MINUTES
Committee on Development and Planning
Wednesday, November 23, 2016 @ 10:00 a.m.
Council Conference Room, City Hall 10th Floor

CALL TO ORDER

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

ROLL CALL

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

OTHERS PRESENT

Sherrie Boak, Council Staff
Jim Smiertka, City Attorney-left at 10:52 a.m.
Mark Dotson
Joan Nelson
Jarl Brey, Capital Zip
Elaine Womboldt
Jessica DeBone, PM Environmental
Kathy Miles
Tim Ayers, Fluid Chillers
Bob Johnson, Planning & Neighborhood Development Director
Susan Stachowiak, Planning & Neighborhood Development
Karl Dorschimer, LEAP

PUBLIC COMMENT

Public comment was taken during the agenda items.

MINUTES

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE MINUTES FROM OCTOBER 27, 2016 AS PRESENTED. MOTION CARRIED 2-0.

Action on the minutes from November 10, 2016 will be addressed at the next meeting.

DISCUSSION – ORDINANCE AMENDMENTS TO ADDRESS URBAN AGRICULTURE USES

Council Member Washington announced that the Committee did receive an email copy of the proposed ordinance amendments. Mr. Smiertka apologized stating the version was done in a fast pace and he will review it again and make changes. He then noted there is a Michigan

Farm Act that will effect and super-cede local ordinances. Under that Act there can be zoning ordinances however if it conflicts with the Right-to-Farm Act it cannot be enforced. Mr. Smiertka offered to make changes to the proposed ordinance to make it clear.

Council Member Washington apologized for the confusion on the process that was followed thus far, and assured everyone that Council wants to make sure there is something that works with and for everyone. Mr. Smiertka confirmed his changes would be ready for the next meeting. Council Staff was asked to email a copy of the Ordinance to the Committee prior to the next meeting.

Ms. Nelson informed the Committee of her role in the creation of the amendments and the steps that were taken at the Planning Board. The goal is to have a structure to make sure it is a mutually beneficial experience.

RESOLUTION – Lease Agreement; City of Lansing & Zip the Grand , Inc.

Council Member Washington stated for the record that Council Member Wood informed her that she is opposed to the project and had asked the Internal Auditor to look into the financial aspect of the project and report out Monday, 11/28/2016.

Council Member Yorko acknowledged her questions have been answered.

Mr. Bryl confirmed that the Liability Form had been completed and agreed upon by his legal team and the City Attorney. There was an assurance also that if the project fails, it will be removed at his expense.

Mr. Dotson asked if Council Member Washington had a written document of Council Member Wood's request to the Internal Auditor, and it was confirmed it was not in writing.

Ms. Womboldt spoke in opposition to the project and presented a list of 10 questions. Council Member Washington read thru the questions, beginning with a comment on question 1 which stated Ms. Womboldt's belief that Lansing residents could not financially support the project. Council Member Washington stated her belief that Lansing residents are not the only people Capital Zip is targeting, but they are creating a destination, along with working with corporate team building and school districts for their participants.

Question 3 asked if other surrounding businesses were in support of Zip the Grand. Mr. Kaschinske answered that question, affirming that neighboring properties were asked and have not given any opposition. A local developer in the area was also contacted and supports it along with the Old Town and Historic areas.

Ms. Womboldt's question 4 was regarding a survey and plan and that was provided to her by Council staff. The Plan was also in the Committee packets, and it was confirmed that it was part of the electronic packet on line.

Question 6 spoke about the $6,000 license fee, and Mr. Bryl was asked if that would ever increase. Mr. Bryl confirmed that the rent is fixed for that period of time for 20 years, and 2.5% of gate that will go to it. It is negotiable and can be revisited for the profitability.

Council Member Washington read question 7 which spoke to security on site. Mr. Bryl stated he has agreed to security cameras and LPD having complete access and full disclosure.

Mr. Bryl addressed question 8 which spoke to garbage and maintenance of the site. There will be trash receptacles on site, and they will be responsible, along with providing 50 parking spaces and bathrooms. It will also meet all ADA requirements.

Question 9 spoke to fees for admissions, and Mr. Bryl informed Ms. Womboldt that the zip line and the ropes course are two options and fees are set for each of those individually. These will be part of the gross gate sales, and 2.5% of whatever the patron pays for. Ms. Womboldt asked if there was a fee for spectators, and Mr. Bryl stated no. Ms. Womboldt then asked Mr. Bryl about special events, and why his lease did not include 2.5% of the sales for those. Mr. Bryl confirmed they do not exclude Common Ground, and when corporations rent the structure for a day, outside of normal business. The 2.5% is for the normal gate. Ms. Womboldt requested the contract be changed, and Mr. Bryl noted it is outlined in his business plan. Mr. Smiertka added that the wording in the lease will refer back to the business plan.

Council Member Washington pointed out that question 10 was answered in the attached business plan.

Ms. Miles spoke in opposition to the project and asked Committee to consider asking for more than 2.5%.

Council Member Washington asked why the City of Grand Rapids turned down his project. Mr. Bryl clarified that they did not, he chose not to pursue it there because they provided him with seven (7) locations and all would have cost his company close to $1 million. There were engineering questions and concerns because of the span over the river in that area, and therefore the tower would have to be twice as tall along with the need for an elevator. Mr. Bryl assured the Committee that the contractor that will build the structure is qualified throughout the world, building for Disney, and cruise lines. There are annual inspections that are also performed.

Mr. Smiertka briefly touched on governmental immunity, noted there are governmental functions such as roads where there is governmental immunity. Then there are other functions, such as property functions such as ballfields where there is no governmental immunity. Because the City is taking a portion of the gross receipts this could be a property function, but the City could argue it is a governmental function. It was noted that the City is listed under indemnification, they are requiring insurance, and the participants are required to sign a waiver.

Council Member Washington spoke in support of the project and activity similar to this in this appropriate park setting. Mr. Kaschinske was then asked the Parks position on private industry on public land. Mr. Kaschinske noted that there are other examples in the City where the City has arrangements with non-profit and for profit agencies. He continued by affirming that this project will fit within the mission of the department to provide activities that are otherwise not available.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR THE LEASE AGREEMENT; CITY OF LANSING @ ZIP THE GRAND, INC. MOTION CARROED 2-0.

RESOUTION - OPRA District; 1141 South Washington Avenue & 1149 South Washington Avenue; L & P Properties, Inc.
RESOLUTION – OPRA Certificate; 1141 South Washington Avenue; L & P Properties, Inc.
RESOLUTION – OPRA Certificate; 1149 South Washington Avenue; L & P Properties, Inc.
Mr. Dorshimer stated there have been no changes since the Committee set the public hearing and since the public hearing at Council on November 14, 2016.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR THE OPRA DISTRICT FOR 1141 AND 1149 SOUTH WASHINGTON AVENUE. MOTION CARRIED 2-0.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR THE OPRA CERTIFICATE FOR 1141 SOUTH WASHINGTON AVENUE. MOTION CARRIED 2-0.

MOTION BY COUNCILMEMBER YORKO TO APPROVE THE RESOLUTION FOR THE OPRA CERTIFICATE FOR 1149 SOUTH WASHINGTON AVENUE. MOTION CARRIED 2-0.

RESOUTION - OPRA District; 221 West Saginaw; Motion Properties
RESOLUTION – OPRA Certificate; 221 West Saginaw; Motion Properties
Mr. Dorshimer stated there have been no changes since the Committee set the public hearing and since the public hearing at Council on November 14, 2016.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR THE OPRA DISTRICT FOR 221 WEST SAGINAW; MOTION PROPERTIES. MOTION CARRIED 2-0.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION FOR THE OPRA CERTIFICATE FOR 221 WEST SAGINAW; MOTION PROPERTIES. MOTION CARRIED 2-0.

RESOLUTION – Introduction & Set Public Hearing; Z-8-2016; Rezoning 3001 S Washington Avenue; D-1 Professional Office and J- Parking District to F- Commercial District
Council Member Washington tabled any discussion on this agenda item due to the recent criminal activity at the property on November 21, 2016.

Ms. Womboldt spoke in opposition to the rezoning request.

No applicants were present.

RESOLUTION – Set a Public Hearing; Brownfield Redevelopment Plan #66; Fluid Chiller Expansion
Mr. Dorschimer outlined the business, which has been in existence since 2007 in Lansing, and manufactures custom design chillers for industrial, medical and airo-space, recently building for NASA. They are located at Alpha Access by Mc Claren and provide skilled jobs, high wage rate and benefits. Ms. DeBone distributed a handout which outlined the property layout in an aerial photo. Included in the handout were details on the 5.44 acres, which will include 15 new jobs, 10 more jobs 5 years later, after 12 years, there will be $328,740 of Brownfield eligible costs, with a project increase of tax value and captures. They are committed to $600,000 investment into the property, 15 new jobs in 3 years. The LSRRF reimbursement will be $10,035 in environmental assessments.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR DECEMBER 12, 2016 FOR BROWNFIELD REDEVELOPMENT PLAN #66; FLUID CHILLER EXPANSION. MOTION CARRIED 2-0.

Ms. Womboldt spoke in support of the project.

RESOLUTION – Rejection of Unsold Tax Reverted Property from Ingham County Treasurer

Mr. Johnson presented an updated resolution removing one parcel, 721 Leslie, that the Parks and Recreation Department is interested in because it abuts Regent Park. Mr. Kaschinske confirmed it would allow park access off of Leslie because it is a vacant parcel.

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION TO REJECT THE UNSOLD TAX REVERTED PROPERTIES FROM INGHAM COUNTY. MOTION CARRIED 2-0.

RESOLUTION – Rejection of Unsold Tax Reverted Property from Eaton County Treasurer

MOTION BY COUNCIL MEMBER YORKO TO APPROVE THE RESOLUTION TO REJECT THE UNSOLD TAX REVERED PROPERTY FROM EATON COUNTY. MOTION CARRIED 2-0.

Adjourn at 11:10 a.m.
Submitted by,
Sherrie Boak, Recording Secretary,
Lansing City Council
Approved by the Committee on December 8, 2016