



OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
AUGUST 29, 2016

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:01 p.m. by President Brown Clarke

PRESENT: Council Members Brown Clarke, Hussain, Washington, Wood, Yorke

ABSENT: Council Member Dunbar (arrived at 7:09 p.m.), Houghton (arrived at 7:09 p.m.), Spitzley (arrived at 7:09 p.m.)

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Brown Clarke.

SPECIAL CEREMONIES

1. Tribute; in recognition of Marian Scott

Council Member Hussain spoke in support of the tribute.

Marian Scott thanked Council for the recognition.

RESOLUTION #2016-179

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

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

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

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

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

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

By Council Member Hussain

Motion Carried

Council Members Dunbar, Houghton, and Spitzley arrived at 7:09 p.m.

COMMENTS BY COUNCIL MEMBERS AND THE CITY CLERK

Council Member Wood shared details on upcoming special meeting on the Public Safety Committee at 3200 S. Washington facility and the Michigan Chicken Wing Festival at Riverfront Park.

Council Member Yorke shared details about the upcoming first annual Moores Park Porchfest Music Concert.

Council Member Dunbar share details about the upcoming Public Service Committee meeting Glenburn Commons.

Council Member Washington share details that her First Contact community meeting for September is cancelled due to Labor Day holiday.

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

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 Ramadan Dinner Essay Contest and setting a public hearing on Second Amendment to the Hope Sports Complex Lease.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

Legislative Matters included the following public hearings:

1. In consideration of SLU-2-2016; 5606 S Martin Luther King Jr. Blvd. to permit a church in "F" Commercial and "D-1" Professional Office Districts

Council Member Washington gave an overview of the public hearing.

- Public Comment on Legislative Matters:

Pastor Victor Trevino spoke in support of SLU-2-2016.

Justin Hidalgo spoke in support of SLU -2-2016.

Shirley Woodruff spoke in support of ACT-1-2016.

Sean McBreanty spoke in support of HR 182 and CR15 to shut down Line 5 Resolution.

Elaine Womboldt spoke in support of At-Will Employee Claims and City Attorney Claims and other various City matters.

Victor Trevino Jr. spoke in support of SLU-2-2016.

Brandon Muriel spoke in support of SLU-2-2016.

LEGISLATIVE MATTERS

REFERRAL OF PUBLIC HEARINGS

1. In consideration of SLU-2-2016; 5606 S Martin Luther King Jr. Blvd. to permit a church in "F" Commercial and "D-1" Professional Office Districts

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

CONSENT AGENDA

By Council Member Yorko

To approve item 3a on the Consent Agenda.

RESOLUTION #2016-180

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

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

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

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

Adopted as part of the Consent Agenda

RESOLUTIONS

RESOLUTION #2016-181

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

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

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

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

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

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

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

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

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

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

By Council Member Washington

Motion Carried

RESOLUTION #2016-182

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

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

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

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

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

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

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

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

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

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

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

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

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

By Council Member Wood

Motion Carried

RESOLUTION #2016-183

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

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

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

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

By Council Member Wood

Motion Carried

RESOLUTION #2016-184

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

WHEREAS, pursuant to Section 4-304.1 of the City Charter, the City

Attorney is responsible to the Mayor and the City Council to see that the legal affairs of the City are properly managed; and

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

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

By Council Member Wood

Motion Carried

RESOLUTION #2016-185

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

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

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

By Council Member Yorko

Motion Carried

ORDINANCES FOR INTRODUCTION

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

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 Ordinance is read a first time by its title and referred to the Ad Hoc Committee on Diversity and Inclusion

RESOLUTION 2016-186

RESOLUTION SETTING PUBLIC HEARING
By Council Member Carol Wood

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, September 12, 2016 at 7:00 p.m. in the City Council Chambers, 10th Floor of City Hall, 124 W. Michigan Avenue, Lansing, Michigan for the purpose of considering An Ordinance of the City of Lansing, Michigan, to Amend 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.

Interested Persons are invited to attend this Public Hearing.

By Council Member Wood

Motion Carried

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

2. Letter(s) from the Mayor re:

- a. Noise Waiver for Frances Park Pump Station; Weekdays from 8:00 PM to 7:00 AM and 24 hours/day on Saturdays and Sundays from December 5, 2016 - March 3, 2017

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

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

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- c. Ordinance for the Payment in Lieu of Taxes (PILOT) for Shiawassee Senior Lofts

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- d. Ordinance to Amend the Ordinance for the Payment in Lieu of Taxes (PILOT) for The Crossing

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

- Communications and Petitions, and Other City Related Matters:

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

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

Council Member Spitzley wanted to acknowledge her cousin James Williams who is watching at her home while visiting from Florida.

Council Member Yorke Westside Neighborhood hosting a Fall Carnival, and the Grand River Clean Up.

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS

Michael Morotsky spoke about his belief of the lack of reporting of vehicle break-ins.

Elaine Womboldt spoke about the medical marijuana ordinance.

ADJOURNED TIME 8:20 P.M.

CHRIS SWOPE, CITY CLERK

REMARKS BY COUNCIL MEMBERS