



AGENDA
Committee on Public Services
Tuesday, November 5, 2019 @ 4:00 p.m.
City Council Conference Room, City Hall 10th Floor

Council Member Peter Spadafore, Chair
Council Member Kathie Dunbar, Vice Chair
Council Member Jeremy Garza, Member

1) Call to Order

2) Public Comment on Agenda Items

3) Minutes

- October 1, 2019

4) Discussion/Action:

A.) RESOLUTION – ACT-15-2019; Parks & Recreation

Acquire Parcel # 33-01-01-09-179-081 (East of Edmore Park) as a park extension

B.) DISCUSSION – Solid Waste Policy for Registered Rentals

5) Other

6) Adjourn

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MINUTES
Committee on Public Service
Tuesday, October 1, 2019 @ 4:00 p.m.
City Hall, Conference Room, 10th Floor

CALL TO ORDER

The meeting was called to order at 4:00 p.m.

ROLL CALL

Council Member Peter Spadafore, Chair
Council Member Kathie Dunbar, Vice Chair
Council Member Jeremy Garza, Member

OTHERS PRESENT

Sherrie Boak, Council Office Manager
Sean Hammond
Andy Kilpatrick, Public Service Director
Lisa Hagen, Assistant City Attorney/Council Research Assistant
Greg Venker, Assistant City Attorney - arrived at 4:09 p.m.

Public Comments

No public comments at this time.

Minutes

MOTION BY COUNCIL MEMBER GARZA TO APPROVE THE MINUTES FROM SEPTEMBER 3, 2019 AS PRESENTED. MOTION CARRIED 3-0.

Discussion

RESOLUTION – Appointment; Sean Hammond; Park Board-4th Ward Member; Term to Expire June 30, 2020

Mr. Hammond introduced himself and acknowledged he currently sits on the Saginaw Corridor Authority, but referenced his application, which listed the Park Board as his first choice, if a vacancy became available. He then proceed with a brief history of his experience and what roles he has taken on with the Corridor Authority. Council Member Spadafore asked if he was choosing to continue his appointment on the Saginaw Corridor Authority, and stated that they will not meet again until October, then not again until March, 2020 and at that time his term would have expired, so he intends to resign from that Board after their October meeting.

MOTION BY COUNCIL MEMBER DUBNAR TO APPROVE THE RESOLUTION FOR THE APPOINTMENT OF SEAN HAMMOND TO THE PARK BOARD. MOTION CARRIED 3-0.

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RESOLUTION – Support Resolution to the State of Michigan for a Significant Investment into the Transportation Infrastructure

Council Member Spadafore recapped the last meeting where the Council was encouraged to provide a brief resolution to the State on funding for the State infrastructure.

MOTION BY COUNCIL MEMBER DUNBAR TO APPROVE THE RESOLUTION SUPPORTING ENCOURAGEMENT ON STATE INFRASTRUCTURE. MOTION CARRIED 3-0.

DISCUSSION – Traffic Calming Update from Public Service

Council Member Spadafore mentioned the discussions at the past meetings, and asked for an update from Mr. Kilpatrick. Mr. Kilpatrick confirmed he was aware of the streets where people expressed concern on speeding, but they are not sure if they are actually interested in “traffic calming” mechanisms. Currently a number of those streets have traffic volume and speed surveys, will look at the areas that have gone through traffic calming and find out where things were addressed and not addressed. He did present a map of what they have done so far, and stated he would forward that to Committee. His office will evaluate the study that has been done on traffic calming, parking regulations and priorities which might come back in a budget amendment. Mr. Kilpatrick was asked to provide examples of traffic calming options. Those included were speed humps, which are most cost effective; curb extensions, bump outs, and median islands. Another unique alternative he added was alternate parking within block to block. Council Member Garza asked what the cost of a speed bump would be and what determines if one is needed, and was told it would be roughly \$5,000 and the process includes a determination of at least 500 vehicles/day and 85th percentile of 35 mph. These are installed only on straight sections not on curves, nor steep hills over 5% grade. They can also not go on primary or secondary fire routes or major streets. Council Member Garza asked for a study on Deveonshire and Alpha, and was told there was one done, but Mr. Kilpatrick was not sure when it was presented back to the neighborhood for their input on the plan. If the neighborhood approves of a plan, then it goes before the Traffic Board and Public Service Board for final approval. Council Member Spadafore asked if Council could see in the 2020/2021 budget funds for areas, particularly one area a year, which could roughly cost \$100,000. Mr. Kilpatrick confirmed it could depend on the Administration’s plan. Council Member Garza asked for speed bump on Ellendale, and Mr. Kilpatrick stated they would have to look at the speed data first.

Council Member Spadafore asked about the status of the bike traffic calming that was discussed and confirmed at an earlier Committee meeting, with its initial location of Saginaw. Mr. Kilpatrick acknowledged the discussion and the supply in stock, but stated he would have to check on the status with MDOT since it is their road.

OTHER

Council Member Spadafore asked for an update from Mr. Kilpatrick on “wheel-free zones” signage in the downtown area. Mr. Kilpatrick stated he would follow up on the status.

Council Member Spadafore discussed changing the rental license requirements so that the landlord have to provide trash service as part of the licensing process. The OCA will continue to research and work on an ordinance amendment to address that.

Council Member Garza recapped calls he had been getting about the change to trash carts instead of bags. Mr. Kilpatrick asked for Council to find out who at the City is telling the residents it was Council and the Mayor that made the decision because he had spoken to staff about providing the correct information. The request for the change came directly from the

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CART group. He concluded the explanation by stating there will be a “soft roll out” bi-weekly mid December.

DISCUSSION – Capital Area Disability Network AARP Age-Friendly Parks Report

Mr. Kilpatrick relayed information from the Parks Director that to address each item in the report would be costly, but they could look at age friendly changes. Council Member Dunbar asked if they have looked into grants, but Mr. Kilpatrick was not able to provide information on that. Council Member Spadafore stated he would speak to Mr. Kaschinske about the long-term ADA compliance items.

ADJOURN

The meeting was adjourned at 4:38 p.m.

Submitted by Sherrie Boak,

Recording Secretary

Lansing City Council

Approved: _____

Act-15-2019, Addition to Edmore Park - STAFF REPORT

An Act 33 Review is a planning level review of the **location, character and extent** of public improvements and City property transactions. Act 33 Reviews are conducted by the City of Lansing pursuant to the provisions of the Michigan Planning Enabling Act (P.A. 33 of 2008) and Section 208 of the Lansing Code of Ordinances.

APPLICANT AND PROPOSAL: The Parks and Recreation Department proposes to acquire parcel no. 33-01-01-09-179-081, just east of Edmore Park, as an expansion to the park. *Specifically, the proposal is to acquire this vacant property from the Ingham County Land Bank, and combine it with Edmore Park to west, and a vacant City-owned parcel immediately to the east.* Edmore Park would grow from its current 17, 514 SF to 27,343 SF (approx.. 0.63 acres), and extend eastward to Walnut Street. All three parcels have frontage on the Grand River.

LOCATION: The site is located on the north side of Edmore St., south of the Grand River, east of Edmore Park.

CURRENT OWNER(S): Ingham County Land Bank, 3024 Turner Rd, Lansing, MI 48906

EXISTING LAND USE & ZONING: Use: Vacant land. Zoning: "B" Residential District

PROPERTY SIZE AND SHAPE: Quadrilateral, 4,815 SF

SURROUNDING LAND USE & ZONING
North: The Grand River
West: Edmore Park (Zoned "A" and "B" Residential District.)
South and East: Residential (Zoned "B" Residential District.)

AGENCY REFERRAL

The Park Board, on September 11, 2019 voted unanimously to recommend approval of this acquisition proposal.

ANALYSIS

LOCATION: The subject property is located on the south edge of the Grand River, east of and adjacent to Edmore Park, and immediately west of a 5,014 SF City-owned parcel on the NW corner of Edmore and Walnut Streets. Both Edmore and Walnut are narrow one-way streets at this location (Edmore going east, Walnut going south).

CHARACTER: The property is currently vacant and undeveloped. Its use as a park will have a negligible effect.

EXTENT: The proposed acquisition is limited to parcel no. 33-01-01-09-179-081.

STAFF RECOMMENDATION

Staff recommends approval as proposed.



Lansing Parcel Viewer

Search Address or Parcel



Legend

Lansing Tax Parcels



Lansing Zoning

ZoningDistrict

NONE

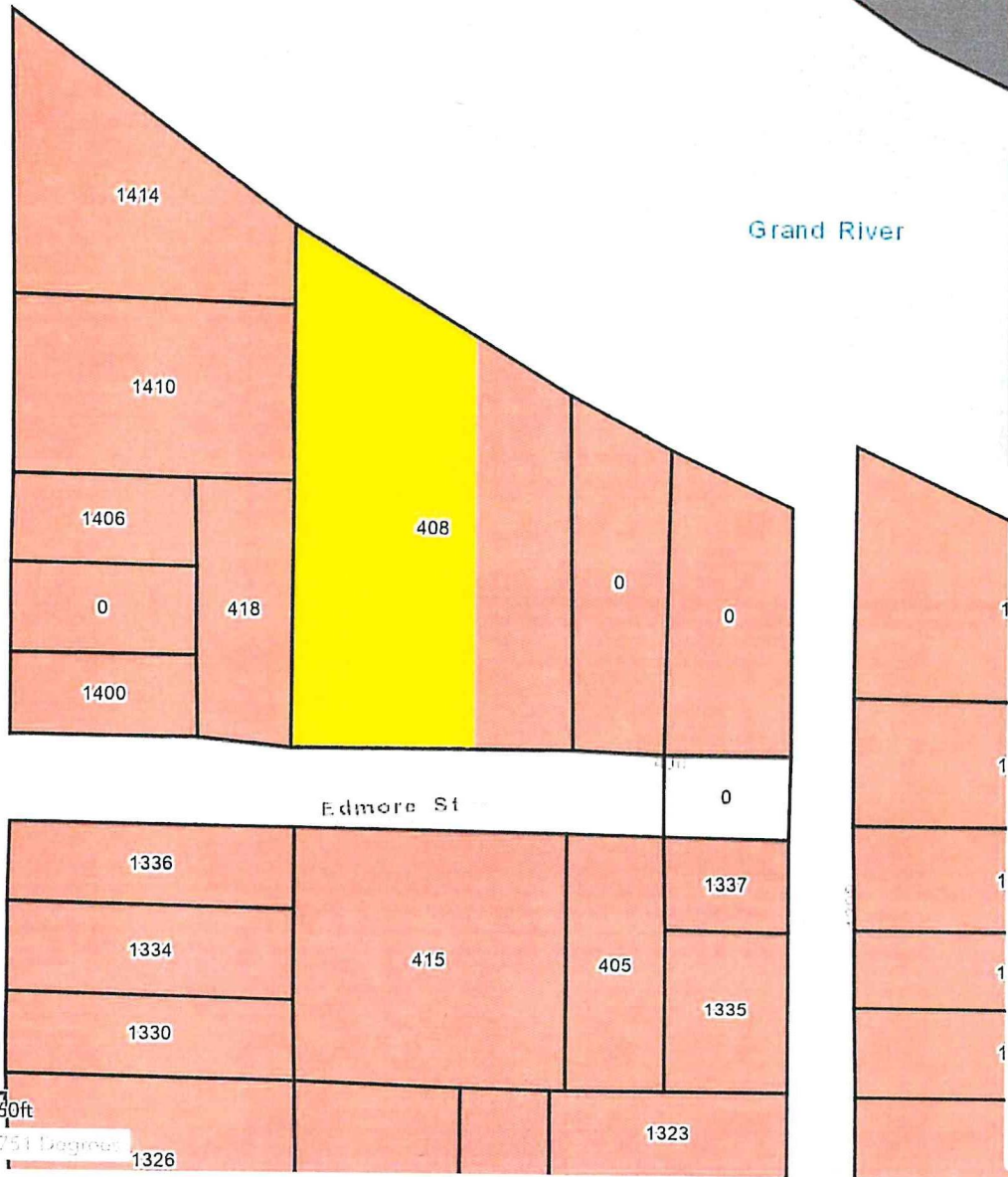
- A, Residential - Single
- B, Residential - Single
- C, Residential - 2 Unit
- CUP, Community Unit Plan
- D-1, Professional Office
- D-2, Residential/Office
- DM-1, Residential - Multiple
- DM-2, Residential - Multiple
- DM-3, Residential - Multiple
- DM-4, Residential - Multiple
- E-1, Apartment Shop
- E-2, Local Shopping
- F, Commercial
- F-1, Commercial
- G-1, Business
- G-2, Wholesale
- H, Light Industrial
- I, Heavy Industrial
- J, Parking
- ROW, Right of Way



1409

1399

N Chestnut St



80ft
-84.531 -12.751 Degree

EDMORE ST LANSING, MI 48906 (Property Address)

Parcel Number: 33-01-01-09-179-081



Item 1 of 2 1 Image / 1 Sketch

Property Owner: INGHAM COUNTY LAND BANK

Summary Information

- > Residential Building Summary
 - Year Built: N/A
 - Full Baths: 1
 - Sq. Feet: N/A
 - Bedrooms: 0
 - Half Baths: 0
 - Acres: 0.110
- > Assessed Value: \$0 | Taxable Value: \$0
- > Property Tax information found
- > 3 Building Department records found

Owner and Taxpayer Information

Owner INGHAM COUNTY LAND BANK **Taxpayer** SEE OWNER INFORMATION
 FAST TRACK AUTHORITY
 3024 TURNER ST
 LANSING, MI 48906

General Information for Tax Year 2019

Property Class	RESIDENTIAL – VACANT	Unit	33 CITY OF LANSING - INGHAM
School District	LANSING	Assessed Value	\$0
MAP #	AP-0015 -0016	Taxable Value	\$0
TOP TEN	Not Available	State Equalized Value	\$0
NEW PERMITS	Not Available	Date of Last Name Change	01/03/2017
USER ALPHA 3	Not Available	Notes	Not Available
Historical District	Not Available	Census Block Group	Not Available
TYPE CODE	Not Available	Exemption	No Data to Display

Principal Residence Exemption Information

Homestead Date 12/30/1997

Principal Residence Exemption	June 1st	Final
2019	0.0000 %	0.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2018	\$0	\$0	\$0
2017	\$0	\$0	\$0
2016	\$0	\$0	\$0

Land Information

Zoning Code	Not Available	Total Acres	0.110
Land Value	\$0	Land Improvements	\$0
Renaissance Zone	No	Renaissance Zone Expiration Date	No Data to Display
ECF Neighborhood	KNOLLWOOD PK, GLENDALE PL, ASSESSOR NO 15	Mortgage Code	No Data to Display
Lot Dimensions/Comments	No Data to Display	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
Lot 1	38.00 ft	126.00 ft
Total Frontage: 38.00 ft		Average Depth: 126.00 ft

Legal Description

LOT 11 ASSESSORS PLAT NO 15 REC L 10 P 18

Sale History

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page
11/24/2015	\$5,400.00	QC	INGHAM COUNTY TREASURER	INGHAM COUNTY LAND BANK	CASH	2015 045674
04/01/2015	\$854.00	??	WILSON JOE N	INGHAM COUNTY TREASURER	OTHER	2015 015695
01/01/1995	\$25,810.00	LC	ARGUMEDO THOMAS D/WILSON JOE	LACOMBE RAYMOND	CONV	L2240-P1140
11/03/1994	\$26,500.00	LC	ARGUMEDO THOMAS D	WILSON JOE	CASH	L2235-P490

Building Information - 0 sq ft 1 STY (Residential)

General

Floor Area	0 sq ft	Estimated TCV	<i>Not Available</i>
Garage Area	0 sq ft	Basement Area	0 sq ft
Foundation Size	0 sq ft		
Year Built	<i>Not Available</i>	Year Remodeled	<i>Not Available</i>
Occupancy	Single Family	Class	C
Effective Age	14 yrs	Tri-Level	No
Percent Complete	100%	Heat	Forced Air w/ Ducts
AC w/Separate Ducts	No	Wood Stove Add-on	No
Basement Rooms	0	Water	<i>Not Available</i>
1st Floor Rooms	0	Sewer	<i>Not Available</i>
2nd Floor Rooms	0	Style	1 STY
Bedrooms	0		

Basement Finish

Recreation	0 sq ft	Recreation % Good	0%
Living Area	0 sq ft	Living Area % Good	0%
Walk Out Doors	0	No Concrete Floor Area	0 sq ft

Plumbing Information

3 Fixture Bath	1
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PARK

LB: Land Bank

CL: City of Lansing



Grand River

Grand River

N Chestnut St

Edmore St

Edmore St

N Walnut St

1414

1410

1406

0

1400

418

408

PARK

LB

0

CL

0

1346

1342

0

1336

1334

1330

415

405

1335

1337

1336

1332

1330

LB = Land Bank
CL = City of Lansing

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

Act-15-2019, Addition to Edmore Park

WHEREAS, the Parks and Recreation Department proposes to acquire parcel no. 33-01-01-09-179-081, just east of Edmore Park, as an expansion to the park;

WHEREAS, specifically, the proposal is to acquire this vacant property from the Ingham County Land Bank, and combine it with Edmore Park to west, and a vacant City-owned parcel (PPN 33-01-01-09-179-091) immediately to the east;

WHEREAS, all three parcels have frontage on the Grand River;

WHEREAS, Edmore Park would grow from its current 17, 514 SF to 27,343 SF (approx. 0.63 acres), and extend eastward to Walnut Street;

WHEREAS, the Park Board, on September 11, 2019 voted unanimously to recommend approval of this acquisition proposal;

WHEREAS, the Planning Board, at its meeting on October 1, 2019, reviewed the acquisition proposal in accordance with its Act 33 Review procedures, and voted unanimously (6-0) to recommend approval of Act-15-2019, the acquisition of parcel no. 33-01-01-09-179-081, and the consolidation of properties to expand Edmore Park;

WHEREAS, the Committee on Public Service reviewed the report and recommendation of the Planning Board and concurs therewith;

NOW, THEREFORE BE IT RESOLVED, that the Lansing City Council hereby approves the acquisition of parcel no. 33-01-01-09-179-081, adjacent to Edmore Park, legally described as:

LOT 11 ASSESSORS PLAT NO 15 REC L 10 P 18

from the Ingham County Land Bank, for the sum of One Dollar (\$1.00), plus closing costs.

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



City of Lansing

OFFICE OF THE CITY ATTORNEY

James D. Smiertka, City Attorney

TO: Peter Spadafore, Council Vice President
FROM: Lisa K. Hagen, Assistant City Attorney
DATE: November 4, 2019
SUBJECT: Solid Waste Policy for Registered Rentals

You requested that the Office of the City Attorney draft an ordinance that requires all landowners of registered rental property to provide trash service for their tenants and that the trash service provided would be Lansing CARTS. After research of same, we have found the following issues:

- Currently, Landowners are already required to provide trash services, and are responsible for the removal of trash. The 2015 International Property Maintenance Code (IMPC) provides that, “308.2.1: Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.” The City of Lansing adopted the IMPC on March 25, 2019. Therefore, owners of rental properties are required to supply a trash container, and are responsible for the removal of trash.
- Requiring landowners to provide CART service, when other trash haulers are licensed and operate in the city, would be unconstitutional. The City of Lansing has a mechanism by which to license trash haulers, such as Granger or Waste Management. Currently, the City of Lansing authorizes other trash hauling companies by way of a yearly license. By

James D. Smiertka

requiring all rental property owners provide only Lansing's trash service to their tenants, it could be deemed as violating antitrust laws, and the Commerce Clause. For example, in *National Solid Wastes Management Association v. the City of Dallas*, an ordinance requiring franchisees to transport solid waste to city-owned landfills, rather than franchisee-owned landfills violated the Contracts clause, as well as the Texas constitution, and the City's Charter. 903 F. Supp.2d 446 (2012). In addition, *C & A Carbone, Inc., et al. v. Town of Clarkston New York* held that an ordinance requiring that solid waste processed or handled within the town be processed at the town's transfer station impermissibly discriminated against interstate commerce. 114 S. Ct. 1677 (1994). Therefore, requiring owners of rental properties to use only Lansing CART service, would be unconstitutional as it impermissibly discriminates against the other licensed trash haulers in the City.