



OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
SEPTEMBER 26, 2016

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Brown Clarke

PRESENT: Council Members Brown Clarke, Dunbar, Houghton, Hussain, Spitzley, Washington, Wood, Yorke

ABSENT: None

Council Member Wood asked those in attendance to remember Mary Ann Prire's sister during the moment of Meditation. The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Brown Clarke.

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Vice President Yorke

To approve the printed Council Proceedings of August 22 and August 29, 2016

Motion Carried

CONSIDERATION OF LATE ITEMS

By Vice President Yorke

To suspend City Council Rule #9 to allow for Consideration of Late Items

Motion Carried

The following item was added to the agenda:

1. Ordinance for Payment in Lieu of Taxes (PILOT) for the Grandhaven Manor Retirement Community

SPECIAL CEREMONIES

1. Mayoral Presentation; Mayors' Ramadan Unity Dinner check presentation to the Greater Lansing Food Bank

Executive Assistant to Mayor Bernero, Randy Hannan, spoke about the Ramadan Unity Dinner.

Renee Freeman from Mayor Bernero's Office presented a check for \$11,018.78 and stated the fundraising goal for this year's dinner to be \$25,000.

Justin Rumenapp, Marketing and Communications Coordinator for the Greater Lansing Food Bank, accepted the check and thanked the City for their support.

Randy Hannan thanked Renee Freeman for her leadership on this event.

COMMENTS BY COUNCIL MEMBERS AND THE CITY CLERK

Council Member Washington shared details about the First Contact Community Meeting, Allen Street Market, and Eastside Neighborhood Association Candidate Night.

Council Member Wood shared details about Rejuvenating South Lansing.

City Clerk Swope shared details about the upcoming Presidential General November 8 Election.

COMMUNITY EVENT ANNOUNCEMENTS

Kathi Raffone shared that the Decision America Tour is coming to the State Capitol.

Loretta Stanaway announced a monument reassembly at Mount Hope Cemetery.

Robert Ovalle spoke about for Adopt-a-Spot for Downtown Lansing Inc.

SPEAKER REGISTRATION FOR PUBLIC COMMENT ON LEGISLATIVE MATTERS

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

MAYOR'S COMMENTS

Executive Assistant to Mayor Bernero, Randy Hannan, spoke about the Hope Soccer Complex, the BWL Project, and the 10th Annual Ramadan Dinner.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

Legislative Matters included the following public hearings:

1. In consideration of an Ordinance regarding the Transparency in the Bidding and Opening of Bids for Projects that Receive Certain Economic Incentives Approved by the Lansing City Council
2. In consideration of an Ordinance for Payment in Lieu of Taxes (PILOT) for the Grandhaven Manor Retirement Community

Council Member Washington gave an overview of the public hearing on Transparency in Bidding.

Council Member Yorke gave an overview of the public hearing on the proposed Grandhaven Manor Retirement Community PILOT.

Council President Brown Clarke stated that public comment time had been reduced from 3 minutes to 2 minutes per speaker due to the large number of people who had signed up to speak.

• Public Comment on Legislative Matters:

Elaine Womboldt spoke on the Bidding Ordinance.

Kathy Miles spoke on the PILOT Ordinance.

Mary Ann Prince spoke on the Bidding Ordinance and the PILOT Ordinance.

Tim Daman spoke on the bidding ordinance.

Norma T. Bauer spoke about budget priorities.

Loretta Stanaway spoke against SLU-4.

Sharon Barton spoke against SLU-4.

Lynn Hershberger Hefferen spoke against SLU-4.

Melissa Quon Huber spoke against SLU-4.

James M. McClurken spoke against SLU- 4.

James P. Holmes spoke against SLU-4

Ellen Beal spoke against SLU-4.

Ryan Smith spoke against SLU-4.

Dale Schrader spoke against SLU-4.

Brant Johnson spoke about concerns with the proposed Medical Marijuana Ordinance.

Robert Ovalle spoke about various City matters.

Jim Weeks spoke in support of SLU-4.

Derek Womboldt spoke against SLU-4.

Ron Byrnes spoke in support of SLU-4 and the Transparency in Bidding Ordinance.

Chris Keck spoke in support of the Transparency in Bidding Ordinance.

Mark Mello spoke in support of the Transparency in Bidding Ordinance and the SLU-4.

Kathi Raffone spoke against SLU-4.

Phil Damico spoke against SLU-4.

Dwight Washington spoke against SLU-4.

Kevin Mullin spoke in support of the amendment to the Lease to the Hope Soccer Complex.

Clerk Swope acknowledged 8 letters in opposition to the Bidding Ordinance that will be made part of the public hearing record.

LEGISLATIVE MATTERS

REFERRAL OF PUBLIC HEARINGS

1. In consideration of an Ordinance regarding the Transparency in the Bidding and Opening of Bids for Projects that Receive Certain Economic Incentives Approved by the Lansing City Council
REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

2. In consideration of an Ordinance for Payment in Lieu of Taxes (PILOT) for the Grandhaven Manor Retirement Community
SCHEDULED FOR VOTE AT THIS MEETING

CONSENT AGENDA

RESOLUTION #2016-196

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

LBWL Central Substation project
 Amendment to 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, August 22, 2016, 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.

By Council Member Washington

Motion Carried, with Council Member Wood voting "Nay"

RESOLUTION #2016-197

BY THE COMMITTEE ON 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 Monday August 22, 2016, 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 FINALLY RESOLVED that in granting this request, 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.

By Council Member Washington

Motion Carried, with Council Member Wood voting "Nay"

RESOLUTION #2016-198

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.

By Council Member Washington

Motion Carried, with Council Member Wood voting "Nay"

RESOLUTION #2016-199

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

WHEREAS, E.L. Investment Properties, LLC sought to eliminate a special assessment of \$525.00 for trash and debris removal fees, and all associated penalties and interest, on the property tax bill for 4700 Pleasant Grove Rd. (ID #33-01-01-31-479-311); and

WHEREAS, upon filing claims to the Committee on General Services, the claim in the total amount of \$525.00 was denied on September 21, 2016.

NOW, BE IT RESOLVED, that the City Council, hereby, denies the claim of E.L. Investment Properties, LLC. in the amount of \$525.00 for trash and debris removal fees and all associated penalties and interest on the property tax bill for 4700 Pleasant Grove Rd. (Tax ID #33-01-01-31-479-311).

BE IT FURTHER RESOLVED, that the City Attorney shall take the appropriate steps to process this claim.

By Council Member Houghton

Motion Carried

RESOLUTION #2016-200

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

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

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

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

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

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

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

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

By Council Member Houghton

Motion Carried

RESOLUTION #2016-201

BY THE COMMITTEE ON PERSONNEL
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on September 14, 2016 the Personnel Committee confirmed the selection of LaSondra Crenshaw as the new Administrative Secretary –Level 25 position for City Council; and

WHEREAS, LaSondra Crenshaw has been vetted by the Human Resource Department and meets all the requirements.

NOW THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, appoints LaSondra Crenshaw to the position of Administrative Secretary-Level 25 for the City Council contingent on passing the background review and to begin on October 10, 2016.

BE IT FURTHER RESOLVED that the initial salary will be Level 25, Step 06.

By Council Member Yorke

Motion Carried

RESOLUTION #2016-202

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

WHEREAS, each property owner in the Glenburne Subdivision, by accepting a deed to property within the Subdivision, is, per the Declarations of Covenants, Conditions and Restrictions filed with Eaton County by the developer, Francis M. Fine, a member of the Glenburne Subdivision Association; and

WHEREAS, per the Declarations, members of the Association jointly own and are collectively responsible for the maintenance of an 11 acre green space within the Subdivision, known as Glenburne Commons; and

WHEREAS, there is no longer an internal assessment mechanism in place for the Association to collect fees from members for maintenance of the Commons; and

WHEREAS, the City of Lansing through its Code Compliance office has determined the current state of the Commons requires immediate abatement in order to:

- a. eliminate hazards to health and safety, such as infection or infestation caused by rodents or mosquitoes breeding in tall grass
- b. keep grass within a reasonable height with respect to the surrounding neighborhood and homes to which it relates;
- c. facilitate the enjoyment of this commons area and its environment by its owners
- d. protect the public from possible injury that may result from obstructions caused by overgrown grass
- e. prevent the devaluation of surrounding properties by maintaining the safety and appearance of the common areas
- f. provide for the orderly and harmonious development of the community;
- g. promote traffic and pedestrian safety,
- h. protect and promote the aesthetic quality of life within the City; and

WHEREAS, the City Council Public Service Committee has considered options for maintenance; and

WHEREAS, the City of Lansing has established the need for a special assessment district that includes all properties encompassed by the Association for the purpose of financing the mowing and maintenance of the Commons; and

WHEREAS, the City of Lansing intends to determine the estimated cost of providing such services should be covered by a special assessment against those properties especially benefited as authorized by Public Act No. 59 of 1978, as amended, and Chapter 1026 of the Lansing Code of Ordinances; and

WHEREAS, the City of Lansing has reviewed the proposed special assessment boundaries, the services proposed within those boundaries.

NOW THEREFORE BE IT RESOLVED, that the City Council hereby determines it to be a public necessity to mow and maintain the Glenburne Commons and hereby establishes the Glenburne Commons special assessment which includes all of the parcels within these areas:

- Glenburne Subdivision
- Glenburne Subdivision No. 2
- Glenburne Subdivision No. 3
- Glenburne Subdivision No. 4
- Glenburne Subdivision No. 5
- Part of the North 2 and South East ¼ of Section 36, T4N, R3W
- City of Lansing, Eaton County, Michigan

BE IT FURTHER RESOLVED, that annual cost of mowing and maintenance of Glenburne Commons will be supported and financed by a 10 year special assessment against the properties in the special assessment district, which includes all parcels covered by the Declarations of Covenants, Conditions and Restrictions of the Glenburne Subdivision.

BE IT FURTHER RESOLVED, the special assessment shall include all direct costs for mowing and trash removal, as well as indirect costs for determining estimates, preparing of the assessment and the roll, and providing notices and that the assessment will be reviewed and adjusted annually, based on actual costs to provide service.

BE IT FURTHER RESOLVED, the initial annual assessment, for the period of July, 2016 through June, 2017, includes a one-time cost for surveying the property lines and boundaries of the Commons.

BE IT FINALLY RESOLVED, that the Office of Code Compliance is hereby authorized to prepare the necessary cost estimates for special assessment as contained in this resolution and determine the cost of said project in sufficient detail to establish the special assessment district for a 10 year period commencing 2016; and the applicable assessment to the properties in the district, and to furnish said information to the Mayor and City Council.

By Council Member Dunbar to adopt the resolution.

By Council Member Dunbar to adopt a substitute for the Resolution

By Council Member Dunbar to amend the substitute

Motion Carried

The question being adoption of the substitute as amended

Motion Carried

The question being adoption of the Resoltuion as amended

Motion Carried

RESOLUTION #2016-203

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

WHEREAS, it is proposed that a claim be resolved by virtue of entering into a settlement agreement with claimant WC2062876-00673, in which, the City of Lansing would agree to pay Plaintiff the sum of Three Thousand Dollars (\$3,000.00) in exchange for a complete redemption and release of the City from any past, present, and future liability regarding any alleged injuries/illnesses whatsoever; and

WHEREAS, the proposed settlement is recommended by the Mayor, the Department of Human Resources Director, the City of Lansing's Fund Administrator, and the City Attorney.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves the payment of Three Thousand Dollars (\$3,000.00) pursuant to said proposed settlement agreement as a full and final settlement of said action.

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

By Council Member Wood

Motion Carried

RESOLUTION #2016-204

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

WHEREAS, the residential recycling rate in Michigan is estimated to be 15%, one of the lowest in the nation; and

WHEREAS, it is estimated that tri-county residents pay to dispose of recyclable materials each year that could contribute millions to the local economy; and

WHEREAS, Governor Snyder launched an initiative to double the rate of recycling in Michigan; and

WHEREAS, in the tri-county area convenient recycling services are not consistently available to urban and rural residents, businesses, and institutions; and

WHEREAS, there are existing recycling programs residents are not utilizing fully or correctly; and

WHEREAS, there is an interest in developing regional cooperation to enhance recycling services for all tri-county community residents; and

WHEREAS, materials diverted from disposal contribute to the productive economic use of local communities and businesses; and

WHEREAS, the City of Lansing City Council acknowledges that it is committed to:

- Increased levels of consistent education and outreach to citizens
- Enhanced recycling and related services
- Greater program cost efficiencies
- As demand warrants, support development of increased capacity to handle regional recycling needs and materials

- Developing beneficial relationships with private sector partners
- Enhanced sense of place and community pride;

THEREFORE BE IT RESOLVED, the City of Lansing City Council hereby authorizes participation in the Regional Recycling Initiative.

By Council Member Wood

Motion Carried

RESOLUTION #2016-205

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

WHEREAS, a public hearing was held on Monday, September 12, 2016, in consideration of the request from Mid-Michigan Sports Turf, L.L.C., for extension of its lease for the Hope Sports Complex consistent with the proposed Hope Sports Complex Lease Amendment #2, which was placed on file with the City Clerk on July 29, 2016; and

WHEREAS, no substantive written or verbal comments in opposition to extension of the lease for the Hope Sports Complex were received from anyone at the public hearing.

NOW THEREFORE BE IT RESOLVED that City Council grants an extension of the lease for the Hope Sports Complex consistent with the proposed Hope Sports Complex Lease Amendment #2.

By Council Member Yorke

Motion Carried

RESOLUTION #2016-206

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

WHEREAS, the Charter of the City of Lansing requires the Council to adopt an annual statement of Budget Policies and Priorities serving to guide the Administration in developing and presenting the Fiscal Year 2017-2018 budget; and

WHEREAS, the City Council, with joint efforts from the Administration and the Financial Health Team, established the following Mission/Vision and goals; and

The City of Lansing's mission is to ensure quality of life by:

- I. Promoting a vibrant, safe, healthy and inclusive community that provides opportunity for personal and economic growth for residents, businesses and visitors
 - a. The City's diverse economy generates and retains (sustains) high quality stable jobs that strengthen the sales and property tax base and contribute to an exceptional quality of life.
 - b. The City is governed in a transparent, efficient, accountable and responsive manner on behalf of all citizens.
 - c. The City's neighborhoods have various resources that allow them to be on a long term viable and appealing basis.
 - d. Support economic development initiatives that promote and retain new industries and markets.
- II. Securing short and long term financial stability through prudent management of city resources.
 - a. Wise stewardship of financial resources results in the City's ability to meet and exceed service demands and obligations without compromising the ability of future generations to do the same.

- b. Pursue and facilitate shared services regionally that allow for cost savings and revenue enhancement.
- c. Support initiatives that build the City's property and income tax base.

- III. Providing reliable, efficient and quality services that are responsive to the needs of residents and businesses.
 - a. The City's core services and infrastructure are efficiently, effectively and strategically delivered to enable economic development and to maintain citizen's health, safety and general welfare.
- IV. Adopting sustainable practices that protect and enhance our cultural, natural and historical resources.
 - a. Seek partnership opportunities with educational and corporate institutions and to maintain and expand our talent base.
 - b. Create vibrant places, support events and activities that showcase our waterfront and green spaces.
 - c. Raise the level of support for projects and initiatives that showcase local and state history.
- V. Facilitating regional collaboration and connecting communities.
 - a. The City has a safe efficient and well connected multimodal transportation system that contributes to a high quality of life and is sensitive to surrounding uses.
 - b. Seek a balanced distribution of affordable housing in the tri-county region.

WHEREAS, the City Council would like to continue its commitment, if funding is available, to:

- Maintain and improve the City's infrastructure;
- Preserve and ensure clean, safe, well-maintained housing and neighborhoods;
- Provide comprehensive and affordable recreational programs and youth and family services;
- Explore alternatives for improved efficiency in service and delivery; and

WHEREAS, in considering these Fiscal Year 2017-2018 Budget priorities, the Administration is encouraged to ascertain the feasibility of funding any new programs through either the reduction of spending in existing program areas or the exploration of new funding sources that would assure the sustainability of the program; and

WHEREAS, the Administration is encouraged to supplement, not supplant any existing resources for police, fire and local roads with the General Fund revenues collected under this millage; and

WHEREAS, the Administration was requested to include in its Fiscal Year 2016-2017 Budget, the necessary funding to accomplish all requested plans, studies, evaluations, reviews, report submissions, program assessments, and analyses noted within this resolution below, or alternatively documentation as to why such activities are prohibitively costly; and

WHEREAS, the Lansing City Charter states that the budget proposal due on the fourth Monday in March of each year shall contain "the necessary information for understanding the budget" and how the proposal addresses the priorities proposed by the City Council.

NOW BE IT RESOLVED, that the Lansing City Council, hereby, acknowledges that the City will likely need to adopt, at best, a budget which recognizes the structural changes that are the result of lost revenues and future liabilities, encourages the Administration to prudently develop next year's budget with the following conditions:

- Protection of public and emergency services.

BE IT FURTHER RESOLVED, that the Administration review the attached statement of policies and priorities and implement those items that would boost efficiencies to increase productivity or reduce costs, that could replace existing programming, or if funding becomes available, that could be considered as new programming; and

BE IT FURTHER RESOLVED, that the Administration is requested to the extent practicable to include non-appropriations clauses and other similar out provisions in existing and future leases, and vendor contracts upon review of City Council; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Administration provide all requested plans, studies, evaluations, reviews, report submissions, program assessments, and analyses noted within this resolution below, or alternatively documentation as to why such activities were prohibitively costly, by the fourth Monday in March 2017.

I. Promoting a vibrant, safe, healthy and inclusive community that provides opportunity for personal and economic growth for residents, businesses and visitors.

a) The City's diverse economy generates and retains (sustains) high quality stable jobs that strengthen the sales and property tax base and contribute to an exceptional quality of life

(1) Economic Development The Administration should require a beautification standard/expectation and a storm water mitigation plan for all proposed development projects that receive incentives from the City. Such standards should serve as a planning and economic development tool that will enhance property values, create jobs, and revitalize neighborhoods and business areas. These standards and plan should be presented to the City Council.

b) The City is governed in a transparent efficient accountable and responsive manner on behalf of all citizens.

(1) Administration is to present to City Council a delineation of recommendations of the Financial Health Team, noting which recommendations have been implemented, which are in the FY 2017/2018 proposed Budget, which are planned to be implemented at a future time, and which have been determined not to be implemented at any time. A timetable for future implementation is requested.

(2) Administration is to present to Council a Supplemental Accounting Level Detail. Administration is to develop a plan and timeline for the implementation of performance based budgeting.

(3) Develop and analyze a cost recovery schedule for City services.

(4) Develop a return on investment analysis for all proposed changes in City services.

(5) Identify and provide a complete and ongoing analysis of the City's structural deficits and the Administration's plan to eliminate the same.

(6) Incorporate into the proposed Budget a 5-Year projection of revenues and expenditures.

c) The City's neighborhoods have various resources that allow them to be long term viable and appealing.

(1) Administration research and issue a report on surrounding community models for neighborhood organization technical support structure within the City.

(2) Working with the City Attorney and Fire Department Code Compliance Division to expedite improvements or closure of abandoned, neglected, and burned out houses and commercial building by using the International Property Maintenance Code (IPMC).

(3) Grocery Stores: The Administration and the City of Lansing Economic Development Corporation should pursue grocery stores in the urban core using all State and Federal incentives, such as Public Act 231 of 2008 (Tax Incentive for the establishment of retail groceries promoting healthy foods), the Federal Community and Economic Development Healthy Food Financing Initiative and the issuance of a national request for proposals, to be shared with the Lansing City Council, to encourage the location of urban grocery stores.

(4) Code Compliance: The Administration shall ensure the Code Compliance Department is conducting the appropriate inspections and issuing appropriate fines to ensure the buildings in our City are safe and that we have quality neighborhoods. The Administration is to conduct a study of the Code Compliance needs for the City and report back to the City Council on the findings of the study.

d) Support economic development initiatives that promote and retain new industries and markets.

II. Securing short and long term financial stability through prudent management of City resources.

a) Wise stewardship of financial resources results in the City's ability to meet and exceed service demands and obligations without compromising the ability of future generations to do the same.

(1) Administration is requested to submit the following list of deliverables when they are due per City Charter and State Statue and adhere to them based on these priorities.

(a) Comprehensive Annual Financial Audit (CAFR)- annually, no later than December 31st of each year, in accordance with the State Statue.

(b) During the months of October, January and April of each fiscal year, the Director of Finance shall provide a written report showing the control of expenditures. (Charter- Article 7-110)

(c) By September 1st of each fiscal year, the Administration shall provide a written budget update report so that Council can review their standings on current budget items in preparation for the Council required creation

of Budget Policies and Priorities that need to be adopted by October 1, 2016. (Charter-Article 7-102)

- (d) No later than the last regular City Council meeting in January of each year, the Mayor shall present a state of the City report to the City Council and to the public. (Charter-Article 4 -102.4)
- (e) The Mayor shall submit the Proposed Budget with annual estimate of all revenues and annual appropriation of expenditures no later than the 4th Monday in March of each year. (Charter – Article 7-101)
- (f) Administration shall present to Council each department budget in preparation for Council to adopt the Budget Resolution no later than the 3rd Monday in May each year.

- b) Pursue and facilitate shared services regionally that allow for cost savings and revenue enhancement.
 - (1) Administration pursue partnerships with stakeholders, (intra municipal and intergovernmental), to align services in relation to public services.

- (2) Facilities Plan: The Administration is requested to submit to the City Council a five and ten year Master Facilities Plan including school and county facilities that are used for current and future City uses. City Council is also requesting that the Administration continue to work on any delayed maintenance issues with regard to all City Facilities.

- c) Support initiatives that build City's property and income tax base

III. Providing reliable, efficient and quality services that are responsive to the needs of residents and businesses.

- a) The City's core services and infrastructure are efficiently, effectively and strategically delivered to enable economic development and to maintain citizen's health, safety and general welfare.
 - (1) Establish funding for an additional Code Compliance Officer dedicated to Commercial buildings based under the authority of the International Property Maintenance Code (IPMC). As well as an additional support staff to track down property owners that have not scheduled re-inspection and to research properties suspected of being unregistered rentals.
 - (2) City-wide Emergency Preparedness: The Administration should allocate sufficient funding for the Emergency Management Division to prepare City Employees with appropriate emergency training, continue efforts to prepare the public and neighborhood groups to assist in emergencies, and provide basic search and rescue operations and necessary emergency equipment at key City facilities, and communicate the plan to the Lansing City Council and the public. Updated and continual training should be provided. The Administration shall assist residents in times of unforeseen disasters.

- (3) Fire Facilities Maintenance: The Administration is to conduct a study of the maintenance needs of all fire stations and report to City Council an update of the status of the study by the 4th Monday of March. Along with a funding recommendation for short and long term improvement to these structures.
- (4) Regionalism: The Administration should continue with the current regional efforts, and look into the possibility of expanding the efforts.
- (5) Police-Community Relations: Designate funding to help the Police Department to ensure the improvement of police-community relations. Reaffirming the City's commitment to equality and freedom for all people regardless of actual or perceived race, sex, religion, ancestry, national origin, color, age, height, weight, student status, marital status, familiar status, housing status, military discharge status, sexual orientation, gender identification or express, mental or physical limitation, and legal source of income.
- (6) Crime Prevention: Designate funding to invest in programs for long-term crime prevention strategies.
- (7) Allocate Overtime for Problem Solving Area: Designate sufficient funding for overtime for police officers to address problem solving to help certain crime and address quality of life issues.
- (8) Community Policing: Continue and increase funding along with searching for grant funds for COPs in neighborhoods with goal not only to reduce crime but to stabilize the neighborhood over an extended period of time that will help to ensure its ability to rebound.
- (9) Leadership vacancies: Develop and implement a plan and timeline to fill all funded vacancies and provide a report to City Council.

IV. Adopting sustainable practices that protect and enhance our cultural, natural and historical resources.

- a) Seek partnership opportunities with educational and corporate institutions and to maintain and expand our talent base.
- b) Create vibrant places, support events and activities that showcase our waterfront and green spaces.
 - (1) Trail/Greenways The Administration should encourage the Parks and Recreation Department to work collaboratively with the Tri-County Planning Commission to develop/expand our citywide/regional trail system and seek opportunities to reduce expenses in this effort. Additionally, look at the feasibility of connecting the River Trail (through bike lanes/Greenways to Trails) where there is currently no access to the trail.
- c) Raise the level of support for projects and initiatives that showcase local and state history.

V. Facilitating regional collaboration and connecting communities

- a) The City has a safe efficient and well connected multimodal transportation system that contributes to a high quality of life and is sensitive to surrounding uses.
 - (1) Corridor: City Council encourages the Administration continue to develop a plan and report its status to the Lansing City Council that seeks to revitalize and enhance all major corridors that lead into the City.
- b) Seek a balanced distribution of affordable housing in the tri-county region.

By Council Member Yorko

Motion Carried

RESOLUTIONS

RESOLUTION #2016-207

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

WHEREAS, the City of Lansing will receive a grant from the CRA Department of 5/3 Bank for Technical Assistance; and

WHEREAS, the 5/3 grant was the result of a competitive proposal process, and a proposal was submitted by the Office of Financial Empowerment on April 17, 2016, approved in June 2016, and is expected to be received in July 2016; and

WHEREAS, the 5/3 grant supports travel for Amber Paxton, who now represents the City of Lansing and Mayor Bernero as the co-chair of the Cities for Financial Empowerment (CFE) Coalition, so that she may attend two CFE Coalition meetings in 2016, and both highlight Lansing's success to the Coalition as well as bring best practices back to the city;

WHEREAS, 5/3 Bank awarded \$3,500.00 to the City of Lansing's Office of Financial Empowerment; and

WHEREAS, the award for \$3,500.00 does not require a local match;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council approves acceptance of the 5/3 Bank Grant in the total amount of \$3,500.00 for the grant period beginning January 2016 and ending December 2016 for the City of Lansing.

BE IT FINALLY RESOLVED, the Administration is authorized to create appropriate accounts and to make the necessary operating transfers for the expenditure and control of the balance of the grant funds.

By Council Member Wood

Motion Carried

ORDINANCES FOR INTRODUCTION

INTRODUCTION OF ORDINANCE
REPLACE CHAPTER 1300

Council Member Wood, Chair of the Committee on Public Safety introduced:

An Ordinance of the City of Lansing, Michigan to replace Chapter 1300 of the City of Lansing Codified Ordinances in its entirety; to

provide for the regulation and licensing of medical marihuana establishments; to establish land use and zoning requirements attendant thereto; to establish and provide for the composition of a medical marihuana commission and to define its functions and responsibilities; to protect the public health, safety, and welfare of the City of Lansing; to set licensing fees for the purpose of defraying the costs associated with the implementation and enforcement of the provisions of the Chapter; and to provide penalties for violations of the Chapter.

The Ordinance was read a first time by its title and referred to the Committee on Public Safety

RESOLUTION #2016-208

RESOLUTION SETTING PUBLIC HEARING
By Council Member Wood

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, October 24, 2016 at 7:00 p.m. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Avenue, Lansing, MI for the purpose of considering an Ordinance of the City of Lansing, Michigan, to replace Chapter 1300 in its entirety; to provide for the regulation and licensing of medical marihuana establishments; to establish land use and zoning requirements attendant thereto; to establish and provide for the composition of a medical marihuana commission and to define its functions and responsibilities; to protect the public health, safety, and welfare of the City of Lansing; to set licensing fees for the purpose of defraying the costs associated with the implementation and enforcement of the provisions of the Chapter; and to provide penalties for violations of the Chapter.

Interested Persons are invited to attend this Public Hearing

By Council Member Wood

Motion Carried

ORDINANCES FOR PASSAGE

An ordinance of the City of Lansing, Michigan, to amend the Lansing Codified Ordinances by Amending Chapter 297, Sections 297.01, 297.02, 297.03, 297.04, 297.07, 297.08, 297.09, 297.10, 297.11, 297.12, 297.13, 297.14, and adding section 297.16 to rename certain sections; to better illuminate the intent of the Chapter; to add the definitions of bullying and hostile work environment and modify other definitions; to clarify the process for the submission and handling of claims; and to add a section allowing for claims to be resolved by conciliation agreements

Was read a second time by its title.

By Council Member Wood to adopt a substitute

Motion Carried

The ordinance was adopted by the following roll call vote:

Yeas: Council Members Brown Clarke, Dunbar, Houghton, Hussain, Spitzley, Washington, Wood, Yorko

Nays: None

By Council Member Wood that the ordinance be given Immediate Effect

Motion Carried

ORDINANCE #1203

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO

AMEND THE LANSING CODIFIED ORDINANCES BY AMENDING CHAPTER 297, SECTIONS 297.01, 297.02, 297.03, 297.04, 297.07, 297.08, 297.09, 297.10, 297.11, 297.12, 297.13, 297.14, AND ADDING SECTION 297.16 TO RENAME CERTAIN SECTIONS; TO BETTER ILLUMINATE THE INTENT OF THE CHAPTER; TO ADD THE DEFINITIONS OF BULLYING AND HOSTILE WORK ENVIRONMENT AND MODIFY OTHER DEFINITIONS; TO CLARIFY THE PROCESS FOR THE SUBMISSION AND HANDLING OF CLAIMS; AND TO ADD A SECTION ALLOWING FOR CLAIMS TO BE RESOLVED BY CONCILIATION AGREEMENTS.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 297, sections 297.01, 297.02, 297.03, 297.04, 297.07, 297.08, 297.09, 297.10, 297.11, 297.12, 297.13, 297.14 and 297.16, of the codified ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

297.01. - Intent.

~~The City finds that discrimination on the basis of irrelevant characteristics exists and that it adversely affects all citizens and the quality of life and opportunities available to all people.~~

~~And is therefore addressed by this Chapter declaring that discrimination or harassment against any person because of irrelevant characteristics, including actual or perceived race, religion, ancestry, national origin, color, sex, age, height, weight, student status, marital status, familial status, veteran status, political affiliation or belief, sexual orientation, gender identity or expression, mental or physical limitation, or source of income is prohibited.~~

IT IS THE INTENT OF THE CITY OF LANSING THAT NO PERSON BE DENIED THE EQUAL PROTECTION OF THE LAWS; NOR SHALL ANY PERSON BE DENIED THE ENJOYMENT OF THEIR CIVIL RIGHTS OR BE DISCRIMINATED AGAINST BECAUSE OF THEIR ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, HEIGHT, WEIGHT, MARITAL STATUS, PHYSICAL OR MENTAL DISABILITY, FAMILY STATUS, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, VETERAN STATUS OR HIV STATUS, SOURCE OF INCOME, ANCESTRY, STUDENT STATUS, HOUSING STATUS, POLITICAL AFFILIATION OR BELIEF, OR SERVICE IN ARMED FORCES IN SOVEREIGN NATIONS AS ALL FORMS OF DISCRIMINATION ADVERSELY AFFECT LANSING CITIZENS AND THE QUALITY OF LIFE AND OPPORTUNITIES AVAILABLE TO ALL PEOPLE.

NOTHING HEREIN CONTAINED SHALL BE CONSTRUED TO PROHIBIT ANY CAUSE OF ACTION BASED ON ANY OTHER LANSING, FEDERAL OR STATE LAW.

297.02. - Definitions.

As used in this Chapter, the following words and phrases have the following meanings:

Age: Chronological age as measured from date of birth.

Ancestry: The nationality, ethnicity, or family lineage from which a person is a descendent.

Bona fide occupational qualifications: Characteristics that are reasonably necessary for the proper performance or evaluation of an occupation or the normal operation of a business.

BULLYING: REPEATED, PERSISTENT, WILLFUL, AGGRESSIVE BEHAVIOR DIRECTED AT ANOTHER PERSON THAT IS INTENDED TO CAUSE HARM TO THE OTHER PERSON'S BODY, EMOTIONS, SELF-ESTEEM OR REPUTATION.

Contractor: A person who by contract furnishes services, materials or supplies. "Contractor" does not include a person who is merely a creditor or debtor of the City, such as those holding the City's

notes or bonds or persons whose notes, bonds or stock are held by the City.

~~Discriminate/discrimination: To harass or treat differently or the act of harassing or treating differently, a person, or the person's friends, relatives, or associates, based in whole or in part on irrelevant characteristics of that person.~~ MAKE A DECISION, OFFER TO MAKE A DECISION OR REFRAIN FROM MAKING A DECISION IN WHOLE OR IN PART ON THE ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, HEIGHT, WEIGHT, MARITAL STATUS, PHYSICAL OR MENTAL DISABILITY, FAMILY STATUS, SEXUAL ORIENTATION GENDER IDENTITY OR EXPRESSION, VETERAN STATUS OR HIV STATUS, SOURCE OF INCOME, ANCESTRY, STUDENT STATUS, HOUSING STATUS, POLITICAL AFFILIATION OR BELIEF, OR SERVICE IN ARMED FORCES IN SOVEREIGN NATIONS. DISCRIMINATION BASED ON SEX INCLUDES SEXUAL HARASSMENT, WHICH MEANS UNWELCOMED SEXUAL ADVANCES, REQUESTS FOR SEXUAL FAVORS, AND OTHER VERBAL OR PHYSICAL CONDUCT OR COMMUNICATION OF A SEXUAL NATURE WHEN:

- (I) SUBMISSION TO SUCH CONDUCT OR COMMUNICATION IS MADE A TERM OR CONDITION OR CONDITION EITHER EXPLICITLY OR IMPLICITLY TO OBTAIN EMPLOYMENT, PUBLIC ACCOMMODATION OR HOUSING.
- (II) SUBMISSION TO OR REJECTION OF SUCH CONDUCT OR COMMUNICATION BY AN INDIVIDUAL IS USED AS A FACTOR IN DECISIONS AFFECTING SUCH INDIVIDUAL'S EMPLOYMENT, PUBLIC ACCOMMODATIONS OR HOUSING.
- (III) SUCH CONDUCT OR COMMUNICATION HAS THE PURPOSE OR EFFECT OF SUBSTANTIALLY INTERFERING WITH AN INDIVIDUAL'S EMPLOYMENT ACCOMMODATIONS OR HOUSING, OR CREATING AN INTIMIDATION, HOSTILE, OR OFFENSIVE EMPLOYMENT, PUBLIC ACCOMMODATIONS, OR HOUSING ENVIRONMENT.

Employee: A person, paid or unpaid, performing work duties for an employer, including an applicant for paid or volunteer employment, or a participant in a training or apprenticeship program.

Employer: Any person with a business located within or doing business within the corporate City limits of Lansing or doing Business with the City of Lansing who employs or is seeking to employ five or more employees, including any agent of that person or entity.

Employment: The act of an employee performing work duties for an employer.

Employment agency: Any person, paid or unpaid, who regularly undertakes to procure, refer, recruit, or place an employee with an employer, including any agent of that person.

Familial status: The state of being in a family or functional family.

Family: Any one of the following:

- (1) An individual who is pregnant; or
- (2) Two or more individuals related by blood within four degrees of consanguinity, marriage, adoption, or in a foster care relationship.

Functional family: A group of individuals who do not meet the definition of "family," living together as a single housekeeping unit and intending to live together as a single housekeeping unit for the indefinite future. "Functional family" does not include a fraternity, sorority, club, hotel, or other group of persons whose association is temporary or commercial in nature.

Gender identity or expression: A person's gender-related self-perception, appearance, or behavior, regardless of that person's BIOLOGICAL sex at birth.

Harass/harassment: Physical conduct or communication directed at another person intentionally for the purpose or effect of creating an intimidating, hostile, or offensive environment with regard to employment, places of public accommodation, public services, or housing.

HOSTILE WORK ENVIRONMENT: THIS DEFINITION ADOPTS BY REFERENCE THE DEFINITION OF THIS TERM UNDER MICHIGAN LAW AND INCLUDES THAT A HOSTILE WORK ENVIRONMENT EXISTS WHEN THERE IS PERSISTENT AND PERVASIVE DISCRIMINATORY CONDUCT OR BEHAVIOR IN THE PLACE OF WORK THAT IS UNWELCOME AND OFFENSIVE TO AN EMPLOYEE OR GROUP OF EMPLOYEES OF A PROTECTED CLASS STATUS, THAT IS SEVERE ENOUGH TO DISRUPT, BEYOND A REASONABLE DEGREE, THE WORK OF THE TARGETED EMPLOYEE OR EMPLOYEES.

Housing status: The state of having or not having a fixed residence, including, but not limited to, the state of owning or renting (with or without receiving public housing assistance) a place to live. This includes a person's type of dwelling or shelter, including, but not limited to, single family or multiple family homes, apartments, condominiums, rooming houses, housing cooperatives, hotels, motels, public or subsidized housing units, retirement homes, nursing homes, and temporary or long-term shelters.

Irrelevant characteristic/irrelevant characteristics: Any status or condition which is unrelated to a person's ability to:

- (1) Safely and competently perform specific duties of a particular job or profession, or qualify for promotion,
- (2) Use or benefit from a place of public accommodation,
- (3) Use or benefit from public services, or
- (4) Acquire, rent, or maintain property.

"Irrelevant characteristics" do not include bona fide occupational qualifications but do include a person's actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation, gender identity or expression, veteran status or HIV status, source of income, ancestry, student status, housing status, political affiliation or belief, service in armed forces in sovereign nations.

Labor organization: Any union, committee, association, or organized group of employees that exists primarily for the purpose of dealing with employment concerns, grievances, wages, labor disputes, rates of pay, hours of work, or other terms or conditions of employment.

Marital status: The state of being single, married, separated, divorced, in a functional family, or a surviving spouse.

Mental limitation: Actual or perceived disability or handicap, as those terms are defined in the Michigan Persons With Disabilities Civil Rights Act, or limitation regarding mental capabilities unrelated to a person's ability to:

- (1) Perform a particular job or profession or qualify for promotion,
- (2) Use or benefit from a place of public accommodation,
- (3) Use or benefit from public services, or
- (4) Acquire, rent, or maintain property.

"Mental limitation" includes, but is not limited to, developmental disabilities, psychological conditions, and the use by any person of adaptive devices, aids, or medication to mitigate such limitations. "Mental limitation" does not include any condition caused by the

current use of an illegal or controlled substance or alcohol.

National origin: The country where a person or a person's ancestors were born. Discrimination against a person based on national origin shall include discrimination against nonnaturalized citizens and persons for whom English is a second language.

Perceived: As used in this chapter "perceived" refers to the perception of the respondent and not the perception of the claimant. THE PERSON WHO ACTS, AND NOT TO THE PERCEPTION OF THE PERSON AGAINST WHOM THE ACTION IS TAKEN.

Person/persons: One or more individuals, partnerships, associations, or organizations; labor organizations, labor unions, or joint apprenticeship committees; businesses, companies, or corporations; legal representatives, receivers, trusts, or trustees; unincorporated organizations; employers or employment agencies; employees or contractors; realtors, real estate brokers, salespersons, or leasing agents; the City of Lansing, agencies of the city, and any recipient of city funds or any other legal or commercial entity.

Physical limitation: Actual or perceived disability or handicap, as those terms are defined in the Michigan Persons With Disabilities Civil Rights Act, or limitation regarding physical capabilities and human motor performance unrelated to a person's ability to:

- (1) Perform a particular job or profession or qualify for promotion,
- (2) Use or benefit from a place of public accommodation,
- (3) Use or benefit from public services, or
- (4) Acquire, rent, or maintain property.

"Physical limitation" includes, but is not limited to, blindness or partial sightedness, deafness or hearing impairment, muteness, partial or total absence of any body part(s), speech impairment, motor impairment, and the use by any person of adaptive devices or aids to mitigate such limitations.

"Physical limitation" does not include any condition caused by the current use of an illegal or controlled substance, or alcohol.

Place of public accommodation: A place open to the general public that is a facility or business of any educational, governmental, nonprofit, health, day care, entertainment, cultural, recreational, refreshment, transportation, or human services, financial, or other business of any kind, whose goods, services, facilities, activities, privileges, or advantages are extended, offered, sold, rented, leased, or otherwise made available to the public.

Public services: Goods, services, facilities, activities, privileges, or advantages extended, offered, sold, rented, leased, or otherwise made available to the public through a department, agency, board, or commission owned, operated, or managed by or on behalf of the state or a political subdivision of the state or a nonprofit organization, including tax-exempt private agencies, which receive financial support through the solicitation of the general public or through governmental subsidy of any kind.

Real property: Any habitable or potentially habitable land or building, as used in this definition "habitable building" includes, but is not limited to, single and multiple family homes, apartments, condominiums, housing cooperatives, mobile homes or trailers, mobile home or trailer parks, and tenements, including any lease or interest in real property.

Religion: All aspects of religious observance, dress, practice, and belief.

Sexual orientation: ~~Male or female homosexuality, heterosexuality or bisexuality, whether past or present.~~ A PERSON'S SEXUAL IDENTITY IN RELATION TO THE GENDER TO WHICH THEY ARE ATTRACTED; THE STATE OF BEING HETEROSEXUAL,

HOMOSEXUAL, BISEXUAL, OR ASEXUAL.

Sex: The condition of being male, ~~or female~~, OR INTERSEX. Discrimination based on sex includes sexual harassment, which means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature when:

- (1) Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain employment, public accommodation, or housing; or
- (2) Submission to or rejection of such conduct or communication by a person is used as a factor in decisions affecting such person's employment, public accommodation, or housing; or
- (3) Such conduct or communication has the purpose or effect of substantially interfering with a person's employment, public accommodation, or housing, or creating an intimidating, hostile, or offensive employment, public accommodation, or housing environment.

Student status: The current state of pursuing a diploma/degree at any educational institution.

Source of income: Any legal source from which a person obtains money.

Veteran Status: Having served in any unit of the United States Armed Forces or their reserve components, including the National Guard and the Coast Guard.

297.03. - ~~Prohibitions in employment.~~ DISCRIMINATORY EMPLOYMENT PRACTICES.

- (a) Except as otherwise provided, no employer shall discriminate against any other person with regard to recruiting, referring, hiring, contracting, compensating, grading, classifying, promoting, demoting, disciplining, terminating or otherwise restricting or conditioning terms and privileges of employment.
- (b) Except as otherwise provided, no labor organization or apprentice program shall discriminate by limiting membership, conditions of membership, privileges of membership or termination of membership of any person in any labor union or apprentice program.
- (c) Except as otherwise provided, no person shall discharge, terminate, expel, or otherwise discriminate against any other person because that person has opposed any discriminatory practice forbidden by this chapter or has filed a complaint, testified, or assisted in any proceeding regarding any discriminatory practice forbidden by this chapter.

297.04. - ~~Prohibitions in DISCRIMINATORY places of public accommodation~~ PRACTICES.

- (a) No person shall discriminate against any other person by withholding, denying, curtailing, or otherwise limiting the full use and enjoyment of places of public accommodations.
- (b) No person shall prohibit a breastfeeding mother from or segregate a breastfeeding mother within any place of public accommodation where she and the child would otherwise be authorized to be.

297.05. - ~~Prohibitions~~ DISCRIMINATION in provision of public services AND HEALTH CARE.

- (a) No person shall discriminate against any other person in providing information, offering access, or making referrals regarding public services, or by withholding, denying,

curtailing, or otherwise limiting the full use of and benefit from public services.

297.06. - ~~Prohibitions in~~ DISCRIMINATORY housing PRACTICES.

- (a) No person shall discriminate in referring, leasing, selling, renting, showing, advertising, pricing, offering, inspecting, listing, or otherwise making available any real property, including discrimination in providing information and receiving or communicating a bona fide offer on any real property.
- (b) No person shall discriminate in (a) the application, conditions, or granting of mortgages (b) No person shall discriminate in (a) the application, conditions or granting of mortgages, or other financing, the offer, conditions, or sale of home-owner or rental insurance, or (c) the contracting of construction, rehabilitation, maintenance, repair, or other improvement of any housing facility.
- (c) No person shall refuse to lend money for the purchase or repair of any real property or insure any real property solely because of the location in the city of such real property.
- (d) No person shall promote any sale, rental, lease, sublease, exchange, transfer, or assignment of real property by representing that changes are occurring or will occur in an area with respect to any irrelevant characteristics.
- (e) No person shall indicate, communicate, or otherwise represent to another person that any real property or interest therein is not available for inspection, sale, rental, or lease knowing in fact it is available, including failing to make a person aware of a real property listing, refusing to permit inspection of real property, and representing that a property has been sold when In fact it has not.
- (f) No person shall offer, solicit, accept, use or retain a listing of real property or an interest therein with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith.

297.07. - Other prohibited practices.

- (a) No person shall adopt, enforce, or employ any policy or publish, circulate, post, mail, or otherwise broadcast any statement, advertisement, sign, or notice or use a form of application or make a record of inquiry which directly or indirectly discriminates or indicates discrimination in providing employment, public accommodations, public services, or housing OR HEALTH CARE.
- (b) No person shall discriminate in the publication or distribution of advertising material, information, or solicitation regarding employment, public accommodations, public services, or housing, OR HEALTH CARE.
- (c) No person shall coerce, intimidate, threaten, harass, retaliate against, BULLY or interfere with any person:
 - (1) In the exercise or enjoyment of, or on account of one's having exercised or enjoyed, or on account of one's having aided or encouraged any person in the exercise or enjoyment of, any right protected in this chapter; or
 - (2) Making a complaint or assisting in an investigation regarding a violation or alleged violation of this chapter.
- (d) No person shall require, request, conspire with, assist, BULLY or coerce another person to:

- (1) Discriminate in any manner prohibited by this chapter; or
 - (2) Intimidate, threaten, harass, or retaliate against another person for making a complaint or assisting in an investigation regarding an alleged violation of this chapter.
- (e) No person shall provide false or misleading information to any authorized person investigating a complaint regarding a violation or alleged violation of this chapter, or sign a complaint for a violation of this chapter based upon false or substantially misleading information.

297.08. - Exceptions.

~~Exceptions to discrimination and harassment under this chapter shall include, but are not limited to:~~ NOTWITHSTANDING ANYTHING CONTAINED IN THIS CHAPTER, THE FOLLOWING PRACTICES SHALL NOT BE VIOLATIONS OF THIS CHAPTER:

- (a) Employment;
 - (1) This chapter does not apply to the employment of any person by his/her parent, spouse, or child.
 - (2) It is permissible to discriminate in hiring and selecting between one person and another based on bona fide occupational qualifications. Upon a claim of discrimination, the Claimant shall have the burden of making a prima facie showing that a qualification or selection resulted from a prohibited discriminatory act. An employer shall then have the burden of establishing that a qualification or selection criterion is reasonably necessary for the claimant to perform in the normal operation of the business. The Claimant will then have the burden of showing that such qualification or criterion is mere pretext.
 - (3) It is permissible to give preferential treatment in hiring to veterans and their relatives as required by federal or state law.
 - (4) It is permissible to engage in a bona fide effort to establish, maintain, or improve employment opportunities for persons protected from discrimination and harassment under this chapter.
 - (5) It is permissible to consider legal source of income as a bona fide occupational qualification where the employment involves non-compete agreements, trade secrets, or similar legally recognized restraints on employment based on source of income.
- (b) Public accommodation and public services;
 - (1) It is permissible to restrict the use of shower or changing areas in health clubs or recreational facilities on the basis of sex when separate and private shower or changing areas do not exist.
 - (2) It is permissible to refuse to admit to a place of public accommodation serving alcoholic beverages a person under the legal age for purchasing alcoholic beverages.
 - (3) It is permissible to refuse to admit persons under 18 years of age to a business providing entertainment or selling literature or merchandise, which the operator of the business deems unsuitable for minors, or which is a "sexually explicit matter" as defined by Section 3 of Act 33 of the Public Acts of 1978, codified at MCL 722.673.
 - (4) It is permissible for an educational institution to limit the use of its facilities to those affiliated with such institution.
 - (5) It is permissible to provide discounts on products or service to students, minors, and senior citizens.
 - (6) It is permissible to restrict participation on athletic teams or in athletic events on the basis of age.

- (c) Housing;
 - (1) It is permissible to discriminate in any arrangement for the sharing of a single unit dwelling, the remainder of which is occupied by the owner or a member of his/her immediate family.
 - (2) It is permissible for the owner of a dwelling devoted entirely to the housing or accommodation of a single sex to restrict occupancy and use on the basis of sex.
 - (3) This chapter does not require any person who does not participate in the Federal Section 8 Housing Assistance Program to accept any subsidy, payment assistance, voucher or contribution in connection with such program, or to lease or rent to any tenant or prospective tenant who is relying on such a subsidy as payment for at least part of the rent.

297.09. - Other exceptions as required by law.

This chapter shall not be construed to limit rights granted by State or Federal Constitution, law, rule or regulation, including but not limited to, the following:

- (a) It is permissible to discriminate in employment, public accommodation, public services, and housing, AND HEALTH CARE based on a person's age, income level, or mental or physical limitations when such discrimination is required or allowed by Federal, State or Local constitution, law, rule or regulation.
- (b) It is permissible for a governmental institution to restrict access to any of its facilities or to restrict employment opportunities based on duly adopted institutional policies that conform to Federal, State or local constitution, law, rule or regulation.
- (c) This chapter shall not be read to prohibit or interfere with the exercise of a person's first amendment rights.
- (d) It is permissible for a religious organization or institution to restrict employment opportunities, housing facilities, or accommodations that are operated as a direct part of religious activities to persons who are members of or who conform to the moral tenets of that religious institution or organization.
- (e) It is permissible to limit occupancy in a housing development or to provide public accommodations or employment privileges or assistance to persons of low income, over 55 years of age, or who have a physical or mental limitation.
- (f) It is permissible to discriminate based on a person's age when State, Federal, or local law requires it.
- (g) It is permissible to refuse to enter into a contract with an emancipated minor.
- (h) Nothing in this chapter shall affect, replace, or diminish the duties, obligations, rights, or remedies as otherwise provided by any union contract, collective bargaining agreement, or federal, state or local constitution, law, rule or regulation, which shall control over this chapter.
- (i) This chapter shall not be read to require an employer, whether public or private, to provide benefits to UNMARRIED domestic partners in contravention of Article I, Section 25 the Michigan Constitution.

297.10. - Complaints.

- (a) Any person claiming to be discriminated against or harassed in violation of this ordinance may file with the Human Relations and Community Services department-Department (hereafter referred to as "the department") a complaint, in writing, setting forth with reasonable specificity the person or persons alleged to have violated this chapter, the specific nature of the violation and the date(s) of the alleged violation. A person filing a complaint must do so within 180 days of the incident forming the basis of the complaint.

(b) To the extent permitted by law, all written complaints of discrimination in employment, public accommodation, public services, and housing received by the department shall be kept confidential.

(c) UPON RECEIPT OF THE COMPLAINT the department shall:

(1) Be responsible for receipt, ~~recording, investigation, mediation, conciliation, recommendation, and/or referral to the Office of the City Attorney~~; DETERMINING WHETHER THERE IS SUFFICIENT EVIDENCE OF A VIOLATION OF THIS CHAPTER. IF THE DEPARTMENT DETERMINES THAT SUFFICIENT EVIDENCE OF A VIOLATION EXISTS, IT WILL REFER THE MATTER TO THE OFFICE OF THE CITY ATTORNEY.

(2) ~~Ensure there are no undue burdens placed on a Claimant, which might discourage filing of a discrimination complaint;~~

(3) ~~Commence and complete the complaint investigation, mediation/conciliation, and recommendation process in a timely manner;~~

(4) ~~Promulgate and publish rules and guidelines for processing, investigating, mediating/conciliating, and recommending resolution of the complaint; and~~

(5) ~~Refer a complaint it deems valid and sufficiently egregious directly to the City Attorney for review and additional action.~~

(D) UPON RECEIPT OF A REFERRAL FROM THE DEPARTMENT, THE OFFICE OF THE CITY ATTORNEY SHALL:

(1) CONTACT THE CLAIMANT TO DISCUSS ITS CONCERNS AND SCHEDULE AN INFORMAL CONFERENCE (ESTIMATED TIME WITHIN 45 DAYS);

(2) ENSURE THERE ARE NO UNDUE BURDENS PLACED ON A CLAIMANT, WHICH MIGHT DISCOURAGE FILING OF A DISCRIMINATION COMPLAINT;

(3) COMMENCE AND COMPLETE THE COMPLAINT INVESTIGATION, MEDIATION/CONCILIATION, AND RECOMMENDATION PROCESS IN A TIMELY MANNER.

(E) THE OFFICE OF THE CITY ATTORNEY SHALL BE RESPONSIBLE FOR PROMULGATING AND PUBLISHING RULES AND GUIDELINES FOR PROCESSING, INVESTIGATING, MEDIATING/CONCILIATING, AND RECOMMENDING RESOLUTION OF THE COMPLAINT.

297.11. - Investigation and hearing.

(a) During an investigation, the ~~department~~ OFFICE OF THE CITY ATTORNEY may request the appearance of witnesses and the production of books, papers, records or other documents that may be relevant to a violation or alleged violation of this chapter.

(b) If the ~~department~~ OFFICE OF THE CITY ATTORNEY determines that the complaint and preliminary evidence

gathered indicates a prima facie violation of an ordinance in this chapter, the ~~department~~ OFFICE OF THE CITY ATTORNEY shall assign a person within the department to conduct a hearing (hereinafter referred to as the "Hearing Officer") within 90 days after completion of its preliminary investigation. The person who is alleged to have committed a violation (the "Respondent") and the claimant shall be sent by regular mail at least 14 days in advance, notice of the scheduled date and time of the hearing and a request for each to appear. At the hearing, testimony will be taken. All testimony shall be on the record, under oath and either recorded or transcribed. Both Claimant and Respondent shall be allowed to testify, present evidence, bring witnesses to testify, and to cross examine all witnesses at the hearing. Technical rules of evidence shall not apply.

(c) A failure of either the Claimant or the Respondent to cooperate with the OFFICE OF THE CITY ATTORNEY ~~department~~ may result in an adverse determination for that person at the hearing.

297.12. - Findings and recommendations.

The Hearing Officer shall make findings of fact based on the testimony and evidence introduced at the hearing and shall recommend such relief as the Hearing Officer deems appropriate. The Claimant and Respondent shall have the right to appeal the Hearing Officer's findings and recommendations in writing within 30 days to the ~~Director of the department~~ HEARING OFFICER. On appeal, the hearing record and Hearing Officer's findings and recommendations shall be reviewed by the ~~Director of the department~~ CITY ATTORNEY who shall approve, approve with modification, or disapprove of the findings and recommendations. After the ~~Director's~~ CITY ATTORNEY'S review, the ~~department's~~ HEARING OFFICER'S findings and recommendations shall be served by regular mail on the Claimant and Respondent, ~~to the complaint, who shall have~~ THE PARTIES SHALL HAVE 30 days to comply with such findings and recommendations, unless otherwise provided by the ~~department~~ HEARING OFFICER.

297.13. - Available recommendations AND REMEDIES.

~~Department recommendations may include, but are not limited to one or more of the following:~~ IF A VIOLATION OF THIS CHAPTER IS FOUND, THE HEARING OFFICER MAY RECOMMEND THAT REMEDIAL ACTION BE TAKEN. THE RECOMMENDED REMEDIES MAY INCLUDE, BUT ARE NOT LIMITED TO ONE OR MORE OF THE FOLLOWING:

- (a) Ceasing the illegal conduct cited in the complaint and taking steps to alleviate the effect of such illegal conduct;
- (b) Requiring the respondent apologize to the Claimant;
- (c) Closure of the matter based upon a mediation/ conciliation agreement of the Claimant and Respondent;
- (d) ~~Paying actual~~ REQUIRING THE RESPONDENT PAY damages for injury or loss;
- (e) Hiring, reinstating, or promoting the Claimant, with or without back pay, or providing such fringe benefits as the Claimant may have been denied;
- (f) Selling or leasing of housing or dwelling unit in question to the Claimant;
- (g) Admitting the claimant to a place of public accommodation or extending full and equal use and enjoyment of said place of public accommodation;
- (h) Paying some or all of the Claimant's costs, costs incurred at any stage of review;
- (i) Posting the explanation of and requirements for compliance with this chapter;
- (j) Dismissing the complaint; and
- (k) Imposing costs against a Claimant for a frivolously filed

claim.

297.14. – CONCILIATORY AGREEMENTS.

IN CASES INVOLVING ALLEGED VIOLATIONS OF THIS CHAPTER, THE HEARING OFFICER MAY HAVE THE PARTIES ENTER INTO AGREEMENTS WHEREBY THE INVOLVED PARTIES AGREE TO TAKE STEPS THAT WILL TERMINATE CONTINUED DISCRIMINATORY PRACTICES AND/OR COMPENSATE FOR PAST AND FUTURE INJURY. VIOLATIONS OF SUCH AGREEMENTS SHALL BE VIOLATIONS OF THIS CHAPTER.

297.14 297.15 - CIVIL infraction INFRACTIONS.

- (A) A VIOLATION OF ANY PROVISION OF THIS CHAPTER IS A CIVIL INFRACTION AND SHALL BE PROSECUTED BY AN INDEPENDENT PROSECUTOR'S OFFICE. EACH DAY UPON WHICH A VIOLATION OCCURS SHALL CONSTITUTE A SEPARATE AND NEW VIOLATION.
- (B) IF THE HEARING OFFICER DETERMINES THAT A VIOLATION OF THIS CHAPTER HAS OCCURRED AND THE RESPONDENT DOES NOT COMPLY WITH THE HEARING OFFICER'S RECOMMENDATION WITHIN THE SPECIFIED TIME PERIOD, EITHER THE COMPLAINANT OR THE HEARING OFFICER MAY REFER THE MATTER TO A CITY OR, COUNTY PROSECUTOR, THE MICHIGAN DEPARTMENT OF CIVIL RIGHTS, THE UNITED STATES DEPARTMENT OF JUSTICE, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, OR OTHER APPROPRIATE ENFORCING AGENCY.
- (C) A VIOLATION OF A PROHIBITED ACT IN THIS CHAPTER IS DESIGNATED A MUNICIPAL CIVIL INFRACTION, IS NOT A CRIME, AND SHALL NOT BE PUNISHABLE BY IMPRISONMENT.
- (D) SCHEDULE OF CIVIL FINES. THE VIOLATION SHALL BE ACCORDING TO THE FOLLOWING SCHEDULE:

(A) FIRST	VIOLATION
.....	\$150.00
(B) SECOND	VIOLATION
.....	\$250.00
(C) THIRD (OR ANY SUBSEQUENT)	VIOLATION
.....	\$500.00

- (E) CONTINUING VIOLATION.
 - (1) FOR AN OFFENSE THAT IS A SINGLE AND DISCRETE OCCURRENCE, A SINGLE VIOLATION SHALL ACCRUE (FOR EXAMPLE, A SINGLE ACT OF HARASSMENT LIKE A RACIAL EPITHET). SUBSEQUENT SINGLE AND DISCRETE OCCURRENCES SHALL RESULT IN ADDITIONAL VIOLATIONS ACCORDING TO THE ABOVE SCHEDULE (FOR EXAMPLE, TWO SEPARATE INSTANCES OF RACIAL EPITHETS WOULD CONSTITUTE A FIRST AND SECOND VIOLATION).
 - (2) FOR OFFENSES THAT ARE CONTINUING IN NATURE, RATHER THAN SINGLE AND DISCRETE, THE FIRST VIOLATION SHALL ACCRUE WITH THE FIRST DAY OF THE OCCURRENCE, AND SUBSEQUENT VIOLATIONS SHALL ACCRUE FOR EACH ADDITIONAL DAY OF THAT OCCURRENCE (FOR EXAMPLE, AN IMPERMISSIBLE HIRING PRACTICE THAT CONTINUES EACH DAY ON AN ONGOING BASIS).
 - (3) FOR CONTINUING VIOLATIONS UNDER

SUBSECTION (F)(2), THE DAY OF THE FIRST OCCURRENCE SHALL BE MEASURED FROM THE DAY OF SERVICE OF THE COMPLAINT.

- ~~(a) An action for a civil infraction for a violation of this chapter may be initiated by the department on the basis of its investigation of a complaint and issuance of findings and recommendations.~~
- ~~(b) If the department determines that discrimination or harassment took place and the Respondent does not comply with the department's recommendation within the specified time period, the department may refer the matter to the City Attorney, County Prosecutor, the Michigan Department of Civil Rights, the United States Department of Justice, Department of Housing and Urban Development, or other appropriate enforcing agency.~~
- ~~(c) The City Attorney may commence legal action by filing and serving a complaint to obtain injunctive relief or any other remedy in an effort to prevent further discrimination prohibited by this chapter and to remedy the effects of such discrimination.~~
- ~~(d) A violation of a prohibited act in this chapter is designated a municipal civil infraction, is not a crime and shall not be punishable by imprisonment.~~
- ~~(e) Schedule of civil fines. The violation shall be according to the following schedule:

 - ~~(1) First violation\$150.00~~
 - ~~(2) Second violation\$250.00~~
 - ~~(3) Third (or any subsequent) violation\$500.00~~~~
- ~~(f) Continuing violation.

 - ~~(1) For an offense that is a single and discrete occurrence, a single violation shall accrue (for example, a single act of harassment like a racial epithet). Subsequent single and discrete occurrences shall result in additional violations according to the above schedule (for example, two separate instances of racial epithets would constitute a first and second violation).~~
 - ~~(2) For offenses that are continuing in nature, rather than single and discrete, the first violation shall accrue with the first day of the occurrence, and subsequent violations shall accrue for each additional day of that occurrence (for example, an impermissible hiring practice that continues each day on an ongoing basis).~~
 - ~~(3) For continuing violations under subsection (f)(2), the day of the first occurrence shall be measured from the day of service of the City Attorney's complaint.~~~~

297.15 297.16 . - Private actions.

Any person who is the victim of discrimination in violation of this chapter retains his or her right to pursue any and all other legal action to which the person may be entitled in addition to the remedies available under this chapter. Nothing in this chapter shall be construed to limit rights granted under the laws of the State of Michigan or the United States.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

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

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

An ordinance of the City of Lansing, Michigan, to amend the Code of Ordinances of the City of Lansing by amending Chapter 884 by adding an amended section 884.07 for the purpose of providing for a service charge in lieu of taxes for qualified low income senior dwelling units in a housing development project known as the Grandhaven Manor Retirement Community and Grandhaven Manor II Retirement Community, pursuant to the provisions of the State Housing Development Authority Act of 1966, as amended was read a second time by its title.

be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be valid.

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

An ordinance of the City of Lansing, Michigan, to amend the Code of Ordinances of the City of Lansing by amending Chapter 884 by adding an amended section 884.07 for the purpose of providing for a service charge in lieu of taxes for qualified low income senior dwelling units in a housing development project known as the Grandhaven Manor Retirement Community and Grandhaven Manor II Retirement Community, pursuant to the provisions of the State Housing Development Authority Act of 1966, as amended was read a second time by its title.

By Council Member Wood to recuse herself

Motion carried with Council Member Yorke voting “nay”

By Council Member Washington to recuse herself

Motion carried with Council Member Yorke voting “nay”

By Council Member Hussain to recuse himself

Motion carried with Council Member Yorke voting “nay”

The ordinance was adopted by the following roll call vote:

Yeas: Council Members Brown Clarke, Dunbar, Houghton, Spitzley, Yorke

Nays: None

NOTE: This ordinance was reconsidered, amended, and readopted on October 10, 2016.

ORDINANCE #1204

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

THE CITY OF LANSING ORDAINS:

SECTION 1. THAT CHAPTER 884 OF THE CODE OF ORDINANCES OF THE CITY OF LANSING, MICHIGAN BE

AMENDED TO ADD AN AMENDED SECTION 884.07 TO READ AS FOLLOWS:

884.07. - Grandhaven Manor Retirement Community COMMUNITIES.

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

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

Grandhaven Manor Retirement Community means the 150 unit HOUSING development and the 10.56 acres of real property on which it is located described as: UNIT 1, GRANDHAVEN MANOR CONDOMINIUM, A CONDOMINIUM PROJECT, ACCORDING TO THE MASTER DEED AND RECORDED IN THE OFFICE OF THE INGHAM COUNTY REGISTER OF DEEDS TOGETHER WITH RIGHTS IN GENERAL COMMON ELEMENTS AND LIMITED COMMON ELEMENTS AS SET FORTH IN SAID MASTER DEED, AND AMENDMENTS THERETO, AND AS DESCRIBED IN ACT 59 OF THE PUBLIC ACTS OF 1978, AS AMENDED.

GRANDHAVEN MANOR II RETIREMENT COMMUNITY MEANS THE 78 UNIT HOUSING DEVELOPMENT AND THE 7.93 ACRES OF REAL PROPERTY ON WHICH IT IS LOCATED DESCRIBED AS: UNIT 2, GRANDHAVEN MANOR CONDOMINIUM, A CONDOMINIUM PROJECT, ACCORDING TO THE MASTER DEED AND RECORDED IN THE OFFICE OF THE INGHAM COUNTY REGISTER OF DEEDS TOGETHER WITH RIGHTS IN GENERAL COMMON ELEMENTS AND LIMITED COMMON ELEMENTS AS SET FORTH IN SAID MASTER DEED, AND AMENDMENTS THERETO, AND AS DESCRIBED IN ACT 59 OF THE PUBLIC ACTS OF 1978, AS AMENDED.

Low income means elderly persons of low or moderate income eligible to move into the housing DEVELOPMENTS under THE ACT. All other definitions as set forth in section 884.02 of this chapter are applicable to Grandhaven Manor Retirement Community and GRANDHAVEN MANOR II RETIREMENT COMMUNITY AND are incorporated in this section by reference.

(c) *Establishment of annual service charge.*

- (1) The Grandhaven Manor Retirement Community AND GRANDHAVEN MANOR II RETIREMENT COMMUNITY for elderly persons of low or moderate income and the property on which THEY shall be LOCATED shall be exempt from all property taxes from and after the EFFECTIVE DATE OF THIS ORDINANCE, AS AMENDED, FOR SUCH DURATION AS PROVIDED IN SUBSECTION 3(E). The City, acknowledging that sponsor HAS RECEIVED a mortgage loan from the authority for Grandhaven Manor Retirement Community Housing Development and IS RECEIVING A MORTGAGE LOAN FROM THE AUTHORITY FOR GRANDHAVEN MANOR II RETIREMENT COMMUNITY, AND THAT the sponsor and the authority have established the economic feasibility of THESE housing developments in reliance upon the enactment of this ordinance section, shall accept payment of an annual service charge for public services in lieu of all property taxes as provided and paid in the manner in sections 884.04 and 884.05 of this chapter.
- (2) The annual service charge FOR UNIT 1 OF GRANDHAVEN MANOR CONDOMINIUM shall be equal to four percent of the difference between the annual shelter rent actually collected from the operation of the HOUSING DEVELOPMENT AND UTILITIES, AND THE ANNUAL SERVICE CHARGE FOR UNIT 2 OF GRANDHAVEN MANOR CONDOMINIUM SHALL BE EQUAL TO FOUR PERCENT OF THE DIFFERENCE BETWEEN THE ANNUAL SHELTER RENT ACTUALLY COLLECTED FROM

THE OPERATION OF THE HOUSING DEVELOPMENT AND UTILITIES. HOWEVER, NOTHING IN THIS ORDINANCE AS AMENDED, SHALL EXTEND THE TIME PERIOD FOR WHICH UNIT 1 OF GRANDHAVEN MANOR CONDOMINIUM HAS BEEN GRANTED THE ABILITY TO MAKE PAYMENT OF AN ANNUAL SERVICE CHARGE IN LIEU OF PAYMENT OF PROPERTY TAXES. THE DURATION OF PAYMENT OF A SERVICE CHARGE IN LIEU OF PAYMENT OF PROPERTY TAXES FOR UNIT 1 OF GRANDHAVEN MANOR CONDOMINIUM AND UNIT 2 OF GRANDHAVEN MANOR CONDOMINIUM SHALL BE CALCULATED INDEPENDENTLY.

- (3) Notwithstanding section (2), the service charge to be paid each year in lieu of taxes shall not exceed the amount of taxes which would be paid if the housing development were not tax exempt.
- (d) *Contractual effect.* Notwithstanding the provisions of section 15(a)(5) of the Act to the contrary, a contract between the City and the sponsor, with the authority as third-party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes as previously described, will be effectuated by the enactment of this section by Council.
- (e) *Duration; commencement of construction.* The property tax exempt status OF UNIT 1 OF Grandhaven Manor CONDOMINIUM AND UNIT 2 OF GRANDHAVEN MANOR CONDOMINIUM AS approved by this section shall remain in effect RESPECTIVELY FOR EACH INDEPENDENT OF THE OTHER and shall not terminate so long as the RESPECTIVE mortgage loans for EACH housing development remain outstanding and unpaid, or for such period as the Authority has any interest in EITHER HOUSING DEVELOPMENT, provided that FOR UNIT 2, GRANDHAVEN MANOR CONDOMINIUM, the construction of the housing development commences within one year from the effective date of this AMENDED section. If the construction of the housing development does not commence within one year from the effective date of this section, this section shall automatically expire and be of no effect WITH RESPECT TO UNIT 2. THE DURATION OF THE EXEMPTIONS FOR UNIT 1, GRANDHAVEN MANOR CONDOMINIUM AND UNIT 2, GRANDHAVEN MANOR CONDOMINIUM, AND THEIR ELIGIBILITY FOR EXEMPTION SHALL EACH BE INDEPENDENT OF THE OTHER, AND THE TERMINATION OF THE EXEMPTION FOR UNIT 1 OF GRANDHAVEN MANOR CONDOMINIUM SHALL NOT CAUSE THE TERMINATION OF UNIT 2 OF GRANDHAVEN MANOR CONDOMINIUM.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed as they pertain to the Abigail housing development.

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

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

NOTE: This ordinance was reconsidered, amended, and readopted on October 10, 2016.

SPEAKER REGISTRATION FOR PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS

City Clerk Swope announced that the public comment registration

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

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

By Vice President Yorke that all items be considered as being read in full and that President Brown Clarke make the appropriate referrals

Motion Carried

- Reports from City Officers, Boards and Commissions:

- 1. Letter(s) from the City Clerk re:

- a. Minutes of Boards, Commissions, and Authorities placed on file in the Clerk's Office

PLACED ON FILE

- b. Lease Agreement for Property between the City of Lansing and Zip the Grand, Inc.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- 2. Letter(s) from the Mayor re:

- a. Obsolete Property Rehabilitation Act District; 1141 South Washington Ave. and 1149 South Washington Ave.; L & P Properties, Inc

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- b. Obsolete Property Rehabilitation Act Certificate; 1141 South Washington Ave.; L & P Properties, Inc

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- c. Obsolete Property Rehabilitation Act Certificate; 1149 South Washington Ave.; L & P Properties, Inc

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- d. Make Safe or Demolish; 1517 Pattengill

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- e. Make Safe or Demolish; 2915 Turner Street

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- f. Acceptance of Public Streets in College Fields Development; Jones Property Development, LLC

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

- Communications and Petitions, and Other City Related Matters:

- 1. Notice from the Michigan Liquor Control Commission regarding:

- a. Transfer interest; Los Tres Amigos South Side, Inc., 6405 S Cedar St., Lansing, MI. 48911

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- 2. Claim Appeal; Claim #1298; Michael Shapiro for the property located at 1012 West Genesee Street

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

REMARKS BY COUNCIL MEMBERS

Council Member Hussain shared thoughts about the process for making his decision about the Scott Park/Board of Water and Light

Substation proposals. He also thanked the Committee on Development and Planning for their work on reviewing these resolutions.

Council Member Dunbar shared thoughts about the process for making her decision about the Scott Park/Board of Water and Light Substation proposals. She also thanked the Committee on Development and Planning for their work on reviewing these resolutions.

Council Member Spitzley shared thoughts about the process for making her decision about the Scott Park/Board of Water and Light Substation proposals. She also thanked the Committee on Development and Planning for their work on reviewing these resolutions.

Council Member Wood shared thoughts about the process for making her decision about the Scott Park/Board of Water and Light Substation proposals. She also thanked the Committee on Development and Planning for their work on reviewing these resolutions.

Council President Brown Clarke shared thoughts about the process for making her decision about the Scott Park/Board of Water and Light Substation proposals. She also thanked the Committee on Development and Planning for their work on reviewing these resolutions.

PUBLIC COMMENT ON
CITY GOVERNMENT RELATED MATTERS

Loretta Stanaway spoke about the formation of a new civic organization called Speak Up Lansing.

Michael Mercer spoke about various City matters.

Michael Chubb spoke about his concerns with the Grand Haven development.

Kathi Raffone spoke about various City matters.

Elaine Womboldt spoke in support of the Medical Marijuana Ordinance and in opposition of all PILOTS.

ADJOURNED TIME 10:12 P.M.

CHRIS SWOPE, CITY CLERK