



## **MINUTES**

**Committee on Development and Planning  
Thursday, September 8, 2016 @ 10:00 a.m.  
10<sup>th</sup> Floor Conference Room, City Hall**

### **CALL TO ORDER**

The meeting was called to order at 10:03 a.m.

### **ROLL CALL**

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

### **OTHERS PRESENT**

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

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

### **PUBLIC COMMENT**

Public comment was taken during each agenda item.

### **MINUTES**

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

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

### **DISCUSSION/ACTION:**

#### **Ordinance; Section 206.25; Transparency on Bidding**

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

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

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

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

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

### **RESOLUTION- Set a Public Hearing; PILOT Amendment Grand Haven Manor Retirement Community**

Council Member Washington noted that due to a conflict, she was referring the item back to the Council President. Council President Brown Clarke discharged and referred the item to the Committee of the Whole for the September 12, 2016 meeting.

Mr. Smiertka confirmed that the full Council can discharge the Committee, so the Council President can refer for placement on the Committee of the Whole agenda for a vote to discharge to that Committee.

**RESOLUTION – Set a Public Hearing; PILOT Shiawassee Senior Lofts**

Council Member Washington noted that due to a conflict, she was referring the item back to the Council President. Council President Brown Clarke discharged and referred the item to the Committee of the Whole for the September 12, 2016 meeting.

**RESOLUTION – Set a Public Hearing; PILOT Amendment The Crossing**

Council Member Washington noted that due to a conflict, she was referring the item back to the Council President. Council President Brown Clarke discharged and referred the item to the Committee of the Whole for the September 12, 2016 meeting.

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

**RESOLUTION – ACT-6-2015 Zip the Grand; Lease Approval**

Mr. Smiertka informed the Committee the contract was approved to form, and at the last meeting there were items that addressed upfront payments, the age limit of workers and security. Mr. Kaschinske with the Parks & Recreation Department was to address those with the applicant.

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

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

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

**RESOLUTION - SLU-2-2016; 5606 S Martin Luther King Jr. Blvd. “F” Commercial to “D-1” Professional Office**

Council Member Washington outlined the application and process thus far with this application. The applicant had been operating as a church on this site, after doing what they thought was due diligence on verifying their use of assembly, and services. However what were classes held there in the past is not the same as the form of assembly the church is doing. Therefore the application is a SLU for church services. Council Member Washington acknowledged she did visit the site, and there has been a lot of progress on the property. It was noted the Planning Board did recommend denial on this project.

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

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

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

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

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

**RESOLUTION – ACT-4-2016; 1200 Block of Turner Street- Alley Vacation**

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

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

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

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

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

**RESOLUTION - ACT-7-2016; Authorize Construction of LBWL Central Substation Project**

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

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

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

Council Member Brown Clarke noted the Committee will meet again on September 22, 2016, with the potential of Council seeing it again on September 26, 2016, and Council Member Washington confirmed the Committee date, but would not lock in the Council date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Adjourn at 11:30 a.m.

Submitted by,

Sherrie Boak, Recording Secretary,

Lansing City Council

Approved by the Committee on September 22, 2016