department, the Lansing City Council adopted a classification report listing designated parkland under Resolution #0145; and

WHEREAS, Scott Park, located at 125 W. Malcom X Street, Lansing, Michigan 48933, (hereinafter "Property") is classified as designated parkland under Resolution #0145 of 1981, and

WHEREAS, the Property is also designated on the Design Lansing 2012 Comprehensive Plan Future Land Use Plan as "Open Space – Dedicated Park"; and

WHEREAS, the City of Lansing is desirous of repurposing the eastern portion of the Property for Lansing Board of Water and Light ("LBWL") purposes as set forth herein; and

WHEREAS, the City of Lansing is the owner of the subject Property; and

WHEREAS, the Lansing City Charter Section 8-402.6 states: "No park, recreation, cemetery, or waterfront land may be sold without the approval, by a majority vote, of the electors of the City voting on the question at a regular or special election"; and

WHEREAS, both LBWL and the Parks and Recreation Department are divisions of the City of Lansing in accordance with the Lansing City Charter, adopted on August 8, 1978; and

WHEREAS, on February 10, 2016, LBWL, with concurrence of the Parks and Recreation Director, presented a plan to the Lansing Parks Board for constructing a Central Substation on the Property for the purpose of providing reliable, environmentally friendly electrical service to Lansing's downtown while also enhancing the underutilized parkland surrounding the new substation; and

WHEREAS, according to the plan for the proposed Central Substation:

- the substation will be encircled with a masonry wall featuring public art and displays,

- A walkway which will provide public pedestrian access from Washington Avenue to Townsend Street will be constructed along the south wall of the substation, north of the Grand River,

- the Sunken Garden will be relocated near Cooley Gardens, a more prominent location within the park, and made accessible in compliance with the Americans with Disabilities Act (ADA),

- ADA access will be provided to Cooley Gardens, which will remain otherwise undisturbed,

- the parking lot will be relocated,

- the Scott House will be relocated off-site, portions offered for salvage, or demolished,

- the Women's Historical Museum will be unaffected,

- the City of Lansing retains ownership of the Property, and there is no violation of any deed restrictions regarding the use of this property; and

WHEREAS, at its meeting on April 13, 2016, the Parks Board concurred with the recommendation of the Parks and Recreation Director, and voted 5 to 3 to recommend that the eastern portion of the Scott Park property be repurposed for Board of Water and Light (LBWL) purposes as set forth herein, to amend the inventory of dedicated parkland by removing approximately 4 acres of the Property from Scott Park, and to further recommend that LBWL prioritize recreational opportunities in the southeast corner of the substation site, subject to operational restraints; and

WHEREAS, the City of Lansing initiated Amendment #1 to the Design Lansing Comprehensive Plan, to change the future land use designation of the eastern portion of Scott Park from "Open Space – Dedicated Park" to "Open Space – Quasi-Public / Utility", and to develop the Property in accordance with the plan for the Central Substation described above; and

WHEREAS, copies of the proposed Amendment # 1 were forwarded to all adjoining jurisdictions, railroads, and utilities at least forty-two (42) days prior to holding a public hearing before the Planning Board regarding the proposed Amendment #1, in accordance with Section 41 of the Michigan Planning Enabling Act, and as authorized by City Council; and

WHEREAS, no comments were received from these jurisdictions, railroads, and utilities; and

WHEREAS, at a special meeting on May 17, 2016, the Lansing Planning Board held a duly noticed public hearing at the Neighborhood Empowerment Center, 600 W. Maple St., regarding the proposed Amendment #1, at which thirteen members of the public spoke; and

WHEREAS, the Planning Board also received public comments at its regular meeting held June 7, 2016 and its special meeting held June 21, 2016, and

WHEREAS, at the special meeting on June 21, 2016, the Planning Board took into consideration the testimony presented at said public meetings, and voted 5 to 2 to approve Amendment #1 to the Design Lansing Comprehensive Plan, and to recommend its adoption by the Lansing City Council; and

WHEREAS, on Monday, _____, the Lansing City Council held a duly noticed public hearing to hear comments regarding the Amend #1 proposal; and

WHEREAS, the Committee on Development and Planning has reviewed the proposed Amendment #1, and the recommendations of both the Parks and Planning Boards, and concurs therewith;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby amends the Property as listed in Resolution #0145 of 1981 for the purpose of removing up to 4 acres of the Property, as described in Resolution #1045 of 1981, from the list of "dedicated parkland", as recommended by the Parks Board.

BE IT FINALLY RESOLVED, that the Lansing City Council hereby adopts the Design Lansing Amendment #1 as described above, and changes the Future Land Use designation of the eastern portion of Scott Park, particularly described as:

> Lots 13 thru 17 inclusive except the Easterly 4 feet of Lot 13 and the Westerly 33 feet of Lot 17, ALSO except an area of land lying between the water's edge of the Grand River and a line 25 feet Northerly thereof, all in Block 177 of the Original Plat of the Town of Michigan now the City of Lansing, as recorded in plats, Ingham County Records, Ingham County, Michigan,

from "Open Space – Dedicated Park" to "Open Space – Quasi-Public / Utility" to accommodate the proposed Central Substation.

Hometown People. Hometown Power.

BWL Central Substation Project

The BWL Central Substation is vital to providing reliable power to the downtown Lansing area into the future. It is essential that the Central Substation be located in close proximity to the underground circuits that serve downtown customers so as to avoid relocating those circuits at a cost of $4,000 per linear foot. After an exhaustive search that included eight other sites conforming to this criteria, the BWL concluded the City of Lansing's Scott Park site is the only viable location for this project. The other locations considered were either too small, too disruptive to neighborhoods, too far from the underground circuits resulting in excessive cost, or no longer available due to pending real estate sale agreements or property owners who were not willing to sell.

Locating the Central Substation at the Eckert Power Station site, which is in a 100 year floodplain, is no longer a viable option. Ronda Oberlin of the Lansing Office of Emergency Management, who appeared before the Planning Commission on May 17, summarized her testimony in the following:

> *"Our weather patterns have become increasingly erratic. In the past five years there have been three extreme rain events. The smallest of these, but the only one to occur near one of our rivers, was in August 2015. It resulted in the Grand River rising almost five feet in three hours. Rising an inch an hour was considered unlikely for the Grand River 10 years ago. The decommissioning of Eckert Station alsa increases the chance of ice jam flooding, which was a problem on the Grand River before Eckert was built.*
>
> *"Removing critical infrastructure from the floodplain is cited as a priority in the City's Hazard Mitigation Plan. The critical infrastructure that is there now was built before flood risk was understood. In light of what we now know about our flood risk, and the increasing uncertainty of our weather, it would be irresponsible to put any additional critical infrastructure in the floodplain and therefore I could not support locating the new substation at the Eckert location."*

Based upon Ms. Oblerlin's statement the BWL no longer believes locating the proposed substation at the current Eckert site will qualify for a floodplain permit by the DEQ, other governing agencies or emergency response units. In the unlikely event a permit were approved for the Eckert site, it would place in jeopardy critical infrastructure that thousands of people rely upon for electric use, which is basically the entire City of Lansing downtown service district. This would have a major impact on the health, safety and welfare of our citizens and customers including major employers, community colleges, state and city government, and the hospital as well as our primary retail district relative to floods, ice dams and floating debris.

The BWL previously said that placing the Central Substation at the Eckert location would create an additional $42 million in costs – an extra $12 million to build on the site to mitigate its location in a flood zone by elevating the substation above the flood zone and $30 million to keep the Eckert Station operational with new equipment for another seven years beyond its targeted closing date of 2020. It would also take the Eckert Power Station off the market for future economic development, similar to the successful repurposing of the former Ottawa Power Station by the Accident Fund.

Future commercial development repurposing the Eckert facility is possible. The existing substation would be replaced with a relatively flat parking lot to serve the proposed commercial development. This design would inconvenience significantly fewer people compared to building a new substation in this location. In the event of a flood the generally flat parking lot with very few vertical obstructions becomes much more likely to be permitted than the earth fill, walls and/or vertical structures required or associated with a substation. Should a flood occur relative to a commercial development it would only impact the parking lot and vehicles located on it. In fact, this flatter surface would help mitigate a flood better than a substation-hardened site because such a site would require the substation to have to be built up higher to get it above the floodplain and the fast moving river water thereby forcing the water to flood elsewhere.

Building the Central Substation, which would replace the Eckert Substation next to the Eckert Power Station, on the Scott Park Site is the first step in allowing the BWL to retire the Eckert Power Station on January 1, 2020. If building the Central Substation at Scott Park is not approved, the BWL will have to invest millions of dollars to keep the Eckert Power Station operational for another seven years from 2020 through 2026 and this will require more than 355,000 tons of coal per year (based on 2015 consumption) and corresponding emissions of 706.8 tons per year of NOx (oxides of nitrogen) and 1,525.3 tons per year of SO2 (sulfur dioxide). By example, one year's consumption of 355,000 tons of coal would fill 3,052 rail cars, which when linked together, would create a train that's 28 miles long. That's the distance from the State Capitol Building in Lansing using Michigan and Grand River avenues to just past Fowlerville. Keeping the Eckert Power Station operational for an additional seven years would consume 2,485,000 tons a coal and fill 21,364 rail cars creating a train that's 196 miles, the distance from the State Capitol Building to Ft. Wayne, Indiana. Building the Central Substation at the Scott Park location will alleviate use of this amount of coal, and will result in mid-Michigan having cleaner air.

The BWL process has been open, transparent and communicative, responding to the community and ratepayers in more than a dozen meetings with stakeholders, including:

- Holding a public design charrette for the substation exterior

- Meeting with Preservation Lansing, in which the BWL agreed to Preservation Lansing's proposal pay up to $100,000 to move the Scott Center House (Jenison House) to a new location, should a qualified buyer be identified through the City of Lansing's RFP to sell the building. The BWL's commitment was included in the City's RFP.
    - The BWL, City of Lansing and Habitat for Humanity Capital Region in May announced a partnership to save the Scot Center House from demolition and relocate it to a vacant lot approximately one mile away. In addition to paying to move the house, the BWL will earmark to Habitat any of the unspent moving cost balance for site preparation and to jump-start the restoration of the house.

- The BWL continues to work with members of the Garden Club of Greater Lansing in moving the sunken garden.
    - BWL will accommodate the Garden Club's request to transplant perennials. BWL will relocate the Sunken Garden to the west of the Scott House and adjacent to Cooley Gardens where maintenance for both gardens will be more accessible and convenient making the new site ADA compliant.
    - BWL will preserve and reassemble the distinctive "niche" and small pond that's referred to as the "grotto," which is the most prominent feature of the garden along with the circular stairs on the west side of the garden's axis. The remaining garden walls, which were made of limestone quarried from Ohio, will be reconstructed with the same shape and size limestone if the existing walls prove to be too costly to reassemble. Approximately 40 color slate stones at the west entry will also be carefully moved and reassembled so that everything looks identical to the original. This will preserve the integrity of the garden and it will look the same as it does now only in a more prominent location, with commanding views overlooking the Grand River.
    - BWL will establish a $40,000 endowment that would provide resources to help maintain the garden, for such expenses as a gardener. This fund would accept contributions from the community in order for garden support to continue in the future.

- The BWL and REO Town Commercial Association (RTCA) have agreed to an RFP process that will review proposals for public art to be placed along the Washington Ave. substation wall. The BWL will support the public art process by funding winning proposals up to $20,000 every three years. The RFP public arts review team will include representatives of the BWL, City of Lansing, RTCA and the Arts Council of Greater Lansing.

The Central Substation Project has been involved in a very democratic process as it is accountable to four public bodies which represent our citizens and ratepayers: BWL Board of Commissioners, Parks & Recreation Board, Planning Board and City Council. The City Charter does not provide for public vote to amend the Master Plan and change the use of Scott Park for utility purposes because the BWL is a city agency and city agencies cannot own land. The proposal to locate the Central Substation at Scott Park does not constitute a sale because no money is exchanging hands. The City of Lansing will continue to own the land.

The Office of the City Attorney wrote the following opinion:

> ***1. Does the proposed grant of a special land use permit to the Board of Water and Light for the use of City-owned property known as Scott Park constitute a sale of the land that would require a vote of the electorate?***
>
> *No. As a general precept Boards of the City do not own land. While the Board of Water and Light is an administrative board and has been delegated executive and policymaking responsibilities necessary to the proper operation of the agency (5.102.1), the Charter specifically states, "The Board shall have the power to acquire property in the name of the City for purposes of the Board of Water and Light." (5-203.2). Therefore, the granting of a special use permit to the Board of Water and Light is not a sale of property by the City as contemplated by the Charter to require the vote of the electorate.*
>
> ***2. Does the Lansing City Council have the legal authority to place an advisory question on the ballot concerning the granting of the special land use permit or any other aspect of the proposed use of the property by the Board of Water and Light?***
>
> *No. Pursuant to the Charter, the Home Rule City Act, Attorney General Opinion 6383, and case law, an advisory ballot proposal, as suggested above, is not authorized, and would be ultra vires or outside the authority granted to Council.*

The proposed Central Substation at Scott Park will create several new recreational uses and provide greater access and visibility to the renovated park site, including: a new parking lot for park visitors with easy access off Malcolm X Blvd, two river viewing stations and fishing platform along the Grand River; a new river walkway along the north bank of the Grand River and other newly created accessible (ADA) walkways within Scott Park, a staircase allowing pedestrians to access the existing River Trail on the south bank of the Grand River from Washington Avenue, new seating, lawn areas / landscaping and; greater synergy between the Scott Sunken Garden and the Cooley Garden due to its new location. These new park improvements will take a hidden gem and breathe new life into these otherwise forgotten park facilities and allow them to be viewed by the public with beautiful descending views of not only the Sunken Garden, which will remain sunken but visible, but also of the Grand River some 35 feet below the relocated gardens. The BWL will spend $4 million on the decorative walls to screen the electrical substation, and recreational and new or improved park amenities for all citizens and ratepayers to enjoy, and turn an underutilized park site into a new recreational and electrical gem that will provide consistent and reliable power to our customers for years to come and to keep our rates low and competitive.

Hometown People. Hometown Power.

For Immediate Release
Monday, February 8, 2016
Contact: BWL Media Line
517-342-1026

BWL Announces New Substation Project

Innovative design to capture area's history and to link downtown Lansing with REO Town

As part of its plan to replace the Eckert Power Station and adjoining Eckert Substation in order to continue providing affordable and reliable power, the Lansing Board of Water & Light announced today that it will build a new substation at the corner of S. Washington Ave. and W. Malcolm X St.

The $26 million Central Substation project will be located on a four acre portion of Scott Park and incorporates a unique exterior design that creates a link between downtown Lansing and REO Town, increases access to Cooley Gardens and enhances other recreational activities at the site. The new substation will create approximately 75 construction jobs when it is expected to begin this fall.

The innovative project will create several new recreational uses, including: viewing and fishing platforms along the Grand River; a walkway from Washington Ave. to Townsend St.; loop trails connecting existing pedestrian system to proposed walkways; new pathway from Capital Ave. connecting to Cooley Gardens; new staircase connecting the River Trail to Washington Ave.; and wayfinding signs on Malcolm X, Washington Ave. and Townsend St. It will also replace existing parking lots in poor condition with new lots, design new landscape for the park renovation and add decorative wall panels on the Central Substation.

"The BWL made an exhaustive search of potential sites to locate our new Central Substation," said General Manager Dick Peffley. "The Scott Park site not only is the most cost efficient, it is located near Eckert's electric distribution lines that will provide power and reliable service for the downtown Lansing area for years to come." Peffley also said the BWL researched substation designs across the United States to act as a foundation for the new design in Lansing, which conceptually incorporates REO Town's automotive history and the spirit of Michigan's capitol.

Peffley said the Central Substation is part of Lansing Energy Tomorrow, the BWL's major electric modernization program to replace and upgrade aging infrastructure with clean, efficient and reliable generation and transmission assets. In addition to determining how to replace Eckert, Lansing Energy Tomorrow includes an extensive five-year, $101 million Transmission & Distribution (T & D) Improvement Project that is already underway which includes: new

transmission lines; five new or rebuilt substations; reducing the number of circuits and the amount of customer demand at the Eckert substation, and; adding capacitor banks at strategic points on the BWL's transmission system

With its three tall towers that are visible for miles, Eckert and its substation are located along the Grand River just south of downtown Lansing. They are at the end of their operational life, and keeping them open is not an option: parts are becoming scarce and very expensive; pending environmental regulations create an uncertain future for coal-fired plants like Eckert; increased operational costs on aging units; and Eckert is located in a flood zone.

"REO Town has been transformed with BWL's $182 million cogeneration plant and headquarters project, along with the City of Lansing's $2.84 million Streetscape project that revitalized the Washington Ave. corridor," said Lansing Mayor Virg Bernero. "The BWL has stepped up again in an innovative project that not only will provide for reliable power, but creates a unique gateway between downtown and REO Town, increases recreational opportunities and makes the nearby vacant Deluxe Inn property more attractive for development."

Mayor Bernero said the BWL will hold a design charrette on Tuesday, February 23 from 6 7:30pm at the REO Town Depot, 1201 S. Washington Ave., to allow input from community members on the final design of the substation's exterior walls.

The BWL will relocate and upgrade Scott Sunken Garden. The Scott Center House, which has no historical value and is currently used as a City of Lansing storage facility, was relocated to the site in 1978 by the Lansing Parks and Recreation Department. An RFP (Request for Proposal) Scott Premains to be raised.

The project will require necessary reviews and approvals moving forward.

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What is BWL's Lansing Energy Tomorrow plan?

BWL's Lansing Energy Tomorrow plan will detail how the Lansing Board of Water & Light will meet its energy needs in the future with reliable, affordable and clean energy.
It includes the Integrated Resources Plan (IRP) process which will specify how the BWL will replace the Eckert Power Station, 1950s era-coal fired plant that will close by 2020, and prepare for the Clean Power Plan, EPA's regulations for reducing greenhouse gas emissions. The IRP process will be based on consideration of costs to customers, ensuring a reliable energy source for the region, environmental stewardship, managing future uncertainty and risks, federal regulations, local-generation capacity, and economic development.

BWL's Lansing Energy Tomorrow Plan also includes the five-year, $101 million Transmission & Distribution Improvement Project, which is already underway.

Why is the Eckert Power Station closing?

The Eckert Power Station will close by 2020 because it is nearing the end of its useful operational life; parts are becoming scarce and very expensive; pending environmental regulations create an uncertain future for coal-fired plants like Eckert, and Eckert is located in a flood zone.
With its three tall towers that are visible for miles, the Eckert Power Station is located along the Grand River just south of downtown Lansing. Eckert generates about one-third of the energy in the BWL's service territory.

What are the options for replacing Eckert and the power it generates?

Options include building a new more efficient and cleaner power plant, buying power off the grid, boosting alternative and renewable energy options such as wind, solar or other technologies, like smart meters, and investing in energy efficiency programs — or some combination of these generation options. The goal of the IRP process is to craft a plan that the BWL will implement based on a balanced consideration of costs to customers, ensuring a reliable energy source for the region, environmental stewardship, risks, federal regulations, local-generation capacity and economic development.

How can BWL customers and stakeholders participate in the IRP process?

The BWL is committed to making the IRP process inclusive and transparent by giving customers and stakeholders a voice in developing the plan. A nine-member Citizens Advisory Committee made up of BWL customers, experts in energy and utility operations and local leaders will lead the planning process. They'll hold five community meetings across the BWL's service territory between October 2015 and January 2016. The purpose of the meetings is to review technical data collected to determine the best future energy plan for the region. At the meetings, BWL customers and other stakeholders will have an opportunity to comment on the technical data and offer comments and recommendations. Based on the Citizens Advisory Team's technical analysis and input received at the meetings, a final report will be presented to the BWL Board of Commissioners in 2016.

Is keeping Eckert open and operational a feasible option?

Keeping Eckert open is not an option. It is located in a flood plain and because it is nearly 60 years old, parts and repairs are becoming prohibitively expensive. Eckert is coal-fired, and pending environmental regulations create an uncertain future for coal-fired plants like Eckert.

What is the timeline for completing the IRP process?

The final IRP recommendations will be presented to the BWL Board of Commissioners in 2016.

What is the timeline for closing and replacing the Eckert Power Station?

The Eckert Power Station will close by 2020. The IRP process will make recommendations as to how to replace the energy provided by Eckert and prepare for the Clean Power Plan, EPA's regulations for reducing greenhouse gas emissions.

What will the IRP process examine?

A key part of the IRP process is a technical analysis of options available for replacing Eckert, including building a new cleaner and more efficient power plant, replacing the electric by buying it off the grid, replacing the electric with renewable resources such as wind, solar or other technologies, like smart meters, and investing in energy efficiency programs — or some combination of these options.

August 19, 2016

BWL Central Substation

Project Information

This packet of information contains:

1. Updated Planning Office Staff Report (changes highlighted in yellow)
2. Site map
3. Proposed Comprehensive Plan Amendment #1 Map
4. Conceptual Diagram
5. Zoning Map
6. Prospective Sites
7. Conveyance of Lands-Scott/Jenison/General Motors/City of Lansing (map and narrative)
8. Responses to Council/citizens questions (Diamond Reo Way and others), to be delivered separately.

GENERAL INFORMATION

APPLICANT:	Board of Water & Light (LBWL) 1201 S. Washington Avenue Lansing, MI 48910
OWNER:	City of Lansing, 124 W. Michigan Avenue, Lansing, MI
REQUESTED ACTIONS:	**Comprehensive Plan Amendment** – Change future land use designation of the east, approximately 4 acres of the property at 125 W. Malcolm X from "Open Space - Dedicated Park" to "Open Space - Quasi-Public/Utility" for the purpose of allowing the property to be used for an LBWL power substation. **Act-7-2016:** Authorization of a new LBWL power substation on the City owned property at 125 W. Malcolm X Street, in accordance with the location, character, and extent criteria set forth in Act 33. **SLU-3-2016:** Special Land Use permit to authorize the construction of an LBWL power substation at 125 W. Malcolm X Street. The subject property is zoned "C" & "DM-4" Residential, which districts permit "a structure which is owned or operated by a public utility", if a Special Land Use permit is approved by the Lansing City Council.
EXISTING LAND USE:	Scott Park
EXISTING ZONING:	"DM-4" & "C" Residential Districts
PROPERTY SIZE & SHAPE:	Approximately 4 acres
SURROUNDING LAND USE:	N: I-496, Office, Residential S: Multi-Family Residential, GM Parking E: Vacant W: Cooley Gardens, Women's Historical Center, GM
SURROUNDING ZONING:	N: "F" Commercial, "D-1" Professional Office & "DM-4" Residential Districts S: "DM-4" Residential & "J" Parking Districts E: "DM-4" Residential District W: "A" Residential, "C" Residential, "I" Heavy Industrial Districts

AGENCY RESPONSES:

Board of Water and Light:

- BWL has an existing underground steam main and easement traversing north to south through the property, this easement needs to be retained.
- BWL has an existing overhead electric transmission line traversing north to south through the property, this easement needs to be retained.
- BWL has existing electric and water facilities on the property that will need to be removed and/or relocated depending on the final site plan.
- The Central Substation will serve electric utility service to the majority of the Downtown Lansing area, including major commercial, municipal, state and hospital customers.

Building Safety:

Regarding Agency Referral - BWL Substation - 125 W. Malcom X (Scott Park), the building safety office would require plan review and building permits not covered by code section 105.2.3, MBC 2012. Other buildings, additions, alterations, platforms, stairs, etc. that would be governed by the Michigan Building Code would require plan review and building permits showing compliance with the codes adopted by the State of Michigan including accessibility.

Section 105.2.3 Public Service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established rights.

Development:

The project will benefit economic development in the City by providing stable electrical power to the downtown, and will also create an appealing entrance to the Reotown area and neighborhoods and a desirable walking pathway along the river. The Development Office will assist in any way it can.

Parks & Recreation:

The Parks & Recreation Board has recommended approval of the project.

Public Service:

- Williams Street from Townsend to the Grand River was vacated per court order on 7-12-1929 (Liber 321 Page 136). Public Service does not have a copy of the deed. It is assumed that a utility easement was reserved due to 66" storm sewer located in it.
- There is a 66" storm sewer that is located in vacated Williams Street, which is along the south side of the

proposed development.

- There is a 12" storm sewer that shares the headwall with the 66". This storm sewer services the existing parking lot.
- There is a sanitary lead for the structure on the southwest corner of the property.
- The Michigan Women's Historical Center is located on a separate parcel owned by the City of Lansing. The sanitary sewer in Malcolm X was abandoned when I-496 was constructed. It is likely that the sanitary lead for this property discharges to the south and shares a lead with the structure in the southwest corner of the Cooley Gardens property. This will need to be verified. If the lead is shared, a separate sanitary lead will be required. If the sanitary service discharges to the south, an easement/agreement will be needed to protect the sanitary lead.
- It is not known where the sanitary service for 125 W. Malcolm X discharges. It should discharge to 12" sanitary sewer in Malcom X.
- The sidewalk on Malcom X is in poor condition. Based on a visual inspection, the sidewalk was damaged by the BWL performing utility work. It should be replaced.
- The City has applied to MDOT for preventative maintenance for the Washington Avenue bridge. The application is for an epoxy overlay, expansion joint replacement, and selected structure painting. The proposed plan for the substation includes pedestrian access to the River Trail on the north and south side of the bridge. If the bridge application is approved, the River Trail accesses should be coordinated with that work.
- All adjoining streets are City of Lansing major streets.
- City of Lansing storm sewer is available to the substation in Washington and in Malcolm X.
- Sanitary sewer is available to the substation in Malcolm X.

Transportation: The Transportation and Non-Motorized section has reviewed the request and we don't have any comments or requirements related to the three requests. We will be interested, however, in any changes to access and traffic characteristics that would result from the proposed substation. These can be addressed during the site plan approval process.

DESIGN LANSING COMPREHENSIVE PLAN AMENDMENT #1

PROPOSAL:

The City is initiating an amendment to the Design Lansing Future Land Use Plan to change the future land use designation of the east, approximately 4 acres of the Scott Park property at the SW Corner of Washington Ave. and Malcom X Street (125 W. Malcolm X Street), from "Open Space - Dedicated Park" to "Open Space – Quasi-Public / Utility". This purpose of the amendment is to permit the construction of a $26,000,000 Board of Water and Light substation on the eastern portion of the site, with park improvements to the remaining open space. The following are specific components of the Board of Water & Light's proposal:

- The substation will be encircled with a masonry wall featuring public art and displays.
- A walkway which will provide public pedestrian access from Washington Avenue to Townsend Street will be constructed along the south wall of the substation, north of the Grand River.
- The Sunken Garden will be relocated near Cooley Gardens, a more prominent location within the park, and made accessible in compliance with the Americans with Disabilities Act (ADA).
- ADA access will be provided to Cooley Gardens, which will remain otherwise undisturbed.
- The parking lot will be relocated.
- The Scott Center will be relocated off-site, portions offered for salvage, or demolished.
- The Women's Historical Museum will be unaffected.

RATIONALE:

The Scott Park proposal is a component of LBWL's Lansing Energy Tomorrow initiative, which includes the Integrated Resources Plan (IRP) process that will specify how the BWL will replace the Eckert Power Station, 1950s era-coal fired plant that will close by 2020, and prepare for the Clean Power Plan, EPA's regulations for reducing greenhouse gas emissions. The IRP process will be based on consideration of costs to customers, ensuring a reliable energy source for the region, environmental stewardship, managing future uncertainty and risks, federal regulations, local-generation capacity, and economic development. The Central Substation is the first step in allowing the retirement of the Eckert plant generation.

The Eckert plant serves downtown Lansing, General Motors and Sparrow Hospital. Eckert's distribution circuits feeding downtown are located in underground ducts that are failing, and Eckert can't be removed from service without new generation or transmission infrastructure. LBWL's Lansing Energy Tomorrow Plan, unveiled in May, 2015 also includes the five-year, $101 million Transmission & Distribution Improvement Project, which is already underway. The Central Substation is an integral part of this improvement project.

The existing electrical infrastructure pattern of underground and overhead transmission and distribution lines converge at the intersection of Townsend and Malcolm X, and form an "electrical

super highway". Due to the existing pattern, this location is the most economical and advantageous point to build the Central Substation and connect to the underground circuits that serve BWL's downtown customers. The farther away from this "sweet spot", the more it will cost to build a substation at an estimated $4,000 per linear foot of additional distribution costs.

ALTERNATIVES CONSIDERED:

Eight alternatives were considered (see map):

- The vacant GM office building on Townsend. Unavailable for purchase.
- GM property southwest of and adjacent to Cooley Gardens. Unavailable for purchase.
- Residential property north of South Street. Would remove several properties from the tax roll and would result in the displacement of several residents that occupy houses in the area.
- 100 Block of W. South Street, behind businesses along the west side of S. Washington's 1200 block. The site is too small to accommodate the substation. Would also involve eliminating parking used by businesses in the area.
- The Seventh Day Adventist property on the NE corner of Walnut and St. Joe - across I-496. The site is too small to accommodate the substation.
- Deluxe Inn Site – the site is too small and is under contract for private development.
- Eckert Substation site - located in the floodplain, with deteriorating underground conduits beneath railroad tracks. Utilizing the Eckert site for this purpose would increase the cost of the new substation by $13,000,000, and delay the closing down of the coal-fired plant 7 years. The estimated cost to place the new substation at this location is $38,500,000. While BWL already owns the site, it is in the 100 year flood plain and would require raising the elevation of the substation area above the base flood elevation. Additionally the site is adjacent to active railroad tracks and would require a protective wall to be built for potential train derailments. Distribution lines would need to be rebuilt under the railroad and moved out to Townsend St. north to Williams St. where it intersects the existing duct banks.
- Underground – an underground substation would cost $45.6 million, plus $5-10 million for burying the transmission lines.

LBWL was asked by City Council to consider a ninth alternative - locating the new substation at vacant property near Diamond Reo Way and Baker Street. (The results of LBWL's research were not available as of this printing.)

Historical Significance:

The Lansing park system includes three National Register properties: the Turner-Dodge Mansion, the Moores Park Natatorium, and Reutter Park. LBWL has one National Register property: the newly-restored Depot building on S. Washington Avenue.

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on

Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings. This project is not subject to 106 Review because the BWL is not a federal agency and is not using federal funds for this project.

Neither the Sunken Garden nor the Scott Center are listed on the National Register of Historic Places or located in local Historic Districts. The State Historic Preservation Office (SHPO) has stated that the Sunken Garden would qualify for the National Register of Historic Places, but it is not listed. The SHPO also indicated that the Scott Center is not eligible for this designation. National Register listing has no regulatory effect unless Federal funds are used.

The Scott Center is available to be relocated off-site and restored. An RFP (request for proposals) process was utilized to find a qualified buyer for the Center. Habitat for Humanity Capital Region (HFHCR) submitted the only qualifying proposal, and the Board of Water & Light will provide up to $100,000 to relocate and renovate the structure.

The Sunken Garden will be relocated to a prominent, ADA accessible location within the park as part of this project. It will thus remain on property formerly owned by Richard and Gertrude Scott, who subsequently sold the property to General Motors before the City purchased it from GM.

The SHPO has stated that the Sunken Garden would lose its historical significance if it were moved from its original location.

Lansing has an example in the Darius B. Moon House of a property listed on the National Register of Historic Places subsequent to its relocation (see box.)

Finally, LBWL plans to relocate the Sunken Garden on the same, formerly Scott-owned property, *just a few hundred feet* from its original location, "brick by brick, stone by stone, and plant by plant," and contribute $40,000 to endowment to its perpetual care.

Darius B. Moon House example
On August 6, 1976, the Darius B. Moon House, then located at 116 S. Logan Street (now Martin Luther King Boulevard), was placed on the State Register of Historic Sites.

The house was preserved and moved more than 1,500 feet to 216 Huron Street, May 1978, as a result of the roadway widening.

It was listed on the National Register of Historic Places on November 30, 1982, three years after its move to 216 Huron Street.

LBWL staff is also working with the Garden Club of Greater Lansing on plans to maintain and safeguard the vegetation in preparation for this relocation.

Land Sale:

The City of Lansing is the current and future owner of the subject Property. The Lansing City Charter Section 8-402.6 states: "No park, recreation, cemetery, or waterfront land may be sold without the approval, by a majority vote, of the electors of the City voting on the question at a regular or special election". Both LBWL and the Parks and Recreation Department are divisions of the City of Lansing in accordance with the Lansing City Charter.

This is not a land sale – title to the property is and will continue to be vested in the City of Lansing. There are no deed restrictions that would prevent the substation project and the City Charter does not require a vote of the people for this project as the property will remain under the control and ownership of the City.

However, a City Attorney Opinion maintained that a vote of the public is required for the sale of the Scott Center structure, and on August 8, 2016, by Resolution #2016-165, City Council authorized the placement of this question on the November 8 ballot.

Community Outreach and Involvement:

LBWL officials have met with members of the public more than a dozen times:

- LBWL Board of Commissioners Meeting
- Community Design Charrette
- Parks Board – 3 meetings.
- Planning Board – 2 meetings, including the May 17 public hearing.
- ReoTown Commercial Association – 4 meetings. LBWL, which is a member of the Association, also agreed to make a $20,000 contribution every three years for the life of the project to rotate public art displays on the west wall of the substation.
- Garden Club – 2 meetings.
- Preservation Lansing – 1 meeting.
- Council Committee on Development and Planning (D&P) - 1 meeting.

Future public meetings include City Council, Council Committee on Development & Planning, and the Board of Zoning Appeals.

Park Utilization:

According to data from the Parks reservation program for rentals from May, 2011 to May, 2016 (based on information provided by the customer at the time of reservation):

- The Cooley Gardens Pavilion had 87 rentals (including 4 for 2016), for an estimated head count of 6,043,
- Sunken Gardens had 23 rentals (including 2 for 2016) and an estimated 918 attendance,
- The Scott Center Center has not been used for over 10 years so there are no numbers available.

The Cooley Gardens Pavilion gets more than six times the use of the Sunken Garden. Relocating the Sunken Garden to a prominent location adjacent to Cooley Gardens and making Americans with Disability Act and parking improvements as proposed may increase the visits to the Sunken Garden and enhance its benefit to the public.

Parks Board Action:

At its meeting on April 13, 2016, the Parks Board voted to recommend that:

- The eastern portion of the Scott Park property be repurposed for Board of Water and Light (LBWL) purposes as set forth herein,

- The inventory of dedicated parkland be amended by removing up to 4 acres of the Property from Scott Park, and
- The Lansing Board of Water and Light prioritize recreational opportunities in the southeast corner of the substation site, subject to operational restraints.

ACT 33 REVIEW

This review is being conducted pursuant to the requirements of the Michigan Planning Act (P.A. 33 of 2008), Section 61, which requires an evaluation of the location, character and extent of a public building prior to authorizing its construction:

Location:
The project is located at the SW corner of S. Washington Ave. and at a key location:

- Entrance to ReoTown,
- Just south of I-496 freeway,
- In *the closest possible proximity* to key electrical infrastructure (cable ducts, transmission lines).

After a thorough site selection process (see above) LBWL determined that Scott Park is the most suitable site.

Character:
The project would introduce an urban, artistic and enhanced recreational feel to the site. Although a significant portion of the current Scott Park will be used solely for the substation, the public will benefit from several improvements to the remainder of the site, including a covered riverwalk on the north side of the Grand River, public art, viewing platforms, and ADA access to both Cooley Gardens and the Sunken Garden (as relocated). NOTE: Both facilities have "grandfather" status and lack ADA access at this time.

Extent:
Analysis of the extent of a proposal evaluates whether the level or magnitude of the proposed request is appropriate and in relation to the intended land use pattern, public facilities, and services in the area.

The project is designed to be as compact as possible so as to minimize its impact on the Park. The substation facility is expected to serve the entire downtown area, including Sparrow Hospital, LCC, the Accident Fund, the City of Lansing, and the State of Michigan.

Findings:
Based on a review of the location, character, and extent of the proposal, staff recommends the following finding:

- LBWL is phasing out the Eckert Power Station due to the obsolescence of the facility and anticipated regulatory changes.

- LBWL and City staff have conducted a thorough search for an appropriate location for the substation.
- Due to the Eckert Station's location within the 100 year floodplain, the extreme rain events in recent years, increasing flood risks, and increasing uncertainty of our weather conditions, the Eckert Station site is not considered a viable option.
- The subject property is the most appropriate location for a substation to serve LBWL's customers in the downtown area, including LCC, the Accident Fund and Sparrow Hospital, with the impending decommissioning of the Eckert Power Station.
- The proposed project will include several amenities to benefit the public including pathways, public art, viewing platforms and ADA access to both Cooley Gardens and the relocated Sunken Garden.
- The proposed substation will be designed to minimize its adverse impact on the remainder of the site.
- The substation is designed for reliability and to meet the current and future needs of downtown Lansing, including its major employers.
- The City purchased the former Scott parcel (vacant) and unkempt sunken garden from General Motors. Neither the Scott estate nor GM donated the property known as Scott Park, nor was it deed-restricted for park purposes (see attached).
- LBWL has been respectful of Scott Park's features, and has proposed to:
    - contribute $100,000 to the relocation of the Scott Center building,
    - relocate the Sunken Garden "brick by brick, stone by stone, and plant by plant," and contribute $40,000 to endowment to its perpetual care.
- A vote of the electors is neither required nor appropriate to approve this Plan amendment and Special Land Use permit. (However, in the City Attorney's opinion, this is not the case with the Scott Center structure, the sale of which will be on the November 8 ballot for voter approval.)

SPECIAL LAND USE PERMIT

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 proposed substation will be designed to be compatible with the surrounding area. The proposed site will be attractive and provide for an inviting and engaging entrance to Reo Town. The project includes significant enhancements to the site for public use such as pathways, access to the Lansing River Trail, a viewing platform, and ADA access to the relocated Sunken Garden.

The proposed power substation will not generate noise, odors, vibrations or other nuisances that would negatively impact the surrounding area. In addition, the substation will generate very little traffic by the LBWL and will allow the new parking lot to be available to the public for use of the amenities in the Park.

With respect to the layout of the site, the substation will be located at the front property lines along both Malcolm X Street and S. Washington Avenue. The majority of the site is in the Reo Town Overlay district which mandates this type of layout. In fact, any newly constructed building within the Reo Town Overlay District would have to be built at the front property lines.

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

The site is surrounded by a freeway to the north, a vacant site to the east, additional City property to the west, a river and a multiple-family residential building to the south. Given the diverse land use pattern that already exists in the area, the proposed substation will not change this essential "character". The proposed project will be designed to create an appealing and engaging entrance to Reo Town as the site will provide certain amenities such as pathways, an accessible Sunken Garden, a viewing platform, art, etc., for the public to enjoy.

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

The proposed power substation will not interfere with the enjoyment of adjacent properties. The subject property is surrounded by I-496 to the north, the Grand River to the south, a vacant site to the east and City property to the west. The proposed substation will have no negative impacts on Cooley Gardens or the Women's Historical Museum on the remainder of the City property to the west.

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 Scott Center is a vacant building that has not been used for more than 10 years and is in a state of deterioration. The project includes a $100,000 subsidy for the relocation and renovation of the Scott Center by a qualified buyer for a use that is more appropriate to the building's design. Habitat for Humanity Capital Region (HFHCR) submitted a proposal to undertake this project.
- The Sunken Garden has limited visibility from beyond the property lines and prior to this project, most residents likely were not even aware that it exists. The project includes the relocation of the Sunken Garden in close proximity to Cooley Gardens, improved visibility, ADA accessibility, and a relocated parking lot to serve them both. Moreover, the project includes an LBWL pledge to establish a $40,000 endowment for the Sunken Garden.

- The substation will be encircled with a masonry wall featuring pubic art and displays to create an attractive entrance to Reo Town.
- The project also includes a viewing platform above the Grand River, a new walkway from Washington to Townsend, a new pathway from Capitol Avenue connecting to Cooley Gardens and the new walkway, a new staircase connecting the rivertrail to Washington Avenue and new landscaping, signage and a new parking lot.

The proposed substation will have no more of an impact on the natural environment of the lot than any other development of the property. The development will be required to go through administrative site plan review to ensure that it is in full compliance with all applicable City ordinances.

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 power substation will not generate any nuisances or hazardous conditions. In fact, the proposed substation is a component of BWL's "Energy Tomorrow" initiative to provide reliable, affordable and clean energy to its customers. This includes the "Integrated Resources Plan" process that will specify how the BWL will replace the Eckert Power Station, a 1950s era-coal fired plant that will close by 2020, and prepare for the Clean Power Plan, EPA's regulations for reducing greenhouse gas emissions. The IRP process will be based on consideration of costs to customers, ensuring a reliable energy source for the region, environmental stewardship, managing future uncertainty and risks, federal regulations, local-generation capacity, and economic development.

EMF (Electric and Magnetic Fields) measurements at the fence line of substation sites similar to the proposed Central Substation and under the transmission line that transverses Scott Park are equal to typical levels found in most kitchens. Magnetic fields decrease significantly as the distance increases. Studies conducted by such agencies as the EPA, have been inconclusive as to if they have any effect.

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 will be served by all necessary public services and utilities.

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

The proposed substation 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 Design Lansing Comprehensive Plan currently designates the subject property as "Open Space -Dedicated Park". When the Design Lansing Comprehensive Plan was originally developed, no other use for the subject property beyond its current use was even contemplated. An amendment to the *Design Lansing* Comprehensive Plan that would change the future land use designation of the eastern, approximately 4 acres of the subject property to "Open Space – Quasi-Public/Utility" is currently being considered. This amendment would be the appropriate land use designation for the proposed substation and is recommended for approval by the Planning Office.

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

The east 250 feet of the subject property is zoned "DM-4" Residential and is located within the Reo Town Overlay district.

The remainder of the subject property is zoned "C" Residential. Both zoning districts permit "a structure which is owned or operated by a public utility", if a special land use permit is approved by the Lansing City Council.

The majority of the proposed substation will be located within the area of the site that is in the Overlay district which has no setback, lot coverage or parking requirements and allows a maximum building height of 40 feet. The west, approximately 1/3 of the proposed substation is located within the area of the site that is zoned "C" Residential and is not within the Overlay district. The "C" Residential district requires a 50 foot front yard setback, a 30 foot rear yard setback, a maximum lot coverage of 40% by structures and 60% total lot coverage, a parking requirement of 2 spaces for each employee within the largest shift and a 35 foot building height limitation. Based on a review of the preliminary plans for the substation, a variance to the building setback requirement from the front property line along W. Malcolm X Street will be required. This will be supported by the Planning Office staff as it would be more appropriate and desirable, from a planning standpoint, to have the building located at or very near the front property line along both streets. It will also allow the building to have a consistent setback as it crosses the 2 zoning districts on the site.

RECOMMENDATIONS

Staff recommends approval of the following requests:

Design Lansing Comprehensive Plan Amendment #1: An amendment to the Design Lansing Future Land Use Plan to change the future land use designation of the eastern portion of Scott Park from "Open Space -Dedicated Park" to "Open Space – Quasi-Public / Utility" as proposed. This would affect approximately four acres, particularly described as:

> Lots 13 thru 17 inclusive except the Easterly 4 feet of Lot 13 and the Westerly 33 feet of Lot 17, ALSO except an area of land lying between the water's edge of the Grand River and a line 25 feet Northerly thereof, all in Block 177 of the Original Plat of the Town of Michigan now the City of Lansing, as recorded in plats, Ingham County Records, Ingham County, Michigan.

On June 21, 2016, the Planning Board voted 5-2 to recommend adoption of Amendment #1, to change the future land use designation of the east, approximately 4 acres of the property at 125 W. Malcolm X from "Open Space - Dedicated Park" to "Open Space - Quasi-Public/Utility".

SLU-3-2016: A special land use permit to allow a Board of Water & Light power substation on the east, approximately 4 acres of the property at 125 W. Malcolm X Street, based on a finding that the proposal complies with all of the criteria of Section 1282.03(f)(1)-(9) of the Zoning Code for evaluating Special Land Use permits.

On June 21, 2016, the Planning Board voted 5-2 to recommend approval of SLU-3-2016, a special land use permit to permit the construction of a Board of Water & Light power substation, "a structure which is owned or operated by a public utility", at 125 W. Malcolm X Street.

Act-7-2016: Authorization of the construction of a Board of Water & Light Central Substation on the east, approximately 4 acres of the property at 125 W. Malcolm X Street, based on a review of the location, character and extent of the project as outlined in this staff report.

On June 21, 2016, the Planning Board voted 5-2 to recommend approval of to authorize a new LBWL power substation on the City owned property at 125 W. Malcolm X Street.

Respectfully Submitted,

Bill Rieske, Assistant Planning Manager **Susan Stachowiak, Zoning Administrator**

W Saint Joseph St
S Capitol Ave
S Washington Ave
W I 496
E I 496
W Main St
new road
Townsend St
S Washington Ave
W Hazel St
N

Virg Bernero, Mayor

Proposed Amendment #1
Design Lansing Comprehensive Plan
DRAFT

) 75 150 300 Feet

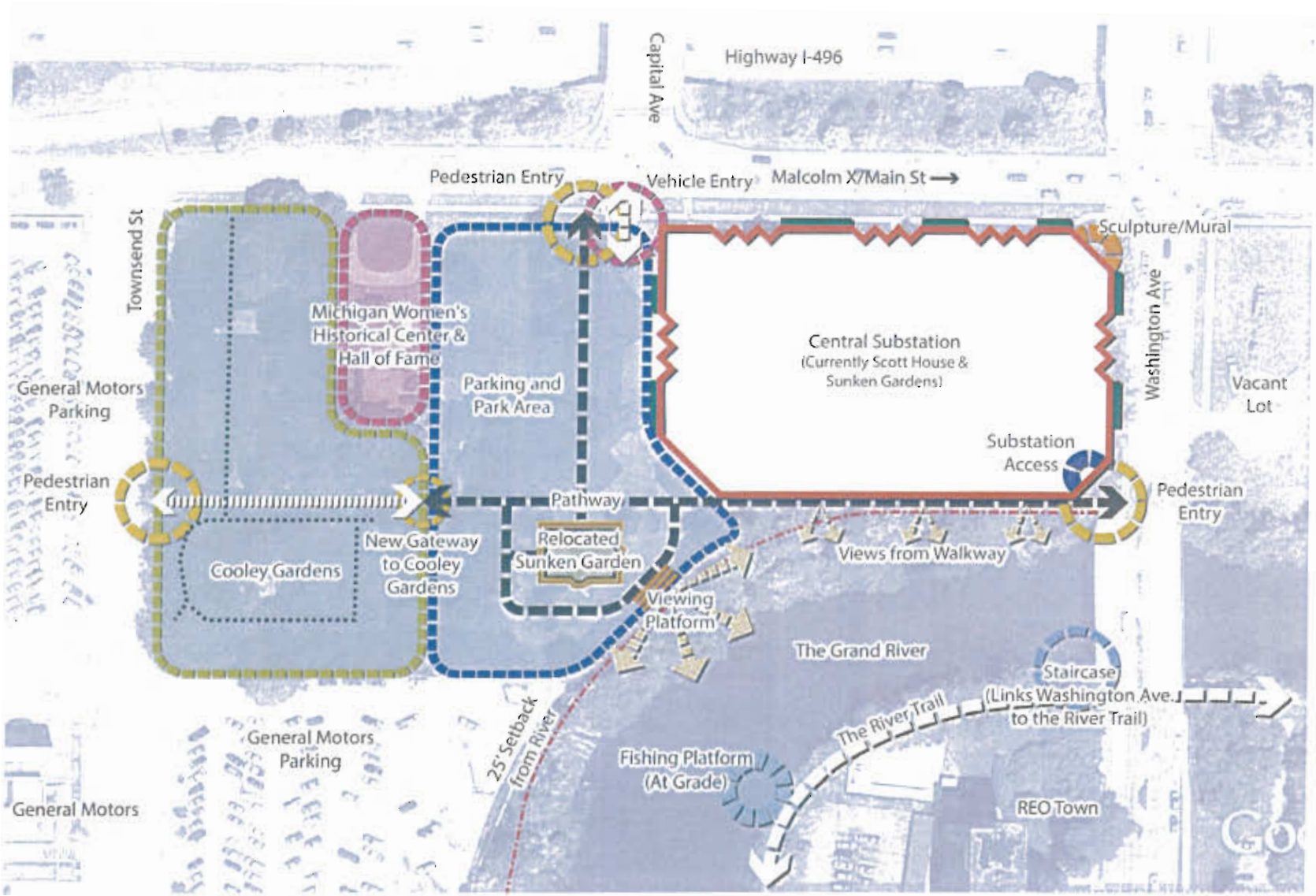
.egend

PROPOSED

uture Land Use

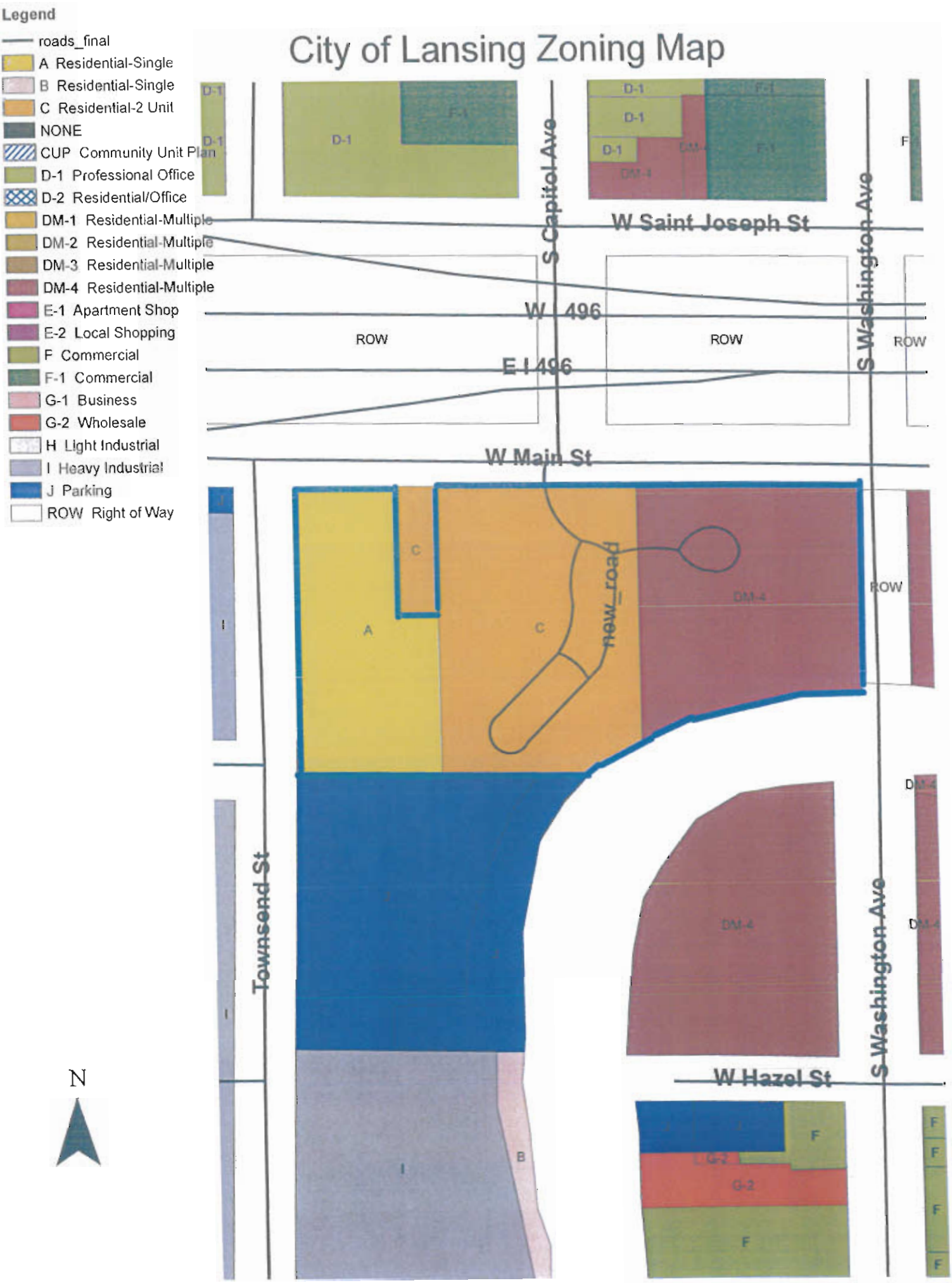
- Open Space-Dedicated Park
- Open Space-Quasi-Public / Utility
- Low-Density Residential
- Medium-Low-Density Residential
- Medium-Density Residential-Urban
- Medium-Density Residential-Suburban
- Residential Corridor
- Downtown Mixed-Use Center: Core
- Downtown Mixed-Use Center: Edge
- Community Mixed-Use Center
- District Mixed-Use Center
- Urban Mixed-Use Corridor
- Suburban Commercial
- Institutional
- Research and Development
- Light Industrial
- General Industrial
- Community Facility

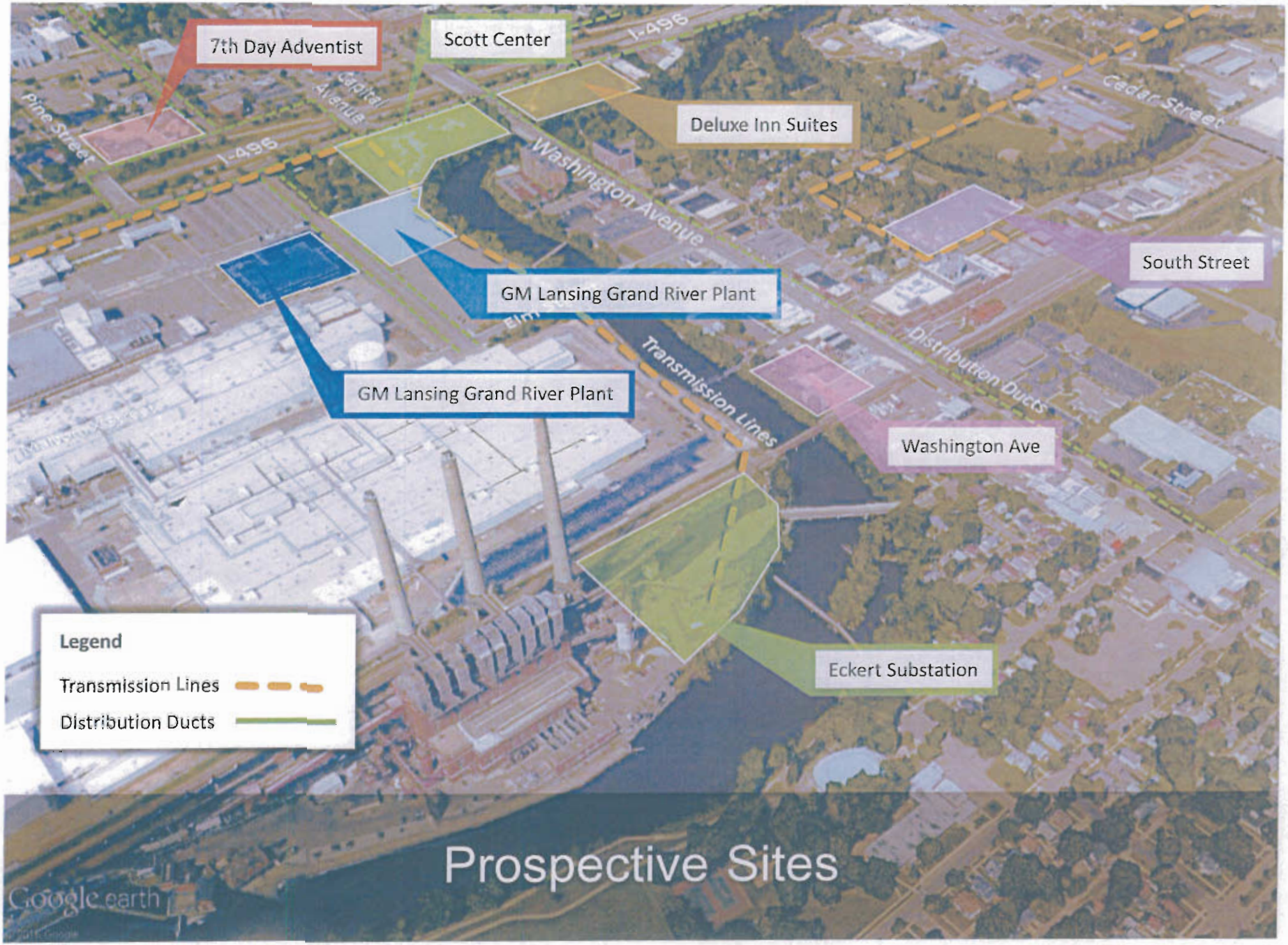
Conceptual Diagram

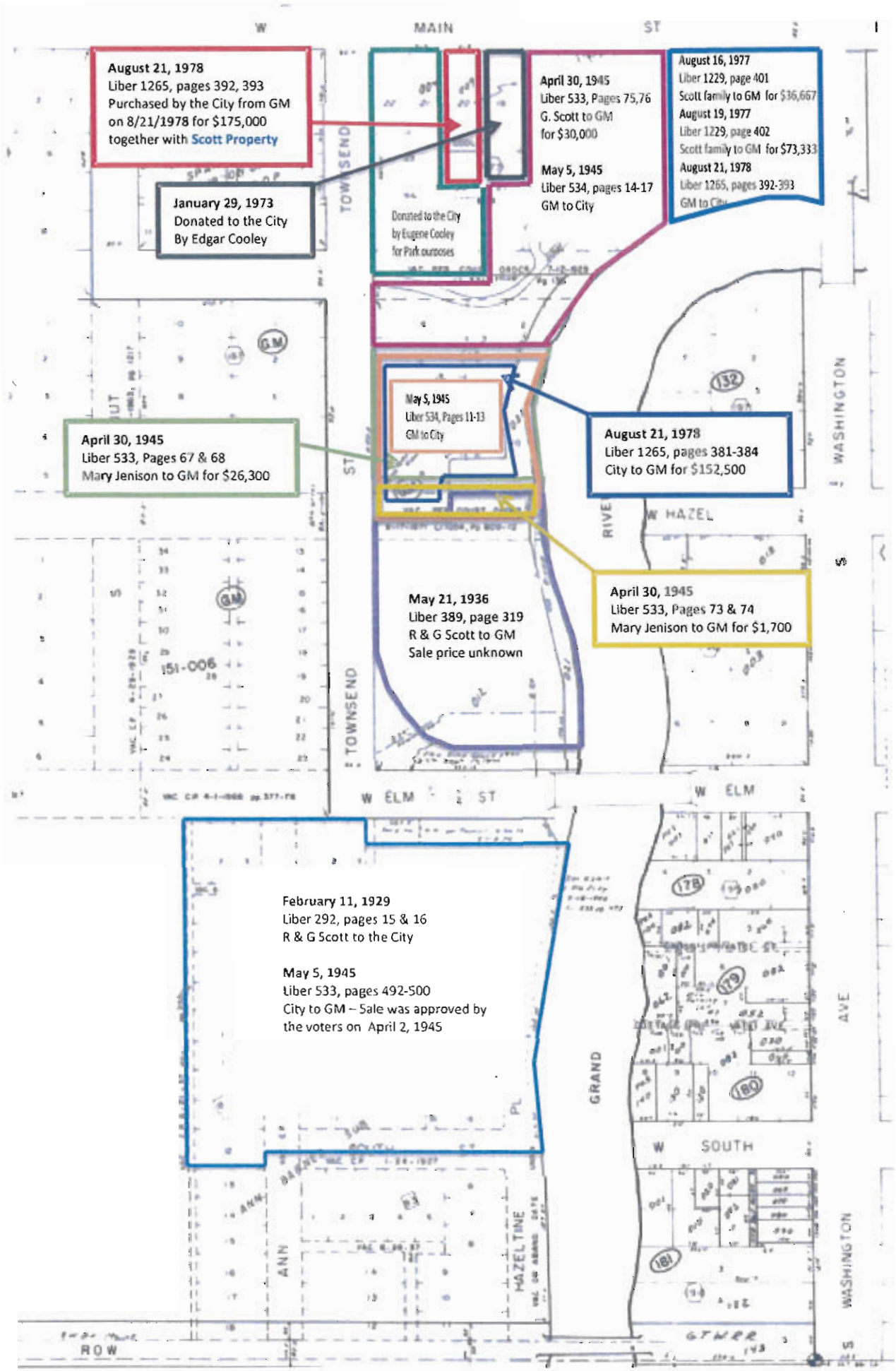


The Scott Center Site

City of Lansing Zoning Map




7th Day Adventist
Scott Center
I-496
Capital Avenue
Pine Street
Cedar Street
Deluxe Inn Suites
Washington Avenue
South Street
GM Lansing Grand River Plant
GM Lansing Grand River Plant
Transmission Lines
Distribution Ducts
Washington Ave
Eckert Substation
Legend
Transmission Lines
Distribution Ducts
Prospective Sites
Google earth


W MAIN ST
August 21, 1978
Liber 1265, pages 392, 393
Purchased by the City from GM
on 8/21/1978 for $175,000
together with Scott Property
January 29, 1973
Donated to the City
By Edgar Cooley
Donated to the City
by Eugene Cooley
for Park purposes
April 30, 1945
Liber 533, Pages 75,76
G. Scott to GM
for $30,000
May 5, 1945
Liber 534, pages 14-17
GM to City
August 16, 1977
Liber 1229, page 401
Scott family to GM for $36,667
August 19, 1977
Liber 1229, page 402
Scott family to GM for $73,333
August 21, 1978
Liber 1265, pages 392-393
GM to City
May 5, 1945
Liber 534, Pages 11-13
GM to City
April 30, 1945
Liber 533, Pages 67 & 68
Mary Jenison to GM for $26,300
August 21, 1978
Liber 1265, pages 381-384
City to GM for $152,500
April 30, 1945
Liber 533, Pages 73 & 74
Mary Jenison to GM for $1,700
May 21, 1936
Liber 389, page 319
R & G Scott to GM
Sale price unknown
February 11, 1929
Liber 292, pages 15 & 16
R & G Scott to the City
May 5, 1945
Liber 533, pages 492-500
City to GM – Sale was approved by
the voters on April 2, 1945
TOWNSEND ST
W HAZEL
WASHINGTON
W ELM ST
GRAND
W SOUTH
ANN
HAZELTINE
ROW
GM
151-006

Conveyance of Lands – Scott/Jenison/General Motors/City of Lansing

Donation of Richard H. Scott and Gertrude E. Scott property to City of Lansing:

On March 2, 1929 the Scott's donate 5.7 acres (Liber 292, Page 15) to the City of Lansing to create a *"Children's Play Ground"* on land that was on the south side of Elm Street between the low land area of the Grand River and approximately 330 feet west of Townsend Street (extended). The donated land was not on the same block as the former "Scott Mansion" and "Sunken Garden".

On April 2, 1945 the voters of the City of Lansing approved the disposition of the "Children's Play Ground" to General Motors for certain lands in exchange. The property that the City received from GM was referred to as the "Jenison" and "Barnes" properties. In addition, GM was required contribute to the City $20,000 to relocate, or replace with new, the playground equipment and accessory recreational buildings located on the "Children's Play Ground".

On May 5, 1945, Mrs. Gertrude E. Scott executes a "Quit Claim Deed" (Liber 533, Page 488-490) to the City of Lansing specific to the property donated in 1929 to create the "Children's Play Ground" which, in part, states:

> "This Deed is given for the express purpose of releasing all of their reversionary rights in said premises so that the City of Lansing may hereafter hold said premises in Fee Simple without any conditions or qualifications whatsoever."

Ownership History of the Jenison House and Barnes Parcel – owned by Gertrude E. Scott (1945 to present):

The City of Lansing acquired the property located at 915 Townsend (later known as the Scott Park Art and Garden Center) from the General Motors Corporation. The City of Lansing did not receive a gift from the Jenison family. GM paid the Jenison family $28,000.00 for the property on April 30, 1945 (Liber 533, Page 67 – 68 [$26,300]; and, Liber 533, Page 73 - 74 [$1,700]). The acquisition of Jenison lands by GM consisted of two parcels.

The City of Lansing then trades property with GM (May 5, 1945). The City receives the 915 Townsend property (Jenison House, Liber 534, Page 11 - 13) and additional land from GM (Barnes Parcel, Liber 534, Page 14 - 17) which is north of the Jenison house and curving to the east of land owned by Edgar Cooley (parcel located immediately east and adjacent to the Women's Historic Center – 213 W. Malcolm X (Main) Street. GM initially acquired the "Barnes Parcel" from Mrs. Gertrude E. Scott for $30,000 on April 30, 1945 (Liber 533, Page 75 – 77). *The total cost to GM to assemble the properties was $58,000.*

The land conveyed to GM by the Jenison Family (915 Townsend) and by Gertrude E. Scott (Barnes Parcel) came without restrictions or covenants. The same is true regarding the land that GM conveyed

to the City of Lansing in exchange for the "Children's Play Ground" property approved by the voters on April 2, 1945.

On May 7, 1945, the City of Lansing conveys the "Children's Play Ground" to GM (Liber 533, Page 492 – 501).

Note: On June 4, 1936, Mr. Richard H. Scott & Gertrude E. Scott sell property (Liber 389, Page 319) to General Motors Corp. for an unspecified price (in the deed listed as "one and other Dollars"). This property is where the "playground" is re-created, as evidence by an aerial photo from 1964 (source: Parks & Recreation Dept.) The property was privately owned, the property was not owned by the City; however, the land area was treated as a "playground". We also believe that the GM property was called "Scott Park", even though the Scott family sold the property in 1936 to GM.

Ownership of the former Scott Mansion (vacant) property and Sunken Garden (1977 to present):

The Trustees of the estate for Mrs. Gertrude E. Scott conveyed, by way of sale, the land (Scott Mansion was demolished in 1965 by Mrs. Scott) and Sunken Garden to the General Motors Corporation for $110,000.00 involving two separate transactions. On August 16, 1977 GM purchased 1/3 of the Scott lands for $36,667 (Liber 1229, Page 401); and, on August 19, 1977 GM purchased the remaining 2/3rds for $73,333 (Liber 1229, Page 402 - 403).

It is a fact that GM acquired the Scott Mansion land and Sunken Garden without any restrictions or covenants.

City *sells* to GM the "Jenison Parcel" (915 Townsend Street) for $152,500 by way of Warranty Deed dated August 22, 1978 (Liber 1265, Page 381 - 384).

GM *sells* its recently acquired (August 1977) Scott property and property known as the "Women's Historic Center" located at 213 W. Malcolm X (Main) Street to the City of Lansing for $175,000 (Liber 1265, Page 392 - 393). The City acquired GM's property on August 21, 1978.

The Jenison House was moved (1978) from its Townsend location to the land immediately west of the Sunken Garden, were it sits today.

FACT: Richard H. Scott and Gertrude E. Scott donated land to create a "Children's Play Ground" on the south side of Elm Street.

FACT: The Electorate of the City of Lansing approved the disposal of the "Children's Play Ground" by its affirmative vote.

FACT: Mrs. Gertrude E. Scott executed a "Quit Claim Deed" removing the reversionary language, restrictions and conditions on the "Children's Play Ground" land area to be transferred to GM.

FACT: Neither the JENISON HOUSE (915 Townsend) nor the SCOTT MANSION & SUNKEN GARDEN were bequeathed or donated to THE CITY OF LANSING. GM paid a total of **$168,000.00** to acquire the Jenison and Scott properties, which does not include the property sold by the Scott's to GM in 1936 for an unspecified amount.

FACT: THE CITY OF LANSING paid **$175,000.00** for the Scott vacant land/Sunken Garden and for property at 213 W. Malcolm X (Main) Street, known as the Cooley-Hayes/Women's Historic Center. The City purchased the property from General Motors.

FACT: GM paid the CITY OF LANSING **$152,500.00** to acquire 915 Townsend Street (Jenison House and lands).

FACT: Only two parcels were bequeathed to the City of Lansing, ***the parcel boundaries for both are outside the footprint of the proposed BWL Sub-Station***. The two parcels that were "gifted" to the City are property formerly owned by Mr. Eugene Cooley (deed restricted – Cooley Gardens); and, the unimproved lot immediately east of the Women's Historic Center formerly owned by Mr. Edgar L. Cooley (no deed restriction).

*** ALL DOCUMENTS REFERENCED CONTINAING LIBER AND PAGE NUMBERS ARE FROM THE OFFICE OF THE INGHAM COUNTY REGISTER OF DEEDS, MASON, MICHIGAN.

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: 6-23-16

RE: Resolution— Setting Public Hearing for SLU-3-2016, Public Utility— 125 W. Malcolm X— Lansing Board of Water & Light—Central Substation Project

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

VB/rh
Attachment

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

WORKING TOWARD A CLEANER GREENER LANSING

To: Virg Bernero, Mayor

From: Susan Stachowiak

Subject: CITY COUNCIL AGENDA ITEM - SLU-3-2016, Public Utility - 125 W. Malcolm X

Date: June 22, 2016

The Lansing Planning Board, at a special meeting held on June 21, 2016, voted (5-2) to recommend approval of a request by the Lansing Board of Water & Light for a Special Land Use to construct a power substation at 125 W. Malcolm X Street. The subject property is zoned "C" & "DM-4" Residential, which districts permit "a structure which is owned or operated by a public utility", if a Special Land Use permit is approved by the Lansing City Council.

The Planning Board found, based on testimony, evidence and the staff report, that the proposed Special Land Use complies with all of the criteria established by Section 1282.02(f)(1-9) of the Zoning Ordinance for granting special land use permits. Based upon these findings, the Planning Board recommended approval of SLU-3-2016.

At the Planning Board public hearing held on January 5, 2016, the applicant's representatives and 3 other individuals spoke in favor of the request and 10 individuals spoke in opposition to the request.

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

SLU-3-2016
125 W. Malcolm X Street
Public Utility in the “C” & “DM-4” Residential Districts

WHEREAS, the applicant, Lansing Board of Water & Light, has requested a Special Land Use permit (SLU-3-2016) to construct a power substation at 125 W. Malcolm X Street; and

WHEREAS, the property is zoned “C” & “DM-4” Residential Districts where a structure which is owned or operated by a public utility is permitted subject to obtaining a special land use permit; and

WHEREAS, a review was completed by staff evaluating the character, location and impact this proposal would have on the surrounding area, the environment, public services and compliance with the intent and purpose of the Zoning Ordinance and Design Lansing Comprehensive Plan; and

WHEREAS, the Planning Board held a public hearing on May 17, 2016, at which time the applicant's representatives spoke in favor of the request, 3 individuals spoke in support and 10 individuals spoke in opposition to the request; and

WHEREAS, the Planning Board (based upon testimony, evidence and the staff report) at its June 21, 2016 meeting, voted (5-2) to recommend approval of SLU-3-2016 to permit the proposed Lansing Board of Water & Light power substation at 125 W. Malcolm X Street; and

WHEREAS, the City Council held a public hearing regarding SLU-3-2016 on , 2016; and

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

NOW THEREFORE BE IT RESOLVED that the Lansing City Council hereby approves SLU-3-2016, to permit the proposed Lansing Board of Water & Light power substation at 125 W. Malcolm X Street.

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

BE IT FINALLY RESOLVED that in granting this request with conditions, the City Council has considered the factors listed in Section 1298.07(B)(2), and determines the following:

1. The proposed power substation is compatible with the essential character of the surrounding area, as designed.
2. The proposed power substation will not change the essential character of the surrounding area.
3. The proposed power substation will not interfere with the general enjoyment of adjacent properties.

4. The proposed power substation will not impact adjacent properties as it will not be detrimental to the use or character of the property under consideration.
5. The proposed power substation will not impact the health, safety and welfare of persons or property in the surrounding area.
6. The proposed power substation can be adequately served by essential public facilities and services.
7. The proposed power substation will not place any demands on public services and facilities in excess of current capacities.
8. The proposed power substation is consistent with the intent and purposes of the Zoning Code and in conformance with the Design Lansing Comprehensive Plan.
9. The proposed power substation will comply with the requirements of the “C” & “D-4M” Residential Districts.

Ownership History of the Jenison House (1945 to present):

The City of Lansing acquired the property located at 915 Townsend (later known as the Scott Art and Garden Center) from the General Motors Corporation, and not the Jenison family. GM paid the Jenison family **$26,300.00** for the property on April 30, 1945. (***Liber 533, Page 67 Ingham County Register of Deeds***)

The City of Lansing then trades property with GM (May 5, 1945). The City receives the 915 Townsend property (Jenison House) and land from GM that is north of the Jenison house and curving to the east of land owned by Edgar Cooley (parcel located immediately east and adjacent to the Women's Historic Center – 213 W. Malcolm X (Main) Street. (***Liber 534, Page 11-12; and, Liber 534, Page 14-16 Ingham County Register of Deeds***)

The land conveyed to GM by the Jenison Family (915 Townsend) came without restrictions or covenants. The same is true regarding the land that GM conveyed to the City of Lansing.

Ownership of the Scott Mansion property and Sunken Garden (1977 to present):

The Trustees of the estate for Mrs. Gertrude Scott conveyed, by way of sale, the land (Scott Mansion was demolished in 1965 by Mrs. Scott) and Sunken Garden to the General Motors Corporation for **$73,333.00** on August 19, 1977. (***Liber 1229, Page 402 Ingham County Register of Deeds***)

It is a fact that GM acquired the Scott Mansion land and Sunken Garden without any restrictions or covenants.

GM trades its recently acquired (August 1977) Scott property with the City of Lansing for the property that the City had acquired from GM in 1945, which was the property located at 915 Townsend. (Liber 1265, Page 392). The trading of property between GM and the City occurred on August 21, 1978.

The Jenison House was moved (1978) from its Townsend location to the land immediately west of the Sunken Garden, were it sits today.

Also, the City of Lansing pays GM **$175,000.00** to acquire the Cooley-Hayes (Women's Historic Center). (Liber 1265, Page 392 Ingham County Register of Deeds)

FACT: Neither the JENISON HOUSE (915 Townsend) nor the SCOTT MANSION & SUNKEN GARDEN were bequeathed to THE CITY OF LANSING. GM paid a total of **$99,633.00** to acquire both properties.

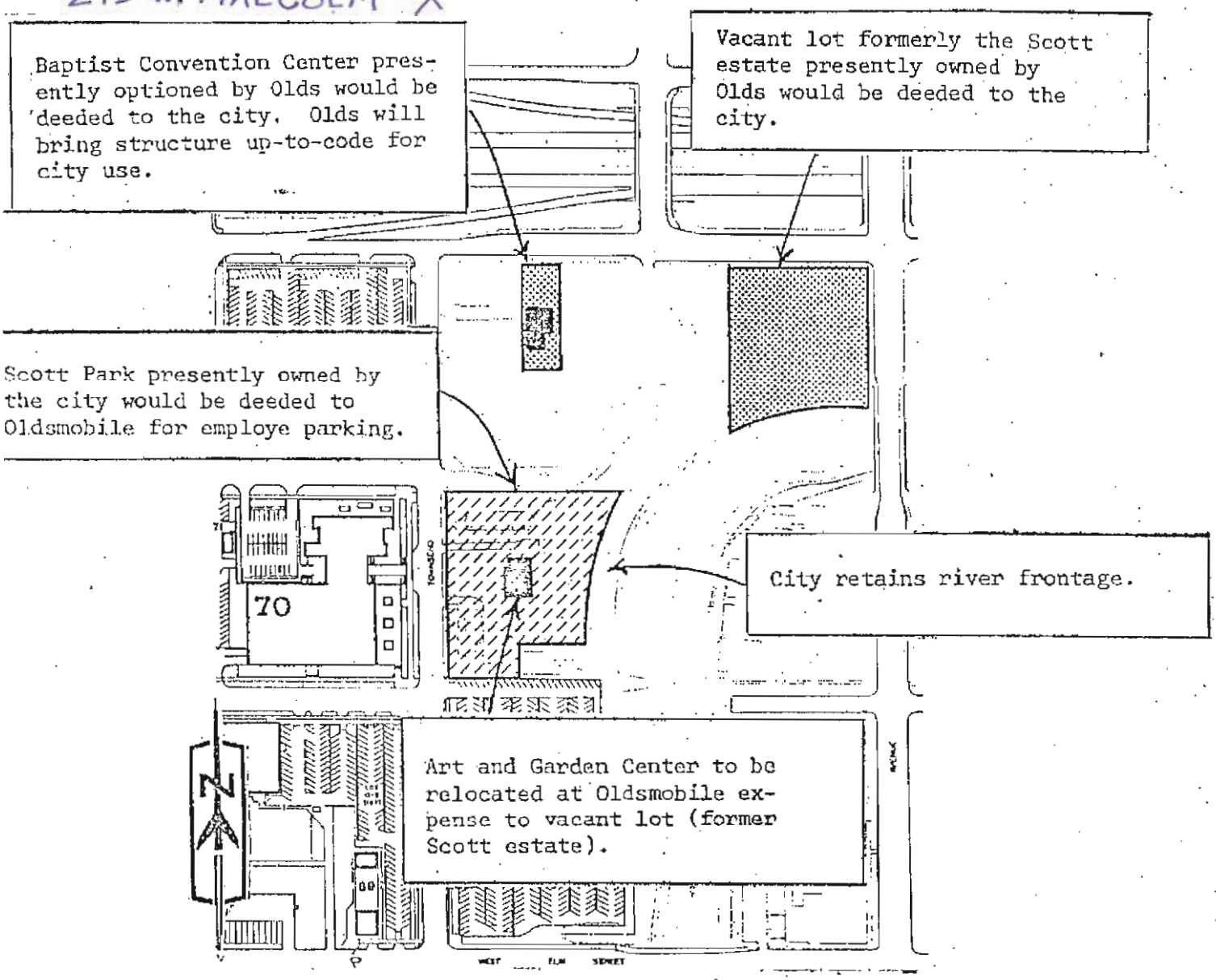
FACT: THE CITY OF LANSING paid $175,000.00 for the property at 213 W. Malcolm X (Main) Street, known as the Cooley-Hayes/Women's Historic Center. The City purchased the property from General Motors.

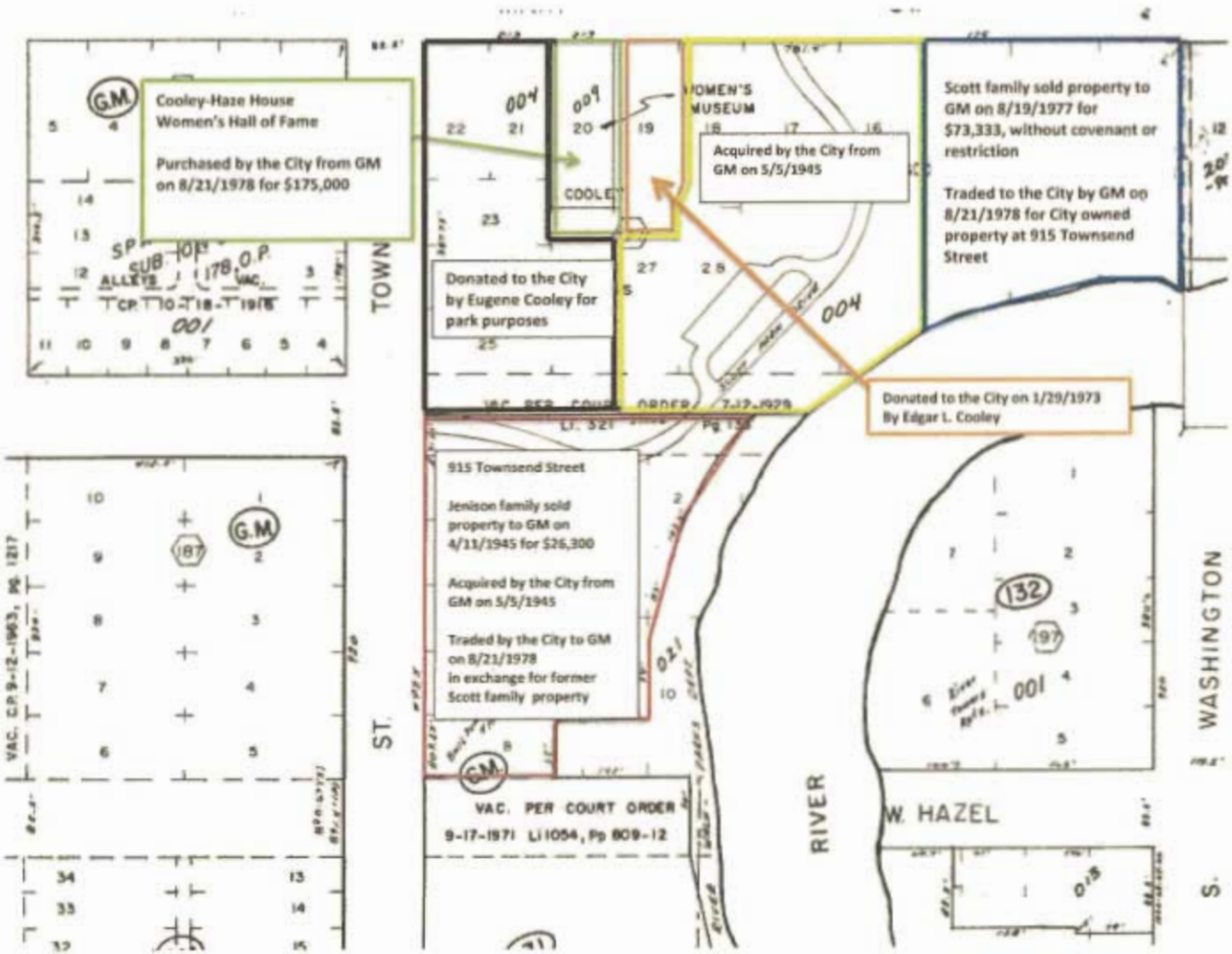
FACT: Only two parcels were bequeathed to the City of Lansing, ***the parcel boundaries for both are outside the footprint of the proposed BWL Sub-Station***. The two parcels that were "gifted" to the City are property formerly owned by Mr. Eugene Cooley (deed restricted – Cooley Gardens); and, the unimproved lot immediately east of the Women's Historic Center formerly owned by Mr. Edgar L. Cooley (no deed restriction).

SCOTT PARK (ART & GARDEN CENTER)

LAND EXCHANGE

213 W. MALCOLM X





Key to Corresponding Documentation

A. Deed between GM and Jenison Estate for 915 Townsend – 4/11/1945

B. Deeds between GM and City of Lansing for 2 parcels transacted 5/5/1945 – shown as 915 Townsend and parcel west of Scott parcel

C. Scott family sells vacant land and Sunken Garden to GM – 8/19/1977

D. Conveyance between GM and City of Lansing. GM conveys Scott Parcel and Cooley/Haze in exchange for 915 Townsend and $175,000. See attached resolution dated 8/14/1978.

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Liber 543 page 67

Abstract and Title Guaranty Company — WARRANTY DEED — 8291

This Indenture, Made this 30th day of April in the year of our Lord one thousand nine hundred and forty-five

Between MARY HAWLEY JENISON, widow of Orion A. Jenison, residing at Lansing, Michigan,

party X of the first part,

and GENERAL MOTORS CORPORATION, a Delaware corporation, having a principal office at 3044 West Grand Boulevard, Detroit, Michigan,

party Y of the second part

Witnesseth, that the said party X of the first part, for and in consideration of the sum of Twenty-Six Thousand Three Hundred Dollars ($26,300.00)

to her in hand paid by the said party Y of the second part, the receipt whereof is hereby confessed and acknowledged, does by these presents, grant, bargain, sell, convey, release, alien and confirm unto said party Y of the second part, and its successors and assigns, Forever, all that certain piece or parcel of land situate and being in the City of Lansing county of Ingham and state of Michigan, and described as follows, to wit: The South 91.25 feet of Lots 1, 2 and 3 and the South 60.25 feet of Lot 5, and the entire of Lots 6, 7, 8, 9 and 10, all in Block 138, City of Lansing, County of Ingham, State of Michigan; also the North one-half of Isaac Street (Olds Avenue) lying South of Block 138, City of Lansing, County of Ingham, State of Michigan, except the West 8 rods thereof; and except an undivided one-half interest in Lot 8 and the South 58 1/2 feet of Lot 7 and the South 124 1/2 feet of Lots 9 and 10, all in Block 138 of the City of Lansing, County of Ingham, State of Michigan, and a similar one-half interest in the North half of Isaac Street lying South of said Block 138, except the West 8 rods thereof.

Together with all the right, title and interest of the party of the first part to any land lying in the bed of any street, road or alley adjoining said premises.

Together with all and singular the hereditaments and appurtenances thereto belonging or in anywise appertaining: To have and to hold the said premises, as herein described, with the appurtenances unto the said party X of the second part, and to its successors and assigns, Forever. and the said MARY HAWLEY JENISON party Y of the first part for herself and her heirs, executors and administrators, do covenant, grant, bargain and agree to and with the said party Y of the second part its successors and assigns, that at the time of the ensealing and delivery of these presents she is well seized of the above-granted premises in fee simple; that they are free from all incumbrances whatever except such, if any, as are excepted from the covenant following, and that she will, and her

For your safety and protection, close all your real estate transactions in Ingham County through Abstract and Title Guaranty Company

For your safety have Abstract and Title Guaranty Company insure your real estate title.

915 Townsend

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THIS INDENTURE, made this 5th day of May in the year of our Lord one thousand nine hundred and forty-five, between GENERAL MOTORS CORPORATION, a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its principal office at 3044 West Grand Boulevard, Detroit, Michigan, party of the first part, and CITY OF LANSING, a Michigan municipal corporation, party of the second part,

W I T N E S S E T H:

That the said party of the first part, for and in consideration of the exchange of other property, does by these presents, grant, bargain, sell, convey, release, alien and confirm unto the said party of the second part, and its successors and assigns, FOREVER, All that certain piece or parcel of land situate and being in the City of Lansing, County of Ingham, and State of Michigan, and described as follows, to wit:

The South 93.25 feet of Lots 1, 2 and 3 and the South 96.25 feet of Lot 5 and entire Lots 6, 7, 8, 9 and 10, Block 158; also the North 1/2 of Isaac Street (Olds Avenue) lying South of Block 158 except the West 8 rods thereof.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining; TO

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HAVE AND TO HOLD the said premises, as herein described, with the appurtenances, unto the said party of the second part, and to its successors and assigns, FOREVER. And the said party of the first part, for itself and its successors, does covenant, grant, bargain, and agree to and with the said party of the second part, its successors and assigns, that at the time of the ensealing and delivery of these presents it is well seized of the above granted premises in Fee Simple; that they are free from all encumbrances whatever, except such if any, as are excepted from the covenant following, and that it will and its successors shall forever WARRANT and DEFEND the same against all lawful claims whatsoever, except that premises are conveyed subject to all restrictions, easements and driveway rights of record, also subject to Federal and State inheritance tax liens in connection with the estate of Orlin A. Jonison, and except that the warranties shall not apply to that portion of Isaac Street (Olds Avenue) included herein.

IN WITNESS WHEREOF, the said party of the first part has caused this instrument to be executed by its duly authorized officers and sealed with its corporate seal, the day and year first above written.

In Presence of

L. W. Carr

William B. Robinson

GENERAL MOTORS CORPORATION

BY [signature]
Vice President

ATTEST: [signature]
Assistant Secretary

STATE OF MICHIGAN }
COUNTY OF WAYNE } ss

On this 5th day of May in the year one thousand nine hundred and forty-five before me appeared [signature]

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THIS INDENTURE, made this 5th day of May in the year of our Lord one thousand nine hundred and forty-five, between GENERAL MOTORS CORPORATION, a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its principal office at 3044 West Grand Boulevard, Detroit, Michigan, party of the first part, and CITY OF LANSING, a Michigan Municipal corporation, party of the second part,

W I T N E S S E T H:

That the said party of the first part, for and in consideration of the exchange of other property, does by these presents, grant, bargain, sell, remise, release, alien and confirm unto the said party of the second part, and its successors and assigns, FOREVER, All that certain piece or parcel of land situate and being in the City of Lansing, County of Ingham, and State of Michigan, and described as follows, to wit:

That part of Lots 16, 17, 18, 27 and 28 of Block 177, and Lots 1, 2, 3, 4 and 5 of Block 188, and a portion of William Street, all in the City of Lansing, County of Ingham, State of Michigan, described as:

Commencing at the Northeast corner of Lot 16, Block 177; thence West 245.43 feet; thence South parallel with the West line of Lot 18, 135.0 feet; thence Southwesterly 53.55 feet to a point 15.0 feet South of the North line of Lot 28 and 3.0 feet East of the West line of said Lot 28; thence West 3.0 feet to the West line of said Lot 28; thence South along the lot line 40.0 feet; thence West 66.0 feet to a point in the West line of Lot 27; thence South along the lot line 118.25 feet to the Southwest corner of said Lot 27, Block 177; thence South 27.75 feet; thence West 198.0 feet to a point in the East line of Townsend Street, said point lying 27.75 feet South of the Southwest corner of Lot 25,

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Block 177; thence South along the East line of Townsend Street 126.5 feet to a point lying 5.75 feet South of the Northwest corner of Lot 5, Block 188; thence East on a line parallel with the North line of said Block 188 to the Westerly bank of the Grand River; thence Northeasterly along said bank of the Grand River to the Southeast corner of Lot 16, Block 177; thence North along the lot line to the place of beginning.

Together with a perpetual right of way over land lying Westerly of and within 5 feet of that portion of the Westerly boundary above described extending from the North line of said Lot 18 to intersection of said boundary with the East line of said Lot 27 and subject to a similar right of way over a strip of land 5 feet in width lying Easterly of said portion of said Westerly boundary as granted and reserved in conveyance from Amanda F. Barnes to Eugene F. Cooley and Kate F. Cooley, recorded in Liber 124 on page 203 (said right of way being granted and reserved for use as a joint driveway 10 ft. in width by parties to said last mentioned instrument in connection with property adjoining same).

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining; TO HAVE AND TO HOLD the said premises, as herein described, with the appurtenances, unto the said party of the second part, and to its successors and assigns, FOREVER. And the said party of the first part, for itself and its successors, does covenant, grant, bargain, and agree to and with the said party of the second part, its successors and assigns, that at the time of the onsealing and delivery of these presents it is well seized of the above granted premises in Fee Simple; that they are free from all encumbrances whatever, except such if any, as are excepted from the covenant following, and that it will and its successors shall forever WARRANT and DEFEND the same against all lawful claims whatsoever, except that premises

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are conveyed subject to all restrictions, easements and driveway rights of record, also subject to Federal inheritance tax lien in connection with the estate of Richard H. Scott and except that the warranties shall not apply to that portion of William Street included herein.

IN WITNESS WHEREOF, the said party of the first part has caused this instrument to be executed by its duly authorized officers and sealed with its corporate seal, the day and year first above written.

FORM APPROVED
HENRY N. GINART
ASST. GENERAL COUNSEL

In Presence of

L. W. Carr

L. W. Carr

William B. Robinson

William B. Robinson

GENERAL MOTORS CORPORATION

BY B. D. Kunkel

B. D. Kunkel
Vice President

ATTEST: J. C. Davidson

J. C. Davidson
Assistant Secretary

STATE OF MICHIGAN }
COUNTY OF WAYNE } SS

On this 5th day of May in the year one thousand nine hundred and forty-five before me appeared B. D. Kunkel and J C Davidson, to me personally known, who being by me severally duly sworn, did say that they were respectively a Vice President and Assistant Secretary of General Motors Corporation, a corporation created and existing under the laws of the State of Delaware, and that the seal affixed to the foregoing instrument is the corporate seal of the said corporation, and that the said instrument was signed and sealed in behalf of said corporation by

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Trustees'
DEED UNDER POWER OF SALE IN A WILL

LIBER 1229 PAG. 402

607

LAW BLANK Makers

This Indenture

Made the nineteenth day of August in the year of our Lord one thousand nine hundred and seventy-seven

BETWEEN: AMERICAN BANK AND TRUST COMPANY and MAURICE C. SCOTT, co-Trustees of the Estate of Gertrude E. Scott, deceased, of One Washington Square, Lansing, Michigan,

of the first part, and GENERAL MOTORS CORPORATION, a Delaware Corporation, of 3044 West Grand Boulevard, Detroit, Michigan, 48202,

of the second part,

WITNESSETH, That the said parties of the first part, by virtue of the power and authority to them given by the last Will and Testament of Gertrude E. Scott late of Lansing, Michigan,

and for and in consideration of Seventy-three Thousand Three Hundred Thirty-three and No/100 ($73,333.00) ---------- Dollars, to them paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the said party of the second part, and to its successors and assigns, FOREVER, All that certain piece and parcel of land situate in the City of Lansing, Ingham County, Michigan, and described as:

An undivided two-thirds (2/3) interest in and to: Lot 13, except the East 4 feet thereof, and the entire of Lots 14 and 15, of Block 177, Original Plat, City of Lansing, Ingham County, Michigan, according to the recorded plat thereof, but subject to all conditions, restrictions and easements of record.

INGHAM COUNTY 1 2 1 0 2 7

STATE OF MICHIGAN Dept. of Taxation SEP 16 '77 REAL ESTATE TRANSFER TAX $80.85 P.B. 10585

RECORDED

SEP 16 3 57 PM '77

REGISTER OF DEEDS
INGHAM COUNTY, MICH.

TOGETHER, with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the reversions and remainders, rents, issues and profits thereof. And all the estate, right, title, interest, property, possession, claim and demand whatsoever, which the said testa had in her lifetime, and at the time of her decease, and which the said parties of the first part have by virtue of the said last Will and Testament or otherwise, of, in and to the above described premises, and every part and parcel thereof, with the appurtenances, *To Have and to Hold, Forever*. And the said parties of the first part, for themselves and for their heirs, executors and administrators, do covenant, promise and agree to and with the said party of the second part its successors and assigns, that they have not made, done, committed, executed or suffered any act or acts, thing or things whatsoever, whereby, or by means whereof, the above mentioned and described premises, or any part or parcel thereof, now are or at any time hereafter shall or may be impeached, charged or encumbered in any manner or way whatsoever.

In Witness Whereof, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in Presence of

Diane M. Nichols
Diane M. Nichols

Elizabeth M. Senko
Elizabeth M. Senko

Helen Patterson
Helen Patterson

Jennifer A. Harrison
Jennifer A. Harrison

AMERICAN BANK AND TRUST COMPANY

By John R. Pettibone (L. S.)
John R. Pettibone Its Sr. V.P.

By John Wieber (L. S.)
John Wieber Its Trust Officer

Maurice M. Scott (L. S.)
Maurice M. Scott

co-trustees of the Estate of Gertrude E. Scott, deceased

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LIBER 1265 PAGE 392

R22583

THIS INDENTURE, made this 21st day of August, in the year of our Lord one thousand nine hundred and seventy-eight, between GENERAL MOTORS CORPORATION, a Delaware Corporation, duly authorized to do business in the State of Michigan, having its principal office at 3044 West Grand Boulevard, Detroit, Michigan 48202, hereinafter referred to as the GRANTOR, and CITY OF LANSING, a Michigan Municipal Corporation, of City Hall Building, Lansing, Michigan 48933, hereinafter referred to as the GRANTEE,

WITNESSETH, that the said Grantor, for and in consideration of the sum of ONE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS ($175,000.00), paid by the said Grantee, the receipt whereof is hereby confessed and acknowledged, by these presents does grant, bargain, sell, remise, alien, release and confirm unto the said Grantee, and to the heirs, successors and assigns of the said Grantee, Forever, land situated in the City of Lansing, County of Ingham, State of Michigan, described as follows, to-wit:

Lot 13, except the East 4 feet thereof, and the entire of Lots 14 and 15, Block 177, Original Plat, City of Lansing, Ingham County, Michigan, according to the recorded plat thereof;

AND ALSO CONVEYING,

Commencing in the North line of Lot 20 of Block 177, City of Lansing, Ingham County, Michigan at a point 2 1/2 feet East of the Northwest corner of Lot 20; Thence East 68 1/2 feet; Thence South parallel with the East line of Lots 20 and 26 to a point 15 feet South of the North line of Lot 27; Thence West parallel with North line of Lots 27 and 26, 68 1/2 feet to a point 15 feet South and 2 1/2 feet East of Northwest corner of Lot 26 and Thence North parallel with West line of Lots 20 and 26 to beginning, according to the recorded plat thereof.

RECORDED
AUG 24 2 09 PM '78
REGISTER OF DEEDS
INGHAM COUNTY, MICH.

SUBJECT TO: Easements, conditions, covenants and restrictions of record.

Together with all and singular the hereditaments and appurtenances, thereunto belonging or in anywise appertaining; TO HAVE AND TO HOLD the premises as before described, with the appurtenances, unto the said CITY OF LANSING, Grantee, heirs, successors and assigns of the Grantee, Forever, and the said Grantor covenants and agrees to and with the said Grantee that the said Grantor has not heretofore done, committed or wittingly or willingly suffered to be done or committed, any act, matter, or thing whatsoever whereby the premises hereby granted, or any part thereof, is, are or shall be charged or encumbered in title, estate or otherwise howsoever.

STATE OF MICHIGAN Dept. of Treasury REAL ESTATE TRANSFER TAX 192.50

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Board, the [illegible] the Traffic Board, and the Parks Board, were referred to the Committee on Parks and Recreation, the Committee on Public Service and Highways and the Committee on Planning, all three of which have recommended approval of the requested vacation of the above-described portion of Scott Park Drive; now, therefore, be it

Resolved, that all of the above-described portion of Scott Park Drive be and the same is hereby completely and fully discontinued and vacated; and be it

Finally Resolved, that the City Clerk of the City of Lansing, within thirty (30) days hereafter, shall forward a certified copy of this resolution to the State Treasurer of the State of Michigan and a certified copy of this resolution to the Ingham County Register of Deeds for recording.

Adopted by the following vote:

Unanimously.

By COUNCILMAN BLAIR -

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing is the owner of and has marketable title to real property described as:

> That part of the Northwest ¼ of Section 21, T4N, R2W, City of Lansing, Ingham County, Michigan, commencing at the Northwest corner of said Section 21, running thence on the section line South 0°05'51" East 1113.75 feet to the North line of Olds Avenue, thence East 1885.76 feet along said North line to the Southwest corner of Block 188 of the Original Plat of the City of Lansing and the point of beginning of the following described parcel, running thence East 182.00 feet along the South line of said Block 188, thence North 0°10' West 52.00 feet, thence North 44°55' East 9.89 feet, thence East 91.00 feet, thence North 0°10' West 74.00 feet, thence North 14°50' East 88.00 feet, thence Northeasterly 188.40 feet along a 860 foot radius curve to the right whose chord bears North 28°25' 30" East 181.42 feet, thence West along the centerline of vacated Williams St. 341.05 feet to the West line of said Block 188, thence South 0°10' East along said West line 371.25 feet to the point of beginning,

hereinafter called the "City Parcel" and commonly known as that part of Scott Park fronting on Townsend Street; and

Whereas, General Motors Corporation is the owner of and has marketable title to real property proximately located in the Scott Park vicinity described as:

> Lot 13, except the East 4 feet thereof, and the entire of Lots 14 and 15, Block 177, Original Plat, City of Lansing, Ingham County, Michigan, according to the recorded plat thereof; AND ALSO, commencing in the North line of Lot 20 of Block 177, City of Lansing, Ingham County, Michigan, at a point 2½ feet East of the Northwest corner of Lot 20, thence East 68½ feet, thence South parallel with the East line of Lots 20 and 26 to a point 15 feet South of the North line of Lot 27, thence West parallel with the North line of Lots 27 and 26, 68½ feet to a point 15 feet South and 2½ feet East of the Northwest corner of Lot 26 and thence North parallel with West line of Lots 20 and 26 to beginning, according to the recorded plat thereof,

hereinafter called the "GMC Parcel"; and

Whereas, on April 28, 1978, the City Council of the City of Lansing received from Oldsmobile Division of General Motors Corporation a proposal that the City of Lansing convey the City Parcel to General Motors Corporation in exchange for the conveyance by General Motors Corporation to the City of Lansing of the GMC Parcel; and

Whereas, the City Council of the City of Lansing heretofore determined that this proposed disposition would not significantly diminish the amount of real property owned by the City of Lansing in the Scott Park and Cooley Garden vicinity and would substantially increase the amount of river frontage owned by the city along the west bank of the Grand River; and

Whereas, this matter was reviewed by the Park Board, the Traffic Board, the Planning Board, the Waterfront Development Board, and the Scott Art and Garden Center Board and approved and recommended by the respective boards; and

Whereas, the Committee on Parks and Recreation reviewed this matter and recommended that the proposed disposition be submitted to the electorate of the City of Lansing for approval as required by the Lansing City Charter, ch 14, §14.3(d) and as required by the laws of the State of Michigan at the primary election held on August 8, 1978; and

Whereas, the City Council of the City of Lansing adopted a resolution on May 30, 1978 authorizing and directing the submission of the proposed disposition to the electorate as aforesaid; and

Whereas, at the primary election held on August 8, 1978, the electors of the City of Lansing voted favorably to dispose of the City Parcel in return for a benefit to be realized of not less than the fair market value as appraised by the City Assessor; and

Whereas, on June 27, 1978, the City Assessor determined that the GMC Parcel is a benefit to the City of Lansing of not less than the fair market value of the City Parcel; and

Whereas, the City Council of the City of

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Lansing has determined that it would be in the best interests of the City of Lansing to accept the exchange proposal made by General Motors Corporation and to proceed with the proposed disposition by deeding the City Parcel to General Motors Corporation in exchange for a conveyance of the GMC Parcel to the City, together with those additional services to be performed by and at the expense of General Motors Corporation in connection with the exchange as detailed in the aforementioned General Motors Corporation proposal of April 28, 1978 and in the document entitled "Proposed Scott Park Exchange -- Arrangements" adopted by the Committee on Parks and Recreation on August 10, 1978, a copy of which is attached hereto; and

Whereas, it is now desirable to proceed with a closing of the exchange transaction at the earliest convenient date; now, therefore, be it

Resolved, that the City Council of the City of Lansing authorizes the exchange of the City Parcel for the GMC Parcel; and be it

Further Resolved, that this matter be referred to the City Attorney for preparation of documents and to the Property Manager for the processing of the exchange of the City Parcel for the GMC Parcel after all documents have been approved as to form by the City Attorney; and be it

Further Resolved, that the Mayor and the City Clerk be and are hereby directed and authorized to execute a warranty deed of the City Parcel to General Motors Corporation after certification of the election results by he Board of Canvassers and after approval of said deed as to form by the City Attorney and to execute such other documents as may be required in connection with the finalizing of the exchange transaction after approval of such documents as to form by the City Attorney; and be it

Finally Resolved, that the property conveyed by General Motors Corporation to the City of Lansing be designated as parks property and be placed under the auspices of the Department of Parks and Recreation for purposes of management and maintenance.

Adopted by the following vote:

Unanimously.

By COUNCILMAN JAMES D. BLAIR—

Resolved by the City Council of the City of Lansing:

Whereas, the City of Lansing in 1974 purchased 96 acres of land lying within the Red Cedar Drainage Basin (Crego Park); and,

Whereas, Crego Park provides an excellent opportunity to develop a regional naturalist park which will connect with Potter Park (zoo), Schuble Park, Sycamore Golf Course, Fenner Arboretum, Foxson Park, and Scott Woods Park; and,

Whereas, there are certain parcels of land adjacent to Fidelity Lake/Crego Park which are considered essential for the development of that area as a major recreational facility; and,

Whereas, the City of Lansing will willingly accept title, assume management responsibilities of the land for public park purposes, develop, operate and ensure the land will be utilized as a public park, as it pertains to the parcels as outlined in the grant proposal submitted to the Kammer-Michigan Land Trust which are as follows:

Parcel No. 3301-23-451-001 0	.70 acres
Parcel No. 3301-23-452-001 6	.64 acres
Parcel No. 3301-23-452-011 5	.64 acres
Parcel No. 3301-23-452-181 5	.63 acres
Parcel No. 3301-23-452-191 4	.53 acres
Parcel No. 3301-23-452-041 1	2.24 acres
	5.48 acres

Now Therefore, Be It Resolved that upon approval of the grant application Crego Park/Fidelity Lake by the Michigan Land Trust Fund Board the Mayor and City Clerk be directed to sign the appropriate contractual agreements necessary when approved as to form by the City Attorney.

Adopted by the following vote:

Unanimously.

By COMMITTEE ON PLANNING—

Resolved by the City Council of the City of Lansing:

SUP-14-78

647 South Hayford Street

Construction in Base Flood Plain of the Red Cedar River

Whereas Manuel Rodriguez has requested a special permit to allow the construction of a garage addition in the Base (100 year frequency) Flood Plain of the Red Cedar River; and

Whereas, the City of Lansing is a participant in the National Flood Insurance Program and thereby required to enforce the rules and Regulations of that Program; and

Whereas the Planning Department, Planning Board, Public Service Department and State of Michigan Department of Natural Resources have reviewed the proposal and find it to be in substantial conformance with the Rules and Regulations of the National Flood Insurance Program as adopted by the Department of Housing and Urban

D2

June 17, 2016

CENTRAL SUBSTATION Questions and Answers

This is in response to questions and comments received from members of the public at the Planning Board meetings held on May 17 and June 7, 2016.

Misuse of donated property?

A title search shows that *the Scott Park property was not donated to the City.* The Scott family estate sold the property to GM for $73,333 on August 19, 1977 (Liber 1229, Page 402 Ingham County Register of Deeds). In 1978, the City swapped its Townsend Street property (with Jenison House) that it acquired from GM in 1945, in exchange for the current Scott Park property. *The Scott Family did not intend the property to be a public park.*

Only two parcels were bequeathed to the City of Lansing, by Eugene and Edgar Cooley, respectively. *The parcel boundaries for both are outside the footprint of by the proposed BWL Sub-Station.*

Why is this issue not on ballot?

According to a City Attorney opinion dated June 11, 2016, placing this issue on the ballot is neither authorized nor appropriate. "Case precedent holds that the City Council may not place propositions on the ballot that shift to the electorate the responsibility for making decisions that they themselves are required to make." Moreover, "pursuant to the Charter, the Home Rule City Act, Attorney General Opinion 6383, and case law, an advisory ballot proposal, as suggested above, is not authorized, and would be ultra vires or outside the authority granted to Council."

State planning and zoning law gives City Council the authority to make the decisions after receiving Planning Board recommendations for Comprehensive Plan items and Special Land Use permits.

Aren't there other sites?

Eight sites were considered because of their proximity to underground circuits under Washington Avenue that cross I-496 and serve downtown customers. The other locations considered were either too small, too disruptive to neighborhoods, too far from the underground circuits resulting in excessive cost, or no longer available due to pending real estate sale agreements or property owners who were not willing to sell.

The DeLuxe Inn site, once considered as an alternative, is not available. Even if it were available, the DeLuxe Inn site represents the best prospect for a land use connection between downtown and ReoTown. Private development of that site is the City's economic development priority to preserve this connection.

Eckert Station as substation site

Ronda Oberlin, of the Lansing Office of Emergency Management, stated at the May 17 Planning Board public hearing that *"Removing critical infrastructure from the floodplain is cited os a priority in the City's Hazard Mitigation Plan."* Due to the Eckert Station's location within the 100 year floodplain, LBWL no

longer considers the Eckert Station site a viable option. The extreme rain events in recent years, increasing flood risks, and increasing uncertainty of our weather conditions are all factors in this decision.

Applicability of the Section 106 Review, National Historic Preservation Act of 1966

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings. The NHPA is not applicable to this project because the Lansing Board of Water and Light is not a Federal agency and is not using Federal funds for this project.

Historical value

The project involves the relocation of the Scott Center and Sunken Garden by the Board of Water and Light. BWL will restore the Sunken Garden at its new location, and contribute $40,000 to an endowment to ensure its long term care.

- BWL will accommodate the Garden Club's request to transplant perennials. BWL will relocate the Sunken Garden to the west of the Scott House and adjacent to Cooley Gardens where maintenance for both gardens will be more accessible and convenient, making the new site ADA compliant.
- BWL will preserve and reassemble the distinctive "niche" and small pond that's referred to as the "grotto," which is the most prominent feature of the garden along with the circular stairs on the west side of the garden's axis. The remaining garden walls, which were made of limestone quarried from Ohio, will be reconstructed with the same shape and size limestone if the existing walls prove to be too costly to reassemble. Approximately 40 color slate stones at the west entry will also be carefully moved and reassembled so that everything looks identical to the original. This will preserve the integrity of the garden and it will look the same as it does now only in a more prominent location, with commanding views overlooking the Grand River.
- BWL will establish a $40,000 endowment that will provide resources to help maintain the garden, for such expenses as a gardener. This fund would accept contributions from the community in order for garden support to continue in the future.
- The Board of Water and Light recently carried out a $3,000,000 restoration of the Grand Trunk Western Rail Station near its headquarters on S. Washington Avenue, and upgraded the Dye Water Plant, which was a WPA project constructed in the 1930s. BWL has the necessary expertise and experience in historic preservation and landscape architecture to relocate the Garden successfully.

Scott Center relocation

The Scott Center (former Jenison House) is functionally obsolete at its current location. Despite attempts to make it otherwise, its original design as a residence is ill-suited for use as a public facility.

The best prospect for preserving and reusing the Scott Center building is its relocation. The BWL, City of Lansing and Habitat for Humanity Capital Region (HFHCR) recently announced a proposal to save the structure from demolition and relocate it to a vacant lot approximately one mile away to the site of the old Union Missionary Baptist Church. In addition to paying to move the house, the BWL will earmark to

Habitat any of the unspent moving cost balance for site preparation and jump-starting the renovations of the structure.

The building will be moved to a City-owned property, pending City Council approval, on the east side of Martin Luther King, Jr. Blvd. between Hillsdale and Lenawee Streets. After relocation by LBWL, HFHCR will adapt the structure into three or four units of owner-occupied housing.

Relocating the house to the site of the old Union Missionary Baptist Church also helps to implement the "Seven Block Neighborhood Development Plan", 1993.

Impact on parkland

Of the four acres proposed for reclassification in the Master Plan, the substation itself will comprise two acres. The remainder will be devoted to amenities that not only screen the substation, but also provide recreational benefits to the public. The gain outweighs the loss as follows:

- A brand new walkway on the north bank of the Grand River connecting Townsend to Washington.
- Two new viewing platforms on the Grand River.
- A new fishing platform on the south bank of the river.
- ADA accessibility to both gardens.
- Consolidation of maintenance for both gardens.
- Saving the Scott Center and repurposing it.
- Creating a place for public art to be created and seen by the public and an entry to REO Town.
- Creating a new parking lot.
- Telling the story of the history of the area through interpretive panels.
- Maintaining the gardens and increasing their use (for weddings, viewing etc.).
- Exposing the Sunken Garden and the views to the Grand River.
- Landscaping the remaining parkland and making it an inviting space.
- Providing wayfinding signage that will expose the site and invite the public into the park.
- Creating new uses for this park and welcoming Lansing residents, visitors, Downtown and ReoTown workers, and GM employees to better understand the history about the industrial revolution and the world leaders who are now legends, and to celebrate the legacy of ReoTown and the City of Lansing hosting Michigan's Capital.

The Master Plan promotes preservation and enhancement of Parks. The enhancements mentioned provide public benefits above and beyond those derived from the Park in its current state, and more than compensate for Scott Park's reduced size. Moreover, these public benefits are provided by the BWL, without burdening the Parks millage.

Impact on riverfront

The proposed Comprehensive Plan amendment specifically reserves the 25-foot riparian buffer required for Parks and Recreation. Moreover, the project includes a public walkway along the hilltop on the

north side of the Grand River, funded by the BWL, not the Parks millage. The shores of the Grand River will be untouched by this project, nor is the property being sold.

The Substation will require 2 acres not 4.
The substation is designed to be efficient. It occupies two acres, which is made larger by landscaping and buffering along the perimeter. The central location of the substation is necessitated by proximity to underground circuits adjacent to the site. The proposed site provides the unique opportunity for this buffering to offer additional public benefits, such as the walkway above the river, public art, displays, and wayfinding mentioned above.

Solitude, serenity of Sunken Garden
At its current location, the Sunken Garden is inaccessible to many members of the public. This project calls for relocating and renewing the Garden, enhancing the signage, making it more visible and accessible, and restoring its serenity through sensitive design and landscaping.

Transparency
The Central Substation Project has been considered by and it is accountable to four public bodies which represent our citizens and ratepayers: BWL Board of Commissioners, Parks & Recreation Board, Planning Board and City Council. In addition, the BWL has met with representatives from ReoTown, the Garden Club and Preservation Lansing.

This project has not been rushed through the approval process. The Mayor announced the project on February 8. It has been discussed by the BWL Board of Commissioners, in Parks Board meetings in February, March, and April, a Planning Board meeting in March, public hearing in May, and public comment on June 7. The Planning Board's recommendation will be transmitted to City Council, which along with its Development and Planning Committee, will discuss this issue in five additional public meetings.

20 foot walls won't hide a 50 foot power station
The height of the wall, combined with narrow setbacks from the property lines, will remove the vast majority of the substation from view. The substation itself involves 2 or 3 structures that will be in the 50 foot tall range, including the utility lines distributing power to BWL customers.

Walls will look like a prison
The walls are a canvas with numerous possibilities – public art, architectural features, historical displays, landscaping, and a "living wall" have all been suggested. BWL held a charrette in ReoTown about the design of the walls, and will continue to consider creative suggestions in the final design for the walls.

Overhead utility wires over Sunken Garden
The overhead wires will be located in manner that minimizes the impact on Cooley Gardens and the remainder of Scott Park. (Currently, overhead utilities exist on the site, central to the overall park.)

Viewing platform will look out over Fountain Place parking lot

The viewing platform will look out over the Grand River and all of ReoTown, with its buildings, streets, public art, Rivertrail, and yes, parking lots.

What's the cost differential between alternate sites?

It is essential that the $26,000,000 Central Substation project be located in close proximity to the underground circuits that serve downtown customers so as to avoid relocating those circuits at a cost of $4,000 per linear foot. After an exhaustive search that included eight other sites conforming to these criteria, the BWL concluded the City of Lansing's Scott Park site is the only viable location for this project.

The BWL previously said that placing the Central Substation at the Eckert location would create an additional $42,000,000 in costs. It no longer believes it that locating critical infrastructure in the floodplain is a viable option.

How much money will come back to the City when the Eckert Power Station is sold?

This is impossible to determine at this point, more than three years before its retirement date in 2020. As a practical comparison, the Accident Fund redevelopment of the former Ottawa Power Station was a $186 million project.

Substation will destroy habitat of protected bats

This project will comply with all rules and regulations regarding bat habitats.

The Women's Hall of Fame

The City bought the Cooley-Haze House from General Motors for $175,000 back in 1978. The Women's Hall of Fame rents the facility for $1.00 per year. The building is outside the boundaries of both the project and the park.

S:\Plan-Dev\PLANNING OFFICE\Master Plan Project\Amendment - Master Plan\CENTRAL SUBSTATION Q's and A's.docx

REGI NAL

MEMO TO: City of Lansing Planning Commission

FROM: Steven D. Japinga, Director, Government Relations

DATE: June 21, 2016

RE: Support Proposed Amendment to City's Master Plan

On behalf of the Lansing Regional Chamber of Commerce (LRCC), we respectfully ask that the City of Lansing Planning Commission move to support and approve the proposed amendment to the city's master plan in order for the Lansing Board of Water and Light (LBWL) central substation project to move forward.

Businesses and residents require reliable energy. To ensure power demands are met, the LBWL has been working diligently to implement their integrated resource plan. This project is part of that plan as well as the overall mission of the LBWL to ensure reliable, affordable and environmentally responsible energy for all of Lansing moving forward into the 21st century.

With regards to the current status of the Scott House and the Sunken Gardens, LRCC believes that the LBWL has been a terrific community partner involving several key stakeholders to ensure that these two important pieces of Lansing history are preserved and enhanced in their new locations.

500 E. Michigan Avenue, Suite 200
Lansing, MI 48912
p 517.487.6340
f 517.484.6910

www.lansingchamber.org

CLEAN WATER ACTION

Lansing Planning Board
City of Lansing
316 N. Capitol Ave. Ste D1
Lansing, MI 48933

To Whom It May Concern:

The new Central Substation project proposed by the Lansing Board of Water and Light is essential for moving our community away from dependence on dirty coal. I urge you to support the development of the Central Substation that will allow Lansing to become a leader in the renewable energy economy and as a result improve public health.

Right now, Lansing is stuck in the Stone Age relying on burning fossil fuels to meet about 90% of our energy needs. Importing coal from other states is an expensive proposition for BWL ratepayers. Sending our hard earned money out of town not only hurts our local economy, but we end up paying the price tag once again in terms of the cost to public health.

Pollution from coal-fired power plants is the single largest threat to our air and water quality across the country and has serious impacts on public health in Mid-Michigan. These emissions contain toxic heavy medals like lead and mercury and have been proven to cause many respiratory and cardiovascular illnesses. In fact, the connection between poor air quality and respiratory illness is bad that according to the Ingham County Health Department almost 400 people wind up in the hospital due to Asthma attacks each year. This is the number one preventable illness impacting children in our County.

And of course we must do more to protect our vital local waterways. Lansing is fortunate to have great access to the beautiful rivers flowing through the heart of our City. The water offers unique recreational opportunities for fishing, kayaking, walking alongside, and even water skiing. The issue is having a giant coal plant, the Eckert Power Station, discharging wastewater into these waterways and disposing of coal ash around town. Coal ash is a byproduct of burning coal and the heavy medals like mercury contained in the ash can get into the water. The Michigan Department of Natural Resources issues an annual fish advisory that essentially states we should not consume more than 1 fish per month caught in the Grand River because or the high levels of mercury. Locating the substation in the flood plain at

the Eckert station will prolong the life of the plant and further endanger the water quality of the Grand River.

Recently, the Board of Water and Light went through a 6 month long public planning process that resulted in recommendations regarding investment in renewable energy sources like wind power. In order for us to access new wind energy the BWL needs to make some significant improvements to the power grid here in town with the Central Substation being a primary component.

Further more, it is my understanding that the project will result in a wonderful new park with increased access to the River Trail and public art installations. At a time when the City is selling public parks and other assets because of financial constrain this development provides for a great opportunity to improve on parkland that is currently not used very often and in an inconspicuous location.

Holding up the substation not only potentially prolongs our dependence on coal power but will preclude our ability to access wind farms elsewhere in the state. I understand some of the sensitivities surrounding the proposed citing, however we need to consider the overall quality of life of Lansing residents. If we want to continue to attract the next generation of business and civic leaders to our community then we need to make smart energy decisions that will protect our environment and public health.

For the Great Lakes,

Nicholas Clark

Nic Clark

Michigan Director

Rieske, Bill

From: Mary Toshach <mtoshach@gmail.com>
Sent: Tuesday, June 21, 2016 12:09 PM
To: Rieske, Bill; Johnson, Robert
Subject: Fwd: Scott Sunken Garden/BWL Substation
Attachments: FullSizeRender.jpg

Planning Board Members,

Due to my work schedule I am unable to attend today's meeting, but wish to have my thoughts presented to the Board and Public.

Having served on the Historic District Commission and with a Masters in Historic Preservation and a second major in Urban and Regional Planning, I am concerned about the impact this proposal will have on the revitalization of the REO business district and surrounding area.

Additionally as a resident of the Printers Row Condominum Association the proposed BWL Power substation is of great concern. When making a decision to purchase the property I diligently looked at the current zoning and Master Plan for the area - at the time (as with the new Master Plan) there were no plans to convert the Garden and surrounding area into a Light Industrial substation. A photo is attached of my current view from our front door...the tall pines will disappear and be replaced by a wall and steel towers.

Cursory research into the affect of Power Substations on nearby property values has been disturbing. The general consensus is property with a view of substations experience a decline in property values of up to 67%. Could this be considered at "taking without just compensation"? While the recession of 2008 affected us, an additional decrease in value not only hurts our personal investments, it also greatly decreases the tax base for the city. And what happens to the two appartment buildings across the river?

The proposed wall and art work seem to be smoke screens and an attempt to appease nearby residents. Considering the proposed new City Market and what was built, there is little confidence that the renderings are true depictions of reality.

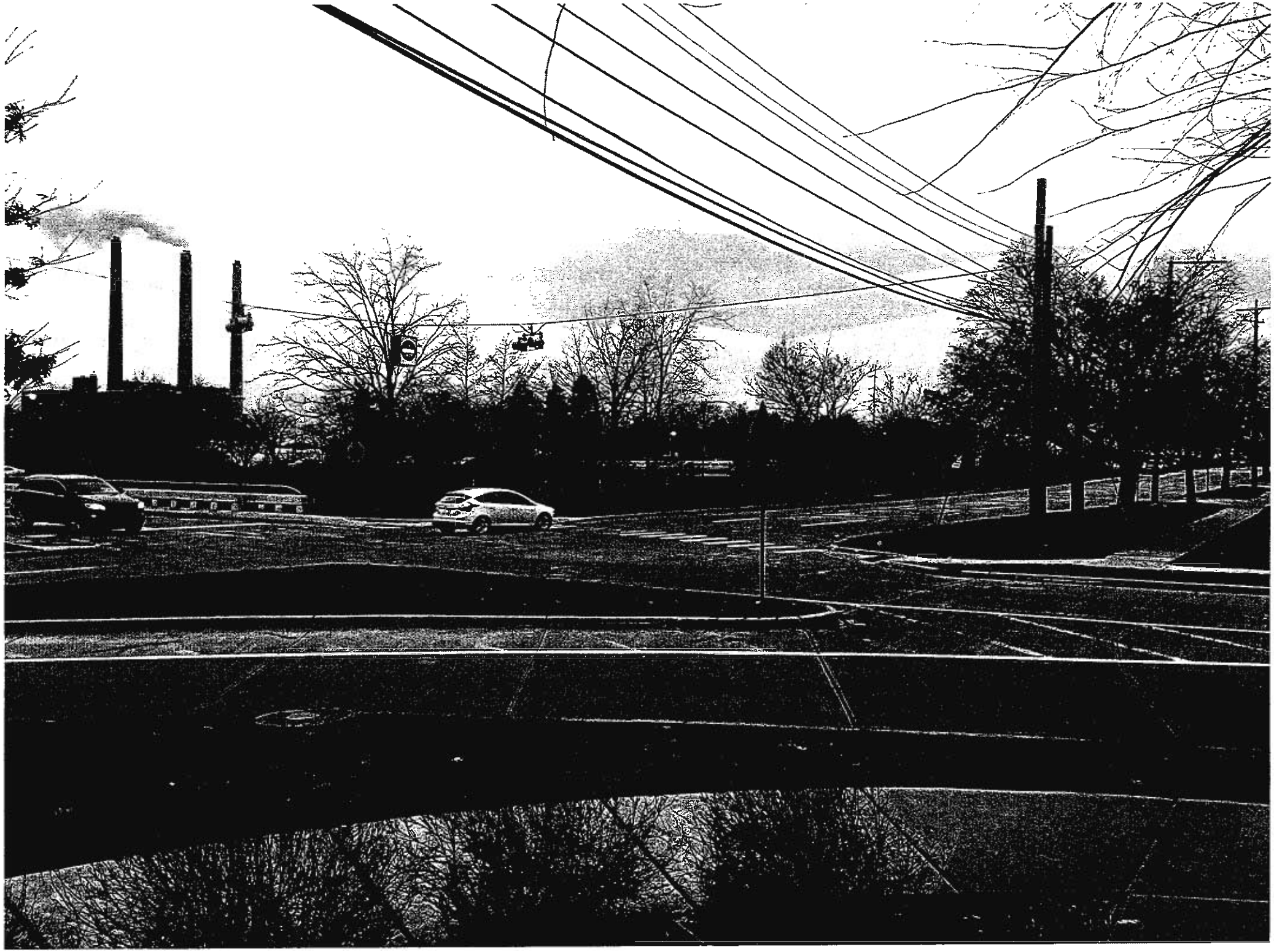
Lastly, the issuance of a "Special Use" permit for the use of Park land for an irreversible Industrial use is a slap in the face. If you are going to follow through with the proposal be honest and REZONE the property appropriately!

Thank you

Mary Olds Toshach

mtoshach@gmail.com

This email has been scanned by the City of Lansing Symantec Email Security.cloud service.



Rieske, Bill

From:	Loretta Stanaway <soswop@aol.com>
Sent:	Monday, June 20, 2016 9:00 PM
To:	alisande@sbcglobal.net; tcox1inc@yahoo.com; beth@bgappraise.com; jhovey@truscottrossman.com; lynne.m.martinez@gmail.com; cernamarta@gmail.com; johnruge1@aol.com; Rieske, Bill
Cc:	schraderenviro@comcast.net
Subject:	Scott Sunken Garden vote

Please enter this into the public record as part of the Scott Sunken Garden issue up for a vote at the 6-21-16 special planning board meeting. Thank you.

Viewpoint to LSJ Re Scott Sunken Garden/BWL Substation June 16, 2016

To say the BWL needs to build a new substation downtown is accurate.
To say the only place to do so is the site of the Scott Sunken Garden is inaccurate.
The LSJ's opinion that the BWL's plan is "good enough" is dismally inaccurate too.
There are options the BWL is dismissing in its misguided drive to use the dedicated parkland for a purpose never envisioned by its donors.

The Scott Sunken Garden is a pristine pocket park donated to the citizens by Richard Scott's family; they also donated Scott Woods and other parcels for parks.
The site is eligible for historic designation based on its ties to R.E. Olds, Oldsmobile, and Judge Cahill, and on its unique design and unusual plantings.

The Lansing Garden Club has lovingly maintained this site for over 30 years. They mow, weed, water, plant and replenish plants out of their own pockets, donating their labor.

Rather than destroying this serene sunken garden and moving its adjoining historic house, the BWL should seriously pursue other location options. There are several sites well suited to two smaller substations, which would give the city reliability and redundancy without destroying parkland.

Given the garden's ties to GM's history, it would be a good gesture for General Motors to grant use of a corner of their adjacent vacant parking lot for one of the substations – or for the single, larger substation that BWL proposes.

The argument that building a substation elsewhere would cost more is specious and the notion that the proposed substation can be built *anywhere* without a rate increase is wrong. Moreover, the BWL costs tied to their proposal change almost every time they speak.

While the mayor touts a fondness for riverfront development, this proposal takes a secluded riverfront dedicated park in the midst of a greenbelt of serenity and creates a behemoth of steel structural monstrosity, rising 50' high, surrounded by a 4 acre perimeter of 20'-40' concrete walls "decorated with murals" in some places. The other elements of the plan are not capable of delivering what is promised. The BWL "trail" merely empties into GM industrial parking on Townsend Street. The "BWL viewing platform" faces the back parking lot of Fountain Place Apartments across the river. The new garden would not have the majestic approach of the Scott Sunken Garden. BWL plans show it located downhill from the Capitol Avenue entry parking lot. This is NOT "good enough". Lansing can and should do better.

Disregarding the Parks and Recreation Master Plan and our City Wide Master Plan are wrong. The #1 priority of our Master Plan is the "Preservation and Enhancement of Parks".

Taking donated and dedicated parkland is wrong. This discourages any future philanthropic donors who see their intent being dismissed Simply "transferring" a park to BWL for a substation is wrong. Our City Charter demands that any sale of parkland requires a vote of the people.

The BWL proposal to demolish the Scott Sunken Garden is opposed by a very large, diverse group of citizens. It is not possible to move and replicate a garden. It cannot be done.

The BWL is still recovering from the firestorm of bad publicity generated by the ice storm and its aftermath, from firing it's previous general manager and his outrageous golden parachute, from its recent ransomware attack, and from the recent widespread outage of BWL phone and computer systems. We have seen too many "back door deals" lately. Let's be up front and let the people of Lansing decide what to do here. Public trust is important. The BWL has an opportunity to do the right thing here.

Dale Schrader
Preservation Lansing

Loretta S. Stanaway
soswop@aol.com
546 Armstrong Rd.
Lansing, MI 48911
517-648-5730
Make things happen
Watch things happen or
Wonder what happened

Stachowiak, Susan

From: Wood, Carol
Sent: Monday, June 20, 2016 12:29 PM
To: Stachowiak, Susan
Subject: FW: Letter from Judy Scott Teegardin

Please make sure this is enter into the record for the Planning Board.

Carol

Carol Wood
Councilmember At-Large
517 483-4188 office

From: Wynne Potter [mailto:wynne1019@gmail.com]
Sent: Friday, June 17, 2016 8:37 AM
To: Wood, Carol; Yorko, Jessica; jessica@lansingsfourthward.com; jody.washington@lansing.gov; adam.hussain@lansing.gov; patricia.spitzley@lansing.gov; judi.brownclarke@lansing.gov
Subject: Letter from Judy Scott Teegardin

To the Planning Board and City Council:

As the granddaughter and daughter of the benefactors of the Scott Sunken Garden, I implore you to please consider these points before allowing BWL to build their substation. This garden was created in 1930 by my grandparents and is a beautiful treasure. It also is built on the Cahill foundation and is historic.

I would like to bring out some points against removal.
My grandparents were nature lovers and grandfather was a philanthropist and donated many parks in Lansing for the enjoyment of the people to enjoy nature and serenity. His Scott Woods Park was his bird sanctuary.

My grandfather Richard Scott also built Mary Sabina chapel (named after my great grandmothers) and the Temple House of the Methodist Church by the Capital for the enrichment of the people. He gave back his own money during the depression to the people, who trusted him when he was president of the City National Bank and director of Michigan National.

He set up entertainment for the REO employees while President and made sure the REO families were taken care of. He also was a member of the original Planning Board, instrumental in getting Atlas Forge, MI Screw Co., and other co. established. He was a leading advocate of river beautification, birds, and flowers.

It would be a tragedy to lose this park and what my grandfather meant to Lansing. Lansing needs it's green spaces! Please do not betray my family and kindness of my grandparents by taking beauty away. Make Lansing proud again!

Sincerely,
Judy Scott Teegardin

Stephen Serkaian

From: Steve Serkaian <steve@serkaian.com>
Sent: Thursday, May 12, 2016 1:42 PM
To: Stephen Serkaian
Subject: Parks Board Minority Report

To: Lansing City Council
From: Veronica Gracia-Wing, James McClurken, Rita O'Brien, City of Lansing Park Board
Re: Minority position regarding amendment of the City's Master Plan allowing the Board of Water and Light to build on Scott Park

The Lansing Park Board voted on 13 April 2016 to recommend that the Lansing City Council amend the City's Master Plan. This amendment will allow the Board of Water and Light to construct a power substation on river front parkland. It will remove Scott Park from the city park inventory permanently, require the destruction of the Scott Sunken Garden, and will result in the moving or destruction the Jenison (also commonly lmown as the Scott House) House which is a structure of historical merit. While the Parks Board approved the recommendation before it by a 3-5 vote, the Park Board minority believes that this recommendation is contrary to the strong opposition of Lansing citizens. The minority Park Board members wish formally to voice their own recommendation that the Lansing City Council oppose transfer of Scott Park to the Board of Water and Light.

The Parks Board minority opposes this reclassification because:
- it violates the intent of the original donors of the property;
- it removes park property from the city inventory without a vote of city residents;
- it destroys historically significant features; and
- it is contrary to the strongly stated position of many Lansing residents.

The original donors of the property, the Scott Family, gave this property to the City of Lansing as parkland. They believed this property would be preserved as a park in perpetuity. Although there is no clause in the original deed to the city that would restrict the use, conversion or sale of the property, the Parks Board has protected the property from development in the 1960s and 1970s based on the Board's understandings regarding terms of the bequest. Those understandings were expressed in person by the grandchildren of the property donors who attended the 13 April 2016 hearing. The Park Board minority believes that the proposed conversion of parkland to industrial use will deter other potential donors who might bequeath property to the city.

The Park Board minority believes that the transfer of this property from public parkland to industrial use should only be completed after a referendum by Lansing voters. The City argues that no referendum is required to transfer this parkland to the Board of Water and Light. The logic for this position is that only a sale of parkland requires public referenda and the transaction before the Parks Board would only transfer use rights from one city department to another. The Parks Board minority aclmowledges the logic of this position. However, the effect of transferring parkland to the Board of Water and Light for industrial use is the same as a sale. The transfer permanently removes river front parkland from the parks inventory and turns the property into another industrial site. If a referendum is required to determine the will of Lansing voters for terminating the status of parkland by sale, it should also be applied to the termination of parkland by

bureaucratic devices.

The construction of a Board of Water and Light power substation at Scott Park will cause the destruction of two historically significant structures. The Scott Sunken Garden and the Jenison House have been determined by Preservation Lansing, Michigan Historic Preservation Network, and the State of Michigan Historic Preservation Office to have significant historical value and, thus, are worthy of preservation. The most important of these structures is the Scott Sunken Garden. This structure is determined by the three groups named above to be worthy of National Historic Register status. While the Jenison House is likely not worthy for this national preservation status, the historic connection of the Jenison's with Lansing history, the size, style and historical context of the home make it a candidate for preservation.

Board of Water and Light plarmers state that they have heard preservationist requests and that their compromise of creating a new sunken garden to the west of their proposed power station and $100,000 toward moving the Jenison house mitigate the damage caused by their project. However, once the garden is destroyed, it is gone and its historic value along with it. A new park that incorporates elements of the original garden is simply a new park in a new place. Further, while the Board of Water and Light is willing to appropriate $100,000 to move the Jenison House for a "qualified buyer," the BWL has not defined "qualified buyer" and carmot say how much money moving the house to a new site will actually cost. In the past, structures of greater historical significance than the Jenison House have been destroyed because the cost of moving them exceeded the amount appropriated for their move. The Parks Board minority do not find either ofthese proposals suitable substitutes for leaving the structures in place.

Park Board supporters of this project have stated that the reclassification of this land will take a "woefully underused" park and commit the land to a more useful purpose. The Parks Board minority take exception with this statement. We reviewed no evidence showing who uses or does not use Scott Park. This position uses overblown rhetoric to justify their position. The Park Board received support for preservation of this park from hundreds of people who learned about the plarmed project only one month before the 13 April 2016 Park Board meeting. Preservation Lansing presented the Park Board with a petition signed by a thousand people, 523 of whom live in Lansing, urging us to oppose reclassification of Scott Park. Scott Garden has been tended by the Lansing Garden Club for more than thirty years. These gardeners have invested their time and treasure in Scott Garden even when the City of Lansing did not. The Lansing Garden Club asked that this park be preserved. Lansing residents spoke thoughtfully and respectfully to the Parks Board at the 13 April 2016 meeting. The spealcers opposed destruction of Scott Park by more than three to one. The speakers were supported by a large crowd who shared their views. Three speakers approved of the Board of Water and Light plan. Given the strong support for maintaining the park and its structures, and the strong history of dedicated service shown in maintaining the park, the Park Board minority does not concur with the majority position that the park is "woefully underused" and can thus be converted to an industrial site.

Board of Water and Light representatives have stated that locating the power station at the site of current Eckert Power Plant would add $12.5 million dollars to the cost of their program. The implication of their statement is that the cost is prohibitive. At the same time, these representatives expressed their excitement at the prospect of repurposing the Eckert Power Plant for redevelopment. The Ottawa Street Station, a similar structure which occupied a more favorable location in the city, was closed for twenty years and costed $182 million to renovate. By comparison, $12.5 million dollars is a small cost to

spend on a power substation at the site. Further, BWL representatives stated that building the power substation at the site of Eckert Power Plant would delay closing the existing power plant by seven years. The Park Board minority points to the many BWL delays in closing the Eckert Power Plant that have come before this proposal. We find additional delays inevitable and believe that other factors besides saving Scott Park will create additional delays. We find the BWL argnments concerning additional cost and delays unconvincing.

The Park Board majority believe that preserving Scott Park will ultimately increase the cost of power generation, in effect, raising costs for Lansing consumers. The Park Board minority share the majority concern about cost. However, the role of Park Board members in this process is to protect park property that can be preserved as natural areas and used for recreational purposes. We believe that small and reasonable cost increases, which are inevitable under any plan before the Lansing City Council, cannot be the major deciding factor when determining the future of Lansing Parks.

The Park Board minority respectfully present this statement of our opposition to the reclassification of Scott Park. We recommend that the Lansing City Council direct the Board of Water and Light to build the new power station on the site of Eckert Power Plant.

Stachowiak, Susan

From: Art <hasbrook@gmail.com>
Sent: Monday, June 06, 2016 12:58 AM
To: Stachowiak, Susan
Subject: Fwd: Bernero's War on Parks

---------- Forwarded message ----------
From: "Art" <hasbrook@gmail.com>
Date: Jun 3, 2016 2:21 PM
Subject: Bernero's War on Parks
To: <lynne.m@acd.net>, "Josh Hovey" <jhovey@truscottrossman.com>, "Alisande Henry" <alisande@sbcglobal.net>, "Graham, Beth" <beth@bgappraise.com>, "Cox, Anthony" <tcox1inc@yahoo.com>, "Lynne Martinez" <lynne.m.martinez@gmail.com>, "Hovey, Josh" <jhovey@rossmangroup.com>, <cernamarta@gmail.com>
Cc: <council@lansingmi.gov>, "Putnam, Judy" <jputnam@gannett.com>, <elacy@lsj.com>

Dear Planning Board,

Thank you again for your time and interest in this. The LBWL is pushing plans to destroy a historical park which would leave irrevocable losses to our community.

I'll summarize the main points of concern for clarity:

The BWL admitted two substations could work at Jessica Yorko's community meeting. That opens up the other properties and will better our power grid.

Bernero has park hit list which needs to be made public. The park board was attempting to gain that but it is not publicly know.

The Jenison Home (Scott Center) should be used for the needs of the Michigan Woman's Hall of Fame and the community would step up to this if they knew how officials have treated our Women's Center. (The community should have been made aware of The Women's Center announcement, to the City, of intention to leave for better accommodations, but this has not yet been disclosed by the city.)

The Homeless Angels' hotel volunteers had asked they landbank and Bernero about wanting to rebuild/restore homes for the homeless, but they were pushed off. We need to facilitate the job skill education of our homeless and let our beloved local Charities house the homeless in more suitable buildings. The homeless hotel director showed interest in those homeless citizens being trained and also helping restore municipal owned buildings for the community as well. They could help work on these park buildings and it would benefit them as well as the city as a whole.

There is a roaring jet engine sound from steam vents next to Cooley Gardens. That noise is currently loud from Scott Sunken Garden and deafening at Cooley Gardens.

Justice Edward Cahill was a civil war hero and presided over the landmark civil rights case of 1890. The Scott Sunken garden is made at the foundation of his home by the foundation of his home. Other stones were used to repurpose as this historical garden by Nick Kriek.

Nick Kriek was an immigrant who offered great success in horticulture here. He designed the garden in the foundation of Cahill's home and started Cottage Garden nursery here in the Lansing Area nearly 100 years ago.

The garden can not be moved successfully and removing the foundation would void its historical value. MSHDA's coordinator of national landmarks has recommended Scott Sunken Garden for the National Register's review. The purposed new garden on the lower portion of this bank would have no significance here.

ADA protects historical landmarks and both gardens surrounding Scott Park have entry points without steps.

The Park Board voted down selling Willoughby Park and admitted they needed more details about fauna, flora, history and other assets of parks before such actions.

I am a resident homeowner and a local philanthropist of many years. I have not often approached political concerns directly, but I am invested into this community.

Thank you so much for everything. Please let me know if you'd like any additional documents. I'd be happy to provide any further details; there are many more significant arguments against the fouling of our parkland: the LBWL and this passing Mayor need to stop bribing organizations with our money. They are wasting our time when we need to let conservation groups survey our parks, we need to save our relationship with The Women's Center by meeting thier reasonable needs, and we need to facilitate training our homeless through the successful Homeless Angel's methodology.

Please listen to the informed community and assure the community is fully informed before this goes any further.

Thank you,

Art Hasbrook

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April 29, 2016

Dear City of Lansing Planning Board,

It is my opinion that the Board of Water and Light should be required to find an alternate location for the proposed substation at the intersection of Washington Avenue and Malcolm X Street. The site that they have selected is home to the Scott Sunken Gardens and the Scott Center, and directly adjacent to Cooley Gardens and the Cooley-Haze House, which is currently home to the Michigan Women's Historical Center and Hall of Fame. All of these sites have some historical significance for Lansing, and both gardens and the Cooley-Haze House are potentially eligible for listing on the National Register of Historic Places.

Built in 1918, the Tudor Revival Scott Center is an excellent candidate for rehabilitation, and could be a wonderful asset to the community as an event space, meeting venue, or restaurant, particularly with the riverfront and adjacent gardens. The Scott Sunken Gardens date to the 1930s and are associated with the Scott Mansion originally located on the site, home to Richard Scott, president of the R.E. Olds Motor Company. The gardens were built by Scott on the foundation of a house that had formerly belonged to Michigan Supreme Court Justice Edward Cahill, and were maintained by Nicholas Kriek, a Dutch immigrant who founded Cottage Gardens nursery in Lansing in 1923 - the company is still in business locally and is now run by Kriek's grandson Bill Hicks. Moving the gardens would destroy their integrity, and render them ineligible for listing on the National Register. Their early twentieth century landscape design is unique in Lansing and should remain in its original context.

Relocation and/or demolition of the Scott Gardens and House would also negatively impact the adjacent Cooley Gardens and Cooley-Haze House, by removing their historical context. Built in 1903 for Frank Cooley, the Cooley-Haze House is the only remaining home in its original location along that stretch of Malcolm X Street, once one of the grandest neighborhoods in Lansing. Placing an industrial substation next to the house would irrevocably alter the streetscape that surrounds it. The same can be said for the Cooley Gardens, designed in 1938 by noted landscape architect Edward H. Laird, a founding member of the American Society of Landscape Architects.

In addition to the impacts on Lansing's historic sites, it is my opinion that downtown-adjacent riverfront property is a poor choice for an industrial substation. Lansing should be encouraging the use of its existing parks, and the thoughtful development and rehabilitation of riverfront property. Rezoning the parcel from parkland to utility and handing the property to the Board of Water and Light does neither of those things. Rather than creating a welcoming gateway between a newly thriving downtown and a burgeoning REO Town, it will do precisely the opposite - creating a barrier between the two neighborhoods and effectively further isolating REO Town. Furthermore, Design Lansing - the 2012 comprehensive plan for the City of Lansing - calls for the city to capitalize on its existing park inventory and points out that public gardens are among the amenities that citizens of Lansing would most like to see expanded. To rezone the lot runs contrary to Lansing's existing master plan.

Thank you for your time and consideration.

Sincerely,

Cassandra Nelson
500 Fulton Place
Lansing, MI 48915
cassandranelson38@gmail.com

Stachowiak, Susan

From: burtonbutn <burtonbutn@aol.com>
Sent: Saturday, May 07, 2016 7:05 AM
To: Rieske, Bill; Stachowiak, Susan
Subject: Scott Sunken Garden relocation

There are many problems with the BWL proposal to relocate the historic Scott Sunken Garden. I would ask you to please read this article link which discusses the potential dangers of Electric Magnetic Fields.(EMF's). This topic has NOT been discussed at all by BWL and I am very concerned about long term exposure hazards to EMF's.

BWL plans to demolish the existing Sunken Gardens and rebuild them directly beneath the 138,000 volt high voltage power transmission lines. Currently, the power lines run over the parking lot only. For public safety, we would expect that testing for EMF's takes place at the location of the new Sunken Garden. The ladies of the Garden Club of Greater Lansing would be exposed long term by working directly underneath these lines.

Eight separate US studies listed in this link have reported positive associations between proximity to power lines and some forms of cancer and leukemia. These articles advise children not to play under Power lines. There are potential links between EMF exposure and Alzheimers as well.

In conclusion, we do not approve of the new location of the Sunken Garden and insist that the BWL conduct EMF measurements at the spot of the new Sunken Garden, which would be located directly underneath the power lines as a part of any deal with BWL.

http://www.lessemf.com/pamphlet.html

Kind Regards,
Sharon Burton
Garden Club member and resident of Lansing

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Stachowiak, Susan

From: Barbara Cooley <bcooley800@comcast.net>
Sent: Thursday, May 12, 2016 5:44 PM
To: Stachowiak, Susan
Cc: Rieske, Bill; Johnson, Robert
Subject: Letter to the Members of the City of Lansing Planning Board

Dear Ms. Stachowiak,

I am from Lansing and have deep roots in the community. I will always feel a strong connection to Lansing even though I haven't lived there for many years. Still, I come back frequently to see family and friends and to attend meetings. Every time I return I am always dismayed and yes, a little embarrassed. The city has fallen on hard times, as have many cities in the U.S., and looks it.

What bothers me more is that Lansing appears to have no desire or commitment to preserve what little is left of its important past, nor to possibly leverage them into something more that could contribute to a revitalization of a once-proud, important city in Michigan. I came to tour the Jenison house and the Scott Sunken Garden this spring and was amazed at how the house, although terribly neglected, was still surprisingly intact with great potential. Both the house and garden are prime real estate to showcase Lansing with a negligible financial commitment from the city. The possibilities are endless and the location, right on the river, makes them all the more desirable and remarkable. Water frontage is an important economic development asset for most communities. Why does Lansing not want to capitalize on that?

Of further concern is what will happen to the Cooley-Haze house. If the Jenison House and Scott Sunken Garden are bulldozed (or even moved), what's to become of the Cooley-Haze house? Years ago the city put I-496 through a section of lovely but tired old houses and now it appears the city would like to remove all vestiges of what was once a lovely part of the city, connected to the bustling capitol. Other cities have embraced their tired, old buildings and actually turned them into shining assets. I worry deeply that both houses, garden and property will soon be nothing more than a piece of an industrial wasteland.

As a non-resident with no voting power I realize my views on this may not matter to you, but as a frequent visitor to a beloved hometown, I hope my concerns would have some weight. I long to see my hometown stand up tall and preserve her heritage and showcase her assets – at least what's still left of them. I urge you to preserve these small bits of Lansing's past for future generations.

Sincerely,
Barbara

Barbara Cooley
Cell: 616.292.7387

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To: Planning Board Members
From: Dale Schrader
~~226 W. Maple Street~~ 4919 Gulf Rd
~~Lansing, MI 48906~~ Delta Twp.

RE: Planning Board Vote Tues. May 17, 2016

Dear Planning Board Members,

I am trying to understand why the City of Lansing even bothers having a Comprehensive Master Plan.
The Mayor's office and BWL is able to just bypass the plan and turn dedicated parkland into quasi Public Utility. With NO public vote! We should never lose parkland. But at the very least, this should be decided by a public vote.

The extensive Comprehensive Plan seems like a valuable document. On Page 77 it talks about "protecting historical sites"
Page 104 and page 191 discuss protecting dedicated parkland and on page 203 the conclusion encourages **collaboration with the public.**

But **page 104** is especially noteworthy and worth quoting here.. Page 104 describes the five PRIORITY ISSUES of the City Master Plan...

"PRIORITY ISSUES Page 104 of Comprehensive Master Plan
The public involvement process identified a number of key issues that became the basis for plan recommendations: The #1 PRIORITY ISSUE?

1. Preservation and Enhancement of Parks:
Lansing residents value their park system and place a very high priority on its preservation and enhancement. A 2009 survey, conducted as part of the update to the City's parks and recreation. Master plan 2 identified four top priorities for facility improvements: trails, natural areas, **public gardens** and nature centers. The top priority for recreation programming was special events and festivals. Design Lansing participants also identified the park system as their **top priority for preservation** and suggested an expanded trail system and on-street bicycle and pedestrian improvements to connect the City's parks."

The #1 Priority is PARKS! Now you have before you a decision to transfer valuable and historic Park to BWL to build an giant industrial substation. The Planning Board needs to consider this. We need our Parks. BWL needs to put the substation on GM property or at Eckert Station. It can be done.

Thank you.

Dale Schrader

Rieske, Bill

From: Art <hasbrook@gmail.com>
Sent: Tuesday, May 17, 2016 9:20 AM
To: Yorko, Jessica; Rieske, Bill; Stachowiak, Susan; Johnson, Robert; City Council
Subject: Re: better Ecological, Historical and Economic options for our Substation(s)

Hello,

Thank you again for all your work here. I'm listing out an itemized rebuttal of why this proposed plan will further hurt our city.

This plan is designed to remove the right of public vote and has been done with disregard to the extensive historical value and without a wider exploration of facts and options.

• There are under-explored options for the substation(s)
• Scott Park has needed more access from Washington Ave for decades; the original and most Beautiful Lansing River Walk is still there with the Terraced Stone walls up to the Scott Center
• The Scott Sunken Garden is a nationally significant historical landmark which can not be relocated; they propose to destroy more national history; it has accessibility which could be further smoothed for ADA compliance
• Neither of the acknowledged historical gardens are inaccessible by wheelchair, the ADA of 1990 Title III protects historical landmarks, such as Scott Sunken Garden, which are eligible for the national registry
• There are/have-been many disabled fans of both gardens as they are; Scott Sunken Garden has been maintained by volunteers who were seniors decades ago, and there are simple low-cost noninvasive methods to better the existing handicap accessibility for both of these Historical Gardens
• The parking lot is not a draw to this historical park but other recent losses in significant parkland should bring several million to park funds
• The City of Lansing moved the Jenson House to Scott Park because of its hilltop location on this historical river bank park to both preserve the house and because of this ideal location.
• The Women's Historical Museum has already been effected by demands of related City Officials; they have officially announced plans to leave this location, and alternative options to better this park and the Scott Center is our chance to try to retain these assets in Lansing

This BWL Proposal to destroy our historically significant riverside park land has been set in place against the Park Masterplan and there are far better options for maintaining needed riverside greenspace, saving a district of Historical Landmarks, facilitating continued charitable causes (such as the Women's Hall of Fame), and further exploration for better uses of these assets to build on our community.

Thank you,

Art Hasbrook
517-719-7637

http://www.facebook.com/scottsunkengarden
admin@lansingfriends.com

hasbrook@gmail.com

Hello,

I thank you for the little time you have offered to hear out the concerns and options being presented in regards to our Nationally Significant Historical Landmark of Scott Sunken Garden as well as an interest to help maintain Lansing's Michigan Women Hall of Fame. There is an under explored option of a multipurpose use on the failed motel parcel and revitalization of the river bank on both sides of this REO Town Washington Avenue bridge.

I am pursuing a shared use with easements of the substation and needed safety/security barriers around its perimeter. These easements would allow a possible future commercial use on the expressway side and easements for commercial use on the river side of the property. This would meet the needs of the LandBank's payments through property taxation on this land.

The BWL representatives said that they had disinterest in that land because of the strip of floodplain. The Ingham County Executive said that this 20 foot retaining wall did have to be rebuilt but that could be costs cushioned by the Bond itself.

I am purposing a for-profit subsidiary business incorporated by local charitable organizations to help maintain the ethical community minded pursuit of this endeavor. I am proposing two stories of glassed in balcony for art lined dinning along the eastern strip of this river side retaining wall and the western side would offer a 40 foot rockclimbing facility. The owners of the Stone Printing property are interested in this effort to maintain historical property and rejuvenate Lansing also. The surrounding dock could be used for river access and the adjacent lot is covered by the bond as well; a small bay could be added for more river access and I am interested in introducing gondolas for this stretch of the river. The dinning should feature both Lansing Art and produce from Lansing's community gardens.

I am also pursuing related endeavors for maintaining such buildings and revitalizing historical parks to enable these charitable causes through community involvement. We need job skill training and workshops to allow people to gain experience through these efforts.

I will be following up with more details and presentation material over the next few days. Please reply with any thoughts, recommendations, or interested contacts.

Thank you,

Art Hasbrook
517-719-7637

http://www.facebook.com/scottsunkengarden
admin@lansingfriends.com
hasbrook@gmail.com

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Rieske, Bill

From: Jana Nicol <jananicol@yahoo.com>
Sent: Tuesday, May 17, 2016 3:17 PM
To: lynne.m@acd.net; jhovey@truscottrossman.com; alisande@sbcglobal.net; beth@bgappraise.com; johnruge1@aol.com; tcox1inc@yahoo.com; cernamarta@gmail.com; Rieske, Bill; jbc@egr.msu.edu; Brownclarke, Judi; Washington, Jody; Yorko, Jessica; Johnson, Robert
Subject: Scott House and Sunken Garden

I am writing to ask that you save the Sunken Garden and Scott House. This park is an historical landmark and one of the gems in the park system in Lansing. It cannot be moved and it cannot be recreated.

Over 1,000 people have signed a petition asking that it be saved:
Lansing Parks Board: Save Scott House and Sunken Garden

Lansing Parks Board: Save Scott House and Sunken Garden

The Lansing Board of Water and Light is trying to have the City of Lansing "un-dedicate" Scott Park and the Sunk...

Please save this park and ask BWL to build elsewhere.

Jana Nicol
Lansing, Michigan

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Michigan Historic Preservation Network
313 E. Grand River, Lansing, MI. 48906
517-371-8080 www.mhpn.org

May 1st, 2016

Dear Lansing City Council,

I am writing on behalf of the Michigan Historic Preservation Network in regard to the Scott House and the Scott Sunken Gardens located at the corner of South Washington Avenue and Malcolm X Street. It is our opinion that the Board of Water and Light should be urged to find an alternate location for the substation they plan to construct and the Scott House and its adjacent sunken gardens should remain in place.

The English Tudor Scott (Jenison) House, built in 1918, is representative of a unique style of architecture in Lansing's historic repository. In its recent years, the building has been routinely used by community groups and it has been deemed an important asset to the community for its location and associated history. The house, in its current position, has historical ties to the adjacent Scott Gardens and to the former Scott Mansion built on the site. A 1996 assessment of the house determined that the building is sound with only a few structural deficiencies. If left in place or sensitively relocated, the Scott (Jenison) House would be an excellent candidate for rehabilitation. Should demolition be pursued, rather than sensible rehabilitation, not only will a loss of historic character negatively affect the remaining streetscape of the area, but it will also be a loss in investment of capital and resources.

The Scott Sunken Gardens that date back to the 1930s, and which are associated with the original Scott Mansion, would not fare well if moved. The early twentieth landscape design is unique to Lansing and should remain in its original orientation and context. Furthermore, the National Register Coordinator at the Michigan State Historic Preservation Office has preliminarily determined that the gardens are historically significant and eligible for listing on the National Register of Historic Places. Dismantling the stone walls and recreating the gardens in another location would cause a loss of integrity, making the gardens ineligible for historic designation and destroying their in situ authenticity.

It is our recommendation that Scott (Jenison) House and the Scott Sunken Gardens remain undisturbed in their current locations and that the Board of Water and Light find another location for the substation.

Thank you for your time and consideration.

Sincerely,

Amanda Reintjes
Greater Michigan Field Representative
Michigan Historic Preservation Network & the National Trust for Historic Preservation
906.250.6301
reintjes@mhpn.org

Michigan Historic Preservation Network is the statewide preservation organization for Michigan. It is a nonprofit, membership organization and the 2007 recipient of the National Trust for Historic Preservation Trustees Award for Organizational Excellence and 2007 State History Award from the Historical Society of Michigan. MHPN partners with the National Trust for Historic Preservation, the country's largest private, nonprofit preservation organization. As partners, both organizations are dedicated to protecting the irreplaceable and providing leadership, education, advocacy and resources to save Michigan's diverse historic places and revitalize communities.

City of Lansing
OFFICE OF THE CITY ATTORNEY

F. Joseph Abood, Interim City Attorney

CITY ATTORNEY OPINION

TO: MAYOR VIRG BERNERO

CC: COUNCIL PRESIDENT JUDI BROWN CLARKE AND ALL CITY COUNCIL MEMBERS

FROM: F. JOSEPH ABOOD, INTERIM CITY ATTORNEY

DATE: JUNE 11, 2016

RE: SCOTT PARK - BWL

BACKGROUND

The City owns certain property commonly known as Scott Park. It is proposed that the Scott Park property become the new site, by way of a special land use permit, of a new Board of Water and Light substation. Procedurally, Council will be asked to grant a special land use (SLU) permit to allow the Board of Water and Light to construct their new substation on the property. Council members have indicated that they may consider placing an advisory question on the ballot as to the issue of Scott Park.

QUESTIONS PRESENTED

1. Does the proposed grant of a special land use permit to the Board of Water and Light for the use of City-owned property known as Scott Park constitute a sale of the land that would require a vote of the electorate?

2. Does the Lansing City Council have the legal authority to place an advisory question on the ballot concerning the granting of the special land use permit or any other aspect of the proposed use of the property by the Board of Water and Light?

SHORT ANSWERS

1. No. As a general precept Boards of the City do not own land. While the Board of Water and Light is an administrative board and has been delegated executive and policymaking

responsibilities necessary to the proper operation of the agency (5.102.1), the Charter specifically states, "The Board shall have the power to acquire property in the name of the City for purposes of the Board of Water and Light." (5-203.2). Therefore, the granting of a special use permit to the Board of Water and Light is not a sale of property by the City as contemplated by the Charter to require the vote of the electorate.

2. No. Pursuant to the Charter, the Home Rule City Act, Attorney General Opinion 6383, and case law, an advisory ballot proposal, as suggested above, is not authorized, and would be ultra vires or outside the authority granted to Council.

ANALYSIS

1. The City of Lansing owns Scott Park. The Board of Water and Light is a City administrative board. It is an agency of the City. By permitting a SLU to the Board of Water and Light to place a new substation on City owned property does not constitute a transfer of ownership of the property. Since the City remains the owner, the provisions in the Charter relating to the sale of public property including the requirement of an affirmative vote of the electorate or an affirmative vote of 2/3 of Council is not required.

However, Council does have an important role to play in the process and that revolves around the consideration of the SLU to allow the Board of Water and Light to build the substation on the City property.

2. Michigan law generally disfavors advisory ballot questions. Case precedent holds that the City Council may not place propositions on the ballot that shift to the electorate the responsibility for making decisions that they themselves are required to make. *Scovill v Ypsilanti, 201 Mich 288 (1919)*

Also practically this would incur the cost of ballots and election to do something that is the elected officials responsibility. That is not to say that the City Charter does not allow for advisory votes or questions.

The Lansing City Charter provides for Initiative and Referendum on Ordinances, not on general advisory questions.

Therefore, the issue would have to be placed into the context of an ordinance proposition for it to satisfy the Charter.

The relevant provisions of the Charter are found at Chapter 4. Ballot Issues. 2-402 Initiative and Referendum, as you will note, the Charter only refers to Initiative and Referendum as they relate to ordinances and in no way references general questions. Again at 2/407 Submission of Council speaks only in the context of ordinances.

It is also true that if the Charter allows for an advisory vote then that would be appropriate. The Lansing City Charter does not allow for a general question advisory vote. In other words, the general advisory ballot question relative to the use of Scott Park does not meet the requisite City Charter criteria to be placed on the ballot.

I trust this answers the questions submitted for consideration. If there should be any additional questions, we would be happy to address them.

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: 6-23-16

RE: Resolution— Act-7-2016— Lansing Board of Water & Light— Authorize Construction of Central Substation Project

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

VB/rh
Attachment

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

WORKING TOWARD A CLEANER GREENER LANSING

To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM - Act-7-2016, LBWL Central Substation Project

Date: June 22, 2016

The Lansing Planning Board, at a special meeting held on June 21, 2016, voted (5-2) to recommend approval of a request by the Lansing Board of Water & Light to authorize a new power substation on the City owned property at 125 W. Malcolm X Street, in accordance with the location, character, and extent criteria set forth in Act 33.

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

Act-7-2016, LBWL Central Substation project

WHEREAS, the Central Substation proposal is a component of LBWL's Lansing Energy Tomorrow initiative, which includes the Integrated Resources Plan (IRP) process that will specify how the BWL will replace the Eckert Power Station, 1950s era-coal fired plant that will close by 2020, and prepare for the Clean Power Plan, EPA's regulations for reducing greenhouse gas emissions; and

WHEREAS, the City initiated Amendment #1 to the Design Lansing Future Land Use Plan to change the future land use designation of the east 4 acres (approx.) of the Scott Park property at the SW Corner of Washington Ave. and Malcom X Street (125 W. Malcolm X Street), from "Open Space -Dedicated Park" to "Open Space – Quasi-Public / Utility"; and

WHEREAS, the purpose of the amendment is to permit the construction of a $26,000,000 Board of Water and Light substation on the eastern portion of the site, with park improvements to the remaining open space, specifically:

- the substation will be encircled with a masonry wall featuring public art and displays,
- a walkway which will provide public pedestrian access from Washington Avenue to Townsend Street will be constructed along the south wall of the substation, north of the Grand River,
- the Sunken Garden will be relocated near Cooley Gardens, a more prominent location within the park, and made accessible in compliance with the Americans with Disabilities Act (ADA),
- ADA access will be provided to Cooley Gardens, which will remain otherwise undisturbed,
- the parking lot will be relocated,
- the Scott Center will be relocated off-site, portions offered for salvage, or demolished,
- the Women's Historical Museum will be unaffected; and

WHEREAS, at its meeting on June 21, 2016, the Planning Board recommended adoption of the Design Lansing Comprehensive Plan Amendment #1 to accommodate the proposed Substation; and

WHEREAS, the on June 21, Board reviewed the location, character, and extent of the proposed Central Substation project in accordance with Section 61 of the Michigan Planning Enabling Act (P.A. 33 of 208), and found that:

- LBWL is phasing out the Eckert Power Station due to the obsolescence of the facility and anticipated regulatory changes.

- LBWL and City staff have conducted a thorough search for an appropriate location for the substation.

- Due to the Eckert Station's location within the 100 year floodplain, the extreme rain events in recent years, increasing flood risks, and increasing uncertainty of our weather conditions, the Eckert Station site is not considered a viable option.

- The subject property is the most appropriate location for a substation to serve LBWL's customers in the downtown area, including LCC, the Accident Fund and Sparrow Hospital, with the impending decommissioning of the Eckert Power Station.

- The proposed project will include several amenities to benefit the public including pathways, public art, viewing platforms and ADA access to both Cooley Gardens and the relocated Sunken Garden.

- The proposed substation will be designed to minimize its adverse impact on the remainder of the site.

- The substation is designed for reliability and to meet the current and future needs of downtown Lansing, including its major employers.

- The property known as Scott Park was acquired from General Motors, not donated to the City by the Scott estate for park purposes.

- LBWL has been respectful of Scott Park's features, and has proposed to:

    - contribute $100,000 to the relocation of the Scott Center building,

    - relocate the Sunken Garden "brick by brick, stone by stone, and plant by plant," and contribute $40,000 to endowment to its perpetual care.

- A vote of the electors is neither required nor appropriate to approve this Plan amendment, Act 33 Review, and Special Land Use permit; and

WHEREAS, on June 21, 2016, the Planning Board voted 5-2 to recommend approval of Act-7-2016, to authorize the construction of the Central Substation project; 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, that the Lansing City Council hereby approves the construction of the Central Substation as proposed.

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

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: 6-23-16

RE: Resolution— Act-9-2016— Sale of 1020 W. Hillsdale Street to Habitat For Humanity Capital Region (HFHCR)—Relocation and Renovation of Scott Center

---

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

VB/rh
Attachment

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

Act-9-2016, 1020 W. Hillsdale (PPN 33-01-01-17-478-007), Sale to Habitat for Humanity

WHEREAS, the City of Lansing proposes to convey the former site of the Union Missionary Baptist Church located between W. Lenawee and W. Hillsdale along the east side of N. Martin Luther King Blvd.; and

WHEREAS, the property has been unoccupied since 1998, and the building was razed in 2008, and no public purpose has been identified for retaining the property; and.

WHEREAS, Habitat For Humanity Capital Region (HFHCR) proposes to purchase the property for the relocation and renovation of the Scott Center into affordable, owner-occupied housing, and the construction of additional housing units; and

WHEREAS, the property is 2.22 acres of vacant land, with a market value of less than $50,000; and

WHEREAS, the on June 21, Planning Board reviewed the location, character, and extent of the proposal in accordance with is Act 33 Review procedures, and found that:

- the property has been vacant with no public purpose since 1998, and vacant land since 2008, with no public purpose identified,
- the property is designated for residential development in the Comprehensive Plan,
- conveying this parcel for the relocated Scott Center will allow for redevelopment of the property after eight years of vacancy, in conformity with the Comprehensive Plan, in a manner beneficial to the neighborhood, while creating housing for low to moderate income families, and putting the property on the tax rolls; and

WHEREAS, on June 21, the Planning Board voted unanimously (7-0), to recommend the conveyance of this property for the purposes outlined above; 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, that the Lansing City Council hereby approves Act-9-2016, the conveyance of the property legally described as:

W 20 FT LOT 7, ALL OF LOTS 8, 9, 10, 13, 14 & 15, ALSO LOTS 11 & 12 EXC PARTS USED AS STREET ROW; BLOCK 8 BUSH, BUTLER & SPARROWS ADD

for the above purposes as proposed, for the sum of One Dollar ($1.00).

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

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

WORKING TOWARD A CLEANER GREENER LANSING

To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM - Act-9-2016, 1020 W. Hillsdale, Sale of Land

Date: June 22, 2016

At a special meeting held on June 21, 2016, the Planning Board voted (7-0) to recommend approval of Act-9-2016, to sell the former site of the Union Missionary Baptist Church located at 1020 W. Hillsdale Street to Habitat For Humanity Capital Region (HFHCR) for the relocation and renovation of the Scott Center into affordable housing, and the construction of additional housing units.

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

STAFF REPORT

The City of Lansing proposes to sell the former site of the Union Missionary Baptist Church located between W. Lenawee and W. Hillsdale along the east side of N. Martin Luther King Blvd. The property has been unoccupied since 1998, and the building was razed in 2008. With no identified public purpose for the property, the City proposes its sale.

Habitat For Humanity Capital Region (HFHCR) proposes to purchase the property for the relocation and renovation of the Scott Center into affordable housing, and the construction of additional housing units.

PROPERTY SHAPE, SIZE, AND LOCATION: Roughly rectangular, 2.22 acres.

LEGAL DESCRIPTION: W 20 FT LOT 7, ALL OF LOTS 8, 9, 10, 13, 14 & 15, ALSO LOTS 11 & 12 EXC PARTS USED AS STREET ROW; BLOCK 8 BUSH, BUTLER & SPARROWS ADD.

EXISTING LAND USE: Vacant Land (former site of Union Missionary Baptist Church).

PROPOSED LAND USE: Residential.

SURROUNDING LAND USE:

North: Residential.

South: Commercial, Residential.

East: Residential.

West: Institutional (Union Missionary Baptist Church).

EXISTING ZONING: "C" Residential.

SURROUNDING ZONING:

North: "C" Residential.

South: "F" Commercial.

East: "C" Residential.

West: "C" Residential, "B" Residential.

MASTER PLAN DESIGNATION: The *Design Lansing* Comprehensive Plan designates this property as Medium-Density Residential – Urban. The typical densities/building heights for this designation are ten to twenty dwelling units per acre; minimum height of 2 stories and maximum height of 3 stories. For new development; consistent, shallow front yard setbacks should be required: buildings should be parallel to and facing the street; parking should be located to the rear; building entries with porches or stoops should be oriented to the street. Minimum percent

transparency and vertical orientation for windows should be considered for facades visible from the street.

APPLICANT'S PROPOSAL

The City of Lansing proposes sell the property to HFHCR, for its proposal to relocate the Scott Center (former Jenison House) to this property and developing 3-4 owner occupied housing units for families with low to moderate income. The remainder of the property would be for development for additional units, also for affordable housing.

HFHCR proposes to receive the Scott Center structure after delivery by LBWL's relocation contractor to land parcel 33-01-01-17-478-007 located between Lenawee and West Hillsdale on South Martin Luther King Blvd from its current location known as 125 W Malcolm X St. Lansing, MI 48912.

HFHCR intends to accept the original structure of the house without the east wing and two rear sunrooms that were added after the last relocation in 1978. HFHCR intends to recreate the English Tudor style elevation of Scott Center, with the interior goal of retaining the character of the home while modernizing and restructuring the property to three possibly four separate dwellings. The Scott Center will contain three, possibly four dwellings to a site of approximately 20 affordable units.

HFHCR intends to sell the completed properties to low or moderate income households that will occupy the residences as owner/occupant. It has sought HOME and CDBG funds through the City of Lansing Development office to support the project, based on LBWL contributing the relocation costs.

BACKGROUND

The City acquired this parcel as part of the "7-Block" plan to eliminate blight and move the Union Missionary Baptist Church. The Church became vacant in 1998, and was demolished circa 2008. Since then, the parcel has remained vacant. There is no public purpose for the parcel.

Conveying this parcel for the relocated Scott Center will allow for redevelopment of the property after eight years of vacancy, in conformity with the Comprehensive Plan, in a manner beneficial to the neighborhood, while creating housing for low to moderate income families, and putting the property on the tax rolls.

The Scott Center (former Jenison House) is functionally obsolete at its current location. Despite attempts to make it otherwise, its original design as a residence is ill-suited for use as a public facility.

AGENCY REFERRALS:

Board of Water and Light –

LBWL Electric: LBWL Electric has no objections to the sale of this property for the purposes proposed in the "Staff Report (Preliminary Draft" of Act-9-2016.

Wellhead Protection: As good practice care should be exercised during construction to minimize the exposure of contaminated soils to weather and subsequent loss to the groundwater. Construction machinery should be parked on paved areas when not in use, and leakage of petroleum products and other potential contaminants must be immediately cleaned up and properly disposed of. Newly exposed soil could offer a route for contaminants into local groundwater. For any questions or concerns please contact Angie Goodman at 517-702-7059 or by email at ame1@lbwl.com.

LBWL Water and Steam Distribution Department – Water and District Energy Distribution Comments: APPROVED WITH CONDITIONS. Please note that this approval does not constitute an agreement for service, and is subject to the following conditions:

- This property is located outside of the LBWL's District Energy Service Territory, but is within the LBWL's Water Distribution Service Territory.
- The LBWL Water and Steam Distribution Department has no objections to the sale of this property for the purposes proposed in the "Staff Report (Preliminary Draft" of Act-9-2016.
- Prior to receiving utility service to the proposed structures (either new construction, or the relocated Scott House), the property owner must make application and submit utility drawings depicting the proposed service(s). Application and drawings may be made to Mike Schorsch @ (517) 702-6369, mrs1@lbwl.com. Additional information can be found online at http://www.lbwl.com/Commercial/Water-Services/Water-Service-Installation/.
- The customer is responsible for sizing water services for adequate flow. The BWL will not take responsibility for inadequately sized services.
- Services, mains, and meter settings to conform to LBWL Rules & Regulations. http://www.lbwl.com/Commercial/Rules-Regulations-for-Service/
- All services, up to and including the meter, are part of the water system and cannot be installed or altered without a BWL Water Service Agreement in place.
- The customer is responsible for all costs of water service and main installations and removals, including connection fees, installation, metering, and engineering and administration costs for the work.
- If existing services need to be demolished a demolition request must be filed with the Lansing Board of Water and Light Utility Services Department. Please contact Utility Services at (517)702-6700.
- Any questions about specific water service requirements may be directed to the LBWL Water Distribution Department Engineer; Mike Schorsch, P.E. @ (517) 702-6369, or via e-mail at mrs1@lbwl.com.

Building Safety Office: BSO has no objections. Site plan and building reviews/permits will need to be completed per the current State of Michigan codes prior to any construction.

Public Service – Engineering: Combined/sanitary sewer is available in Lenawee St. and Hillsdale St. Storm sewer is available in Lenawee St. Development of the property would most likely require a site plan.

Public Service – Transportation: The Transportation and Non-Motorized Section of the Public Service Department supports the proposal. We recommend that the parcel be developed to at least the density of the adjacent residential area, to maximize use of the available road and other public infrastructure. The applicant should note that MLK Jr. Blvd. is under the jurisdiction of the Michigan Department of Transportation, so any changes to access on this street would require MDOT's approval.

STAFF RECOMMENDATION

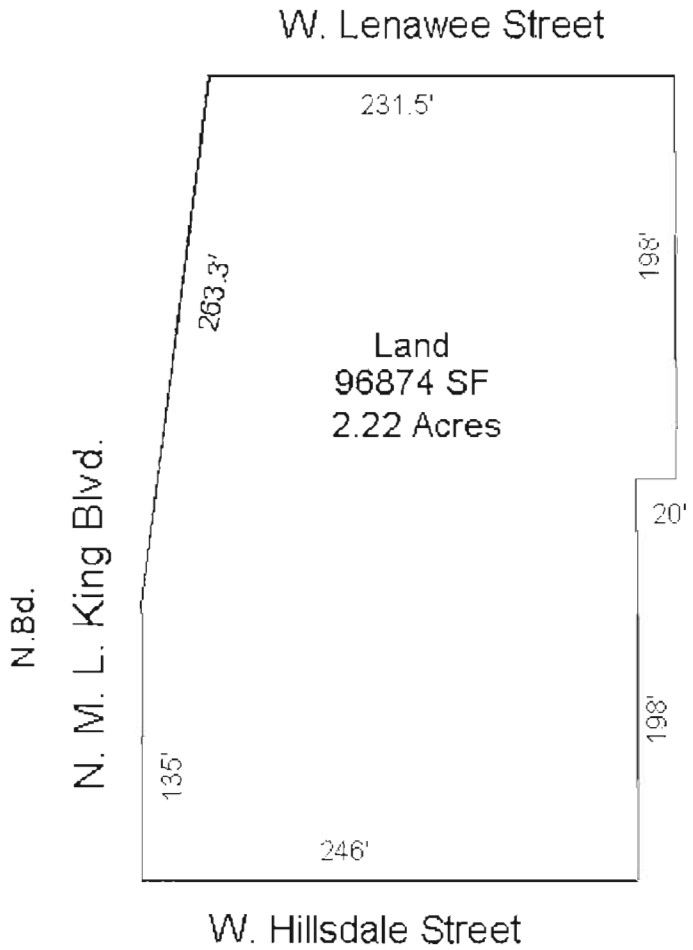
Staff recommends approval of the following finding and recommendation:

Finding:

The property has been vacant with no public purpose since 1998, and vacant land since 2008, with no public purpose identified. It is designated for residential development in the Comprehensive Plan.

Conveying this parcel for the relocated Scott Center will allow for redevelopment of the property after eight years of vacancy, in conformity with the Comprehensive Plan, in a manner beneficial to the neighborhood, while creating housing for low to moderate income families, and putting the property on the tax rolls.

Recommendation: Staff recommends the sale of the property to HFHCR for the purpose of relocating the Scott Center and constructing additional owner occupied residences.



jcg 12-17-03

Sketch by Apex IV™

Image/Sketch for Parcel: 33-01-01-17-478-007

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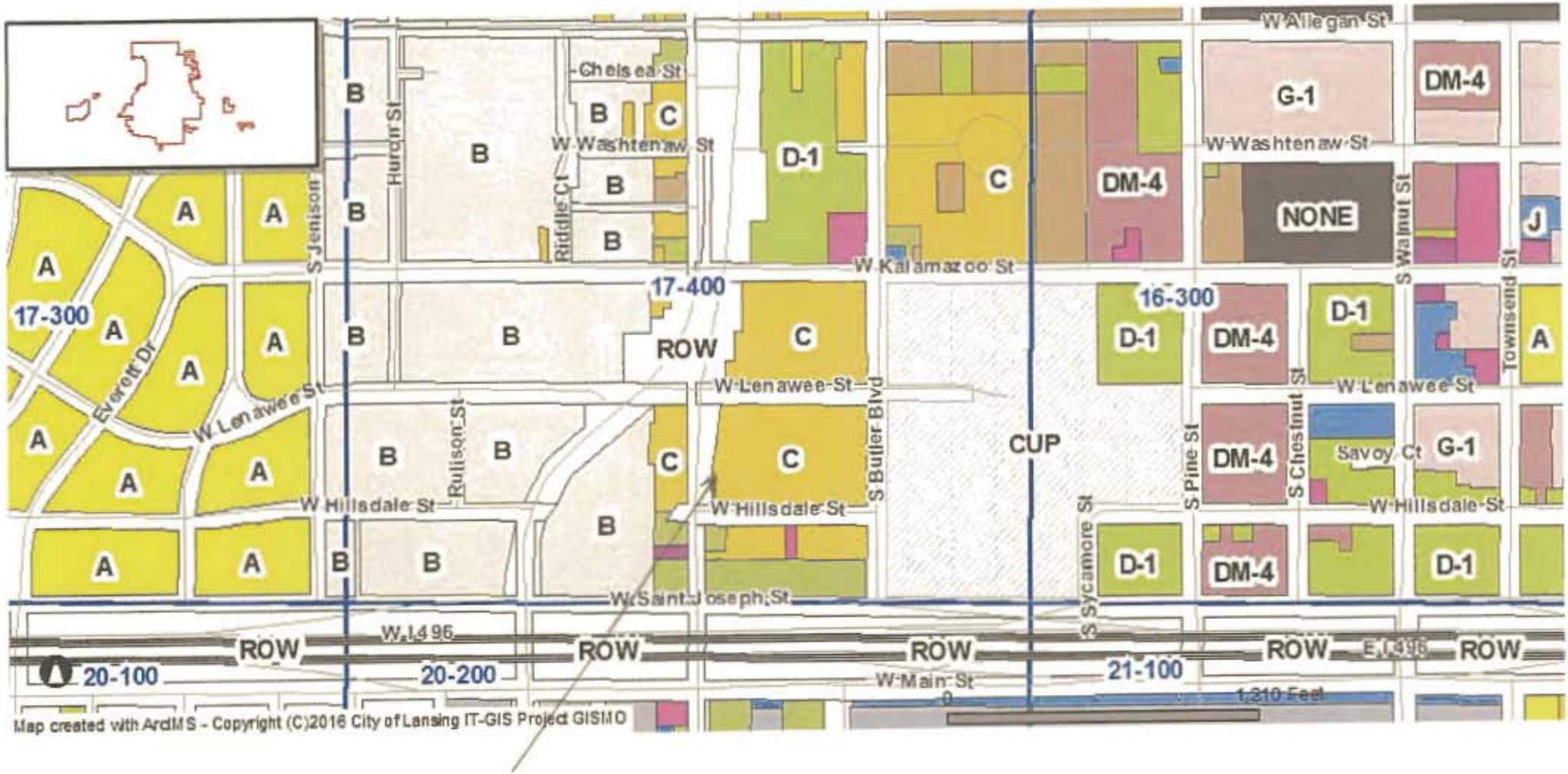
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Riddle Ct
Rulison St
S Butler Blvd
S Sycamore St
S Pine St
S Chestnut St
S Walnut St
Townsend St
Savoy Ct
17-300
17-400
16-300
20-100
20-200
21-100
ROW
CUP
NONE
A
B
C
D-1
DM-4
G-1
J
Map created with ArcIMS - Copyright (C)2016 City of Lansing IT-GIS Project GISMO

Council Members:

Was the Scott Park land and Sunken Garden donated to the City of Lansing? Is that important?

Apparently, many City officials think it IS important because they have spent lots of time and tax money researching the property deeds and records in an effort to discredit the donation aspect of the Scott family.

The answer is this.. It was only through the ORIGINAL DONATION of land from Richard Scott in 1929 that the City was able to acquire the present Scott Park and Sunken Garden park land, where they now propose to build a substation.

If you could take the 5 minutes to read this you will see that the BWL, like they have done so often on this proposal, present only one small piece of the puzzle in their assertion that the land was not donated. History shows that a series of land trades were made from the Scott original donation of 1929. History also shows that our City of Lansing forefathers worked very hard to preserve this green space while struggling to accommodate GM's relentless need for this land.

The Scott family was at Sunday's rally to save the Sunken Garden and they care deeply about the Sunken Garden that their grandfather built. Judy Scott Teegardin, Richard Scott's granddaughter, is in her 70's now but is very passionate about saving her father's and grandfather's legacy, the Sunken Garden.

Here is the elaborate history of the entanglements between GM, the City of Lansing, and the original Scott Park family donation, and of how Scott Park came to be located at the Scott Sunken Garden location where it is today. History shows that GM had a need for this park property about every 20-30 years which caused the park to be moved twice. History will also show that our City forefathers valued real property and river frontage along the west bank of the Grand River and fought hard to preserve it.

In 1929 Richard Scott donated 5.7 acres of riverfront land to the City of Lansing. This land was south of Elm Street down by the current Eckert Substation. This donated Park was maintained as the "Scott Playfield".

In 1945, GM needed that land. An elaborate deal was put together. It was proposed that the Scott Playfield be moved north upriver to the land south of and bordering Cooley Garden. A 5.7 acre for 5.7 acre trade. (See the February 20, 1945 Lansing State Journal clip in the first picture). GM also was required to pay $25,000 to move the playground equipment from the original 1929 Scott Park (about $300,000 in today's money). Richard Scott's widow, Gertrude Scott, removed the deed restriction and the original donated land was sold to GM for $1.00 plus considerations. This sale was approved by the voters and the Scott Playfield and the equipment were moved. The second picture from 1952 shows the Jenison House located on that property which had by then become the Scott Park Art and Garden Center.

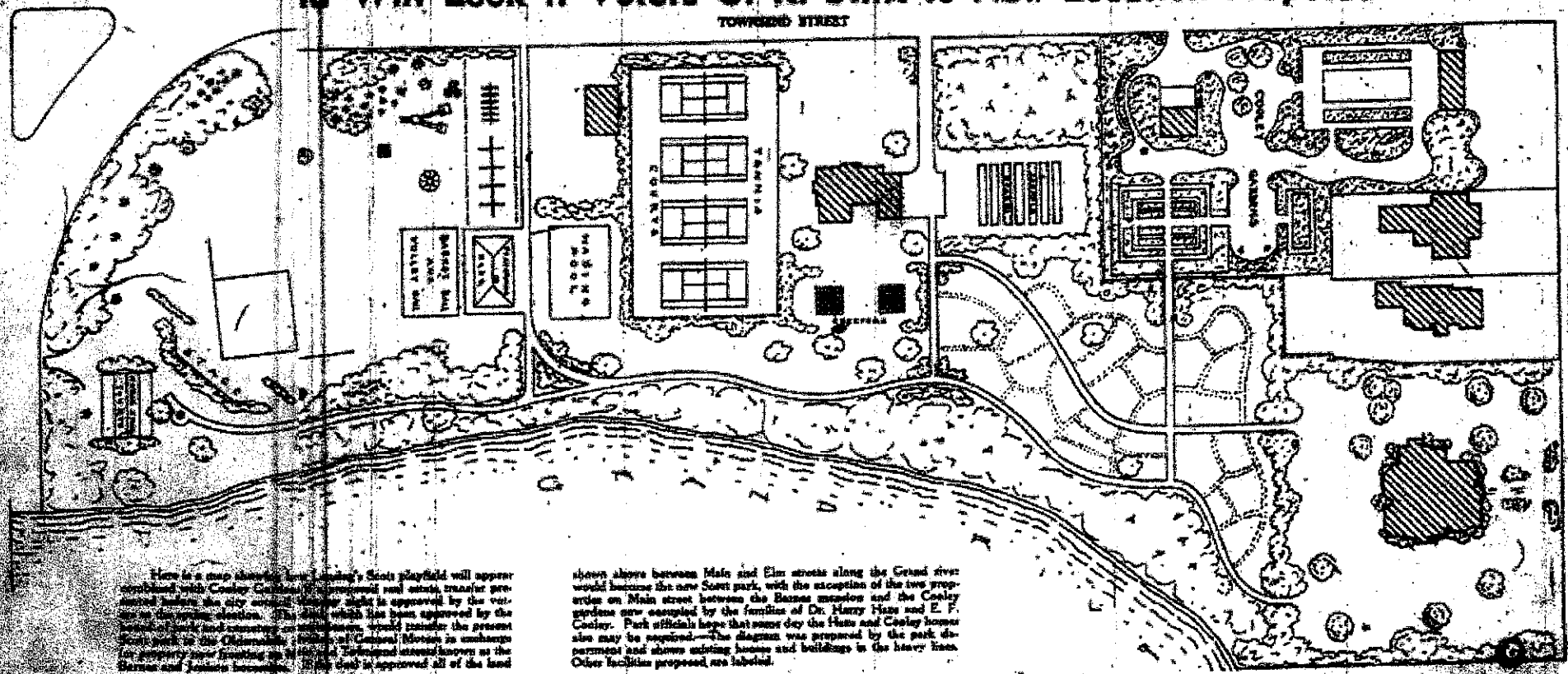
In May, 1977 you know what is coming. GM needs the land. This time for parking. The Lansing Parks Department flatly rejected a potential City sale of Scott Park and Cooley Gardens to GM. This is shown in the Lansing State Journal May 19, 1977 article in the third picture. But GM still needed the land. So another elaborate trade was worked out. In August 1977 Maurice Scott sold the Scott Sunken Garden property to GM. GM then in April 1978 proposed a trade of the Scott Sunken Garden property to City Council for the Scott Park located on Townsend owned by the City. Part of the deal was that GM would pay to move the Scott Park Art and Garden Center (Jenison House) to the new Scott Park. The deal was finalized in August 1978 and THAT is how Scott Park came to be located where it is today. The 1978 City Council were obviously pleased with the prospect of the deal. They stated in August 1978 Council minutes that "the proposed disposition would not diminish the amount of real property owned by the City of Lansing in the Scott Park and Cooley Garden vicinity and would substantially increase the amount of river frontage owned by the City along the west bank of the Grand River".

The last picture is a scale model of the 30' tall substation wall which is currently being proposed to be the new "Gateway to REO Town" which will essentially wall off this green space and park land forever. This is the decision our 2016 City Council faces.

I can explain this further at the Committee of the Whole if there is a need for further discussion on this donation issue.

1945

How Scott Playfield Will Look if Voters O. K. Shift to New Location Proposed to Council



Here is a map showing how Lansing's Scott playfield will appear combined with Cooley Gardens if proposed real estate transfer presented before the city council Monday night is approved by the voters in the spring election. The deal which has been approved by the board of park and recreation commissioners, would transfer the present Scott park to the Oldsmobile division of General Motors in exchange for property now fronting on Main street, Townsend street known as the Barnes and Jenison mansions.

If the deal is approved all of the land shown above between Main and Elm streets along the Grand river would become the new Scott park, with the exception of the two properties on Main street between the Barnes mansion and the Cooley gardens now occupied by the families of Dr. Harry Hutz and E. F. Cooley. Park officials hope that some day the Hutz and Cooley homes also may be acquired.—The diagram was prepared by the park department and shows existing homes and buildings in the lower half. Other facilities proposed, are labeled.

PTA RUMMAGE SALE TO BUY CHAIR RISERS

[illegible]

Advance of Soviet Armies Brings Freedom to Yanks

By SAMUEL DE LUCE

[illegible] Feb. 20.—The rapid advance of Russian armies has made possible the liberation of many United States soldiers and men from other allied nations, reports Germany prepared to evacuate prisoners from one of the worst prison camps still left.

"Statements of our liberated soldiers and officers all stand as confirmed by the Poles and Russians whether military or civilian," Dorris said. "Where their paths are either have been confirmed about

THREE FROM CITY WOUNDED IN ACTION

Families Notified of Casualties Incurred Fighting on Western Front

Mayor Tells Committee Plans For March Red Cross Effort

Ingham County Red Cross chapter's schedule was in the war, which on the home front and to further assistance, was mapped out Monday afternoon to Mayor Ralph W. Crosby's "volunteer committee" at the chamber house. Of seven working committees

[illegible]

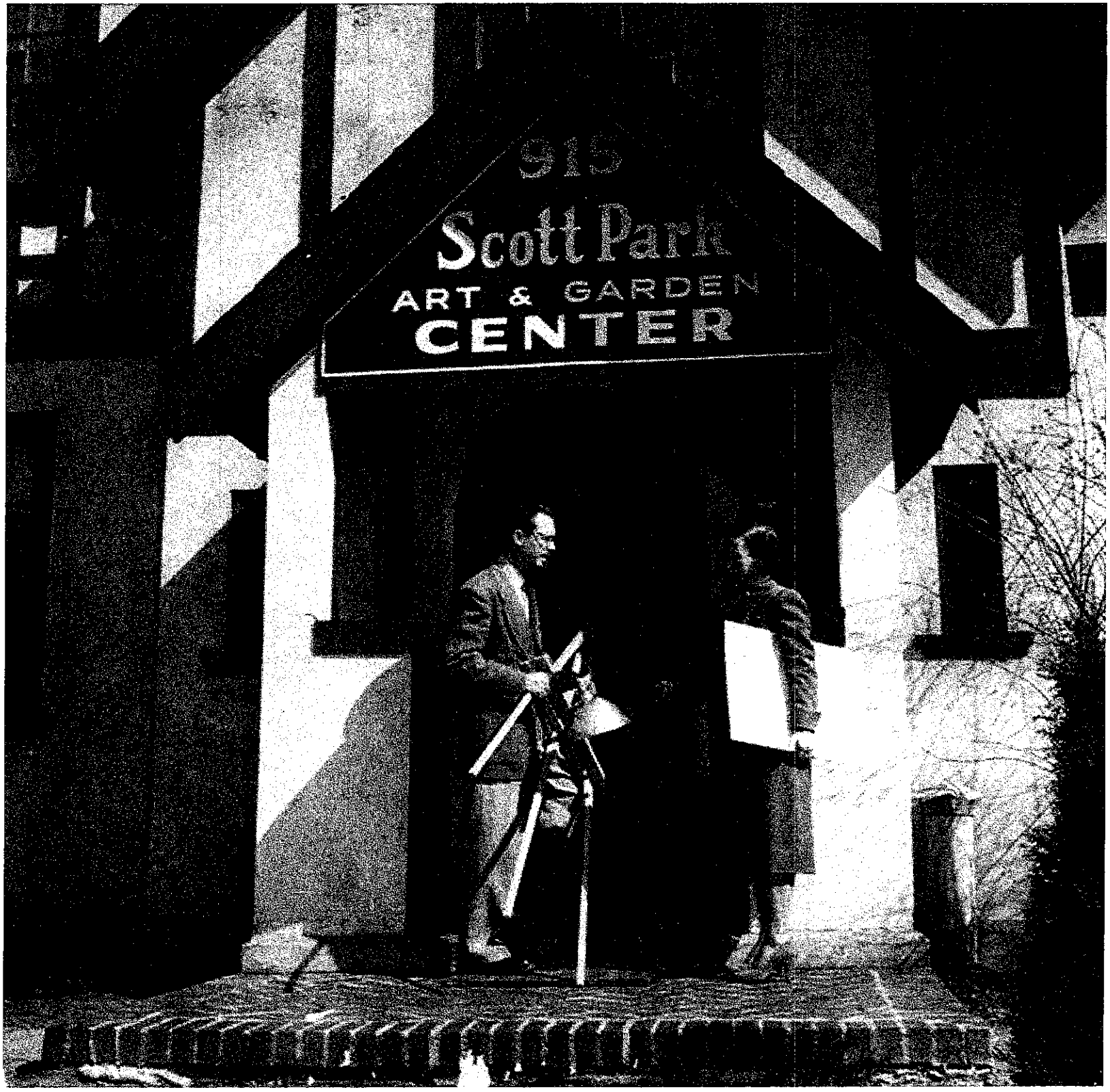
committee were the home service committee of war, camp and hospital aids and skills, [illegible] Cooley Center, Junior Red Cross, [illegible] camp, surgical dressings and home [illegible].

William K. Oatman, general chairman for the war fund drive, [illegible]

PAROLE GRANTED TO WOMAN KILLED

Mrs. Julia Becker, Former Detroit Realty Dealer, to Be Freed March 25

[redacted]


915
Scott Park
ART & GARDEN
CENTER

choice," he says. ... "Are we going ... this group to find — where they were violent — violence prone — to endanger the lives of others? (And) Second, even more importantly, are we going to allow our potential enemies, those we were negotiating with in Paris, to gain the impression that they represented the majority?

"In other words, are we going to have a situation where this war would ... in the first segment ... Nixon spoke about ... scandal that forced his ... office less than midway through his second term. Last week he talked with Frost about his power diplomacy, China, the Soviet Union and the Middle East.

"IN MY view, I had a responsibility which was above everything else to bring that war to the earliest possible conclusion, and I did it," Nixon is quoted as saying.

... Wednesday ... national convention.

FRASER IS only the third president since World War II — unlike his predecessors, he is not ... DAW's founding generation.

He succeeds retiring president Leonard Woodcock, 66, who has been named chief U.S. envoy to China. Wo...

Scott Park-Cooley Garden sale to GM nixed

By RICK BARRS
Staff Writer

Acting on a strong negative recommendation from the city parks and recreation department, the Lansing Parks Board Wednesday night turned thumbs down on a request by General Motors to buy Scott Park and Cooley Gardens from the city.

GM has asked to buy the park and gardens so that it can pave them over for a parking lot for employes at Oldsmobile's main plant. The company has said it does not have sufficient parking space near the plant.

THE UNANIMOUS vote by the parks board against the sale is likely to kill it, because any sale of parkland must be approved by the voters, and it is unlikely the city council will grant ballot status to the sale question without the board's approval.

Douglas Finley, parks and recreation director, explained that his department recommended against the sale because the loss of parkland, especially riverfront parkland, could not be justified. "We had to look at what we were going to lose, and when we did, we decided we shouldn't sell," he said.

WHILE USE of Scott Park and Cooley Gardens has fallen off in recent years, Finley pointed out that they are the only green spaces in a "sea of concrete."

The park and gardens are boxed in by Interstate-496 to the north, Townsend Street to the west, Elm Street to the south and the Grand River to the east. Oldsmobile's main plant property is adjacent to the parks property.

Ironically, Oldsmobile employes use the park and gardens more than anyone else, Finley said, because the parkland is next enough to the main plant for lunch and coffee breaks.

ASIDE FROM environmental reasons, Finley said there were two "very practical" reasons why his department decided to recommend a "definite no" to GM, Lansing's largest employer.

— Because would-be benefactors might be hesitant to donate land to the city for parks if they thought the city would later sell it to private industry.

— And because the city's ability to get federal and state grant money for riverfront acquisition might be jeopardized.

"WHEN A person gives us a piece of land, he does it because he knows the city will be here longer than he or his family will," Finley said. "His intention is clearly that the land will generously be parkland."

Moreover, state and federal agencies would not look kindly on giving up riverfront property, especially for a parking lot for a private industry, Finley said.

"We have a tradition of trying to acquire more riverfront property," he said. "Giving it up doesn't seem the right thing to do."

PARKS DEPARTMENT and GM officials met with members of the Scott and Cooley families last week to determine if they had any objections to selling the parkland. Finley said "some members" of the Cooley family were against selling.

If the city were to sell the land against the wishes of any of the legal heirs to the property, Finley said, payment for the property would go to the heirs.

"There would also be lots of legal complications that we would rather not get into," he said.

IN A losing effort, Donald Hines, an attorney for GM, pleaded the automaker's need for parking space beside the Oldsmobile plant before the parks board Wednesday night.

Hines said a deal possibly could have been worked out between GM and the city to move Cooley Gardens to another location, something the parks department has considered. Hines said the park and gardens are not used enough to warrant them remaining parkland.

Finley said GM never made the ... city a dollar ... land. The coole... league" on that ... played a part in ... negative recomm...

"WE KNEW ... lose, but we were ... what we would ... he said.

But the city ... companies ... including GM ... Scott Park ... GM in exch... is now the ...

A GM ... original ... Cooley G... "formal ... place, for ... scaped with ... of grass and ... and ...

THOUGH ... used as ... Scott Ar... The park ... place for ... ings and ...

Comments to Lansing City Council 8/22/2016 by Melissa S. Quon Huber

This is Bella.

She is with us in spirit this evening. Her mother is unable to be here tonight but has contacted you all.

Scott Sunken Gardens were one of Bella's favorite places.

This garden is a favorite spot for many of the Inclusive Homeschooling groups based in Lansing with members from all across Mid-Michigan. This is even where we would take annual yearbook photos.

I cannot figure out where our Parks Board President got the idea that this park is not used (or maintained, which is clearly is).

But I don't trust that assessment any more than I trust the same assessor that said my neighborhood park wasn't well used either and could be on the chopping block at the behest of the administration seeking to bring parks offline.

That's ludicrous. It's a bustling place of activity after school, weekends, and summer days. We protested and avoided the ax.

Let me tell you what else I don't trust.

- I love my hometown power but I don't trust the BWL's process, reasoning, or financial estimates for anything related to the substation. The numbers have been inconsistent and unverified and likely exaggerated.
- We've had a secretive process where BWL has been planning this project for years without community engagement, announcing this project just months ago to the public, but having secret back door meetings with select individuals to garner their support in exchange for resources.
- We've had an official of BWL personally attacking citizens who raise questions, and using tax payer money to wage a campaign against citizens.
- We've had no solid evidence that Mary Barra has been fully engaged in exploring options. GM is a huge benefactor of our local utility rates and is a stakeholder in the legacy of the Scott Gardens.
- We've had no independently confirmed evidence that rates would be truly adversely affected by any of the alternate sites.
- We've had a park board president accuse us of wanting to have coal ash rain down on our children. Ridiculous. None of us are against clean air. We want Eckert to close on time and there are multiple ways to do that that we have been identified but have not at all fully vetted.

Let me ask you this.

When was the last time our community felt good, really good, and unified around about exciting projects moving forward?

Comments to Lansing City Council 8/22/2016 by Melissa S. Quon Huber
It's been a long time. And this substation project is certainly not one of those.

As someone who has worked around the state in community and economic development with MSU, I can attest that other communities get this process right, where Lansing gets it wrong.

Successful communities on the move engage citizens early and often. They build consensus and vision. They connect instead of divide. They develop trust and innovation. They embrace green space, history, and progress.

In contrast, what have we done here?

- We have needlessly pitted Scott Garden against the River Trail.
- We have regrettably pitted Cherry Hill neighborhood against REO Town.
- We are talking about putting a huge monolithic barrier to further physically divide recreation space and commerce between North and South Lansing.
- We have cut short any possibility of doing something grand to reconnect North and South Lansing that was divided by the encroachment of 496
- We are violating the trust of those who entrusted us with this garden and all who have maintained and enjoyed it.
- We are violating the spirit of our charter, master plan and zoning ordinances.
- For what? A fishing dock that we don't want to pay for with our millage funds?

There is still time to fix this.

There is a win-win solution for our substation.

We need you to do 3 things:

1. Refer this issue to planning and development committee to address the many many unanswered questions.
2. Establish task force that includes three members from the Save the Scott Garden coalition and are picked by council and not the city Administration.
3. Issue clear directives to BWL that they are NOT to not make any changes to the Scott Sunken Gardens or house in premature anticipation of future demolition.

Please note that our Coalition is not going away.

Should the park become jeopardized all legal options will be explored.

We will also actively seek to remove council members in 2017 who have aided in the attempted demise of this park.

I sincerely hope it does not come to that.

submit @ mtg Dall Schaall

submitted @ mtg. Dale Schada