



OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
FEBRUARY 22, 2016

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:37 p.m. by President Brown Clarke

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

ABSENT: Council Members Houghton and Washington

Council Member Wood and Yorke asked people to remember victims of the recent Kalamazoo shooting (Tiana Carruthers, Abigail Kopf, Richard and Tyler Smith, Dorothy Brown, Barbara Hawthorne, Mary Lou Nye, and Mary Jo Nye) during the 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 January 11 and 25, 2016

Motion Carried

COMMENTS BY COUNCIL MEMBERS AND THE CITY CLERK

Council Member Wood spoke about the recent Rejuvenate South Lansing meeting.

Council Member Hussain spoke about his first constituent contact meeting, and thanked Board of Water and Light for quickly resolving a constituent matter, namely the prompt reply of Calvin Jones and Dick Peffley.

City Clerk Swope gave an update on the Presidential Primary Election on March 8th.

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

Mayor Bernero's Chief Operating Officer, Chad Gamble, spoke about Mayor Bernero, and noted that he was in Kalamazoo at a vigil for the victims of the tragic shooting that occurred on February 11.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

Legislative Matters included the following public hearings:

1. In consideration of Z-6-2015; 203 S Clippert Street; Rezoning from "A" Residential to "E-1" Apartment Shop District; Ferguson/Continental Lansing, LLC
2. In consideration of SLU-6-2015; Parking Lot at 830/836 E. Jolly Road; Community Mental Health Authority
3. In consideration of SLU-7-2015; Parking Lot at 1434 E. Jolly Road; Stiles Landscaping

Council Member Yorke gave an overview of the public hearings.

- Public Comment on Legislative Matters:

John Pavlik voiced his concerns of the SLU-6-2015.

John Peiffer spoke in support of the SLU-6-2015.

Julie Powers spoke in support of the Saboury PILOT.

Jeri Clevenger expressed concerns about SLU-6-2015.

Elva Garza gave her concerns about SLU-6-2015.

Claude Beavers spoke about SLU-6-2015.

David Lee Lambert spoke in support of the Z-6-2016 and the Saboury PILOT Project.

The Council proceeded to the order of:

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS

Harold King spoke about various city matters.

Larry Krause voiced his concerns with the NAPA contract.

Stan Shuck gave his concerns with the NAPA contract and new Board of Water and Light substation.

Kathy Miles expressed concern with the marijuana ordinance.

Claude Beavers spoke about various city matters.

Jeff Schumaker voiced his concerns with Uber drivers working long hours.

Dennis Parker criticized the City's NAPA contract acceptance.

President Brown Clark announced a Ways and Means Committee Meeting to discuss the NAPA contract.

Mayoral Chief Operating Officer Chad Gamble shared details about the notification process and decision making process of the NAPA contract.

Council Member Dunbar asked questions of Dennis Parker and Chad Gamble regarding the NAPA contract.

Council Member Spitzley asked questions of Chad Gamble regarding the NAPA contract

Council Member Yorke voiced her concerns with the NAPA contract.

LEGISLATIVE MATTERS
REFERRAL OF PUBLIC HEARINGS

1. In consideration of Z-6-2015; 203 S Clippert Street; Rezoning from "A" Residential to "E-1" Apartment Shop District; Ferguson/Continental Lansing, LLC
REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

2. In consideration of SLU-6-2015; Parking Lot at 830/836 E. Jolly Road; Community Mental Health Authority
REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

3. In consideration of SLU-7-2015; Parking Lot at 1434 E. Jolly Road; Stiles Landscaping
REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

RESOLUTIONS

RESOLUTION #2016-019

RESOLUTION TO SET A PUBLIC HEARING FOR
BROWNFIELD PLAN #64
SOUTH EDGE LOFTS BROWNFIELD REDEVELOPMENT PLAN

WHEREAS, the Lansing Brownfield Redevelopment Authority has prepared and forwarded an approved Brownfield Plan pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act 381 of 1996, as amended, for property commonly referred to as 616 South Washington Ave Block located in the City of Lansing; and

WHEREAS, prior to Council's action on this request, it is necessary to hold a public hearing on the Plan, to allow for any resident, taxpayer or ad valorem taxing unit the right to appear and be heard;

WHEREAS, maps, plats, and a description of the brownfield plan are available for public inspection at the Lansing Economic Area Partnership, 1000 South Washington, Suite 201, Lansing, MI 48910, and that all aspects of the brownfield plan are open for discussion at the public hearing.

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on March 14, 2016 at 7:00 p.m. on Brownfield Redevelopment Plan #64 – South Edge Lofts under the Brownfield Redevelopment Financing Act, for property more particularly described as:

33-01-01-16-384-051 LOTS 3 & 4 ALSO E 2 R LOTS 5 & 6
BLOCK 158 ORIG PLAT
33-01-01-16-384-041 COM SW COR LOT 5, TH E 132 FT, N 83.9 FT, W 63 FT, S 33 FT, W 69 FT, S 50.9 FT TO BEG;
BLOCK 158 ORIG PLAT
33-01-01-16-384-031 S 8 FT OF W 69 FT LOT 6 & N 25 FT OF W 69 FT LOT 5 BLOCK 158 ORIG PLAT
33-01-01-16-384-021 S 55 FT OF N 58 FT OF W 132 FT LOT 6 BLOCK 158 ORIG PLAT

And that the City Clerk cause notice of such hearing to be published twice in a publication of general circulation, no less than 10 days or more than 40 days prior to the date of the public hearing, and that the City Clerk also cause the legislative body of each taxing unit levying ad

valorem taxes on this property, to be notified of Brownfield Redevelopment Plan #64 – South Edge Lofts and the scheduled public hearing.

By Council Member Yorke

Motion Carried

RESOLUTION #2016-020

BY THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Samantha Harkins of 301 N. Sycamore Street in Lansing, MI, 48933, as a City of Lansing Representative to the Capital Region Airport Authority for a term to expire September 30, 2016; and

WHEREAS, the nominee has been vetted and meets the qualifications as required by the City Charter; and

WHEREAS, the Intergovernmental Relations Committee met on February 9, 2016 and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Samantha Harkins of 301 N. Sycamore Street in Lansing, MI, 48933, as a City of Lansing Representative to the Capital Region Airport Authority for a term to expire September 30, 2016.

RESOLUTION #2016-021

BY THE COMMITTEE ON INTERGOVERNMENTAL RELATIONS
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the appointment of Greg Ward of 2810 N. Cambridge in Lansing, MI, 48911, as a City of Lansing Representative to the Capital Region Airport Authority for a term to expire September 30, 2017; and

WHEREAS, the nominee has been vetted and meets the qualifications as required by the City Charter; and

WHEREAS, the Intergovernmental Relations Committee met on February 9, 2016 and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Greg Ward of 2810 N. Cambridge in Lansing, MI, 48911, as a City of Lansing Representative to the Capital Region Airport Authority for a term to expire September 30, 2017.

City Clerk Chris Swope swore in Samantha Harkins and Greg Ward as City of Lansing Representatives to the Capital Region Airport Authority.

RESOLUTION #2016-022

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

WHEREAS, Jennifer Howland sought to eliminate a special assessment of \$462.00 for trash removal fees, and all associated penalties and interest on the property tax bill of 1701 S Rundle Avenue, Lansing, Michigan (Tax ID#33-01-01-20-484-012); and

WHEREAS, upon filing a claim to the Committee on General Services, the claim in the total amount of \$462.00 was denied on February 17, 2016.

NOW, BE IT RESOLVED that the City Council, hereby, denies the claim of Jennifer Howland in the amount of \$462.00 for trash removal fees and all associated penalties and interest on the property tax bill for 1701 S Rundle Avenue, Lansing, Michigan (Tax ID#33-01-01-20-484-

012).

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

By Council Member Wood

Motion Carried

RESOLUTION #2016-023

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

WHEREAS, Mead Bros, Excavating, Inc., has requested a waiver of the noise ordinance, Sec. 654.07(g) of the Lansing Codified Ordinances, to help expedite construction within the Groesbeck Park Golf Course, specifically in the area of the front nine holes, and

WHEREAS, the Ingham County Drain Commission verifies that the purpose of the construction is for the Groesbeck Park Drain and reconstruction of two holes in that area, and

WHEREAS, the Ingham County Drain Commission recommends that Mead Bros, Excavating, Inc., pursuant to Lansing Codified Ordinances, Sec. 654.11(a) be permitted to conduct construction activities necessary to timely complete the project by working:

- 1) Saturdays from 8:00 a.m. to 5:00 p.m.

This waiver of the noise ordinance would be from the effective date of this resolution through Saturday, August 13, 2016.

NOW THEREFORE BE IT RESOLVED that a public hearing be held on Monday, March 28, 2016, at 7:00 p.m. in the City of Lansing Council Chambers, 124 W. Michigan, in consideration of the request for issuance of a waiver of the noise ordinance to permit Mead Bros. Excavating, Inc., to work:

- 1) Saturdays from 8:00 a.m. to 5:00 p.m.

BE IT FINALLY RESOLVED that this waiver of the noise ordinance would be from the effective date of this resolution through Saturday, August 13, 2016.

By Council Member Wood

Motion Carried

RESOLUTION #2016-024

RESOLUTION TO AUTHORIZE ISSUANCE OF WET WEATHER
CONTROL PROGRAM

LIMITED TAX GENERAL OBLIGATION BOND, SERIES 2016

WHEREAS, the State of Michigan Department of Environmental Quality (the "DEQ") has issued Administrative Consent Order No. ACO-SW02-030 (the "ACO") requiring the City of Lansing (the "City") to abate sanitary sewer overflows from the City's sanitary sewage collection system; and

WHEREAS, Act 320, Public Acts of Michigan, 1927, as amended, repealed and recodified by Part 43 of Act 451, Public Acts of Michigan, 1994, as amended ("Act 451") enables a City to issue and sell bonds to finance construction of improvements required by a permit or order issued by the DEQ; and

WHEREAS, the DEQ and the City have agreed to implement the Wet Weather Control Program State Revolving Fund Project Plan, as amended (the "Wet Weather Control Program Project Plan"), in compliance with the ACO; and

WHEREAS, the City desires to finance the Frances Park Pump Station Improvements Project as further described in plans on file with the City (the "Improvements"), which Improvements are related to the Wet Weather Control Program Project Plan and which are required by the

ACO; and

WHEREAS, the City has been offered funding for the Improvements from the State Revolving Fund program (the "SRF Program"), which is a low-interest loan financing program administered by the Michigan Department of Treasury and the Michigan Finance Authority (the "Authority"); and

WHEREAS, in order to obtain loans from the SRF Program, the City must issue bonds and, on December 16, 2015, pursuant to Section 5(g) of Act 279, Public Acts of Michigan, 1909, as amended, the City published in the *Lansing City Pulse* the "Official Notice to Electors and Taxpayers of the City of Lansing of Intent to Issue Bonds Secured by the Taxing Power of the City and Right of Referendum Thereon" (the "Notice of Intent"), which described bonds to be issued in one or more series in an aggregate principal amount not-to-exceed \$5,000,000 for the purpose of paying the costs of the Improvements; and

WHEREAS, to finance the cost of making the Improvements the City Council deems it necessary to borrow the sum of not to exceed \$5,000,000 and to issue its Wet Weather Control Program Limited Tax General Obligation Bond, Series 2016 therefor pursuant to the provisions of Act 451 (the "Bond"); and

WHEREAS, the City Council determines that it is necessary to authorize either the Chief Operating Officer or, in his absence, the Director of Finance (either, an "Authorized Officer") to complete sale and delivery of the Bond as described in the Notice of Intent and within the limitations contained in this Resolution.

NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

NECESSITY. It is necessary for the public health, safety and welfare of the City to make the Improvements pursuant to the City's Wet Weather Control Program Project Plan and issue the Bond pursuant to Act 451 to finance construction of the Improvements.

ESTIMATED COST - PERIOD OF USEFULNESS. The total cost of the Improvements, including the payment of engineer's fees, legal and financial expenses and other expenses incident to the financing of the Improvements, which is estimated to be approximately \$5,000,000 is hereby approved and confirmed, and the estimated period of usefulness of the Improvements is determined to be in excess of thirty (30) years.

APPROVAL OF CONTRACT DOCUMENTS. The City hereby approves the Purchase Contract between the City and the Michigan Finance Authority (the "Authority"), the Supplemental Agreement by and among the City, the Authority and the State of Michigan acting through the Department of Environmental Quality, and the Issuer's Certificate (the "Contract Documents") in such form as is approved by the Authorized Officer. The Authorized Officer and the Clerk, or any one or more of them, are authorized to sign the Contract Documents.

ISSUANCE OF BOND. To defray the cost of the Improvements, including legal, engineering, financial and other expenses, the City shall issue its bond known as the "Wet Weather Control Program Limited Tax General Obligation Bond, Series 2016" (the "Bond") in the aggregate principal sum of not to exceed \$5,000,000, as finally determined by the Authorized Officer at the time of sale, or such lesser amount thereof as shall have been advanced to the City pursuant to the Contract Documents, pursuant to the SRF Program. The balance of the cost of the Improvements, if any, shall be paid by grants or funds appropriated by the City.

During the time funds are being drawn down by the City under the Bond, the Authority will periodically provide the City a statement showing the amount of principal that has been advanced and the date of each advance, which statement shall constitute prima facie evidence of the reported information; provided that no failure on the part of the Authority to provide such a statement or to reflect a disbursement or the correct amount of a disbursement shall relieve the City of its obligation to repay the outstanding principal amount actually advanced,

all accrued interest thereon, and any other amount payable with respect thereto in accordance with the terms of the Bond.

BOND TERMS. The Bond shall be issued as one fully registered manuscript bond, shall be sold and delivered to the Authority in any denomination. The Bond shall be dated the date of delivery to the Authority, or such other date approved by the Authorized Officer, and shall be payable on the dates determined by the Authorized Officer at the time of sale, provided the final maturity shall be no later than thirty years after the date of issuance. The Bond shall bear interest at the rate of two and 50/100 percent (2.50%) per annum as determined by the Authorized Officer, payable semiannually on the dates determined by the Authorized Officer at the time of sale. Notwithstanding the above, the final amount of any maturity and the terms of the Bond shall be as provided in the Contract Documents and will be finally determined by the Authorized Officer.

PAYMENT OF PRINCIPAL AND INTEREST. Both principal of and interest on the Bond shall be payable in lawful money of the United States of America to the person appearing on the Bond registration books as the registered owner thereof. Payment of principal on the Bond shall be made at the principal office of the Paying Agent (as defined below), upon surrender of the Bond. Payment of interest on the Bond shall be paid to the registered owner at the address as it appears on the registration books as of the determination date. Initially, the determination date shall be the date as of the fifteenth (15th) day of the month prior to the payment date for each interest payment; however, the determination date may be changed by the City to conform to market practice.

SECURITY. The City anticipates paying the principal of and interest on the Bond from funds lawfully available to the City for this purpose such as revenues derived from the operation of the City's sewage disposal system and ad valorem taxes pursuant to a pledge of the City's limited tax full faith and credit. The Bond shall be a limited tax general obligation of the City, and the City hereby pledges its full faith and credit for the prompt payment of the principal of and interest on the Bond as and when due. Each year, the City shall include in its budget as a first budget obligation an amount sufficient to pay such principal and interest as the same shall become due. In the event there are insufficient moneys for the payment of principal of and interest on the Bond, the City shall levy a tax on all taxable property in the City for the prompt payment of principal and interest on the Bond; provided, however, that at the time of making any such annual tax levy, the City shall take into account in determining such annual tax levy other moneys available to pay principal of and interest on the Bond, including Net Revenues of the System, special assessments, or any other moneys available to the City. Taxes, if any, levied pursuant hereto shall be limited as to rate and amount by applicable, constitutional, statutory and charter limitations on the taxing power of the City.

PRIOR REDEMPTION. The Bond issued and sold to the Authority shall be subject to redemption prior to maturity by the City only with the prior written consent of the Authority and on such terms as may be required by the Authority.

PAYING AGENT AND REGISTRATION.

Appointment of Paying Agent. From time to time the City shall designate and appoint a Paying Agent, which may also act as transfer agent and bond registrar (the "Paying Agent"). The initial Paying Agent shall be designated by the Authorized Officer. In the event of a change in the Paying Agent, notice shall be given in writing, by certified mail, to each Registered Owner not less than sixty (60) days prior to the next interest payment date. The Paying Agent shall keep the official books for the recordation of the Registered Owners of the Bond.

Registration of Bond. Registration of the Bond shall be recorded in the registration books of the City to be kept by the Paying Agent. The Bond may be transferred only by submitting the same, together with a

satisfactory instrument of transfer signed by the Registered Owner or the Registered Owner's legal representative duly authorized in writing, to the Paying Agent, after which a new Bond or Bonds shall be issued by the Paying Agent to the transferee (new registered owner) in any denomination, in the same aggregate principal amount as the Bond submitted for transfer. No transfer of Bonds shall be valid unless and until recorded on the bond registration books in accordance with the foregoing. The person in whose name any bond is registered may for all purposes, notwithstanding any notice to the contrary, be deemed and treated by the City and the Paying Agent as the absolute owner thereof, and any payment of principal and interest on any Bond to the Registered Owner thereof shall constitute a valid discharge of the City's liability upon such Bond to the extent of such payment. No Bond shall be transferred less than fifteen (15) days prior to an interest payment date nor after the Bond has been called for redemption.

Authority's Depository. Notwithstanding any other provision of this Resolution or the Bond, so long as the Authority is the owner of the Bond, (i) the Bond is payable as to principal and interest at The Bank of New York Mellon Trust Company, N. A., or at such other place as shall be designated in writing to the City by the Authority (the "Authority's Depository"); (ii) the City agrees that it will deposit with the Authority's Depository payments of the principal of and interest on the Bond in immediately available funds by 12:00 noon at least five business days prior to the date on which any such payment is due whether by maturity, redemption or otherwise; in the event that the Authority's Depository has not received the City's deposit by 12:00 noon on the scheduled day, the City shall immediately pay to the Authority as invoiced by the Authority an amount to recover the Authority's administrative costs and lost investment earnings attributable to that late payment; and (iii) written notice of any redemption of the Bond shall be given by the City and received by the Authority's Depository at least 40 days prior to the date on which such redemption is to be made.

SALE OF BOND. The Bond shall be sold to the Authority. The City determines that a negotiated sale to the Authority is in the best interest of the City because the terms offered by the Authority are more favorable than those available from other sources of funding.

BOND FORM. The Bond shall be substantially in the form attached hereto as Exhibit A, and incorporated herein, with such changes as may be required by the Authority or as recommended by the City's Bond Counsel and approved by the officers of the City signing the Bond.

EXECUTION OF BOND. The Mayor and the Clerk of the City are hereby authorized and directed to sign the Bond, either manually or by facsimile signature, on behalf of the City. Upon execution, the Bond shall be delivered to the Authority in accordance with the Contract Documents.

BOND MUTILATED, LOST OR DESTROYED. If any Bond shall become mutilated, the City, at the expense of the holder of the Bond, shall execute, and the Paying Agent shall authenticate and deliver, a new Bond of like tenor in exchange and substitution for the mutilated Bond, upon surrender to the Paying Agent of the mutilated Bond. If any Bond issued under this Resolution shall be lost, destroyed or stolen, evidence of the loss, destruction or theft may be submitted to the Paying Agent and, if this evidence is satisfactory to both the City and the Paying Agent and indemnity satisfactory to the Paying Agent shall be given, the City, at the expense of the owner, shall execute, and the Paying Agent shall thereupon authenticate and deliver, a new Bond of like tenor, which shall bear the statement required by Act No. 354, Public Acts of Michigan, 1972, as amended, or any applicable law hereafter enacted, in lieu of and in substitution for the Bond so lost, destroyed or stolen. If any such Bond shall have matured or shall be about to mature, instead of issuing a substitute Bond, the Paying Agent may pay the same without surrender thereof.

BOND PAYMENT FUND. For payment of principal of and interest on

the Bond, there shall be established and maintained a debt service fund for the Bond (the "Bond Payment Fund"). The accrued interest, if any, and capitalized interest, if any, received at the time of delivery of the Bond shall be placed into the Bond Payment Fund. The City shall budget annually a sufficient amount to pay the annual principal of and interest on the Bond and deposit such amount in the Bond Payment Fund as needed to make payments of principal and interest as they become due. The obligation of the City to pay the principal of and interest on the Bond will be a first budget obligation. Moneys in the Bond Payment Fund shall be expended solely for payment of principal and interest on the Bond which first come due. Any moneys remaining in the Bond Payment Fund after the annual payments of principal of and interest on the Bond shall be transferred to the Sewer Fund or the General Fund and shall no longer be pledged hereunder.

CONSTRUCTION FUND. Prior to delivery and sale of the Bond, there shall be established a construction fund for the Project (the "Construction Fund"). After deducting the sums which are required to be deposited in the Bond Payment Fund, the balance of the proceeds of the Bond shall be deposited into the Construction Fund. The moneys on deposit in the Construction Fund from time to time shall be used solely for the purpose for which the Bond was issued. Any unexpended balance shall be used for such purposes as allowed by law. Any moneys remaining in the Construction Fund after payment of all such costs shall be transferred to the Bond Payment Fund or may be returned to the Authority. After completion of the Improvements and disposition of any remaining bond proceeds, pursuant to the provisions of this Section, the Construction Fund shall be closed.

The appropriation of moneys for "eligible" (not to exceed the maximum Principle Amount of the Bond) and "ineligible" costs of the improvements (as those terms are defined by the Authority and DEQ) is hereby approved. Said moneys shall be used solely for the purposes of making improvements included in the Wet Weather Control Program Project Plan approved by the DEQ, and ancillary related expenses.

INVESTMENT OF FUNDS. Moneys in the funds and accounts established herein may be invested by the City as allowed by law, subject to the provisions of Act 20, Public Acts of Michigan, 1943, as amended, or any statute subsequently adopted regulating investments by the City, and subject to the limitations imposed by arbitrage regulations and Section 148 of the Internal Revenue Code of 1986, as amended, and the applicable regulations thereunder (collectively the "Code").

DEPOSITORY AND FUNDS ON HAND. Moneys in the several funds and accounts maintained pursuant to this Resolution may be kept in one or more accounts at financial institutions designated by resolution of the City, and if kept in one account, the moneys shall be allocated on the books and records of the City in the manner and at the times provided in this Resolution.

COVENANTS. The City covenants and agrees with the successive holders of the Bond that so long as any of the Bond remains outstanding and unpaid as to either principal or interest:

It will cause the principal of and interest on the Bond to be paid promptly when due, but solely from the funds pledged by this Resolution.

It will make no use of the proceeds of the Bond, or any other funds which may be deemed to be proceeds of the Bond pursuant to Section 103(c) of the Code which, if the use had been reasonably expected on the date of issuance of the Bond, would have caused the Bond to be "arbitrage bonds" within the meaning of that Section, and will comply with all requirements of the Code throughout the term of the Bond.

It will not permit at any time or times any of the proceeds of the Bond or any other funds of the City to be used directly or indirectly in a manner which would result in the exclusion of the Bond from the treatment afforded by Section 103(a) of the Code, as from time to time amended.

It will, if required to do so, rebate the amount required by Section 148(f)(2) of the Code in accordance with the provisions of Section 148(f)(3) of the Code.

ADDITIONAL BONDS. In accordance with the provisions of Act 34, the City reserves the right to issue additional bonds, which shall be of equal standing and priority with the Bond.

CONTRACT WITH BONDHOLDERS. The provisions of this Resolution shall constitute a contract between the City and the holder or holders of the Bond from time to time, and after the issuance of any of such Bond, no change, variation or alteration of the provisions of this Resolution may be made which would lessen the security for the Bond. The provisions of this Resolution shall be enforceable by appropriate proceedings taken by such holder or holders, either at law or in equity.

AUTHORIZED OFFICER: Either the City's Chief Operating Officer or, in his absence, the Director of Finance (either, the "Authorized Officer") is hereby designated, for and on behalf of the City, to do all acts and to take all necessary steps required to effectuate the sale, issuance and delivery of the Bond to the Authority. The Authorized Officer is hereby authorized to execute and deliver the Contract Documents in such form as the Authorized Officer shall approve. Notwithstanding any other provision of this Resolution, the Authorized Officer is authorized within the limitations of the resolution to determine the specific interest rate or rates to be borne by the Bond, not exceeding 3% per annum, the principal amount, interest payment dates, dates of maturities, and amount of maturities, redemption rights, the title of the Bond, date of issuance, and other terms and conditions relating to the Bond and the sale thereof provided, however, the last annual principal installment shall not be more than thirty years from the date of the Bond. The Authorized Officer's approval of the terms shall be evidenced by his or her signature on the document or agreement stating such terms. The Authorized Officer is hereby authorized for and on behalf of the City, without further City Council approval, to do all acts and take all necessary steps required to effectuate the sale, issuance, and delivery of the Bond. The Authorized Officer, together with the Mayor, the Clerk, and other proper officers and employees of the City, or any one or more of them, are authorized to take any actions necessary to comply with requirements of the Authority and DEQ in connection with the sale of the Bond to the Authority, and to execute any orders, receipts, agreements, pledge agreements, documents or certificates necessary or convenient to complete the transaction, including, but not limited to, any issuer's certificate, any certificates relating to federal or state securities laws, rules or regulations, any applications to the Michigan Department of Treasury, and any revenue sharing pledge agreement. The City hereby approves the Issuer's Certificate in such form as is approved by the Authorized Officer.

DEFEASANCE. In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional or mandatory redemption, the principal of and interest on the Bond, shall be deposited in trust, this Resolution shall be defeased and the owners of the Bond shall have no further rights under this Resolution except to receive payment of the principal of and interest on the Bond from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange bonds as provided herein.

INTERNAL REVENUE CODE. The City has consulted with its bond counsel and understands that the Code contains certain requirements on (i) the expenditure of proceeds from the sale of the Bond, (ii) the investment of the proceeds from the issuance of the Bond and (iii) the rebate of interest earned on the investment of the proceeds of the Bond under certain circumstances. The City hereby covenants to comply with such requirements.

BOND COUNSEL. The engagement of the firm of Dickinson Wright PLLC as bond counsel to the City in connection with the issuance of Bond is hereby ratified, confirmed and approved.

RESOLUTION SUBJECT TO MICHIGAN LAW. The provisions of this Resolution are subject to the laws of the State of Michigan.

SECTION HEADINGS. The section headings in this Resolution are furnished for convenience of reference only and shall not be considered to be a part of this Resolution.

SEVERABILITY. If any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution.

CONFLICT. Except as provided above, all resolutions or parts thereof, insofar as the same may be in conflict herewith, are hereby repealed; provided, that the foregoing shall not operate to repeal any provision thereof, the repeal of which would impair the obligation on the Bond.

EFFECTIVE DATE OF RESOLUTION. This Resolution is determined by the City Council to be immediately necessary for the preservation of the peace, health and safety of the City and shall be in full force and effect from and after its passage.

By Council Member Wood

Motion Carried

RESOLUTION #2016-025

BY THE COMMITTEE ON WAYS AND MEANS

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing Mayor's Office / Office of Financial Empowerment received a Financial Empowerment Center Grant in 2013-2015; and

WHEREAS, the Financial Empowerment Center grant was a Bloomberg Philanthropies and Cities for Financial Empowerment (CFE) Fund grant and was awarded to select cities as a part of a competitive process; and

WHEREAS, the Financial Empowerment Center grant is designed to target the major financial challenges experienced by the Lansing population, focusing on residents unable to meet basic needs and residents facing barriers to affordable housing through financial counseling and education; and

WHEREAS, the Cities for Financial Empowerment (CFE) Fund awarded \$116,000.00 per year to the City of Lansing and \$384,000.00 per year to Capital Area Community Services for the duration of Three (3) years; and

WHEREAS, Capital Area Community Services underspent their portion of the grant by \$93,314.00 as of December 31, 2015; and

WHEREAS, the Cities for Financial Empowerment (CFE) Fund returned this \$93,314.00 to the City of Lansing for the purposes of contributing toward 2016 funding for the continuation of the City's Financial Empowerment Center.

NOW, BE IT RESOLVED, the Lansing City Council approves acceptance of the recaptured, reallocated unspent grant funds in the total amount of \$93,314.00 for supporting the continuation of the Center.

BE IT 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

RESOLUTION #2016-026

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 Capital Region

Community Foundation Grant for "Financial Capability for Youth Employment;" and

WHEREAS, the Capital Region Community Foundation grant was the result of a competitive proposal process, and a proposal was submitted by the Office of Financial Empowerment on September 1, 2015, approved on November 18, 2015, and will be paid in late February 2016; and

WHEREAS, the Capital Region Community Foundation grant supports providing financial education and access to safe, affordable bank accounts to youth ages 14-25 who are employed on a part-time, temporary basis by the City of Lansing Parks and Recreation Department; and

WHEREAS, Capital Region Community Foundation awarded \$9,400.00 to the City of Lansing's Office of Financial Empowerment; and

WHEREAS, the award for \$9,400.00 does not require a local match.

NOW, THEREFORE, BE IT RESOLVED, The Lansing City Council approves acceptance of the Capital Region Community Foundation grant in the total amount of \$9,400.00 for the grant period beginning January 1, 2016 and ending December 31, 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

RESOLUTION #2016-027

BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City Attorney has requested and recommended the appointment of Laura M. Hallahan of Hallahan & Associates, P.C. as special outside legal counsel to represent the City in connection with the matter of *Menards v City of Lansing* pending before the Michigan Tax Tribunal.

THEREFORE BE IT RESOLVED, that Laura M. Hallahan of Hallahan & Associates, P.C. is hereby approved as legal counsel to represent the City in the matter of *Menards v City of Lansing* before the Michigan Tax Tribunal.

By Council Member Yorke

Motion Carried

ORDINANCES FOR INTRODUCTION

Council Member Yorke introduced:

An Ordinance of The City of Lansing, Michigan, to Amend Chapter 888 of the Lansing Codified Ordinances by adding Section 888.33 for the purpose of providing for a service charge in lieu of ad valorem property taxes for no more than twenty-four (24) qualified low or moderate income multi-family dwelling units in a project known as the Saboury Building Apartments, pursuant to the provisions of the State Housing Development Authority Act of 1966, as amended.

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

RESOLUTION #2016-028

By the Committee on Development and Planning

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, February 29, 2016 at 7:00 p.m. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance of The City of Lansing, Michigan, to Amend Chapter 888 of the Lansing Codified Ordinances by adding Section 888.33 for the purpose of providing for a service charge in lieu of ad valorem property taxes for no more than twenty-four (24) qualified low or moderate income multi-family dwelling units in a project known as the Saboury Building Apartments, pursuant to the provisions of the State Housing Development Authority Act of 1966, as amended.

Interested Persons are invited to attend this Public Hearing.

By Council Member Yorke

Motion Carried

Council Member Yorke introduced:

The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-1-2016, 635 W. Willow Street, Rezoning from "B" Residential District to "DM-4" Residential District

Z-1-2016 Part 2, 656 W. Maple Street, Rezoning from "B" Residential District to "DM-1" Residential District

was introduced by the Committee on Development & Planning, read a first time by its title and referred to the Committee on Development and Planning.

RESOLUTION #2016-029

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

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, March 14, 2016, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-1-2016, 635 W. Willow Street, Rezoning from "B" Residential District to "DM-4" Residential District

Z-1-2016 Part 2, 656 W. Maple Street, Rezoning from "B" Residential District to "DM-1" Residential District

By Council Member Yorke

Motion Carried

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. Microbrewer License for Ozone's Brewhouse, 305 Beaver St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- c. Ingham County Drain Commissioner Pat Lindemann's Response to City of Lansing Park Board

REFERRED TO THE COMMITTEE ON PUBLIC SERVICE

- d. Letter and documents from Ingham County Drain Commissioner Pat Lindemann regarding Montgomery Drain Drainage District

REFERRED TO THE COMMITTEE OF THE WHOLE

- 2. Letter(s) from the Mayor re:
 - a. Ordinance for Payment in Lieu of Taxes (PILOT); Capitol Park Center

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- b. Ordinance for Payment in Lieu of Taxes (PILOT); The Abigail

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- c. Ordinance for Payment in Lieu of Taxes (PILOT); Walnut Park Apartments

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- d. Ordinance for Payment in Lieu of Taxes (PILOT); Repealing the existing Abigail Ordinance

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- e. Appointment of Interim City Attorney

REFERRED TO THE COMMITTEE OF THE WHOLE

Communications and Petitions, and Other City Related Matters:

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

- a. Request ID# 821687, Transfer ownership of 2015 SDD & SDM License, Mega-Bev Cedar Street, LLC, 3630 S. Cedar St.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- b. Request ID# 819908, Transfer ownership and location of Resort Class C and SDM license, Los Rancheros Mexican Grill, LLC, 727 E. Miller Rd.

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

MOTION OF EXCUSED ABSENCE

By Council Member Dunbar to excuse Council Members Houghton and Washington from tonight's proceedings.

Motion Carried

ADJOURNED TIME 10:03 P.M.

CHRIS SWOPE, CITY CLERK