



AGENDA
Committee on General Services- Special Meeting
Monday, September 30, 2019 @ 5:00 p.m. (note day/time)
City Council Conference Room, City Hall 10th Floor

Updated – 9/26/2019

Councilmember Jody Washington, Chair
Councilmember Brian T. Jackson, Vice Chair
Councilmember Carol Wood, Member

1. Call to Order

2. Approval of Minutes:

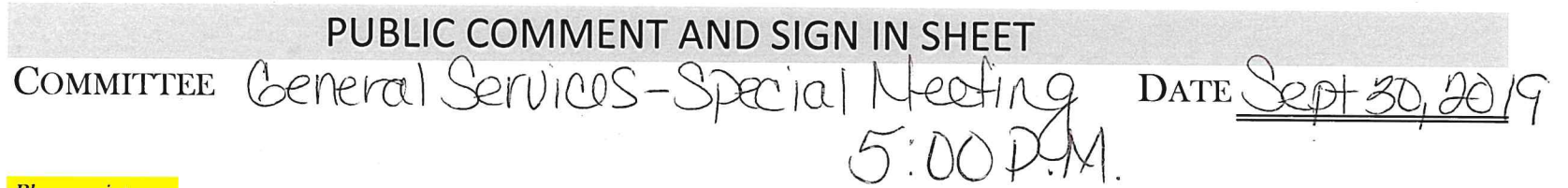
- September 23, 2019

3. Public Comment on Agenda Items

4. Discussion/Action:

- A.) RESOLUTION – Objection to Issuance of the SDM License for Rite Aid of Michigan,
1004 E. Michigan Avenue, Lansing MI 48912
- B.) RESOLUTION -Noise Waiver-Red Cedar Development

5. Adjourn

[illegible]

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MINUTES
Committee on General Services
Monday, September 23, 2019 @ 8:00 a.m.
City Council Conference Room, City Hall 10th Floor

CALL TO ORDER

The meeting called to order at 8:01 a.m.

ROLL CALL

Council Member Jody Washington, Chair
Council Member Brian T. Jackson, Vice Chair- unexcused
Council Member Carol Wood, Member

OTHERS PRESENT

Sherrie Boak, Council Office Manager
Eric Brewer, Internal Auditor
Lisa Hagen, Council Legal Analyst
Jim Smiertka, City Attorney- left at 8:04 a.m.
Mike Jones

Scott Sanford, Code Compliance –not in attendance

Minutes

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM SEPTEMBER 9, 2019 AS PRESENTED. MOTION CARRIED 2-0.

Public Comment on Agenda Items

No comments at this time.

Discussion/Action:

ORDINANCE – Repeal Chapter 288, Section 288.18

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE ORDINANCE TO REPEAL CHAPTER 288, SECTION 288.18. MOTION CARRIED 2-0.

RESOLUTION – Claim Appeal #1722; 924 Middle Street; M Jones; \$3,811

Mr. Jones explained that the garage on the property had fallen and he was in the process of cleaning it up, but the weather and his financial situation he was not able to

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accomplish it in a timely manner. He continued by informing the Committee that he was working with Code compliance on extensions, however in March 2019, he ran into an unexpected health issue and while he was in the hospital, another Code Officer cited the property. During that time, he was in the hospital and his mother, the property owner, is in a nursing home, so they were unaware of the notice and the cleanup. The Power of Attorney documents along with the medical verification forms for himself were referenced in the packet.

Council Member Wood acknowledged that the City contractor was on site and did the work, but would consider reducing the claim by 50%. Council Member Washington stated it appeared to her they were working with the inspector, suddenly became ill, and was not able to address the issue before the City contractor was on site. Mr. Brewer provided the amount of \$1,095.00 as half the claim. Council Member Washington stated she would consider granting the entire claim except the Administrative fees, due to the circumstances. Mr. Brewer then provided an amount of \$381.00, which would be 10% of the claim that the Committee consider as still owing. After discussion by the Committee on the work done so far, the situation, the claimant, the circumstances and setting any type of precedence, the Committee proposed granting the claim in the amount of \$3,546.00 leaving a balance owing of \$265.00, which is the Administrative Fee. Mr. Jones acknowledged that if that was the new balance owed he could agree to make arrangements to make that payment.

MOTION BY COUNCIL MEMBER WOOD TO GRANT THE CLAIM IN THE AMOUNT OF \$3,546.00 AND DENYING THE CLAIM ON THE ADMINISTRATIVE FEE FOR THE AMOUNT OF \$265. MOTION CARRIED 2-0.

Other

Michigan Liquor Control Commission; Transfer License with Sunday Sales, Outdoor Service, Catering Bars and Dance-Entertainment from 7786 E. US 10, Walhalla to 419 Spring Street, Lansing. Transfer Governmental Unit from Branch Twp., Mason County to Lansing City, Ingham County **(Pending Application)**

Adjourned

Adjourned at 8:17 a.m.

Submitted by Sherrie Boak,
Office Manager,

Lansing City Council

Approved by the Committee on _____



August 12, 2019

Michigan Liquor Control Commission
Lansing District Office
P.O. Box 30005
Lansing, Michigan 48909

RE: SDM License for Rite Aid of Michigan, 1004 E. Michigan Ave, Lansing MI 48912

To Whom It May Concern-

The City of Lansing has received notice of an SDM License issued under MCL 436.1533(5)(b)(ii) and New Sunday Sales Permit (AM) to Rite Aid of Michigan, Inc. for their business location at 1004 E. Michigan Ave, Lansing MI 48912.

Please allow this letter to formally object to the issuance of the above referenced liquor license(s) to Rite Aid of Michigan. This business assured the City of Lansing when it opened that it would not be seeking a liquor license. Clearly, this is no longer the case. Therefore, Lansing City Council is sending this letter of objection. Please do not issue a SDM License or Sunday Sales Permit to Rite Aid of Michigan, for their location at 1004 E. Michigan Ave, Lansing MI 48912.

Kind Regards,

A handwritten signature in black ink, which appears to read "Jody Washington".

Jody Washington

City of Lansing, 1st Ward Council Member
Chair, General Services Committee

Tenth Floor City Hall
124 W. Michigan Ave.
Lansing, MI 48933
517-483-4177
Fax: 517-483-7630



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GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

Friday, July 26, 2019

Michael J. Brown, Attorney
C/O RITE AID OF MICHIGAN, INC.
mbrown@cebhlaw.com

RID # RQ-1907-10458 **Reference/Transaction:** NEW SDM LICENSE ISSUED UNDER MCL 436.1533(5)(b)(ii);
NEW SUNDAY SALES PERMIT (AM) LOCATED AT 1004 E MICHIGAN AVE LANSING MI 48912-1809 IN LANSING CITY
IN INGHAM COUNTY

Please let this letter serve as notice the Michigan Liquor Control Commission has referred your application to our Enforcement Division for investigation of your request.

Applicant/Licensee: RITE AID OF MICHIGAN, INC.

Business address and phone number: 1004 E MICHIGAN AVE LANSING MI 48912-1809 IN LANSING CITY IN
INGHAM COUNTY

Home address and phone number of partner(s)/subordinates:
Rite Aid Corporation; 30 Hunter Lane Camp Hill PA 17011; Business phone: 517-321-4616

As part of the licensing process, an investigation is required by the Michigan Liquor Control Commission Enforcement Division. The Enforcement investigation will be conducted from the following designated District Office:

Lansing District Office (517) 284-6330

You may contact your designated District Office regarding any appointments or questions on documentation requested by the Investigator. **Failure to provide requested information or to keep scheduled appointments will cause the application to be returned to the Lansing office for cancellation.**

Under administrative rule R 436.1105, the Commission shall consider the opinions of the local residents, local legislative body, or local law enforcement agency with regard to the proposed business when determining whether an applicant may be issued a license or permit.

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. The licensee must obtain all other required state and local licenses, permits, and approvals before using this license for the sale of alcoholic liquor. Approval of this license by the Michigan Liquor Control Commission does not waive any of these requirements.

MICHIGAN LIQUOR CONTROL COMMISSION
Retail Licensing Division
(866) 813-0011

cc: LANSING CITY chris.swope@lansingmi.gov

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

WHEREAS, the Rite Aid of Michigan, located at 1004 E. Michigan Avenue, Lansing, MI 48912 has applied for a new SDM license under MCL 436.1533(5)(b)(ii); New Sunday Sales Permit (AM); and

WHEREAS, upon the establishment of 1004 E. Michigan a promise was enter into with the corporate offices of Rite Aid not sell any alcohol based on the requests made by Eastside Neighborhood Organization, Sparrow Hospital, churches, the Lansing School District and members of the Lansing City Council; and

NOW THEREFORE BE IT RESOLVED, that due to the previous assurances made by Rite Aid to not seek alcohol licenses, the Lansing Council stands with the surrounding area and asks that the issuance of the SDM License be denied.

BE IT FINALLY RESOLVED, that a copy of this resolution will be sent to the Michigan Liquor Control Commission.

CONTINENTAL/FERGUSON LANSING, LLC

August 30, 2019

Mr. Andrew Kilpatrick
Public Service Director
City of Lansing
Public Service Department
124 W. Michigan Avenue
7th Floor City Hall
Lansing, MI 48933

RE: Extended Work Hours Request – Red Cedar Development

Dear Mr. Kilpatrick,

I am writing to request extended work hours to meet the construction schedule for the project. We need the following work hours to have the possibility of delivering the project in accordance with the development agreement.

September 23 through November 30, 2019:
24 hours a day / 7 days a week

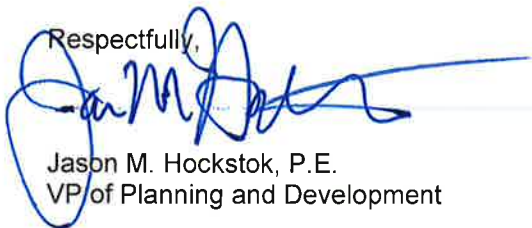
December 1, 2019 for the duration of the project:
Monday through Friday 7 am to 7 pm
Saturday 8 am to 5 pm

The extended work hours are required in the initial phase due to the significant earthwork operation needed to prepare the building pads removing them from the floodplain and to prepare the site for the forthcoming winter conditions ensuring the vertical construction continues. A successful earthwork operation in the first eight weeks of this project is critical or the overall development will be delayed a minimum of six months missing the commitments of the Brownfield Plan and Development Agreement previously approved by City Council.

The extended work requirements for the remainder of the project is also necessary to insure a timely delivery of the vertical construction of the Integrated Parking Structure, the individual projects, and the remaining infrastructure for the overall development.

We appreciate your consideration of this matter and the City's continuing support of the Red Cedar Development. Please feel free to contact me should you have any questions or require additional clarifications.

Respectfully,



Jason M. Hockstok, P.E.
VP of Planning and Development

CC: Carol Wood – City of Lansing City Council President

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

WHEREAS, Continental/Ferguson Lansing, LLC, as developer for the Red Cedar redevelopment project anticipates beginning grading and other construction operations on the site of the former Red Cedar Golf Course, as soon as the property has been sold by the City; and

WHEREAS, sale of the property is anticipated in September, as long as all conditions contained in the development agreement have been met; and

WHEREAS, the developer is requesting a waiver of the noise ordinance to allow work 24 hours a day, 7 days a week from October 1 through the end of November 30, 2019 to perform the earthwork needed to prepare the building pads; and

WHEREAS, the developer is also requesting a waiver of the noise ordinance to allow work on weekdays, including holidays from 7 am to 7 pm and on Saturdays from 8 am to 5 pm beginning December 1, 2019 for the duration of the project to permit timely completion of the overall project; and

WHEREAS, the City of Lansing Public Service Department recommends that the contractor be granted the requested noise waiver in order to minimize the overall construction duration of the project; and

WHEREAS, Notice of the public meeting was mailed to all residential properties within 500 feet of this project; and

WHEREAS, A public hearing was held on September 23, 2019 at 7:00 PM in the City of Lansing Council Chambers, 124 W. Michigan, in consideration of the request submitted by Continental/Ferguson Lansing, LLC; and

WHEREAS, General Services Committee reviews and concurs with the City of Lansing Public Service Department request for a waiver of the noise ordinance;

NOW THEREFORE BE IT RESOLVED that City Council Approves granting a noise waiver for the Red Cedar Redevelopment Project as requested by the City of Lansing Public Service Department.

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

WHEREAS, Continental/Ferguson Lansing, LLC, as developer for the Red Cedar redevelopment project anticipates beginning grading and other construction operations on the site of the former Red Cedar Golf Course, as soon as the property has been sold by the City; and

WHEREAS, sale of the property is anticipated in September, as long as all conditions contained in the development agreement have been met; and

WHEREAS, the developer is requesting a waiver of the noise ordinance to work 7 am to 7 pm Monday through Saturday and 8 am to 5 pm on Sunday, from October 1 through the end of November 30, 2019 to perform the earthwork needed to prepare the building pads; and

WHEREAS, the developer is also requesting a waiver of the noise ordinance to allow work on weekdays, including holidays from 7 am to 7 pm and on Saturdays from 8 am to 5 pm beginning December 1, 2019 for the duration of the project to permit timely completion of the overall project; and

WHEREAS, the City of Lansing Public Service Department recommends that the contractor be granted the requested noise waiver in order to minimize the overall construction duration of the project; and

WHEREAS, Notice of the public meeting was mailed to all residential properties within 500 feet of this project; and

WHEREAS, A public hearing was held on September 23, 2019 at 7:00 PM in the City of Lansing Council Chambers, 124 W. Michigan, in consideration of the request submitted by Continental/Ferguson Lansing, LLC; and

WHEREAS, based on the public comment Continental/Ferguson Lansing, LLC modified their request with the understanding if need is demonstrated in the future they can request to City Council additional waivers; and

WHEREAS, General Services Committee reviews and concurs with the City of Lansing Public Service Department request for a waiver of the noise ordinance.

NOW THEREFORE BE IT RESOLVED that City Council Approves granting a noise waiver for the Red Cedar Redevelopment Project as requested by the City of Lansing Public Service Department.