

**REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF LANSING, MICHIGAN
CITY COUNCIL CHAMBERS, 10TH FLOOR
LANSING CITY HALL
124 W. MICHIGAN AVENUE**



REVISED AGENDA FOR MAY 8, 2017

TO THE HON. MAYOR AND MEMBERS OF THE CITY COUNCIL:

The following items were listed on the agenda in the City Clerk's Office in accordance with Section 3-103(2) of the City Charter and will be ready for your consideration at the regular meeting of the City Council on Monday, May 8, 2017 at 7:00 p.m. at the Council Chambers, 10th Floor, City Hall.

I. ROLL CALL

II. MEDITATION AND PLEDGE OF ALLEGIANCE

III. READING AND APPROVAL OF PRINTED COUNCIL PROCEEDINGS

Approval of the Printed Council Proceedings of April 24, 2017

IV. CONSIDERATION OF LATE ITEMS (Suspension of Council Rule #9 is needed to allow consideration of late items. Late items will be considered as part of the regular portion of the meeting to which they relate.)

V. TABLED ITEMS

VI. SPECIAL CEREMONIES

VII. COMMENTS BY COUNCIL MEMBERS AND CITY CLERK

VIII. COMMUNITY EVENT ANNOUNCEMENTS (Time, place, purpose, or definition of event – 1 minute limit)

IX. SPEAKER REGISTRATION FOR PUBLIC COMMENT ON LEGISLATIVE MATTERS

X. MAYOR'S COMMENTS

XI. SHOW CAUSE HEARINGS

XII. PUBLIC COMMENT ON LEGISLATIVE MATTERS (Legislative matters consist of the following items on the agenda: public hearings, resolutions, ordinances for introduction, and ordinances for passage. The public may comment for up to three minutes. Speakers must sign up on white form.)

A. SCHEDULED PUBLIC HEARINGS

1. In consideration of An Ordinance to amend Chapter 1240 Title 6 of the Planning and Zoning Code, Part 12 of the Codified Ordinances of the City of Lansing, Chapter 1240, Section 1240.03 for the purpose of defining a “Garden”, “Garden Structure”, “Gardening” and to amend the definition of “Open Space”
2. In consideration of Z-9-2016; Rezoning 2122 N MLK & Vacant Properties from Residential, Community Unit, Apartment Shop, Commercial and Parking to “H” Light Industrial, “G-2” Wholesale and “F” Commercial
3. In consideration of the FY 2018 City Budget

XIII. COUNCIL CONSIDERATION OF LEGISLATIVE MATTERS

A. REFERRAL OF PUBLIC HEARINGS

B. CONSENT AGENDA

1. BY COUNCIL MEMBERS BROWN CLARKE, HUSSAIN, DUNBAR, HOUGHTON, SPITZLEY, WASHINGTON, WOOD, AND YORKO
 - a. Tribute; in recognition of Ingham County Register of Deeds, Derrick Quinney, A. Philip Randolph Institute Lansing Chapter Community Role Model Award Recipient
 - b. Tribute; in recognition of Bill Reed, A. Philip Randolph Institute Lansing Chapter Community Role Model Award Recipient
 - c. Tribute; in recognition of Geronimo Lerma, A. Philip Randolph Institute Lansing Chapter Community Role Model Award Recipient
 - d. Tribute; in recognition of Anita Dawson, A. Philip Randolph Institute Lansing Chapter “Special Award” Recipient
 - e. Tribute; in recognition of Josephine Tomancik’s 94th Birthday
 - f. Tribute; in recognition of Against All Odds Ninth Annual Women of Vision Luncheon
2. BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
 - a. Setting a Public Hearing in consideration of SLU-1-2017; 700 E. Oakland; Residential Use in “I” Heavy Industrial

- b. Setting a Public Hearing in consideration of Brownfield Redevelopment Plan #68; 513 & 515 W Ionia Street; Belen Buildings Redevelopment Project
 - c. Setting a Public Hearing in consideration of Brownfield Redevelopment Plan #69; 221 West Saginaw Avenue Redevelopment Project
- 3. BY THE COMMITTEE ON GENERAL SERVICES
 - a. Community Funding Request; Men Making a Difference
 - b. Transfer of Interest in a Resort Class C and SDM Liquor License; Los Tres Amigos South Side, Inc.
 - c. Small Distillers License for MichiGrain/Mash Mavericks, 523 E. Shiawassee
 - d. Claim Settlement #1377; 1233 Vermont Avenue; L. McMillen
 - e. Claim Denial; South Hosmer; J. Addiss
 - f. Claim Settlement; 527 Pacific; M. Preston
- 4. BY THE COMMITTEE OF THE WHOLE
 - a. Amendments to the Deferred Compensation Plan (457) for the UAW 2016-2019 Collective Bargaining Agreement
 - b. Ballot Language for placement on August 8, 2017 Ballot; Charter Amendment 8-403.6, after October 1, 2017, no part or entirety of park, cemetery, or waterfront land may be disposed of by sale, gift, lease or license greater than five years without renewal, easement, transfer or otherwise without the approval, by a majority vote, of the electors of the City voting on the question at a regular or special election,

C. RESOLUTIONS FOR ACTION

- 1. BY THE COMMITTEE ON WAYS AND MEANS
 - a. Grant Acceptance; Ingham County Parks Millage Public Access Grant, Funding 12 Projects within the Trail System

D. REPORTS FROM COUNCIL COMMITTEES

E. ORDINANCES FOR INTRODUCTION and Setting of Public Hearings

- 1. BY THE COUNCIL MEMBER WASHINGTON

- a. An Ordinance of the City Of Lansing, Michigan, To amend Chapter 622, Section 622.01, of the Lansing Codified Ordinances by excluding drug paraphernalia distributed by a federal, state or local government al agency to prevent the transmission of infectious agents
- 2. BY THE COMMITTEE ON DEVELOPMENT & PLANNIING
 - a. Z-2-2017; 5025 S. Pennsylvania Avenue, Rezoning from “E-2” Local Shopping District to “F” Commercial District
 - b. Z-3-2017; 3512 S. Martin Luther King Jr. Blvd., Rezoning from “F” Commercial & “J” Parking Districts to “H” Light Industrial District
- 3. BY THE COMMITTEE ON WAYS AND MEANS
 - a. Ordinance Amendments, Capitol City Lansing Police Supervisors and Non-Supervisors Pension

F. ORDINANCES FOR PASSAGE

- 1. BY THE COMMITTEE ON GENERAL SERVICES
 - a. An Ordinance of the City Of Lansing, Michigan to amend Chapter 654, Noise Ordinance, Section 654.11, Special Permits, to modify the notice requirement to go to residents living within 500 feet of the emitter twelve days in advance of the public hearing.

XIV. SPEAKER REGISTRATION FOR PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS

XV. REPORTS OF CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS (Motion that all items be considered as being read in full and that the proper referrals be made by the President)

A. 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
 - b. FY 2017 3rd Quarter General Fund Status Report
- 2. Letter(s) from the Mayor re:
 - a. Grant Acceptance, Congestion Mitigation and Air Quality (CMAQ) Grants Funding Traffic Signal Upgrades and Signal Communications Improvements

- b. Establishment of a Historic District for Central United Methodist Church

B. COMMUNICATIONS AND PETITIONS, AND OTHER CITY RELATED MATTERS

1. Communication from Celebrations Banquets, L.L.C. requesting a change to or variance from the Liquor Ordinance
2. Communication from Rachel Jensen, requesting a change to the Trespass Ordinance
3. Affidavit of Disclosure, Keegan Stitt, Lansing Police Department

XVI. MOTION OF EXCUSED ABSENCE

XVII. REMARKS BY COUNCIL MEMBERS

XVIII. REMARKS BY THE MAYOR OR EXECUTIVE ASSISTANT

XIX. PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS (City government related matters are issues or topics relevant to the operation or governance of the city. The public may comment for up to three minutes. Speakers must sign up on yellow form.)

XX. ADJOURNMENT



CHRIS SWOPE, CITY CLERK

Persons with disabilities who need an accommodation to fully participate in this meeting should contact the City Clerk's Office at (517) 483-4131 (TDD (517) 483-4479). 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.

CITY OF LANSING
NOTICE OF PUBLIC HEARING

The Lansing City Council will hold a public hearing on **Monday, May 8, 2017**, at 7:00 p.m. in Council Chambers, 10th Floor, Lansing City Hall, 124 W. Michigan Avenue, Lansing, Michigan to consider An Ordinance of the City of Lansing, Michigan to amend Chapter 1240 Title 6 of the Planning and Zoning Code, Part 12 of the Codified Ordinances of the City of Lansing, Chapter 1240, Section 1240.03 for the purpose of defining a “Garden”, “Garden Structure”, “Gardening” and to amend the definition of “Open Space”.

For more information, please call Lansing City Council at 517-483-4177. If you are interested in this matter, please attend the public hearing or send a representative. Written comments will be accepted between 8 a.m. and 5 p.m. on City business days if received before 5 p.m., on the day of the Public Hearing at the City Clerk’s Office, Ninth Floor, City Hall, 124 West Michigan Ave., Lansing, MI 48933 or email city.clerk@lansingmi.gov.

Chris Swope, Lansing City Clerk
www.lansingmi.gov/Clerk
www.facebook.com/LansingClerkSwope

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND TITLE 6 OF THE PLANNING AND ZONING CODE, PART 12 OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, CHAPTER 1240, SECTION 1240.03 FOR THE PURPOSE OF DEFINING A “GARDEN”, “GARDEN STRUCTURE”, “GARDENING” AND TO AMEND THE DEFINITIONS OF “BUILDING CODE” AND “OPEN SPACE”.

THE CITY OF LANSING ORDAINS:

Section 1. That Title 6 of the Planning and Zoning Code, Part 12 of the Codified Ordinances of the City of Lansing, Michigan, be and are hereby amended as follows:

CHAPTER 1240. - GENERAL PROVISIONS AND DEFINITIONS

1240.03. - Definitions.

As used in this Zoning Code, unless otherwise provided:

Abutting. "Abutting" means having a lot line which, at not less than one point, touches another property line.

Accessory structure. "Accessory structure" means a structure which is used exclusively for an accessory use.

Accessory use. "Accessory use" means a use which meets all of the following criteria:

A. It is clearly incidental to the principal use.

B. It is customarily found in connection with the principal use.

C. It is subordinate to the principal use.

D. It is located on the same lot as the principal use, except as otherwise permitted in this Zoning Code.

Adjacent. "Adjacent" means the status of being contiguous to or abutting. In the case of two lots, "adjacent" means both of the following:

A. The first lot is directly across a public right-of-way from the second lot.

B. Such public right-of-way is less than 100 feet in width.

1 *Alley.* "Alley" means any dedicated public right-of-way affording a secondary means of access to
2 abutting property and not intended for general traffic circulation.

3 *Ambulatory health care facility.* See "Clinic."

4 *Animal hospital.* "Animal hospital" means a structure or lot where animals are given medical or
5 surgical care or treatment.

6 *Applicant.* "Applicant" means a person having a legal, equitable or leasehold interest in a lot, or a
7 representative of such person, who is making a request pursuant to this Zoning Code.

8 *Architectural features.* "Architectural features" means cornices, eaves, gutters, belt courses, sills,
9 lintels, bay windows, chimneys and decorative ornaments.

10 *Arterial, minor.* "Minor arterial" means a minor arterial as defined in the Comprehensive Plan, as
11 amended.

12 *Arterial, principal.* "Principal arterial" means a principal arterial as defined in the Comprehensive
13 Plan, as amended.

14 *Auditorium.* "Auditorium" means a structure intended to present any entertainment, including, but
15 not limited to, a play, musical entertainment or lecture.

16 *Auditorium, school.* "School auditorium" means an enclosure within a school intended to present any
17 entertainment, including, but not limited to, a play, theater, musical entertainment or lecture.

18 *Automobile service station.* See "Motor vehicle service station."

19 *Basement or cellar.* "Basement" or "cellar" means that portion of a structure between floor and
20 ceiling which is partly below and partly above grade. A basement is so located that the vertical distance
21 from grade to the floor below is less than the vertical distance from grade to ceiling. A cellar is that
22 portion of a structure between floor and ceiling which is wholly or partly below grade and so located that
23 the vertical distance from grade to the floor below is equal to or greater than the vertical distance from
24 grade to ceiling.

25 *Bedroom.* "Bedroom" means a room within a dwelling unit which meets the following criteria:

26 A. It is intended to be used, or is used, for sleeping purposes.

27 B. It contains a floor area of not less than 70 square feet.

28 C. It is not the only room in the dwelling unit (i.e. an efficiency dwelling unit).

Space and occupancy standards for a bedroom shall be as mandated by the Housing Code of the City, being Chapter 1460 of these Codified Ordinances.

Beneficial user. "Beneficial user" means a person actually using a lot or structure with the permission of the person having a legal, equitable or leasehold interest in the lot.

Berm. "Berm" means an earthen mound designed to separate one area from another.

Block face. "Block face" means the cumulative property on one side of a street exhibiting one of the following characteristics:

A. The property lying between two intersecting streets or public rights-of-way;

B. The property lying between an intersecting street and railroad right-of-way, river or stream; or

C. The property lying between a public right-of-way, railroad right-of-way, river or stream and the corporate boundaries of the City.

Boarding or lodging house. "Boarding or lodging house" means a structure, other than a hotel, where, for compensation, and by prearrangement for definite periods, lodging or meals, or both, are provided for at least three but not more than 20 persons.

Buffer. "Buffer" means a land area that separates one land use from another. Such area may be landscaped and may also contain a berm, fence or other screening material.

Building. "Building" means an independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion of a structure is completely separated from every other part by division walls from the ground up, and without openings, each portion of such structure shall be deemed a separate structure. This refers to both temporary and permanent structures, and includes tents, sheds, garages, stables, greenhouses or other accessory structures. A building does not include such structures with interior areas not normally accessible for human use, such as gas holders, tanks, smoke stacks, grain elevators, coal bunkers, oil cracking towers or similar structures.

Building Code. "Building Code" means ~~Titles Two and Four of Part Fourteen the Building and Housing Code~~ THE STILLE-DEROSSETT-HALE- SINGLE STATE CONSTRUCTION CODE ACT, ACT 230 OF 1972, KNOWN AS THE MICHIGAN BUILDING CODE, WITH AMENDMENTS, ADOPTED BY REFERENCED AS PART of these Codified Ordinances.

Building height. "Building height" means the vertical distance from the grade at the front of a structure to the highest point of the coping of a flat roof; the average height between the eaves and a ridge

or to the deckline of a mansard roof; or the average height between the plate and ridge of a gable, hip or gambrel roof.

Business. "Business" means an office, commercial or industrial use entered into for the purpose of financial gain, earning a livelihood or improving a person's economic conditions and desires.

Canopy. "Canopy" means an ornamental or roof-like structure which is fastened to a structure and used for protection.

Carport. "Carport" means an accessory structure used primarily to shelter private motor vehicles. A carport is attached to the principal structure and is completely open on not less than two sides.

CAS number . "CAS number" or "chemical abstract service number" means a unique number for every chemical established by a Columbus, Ohio organization which indexes information published in "chemical abstracts" by the American Chemical Society. It is used (among other purposes) in maintaining chemical inventories used by DEQ for regulatory purposes, by firefighters for firefighter right to know purposes and by public service departments responsible for discharges into stormwater or municipal sewer systems.

Child care facility. "Child care facility" means a facility receiving more than 12 preschool or school-aged children and providing care where parents or guardians are not immediately available to the children for:

A. Periods of less than 24 hours a day; or

B. Not less than two consecutive weeks, regardless of the number of hours of care per day.

The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group or drop-in center. "Child care facility" does not include preschool or school-age children in classes at a church for a temporary period of time of not more than three hours per day for an indefinite number of days, or over three hours but not more than eight hours per day for a number of days not to exceed four weeks, during a calendar year or in a facility operated by a religious organization where they are cared for, for not more than three hours while persons responsible for them are attending religious services.

Church. "Church" means a structure used to conduct a religious service, including, but not limited to, the usual accessory structures and uses, such as convents, rectories, parsonages, monasteries, gymnasiums and church halls.

1 *Clinic*. "Clinic" means a structure where medical or dental care is furnished to persons on an out-
2 patient basis by more than three doctors or dentists.

3 *Common way*. "Common way" means a commonly shared or used pedestrian or vehicular way that
4 connects or serves two or more properties.

5 *Comparison retail store*. "Comparison retail store" means a retail store which is not a convenience
6 retail store.

7 *Comprehensive Plan*. "Comprehensive Plan" means a master plan described by Section 6 of Public
8 Act 285 of 1931, as amended, being M.C.L.A. 125.36.

9 *Conformed copy*. "Conformed copy" means an exact duplicate of an original.

10 *Construction*. "Construction" means the putting together of materials to build a new structure or to
11 restore, reconstruct, extend, enlarge or repair an existing structure. This definition does not apply to
12 Chapter 1288.

13 *Construction, start of*. "Start of construction" means the first placement of permanent construction of
14 a structure, other than a mobile home, on a site, such as the pouring of slabs or footings or any work
15 beyond the stage of excavation. "Permanent construction" does not include land preparation, such as
16 clearing, grading and filling; the installation of streets and/or walkways; excavation for a basement, cellar,
17 footings, piers or foundations or for the erection of temporary forms; or the installation on the property of
18 accessory structures, such as garages or sheds, not occupied as dwelling units or part of the main
19 structure.

20 For a structure, other than a mobile home, without a basement, cellar or poured footings, "start of
21 construction" includes the first permanent framing or assembly of the structure or any part thereof on its
22 piling or foundation.

23 For premanufactured homes, "start of construction" means the affixing of the premanufactured home to
24 its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of
25 construction" is the date on which the construction of facilities for servicing the site on which the mobile
26 home is to be affixed, including, at a minimum, the construction of streets, either final site grading or the
27 pouring of concrete pads and the installation of utilities is completed.

28 *Contiguous*. "Contiguous" means abutting.

29 *Convalescent care home*. "Convalescent care home" means a nursing care facility, other than a
30 hospital, that provides organized nursing care and medical treatment to seven or more unrelated

individuals suffering or recovering from illness, injury or infirmity. County medical facilities shall be deemed convalescent care homes for the purpose of this Zoning Code.

Convenience retail store. "Convenience retail store" means an establishment which primarily serves the surrounding neighborhood and includes, but is not limited to, the following:

- A. Limited service food store;
- B. Drug store;
- C. Hardware store;
- D. Barber and/or beauty shops;
- E. Laundry or cleaners pickup;
- F. Watch and shoe repair;
- G. Jewelry store;
- H. Florist;
- I. Gift shop;
- J. Book store;
- K. Clothing store;
- L. Photographer;
- M. Tailor; and
- N. Bakery whose products are sold only on the premises.

Core area. "Core area" means that portion of a structure with one or more rooms directly accessible to one another, including a bathroom and complete kitchen facilities, which rooms are arranged, designed or used as living quarters for one family. A core area shall be measured from the interior faces of the exterior walls.

Cumulative. "Cumulative" means increasing or enlarging by successive addition through all points in time.

Damaged. "Damaged" means an item that still functions as it was intended, but is missing parts or has parts that have suffered some degree of destruction.

Days. "Days" means calendar days, unless otherwise stated.

1 *Density, gross.* "Gross density" means a figure which equals the total number of dwelling units on a
2 lot divided by the total number of acres included in the lot.

3 *Density, net.* "Net density" means a figure which equals the total number of dwelling units on a lot
4 divided by the total number of acres included in the lot, excluding any lot area owned by a governmental
5 entity, used as a private street or occupied by a nonresidential use.

6 *Deteriorated.* "Deteriorated" means an item which still functions as it was intended, but is missing
7 parts or requires substantial maintenance.

8 *Dimensional provision.* "Dimensional provision" means one or more of the following:

- 9 A. Lot area requirements;
- 10 B. Front yard requirements;
- 11 C. Side yard requirements;
- 12 D. Rear yard requirements;
- 13 E. Parking requirements; or
- 14 F. Height restrictions.

15 *District zoning.* "District zoning" means an area within which certain uses of land and structures are
16 permitted and certain others are prohibited, yards and other open spaces are required and lot areas,
17 structure height limits and other requirements are established, all of the foregoing being identical for the
18 zone in which they apply.

19 *Duplex.* See "Dwelling, two-family."

20 *Dwelling, multiple.* "Multiple dwelling" means a structure or portion of a structure which contains
21 three or more dwelling units.

22 *Dwelling, one-family.* "One-family dwelling" means a structure designed and/or used exclusively for
23 residential purposes for one family only and containing one dwelling unit.

24 *Dwelling, two-family.* "Two-family dwelling" means an attached or semidetached structure used for
25 residential occupancy by two families living independently of each other. Such dwelling is also known as
26 a "duplex dwelling."

27 *Dwelling unit.* "Dwelling unit" means a structure or a portion of a structure on a permanent
28 foundation with one or more rooms, including a bathroom and complete kitchen facilities, which rooms
29 are arranged, designed or used as living quarters for one family. "Dwelling unit" includes a structure

constructed on-site, a mobile home not located in a mobile home park, a premanufactured unit, a precut structure or a panelized structure, whether erected above and/or below ground, which complies with the following standards:

- A. It shall conform with the minimum residential lot dimensional requirements for the district in which it is located.
- B. On lots 40 feet or greater in width, it shall contain a core area of living space of at least 24 feet by 24 feet in size and shall have a minimum internal height of seven and one-half feet. For single-family dwellings on lots less than 40 feet in width in A, A-1, B and C Residential Districts, it shall contain a core area of living space of at least 20 feet by 20 feet in size and shall have a minimum internal height of seven and one-half feet.
- C. It is firmly attached to a permanent foundation constructed on the site in accordance with the Building Code of the City and has a wall of the same perimeter dimensions as the structure which is constructed of such materials and type as required in the Building Code. If the structure is a mobile home not located in a mobile home park, it shall be installed pursuant to the manufacturer's set-up instructions, shall be secured to the premises by an anchoring system or device complying with all State and Federal rules and regulations governing the same and shall have a perimeter wall as required in this paragraph which is aesthetically compatible in design and appearance with conventionally on-site constructed homes.
- D. If it is not a structure constructed on site, it shall be aesthetically compatible in design and appearance with conventionally on-site constructed homes. For purposes of compatibility, all structures shall:
 1. Have not less than two exterior doors with one door being in front of the structure and the other being in either the rear or on the side of the structure;
 2. Have permanently attached steps connected to exterior door areas or porches connected to exterior door areas where required by a difference in elevation;
 3. Have siding firmly affixed to the exterior walls of the structure constructed of conventional materials such as wood, vinyl, aluminum or brick;
 4. Have a shingled roof constructed of conventional material, which roof is permanently attached to the structure and has a minimum 3:12 pitch and an overhang of at least one foot; and

5. Not have wheels, towing mechanisms, undercarriages or chassis that are visible from the outside of the structure.

This paragraph shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or architectural design.

Dwelling unit, efficiency. "Efficiency dwelling unit" means a dwelling unit of not more than one room in addition to a kitchen and bathroom.

Educational facility. "Educational facility" means a public or private institution or a separate school or department of a school, and includes an academy, college, elementary or secondary school, extension course, kindergarten, local school system, university or a business, nursing, professional, secretarial, technical or vocational school, and includes an agent of an educational institution.

Emergency services facility. "Emergency services facility" includes, but is not limited to, public or private civil defense, ambulance or fire service.

Excavation. "Excavation" means any breaking of ground, except for agricultural purposes, ground care and landscaping.

Extension. "Extension" means an addition to the floor area of an existing structure, an increase in the intensity of a use, an enlargement of land area utilized by a specific use or an increase in the activity of a use.

Fair market value. "Fair market value" means an estimate of the actual worth of a lot, structure or combination thereof, which estimate is made by a licensed real estate broker experienced and qualified in the appraisal of real estate using appropriate appraisal techniques.

Family. "Family" means any one of the following (see also "family, functional" hereof):

A. An individual;

B. An individual or two or more persons related by blood, marriage or adoption, together with not more than two other persons as roomers; or

C. Two or more persons related by blood, marriage or adoption, with not more than two other unrelated persons as roomers.

Family day care home. "Family day care home" means a facility receiving six or less preschool or school-aged children for care for less than 24 hours a day, where the parents or guardians are not immediately available to the children. "Family day care home" includes a facility receiving six or less

preschool or school-aged children and which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.

Family, functional. "Functional family" means a group of persons, which group does not meet the definition of "family" in paragraph (56) hereof, living in a dwelling unit as a single housekeeping unit and intending to live together as a group for the indefinite future. "Functional family" does not include a fraternity, sorority, club, hotel or other group of persons whose association is temporary or commercial in nature.

Fence. "Fence" means a fence as defined by Section 1290.01(e).

Filling. "Filling" means the permanent depositing or dumping of any matter onto or into the ground, except for agricultural purposes, ground care or landscaping.

Floor area. "Floor area" means the sum of the horizontal areas of each story of a structure measured from the exterior faces of the exterior walls.

Floor area, usable. "Usable floor area" means, for the purpose of computing parking, that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used for hallways, stairways, elevator shafts, utility or sanitary facilities or the storage or processing of merchandise shall be excluded from this computation of "usable floor area." Measurement of usable floor area shall be the sum of the horizontal areas of each story of a structure measured from the interior faces of the exterior walls. Usable floor area is illustrated in Appendix I following the text of this Zoning Code.

Funeral home. "Funeral home" means a structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

Garage. "Garage" means an accessory structure for the storage of motor vehicles.

Garage, private. "Private garage" means an accessory structure which is used primarily for the parking of private motor vehicles operated as accessory uses. A private garage has access through an overhead door and has a hard-surfaced driveway leading to the structure from a property line.

Garage, public. "Public garage" means any garage other than a private garage.

GARDEN MEANS THE GROWING OF PLANTS FOR HUMAN CONSUMPTION, INCLUDING BERRIES, HERBS, VEGETABLES, SEEDS, OR OTHER SIMILAR PRODUCTS INCORPORATED INTO, AND USED AS FOOD AND FLOWERS, BUT NOT INCLUDING PLANTS GROWN FOR COMMERCIAL SALE OR PURPOSES. GARDENS THAT ARE ACCESSORY TO A PRIMARY PERMITTED USE ARE ALLOWED BY RIGHT IN ALL RESIDENTIAL DISTRICTS. GARDENS

1 THAT ARE THE PRIMARY USE OF A LOT ARE PERMITTED IN ALL RESIDENTIAL
2 DISTRICTS, SUBJECT TO COMPLIANCE WITH ALL APPLICABLE STANDARDS OF THE
3 LANSING ZONING ORDINANCES AND SIGN ORDINANCE, INCLUDING, BUT NOT LIMITED
4 TO SETBACK, BUILDING HEIGHT, PLACEMENT AND LOT COVERAGE, LANDSCAPE,
5 SCREENING AND BUFFERING AND SIGN RESTRICTIONS; AND ALSO SUBJECT TO ALL
6 OTHER APPLICABLE STATE LAWS AND CITY ORDINANCES, INCLUDING, BUT NOT
7 LIMITED TO NOISE AND OTHER NUISANCES AS DEFINED BY CITY ORDINANCE, EXCEPT
8 THAT VEGETATION AS DESCRIBED IN A DEFINED GARDEN MAY EXCEED 8" IN HEIGHT.

9 GARDEN STRUCTURE MEANS A STRUCTURE USED FOR THE PURPOSE OF ENCLOSING
10 A GARDEN, INCLUDING THE INCIDENTAL USE AND STORAGE OF GARDENING
11 IMPLEMENTS, MACHINERY, EQUIPMENT AND APPURTENANCES USED IN THE ONSITE
12 GARDENING ACTIVITIES. GARDEN STRUCTURES ARE PERMITTED IN ALL RESIDENTIAL
13 DISTRICTS, SUBJECT TO COMPLIANCE WITH SETBACK, LOT COVERAGE, BUILDING
14 HEIGHT AND ALL OTHER APPLICABLE REQUIREMENTS OF THE ZONING ORDINANCE
15 AND BUILDING CODES.

16 GARDENING MEANS THE GROWING OF A GARDEN OR THE ACT OF WORKING IN A
17 GARDEN.

18 *Golf course.* "Golf course" means a comparatively large, unobstructed acreage involving enough
19 room over which to walk or ride, point to point, over a generally prescribed course, and to strive to send a
20 ball long distances with variable accuracy, all without unreasonably endangering other players or
21 intruding upon them.

22 *Governmental entity.* "Governmental entity" means the Federal Government, this State or any of its
23 instrumentalities; a County, City, Township, Village, school district, community college district or
24 community hospital district; any agency authorized to exercise a governmental function in a limited
25 geographical area or other political subdivision; any instrumentality of one or more of such units; or any
26 of such units and one or more other States or political subdivision of such States.

27 *Grade.* "Grade" means the lowest point of elevation within the area between the exterior surface of
28 the structure and the property line. If the property line is more than five feet from the exterior surface of
29 the structure, "grade" means the lowest point of elevation between the exterior surface of the structure and
30 a line five feet from the exterior surface of the structure.

31 *Greenhouse, commercial.* "Commercial greenhouse" means a glass or less than opaque enclosure
32 which exceeds 150 square feet in floor area and is designed or used for the cultivation or protection of

plants; or a glassed enclosure, regardless of size, designed or used for the cultivation or protection of plants for commercial purposes.

Group day care home. "Group day care home" means a private home receiving more than six and not more than 12 preschool or school age children for care for:

A. Periods less than 24 hours a day where parents or guardians are not immediately available to the children; or

B. Not less than two consecutive weeks, regardless of the number of hours of care per day.

Haul road. "Haul road" means a private road utilized by trucks, tractors or other similar vehicles to haul materials to and/or from a construction site, borrow pit or landfill.

Health maintenance organization (HMO). "Health maintenance organization" means a health facility or agency that:

A. Delivers health maintenance services to enrollees, under the terms of a health maintenance contract, directly or through arrangements with affiliated providers; and

B. Is responsible for the availability, accessibility and quality of the health maintenance services provided.

Home occupation. "Home occupation" means a business conducted in a dwelling unit by a person of legal or equitable interest in the dwelling unit.

Hospital. "Hospital" means a health facility offering in-patient, overnight care and services for observation, diagnosis and active treatment of human patients with a medical, surgical, obstetric, chronic or rehabilitative condition requiring the daily direction or supervision of a physician.

Hotel. "Hotel" means a structure or part of a structure with a common entrance or entrances, in which dwelling units are used primarily for transient occupancy and in which one or more of the following services are offered:

A. Maid service;

B. Telephone, secretarial or desk service;

C. Furnishing of linen; and

D. Bellboy service.

A hotel may include a restaurant or cocktail lounge, public banquet hall, ballroom or meeting room and may further include a guest room and suite of rooms for extended occupancy.

1 *Intensity of use.* "Intensity of use" means the amount of activity associated with a specific use.
2 Intensity of use shall be determined by the Department of Planning and Municipal Development based on
3 the following criteria:

- 4 A. Amount of vehicular traffic generated;
- 5 B. Amount of pedestrian traffic generated;
- 6 C. Noise, odor and air pollution generated;
- 7 D. Potential for litter or debris;
- 8 E. Type and storage of materials connected with the use;
- 9 F. Total residential units and density if residential; and
- 10 G. Total structure coverage and structure height on the parcel.

11 *Junk.* "Junk" means any of the following products which are stored in the open and which are
12 damaged or deteriorated or are in such a condition that the product cannot be used for the purpose for
13 which it was manufactured:

- 14 A. Motor vehicles;
- 15 B. Machinery;
- 16 C. Appliances;
- 17 D. Merchandise with missing parts;
- 18 E. Scrap metal; and
- 19 F. Scrap materials, including, but not limited to, rags, paper or building materials.

20 *Junkyard.* "Junkyard" means a lot used to store or process junk.

21 *Kennel.* "Kennel" means the keeping on a lot for commercial purposes of four or more dogs, cats or
22 other household pets which are more than six months old. Keeping includes, but is not limited to,
23 boarding, breeding or training.

24 *Loading space or area.* "Loading space or area" means an off-street space on the same lot with a
25 structure or group of structures for the temporary parking of a commercial vehicle while loading and
26 unloading merchandise or materials, and having direct and unobstructed access to a public street or alley.
27 "Unobstructed" does not preclude the use of security devices.

1 *Lot.* "Lot" means a parcel of land consisting of one or more lots of record occupied or intended to be
2 occupied by a principal structure or use and any accessory structure or by any other use or activity
3 permitted on the parcel of land. "Lot" includes the open spaces and yards required under this Zoning Code
4 and has its frontage on a public street or road either dedicated to the public or designated on a recorded
5 subdivision plat. Corner, interior and through lots are illustrated in Appendix II following the text of this
6 Zoning Code and are described as follows:

7 A. "Corner lot" means a lot where the interior angle of two adjacent sides at the intersection of two
8 streets is less than 135 degrees. A lot abutting upon a curved street is a corner lot if the radius of
9 the arc is less than 150 feet and the tangents to the curve at the two points where the lot lines
10 meet the curve or the straight street line extended form an interior angle of less than 135
11 degrees.

12 B. "Interior lot" means a lot other than a corner lot.

13 C. "Through lot" means an interior lot having frontage on two more or less parallel streets.

14 *Lot area.* "Lot area" means the total horizontal area within the lot lines of the lot.

15 *Lot coverage.* "Lot coverage" means the part or percentage of lot area occupied by structures and
16 hard-surfaced parking areas.

17 *Lot depth.* "Lot depth" means the horizontal distance between front and rear lot lines, measured
18 along the median between the side lot lines.

19 *Lot line, front.* "Front lot line" means that line separating a lot from the right-of-way line of a street.

20 *Lot line, rear.* "Rear lot line" means a lot line which is opposite the front lot line. In the case of a
21 corner lot, the rear lot line may be opposite either front lot line, but there shall be only one rear lot line. In
22 the case of a lot converging toward the rear, the rear lot line shall be an imaginary line parallel to the front
23 lot line, not less than ten feet long and wholly within the lot.

24 *Lot line, side.* "Side lot line" means any lot line not a front lot line or a rear lot line.

25 *Lot lines.* "Lot lines" means the lines bounding a lot.

26 *Lot of record.* "Lot of record" means a parcel of land which is part of a subdivision, the dimension
27 and configuration of which has been recorded on a map in the office of the Register of Deeds for the
28 appropriate county, or a parcel described by metes and bounds in any instrument of conveyance recorded
29 at the County Register of Deeds.

30 *Lot width.* "Lot width" means the horizontal distance from one side lot line to the opposite lot line.

1 *Maintenance of structure.* "Maintenance of structure" means to keep up, to keep from change, to
2 preserve, to hold or keep in any particular state or condition or to support what has already been brought
3 into existence.

4 *Mobile home.* "Mobile home" means a structure, transportable in one or more sections, which is built
5 on a chassis and designed to be used as a dwelling without a permanent foundation, when connected to
6 the required utilities, and includes the plumbing, heating, air conditioning and electrical systems
7 contained in the structure. "Mobile home" includes a manufactured home, but does not include a trailer.

8 *Mobile home park.* "Mobile home park" means a parcel or tract of land under the control of a person
9 upon which three or more mobile homes are located on a continual nonrecreational basis and which is
10 offered to the public for that purpose, regardless of whether a charge is made therefor, together with any
11 structure, building, enclosure, street, equipment or facility used or intended for use incidental to the
12 occupancy of a mobile home, and which is not intended for use as a temporary trailer park.

13 *Motel.* "Motel" means a series of attached, semidetached or detached rental units containing a
14 bedroom and a bathroom. A motel shall provide for overnight lodging which is offered to the public for
15 compensation and shall cater primarily to the public traveling by motor vehicle.

16 *Motor vehicle repair station.* "Motor vehicle repair station" means any lot on which minor repairs,
17 described in paragraph (96) hereof, are performed and, in addition, any of the following are performed:
18 bumping, painting, replacement of body parts, engine repair other than normal tuneup repair, engine
19 replacement, replacement of transmission or internal transmission parts or repair remaking.

20 *Motor vehicle service station.* "Motor vehicle service station" means any lot used for supplying
21 gasoline, oil and minor accessories at retail directly to the customer and which performs minor repairs.
22 "Minor repairs" means: engine tune up, alternator or generator replacement, rustproofing, battery
23 replacement, fan belt replacement, radiator hose replacement, radiator repair or replacement, tire repair or
24 replacement, wheel balancing, muffler and exhaust system replacement or front end alignment.

25 *Nonconformity.* "Nonconformity" means a use, structure or lot which does not conform with a use or
26 dimensional provision or any combination of a use or dimensional provision of this Zoning Code, but
27 which use, structure or land was lawfully established prior to the effectiveness date of such use or
28 dimensional provision.

29 *Nonresidential use.* "Nonresidential use" means any use not a residential use.

30 *Nursery.* "Nursery" means any land used to raise trees, shrubs, flowers and other plants for sale or
31 for transplanting.

Nursing home. See "Convalescent care home."

Occupant. "Occupant" means a person who takes or enters upon possession of a lot.

Off-street parking facility. "Off-street parking facility" means an off-street parking surface lot or an off-street parking structure.

Off-street parking structure. "Off-street parking structure" means a structure which provides for vehicular parking spaces, along with drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of two or more vehicles.

Off-street parking surface lot. "Off-street parking surface lot" means the use of an area for vehicular parking spaces, along with drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles on the surface of a lot.

Office. "Office" means a structure in which a person transacts his or her business or carries on his or her stated occupation.

Open space. "Open space" means that ground area, and the space above such ground area, which is unimpeded from the ground to the sky by any structure, except that the area may be used for landscaping, GARDENING or recreational purposes such as swimming, shuffleboard, tennis or similar uses. Parking lots and storage areas for vehicles and material shall not be considered as open space.

Open storage. "Open storage" means any of the following items which are stored in the open and which are inoperable, damaged and/or deteriorated in such a condition that any such item cannot be used for the purpose for which it was manufactured, or is not reasonably associated with the principal use of the lot itself, including, but not limited to:

A. Motor vehicles;

B. Machinery;

C. Appliances;

D. Motor vehicle parts; and

E. Other materials, including, but not limited to, metal, pipes, rags, papers or building materials.

Outdoor play space. "Outdoor play space" means that outside area on a lot reserved at a day care or group day care home for outside exercise, large motor skill development and play space of children.

Panelized structure. "Panelized structure" means a structure consisting of preconstructed two-dimensional units for walls, roofs and floors, which may include structural framing, windows, doors,

1 exterior finishes, interior wall finishes, installed wiring, plumbing and insulation, which is brought on-site
2 and erected thereon on a permanent foundation.

3 *Parking space.* "Parking space" means an area of defined length and width for the parking of motor
4 vehicles. Such area shall be exclusive of drives, aisles or entrances giving access thereto.

5 *Peak hour parking demand.* "Peak hour parking demand" means the number of parking spaces
6 required during the highest intensity of use.

7 *Perimeter line or boundary line.* "Perimeter line" or "boundary line" means the exterior limits of a
8 lot.

9 *Person.* "Person" means an individual, agent, association, corporation, partnership, sole
10 proprietorship, joint apprenticeship committee, joint stock company, labor organization, legal
11 representative, mutual company, receiver, trust, trustee in bankruptcy, unincorporated organization,
12 personal representative of an estate, the State, a political subdivision of the State, an agency of the State
13 or any other legal or commercial entity.

14 *Planned development.* "Planned development" means an office, commercial or industrial complex
15 developed as a single entity by one person, which complex contains more than one structure on a lot, not
16 including accessory structures.

17 *Planned neighborhood convenience retail center.* "Planned neighborhood convenience retail center"
18 means a building or group of buildings on a single lot two acres or more in size and designed to provide
19 commercial services to a residential neighborhood. "Residential neighborhood" means the land area
20 (within a one-half mile radius of the proposed planned neighborhood convenience retail center) which is
21 developed with at least 70 percent residential uses.

22 *Planned residential development.* "Planned residential development" means a lot on which all the
23 following conditions apply:

- 24 A. If the lot is zoned DM-1, the lot is more than six acres in size; if the lot is zoned DM-2, the lot is
25 more than four acres in size; if the lot is zoned DM-3, the lot is more than three acres in size;
26 and if the lot is zoned DM-4, the lot is more than two acres in size.
- 27 B. The lot has more than one structure on it which is used for residential purposes.
- 28 C. The lot is planned and developed as an integral unit in a single development operation
29 according to the requirements of Chapter 1280.

1 *Plot plan.* "Plot plan" means a diagram depicting the existing and proposed structures, lot lines,
2 setbacks, parking areas and the location of any known wells.

3 *Porch, enclosed.* "Enclosed porch" means a covered entrance to a structure which is surrounded on
4 all sides by glass, screen, wood, brick, plastic or other materials permitted by the Building Code.

5 *Porch, open.* "Open porch" means a porch that is not enclosed.

6 *Premanufactured unit.* "Premanufactured unit" means an assembly of materials or products intended
7 to comprise all or part of a building or structure, and that is assembled at other than the final location of
8 the unit of the building or structure by a repetitive process under circumstances intended to ensure
9 uniformity of quality and material content.

10 *Principal use.* "Principal use" means the primary, major, main, leading, outstanding or chief use
11 which a lot serves or is intended to serve.

12 *Probate.* "Probate" means the period of probate, as defined in Public Act 642 of 1978, as amended,
13 being M.C.L.A. 700.1 et seq.

14 *Public utility.* "Public utility" means electric light and power companies, whether private, public,
15 corporate or cooperative; gas companies; water, telephone, telegraph, oil, gas and pipeline companies;
16 motor carriers; and all public transportation and communication agencies other than railroads and railroad
17 companies.

18 *Reconstruction.* "Reconstruction" means the act of rebuilding a structure to meet the standards of the
19 Building Code or Housing Code.

20 *Recreational facility.* "Recreational facility" means a structure or open space which provides
21 activities, including, but not limited to, swimming, racquet sports, exercise and fitness rooms or areas and
22 gymnasiums.

23 *Repair.* "Repair" means to restore to a sound or good state after decay, injury, dilapidation or partial
24 destruction.

25 *Residential care facility.* "Residential care facility" means a governmental or nongovernmental
26 establishment having as its principal function foster care for more than six persons. "Foster care" means
27 the provision of supervision, personal care and protection, in addition to room and board, for 24 hours a
28 day, five or more days a week and for two or more consecutive weeks, with or without compensation.
29 "Residential care facility" includes, but is not limited to, facilities for persons who are homeless, parolees,
30 ex-offenders, aged, emotionally disturbed, developmentally disabled or physically handicapped who

require supervision on an on-going basis but do not require continuous nursing care. A residential care facility does not include any of the following:

- A. A nursing home licensed under Article 17 of Public Act 368 of 1978, as amended, being M.C.L.A. 333.20101 to 333.22181;
- B. A hospital licensed under Article 17 of Public Act 368; or
- C. A hospital for the mentally ill or a facility for the developmentally disabled operated by the Department of Mental Health under Public Act 258 of 1974, as amended, being M.C.L.A. 330.1001 to 330.2106.

Residential use. "Residential use" means a use of a lot as a single-family, two-family or multifamily residence, boarding or lodging house or residential care facility, and accessory uses thereto.

Restoration. "Restoration" means to put back into original or historic condition.

Resumption. "Resumption" means to begin the use of a nonconformity after it has been previously discontinued from use.

Salvage yard. "Salvage yard" means a lot where any product, including, but not limited to, any of the following, is taken apart in such a way that the usable parts are separated from the nonusable:

- A. Motor vehicles;
- B. Machinery;
- C. Appliances;
- D. Fixtures;
- E. Goods; and
- F. Merchandise.

Site plan. "Site plan" means a plan that conforms to the requirements contained in Section 1242.05.

Stable. "Stable" means a structure used to keep horses for commercial purposes.

Storage. "Storage" means the holding or safekeeping of goods to await the happening of some future event or contingency which will call for the removal of the goods.

Storage yard. "Storage yard," in an A Residential District to a G-1 Business District, means a lot used for the holding of any type of product, which product is not reasonably associated with the principal use itself. "Storage yard," in a G-2 Wholesale District, H Light Industrial District or I Heavy Industrial

District, means a lot used for the holding, in the open, of any type of product, subject to the following conditions:

A. The product is not junk, unless the junk is associated with the normal functioning of the principal use.

B. The lot is not used as a salvage yard.

C. The product is not normally used in the functioning of the principal use.

Street. "Street" means a public thoroughfare, avenue, road, highway, boulevard, parkway, way, drive, lane or court which affords the principal means of access to abutting property.

Street, local. "Local street" means a local street as defined in the Comprehensive Plan, as amended.

Street, private. "Private street" means a street which is not public.

Structural alteration. "Structural alteration" means any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls.

Structure. "Structure" means that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

Structure, minor. "Minor structure" means a structure having a replacement cost of not more than \$5,000.00.

Structure, temporary. "Temporary structure" means a structure which is located on a lot for less than one year, or, if the structure is connected with a construction activity on a lot, until the construction activity is completed.

Substitution. "Substitution" means to put in place of another.

Temporary use. "Temporary use" means any use that is not permitted as a principal use, accessory use or a conditional use in a zoning district, and which is limited in its duration.

Townhouse. "Townhouse" means a group of dwellings having common party walls with each other and normally having a basement. No dwelling in a townhouse is located above or below another dwelling.

Trailer. "Trailer" means a vehicle standing on wheels or rigid supports which is used for temporary living or sleeping purposes. "Trailer" includes a recreational vehicle.

Trailer camp. "Trailer camp" means a tract of land used or designed for the use of two or more trailers as a temporary residence.

1 *Tree*. "Tree" means a usually tall, woody plant characterized by a single trunk with a two-inch
2 diameter measured at the time the development plan is submitted and measured three feet from the base
3 of the tree, and which is on the recommended tree list maintained by the City Forester.

4 *Use*. "Use" means:

5 A. Any purpose for which a structure or lot may be designed, arranged, intended, maintained or
6 occupied; or

7 B. Any activity, occupation, business or operation carried on in a structure or on a lot.

8 *Yard*. "Yard" means a space on a lot with a structure, which space is unobstructed and unoccupied
9 from the ground upward, except as occupied or obstructed as permitted in this Zoning Code. Front, rear
10 and side yards are illustrated in Appendix III following the text of this Zoning Code.

11 A. "Front yard" means a yard extending across the full width of a lot between the front lot line of
12 the structure containing the principal use and the front lot line.

13 B. "Rear yard" means a yard extending the full width of a lot between the rearmost structure
14 containing the principal use and the rear lot line, the depth of which is the least distance
15 between the rear lot line and the rear of the structure containing the principal use.

16 C. "Side yard" means a space within a lot between a side lot line and a structure containing the
17 principal use or an attached accessory structure, whichever is closer to the side lot line. A side
18 yard extends on each side of a lot from the front lot line to the rear lot line of the lot.

19 *Zoning Code*. "Zoning Code" means Ordinance 636, passed March 7, 1983, as amended, codified
20 herein as Title Six of Part Twelve - the Planning and Zoning Code.

21 *Zoning variance*. "Zoning variance" means a modification of the strict letter of this Zoning Code
22 granted when, by reason of exceptional conditions, the strict application of this Zoning Code results in
23 peculiar, exceptional or practical difficulties or unnecessary hardship to the owner of the lot.

24 (Ord. No. 735, 11-24-86; Ord. No. 766, 1-91-88; Ord. No. 827, 12-17-90; Ord. No. 1117, § 1, 12-11-06)

25 1240.04. - Amendments.

26 (a) An application to amend, supplement or change the regulations and boundaries of zoning districts
27 may be made by any of the following persons:

28 (1) A person having a legal or equitable interest in the property;

(2) The authorized representative of a person having a legal or equitable interest in the property; or

(3) Council.

(b) The application described in subsection (a) hereof shall be made on forms provided by the Planning Division and shall be filed with the City Clerk and accompanied by the fees required by Council.

(c) Within one day after receipt of the application, the City Clerk shall refer the application to the Planning Board. Simultaneously, the City Clerk shall place the application on the agenda for the next Council meeting.

(d) After the City Clerk refers the application to the Board, the Board shall hold not less than one public hearing before submitting a final report to Council and shall provide notice of the public hearing as described in subsection (e) hereof.

(e) Not less than 15 days' notice of the time and place of the public hearing described in this subsection shall first be published in an official paper or a paper of general circulation in the City. In addition, not less than 15 days' notice of the time and place of the public hearing shall be given by mail to each public utility company and to each railroad company owning or operating any public utility or railroad within the districts or zones affected, if the public utility company or railroad registers its name and mailing address with the City Clerk for the purpose of receiving the notice. An affidavit of mailing shall be maintained by the Planning Division. In addition, the Planning Division shall provide not less than 15 days' notice of a public hearing on a proposed amendment to a zoning district boundary to the owner of the property in question, as represented on the tax records held in the office of the City Assessor. A hearing shall be granted an interested person at the time and place specified on the notice.

(f) Conditional rezoning.

(1) *Intent.* It is recognized that there are certain instances when it would be in the best interests of the City, as well as advantageous to land owners seeking a change in zoning boundaries, if specific conditions were to be proposed by the land owner as part of a request for a rezoning. It is the intent of this section to provide a process consistent with MCL § 125.3405 by which a land owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

(2) *Application and offer of conditions.*

(a) A land owner or a land owner's agent may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be

made either at the time the application for rezoning is filed or at a later time during the rezoning process.

(b) The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this section.

(c) The land owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.

(d) Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this ordinance.

(e) Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this ordinance may only be commenced if a variance for such use or development is ultimately granted by the zoning board of appeals in accordance with the provisions of this ordinance.

(f) Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this ordinance.

(g) The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are offered voluntarily by the owner. an owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the City Council provided that, if such withdrawal occurs subsequent to the Planning Board's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Board for a new public hearing with appropriate notice and a new recommendation.

(3) *Planning Board review.* The Planning Board, after public hearing and consideration of the factors for rezoning set forth in this ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the land owner.

1 (4) *City Council review.* after receipt of the Planning Board's recommendation, the City Council
2 shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning
3 request. The City Council's deliberations shall include, but not be limited to a consideration of
4 the factors for rezoning set forth in this ordinance.

5 (5) *Approval.*

6 (a) If City Council finds the rezoning request and offer of conditions acceptable, the offered
7 conditions shall be incorporated into a formal written statement of conditions acceptable to
8 the land owner and conforming in form to the provisions of this ordinance. The statement
9 of conditions shall be incorporated by attachment or otherwise as an inseparable part of the
10 ordinance adopted by City Council to accomplish the requested rezoning.

11 (b) The statement of conditions shall:

12 (1) Contain a legal description of the land to which it pertains.

13 (2) Contain a statement acknowledging that the statement of conditions runs with the land
14 and is binding upon successor owners of the land.

15 (3) Incorporate by attachment or reference any diagram, plans or other documents
16 submitted or approved by the land owner that are necessary to illustrate the
17 implementation of the statement of conditions. If any such documents are
18 incorporated by reference, the reference shall specify where the document may be
19 examined.

20 (4) Contain the notarized signatures of all of the land owners of the subject land preceded
21 by a statement attesting to the fact that they voluntarily offer and consent to the
22 provisions contained within the statement of conditions.

23 (c) Upon the rezoning taking effect, the zoning map shall be amended to reflect the new
24 zoning classification along with a designation that the land was rezoned with a statement of
25 conditions. The City Clerk shall maintain a listing of all lands rezoned with a statement of
26 conditions.

27 (d) The City Council shall have authority to require that the statement of conditions be
28 recorded with the register of deeds if it determines that, given the nature of the conditions,
29 the recording of such a document would be of material benefit to the City or to any
30 subsequent owner of the land.

(e) Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating its use and development as contained in the statement of conditions.

(6) *Compliance with conditions.*

(a) Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the statement of conditions. Any failure to comply with a condition contained within the statement of conditions shall constitute a violation of this zoning ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

(b) No permit or approval shall be granted under this ordinance for any use or development that is contrary to a statement of conditions.

(7) *Time period for establishing development or use.* Unless another time period is specified in the ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months (or shorter if specified) after the rezoning takes effect and thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the City Council if: (1) It is demonstrated to the City Council's satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the City Council finds that there has not been a change in circumstances that would render the zoning with statement of conditions incompatible with other zones and uses in the surrounding area or otherwise renders it inconsistent with zoning policy.

(8) *Reversion of zoning.* If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection (7) above, then the land shall revert to its former zoning classification as set forth in MCL § 125.3405.

(9) *Subsequent rezoning of land.* When land that is rezoned with a statement of conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no statement of conditions, whether as a result of a reversion of zoning or otherwise, the statement of conditions imposed under the former zoning classification shall

1 cease to be in effect. Upon the land owner's written request, the City Clerk shall record with the
2 register of deeds a notice that the statement of conditions is no longer in effect.

3 (10) *Amendment of conditions when extension requested.* If a conditional zoning has been approved
4 and the applicant requests an extension of time for commencement of the development, the City
5 Council may add to, delete or modify the conditions in the previously approved statement of
6 conditions as part of its decision to grant the requested extension so long as the changes are
7 proposed by the developer.

8 (11) *City's right to rezone.* Nothing in the statement of conditions nor in the provisions of this
9 section shall be deemed to prohibit the City from rezoning all or any portion of land that is
10 subject to a statement of conditions to another zoning classification. Any rezoning shall be
11 conducted in compliance with City Ordinances and City Charter.

12 (12) *Failure to offer conditions.* The City shall not require a land owner to offer conditions as a
13 requirement for rezoning. The lack of an offer of conditions shall not affect a land owner's
14 rights under this ordinance.

15 (g) After the public hearing described in subsection (d) hereof, the Board shall make its final report to
16 Council. A summary of the comments submitted at the public hearing shall be transmitted with the
17 report of the Board to Council. Council shall hold at least one public hearing and shall provide notice
18 of a public hearing as described in subsection (e) hereof.

19 (h) Council shall not determine the boundaries of districts nor impose regulations until after the final
20 report of the Board, nor shall this Zoning Code or the maps be amended after they are adopted in the
21 first instance until the proposed amendment has been submitted to the Board and it has held at least
22 one hearing and made a report. In either case, Council may adopt the ordinance and maps, with or
23 without amendments, after receipt of the Board's report, or refer this Zoning Code and maps again to
24 the Board for a further report.

25 (i) Upon presentation of a protest petition meeting the requirements of this subsection, an amendment to
26 this Zoning Code which is the object of the petition shall be passed only by a two-thirds vote of
27 Council. The protest petition shall be presented to Council before final legislative action on the
28 amendment, and shall be signed by one of the following:

29 (1) The owners of at least 20 percent of the area of land included in the proposed change; or

30 (2) The owners of at least 20 percent of the area of land included within an area extending outward
31 100 feet from any point on the boundary of the land included in the proposed change.

(j) For purposes of subsection (h) hereof, publicly owned land shall be excluded in calculating the 20 percent land area requirement.

(k) Following the adoption of this Zoning Code and following the adoption of subsequent amendments to this Zoning Code by Council, one notice of adoption shall be published by the City Clerk in a newspaper of general circulation in the City within 15 days after adoption. The notice shall include the following information:

(1) In the case of a newly adopted zoning ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by Council;"

(2) In the case of an amendment to an existing ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment;

(3) The effective date of the ordinance; and

(4) The place and time where a copy of the ordinance may be purchased or inspected.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules

inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

CITY OF LANSING
NOTICE OF PUBLIC HEARING

Z-9-2016, 2122 N. ML King & the Vacant Parcels at the Southeast and Southwest Corners of N. Grand River Avenue and Logan Access Street
Rezoning from “A” & “DM-4” Residential, “CUP” Community Unit Plan, “E-1” Apartment Shop, “F” Commercial and “J” Parking Districts to “H” Light Industrial, “F” Commercial & “G-2” Wholesale Districts.

The Lansing City Council will hold a public hearing on **Monday, May 8, 2017** at 7:00 p.m. in Council Chambers, 10th Floor, Lansing City Hall, 124 W. Michigan Avenue, Lansing, Michigan to consider Z-9-2016. This is a request by 3GT Racing, LLC to rezone the properties at 2122 N. ML King and the vacant parcels at the southeast and southwest corners of N. Grand River Avenue and Logan Access Street from “A” Residential, “DM-4” Residential, “CUP” Community Unit Plan, “E-1” Apartment Shop, “F” Commercial and “J” Parking Districts to “H” Light Industrial “F” Commercial & “G-2” Wholesale Districts, with the condition that a 30 wide foot strip of land along the east property lines of parcels 33-01-01-05-476-062 & 33-01-01-05-476-122 will remain in a natural state (no structures, pavement or other improvements). The purpose of the rezoning is to permit office, commercial and light industrial uses on the subject properties.

For more information, please call Lansing City Council at 517-483-4177. If you are interested in this matter, please attend the public hearing or send a representative. Written comments will be accepted between 8 a.m. and 5 p.m. on City business days if received before 5 p.m., on the day of the Public Hearing at the City Clerk’s Office, Ninth Floor, City Hall, 124 West Michigan Ave., Lansing, MI 48933 or email city.clerk@lansingmi.gov.

Chris Swope, Lansing City Clerk
www.lansingmi.gov/Clerk
www.facebook.com/LansingClerkSwope

STAFF REPORT

GENERAL INFORMATION

APPLICANT/OWNER:	3GT Racing, LLC 3400 West Road East Lansing, MI 48823
REQUESTED ACTIONS:	Rezone the properties at 2122 N. ML King & the vacant parcels at the southeast and southwest corners of N. Grand River Avenue and Logan Access Street from "A" Residential, "DM-4" Residential, "CUP" Community Unit Plan, "E-1" Apartment Shop, "F" Commercial and "J" Parking Districts to "H" Light Industrial, "G-2" Wholesale & "F" Commercial Districts
EXISTING LAND USE:	2122 N. ML King - Vacant Bowling Alley SE & SW Corners of MLK & Logan Access – Vacant
EXISTING ZONING:	2122 N. ML King – "F" Commercial, "J" Parking, "A" & "DM-4" Residential, "CUP" Community Unit Plan SE Corner of MLK & Logan Access – "A" & "DM-4" Residential SW Corner of MLK & Logan Access – "A" Residential & "E-1" Apartment Shop
PROPOSED ZONING:	"H" Light Industrial, "F" Commercial & "G-2" Wholesale
PROPERTY SIZE:	2122 N. MLK – 12.77 acres SE Corner of MLK & Logan Access – 1.367 acres SW Corner of MLK & Logan Access - .317 acres
SURROUNDING LAND USE:	N: Commercial/Residential S: River/Residential E: Residential W: Industrial
SURROUNDING ZONING:	N: "F" Commercial, "J" Parking, "D-1" Professional Office, "G-2" Wholesale & "A" Residential Districts S: "B" & "DM-4" Residential & "J" Parking Districts E: "A" Residential District W: "H" Light Industrial & "F" Commercial Districts

MASTER PLAN:

The Design Lansing Comprehensive Plan designates the subject property for “Urban – Mixed-Use Corridor” land use. N. ML King and N. Grand River are both designated as major arterials. Logan Access Street is designated as a local road.

DESCRIPTION:

This is a request by 3GT Racing, LLC to rezone the properties at 2122 N. ML King & the vacant parcels at the southeast and southwest corners of N. Grand River Avenue and Logan Access Street from “A” Residential, “DM-4” Residential, “CUP” Community Unit Plan, “E-1” Apartment Shop, “F” Commercial and “J” Parking Districts to “F” Commercial, “G-2” Wholesale & “H” Light Industrial Districts. The purpose of the rezoning is to permit light industrial, commercial, office and storage uses on the subject properties.

AGENCY RESPONSES

BWL:

Building Safety:

Fire Marshal:

Parks & Recreation: No comments.

Public Service:

Traffic Engineer: The Transportation and Non-Motorized Section has no objection to the rezoning request. Any proposed changes in access would need to be evaluated in light of the changed use.

COMPATIBILITY WITH SURROUNDING LAND USE

The original request was to rezone the entire property to “H” Light Industrial. Staff was not supportive of that request based on the potential for certain uses to become established on the subject property that could negatively impact the neighborhood to the east. These same concerns were expressed by several residents of the adjoining neighborhood at the public hearing that was held on January 3, 2017. Based on those concerns, the applicant has submitted a revised rezoning proposal as depicted on the attached maps. Under the revised proposal, the frontage along Grand River and the Logan Access Street would be zoned “F” Commercial, the west approximately ½ of the remainder of the site (includes the vacant bowling alley building and existing parking lot) would be zoned “H” Light Industrial and the east ½ of the site would be zoned “G-2” Wholesale. The only significant difference between the “G-2” Wholesale and “F” Commercial districts is that “G-2” allows storage but does not permit residential use.

COMPLIANCE WITH MASTER PLAN

The Design Lansing Comprehensive Plan designates the subject property for “Urban Mixed-Use Corridor” land use. The Plan specifies the following for this land use classification:

“To encourage the redevelopment of strip commercial corridors between cores to create a transit-supportive mix of uses, with a clear pedestrian orientation”

The Plan lists the following as typical uses for this classification:

“Retail and personal services, medium-density residential in an urban format (see Residential Corridor), office, live-work, R&D and selected light industrial with special approval. Smaller-scale automobile-oriented uses may be acceptable when appropriate architecture and screening are used, and driveway curb cuts can be located and designed to maintain a clear pedestrian orientation.”

The applicant’s revised proposal is not only consistent with the land use pattern being advanced in the Master Plan but is also consistent with sound planning principles. The proposal:

1. Confines the commercial uses to Grand River Avenue which is already predominately zoned commercial in the vicinity of the subject property.
2. Confines the light industrial zoning to the west half of the property, consistent with the light industrial zoning that already exists on the west side of MLK, and separates it from the residential neighborhood to the east by approximately 275 feet, thus mitigating the concerns about heavy impact industrial uses negatively impacting the quality of life for the residents of the adjoining neighborhood.
3. Rezones the east, approximately 275 feet of the site to “G-2” Wholesale to permit general commercial, office and warehouse/storage uses that, through proper screening and buffering as required by ordinance, would not negatively impact the adjoining residential neighborhood.

IMPACT ON VEHICULAR AND PEDESTRIAN TRAFFIC

The proposed rezoning, regardless of the uses that could potentially be established on the subject properties under the “H” Light Industrial district, would not have any negative impacts on traffic in the area. The sites are all located on major arterials which are designed to carry the highest volume of traffic. Impacts on traffic are further mitigated by the sites having access to Logan Access Road which relieves traffic at the N. MLK and N. Grand River intersection.

IMPACT ON PUBLIC FACILITIES

The subject properties are already served by all necessary public facilities. New construction will be required to be reviewed and approved through the City’s site plan review process during which the adequacy of public facilities to serve the proposed development will be determined.

ENVIRONMENTAL IMPACT

New construction will be required to go through the City's administrative site plan review process at which time the site would have to be brought into compliance with all City codes and ordinance including those regulating storm water management. Additional storm water controls will likely be required for certain industrial uses to protect the river against any contamination from the site.

IMPACT ON FUTURE PATTERNS OF DEVELOPMENT

The proposed rezoning, as revised, should not have any negative impacts on future patterns of development in the area. The property along the west side of N. ML King is already zoned "H" Light Industrial and the majority of the properties on the north side of N. Grand River Avenue and along the Logan Access Street are already zoned commercial. Thus, the proposed rezoning of the area of the subject properties along MLK, N. Grand River and the Logan Access Street is consistent with established zoning and land use patterns in the vicinity of the subject property. The proposed rezoning of the east, approximately ½ of the site to "G-2" Wholesale will allow the applicant to make reasonable use of the site, while protecting the residents of the neighborhood to the east from any potential negative impacts that may be caused by future use of that area of the site.

SUMMARY

This is a request by 3GT Racing, LLC to rezone the properties at 2122 N. ML King & the vacant parcels at the southeast and southwest corners of N. Grand River Avenue and Logan Access Street from "A" Residential, "DM-4" Residential, "CUP" Community Unit Plan, "E-1" Apartment Shop, "F" Commercial and "J" Parking Districts to "F" Commercial, "G-2" Wholesale & "H" Light Industrial Districts. The purpose of the rezoning is to permit light industrial, commercial, office and storage uses on the subject properties. The findings of fact as outlined in this staff report support a positive recommendation for the requested rezoning, as revised.

RECOMMENDATIONS

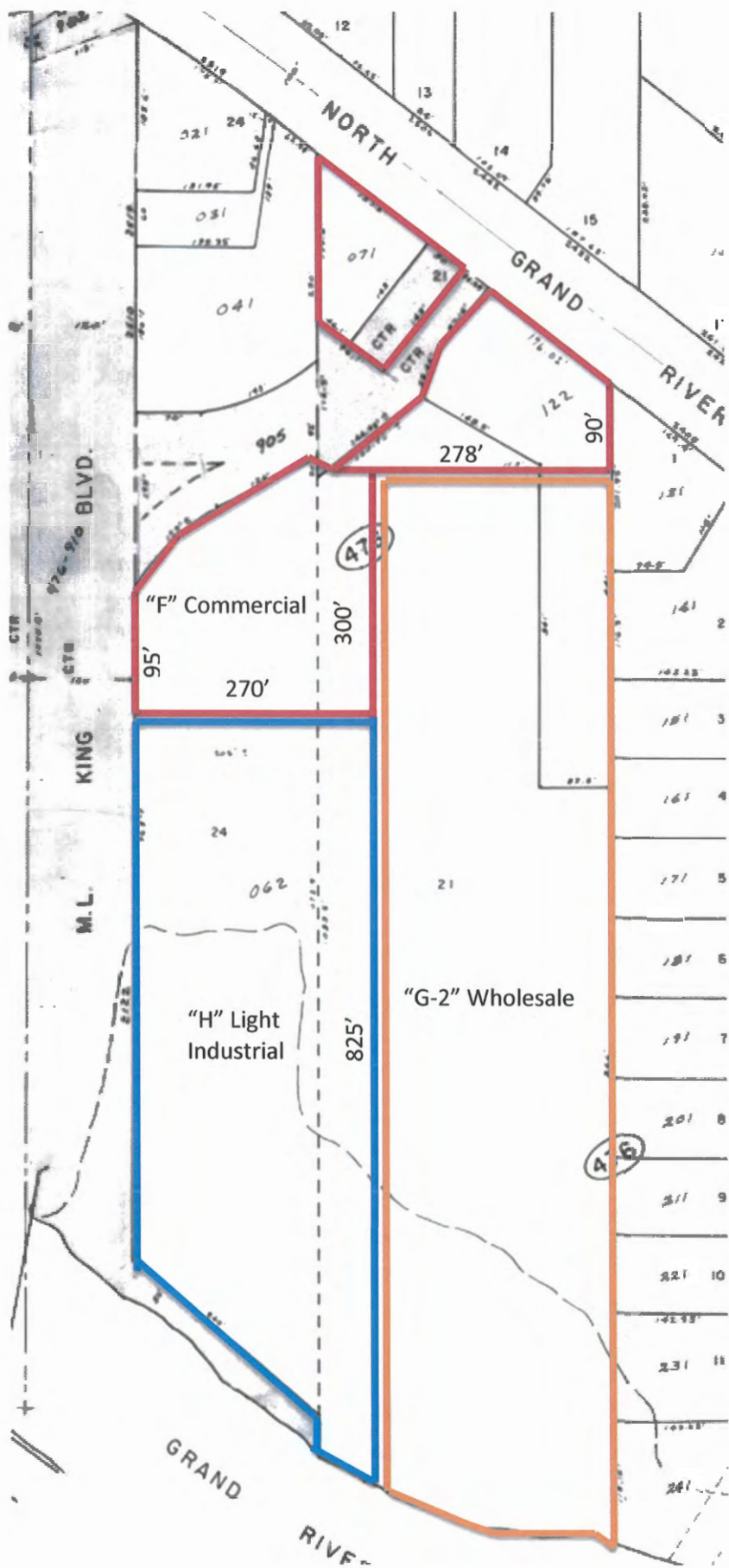
Pursuant to the findings described above, the following recommendation is offered for the Planning Board's consideration:

Z-9-2016 be approved to rezone the properties at 2122 N. ML King & the vacant parcels at the southeast and southwest corners of N. Grand River Avenue and Logan Access Street from "A" Residential, "DM-4" Residential, "CUP" Community Unit Plan, "E-1" Apartment Shop, "F" Commercial and "J" Parking Districts to "H" Light Industrial, "G-2" Wholesale and "F" Commercial districts, as depicted on the attached maps, with the condition that a 30 wide foot strip of land along the east property lines of parcels 33-01-01-05-476-062 & 33-01-01-05-476-122 will remain in a natural state (no structures, pavement or other improvements).

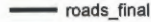
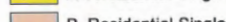
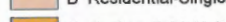
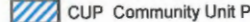
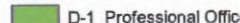
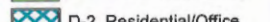
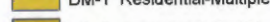
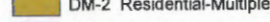
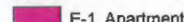
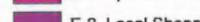
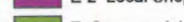
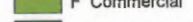
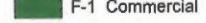
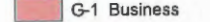
Respectfully Submitted,

**Susan Stachowiak
Zoning Administrator**

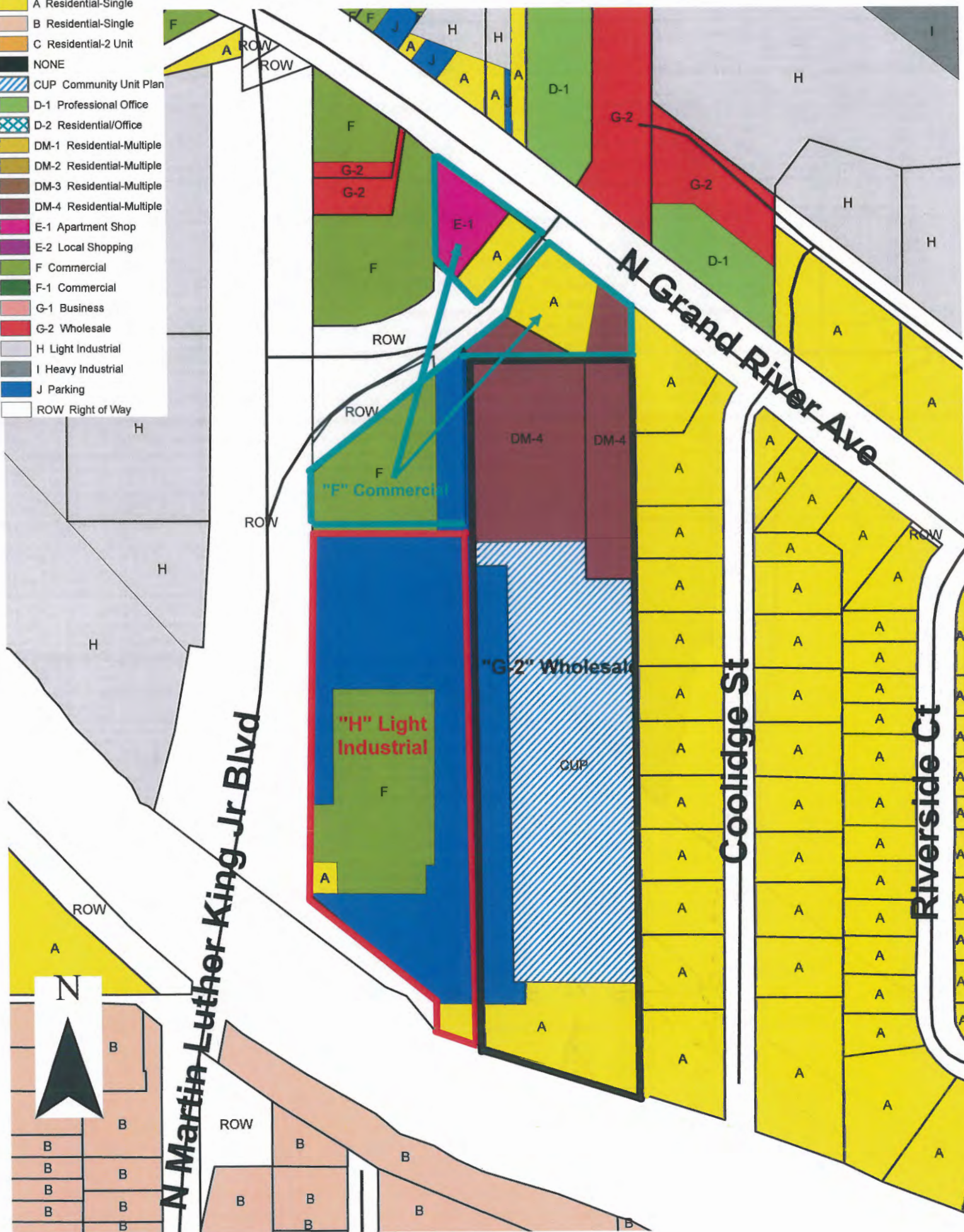




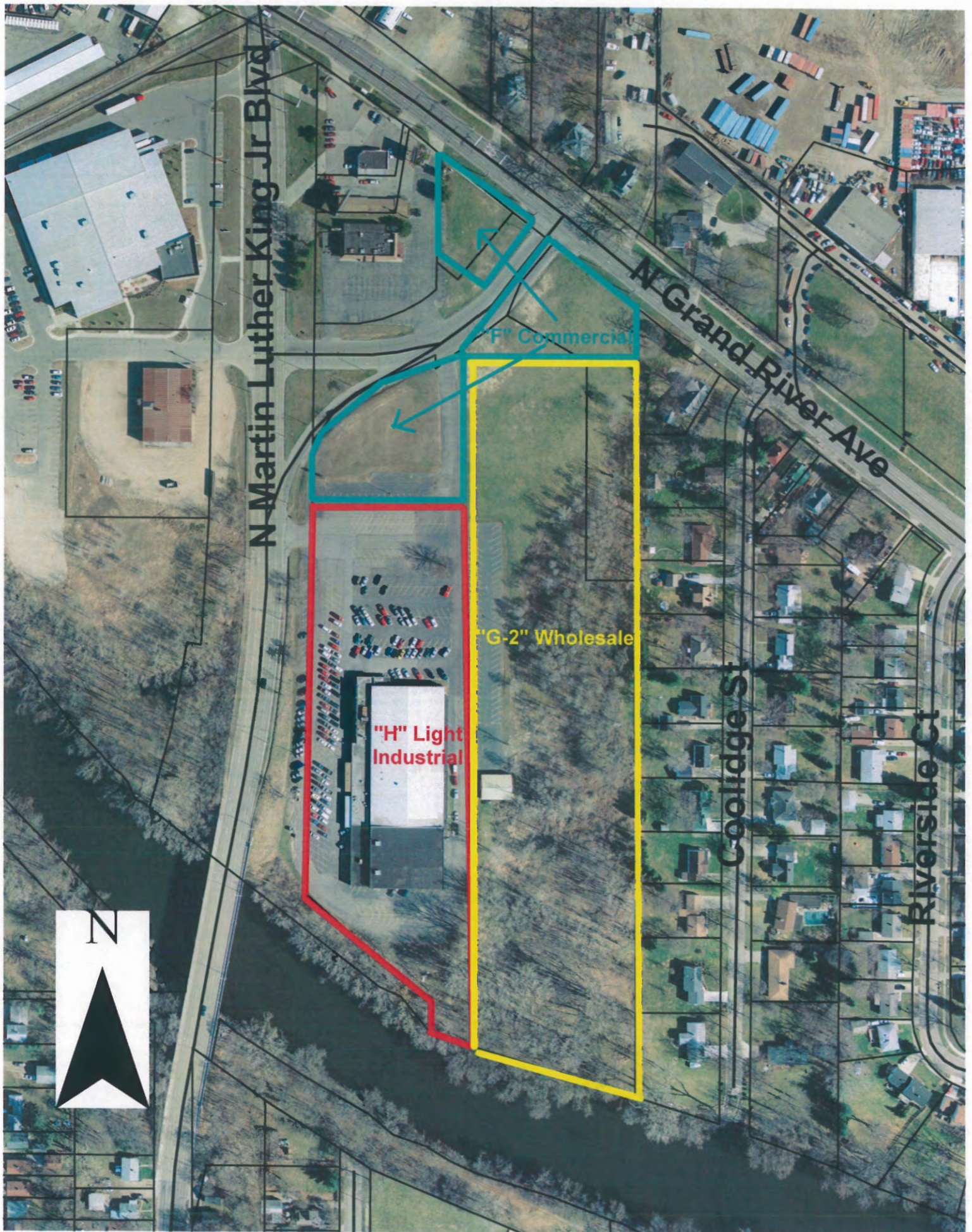
Legend

-  roads_final
-  Tax Parcels
-  A Residential-Single
-  B Residential-Single
-  C Residential-2 Unit
-  NONE
-  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

City of Lansing Zoning Map



City of Lansing Zoning Map



NOTICE OF PUBLIC HEARING ON THE
CITY OF LANSING'S PROPOSED FISCAL YEAR 2017/2018 BUDGET

The City Council of the City of Lansing will conduct a Public Hearing on Monday, May 8, 2017, at 7:00 p.m. in the City Council Chambers on the 10th Floor of Lansing City Hall located at 124 W. Michigan Ave., on the proposed City of Lansing budget and capital improvements. **The property tax millage rate proposed to be levied to support the proposed budget will be a subject of this hearing.**

The proposed budget is available for public inspection on weekdays, in the City Clerk's Office, 9th floor City Hall, between 8:00 a.m. and 5:00 p.m.

All persons desiring to express an opinion about the proposed city budget, the tax rate, or proposed capital improvements are invited to attend this public hearing or submit written comments.

For more information, please call Lansing City Council at 517-483-4177. If you are interested in this matter, please attend the public hearing or send a representative. Written comments will be accepted between 8 a.m. and 5 p.m. on City business days if received before 5 p.m., on the day of the Public Hearing at the City Clerk's Office, Ninth Floor, City Hall, 124 West Michigan Ave., Lansing, MI 48933 or email city.clerk@lansingmi.gov.

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Chris Swope, Lansing City Clerk
www.lansingmi.gov/Clerk
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Chris Swope
Lansing City Clerk

May 5, 2017

President and Council Members
10th Floor City Hall
Lansing, MI 48933

Dear President and Council Members:

In regards to the public hearing, the Fiscal Year 2018 Budget is available for review at
<http://mi-lansing.civicplus.com/783/Accounting-Budget>

Sincerely,

Chris Swope, CMC
Lansing City Clerk

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

WHEREAS, Derrick Quinney grew up in Lansing, Michigan and began his career with General Motors in 1978. He is married to Desiree his wife of forty four years, they have two children and two grandchildren; and

WHEREAS, In 2001 Derrick Quinney became the Health and Safety Director for the Michigan State AFL-CIO, where he provided statewide workplace Safety Training Program. He is State President of the A. Philip Randolph Institute, a member of the United Auto Workers, the Old News Boys, former member of the Ergonomics Standard Advisory Committee, and a Lansing Police Commissioner; and

WHEREAS, Derrick Quinney was selected by the Lansing City Council to fulfill the remainder of the term for the vacated At-Large Council Seat on January 29, 2007. And in 2008 he was elected to an At-Large Seat while being appointed President of the City Council in 2009; and

WHEREAS, Derrick Quinney was appointed to serve as the Ingham County Register of Deeds in February 2015, being the 32nd person to hold the office; and

WHEREAS, Derrick Quinney was involved with the UAW Local 602 and served on several committees including; Civil Rights, Community Services, Union Label, Women's Committee, UAW/GM Labor Loaned Executed to the Capital Area United Way and the Board of Directors for the Old news Boys of Greater Lansing; and

WHEREAS, Derrick was awarded the UAW Local 602 Alvin J. Pressley Trail Blazer Award, the UAW Local 652 Cyril A. McGuire Trail Blazer Award and the Walter Campbell Community Service Award.

BE IT RESOLVED, Lansing City Council hereby congratulates Derrick Quinney on being selected as the 2017 APRI Lansing Chapter Community Role Model. We greatly appreciate your dedication to the Lansing community and wish you continued success in the coming years.

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

WHEREAS, Bill Reed was born and raised in Michigan and graduated from Ionia High School. Bill attended Michigan State University and Lansing Community College. Bill has a certificate in Computer Programming, and has earned certification in Collective Bargaining, Grievance Handling, Classroom Facilitation, Roberts Rule of Order and Union History from the UAW Center for Human Resources and the Walter and May Reuther UAW Family Education Center; and

WHEREAS, Bill started his career at General Motors and became involved in his union, UAW Local 602 by volunteering with the Citizenship and Legislative committee. Bill loves challenges so this opportunity allowed him to be active in the union movement and the impact it has on the community; and

WHEREAS, Bill is a member of the UAW Local 602 Union Label Committee, Capital Area United Way, Old Newsboys Association, and the A. Philip Randolph Institute just to name a few. He also volunteers for the Civil and Human Rights Committee, Recreation Committee, Community Service Committee, and the Regional UAW Women's Council; and

WHEREAS, Bill was appointed Alternate District Committee Representative in 2006, and was elected Vice President of the UAW Local 602 in 2008. Along with being elected President in June 2011, 2014 and 2017 making him the longest serving President of UAW Local 602.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby congratulates Bill Reed for being selected as the 2017 APRI Lansing Chapter Community Role Model. We greatly appreciate your dedication to the Lansing community and wish you continued success in the coming years.

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

WHEREAS, Geronimo Lerma III was born and raised in Lansing, Michigan. He graduated from Lansing Everett High School and is currently employed with Bridgewater Interiors LLC where he has worked for the last eleven years; and

WHEREAS, In 2014 Geronimo founded Footprints of Michigan an organization that receives and distributes footwear to those in need throughout the State of Michigan. All items donated are given to those in need at no charge. Footprints of Michigan has held numerous events that have provided food, winter clothing, blankets, boots, and shoes to those in need; and

WHEREAS, In February 2017 Geronimo and the Footprints of Michigan organization, launched the SOLE4VETS Campaign and will begin serving the homeless veterans. May 24, 2017 Lansing, Michigan will be the first stop to benefit in this summer long tour; and

WHEREAS, Within the next five years Geronimo plans to expand Footprints of Michigan. With plans of having mobile closets in Detroit and Grand Rapids, along with a central warehouse in Lansing. With a goal to help as many individuals as possible.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby congratulates Geronimo Lerma III for being selected as the 2017 APRI Lansing Chapter Community Role Model. We greatly appreciate your dedication to the Lansing community and wish you continued success in the coming years.

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

WHEREAS, Anita R. Dawson moved to Lansing, Michigan in 2006. She is married to Ray Dawson and has three children and two grandchildren. Anita loves to play tennis, read many genres, spend time with family and she started a book club “Literary Ladies of Lansing”; and

WHEREAS, After college Anita worked as a Title IV-D Caseworker for the Howard County Prosecutor’s Office in Indiana. She then moved on to Delphi Electronic as a computer programmer. This is where she began to learn the history of the labor movement and study the injustices of workers more closely. With her union training and additional training at Indiana University she obtained leadership positions at the UAW Local union; and

WHEREAS, In 2008 Anita was appointed Vice Chair for the Region 1-C Women’s Council and served four years. She was later appointed Chair of the Women’s Council. She was elected to the Executive Board of the UAW Capital Area CAP Council and also serves as a labor advocate on the Ingham County Fair Board. She has also worked for the United Way as a Labor Loaned Executive Officer from General Motors for two years; and

WHEREAS, Anita has served on several committees for the betterment of the membership. She is currently an Alternate Benefit Representative at the General Motors Lansing Delta Township facility. In 2010 she worked on a special organizing assignment for UAW Vice President Cindy Estrada and Miguel Foster of the Civil and Human Rights Departments respectively; and

WHEREAS, Anita has doubled the APRI chapters in the State of Michigan from five chapters to ten chapters. Those chapters have been charged in voter engagement and empowerment. The Michigan chapters have received Nation-wide attention from many organizations due to her work in the voter suppression efforts. The Michigan chapters have been recognized for Outstanding Leadership and Outstanding Chapters from the National A. Philip Randolph Institute in each of the past 4 years; and

WHEREAS; Anita has done an enormous amount for the community she is highly respected and admired for her strength, courage, and tenacity in taking on the Michigan Secretary of State and filing a lawsuit to block the removal of Straight Party Voting.

BE IT RESOLVED that the Lansing City Council, hereby, expresses its appreciation to Anita R. Dawson for her contributions to Lansing communities through her hard work and dedication. Congratulations on being chosen as the recipient of the “Special Award” from the APRI Lansing Chapter. We wish you continued success!

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

WHEREAS, Josephine Tomancik was born May 19, 1923 to Joseph and Mary Tomancik. She has two brothers and two sisters. She is affectionately known as “Jo” by those fortunate enough to know her; and

WHEREAS, Josephine began working for the State of Michigan April 4, 1942 with the Department of Vocational Education and Rehabilitation as a typist/clerk. In January of 1950 she transferred to the Michigan Department of Transportation. And in April of 1953 Josephine moved to the Department’s Roadside Development Division where she worked as a Secretarial Administrative Assistant; and

WHEREAS, Josephine retired from the State of Michigan April 30, 1992. She was the Department of Transportation’s first woman to complete 50 years of consecutive state service. Jo is remembered by many as being devoted to her work, and for her unwavering support of the department’s roadside development programs; and

WHEREAS, In recognition of her contributions to the department. A scenic turnout has been named in her honor. The turnout is located on M-22 north of Arcadia in Benzie County; and

WHEREAS, Josephine has now been retired 25 years and is enjoying every day as she continues to be happy, and healthy. While looking forward to celebrating her upcoming 94th birthday.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, along with her friends and family hereby pay tribute to the honors and accomplishments of Josephine Tomancik and we wish her a Happy 94th Birthday and many more!

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

WHEREAS, Against All Odds, Inc. is a non-profit (501c3) breast cancer organization dedicated to providing emotional and educational support services for African American Women, of all ages, in all stages of breast cancer, along with their families, encouraging them to reclaim their lives; and

WHEREAS, According to nationalbreastcancer.org, every one in eight women will be diagnosed with breast cancer in their lifetime and is the most common cancer amongst women worldwide; and

WHEREAS, Against All Odds, Inc. host fundraising events, such as the 9th “Women of Vision” Luncheon, to help benefit these strong women in need; and

WHEREAS, Against All Odds, Inc. has dedicated their website for women to share special stories of hope and spread positive words of encouragement to other women no matter where they are in life or in their stages of breast cancer; and

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council hereby recognizes the 9th “Women of Vision” Luncheon “wear your crown in honor of survivors” hosted by Against All Odds, Inc. to further support Women Empowering Women, sharing knowledge, hope, and encouragement in that there is life after a breast cancer diagnosis.

DRAFT

XIII B. 2. a.

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

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, June 12, 2017, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

SLU-1-2017: Special Land Use Permit, Residential Use in the "I" Heavy Industrial District, 700 E. Oakland Avenue and 3 Adjoining Parcels to its South.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
RESOLUTION TO SET A PUBLIC HEARING FOR
BROWNFIELD PLAN #68
BELEN BUILDINGS REDEVELOPMENT PROJECT

WHEREAS, the Lansing Brownfield Redevelopment Authority has prepared and forwarded an approved Brownfield Plan pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act 381 of 1996, as amended, for property commonly referred to as 513 & 515 Ionia Street located in the City of Lansing; and

WHEREAS, prior to Council's action on this request, it is necessary to hold a public hearing on the Plan, to allow for any resident, taxpayer or ad valorem taxing unit the right to appear and be heard;

WHEREAS, maps, plats, and a description of the brownfield plan are available for public inspection at the Lansing Economic Area Partnership, 1000 South Washington, Suite 201, Lansing, MI 48912, and that all aspects of the brownfield plan are open for discussion at the public hearing.

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on May 22, 2017 at 7:00 p.m. on Brownfield Plan #68 – Belen Buildings Redevelopment Project under the Brownfield Redevelopment Financing Act, for property more particularly described as:

513 Ionia street Lansing, MI 48933. Parcel number 33-01-01-16-157-081; W 2 R LOTS 1 & 2 ALSO E 55 FT LOTS 11 & 12 BLOCK 92 ORIG PLAT

And that the City Clerk cause notice of such hearing to be published twice in a publication of general circulation, no less than 10 days or more than 40 days prior to the date of the public hearing, and that the City Clerk also cause the legislative body of each taxing unit levying ad valorem taxes on this property, to be notified of Brownfield Plan #69 221 West Saginaw Avenue Block Redevelopment Project and the scheduled public hearing.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
RESOLUTION TO SET A PUBLIC HEARING FOR
BROWNFIELD PLAN #69
221 WEST SAGINAW AVENUE REDEVELOPMENT PROJECT

WHEREAS, the Lansing Brownfield Redevelopment Authority has prepared and forwarded an approved Brownfield Plan pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act 381 of 1996, as amended, for property commonly referred to as 221 West Saginaw Avenue located in the City of Lansing; and

WHEREAS, prior to Council's action on this request, it is necessary to hold a public hearing on the Plan, to allow for any resident, taxpayer or ad valorem taxing unit the right to appear and be heard;

WHEREAS, maps, plats, and a description of the brownfield plan are available for public inspection at the Lansing Economic Area Partnership, 1000 South Washington, Suite 201, Lansing, MI 48912, and that all aspects of the brownfield plan are open for discussion at the public hearing.

NOW, THEREFORE, BE IT RESOLVED that a public hearing be held in the City Council Chambers of the City of Lansing, 10th Floor, Lansing City Hall, Lansing, Michigan, on May 22, 2017 at 7:00 p.m. on Brownfield Plan #69 – 221 West Saginaw Avenue Redevelopment Project under the Brownfield Redevelopment Financing Act, for property more particularly described as:

221 West Saginaw Avenue Lansing, MI 48933. Parcel number 33-01-01-16-127-001;
LOT 8 & N 1 R LOT 7 BLOCK 63 ORIG PLAT

And that the City Clerk cause notice of such hearing to be published twice in a publication of general circulation, no less than 10 days or more than 40 days prior to the date of the public hearing, and that the City Clerk also cause the legislative body of each taxing unit levying ad valorem taxes on this property, to be notified of Brownfield Plan #69 221 West Saginaw Avenue Block Redevelopment Project and the scheduled public hearing.

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

WHEREAS, Men Making a Difference Inc. has requested \$500.00 to defray costs associated with facility rental and miscellaneous rental fees for the 2017 Family Community Cookout Festival to be held on July 15, 2017; and

WHEREAS, the maximum total amount of the Community Funding Account to be awarded to an organization in one fiscal year is \$500.00; and

WHEREAS, the Committee on General Services met on April 27, 2017 and approved an amount of \$500.00 from community funding for the 2017 Family Community Cookout Festival.

BE IT RESOLVED that the Lansing City Council, hereby approves an allocation from the Community Funding Account to Men Making a Difference Inc. who have requested \$500.00 to defray costs associated with facility rental and miscellaneous rental fees for the 2017 Family Community Cookout Festival to be held on July 15, 2017.

BE IT FURTHER RESOLVED that the Mayor and the Finance Department shall process this request by charging \$500.00 to the City Council Community Promotion Account – 101.112101.741289.0.

BE IT RESOLVED that Men Making a Difference shall submit a written analysis of the event, including information regarding the number of attendees, a detailed account as to contributors, funds received, expended and residual funds to the Lansing City Council within 60 days after the event.

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

WHEREAS, the Licensing and Enforcement Division of the Michigan Liquor Control Commission received a request from Los Tres Amigos South Side, Inc to Transfer interest in a Resort Class C and SDM Liquor License for Los Tres Amigos South Side, Inc.; and

WHEREAS, the Committee on General Services has reviewed the request with affirmative action taken;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the request from Los Tres Amigos South Side, Inc to Transfer interest in a Resort Class C and SDM Liquor License for Los Tres Amigos South Side, Inc.

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

WHEREAS, the Licensing and Enforcement Division of the Michigan Liquor Control Commission received a request from Mash Mavericks Inc. for a Small Distillers License at 523 E. Shiawassee St., Lansing, MI 48912, Ingham County ; and

WHEREAS, the Committee on General Services met on April 27, 2017 to review the request with affirmative action taken;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves the request from Mash Mavericks Inc. for a Small Distillers License at 523 E. Shiawassee St., Lansing, MI 48912, Ingham County;

BE IT FURTHER RESOLVED, the City Clerk is requested to notify the Michigan Liquor Control Commission of the action taken.

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

WHEREAS, Lawrence McMillen sought to eliminate a special assessment of \$922.00 for trash and debris removal fees, and all associated penalties and interest, on the property tax bill for 1233 Vermont Avenue (Tax ID #33-01-01-10-181-321); and

WHEREAS, upon filing a claim to the Committee on General Services, the claim in the amount of \$200.00 was granted and the remaining amount of \$722.00 was denied on April 27, 2017.

THEREFORE, BE IT RESOLVED, that the City Council, hereby, grants the claim of Lawrence McMillen in the amount of \$200.00 and denies the remaining amount of \$722.00 for trash and debris removal fees and all associated penalties and interest on the property tax bill for 1233 Vermont Avenue (Tax ID #33-01-01-10-181-321).

BE IT FURTHER RESOLVED, that the City Attorney shall take the appropriate steps to process this claim.

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

WHEREAS, Jon Addiss sought to eliminate a special assessment of \$3,292.00 for trash and debris removal fees, and all associated penalties and interest, on the property tax bill for the vacant lot on S. Hosmer (Tax ID #33-01-01-15-302-182); and

WHEREAS, upon filing a claim to the Committee on General Services, the claim in the amount of \$3,292.00 was denied on April 27, 2017.

THEREFORE, BE IT RESOLVED, that the City Council, hereby, denies the claim of Jon Addiss in the amount of \$3,292.00 for trash and debris removal fees and all associated penalties and interest on the property tax bill for the vacant lot on S. Hosmer (Tax ID #33-01-01-15-302-182).

BE IT FURTHER RESOLVED, that the City Attorney shall take the appropriate steps to process this claim.

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

WHEREAS, Mark Preston sought to eliminate a special assessment of \$764.00 for trash and debris removal fees, and all associated penalties and interest, on the property tax bill for 527 Pacific Avenue (Tax ID #33-01-01-28-276-051); and

WHEREAS, upon filing a claim to the Committee on General Services, the claim in the amount of \$177.00 was granted and the remaining amount of \$587.00 was denied on April 27, 2017.

THEREFORE, BE IT RESOLVED, that the City Council, hereby, grants the claim in the amount of \$177.00 and denies the remaining amount of \$587.00 for the claim filed by Mark Preston for trash and debris removal fees and all associated penalties and interest on the property tax bill for 527 Pacific Avenue (Tax ID #33-01-01-28-276-051).

BE IT FURTHER RESOLVED, that the City Attorney shall take the appropriate steps to process this claim.

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

WHEREAS the City of Lansing (Employer) established the City of Lansing Public or Section 501 Tax – Exempt Employer Deferred Compensation Plan pursuant to Section 457 of the Internal Revenue Code, a/k/a the Deferred Compensation Plan (the 457 Plan), effective July 1, 1985; and

WHEREAS, the new collective bargaining agreement between the City of Lansing and UAW Local 2256, Lansing City Unit, ratified January 9, 2017 (the CBA), provides in part for the City, as the Employer, to allow union employees to utilize the 457 Plan as a retirement savings vehicle; and

WHEREAS the existing 457 Plan must first be amended to permit Employer plan contributions before this CBA provision can be effectuated; and

WHEREAS, the City, as Employer, desires to modify the 457 Plan by amending Section 2.03 before 2.03a, Section 2.09, adding a sentence to Section 2.13, adding a new Plan to Sections 2.15 and 2.16 of Article II, amending Section 4.01, Section 4.02a, and adding Section 4.02h to Section 4.02; and

WHEREAS, the City Attorney has presented the proposed 457 Plan amendments;

NOW, THEREFORE, BE IT RESOLVED that the City, as Employer, hereby amends the City of Lansing Deferred Compensation Plan as follows, with the effective date of these amendments being the date of this resolution unless otherwise set forth below:

1. Effective for limitation years beginning on and after January 1, 2017, the introductory language of Plan Section 2.03 before 2.03a is amended as follows:

2.03 Deferred Compensation: The amount of Compensation not yet earned, as designated in the Participation Agreement which is made a part hereof, which the Participant and the Employer mutually agree shall be deferred in accordance with the provisions of this Plan, **as well as contributions pursuant to Sections 4.02g and 4.02h, subject to the following limitations**

2. Effective for limitation years beginning on and after January 1, 2017, Plan Section 2.09 is amended as follows:

2.09 Participation Agreement: A written agreement between the Employer and a Participant setting forth certain provisions and elections relative to the Plan, establishing the amount of Deferred Compensation **(other than contributions pursuant to Plan Sections 4.02g and 4.02h(i) through (iii))**, the manner and method of paying benefits under the Plan, incorporating the terms and conditions of the Plan and, **other than as**

provided in Sections 4.02g and 4.02h, establishing the Participant's participation in the Plan.

3. Effective for limitation years beginning on and after January 1, 2017, the following sentence is added to the end of Section 2.13 as follows:

Notwithstanding anything to the contrary herein, the Employer may designate a default Designated Institution and Investment Product in the event a Participant fails to make a designation in his or her Participation Agreement which shall be the deemed designation of the Participant.

4. Effective for limitation years beginning on and after January 1, 2017, the following new Plan Sections 2.15 and 2.16 are added to the end of Article II:

2.15 “10/21/13 UAW Local 2256 Employee” means an employee of the Employer who either hired into or transferred into UAW Local 2256 on or after October 21, 2013.

2.16 “Base Wage” means an employee’s salary or wage determined by his or her classification at an annualized rate of pay contained in the appendix of the collective bargaining agreement with UAW Local 2256 as then in effect.

5. Effective for limitation years beginning on and after January 1, 2017, Plan Section 4.01 is amended as follows:

4.01 Eligibility. Any (i) Eligible Participant of the Employer to whom Compensation is paid and who executes a Participation Agreement with the Employer is eligible to participate in the Plan and (ii) **any Eligible Participant who is a “10/21/13 UAW Local 2256 Employee” shall automatically be a Participant in the Plan.**

6. Effective for limitation years beginning on and after January 1, 2017, Plan Section 4.02a is amended as follows:

Except as provided for in 4.02g or with respect to “10/21/13 UAW Local 2256 Employees” as provided for in 4.02h, to become a Participant an eligible individual must agree to defer Compensation not yet earned by entering into a Participation Agreement. The Participation Agreement will become effective no earlier than the first day of the calendar month following the date on which it is executed or any subsequent date that is administratively feasible as determined by the Employer.

7. The following new Plan section 4.02h is added to Plan Section 4.02:

h. Notwithstanding anything to the contrary herein:

(i) commencing on and after the first day of the month immediately following the date this Third Amendment is adopted, those Eligible Participants who are “10/21/13 UAW Local 2256 Employees” will have 2% of their Base Wage mandatorily withheld through regular payroll deduction and contributed to the Plan as a pre-tax annual deferral as defined by Treasury Regulation 1.457-2(b) to their Plan.

(ii) in addition, effective on and after the first day of the month immediately following the date this Third Amendment is adopted, the Employer will contribute to the Plan as a pre-tax annual deferral as defined by Treasury Regulation 1.457-2(b) on behalf of each 10/21/13 UAW Local 2256 Employee a percentage of their Base Wage as is required pursuant to the collective bargaining agreement then currently in force between the Employer and UAW Local 2256.

(iii) in 2017, the Employer will also contribute to the Plan as a pre-tax annual deferral as defined by Treasury Regulation 1.457-2(b) on behalf of each 10/21/13 UAW Local 2256 Employee who is employed by the Employer on the date of this Amendment’s adoption a one-time, lump sum contribution in an amount equal to 2% of their Base Wage earned from (i) the later of such employee’s date of hire or transfer into UAW Local 2256 or October 21, 2013, through (ii) the date such contribution is made.

(iv) a 10/21/13 UAW Local 2256 Employee may agree to defer additional Compensation not yet earned in excess of the aforementioned contributions in this Section 4.02h(i) through (iii) by entering into a Participation Agreement subject to the other provisions of the Plan.

(v) In the event the Employee has not completed a Participation Agreement, contributions made pursuant to Section 4.02 h(i) through (iii) shall be made in a manner consistent with the collective bargaining agreement currently in force between the Employer and Local 2256 until the Participation Agreement is completed.

(vi) notwithstanding anything in the Plan to the contrary, amounts contributed or deferred pursuant to this Section 4.02h are subject to and limited by the overall annual contribution limits under the Plan as set forth in Plan section 2.03 and Code Sections 414(v), 415 and 457(e) as applicable; provided, further, the Employer may require a 10/21/13 UAW Local 2256 Employee to complete a Participation Agreement even if such employee does not defer additional amounts pursuant to 4.02h(iv).

DRAFT

BE IT FINALLY RESOLVED that the City of Lansing Deferred Compensation Committee is hereby authorized to pass resolutions, sign documents and take such other action necessary and appropriate to effectuate and administer the amended and added subsections to the 457 Plan in conformity to the January 9, 2017 CBA.

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

WHEREAS, pursuant to Section 8-403.6 of the Lansing City Charter, an affirmative vote of a majority of the electorate is required before any park, recreation, cemetery, or waterfront land may be sold; and

WHEREAS, it has been determined that the City of Lansing would benefit from greater citizen participation in other forms of property disposition, in addition to sale of park, cemetery, and waterfront property, including gift, leases or licenses greater than five years, and easements; and

WHEREAS, such citizen participation by voting on such additional forms of disposition would require an amendment to section 8-403.6 of the Charter;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lansing, pursuant to the authority of the Home Rule Cities Act (MCL 117.1 et. seq.), and by a three-fifths (3/5) vote of its members elect, hereby proposes that the following amendment to Article 8, Chapter 4 of the Lansing City Charter be submitted to the electors of the City for adoption or rejection at the election to be held on August 8, 2017:

Chapter 4 Property

8-403.6. After October 1, 2017, no part or entirety of park, cemetery, or waterfront land may be disposed of by sale, gift, lease or license greater than five years without renewal, easement, transfer or otherwise without the approval, by a majority vote, of the electors of the City voting on the question at a regular or special election.

BE IT FURTHER RESOLVED that in accordance with the Home Rule Cities Act (MCL 117.1, et. seq.), the question shall be captioned and stated on the ballot as follows:

CITY OF LANSING CHARTER AMENDMENT
ELECTORATE APPROVAL OF PARK, CEMETERY AND WATERFRONT
DISPOSITION

It is proposed that the Lansing City Charter be amended to require electorate approval prior to the disposition of park, cemetery, or waterfront land by replacing section 8-403.6 with the following provision:

8-403.6. After October 1, 2017, no part or entirety of park, cemetery, or waterfront land may be disposed of by sale, gift, lease or license greater than five years without renewal, easement, transfer or otherwise without the approval, by a majority vote, of the electors of the City voting on the question at a regular or special election.

[31695:2:20170502:150141]



Shall this amendment be adopted?

☐ YES
☐ NO

BE IT FURTHER RESOLVED that the Charter amendment would take effect on October 1, 2017.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed and authorized to, in accordance with the Home Rule Cities Act (MCL 117.1, et. seq.), transmit a copy of this resolution and roll call vote on it, along with a copy of the proposed amendment to the Governor of the State of Michigan for approval and a copy to the Attorney General of the State of Michigan for approval as to the form in which the proposal shall be presented to electors.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to cause the above proposal to be placed on the ballot at the election to be held on August 8, 2017.

BE IT FURTHER RESOLVED that the ballot wording is hereby certified to the City Clerk for submission to the City's electors at the election to be held on August 8, 2017.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the ballot proposal to the vote of the electors as required by law.

BE IT FURTHER RESOLVED that in accordance with law, the City Clerk shall post the proposed Charter amendment in full at each polling place.

BE IT FINALLY RESOLVED that the canvass and determination of the votes of said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Lansing.

Approved for the Council
Agenda:

James D. Smiertka
City Attorney
April 24, 2017

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

WHEREAS, the Parks & Recreation Department of the City of Lansing received approval from the Ingham County Board of Commissioners for up to \$4,496,093 in trails and parks millage funding; and

WHEREAS, the funding will be used for twelve (12) projects within the trail system within the city of Lansing, as detailed in Ingham County Board of Commissioners resolutions 16-247, 16-328 and 17-109; and

WHEREAS, there is no match requirement for this funding; and

WHEREAS, the funding for the US-127 pathway project is intended to be used for engineering and the required 20% local match for the construction of this project, which is funded with federal CMAQ funding in FY'2018 and FY'2020; and

WHEREAS, the Parks and Recreation Department is requesting acceptance of the Ingham County trails and parks millage funding; 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 facilities and has budgeted specific monies to ensure the continued maintenance of the enhancements; and

WHEREAS, the Administration and the City Council recognize the importance and need for safe recreation and non-motorized transportation facilities;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves acceptance of the Ingham County parks and trails millage funding as identified in the Ingham County Board of Commissioners resolutions 16-247, 16-328 and 17-109;

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

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INTRODUCTION OF ORDINANCE

Council Member Washington introduced:

An Ordinance of the City of Lansing, Michigan, to amend Chapter 622, Section 622.01 of the Lansing Codified Ordinances by excluding drug paraphernalia distributed by a Federal, State or Local government agency to prevent the transmission of infectious agents.

The Ordinance is referred to the Committee of the Public

**RESOLUTION SETTING PUBLIC HEARING
BY CITY COUNCIL**

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for May 22, 2017 at 7:00 p.m. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an ordinance amendment to Chapter 622, Section 622.01 of the Lansing Codified Ordinances by excluding drug paraphernalia distributed by a Federal, State or Local government agency to prevent the transmission of infectious agents.

Interested Persons are invited to attend this Public Hearing

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND
CHAPTER 622, SECTION 622.01, OF THE LANSING CODIFIED ORDINANCES BY
EXCLUDING DRUG PARAPHERNALIA DISTRIBUTED BY A FEDERAL, STATE OR
LOCAL GOVERNMENTAL AGENCY TO PREVENT THE TRANSMISSION OF
INFECTIOUS AGENTS.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 622, Section 622.01(e) of the Codified Ordinances of the City of
Lansing, Michigan, be and is hereby amended to read as follows:

622.01. - Drug paraphernalia.

(a) Drug Paraphernalia Defined.

(1) As used in this section, "drug paraphernalia" means all equipment,
products and materials of any kind which are used, intended for use or
designed for use in planting, propagating, cultivating, producing,
processing, preparing, testing, analyzing, packaging, repackaging,
storing, containing, concealing, injecting, ingesting, inhaling or otherwise
introducing into the human body a controlled substance in violation of
State or local law. It includes, but is not limited to:

- A. Blenders, bowls, containers, spoons and mixing devices used,
intended for use or designed for use in compounding controlled
substances;
- B. Capsules, balloons, envelopes and other containers used,
intended for use or designed for use in packaging small quantities
of controlled substances;
- C. Containers and other objects used, intended for use or
designed for use in storing or concealing controlled

1 substances;

- 2 D. Diluents and adulterants, such as quinine hydrochloride,
3 mannitol, mannite, dextrose and lactose, used, intended for use
4 or designed for use in cutting controlled substances;
- 5 E. Isomerization devices used, intended for use or designed for use
6 in increasing the potency of any species of plant which is a
7 controlled substance;
- 8 F. Kits used, intended for use or designed for use in manufacturing,
9 compounding, converting, producing, processing or preparing
10 controlled substances;
- 11 G. Kits used, intended for use or designed for use in planting,
12 propagating, cultivating, growing or harvesting any species of
13 plant which is a controlled substance or from which a
14 controlled substance can be derived;
- 15 H. Objects used, intended for use or designed for use in ingesting,
16 inhaling or otherwise introducing marijuana, cocaine, hashish or
17 hashish oil into the human body, such as:

- 18 1. Air driven pipes;
19 2. Bongs;
20 3. Carburetion tubes and devices;
21 4. Carburetor pipes;
22 5. Chamber pipes;
23 6. Chillums;
24 7. Electric pipes;
25 8. Ice pipes or chillers;
26 9. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or
27 without screens, permanent screens, hashish heads or punctured meta l
28 bowls;
29 10. Miniature cocaine spoons and cocaine vials;

11. Roach clips, meaning objects used to hold burning materials, such as marijuana cigarettes, that have become too small or too short to be held in the hand;

12. Smoking and carburetion masks; and

13. Water pipes

J. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances;

K. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or otherwise cleaning or refining, marijuana; and

L. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.

(2) In determining whether an object is "drug paraphernalia," a court or other authority shall consider, in addition to all other logically relevant factors, the following:

A. Statements by an owner or by anyone in control of the object concerning its use;

B. Prior convictions, if any, of an owner or of anyone in control of the object, under any State or Federal law relating to controlled substances;

C. The proximity of the object, in time and space, to a direct violation of State law;

D. The proximity of the object to controlled substances;

E. The existence of any residue of controlled substances on the object;

F. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object to deliver it to persons whom he or she knows intends to use the object to facilitate a violation of State or local law. The innocence of an owner or of anyone in control of the object, as to a direct violation of State law, shall not prevent a

1 finding that the object is intended for use or designed for use as
2 drug paraphernalia.

3 G. Instruction, oral or written, provided with the object concerning its
4 use;

5 H. Descriptive materials accompanying the object which explain or
6 depict its use;

7 I. National and local advertising concerning its use;

8 J. The manner in which the object is displayed for sale;

9 K. Whether the owner or anyone in control of the object is a legitimate
10 supplier of like or related items to the community, such as a
11 licensed distributor of or dealer in tobacco products;

12 L. Direct or circumstantial evidence of the ratio of sales of the object to
13 the total sales of the business enterprise;

14 M. The existence and scope of legitimate uses for the object in the
15 community; and

16 N. Expert testimony concerning its use.

17
18 (b) *Possession.* No person shall use, or possess with intent to use, drug
19 paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture,
20 compound, convert, produce, process, prepare, test, analyze, pack, repack,
21 store, contain, conceal, inject, ingest, inhale or otherwise introduce into the
22 human body a controlled substance in violation of State or local law.

23 (c) *Manufacture, Delivery or Sale.* No person shall deliver, sell, process with
24 intent to deliver or sell, or manufacture with intent to deliver or sell, drug
25 paraphernalia, knowing that it will be used to plant, convert, produce,
26 process, prepare, test, analyze, pack, repack, store, contain, conceal, inject,
27 ingest, inhale or otherwise introduce into the human body a controlled
28 substance in violation of State law.

(d) *Advertisement.* No person shall place in any newspaper, magazine, handbill, sign, poster or other publication, any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

(e) *Exceptions.* This section shall not apply to manufacturers, wholesalers, jobbers, licensed medical technicians, technologists, nurses, hospitals, research teaching institutions, clinical laboratories, medical doctors, osteopathic physicians, dentists, chiropractors, veterinarians, pharmacists and embalmers in the normal legal course of their respective business or profession, nor to persons suffering from diabetes, asthma or any other medical condition requiring self-injection; NOR INCLUDE DRUG PARAPHERNALIA SOLD, OFFERED FOR SALE, OR GIVEN AWAY BY A FEDERAL, STATE OR LOCAL GOVERNMENTAL AGENCY, INCLUDING A COUNTY HEALTH DEPARTMENT, TO PREVENT THE TRANSMISSION OF INFECTIOUS AGENTS.

(f) *Civil Forfeiture.* Any drug paraphernalia used, sold, possessed with intent to use or sell, or manufactured with intent to sell, in violation of this section, shall be seized and forfeited and may be destroyed after sixty days.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council.

Approved as to form:

City Attorney

Dated: _____

INTRODUCTION OF ORDINANCE

The Committee on Development and Planning introduced:

An ordinance of the City of Lansing, Michigan, providing for the rezoning of a parcel of real property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code of Ordinances.

Property identified as: Z-2-2017: 5025 S. Pennsylvania Avenue,
Rezoning from "E-2" Local Shopping District to "F" Commercial District

The Ordinance is read a first time by its title and referred to the Committee on Development and Planning.

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

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, June 12, 2017, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-2-2017: 5025 S. Pennsylvania Avenue, Rezoning from "E-2" Local Shopping
District to "F" Commercial District

ORDINANCE # _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, PROVIDING FOR THE REZONING OF A PARCEL OF REAL PROPERTY LOCATED IN THE CITY OF LANSING, MICHIGAN AND FOR THE REVISION OF THE DISTRICT MAPS ADOPTED BY SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

Section 1. That the district maps adopted by and incorporated as Section 1246.02 of the Code of Ordinances of the City of Lansing, Michigan be amended to provide as follows:

To change the zoning classification of the property described as follows:

Case Number: Z-2-2017

Parcel Number's: 33-01-01-34-376-131

Legal Descriptions: Lots 35 & 36 Except the South 7 Feet thereof, Pleasant Ridge Plat, City of Lansing, Ingham County, MI, from "E-2" Local Shopping and "J" Parking districts to "F" Commercial district

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. This ordinance was duly adopted by the Lansing City Council on _____, 2017, and a copy is available in the office of the Lansing City Clerk, 9th Floor, City Hall, 124 W. Michigan Avenue, Lansing, MI 48933.

Section 4. This ordinance shall take effect upon the expiration of seven (7) days from the date this notice of adoption is published in a newspaper of general circulation.

INTRODUCTION OF ORDINANCE

The Committee on Development and Planning introduced:

An ordinance of the City of Lansing, Michigan, providing for the rezoning of a parcel of real property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code of Ordinances.

Property identified as: Z-3-2017: 3512 S. M. L. King Jr. Blvd., Rezoning from "F" Commercial & "J" Parking Districts to "H" Light Industrial District

The Ordinance is read a first time by its title and referred to the Committee on Development and Planning.

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

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, June 12, 2017, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-3-2017: 3512 S. M. L. King Jr. Blvd., Rezoning from "F" Commercial & "J" Parking Districts to "H" Light Industrial District

INTRODUCTION OF ORDINANCE

The Committee of the Whole introduced:

An Ordinance of the City of Lansing, Michigan, to amend the Lansing Codified Ordinances by amending Chapter 294, Sections 294.02(a), 294.02(i), 294.02(k) and 294.02(r) to conform to the Police Officers' Pension Benefit changes contained in the Collective Bargaining Agreements between the City and CCLP Local #141 Supervisory and Non-Supervisory Divisions, both ratified in 2015, by adding the definition of base wage; providing a minimum retirement age of 50 for new hired Police Officers; limiting pensions to 115% and 110% of a base wage; amending the Police Officer employee pension contribution; and reducing the pension benefit multiplier for new hired police officers.

The Ordinance is read a first time by its title and referred to the Committee of the Whole

RESOLUTION SETTING PUBLIC HEARING

By the Committee of the Whole

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for Monday, May 15, 2017 at 7:00 p.m. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering an Ordinance of the City of Lansing, Michigan, to amend the Lansing Codified Ordinances by amending Chapter 294, Sections 294.02(a), 294.02(i), 294.02(k) and 294.02(r) to conform to the Police Officers' Pension Benefit changes contained in the Collective Bargaining Agreements between the City and CCLP Local #141 Supervisory and Non-Supervisory Divisions, both ratified in 2015, by adding the definition of base wage; providing a minimum retirement age of 50 for new hired Police Officers; limiting pensions to 115% and 110% of a base wage; amending the Police Officer employee pension contribution; and reducing the pension benefit multiplier for new hired police officers.

Interested Persons are invited to attend this Public Hearing

1 AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE
2 LANSING CODIFIED ORDINANCES BY AMENDING CHAPTER 294, SECTIONS
3 294.02(a), 294.02(i), 294.02(k) AND 294.02(r) TO CONFORM TO THE POLICE OFFICERS'
4 PENSION BENEFIT CHANGES CONTAINED IN THE COLLECTIVE BARGAINING
5 AGREEMENTS BETWEEN THE CITY AND CCLP LOCAL #141 SUPERVISORY AND
6 NON-SUPERVISORY DIVISIONS, BOTH RATIFIED IN 2015, BY ADDING THE
7 DEFINITION OF BASE WAGE; PROVIDING A MINIMUM RETIREMENT AGE OF 50
8 FOR NEW HIRED POLICE OFFICERS; LIMITING PENSIONS TO 115% AND 110% OF A
9 BASE WAGE; AMENDING THE POLICE OFFICER EMPLOYEE PENSION
10 CONTRIBUTION; AND REDUCING THE PENSION BENEFIT MULTIPLIER FOR NEW
11 HIRED POLICE OFFICERS.

12 THE CITY OF LANSING ORDAINS:

13 Section 1. That Chapter 294, Sections 294.02(a), 294.02(i), 294.02(k) and 294.02(r), of
14 the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as
15 follows:
16
17
18
19
20

[30745:4:20170426:104509]Approved as to form:

City Attorney

Dated: _____

294.02. Pensions.

(a) *Definitions.* As used in this chapter, unless a different meaning is clearly required by the context:

Accumulated contributions means the sum of all amounts deducted from the compensation of a member or contributed by the member as allowed in this chapter, and credited to his or her individual account in the employees' savings fund, together with regular interest thereon.

Annual base salary means the salary paid by the City to a police officer or firefighter for 12 consecutive months of credited service.

Base wage means a ~~firefighters base wage~~ MEMBER'S SALARY DETERMINED BY HIS OR HER POLICE OFFICER OR FIREFIGHTER CLASSIFICATION AND ANNUALIZED RATE OF PAY CONTAINED IN THE APPENDIX OF THE COLLECTIVE BARGAINING AGREEMENT COVERING THE MEMBER AND IN EFFECT ON THE DATE OF THE MEMBER'S SEPARATION FROM CITY SERVICE.

Beneficiary means any person, except a retiree, who is in receipt of, or who is designated and eligible to receive, a retirement allowance or other benefit payable by the retirement system.

Board of Trustees or *Board* means the Board of Trustees provided for in this chapter.

Credited service means the number of years, and fraction of a year, of service (as defined in this chapter) standing to a member's credit in the member's service account. Any future reference in this chapter to "credited service" shall have the same meaning as "service credit".

[30745:4:20170426:104509]Approved as to form:

City Attorney

Dated: _____

1 *Dependent* means a child, children or parent for whom a police officer or firefighter
2 provides at least 50 percent of the persons financial support and who was claimed as a
3 dependent, pursuant to the United States Internal Revenue Code of 1986, as amended, by the
4 police officer or firefighter on his or her Federal Income Tax Return for the most recently ending
5 tax year.

6 *Final average compensation* means the monthly average of the member's final
7 compensation that is included in "included compensation," as defined in this subsection, paid
8 during the period of the member's 24 highest consecutive months of credited service as a police
9 officer, or firefighter. If the member has less than 24 months of credited service, the member's
10 final average compensation shall be the monthly average of the included compensation paid for
11 his or her total period of credited service. For a police officer member, included compensation is
12 defined as annual base salary, overtime pay (including holiday pay), longevity, gun allowance,
13 clothing allowances, sick leave reimbursement (buy-back), shift premium and retroactive pay
14 (prorated by effective date). For a Police Supervisory Division Unit member, the definition of
15 included compensation also includes compensatory time buy-back (up to a maximum of 160
16 hours), provided that the compensatory time was earned in the same 24 months on which final
17 average compensation is based. For a firefighter member, included compensation is defined as
18 annual base salary, overtime pay, acting pay, ambulance wage differential pay, longevity,
19 holiday pay, field training instructor pay and retroactive pay (prorated by effective date).

20 *Final compensation* means a member's monthly rate of compensation at the time his or her
21 employment by the City as a police officer or firefighter last terminates.

[30745:4:20170426:104509]Approved as to form:

City Attorney

Dated: _____

1 *Firefighter* means a permanent employee in the Fire Department who holds the rank of
2 firefighter or higher rank and who has taken the oath required in Section 4-303.4 of the City
3 Charter. "Firefighter " does not include the civilian employees in the Department.

4 ~~*Firefighter's base wage* means a firefighter's salary determined by his or her classification~~
5 ~~and annualized rate of pay contained in appendix a of the collective bargaining agreement~~
6 ~~covering the member and in effect on the date of the firefighter's separation from city service.~~

7 *Member* means any person who is included in the membership of the retirement system
8 whether or not such person was represented by a collective bargaining unit upon the effective
9 date of his or her retirement.

10 *Membership service* means service rendered after December 31, 1943, to the extent credited
11 a member by the Board of Trustees.

12 *Police officer* means a permanent employee in the Police Department who holds the rank of
13 patrolman or higher rank and who has taken the oath required in Section 4-307.4 of the City
14 Charter, but it shall not include the civilian employees in the Police Department.

15 *Regular interest* means such rate or rates of interest per annum, compounded annually, as
16 the Board of Trustees shall from time to time adopt, subject to the approval of Council.

17 *Retiree* means a former member who meets the eligibility requirements of this chapter and
18 retires with a retirement allowance payable by the retirement system.

19 *Retirement allowance* means a monthly amount payable throughout the future life of a
20 person, or for a temporary period, as provided in this Chapter.

[30745:4:20170426:104509]Approved as to form:

City Attorney

Dated: _____

1 *Retirement allowance reserve* means the present value of all payments to be made on
2 account of any retirement allowance. The retirement allowance reserve shall be computed upon
3 the basis of such mortality and other tables of experience, and regular interest, as the Board of
4 Trustees shall from time to time adopt.

5 *Retirement system* means the Police and Fire Retirement System of the City.

6 *Service* means personal service rendered as a police officer or firefighter in the employ of
7 the City and paid for by the City or purchased by the member pursuant to this chapter.

8 The masculine gender shall include the feminine, and the plural form shall include the
9 singular.

10 (i) *Voluntary Retirement.*

11 (1) A member may retire upon his or her written application filed with the Board of
12 Trustees setting forth at what time, not less than 30 days nor more than 90 days
13 subsequent to the execution and filing thereof, he or she wishes to be retired, provided
14 that such member is eligible to retire according to subsection (i)(2) upon his or her
15 retirement, he or she shall receive a retirement allowance as provided in subsection
16 (k)(1) hereof.

17 (2) A member may retire after 25 or more years of credited service, or after his or her
18 attainment of age 55, except that a firefighter ~~who becomes a member~~ WHOSE
19 MEMBERSHIP COMMENCED on or after May 19, 2014, AND A POLICE OFFICER

[30745:4:20170426:104509]Approved as to form:

City Attorney

Dated: _____

1 WHOSE MEMBERSHIP COMMENCED ON OR AFTER AUGUST 1, 2014, with 25
2 or more years of credited service may not retire before attainment of age 50.

3 (k) *Retirement Allowance.*

4 (1) *Generally.*

5 A. ~~Upon a~~ A police officer ~~member's retirement, he or she~~ WHOSE MEMBERSHIP
6 COMMENCED BEFORE AUGUST 1, 2014, AND WHO RETIRES, shall receive
7 a retirement allowance equal to THE SUM OF 3.2 percent of ~~the member's~~ HIS OR
8 HER final average compensation multiplied by the number of years, and fraction of
9 a year, of credited service not to exceed 25 years. IN ADDITION TO THE
10 LIMITATION IN THE PRIOR SENTENCE, A POLICE OFFICER'S
11 RETIREMENT ALLOWANCE SHALL ALSO NOT EXCEED THE
12 FOLLOWING: THE RETIREMENT ALLOWANCE FOR A POLICE
13 SUPERVISORY DIVISION MEMBER WHO SEPARATES FROM CITY
14 EMPLOYMENT ON OR AFTER JULY 16, 2015 AND PRIOR TO JULY 14,
15 2019, SHALL NOT EXCEED 115% OF THE MEMBER'S BASE WAGE; THE
16 RETIREMENT ALLOWANCE FOR A POLICE SUPERVISORY DIVISION
17 MEMBER WHO SEPARATES FROM CITY EMPLOYMENT ON OR AFTER
18 JULY 15, 2019, SHALL NOT EXCEED 110% OF THE MEMBER'S BASE
19 WAGE; THE RETIREMENT ALLOWANCE FOR A POLICE
20 NONSUPERVISORY DIVISION MEMBER WHO RETIRES ON OR AFTER

[30745:4:20170426:104509]Approved as to form:

City Attorney

Dated: _____

1 JULY 1, 2015, SHALL NOT EXCEED 110% OF THE MEMBER'S BASE
2 WAGE.

3 B. A POLICE OFFICER WHOSE MEMBERSHIP COMMENCED ON OR AFTER
4 AUGUST 1, 2014, AND WHO RETIRES, SHALL RECEIVE A RETIREMENT
5 ALLOWANCE EQUAL TO THE SUM OF 2.5 PERCENT OF HIS OR HER
6 FINAL AVERAGE COMPENSATION MULTIPLIED BY THE NUMBER OF
7 YEARS, AND FRACTION OF A YEAR, OF HIS OR HER CREDITED
8 SERVICE NOT TO EXCEED 25 YEARS, EXCEPT THAT THE RETIREMENT
9 ALLOWANCE SHALL NOT EXCEED 110% OF THE MEMBER'S BASE
10 WAGE.

11 ~~BC. FOR a~~ A firefighter ~~who is a member~~ WHOSE MEMBERSHIP COMMENCED
12 before May 20, 2014, and WHO retires, ~~he or she~~ shall receive a retirement
13 allowance equal to the sum of 3.2 percent of his or her final average compensation
14 multiplied by the number of years, and fraction of a year, of his or her credited
15 service, not to exceed 25 years, except that for a member who separates from City
16 employment on or after October 1, 2014, the retirement allowance shall not exceed
17 110% of the ~~firefighter's~~ MEMBER'S base wage ~~at the time of separation~~.

18 ~~CD. For a~~ A firefighter ~~who becomes a member~~ WHOSE MEMBERSHIP
19 COMMENCED on or after May 20, 2014, and WHO retires, ~~he or she~~ shall receive
20 a retirement allowance equal to the sum of 2.5 percent of his or her final average
21 compensation, multiplied by the number of years, and fraction of a year, of his or

[30745:4:20170426:104509]Approved as to form:

City Attorney

Dated: _____

her credited service, not to exceed 25 years, except that the retirement allowance shall not exceed 110% of the ~~firefighter's~~ MEMBER'S base wage ~~at the time of separation from city employment.~~

DE. If a retiree dies before he or she has received in retirement allowance payments an aggregate amount equal to his or her accumulated contributions standing to his or her credit in the employees' savings fund at the time of his or her retirement and does not have a beneficiary who will receive a retirement allowance under this chapter, the difference between his or her accumulated contributions and the aggregate amount of retirement allowance payments received by him or her shall be paid from the retirement reserve fund to such person or persons as the retiree has nominated by written designation, duly executed and filed with the Board of Trustees. If there is no such designated person or persons surviving the retiree, such difference, if any, shall be paid to the retiree's legal representative. No benefits shall be paid under this section on account of the death of a retiree if a retirement allowance becomes payable under subsections (k)(3) and (k)(4) hereof on account of his or her death.

(2) *Deferred allowance.* Should any member, who has ten or more years of credited service, leave the employ of the City before becoming eligible to retire as provided in section (i) hereof for any reason except his or her discharge, retirement or death, he or she shall be entitled to a retirement allowance, as provided in subsection (k)(1) hereof pursuant to its provisions in force at the time he or she left City employment, provided

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Dated: _____

1 that he or she does not withdraw his or her accumulated contributions from the
2 employees' savings fund. His or her retirement allowance shall begin the first day of the
3 calendar month next following the month in which his or her written application on the
4 approved form for the same is filed with the Board of Trustees, within 30 days before,
5 on or after his or her attainment of age 55.

6
7 (3) *Retirement options.*

8 A. A police officer member, within 30 days prior to retirement, may select one of the
9 following four survivor election options by making an election on a form agreed
10 upon by the collective bargaining unit for which the employee is a member and the
11 City:

12 *Option I.* Under this option, the member at retirement shall receive the full
13 retirement allowance as provided in subsection(k)(1)A and upon the retiree's death,
14 his or her surviving spouse, who was his or her legally married spouse at the time
15 of retirement, shall receive a retirement allowance equal to 50 percent of the
16 retiree's retirement allowance until the spouse's death.

17 *Option II.* Under this option, the member at retirement shall receive 93 percent of
18 the full retirement allowance as provided in subsection (k)(1)A and upon the
19 retiree's death, his or her surviving spouse, who was his or her legally married

[30745:4:20170426:104509]Approved as to form:

City Attorney

Dated: _____

1 spouse at the time of retirement, shall receive a retirement allowance equal to 75
2 percent of the retiree's retirement allowance until the spouse's death.

3 *Option III.* Under this option, the member at retirement shall receive 86 percent of
4 the full retirement allowance as provided in subsection (k)(1)A and upon the
5 retiree's death, his or her surviving spouse, who was his or her legally married
6 spouse at the time of retirement, shall receive a retirement allowance equal to 86
7 percent of the retiree's retirement allowance until the spouse's death.

8 *Option IV. Non-spousal beneficiary.* A member may select a reduced pension
9 naming a parent, brother, sister, child or grandchild as beneficiary. The reduced
10 pension shall be actuarially determined based on the age of the member and the
11 beneficiary at the time of retirement, and shall not be actuarially more costly than
12 Option I. For this option to be made and take effect, the member who is married
13 must first have filed with the Board a voluntary written spousal relinquishment of
14 beneficiary agreement on a form approved by the Board that has been duly and
15 voluntarily executed by the member's spouse.

- 16 B. A firefighter member, within 30 days prior to retirement, may select one of the
17 following four survivor election options by making an election on a form agreed
18 upon by the Collective Bargaining Unit for which the employee is a member and
19 the City:

[30745:4:20170426:104509]Approved as to form:

City Attorney

Dated: _____

1 *Option I.* Under this option, the member at retirement shall receive the full
2 retirement allowance as provided in subsection (k)(1)B and upon the retiree's
3 death, his or her surviving spouse, who was his or her legally married spouse at the
4 time of retirement, shall receive a retirement allowance equal to 50 percent of the
5 retiree's retirement allowance until the spouse's death.

6 *Option II.* Under this option, the member at retirement shall receive 93 percent of
7 the full retirement allowance as provided in subsection (k)(1)B and upon the
8 retiree's death, his and her surviving spouse, who was his or her legally married
9 spouse at the time of retirement, shall receive a retirement allowance equal to 75
10 percent of the retiree's retirement allowance until the spouse's death.

11 *Option III.* Under this option, the member at retirement shall receive 86 percent of
12 the full retirement allowance as provided in subsection (k)(1)B and upon the
13 retiree's death, his or her surviving spouse, who was his or her legally married
14 spouse at the time of retirement, shall receive a retirement allowance equal to 86
15 percent of the retiree's retirement allowance until the member's spouse's death.

16 *Option IV.* Non-spousal beneficiary. A member may select a reduced pension
17 naming a parent, brother, sister, child or grandchild as beneficiary. The reduced
18 pension shall be actuarially determined based on the age of the employee and the
19 beneficiary at the time of retirement, and shall not be actuarially more costly than
20 Option 1 above. For this option to be made and take effect, the member who is

[30745:4:20170426:104509]Approved as to form:

City Attorney

Dated: _____

1 married must first have filed with the Board a voluntarily written spousal
2 relinquishment of beneficiary agreement on a form approved by the Board that has
3 been duly and voluntarily executed by the member's spouse. Regardless of the
4 indicated beneficiary, retiree health care shall be passed on only to the member's
5 spouse.

6 If the non-spousal beneficiary is a minor child, health care shall be available until
7 the age of 19 or up to the age of 25 if the non-spousal beneficiary is unmarried and
8 is a full-time student for at least five months of the year.

9 C. If a retiree who retired under subsection (i)(1) hereof dies prior to the earlier of his
10 or her attainment of age 55 or the date upon which he or she would have achieved
11 25 years of credited service but for the disability, his or her widow or widower,
12 who was his or her legally married spouse at the time of his or her retirement, shall
13 receive a retirement allowance computed according to subsection (k)(1) hereof. In
14 computing the retirement allowance, the retiree's credited service shall be increased
15 to include the period he or she was in receipt of a disability retirement allowance
16 provided in subsection (i)(3) hereof, and his or her final average compensation shall
17 be recomputed using the monthly rates of compensation as of the date of his or her
18 death for the rank or ranks held by him or her during the period used in computing
19 his or her final average compensation at the time of his or her retirement. For Fire
20 Department employees, if the employee incurred the disability while "acting" at a
21 higher rank, the final average compensation of the employee shall be based upon

[30745:4:20170426:104509]Approved as to form:

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Dated: _____

1 the pay he or she would have received in the "acting" rank for the applicable
2 service period. The widow or widower retirement allowance shall not be less than
3 20 percent of the retiree's recomputed final average compensation and shall be
4 subject to subsection (k)(3)C. hereof.

5 D. No retirement allowance shall be paid thereunder on account of the death of a
6 retiree if any retirement allowance is paid or payable under subsection (n) hereof on
7 account of his or her death. Any retirement allowance payable under this section
8 shall be subject to subsection (o) hereof.

9 (4) *Allowance for spouse of deceased member.* If a member, who has ten or more years of
10 credited service, dies on or after the effective date of this revised chapter (September 1,
11 1966) while in the employ of the City, and leaves a widow or widower, the widow or
12 widower shall receive a retirement allowance equal to one-half of the members accrued
13 retirement allowance computed according to subsection (k)(1) hereof in the same
14 manner in all respects as if the member had retired the day preceding the date of his or
15 her death, notwithstanding that he or she might not have satisfied the applicable
16 provisions of subsection (1) hereof. However, the widow or widowers retirement
17 allowance shall not be less than 20 percent of the member's final average compensation
18 and shall be subject to subsection (o) hereof. No retirement allowance shall be paid or
19 payable under this section on account of the death of a member if any retirement
20 allowance is paid or payable under subsection (n) hereof on account of his or her death.

21 (r) *Retirement System Funds.*

[30745:4:20170426:104509]Approved as to form:

City Attorney

Dated: _____

(1) *Generally.* The employees' savings fund, the pension accumulation fund and the retirement reserve fund are hereby established. Effective January 1, 1999, the health insurance fund is additionally established. The Board of Trustees may from time to time establish such other funds as shall be required for the proper operation of the retirement system. The funds shall be held and administered for the exclusive purpose of providing benefits to the members and their beneficiaries and defraying reasonable expenses of the retirement system. The entire amount of all moneys paid into the fund shall constitute an irrevocable contribution by the City, and the City shall have no further rights or claims to said funds other than such amounts as remain in the funds upon the retirement system's termination because of erroneous actuarial computations after the satisfaction of all fixed and contingent obligations to the members and their beneficiaries. A balance due to an erroneous actuarial computation shall mean any surplus arising because actual requirements differed from expected requirements based on previous actuarial valuations of liabilities or determinations of costs of providing pension benefits under the retirement system in accordance with reasonable assumptions as to mortality, interest, etc., and correct procedures relating to the method of funding, all as made by the City upon and with the advice of an actuary. Notwithstanding the foregoing, any contributions made by the City by a mistake of fact shall be returned to the City, upon its request, within one year after such contribution was made.

(2) *Employees' savings fund.*

[30745:4:20170426:104509]Approved as to form:

City Attorney

Dated: _____

1 A. The employees' savings fund shall be the fund in which shall be accumulated, at
2 regular interest the contributions deducted from the compensations of members,
3 and from which shall be made transfers and paid refunds of accumulated
4 contributions as provided in this section.

5 B. The contributions of a member shall be calculated as a percentage of the member's
6 compensation and paid into the system IN THE FOLLOWING PERCENTAGES
7 as provided in this subsection (r)(2)B: ~~for the Police Nonsupervisory division the~~
8 ~~member's contribution shall be 8.5 percent. For the Police Supervisory division the~~
9 ~~member's contribution shall be 9.52 percent.~~

10 POLICE NONSUPERVISORY DIVISION MEMBERS, WHOSE MEMBERSHIP
11 COMMENCED BEFORE AUGUST 1, 2014, SHALL EACH CONTRIBUTE
12 NINE PERCENT (9%) OF THE MEMBER'S COMPENSATION PAID BY THE
13 CITY.

14 POLICE NONSUPERVISORY DIVISION MEMBERS, WHOSE MEMBERSHIP
15 COMMENCED ON OR AFTER AUGUST 1, 2014, SHALL EACH
16 CONTRIBUTE SEVEN PERCENT (7%) OF THE MEMBER'S
17 COMPENSATION PAID BY THE CITY.

18 POLICE SUPERVISORY DIVISION MEMBERS, WHOSE MEMBERSHIP
19 COMMENCED BEFORE AUGUST 1, 2014, SHALL EACH CONTRIBUTE

[30745:4:20170426:104509]Approved as to form:

City Attorney

Dated: _____

1 NINE AND FIFTY-TWO HUNDREDS PERCENT (9.52%) OF THE MEMBER'S
2 COMPENSATION PAID BY THE CITY.

3 POLICE SUPERVISORY DIVISION MEMBERS, WHOSE MEMBERSHIP
4 COMMENCED ON OR AFTER AUGUST 1, 2014, SHALL EACH
5 CONTRIBUTE SEVEN PERCENT (7%) OF THE MEMBER'S
6 COMPENSATION PAID BY THE CITY.

7 ~~For f Firefighters who were members~~, WHOSE MEMBERSHIP COMMENCED
8 before May 20, 2014, ~~the contribution shall be 10-~~ SHALL EACH CONTRIBUTE
9 TEN percent (10%) OF THE MEMBER'S COMPENSATION PAID BY THE
10 CITY.

11 ~~For f Firefighters who become members~~, WHOSE MEMBERSHIP
12 COMMENCED on or after May 19, 2014, ~~the contribution shall~~ EACH
13 CONTRIBUTE SEVEN ~~be 7~~ percent (7%) OF THE MEMBER'S
14 COMPENSATION PAID BY THE CITY.

15 The Director of Finance or other officer responsible for making up the payroll shall
16 cause the contributions to be deducted from the compensation of each member on
17 each and every payroll, for each and every payroll period, from the date of his or
18 her entrance in the system to the date his or her membership terminates.

- 19 C. The contributions provided in this subsection shall be made notwithstanding that
20 the minimum compensation provided by law for any member shall be changed

[30745:4:20170426:104509]Approved as to form:

City Attorney

Dated: _____

1 thereby. Every member shall be deemed to consent and agree to the deductions
2 made and provided for in this subsection, and payment of his or her compensations
3 less such deductions shall be a full and complete discharge and acquaintance of all
4 claims and demands whatsoever for the services rendered by such person, except as
5 to benefits provided under this chapter. When deducted, the contributions of each
6 member shall be paid into the retirement system and shall be credited to his or her
7 individual account in the employees' savings fund.

8 D. In addition to the contributions deducted from the compensations of a member, as
9 hereinbefore provided, he or she shall deposit in the fund, by a single payment or
10 by an increased rate of contribution as determined by the Board of Trustees, an
11 amount equal to the amount he or she might have withdrawn therefrom, together
12 with regular interest from the date of withdrawal to the date of repayment. In no
13 case shall any member be given credit for service rendered prior to the date he or
14 she withdrew his or her accumulated contributions until he or she repays to the
15 fund all amounts due such fund by him or her.

16 E. Upon the retirement of a member, his or her accumulated contributions shall be
17 transferred from the employees' savings fund to the retirement reserve fund. At the
18 expiration of a period of five years from and after the date an employee ceases to
19 be a member, any balance standing to his or her credit in the employees' savings
20 fund that is unclaimed by the member or his or her legal representative shall remain
21 a part of the moneys of the retirement system and shall be transferred to the pension

[30745:4:20170426:104509]Approved as to form:

City Attorney

Dated: _____

1 accumulation fund, if no retirement allowance will become payable by the
2 retirement system on account of his or her City employment.

3 F. The employer shall, for tax purposes, pick up the Fire members, Police Supervisory
4 and Police Nonsupervisory Department member contributions required by this
5 section for all compensation earned after the later of the execution or effective date
6 of this subsection (January 1, 1996). The contributions so picked up shall be treated
7 as employer contributions in determining tax treatment under the United States
8 Internal Revenue Code. The employer shall pick up the member contributions from
9 funds established and available in the salaries account, which funds would
10 otherwise have been designated as member contributions and paid to the retirement
11 system. Member contributions picked up by the employer pursuant to this
12 subsection shall be treated for all other purposes of this and other laws of the
13 employer in the same manner and to the same extent as member contributions made
14 prior to the effective date of this subsection. The member does not have the option
15 of receiving the picked up member contributions in cash instead of having it paid
16 into the retirement system.

17 (3) *Pension accumulation fund.* The pension accumulation fund shall be the fund in which
18 shall be accumulated reserves resulting from contributions provided by the City. Upon
19 the basis of mortality tables and other tables of experience, and regular interest, as the
20 Board of Trustees shall from time to time adopt, the actuary shall annually compute the
21 retirement allowance reserve liabilities for retirement allowances being paid retirements

[30745:4:20170426:104509]Approved as to form:

City Attorney

Dated: _____

1 and beneficiaries and covering service rendered and to be rendered by members. The
2 liabilities so computed shall be financed by appropriations, to be made by Council
3 determined according to this section. The board shall annually report to council the
4 amount of contributions to be paid by the City to the retirement system during the
5 ensuing fiscal year. When paid, the City's contributions shall be credited to the pension
6 accumulation fund.

7 A. The City's appropriations for members' current service shall be a percentage of their
8 annual compensation which will produce an amount which if paid annually by the
9 City during the members' periods of future service would be sufficient, together
10 with the future service portions of their accumulated contributions, to provide the
11 retirement allowance reserves for the future service portions of the retirement
12 allowances to be paid them.

13 B. The City's appropriations for members' accrued service shall be a percentage of
14 their annual compensation which will produce an amount which if paid annually by
15 the City for a number of years, to be determined by the Board, would amortize, at
16 regular interest, the unfunded retirement allowance reserves, if any, for the accrued
17 service portions of the retirement allowances to be paid them.

18 C. The City's appropriations for retirement allowances being paid retiree and
19 beneficiaries shall be a percentage of the annual compensations of members which
20 will produce an amount which if paid annually by the City for a number of years, to
21 be determined by the Board, would amortize, at regular interest, the unfunded

[30745:4:20170426:104509]Approved as to form:

City Attorney

Dated: _____

1 retirement allowance reserves, if any, for the retirement allowances being paid
2 retirees and beneficiaries.

3 (4) *General fund.* The administrative expenses of the retirement system shall be paid by the
4 City from its General Fund.

5 (5) *Retirement reserve fund.* The retirement reserve fund shall be the fund from which shall
6 be paid all retirement allowances payable as provided in this chapter. Should a disability
7 retiree return to the employ of the City, his or her retirement allowance reserve,
8 computed as of the date of his or her return, shall be transferred from the retirement
9 reserve fund to the employees' savings fund and the pension accumulation fund in the
10 same proportions as the retirement allowance reserve was originally transferred. The
11 portion transferred to the employees' savings fund shall be credited to the member's
12 individual account therein. Each December 31, after receipt of the annual actuarial
13 valuation, the balance in the retirement reserve fund shall be brought into balance with
14 the actuarial present value of retirement allowances to be paid after December 31 to all
15 retiree and beneficiaries in receipt of retirement allowances at December 31, by a
16 transfer between the retirement reserve fund and the pension accumulation fund.

17 (6) *Health Insurance Fund.* The health insurance fund shall be the fund for receiving
18 contributions for post-retirement health insurance benefits. The initial balance as of
19 January 1, 1998, shall be \$3,584,840.14, which amount is equal to the December 31,
20 1997, asset receivable allocated to health insurance advance funding from the City's
21 general fund. City contributions, as specified in this paragraph, for post-retirement

[30745:4:20170426:104509]Approved as to form:

City Attorney

Dated: _____

1 health insurance benefits, including dental insurance and Medicare reimbursement
2 benefits, shall be credited to the health insurance fund. Notwithstanding the provisions
3 of subsection 294.02(r)(8), the health insurance fund shall be credited investment
4 income at a rate consistent with the method used to determine the actuarial value of
5 assets in the annual actuarial report. Premiums or charges, as specified in this
6 subsection, for post-retirement health insurance benefits, including dental insurance and
7 Medicare reimbursement benefits, shall be paid from the health insurance fund.

8 A. Beginning July, 1 1999, the City's annual contribution to the health insurance fund
9 may equal the sum of the actuarially computed normal cost for the year plus an
10 amortization of the cumulative net actuarial gains and losses arising from the
11 experience of active members on or after January 1, 1998. Using an amortization
12 period adopted by the board of trustees for this purpose. However, in no case shall
13 the city's annual contribution to the health insurance fund be less than 2.48 percent
14 of active member payroll, and in no case shall the City's annual contribution to the
15 health insurance fund exceed the limitation imposed by Internal Revenue Code
16 section 401(h) and the regulations thereunder. The amount, if any, by which the
17 contribution must be reduced, in order to comply with the limitation imposed by
18 section 401(h), shall instead be contributed to a voluntary employee's beneficiary
19 association established by the City for this purpose.

20 B. Beginning July 1, 1999, and each year thereafter, a portion of the premiums or
21 charges for post-retirement health insurance benefits, including dental insurance

[30745:4:20170426:104509]Approved as to form:

City Attorney

Dated: _____

1 and Medicare reimbursement benefits, shall be paid from the health insurance fund
2 on behalf of eligible retiree and beneficiaries of the retirement system in
3 accordance with the applicable collective bargaining agreements and personnel
4 rules of the City. The portion of the premiums or charges that will be paid from the
5 health insurance fund is a percentage of such premiums or charges paid on behalf
6 of persons with retirement effective dates on or after January 1, 1999. The
7 percentage shall be four percent in the fiscal year beginning July 1, 1998,
8 increasing four percent each year thereafter until it reaches 100 percent. The
9 amount of premiums or charges paid from the health insurance fund shall be
10 reduced by the amount, if any, paid from a voluntary employee's beneficiary
11 association established by the City for this purpose. Notwithstanding the method
12 specified in this subparagraph to compute the portion of the premiums of charges
13 that are paid from the health insurance fund, the fund balance of the health
14 insurance fund at any point in time is reserved to support the post-retirement health
15 insurance benefits, including dental insurance and Medicare reimbursement
16 benefits, of all eligible retiree and beneficiaries of the retirement system regardless
17 of retirement effective date.

18 C. Notwithstanding the creation or maintenance within the retirement system of the
19 health insurance fund, this section is not to be construed or deemed to have
20 established or removed any benefits, financial or otherwise, subject to Article IX,
21 Section 24 of the 1963 Constitution of the State of Michigan. Nor shall the creation

[30745:4:20170426:104509]Approved as to form:

City Attorney

Dated: _____

1 and maintenance of the health insurance fund preclude the City from giving
2 consideration to and implementing cost containment measures as provided by law.
3 Instead, the purpose of this section is to put in place a mechanism for the advance
4 funding of post-retirement health insurance benefits for eligible retiree, and not,
5 apart from the advance funding obligation, to grant additional rights or to take
6 away any rights which eligible retiree may already have.

7 (7) *Investment of funds.*

8 A. The Board of Trustees shall be the trustees of the funds of the retirement system
9 and may invest and reinvest such funds as now or hereafter permitted by law. The
10 Board may hold, purchase, sell, assign, transfer and dispose of any securities and
11 investments in which any of the moneys of the retirement system have been
12 invested, as well as the proceeds of such investments.

13 B. Except as otherwise provided in this chapter, no trustee or officer or employees of
14 the retirement system shall have any direct or indirect interest in the gains or profits
15 of any investments made by the Board. No such person, directly or indirectly, for
16 himself or herself or as an agent or partner of others, shall borrow any of the
17 moneys or deposits of the system or in any manner use such moneys or deposits,
18 except to make such current and necessary payments as are authorized by the
19 Board. No such person shall become an endorser or surety or become in any
20 manner an obligor for any moneys loaned by or borrowed from the system.

[30745:4:20170426:104509]Approved as to form:

City Attorney

Dated: _____

1 (8) *Allowance of regular interest.* The Board annually shall allow and credit regular interest
2 on the mean balances in each of the funds of the retirement system for the preceding
3 year; provided, however, that interest to be credited members' individual balances in the
4 employees' savings fund shall be computed on the balances standing to their credit at
5 the beginning of the calendar year and shall be credited at the end of the calendar year,
6 the amounts so allowed and credited shall be paid from interest and other earnings on
7 investments of the system. Any additional amount necessary to allow regular interest, as
8 provided in this system, shall be paid from the pension accumulation fund. AU interest,
9 dividends and other income derived from the deposit and investment of moneys of the
10 system not required for the allowance of regular interest, shall be credited to the pension
11 accumulation fund.

12 (9) *Method of making payments.* All payments from the funds of the retirement system shall
13 be made according to provisions of the City Charter only upon regular City vouchers
14 signed by two persons designated by the Board of Trustees. A duly attested copy of a
15 resolution of the Board designating such persons, and bearing upon its face specimen
16 signatures of such persons, shall be filed with the City Treasurer as his or her authority
17 to make payments upon such vouchers. No voucher shall be drawn unless it has been
18 previously authorized by a specific or continuing resolution adopted by the Board.

[30745:4:20170426:104509]Approved as to form:

City Attorney

Dated: _____

1 Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules
2 inconsistent with the provisions hereof are hereby repealed.

3 Section 3. Should any section, clause or phrase of this ordinance be declared to be
4 invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof
5 other than the part so declared to be invalid.

6 Section 4. This ordinance shall take effect on the 30th day after enactment unless given
7 immediate effect by City Council.

[30745:4:20170426:104509]Approved as to form:

City Attorney

Dated: _____

1 (Attorney_Staff/ ORDINANCES/ Police & Fire/ Draft Police and Fire Ordinance Amendment 04.25.16)

2

[30745:4:20170426:104509]Approved as to form:

City Attorney

Dated: _____

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PASSAGE OF ORDINANCE

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN TO AMEND CHAPTER 654, NOISE ORDINANCE, SECTION 654.11, SPECIAL PERMITS, TO MODIFY THE NOTICE REQUIREMENT TO GO TO RESIDENTS LIVING WITHIN 500 FEET OF THE EMITTER TWELVE DAYS IN ADVANCE OF THE PUBLIC HEARING.

Is read a second time by its title. The Ordinance was reported from the Committee on General Services and is on the order of immediate passage.

COUNCIL MEMBER	YEAS	NAYS
BROWN CLARKE		
DUNBAR	☐	☐
HOUGHTON	☐	☐
HUSSAIN	☐	☐
SPITZLEY	☐	☐
WASHINGTON	☐	☐
WOOD	☐	☐
YORKO	☐	☐
 ☐ ADOPTED	 _____ ☐ FAILED	 _____

ORDINANCE NO: _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN TO AMEND CHAPTER 654, NOISE ORDINANCE, SECTION 654.11, SPECIAL PERMITS, TO MODIFY THE NOTICE REQUIREMENT TO GO TO RESIDENTS LIVING WITHIN 500 FEET OF THE EMITTER TWELVE DAYS IN ADVANCE OF THE PUBLIC HEARING.

THE CITY OF LANSING ORDAINS:

SECTION 1. That Section 654.11 of Chapter 654 of the Lansing Codified Ordinances ("Code") be amended to read as follows:

654.11. - Special permits.

(a) Following a public hearing at a regularly scheduled Council meeting, and upon recommendation of the Mayor and approval by an affirmative vote of two-thirds of the members of Council, a permit for relief from any of the restrictions or noise level requirements of this chapter may be granted. Applications for a permit for such relief may be made to the Mayor or his or her designated representative. Such a permit for relief may be granted if it is found:

(1) That additional time is necessary for the applicant to alter or modify its operation to comply with this chapter, or that the activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with the other requirements of this chapter;

(2) That no reasonable alternative is available to the applicant; and

(3) That the noise created will not unreasonably damage or endanger the health, safety or welfare of the public.

1 (b) Residents living within ~~300~~ 500 feet of the real property boundary line of the noise
2 emitter applying for such a permit must be given notice of the application ~~thirty~~
3 TWELVE days in advance of the hearing thereon. Such notice shall be delivered by
4 mail to all such residents. Unintentional failure to notify any such resident as
5 required in this subsection shall not invalidate a permit issued pursuant to this
6 section.

7 (c) Any permit granted pursuant to this section may be subject to and prescribe any
8 conditions, limitations or requirements which Council deems necessary to minimize
9 adverse effects upon the community, persons within the community or the
10 surrounding neighborhood.

11 (d) Any permit granted pursuant to this section shall contain all conditions upon which
12 the permit has been granted and shall specify a reasonable time that the permit
13 shall be effective, not to exceed two years.

14 (e) Any permit granted pursuant to this section shall be revoked if the conditions to
15 which it is subject are violated, or when issued pursuant to subsection (a) hereof, if
16 the conditions set forth in such subsection are no longer satisfied or fulfilled.

17 (f) If it is decided to revoke any permit granted pursuant to this section, written notice
18 of revocation shall be served upon the permittee or his or her agent or officer
19 personally or by certified mail, return receipt requested. If the activities being
20 conducted or the noise created pursuant to such a permit endangers the public
21 health or safety, such revocation will be effective immediately; otherwise the
22 revocation will be effective ten days after service of the notice of revocation.

1 (g) If a permittee wishes to appeal the revocation of a permit issued pursuant to this
2 section, an appeal may be initiated by filing a written notice of appeal at the office of
3 the City Clerk. The notice must state specifically the reasons and facts upon which
4 the permittee bases the appeal. The notice of appeal must be filed within ten days
5 of the service of the notice of revocation of the permit or of the denial of the permit.

6 If such a notice of appeal has been filed in a timely fashion, and if the revocation of
7 the permit was not given immediate effect based on danger to public health and
8 safety, the revocation of the permit will be suspended until such time as the
9 permittee's appeal is decided or until such time as Council finds that the activities
10 engaged in or the noise produced pursuant to the permit endangers the health or
11 safety of the public.

12 (h) If an appeal of the revocation or denial of a permit granted pursuant to this section
13 is made, the appellant shall be granted a hearing before Council or such persons as
14 Council, by resolution, may designate. If the permit involved has been revoked and
15 such revocation has not been suspended, the hearing shall be conducted and a
16 decision on the appeal rendered as soon as reasonably possible. At any hearing
17 conducted pursuant to this section, the appellant shall be permitted to be
18 represented by counsel of choice, to present such pertinent testimony and other
19 proof as he or she desires and to confront any witness or evidence submitted in the
20 support of the revocation. The decision on the appeal shall be rendered in writing
21 and a copy of the decision shall be supplied to the appellant. In the appeal, the
22 appellant shall have the burden of proof as to all matters.

1 (i) Fees shall be established by resolution of Council for the permits, appeals or
2 variances granted pursuant to this section. Such fees shall reflect the costs of
3 granting and investigating the permit or variance request, or, in the case of an
4 appeal, the cost of conducting the hearing of the appeal, and shall be approved by
5 Council.

6 Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or
7 rules, inconsistent with the provisions hereof are hereby repealed in their entirety and
8 shall be void and of no effect.

9 Section 3. Should any section, clause or phrase of this Ordinance be declared to
10 be invalid, the same shall not affect the validity of the ordinance as a whole, or any part
11 thereof, other than the part declared to be invalid.

12 Section 4. This Ordinance shall take effect on the 30th day after enactment
13 unless given immediate effect by the City Council.

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Chris Swope
Lansing City Clerk

May 5, 2017

Members of the Lansing City Council
10th Floor City Hall
Lansing, MI 48933

Dear Councilmembers:

The Minutes from the Meetings of the following Boards, Commissions, and Authorities of the City of Lansing were placed on file in the City Clerk's Office and are available for review in the City Clerk's Office and at the following website: <http://lansingmi.gov/AgendaCenter>

BOARD NAME

DATE OF MEETING

Board of Public Service

February 9, 2017
March 9, 2017

Elected Officers Compensation Commission

March 8, 2017
March 17, 2017

Demolition Board

April 20, 2017

Police and Fire Retirement System

February 21, 2017

Board of Trustees Employees' Retirement System

February 23, 2017

Planning Board

February 7, 2017

If my staff or I can provide further assistance or information relative to the filing of these minutes, please contact us at 483-4131.

Sincerely,

Chris Swope, CMC, CMMC
Lansing City Clerk

Lansing City Clerk's Office
Ninth Floor, City Hall, 124 W. Michigan Ave., Lansing, MI 48933-1695
517-483-4131 □ 517-377-0068 FAX

www.lansingmi.gov/clerk □ clerk@lansingmi.gov



Chris Swope
Lansing City Clerk

May 5, 2017

President and Council Members
10th Floor City Hall
Lansing, MI 48933

Dear President and Council Members:

My office has received and placed on file:

FY 2017 3rd Quarter General Fund Status Report

This document is available for review at the office of the City Clerk or at <http://www.lansingmi.gov/clerk> under the heading of Documents Placed on File.

Sincerely,

Chris Swope, CMC
Lansing City Clerk



Virg Bernero, Mayor

OFFICE OF THE MAYOR

9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

RECEIVED
2017 APR 28 PM 2:58
LANSING CITY CLERK

TO: City Clerk Chris Swope
FROM: Mayor Virg Bernero
DATE: April 28, 2017
RE: FY 2017 3rd Quarter General Fund Status Report

Pursuant to Section 7-110 of the City Charter, attached please find the General Fund Status Report for third quarter of Fiscal Year 2017.

General Fund Status Report – FY 2017 3rd Quarter

Please see accompanying summary detail (page 3)

Revenues

In total, General Fund revenues collected through the third quarter of Fiscal Year 2017 (July – March) were higher than the average of the past three years' third quarter collection rates, as a percentage of year-end amounts, at 71.8% compared to 68.9%.

- The vast majority of **Property Taxes** are collected in the first month of the fiscal year. At the end of the third quarter of the fiscal year, they were higher as a percentage of budget, at 101.3%, compared to the average of the past three year's third quarter collection rates of 98.1%. Part of the difference was due to a change in timing recognition of certain infrastructure fee agreement receipts. Additionally, State reimbursement of phased-out personal property taxes for the current and two previous years was received in the second quarter and exceeded purposefully-conservative budget estimates. It should be noted that property tax collections normally exceed budget at this time of year, but are subject to tax appeals and other adjustments throughout the year.
- As a percentage of budget, **Income Tax** collections were higher than the average collection rate for the past three years, at 61.8% of budget, compared to 55.9%. It should be noted that income tax revenues fluctuate from previous trends due to timing differences in remittances; however, the trend is consistent with that of the past several quarters.
- **State Revenue Sharing** was higher than the past three years' average trend, as Fire Protection/Bad Driver Fees, received once per year, were \$413,000 higher than anticipated. State Revenue Sharing and Fire Protection/Bad Driver fees are dependent on State revenue collections.
- Although **Charges for Services** were higher in total, dollar-wise, than same period last fiscal year, they were somewhat lower than collection rates from the average of the same period for the last three years, at 62.8% of budget compared to 67.2% in prior years. The lower collection rate is attributable to a combination of ambulance revenues, code compliance inspection fees, and citywide administrative fund fees which, like the overall trend, are all higher than last year, but each being slightly lower when compared to the three-year average percentage of year-end collections. Charges for Services make up only 7% of General Fund revenues.
- In total, **Licenses and Permits** revenues were slightly lower than the average collection rate of the same period for the last three years as a percentage of year-end totals, at 47.4% of budget, compared to 48.8%. Licenses and permits make up only 1.5% of General Fund revenues.
- Collection rates for **Fines and Forfeiture** for the third quarter were lower as a percentage of year-end totals for the average of the last three years, at 49.9% of the budget compared to 68.1%, due to reductions in traffic tickets and penal case revenues.

General Fund Status Report – FY 2017 3rd Quarter
Please see accompanying summary detail (page 3)

Revenues continued

- The City's **Return on Equity** payment from the Board of Water and Light (BWL) for the third quarter of the fiscal year exceeded budgetary expectations at 53% of the budget, compared to 50.6%.
- As a category, **Interest and Rents** were on par with previous years' trends. Interest revenue is posted as investments mature, the timing of which varies from year-to- year.
- **Other Revenues** were higher as of the third quarter-end, at 96.8%, compared to previous years' averages of 45.7% due to the sale of fire station #43.

Expenditures

In total, taking into account the vacancy factor, expenditures for General Fund operating departments (excluding debt service and transfers to other funds) were within the budgetary target -- at 70.3% as of March 31, compared to a budgetary target (taking into account the timing of payroll dates) of 72.6%. All departments were within budgetary targets as of March 31, with the exception of the City Clerk's Office, due to timing of elections; and the Financial Empowerment Center, due to supplies for events. Budget adjustments may be needed for those two departments, depending on reimbursements and grant amounts received.

Summary

For the third quarter of the fiscal year, total General Fund revenues were ahead of budgetary expectations, and overall, expenditures were within budgetary expectations.

General Fund Status Report – FY 2017 (as of March 31, 2017)

Revenues	Annual Budget	Actual as of 3/31/17	Percent of Budget	Avg. Percent of Year-End Actuals as of March 31 FY 2014 - 2016
Property Taxes	\$ 38,952,000	39,443,402	101.3%	98.1%
Income Taxes	33,150,000	20,503,201	61.8%	55.9%
Revenue Sharing	15,655,900	8,999,687	57.5%	53.8%
Licenses & Permits	1,652,500	783,289	47.4%	48.8%
Charges for Services	9,153,500	5,749,966	62.8%	67.2%
Fines & Forfeitures	2,960,100	1,476,399	49.9%	68.1%
Interest & Rent	38,500	19,361	50.3%	50.4%
Return on Equity	22,000,000	11,651,819	53.0%	50.6%
Other Revenue	437,500	423,485	96.8%	45.7%
Total Revenues	\$ 124,000,000	\$ 89,050,607 ⁽¹⁾	71.8%	68.9%
Less: Addition to Reserves	(58,586)			
	<u>\$ 123,941,414</u>			

Expenditures	Annual Budget	Actual as of 3/31/17	Percent of Budget	3/31/17 Budgetary Target
Council	\$ 675,800	\$ 458,954	67.9%	74.0%
Internal Audit	202,200	106,171	52.5%	73.6%
Courts	6,247,400	4,462,856	71.4%	73.8%
Mayor's Office	1,050,200	768,033	73.1%	73.7%
Media Center	415,600	279,831	67.3%	73.6%
Financial Empowerment Center	182,100	153,344	84.2%	74.1%
Clerk's Office	1,018,700	795,438	78.1%	77.2%
Planning & Neighborhood Development	1,091,500	759,151	69.6%	75.3%
Finance	5,163,800	3,439,955	66.6%	73.9%
Human Resources	2,139,000	1,607,976	75.9%	75.9%
Attorney's Office	1,880,700	1,237,623	65.8%	73.5%
Vacancy Factor	(800,000)			
Police	38,952,900	27,356,593	70.2%	72.1%
Fire	33,612,300	23,468,976	69.8%	72.2%
Public Service	11,032,712	7,908,299	71.7%	71.7%
Human Relations & Community Service	1,249,200	778,632	62.3%	73.6%
Parks & Recreation	7,893,900	5,154,293	65.3%	74.1%
Subtotal - Departmental Budgets	\$ 112,008,012	\$ 78,736,127	70.3%	72.6%
Human Services & City Supported Agencies	\$ 2,044,702	\$ 1,598,754	78.2%	
Library Lease	165,000	108,481	65.7%	
Debt Service	1,045,200	74,965 ⁽²⁾	7.2%	
Transfers	8,678,500	8,518,047	98.2%	
Subtotal - Non-departmental Budgets	11,933,402	10,300,247 ⁽¹⁾		
Total General Fund	<u>\$ 123,941,414</u>	<u>\$ 89,036,373</u>		

Please see Pages 1 and 2 for an explanation of revenues and expenditures.

⁽¹⁾ Note: Year-to-date revenue is greater than expenditures at this time of year, as property taxes, accounting for 31% of General Fund revenues, are collected at the beginning of the year. Property taxes include delinquent amounts that will be reimbursed by the counties upon settlement. Property tax collections exceed budget at this time of year, but are subject to tax appeals and other adjustments throughout the year.

⁽²⁾ The majority of General Fund debt service is paid in the fourth quarter of the fiscal year.



Virg Bernero, Mayor

OFFICE OF THE MAYOR

9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

TO: City Council President Patricia Spitzley and Councilmembers
FROM: Mayor Virg Bernero
DATE: 5-1-17
RE: CMAQ Grant Acceptance: SE Lansing, Lake Lansing Rd, TOC and Mich Ave

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment



City of Lansing
Inter-Departmental
Memorandum



To: Virg Bernero, Mayor

From: Mitchell Whisler, Assistant City Engineer

Subject: CITY COUNCIL AGENDA ITEM - CMAQ Grant Acceptance: SE Lansing, Lake Lansing Rd, TOC and Mich Ave

Date: April 26, 2017

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

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 Force Account Work Authorization letters from the Michigan Department of Transportation to receive Federal Congestion Mitigation and Air Quality (CMAQ) grants totaling up to \$252,199.80 in federal funds for the traffic signal and traffic operations projects; and

WHEREAS, the local match is up to \$43,904.30 of the total estimated project cost of \$296,104.10; and

WHEREAS, the projects will improve signal communications in southeast Lansing and along the Michigan Avenue corridor, improve signal operations along Lake Lansing Road and provide preliminary engineering for the city-wide traffic operations center; and

WHEREAS, the improvements include the installation of traffic signal communications in southeast Lansing, communications and signal upgrades along Michigan Avenue and downtown, signal upgrades along Lake Lansing Road and preliminary engineering at the traffic operations center to maintain the signals; and

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

WHEREAS, the proposed improvements 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 and upgrade of our traffic signal system; and

WHEREAS, Mitchell Whisler and Andy Kilpatrick, will act as the staff engineers for the Public Service Department, on behalf of the projects; and

WHEREAS, the Administration and the City Council recognize the importance and need for an efficient and safe transportation system;

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council, hereby, approves acceptance of the CMAQ grants for the purposes of funding traffic signal upgrades and signal communications improvements;

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.

MDOT Force Account Project Summary

Agreement	Job #	Description	Federal \$	Local \$	Total	LARS Auth
16-5501	130937	Traffic Operations Center	\$ 38,640.00	\$ 9,660.00	\$ 48,300.00	\$ 48,129.00
16-5500	130092	Lk Lansing Signal Modernization	\$ 90,731.01	\$ -	\$ 90,731.01	\$ 90,731.01
16-5490	130095	Southeast Communications	\$ 52,000.00	\$ 16,296.30	\$ 68,296.30	\$ 68,296.30
15-5362	127097	Mi Ave/Downtown Signal Comm	\$ 71,000.00	\$ 17,948.00	\$ 88,948.00	\$ 88,947.80
	123899	Bike Parking	\$ 40,000.00	\$ 20,000.00	\$ 50,000.00	



LANSING CITY COUNCIL

GRANT INFORMATION FORM

(Required for all grant applications and acceptances)

REFERRAL DATE: _____

GRANT NAME: SE Lansing Traffic Signal Communications

DEPARTMENT: Public Service

CONTACT PERSON (INCLUDE EMAIL AND PHONE): Andy Kilpatrick: Andrew.Kilpatrick@lansingmi.gov 483-4248

APPLICATION DATE(S): February 2016

AWARD DATES: 9/19/16

GRANT CYCLE: FY2017

Check One: ☐ Annual ☒ One-Time

GRANT AMOUNT: \$ 68,296.30

(Breakdown below should total this amount)

GOODS & SERVICES \$ _____

PERSONNEL \$ _____

CONSTRUCTION \$ \$68,296.30

LAND \$ _____

OTHER \$ _____

CITY MATCH (IF APPLICABLE): \$16,296.30 (Act 51 traffic signal modernization account)

GRANT PAYS FOR: Installation of traffic signal communications in southeast Lansing

FUND ALLOCATIONS (Please describe the purpose of the grant and allowable uses):

The allowable use for the grant is for traffic signal communications installation in southeast Lansing. MDOT Job # 130095



LANSING CITY COUNCIL

GRANT INFORMATION FORM

(Required for all grant applications and acceptances)

REFERRAL DATE: _____

GRANT NAME: Lake Lansing Rd Signal Operations Improvements

DEPARTMENT: Public Service

CONTACT PERSON (INCLUDE EMAIL AND PHONE): Andy Kilpatrick: Andrew.Kilpatrick@lansignmi.gov 483-4248

APPLICATION DATE(S): February 2016

AWARD DATES: 9/21/16

GRANT CYCLE: FY2017

Check One: ___ Annual x One-Time

GRANT AMOUNT: \$ 90,731.01

(Breakdown below should total this amount)

GOODS & SERVICES \$ _____

PERSONNEL \$ _____

CONSTRUCTION \$ \$90,731.01

LAND \$ _____

OTHER \$ _____

CITY MATCH (IF APPLICABLE): none

GRANT PAYS FOR: Signal operations improvements along Lake Lansing (Old 21 to High Street)

FUND ALLOCATIONS (Please describe the purpose of the grant and allowable uses):

The allowable use for the grant is for traffic signal upgrades and communications installation along Lake Lansing Road.
MDOT Job # 130092



LANSING CITY COUNCIL

GRANT INFORMATION FORM

(Required for all grant applications and acceptances)

REFERRAL DATE: _____

GRANT NAME: City-Wide Traffic Operations Center

DEPARTMENT: Public Service

CONTACT PERSON (INCLUDE EMAIL AND PHONE): Andy Kilpatrick: Andrew.Kilpatrick@lansignmi.gov 483-4248

APPLICATION DATE(S): February 2016

AWARD DATES: 9/19/16

GRANT CYCLE: FY2017

Check One: ☐ Annual ☒ One-Time

GRANT AMOUNT: \$ 48,129 (Breakdown below should total this amount)

GOODS & SERVICES \$ _____

PERSONNEL \$ 30,129

CONSTRUCTION \$ _____

LAND \$ _____

OTHER \$ 18,000

CITY MATCH (IF APPLICABLE): \$ 9,660 (from Act 51 signal modernization and 645 engineering accounts)

GRANT PAYS FOR: Preliminary engineering for traffic operations center

FUND ALLOCATIONS (Please describe the purpose of the grant and allowable uses):

The allowable use for the grant is for preliminary engineering for traffic operations center to maintain signals for FY 2017.
MDOT Job # 130937



LANSING CITY COUNCIL

GRANT INFORMATION FORM

(Required for all grant applications and acceptances)

REFERRAL DATE: _____

GRANT NAME: MI Ave/Downtown Signal Communications

DEPARTMENT: Public Service

CONTACT PERSON (INCLUDE EMAIL AND PHONE): Andy Kilpatrick: Andrew.Kilpatrick@lansingmi.gov 483-4248

APPLICATION DATE(S): February 2015

AWARD DATES: 5/28/15

GRANT CYCLE: FY2016

Check One: ☐ Annual ☒ One-Time

GRANT AMOUNT: \$ 88,947.80

(Breakdown below should total this amount)

GOODS & SERVICES \$ _____

PERSONNEL \$ _____

CONSTRUCTION \$ 88,947.80

LAND \$ _____

OTHER \$ _____

CITY MATCH (IF APPLICABLE): \$ 17,948 (from Act 51 signal modernization account)

GRANT PAYS FOR: Traffic signal communications and upgrades along Michigan Avenue and in downtown

FUND ALLOCATIONS (Please describe the purpose of the grant and allowable uses):

The allowable use for the grant is labor and materials to upgrade traffic signal communications along Michigan Avenue and in the downtown area. MDOT Job # 127097A

STATE OF MICHIGAN
MICHIGAN DEPARTMENT OF TRANSPORTATION
DESIGN SUPPORT AREA
AUTHORIZATION FOR FORCE ACCOUNT WORK

Authorization No:	1	Agreement No:	15-5362	Project No:	CM1533(019)
Control Section:	CM33400	Job No:	127097A	Item No:	HK0385
Agency Authorized:	City of Lansing				
Project Name:	Michigan, Grand, Capital, Wash - Signal Interconnect & Optimization - BRT Corridor (Michigan, Grand, Capitol), Lansing				

DESCRIPTION OF WORK

The City of Lansing is authorized to proceed with the following force account work on the above project.

Type of Work	Work Performed By	Description	Amount
Force Account	City of Lansing	Signal Work	\$88,947.80

The amount of this authorization is \$88,947.80.

This work is covered under the Local Agency Agreement # 15-5362 between the Michigan Department of Transportation (MDOT) and the City of Lansing. **The City of Lansing will NOT be reimbursed for any work listed in this authorization until the local agency agreement is fully executed.** Reimbursement can be requested after the local agency agreement has been fully executed.

AUTHORIZATION TERMS

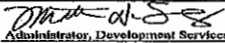
The effective date of this authorization is **05/28/2015** based on the federal obligation date at a total estimated cost of \$88,947.80.

1. All payments are subject to audit under the terms and conditions prescribed by the agreement and federal and state regulations.
2. Verification of force account work statements shall conform to the procedures applicable in Part II, Section III of the agreement ACCOUNTING AND BILLING.
3. No reimbursement shall be made for any work performed prior to the effective date of this authorization. Any change in amount or scope of work must be requested in writing to the Michigan Department of Transportation Local Agency Programs and authorized by this office.
4. The local agency may subcontract for up to ten percent of the authorized amount of the work, and shall furnish adequate documentation of payment of the subcontracted costs. Subcontracting for more than ten percent of the authorized amount of the work is not allowed and may result in rescinding this authorization, and loss of the total amount of the obligated project funds.
5. All supporting documentation which [cannot be]/[has not been] submitted electronically is to be submitted for review and processing to:

Brian Chomas
Michigan Dept. of Transportation
Local Agency Programs,
P.O.Box 30050
Lansing, MI 48909
6. All billings shall be submitted no later than six months from the final acceptance date of the project.
7. This project must meet all requirements for Buy America (BA) for the source of iron and steel, in accordance with MDOT Special Provision for Source of Iron/Steel. Manufacturer and/or fabricator certification for items identified on the current list of MDOT pay items and materials that require step certification, as maintained on the Departments website, must be furnished to the LAP Staff Engineer prior to the LAP Staff Engineer approving ANY payment for reimbursement of federal funds to the Local Agency

**STATE OF MICHIGAN
MICHIGAN DEPARTMENT OF TRANSPORTATION
DESIGN SUPPORT AREA
AUTHORIZATION FOR FORCE ACCOUNT WORK**

Authorization No:	1	Agreement No:	15-5362	Project No:	CM1533(019)
Control Section:	CM33400	Job No:	127097A	Item No:	HK0385
Agency Authorized:	City of Lansing				
Project Name:	Michigan, Grand, Capital, Wash - Signal Interconnect & Optimization - BRT Corridor (Michigan, Grand, Capitol), Lansing				

APPROVED 
Administrator, Development Services Division
Matt DeLong
Michigan Department of
Transportation

07/31/2015
Date

STATE OF MICHIGAN
MICHIGAN DEPARTMENT OF TRANSPORTATION
DESIGN SUPPORT AREA
AUTHORIZATION FOR PRELIMINARY ENGINEERING

Authorization No:	1	Agreement No:	16-5501	Project No:	CM1633(033)
Control Section:	CM33000	Job No:	130937	Item No:	RT0543
Agency Authorized:	City of Lansing				
Project Name:	City-wide - Traffic operations center to maintain signals for FY2017				

DESCRIPTION OF WORK

The City of Lansing is authorized on a force account basis to do preliminary engineering consisting of the preparation of reports, studies, design public hearings, surveys and design necessary for the (re)construction of City-wide - Traffic operations center to maintain signals for FY2017.

The effective date of this authorization is **09/21/2016** based on the date of federal obligation of funds.

The amount of this authorization is \$48,129.00.

This work is covered under the Local Agency Agreement # 16-5501 between the Michigan Department of Transportation (MDOT) and the City of Lansing. **The City of Lansing will NOT be reimbursed for any work listed in this authorization until the local agency agreement is fully executed.** Reimbursement can be requested after the local agency agreement has been fully executed.

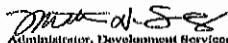
AUTHORIZATION TERMS

This authorization does not cover any work done by a consultant.

1. All payments are subject to audit under the terms and conditions prescribed by the agreement and federal and state regulations.
2. Verification of force account work statements shall conform to the procedures applicable in Part II, Section III of the agreement ACCOUNTING AND BILLING.
3. No reimbursement shall be made for any work performed prior to the effective date of this authorization. Any change in amount or scope of work must be requested in writing to the Michigan Department of Transportation Local Agency Programs and authorized by this office.
4. All supporting documentation which [cannot be]/[has not been] submitted electronically is to be submitted for review and processing to:

Brian Chomas
Michigan Dept. of Transportation
Local Agency Programs,
P.O.Box 30050
Lansing, MI 48909
5. All billings shall be submitted no later than six months from the final acceptance date of the project.
6. Work must be completed between October 1, 2016 to September 30, 2017 (FY2017)

APPROVED



Matt DeLong

Michigan Department of
Transportation

11/09/2016

Date

STATE OF MICHIGAN
MICHIGAN DEPARTMENT OF TRANSPORTATION
DESIGN SUPPORT AREA
AUTHORIZATION FOR FORCE ACCOUNT WORK

Authorization No: 1	Agreement No: 16-5500	Project No: CMG1633(032)
Control Section: CMG33000	Job No: 130092A	Item No: JJ5585
Agency Authorized: City of Lansing		
Project Name: Lake Lansing Rd - Improve signal ops; interconnect w other locations - At High Street		

DESCRIPTION OF WORK

The City of Lansing is authorized to proceed with the following force account work on the above project.

Type of Work	Work Performed By	Description	Amount
Traffic Signal	BWL	Signal Interconnect	\$90,731.01

The amount of this authorization is \$90,731.01.

This work is covered under the Local Agency Agreement # 16-5500 between the Michigan Department of Transportation (MDOT) and the City of Lansing. **The City of Lansing will NOT be reimbursed for any work listed in this authorization until the local agency agreement is fully executed.** Reimbursement can be requested after the local agency agreement has been fully executed.

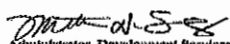
AUTHORIZATION TERMS

The effective date of this authorization is **09/21/2016** based on the federal obligation date at a total estimated cost of \$90,731.01.

1. All payments are subject to audit under the terms and conditions prescribed by the agreement and federal and state regulations.
2. Verification of force account work statements shall conform to the procedures applicable in Part II, Section III of the agreement ACCOUNTING AND BILLING.
3. No reimbursement shall be made for any work performed prior to the effective date of this authorization. Any change in amount or scope of work must be requested in writing to the Michigan Department of Transportation Local Agency Programs and authorized by this office.
4. The local agency may subcontract for up to ten percent of the authorized amount of the work, and shall furnish adequate documentation of payment of the subcontracted costs. Subcontracting for more than ten percent of the authorized amount of the work is not allowed and may result in rescinding this authorization, and loss of the total amount of the obligated project funds.
5. All supporting documentation which [cannot be]/[has not been] submitted electronically is to be submitted for review and processing to:

Brian Chomas
Michigan Dept. of Transportation
Local Agency Programs,
P.O.Box 30050
Lansing, MI 48909

6. All billings shall be submitted no later than six months from the final acceptance date of the project.
7. Work is being performed by BWL

APPROVED 

Matt DeLong
Michigan Department of
Transportation

11/09/2016

Date

STATE OF MICHIGAN
MICHIGAN DEPARTMENT OF TRANSPORTATION
DESIGN SUPPORT AREA
AUTHORIZATION FOR FORCE ACCOUNT WORK

Authorization No:	1	Agreement No:	16-5490	Project No:	CMG1633(031)
Control Section:	CMG33000	Job No:	130095A	Item No:	JJ5584
Agency Authorized:	City of Lansing				
Project Name:	SE Lansing (Various) - Interconnect signals-Southeast Lansing - Southeast Lansing--interconnect signals				

DESCRIPTION OF WORK

The City of Lansing is authorized to proceed with the following force account work on the above project.

Type of Work	Work Performed By	Description	Amount
Traffic Signal	Lansing Board of Water and Light	Install wireless traffic signal comm equipment	\$68,296.30

The amount of this authorization is \$68,296.30.

This work is covered under the Local Agency Agreement # 16-5490 between the Michigan Department of Transportation (MDOT) and the City of Lansing. **The City of Lansing will NOT be reimbursed for any work listed in this authorization until the local agency agreement is fully executed.** Reimbursement can be requested after the local agency agreement has been fully executed.

AUTHORIZATION TERMS

Other Work is to be performed by City of Lansing as indicated in Agreement #16-5490. The amount authorized for Other work is \$68,296.30 and is included in the amount authorized for Force Account Work.

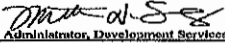
The effective date of this authorization is **09/19/2016** based on the federal obligation date at a total estimated cost of \$68,296.30.

1. All payments are subject to audit under the terms and conditions prescribed by the agreement and federal and state regulations.
2. Verification of force account work statements shall conform to the procedures applicable in Part II, Section III of the agreement ACCOUNTING AND BILLING.
3. No reimbursement shall be made for any work performed prior to the effective date of this authorization. Any change in amount or scope of work must be requested in writing to the Michigan Department of Transportation Local Agency Programs and authorized by this office.
4. The local agency may subcontract for up to ten percent of the authorized amount of the work, and shall furnish adequate documentation of payment of the subcontracted costs. Subcontracting for more than ten percent of the authorized amount of the work is not allowed and may result in rescinding this authorization, and loss of the total amount of the obligated project funds.
5. All supporting documentation which [cannot be]/[has not been] submitted electronically is to be submitted for review and processing to:

Brian Chomas
Michigan Dept. of Transportation
Local Agency Programs,
P.O.Box 30050
Lansing, MI 48909
6. All billings shall be submitted no later than six months from the final acceptance date of the project.
7. This project must meet all requirements for Buy America (BA) for the source of iron and steel, in accordance with MDOT FUSP 12SP-105A-0
8. Manufacturer certification that all steel and iron used on this project meets BA, must be furnished to the Staff Engineer prior to their approving any payment or reimbursement.

**STATE OF MICHIGAN
MICHIGAN DEPARTMENT OF TRANSPORTATION
DESIGN SUPPORT AREA
AUTHORIZATION FOR FORCE ACCOUNT WORK**

Authorization No:	1	Agreement No:	16-5490	Project No:	CMG1633(031)
Control Section:	CMG33000	Job No:	130095A	Item No:	JJ5584
Agency Authorized:	City of Lansing				
Project Name:	SE Lansing (Various) - Interconnect signals-Southeast Lansing - Southeast Lansing--Interconnect signals				

APPROVED 
Administrator, Development Services Division
Matt DeLong
Michigan Department of
Transportation

11/09/2016

Date



Virg Bernero, Mayor

OFFICE OF THE MAYOR

9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

TO: City Council President Patricia Spitzley and Councilmembers
FROM: Mayor Virg Bernero
DATE: 5-4-17
RE: Central United Methodist Church Historic District

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment



City of Lansing
Inter-Departmental
Memorandum



To: Virg Bernero, Mayor

From: Susan Stachowiak, Zoning Administrator

Subject: CITY COUNCIL AGENDA ITEM - Central United Methodist Church Historic District

Date: April 26, 2017

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments



**Final Report for the Proposed
Central United Methodist Church Historic District**

Historic District Study Committee members:

Penny Zago
Cassandra Nelson
Carol Skillings
Tom Truscott

April, 2017

Central United Methodist Church Historic District Study Committee Report

Charge of the Committee: The Central United Methodist Church Historic District Study Committee was established by the Lansing City Council Resolution #2016-277 on December 12, 2016, pursuant to Chapter 1220 of the Lansing Code of Ordinances with the powers and duties thereunder to conduct studies and make reports and recommendations regarding the Central United Methodist Church at 215 North Capitol Avenue in Lansing. The committee is instructed to report back to City Council with its findings within 180 days of members being appointed.

Composition of the Committee: The following citizens serve on the Study Committee:

- Penny Zago is Central United Methodist Church's designated representative on the Historic District Study Committee.
- Cassandra Nelson has Master's Degrees in Historic Preservation and Art History, and is a practicing Historic Preservation Consultant. She currently serves on the Lansing Historic District Commission, and has also served on the Marshall Street Armory Historic District Study Committee.
- Carol Skillings serves on the Lansing Historic District Commission, and her home has been listed on the National Register and designated as a single-resource Local Historic District.
- Tom Truscott is active in the State of Michigan's Historical Marker program, and has been instrumental in marking historic landmarks across the state of Michigan. Mr. Truscott is also a member of the Michigan Historical Commission and the Lansing Historic District Commission.

Historic District Name: Central United Methodist Church Historic District, 215 North Capitol Avenue, Lansing, Michigan 48933-1372

City: Lansing

County: Ingham

Report Type: Final Report

Date Transmitted: April 26, 2017

Boundaries of Proposed District:

Legal Boundary Description: Lots 4, 5, and 6, Block 95, Original Plat, City of Lansing, Ingham County, Michigan. PPN 33-01-01-16-180-041.

Boundary Justification: The boundary includes the original building, constructed in 1888-89; the Temple House, completed in 1921; and the Mary-Sabina Chapel, completed in 1942. See attached maps.

Historic District Resources:

The district consists of one contributing resource, the Central United Methodist Church building. There are no noncontributing resources; therefore 100% of the proposed district is historic.

District is Significant Under the Following National Register Criteria:

Criterion C, Design and Construction

Period of Significance for the Proposed District:

The period of significance for the district is 1880 to 1970.

Reason: Central United Methodist is, along with the First Baptist Church, one of the finest Richardsonian Romanesque churches in Michigan outside of Detroit.

The 1889-90 church bears additional importance for having been designed by Elijah E. Myers, a Detroit architect widely known for his public buildings, which included the state capitol buildings for Michigan, Colorado, and Texas, along with county courthouses, and the city halls for Grand Rapids, Michigan, and Richmond, Virginia.

The building is also significant for its Temple House and Mary-Sabina Chapel additions, both designed by Lansing architect Lee Black, who was well known across southern Michigan during his early years in Lansing for his Methodist church building work. Lee Black's 1922-23 Temple House is itself an architecturally distinguished example of his work, admirably designed to complement the Myers church's Richardsonian Romanesque character in its use of the same stone in same rock-face form, in re-using elements of the church's Romanesque forms, and in maintaining the same eaves height.

Description:

Central United Methodist Church originated with a Methodist class established in Lansing's middle village in 1850. The present church building was constructed in 1889-1890 to replace a brick church built in 1862; it is a massive, low, Ionia-sandstone structure with a Late Victorian sanctuary trimmed in red oak. Designed by Elijah E. Myers, the architect of the Michigan State Capitol, Central United Methodist is, along with the First Baptist Church, one of the finest Richardsonian Romanesque churches in Michigan's lower peninsula outside of Detroit.

Located at the northwest corner of North Capitol Avenue and West Ottawa Street, Central United Methodist Church faces south onto the Capitol square. The structure consists of the church proper, built in 1889-90, and, to the north, the 1922-23 Temple House and the 1942 Mary-Sabina Chapel. The church is a massive and low, Richardsonian Romanesque structure of dark red Ionia (Michigan) sandstone, one hundred fifty feet long by eighty-six feet wide, with shallow transepts. The broad south

front has an eighty-five-foot high square tower at the street corner and – at its southwest corner—a lower, half-round tower. Typical of the Richardsonian Romanesque style, the building is characterized by strong massing, rough stonework, semi-circular Romanesque arches at the doors and windows, and asymmetrical massing on the south (front) and east elevations.

Inside, the broad, open lobby has two U-shaped staircases leading to a second-floor lobby and, through a broad, open entryway, to the sanctuary. The sanctuary is a wide, low room with a rear gallery and a pitched ceiling supported by open, timber trusses. All the trim is of red oak. The room's Late Victorian pews are set in concentric rows extending outward from the chancel at the north end. The chancel area (rebuilt in 1955 as such) originally contained a low pulpit platform and, behind it in a recess, a large pipe organ.

The 1922-23 Temple House is a four-story, brick structure whose front on North Capitol Avenue is faced with stonework which imitates the architectural style and material of the church proper. It contains the church offices, and a two-story auditorium surrounded by glass-door-fronted Sunday school classrooms. On the third floor is a two-story gymnasium, with stairs to a large fourth-floor space. Lee Black was the architect.

The Mary-Sabina Chapel, dedicated on September 3, 1942, is also Romanesque in style to harmonize with the original building and the Temple House. The Chapel, which extends off the rear of the original structure toward Capitol Avenue, was designed by Lee Black and Son, who also supervised its construction.



Central Methodist Episcopal Church, built in 1889 at 215 N. Capitol Avenue in Lansing.

Statement of Significance for the Proposed District

Criterion C: The building embodies the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

Lansing

Lansing, Michigan's capital city, was established as a result of a provision of the 1837 Michigan constitution, which required the relocation of the state's governmental seat from its temporary location in Detroit by 1849. A number of other towns vied for designation as the new capital. All were rejected, however, due in large part to the lobbying of New Yorker James Seymour, who had purchased significant quantities of land in the Lansing area in the 1830s. At the instigation of Seymour, Lansing Township was proposed as a location. The township was located midway across the state, and to the north of that part of the state that was already becoming settled, so its selection was seen as a means of promoting the growth of the more northern parts of the state. Seymour's lobbying was eventually successful, and Lansing Township was adopted as the site of the new and permanent capital.

Commissioners appointed by the 1847 legislature to select the specific location for the new capital chose Section 16, an area now bounded by Saginaw Street to the north, Martin Luther King to the west, St. Joseph Street to the south, and the railroad line east of Larch Street to the east. By 1847 there were three villages in existence along the Grand River in this region: the north village, which had grown up around a dam and sawmill at the point where the area's pioneer highway, now Grand River Avenue, crossed the Grand River; the south village, located along Main Street and South Washington Avenue; and the middle village, centered at Washington and Michigan avenues near the future capitol location. The middle village quickly developed into the main focal point of Lansing Township.

In 1859 the City of Lansing was incorporated with a population of about 3,000. By 1880 the population of Lansing had grown to 8,326. With the rise of the automobile industry in the early twentieth century Lansing's population swelled, reaching 31,229 in 1910 and 57,000 by the mid-1920s.

The area that is now downtown Lansing initially developed around the site of the state capitol building. The first "temporary" capitol building, a wooden Greek Revival structure, was built in 1847 on the block bounded by Capitol and Washington Avenues, and Allegan and Washtenaw Streets. This temporary capitol square was located to the southeast of the larger square set aside as the site for a later, permanent capitol building. As it turned out, this temporary capitol, enlarged in 1863, served until 1878, when the new capitol was completed. Designed in the Renaissance style, the National Historic Landmark-designated structure was the first of several state capitols designed

by Elijah E. Myers and is, in historical terms, the most significant structure in downtown Lansing.

The late nineteenth century saw not only a continuing gradual expansion of Lansing's central business district, but also the beginnings of more intensive development. Larger buildings such as the five-story Hollister Building (1892-93) at the northwest corner of Washington and Allegan, the six-story Prudden Building (1902, demolished) at the southwest corner of Washington and Michigan, the five-story Cameron & Arbaugh Building (1905) at the southeast corner of Washington and Kalamazoo, and the six-story Oakland Building (1906, demolished) at the southeast corner of Michigan and Capitol all replaced smaller, lower buildings.

Development also affected Capitol Avenue. South Capitol began to acquire a mixed character in the 1860s when a foundry located at the southwest corner of Capitol and Kalamazoo Street. During the nationwide roller skating craze of the early 1880s, a large building was constructed on the east side of Capitol Avenue, south of where the Masonic Temple (Cooley Law School) now stands. Later, an "ice cream factory" was built farther south on the west side of Capitol Avenue. In 1892, a Freewill Baptist church was built at the southeast corner of Capitol and Kalamazoo, and in 1901-02, the city's Masons added a large temple.

North Capitol Avenue became a street mainly of substantial homes in the years following the construction of the new Michigan State Capitol. A number of churches were also built along North Capitol, drawn perhaps by the proximity to the capitol building and the central business district. In the 1880s and 1890s, Central Methodist, First Baptist, First Presbyterian, and All Souls Universalist congregations all constructed church buildings in the area.

During the 1890s, many large public buildings were also constructed along and near Capitol Avenue. Among these were some of Lansing's finest Richardsonian Romanesque structures, including the post office built in 1894 at Michigan and Capitol, and the monumental city hall constructed in 1897 at Capitol and Ottawa. Both were demolished in the late 1950s for the construction of a new city hall. A handful of other Romanesque Revival structures survive in the city, most notably the German Methodist Episcopal Church (1893), the Cherry Street School (1894), and a cluster of turn of the century commercial buildings in Lansing's National Register-listed North Lansing Commercial District (Old Town).

Central United Methodist Church

The earliest recorded Methodist meeting in Lansing was held in 1845, when Reverend Lewis Coburn first preached in the log cabin of Joab Page of North Lansing. In 1850, a Methodist class (congregation) was formed in what is now central Lansing. Its first leader was Reverend Resin Sapp, chaplain of the Michigan legislature. Services were held at Representative Hall in the old state capitol building. The same year, the state

deeded land at the corner of Washington Avenue and Ottawa Street (Lot #6, Block 96) to the First Methodist Episcopal Church under Public Act No. 231 of 1848. That land was subsequently turned over to the Central Methodist Episcopal Church, which constructed its first building in 1863.

By 1882, plans were being formulated for a new church. That year, a parcel of land at Lot #6, Block 95, one block west of the original site, was deeded to the church for \$2,500.00. On December 1, 1887, the original site was sold for \$12,000 to be delivered when the new church was finished. In 1888, Lot #5, Block 95 (located just north of Lot #6) was secured to complete the site for the new church building and a subscription for \$8,000 was started towards construction.

On June 18, 1888, Dr. William Haze and Dr. A. D. Hagadorn (both Trustees), and Mr. J. Gilletts (from the church-at-large) were appointed as the Building Committee. They worked with Charles H. Thompson, Adam Foster, F. E. Church, Morgan B. Hungerford, and Dr. R. E. Miller, to direct the building of the Richardsonian Romanesque, Ionia sandstone church. The new building was contracted for \$34,000 on September 1, 1888. It was designed by Elijah E. Myers of Detroit, the architect of the Michigan State Capitol. Henry W. Coddington of Kalamazoo was the contractor, and Israel Gillett was Superintendent of Construction, serving without pay as a service to the church. That price did not include pews, furnishings, or stained glass windows, and the completed structure cost approximately \$41,000. On May 2, 1889, the cornerstone for the building was laid and in it was placed a history of the church by C. E. Thompson. Bishop I. W. Joyce dedicated the completed building on April 20, 1890.

The completed church featured eighty-four stained glass windows, designed by the Chicago firm of W.H. Wells & Company, which opened ca. 1870 and was active through the turn of the century. Donations for the memorial windows were authorized by the Board of Trustees on March 19, 1889. The church was originally equipped with a Hook and Hastings pipe organ, run by a water motor, at a cost of \$5000. A new M.P. Moeller organ was installed in 1920.

On March 26, 1920, Lot #4, Block 96 (to the north of the original church building) was purchased for \$20,000 for the construction of an addition to the church. On November 11, 1921, philanthropist and REO Motor Car Company President Richard Scott and his wife Gertrude presented the Temple House to the church. The Scotts later provided an endowment fund of \$100,000 for the continued support of the building. They believed that in order to build the physical and social, as well as the moral and spiritual, life of the community, the church should serve with a seven day a week service and not operate solely on Sundays. The cornerstone for the Temple House was laid on May 30, 1922, by C. Jeffares McCombe, Minister; Theodore Henderson, Bishop; and L. H. Manning, D.D., Superintendent. The Temple House was dedicated a year later, on May 6, 1923, being accepted for the congregation by Professor Walter H. French. Prominent local architect Lee Black designed the building, then valued at \$250,000. Black went on to design many of Lansing's most notable downtown buildings, including the Bank of Lansing (1931), and the Dye Water Conditioning Plant (1939).

On December 31, 1922, an illuminated revolving cross was installed on the church tower, given by Mr. and Mrs. Joseph H. Burton, in memory of their deceased son, Hyde Monroe Burton. The cross was dedicated by Rev. C. Jeffares McCombe.

On September 3, 1942, Mr. and Mrs. Richard Scott donated the Mary-Sabina Chapel to the church, dedicated to the memory of their mothers, Mrs. Mary Jane Scott and Mrs. Sabina Elizabeth Teel. Architect Lee Black, this time in conjunction with his son Kenneth C. Black, designed and supervised the construction. The Chapel, like the Temple House, is Romanesque in style to harmonize with the original building. Under the direction of the architects, several artists worked to develop the decorative and symbolic features of the Chapel. These artists included Pietro Bernasconi, carver; Andrea Maglia and Thomas de Lorenzo, architectural decorations; and Corrado Parducci, modeler. (Parducci was a Detroit based architectural sculptor, was responsible for the ornamentation of many of Detroit's finest early twentieth century buildings, including the National Historic Landmark designated Fisher Building and Guardian Building, both finished in 1929, the Detroit Masonic Temple (1926), the Edsel and Eleanor Ford House (1927), and Meadowbrook Hall (1929).

On December 20, 1950, joint members of the Board of Trustees and Finance Committee considered an offer from a member of the congregation to give funds to the church for an electronic installation resembling bells in the church belfry. Church organist and Michigan State University carillonneur Wendell Westcott favored a traditional cast bell carillon. The Board of Trustees voted to accept the Memorial of Carillon bells, and thirty six traditional bells cast by the Dutch firm Petit and Fritsen were installed. This carillon became the third set of bells sold in this country by Petit & Fritsen who subsequently were to be the chief source of new carillon in the United States. As of the 2014 Carillon Directory, Central United Methodist Church continues to have one of the eight church carillons in the State of Michigan.

In 1955, portions of the church were remodeled to meet the changing needs of the congregation. The Moeller Organ, purchased in 1920, was replaced with a new Casavant Organ. The choir loft was no longer adequate for the expanded choirs, and with such extensive changes needed it was decided to rebuild the entire chancel, installing a new altar, enlarging the choir space, purchasing new chancel furnishings, and further redecorating the chancel, sanctuary, and narthex. At the same time a Memorial Plaque and Book of Remembrance were placed in the Goodell Library. A public address system was also installed.

In 1968 the Methodist Church merged with the Evangelical United Brethren Church, becoming the United Methodist Church. Thus Central Methodist became the Central United Methodist Church. The Church was listed on both the National and State Registers in 1980, and received a state historical marker in 1981.

Elijah E. Myers

The architect of Central United Methodist Church was Elijah E. Myers (1832-1909). Myers was a leading architect of government buildings during the latter half the nineteenth century, and is widely recognized for his designs of existing state capitol buildings in Michigan, Texas, and Colorado. During his thirty four year career as an architect, he completed designs for at least 80 buildings.

Born in Philadelphia in 1832, Myers initially studied law, but left school to work as a carpenter and joiner. He may have studied architecture at the Franklin Institute or with his friend, Samuel Sloan, a prominent and prolific architect and author of many architecture books. After serving as an engineer with the U.S. Construction Department during the Civil War, Myers moved to Springfield, Illinois in 1863 where he began his career in architecture and established his first firm. Myers moved to Detroit by 1871 where he lived and worked for the rest of his life.

Although he designed many residences and churches, Myers is most widely known for his governmental buildings throughout the United States, and in Mexico City and Rio de Janeiro. He worked on the Michigan Capitol building in the 1870s, the Texas Capitol in the late 1880s, and during the 1890s he worked on the Colorado Capitol building. Using the National Capitol in Washington, D.C. as a model, Myers established the standard for state capitol buildings. Myers also served on the Board of Examiners for the buildings erected for the Chicago World's Fair in 1893.

Other Michigan churches designed by Myers include the First Presbyterian Church in Albion and the Plymouth Congregational Church in Plymouth. It is unknown if Myers attended church or had a religious affiliation. He married and had four children, of which one son joined him in his architecture practice. Myers died in Detroit in 1909.



A portrait of Elijah E. Myers, Central United Methodist Church architect, hangs in the Michigan Senate meeting room bearing his name in the state Capitol, in Lansing, Mich. Myers was the architect for the Michigan Capitol building, as well as those of Texas and Colorado. The portrait was painted by Joseph DuMont in 1995, based on photographs.

Lee Black

Lee Black, designer of the Temple House and Mary-Sabina Chapel, established his Lansing architectural practice in 1913. Two of his early commissions were the First Methodist Episcopal Church, E. Grand River at Cedar Street (more recently Bethlehem Temple Church and the Temple Club) and the first part of the Mt. Hope Methodist Episcopal Church at Cedar and Mt. Hope – both built in 1916-17 (Mt. Hope was expanded in the 1920s). During his early career in Lansing, Black designed numerous Methodist churches – the *Michigan Contractor & Builder* records commissions in Wacousta (10/30/1915), Marshall (5/20/1922), Muskegon Heights (7/15/1922), and Cadillac (8/18/1928), along with the Temple House. Kenneth C. Black joined his father in the firm in 1930 and was made a full partner two years later. Lee Black retired in 1958 and the firm then reorganized as Kenneth C. Black & Associates.

References:

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SAMPLE ORDINANCE ESTABLISHING THE DISTRICT

1220.26. – Central United Methodist Church Historic District.

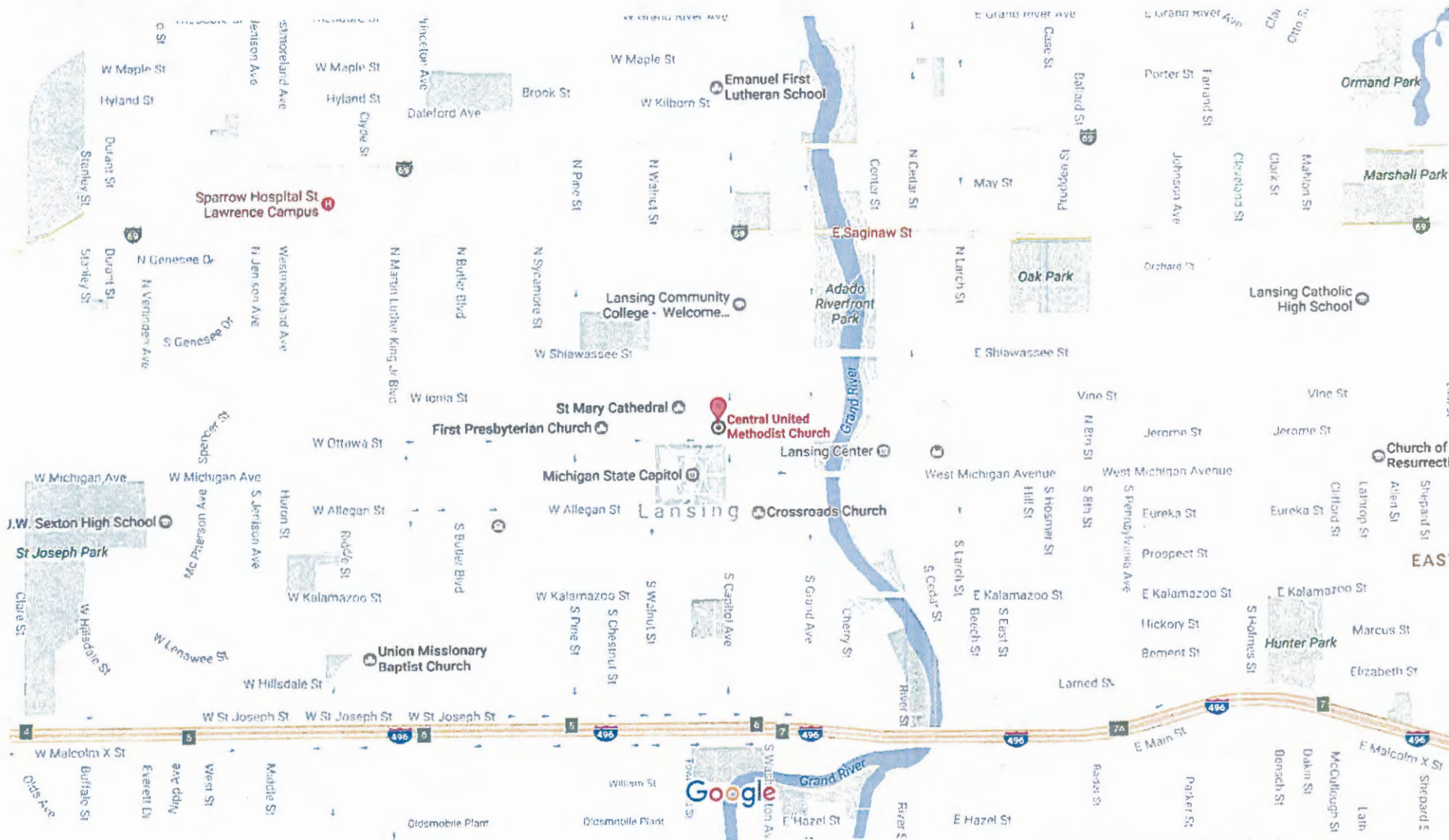
The Central United Methodist Church Historic District, located at 215 N. Capitol Avenue (A.K.A. 200 W. Ottawa Street), being legally described as:

Lots 4, 5, and 6, Block 95, Original Plat, City of Lansing, Ingham County, Michigan. PPN 33-01-01-16-180-041.

is hereby established as a Lansing Historic District in accordance with this chapter.

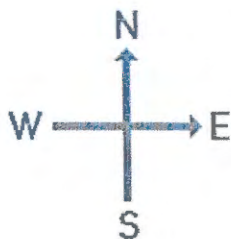
Attachments

- Vicinity map
- Parcel map
- Exterior photographs



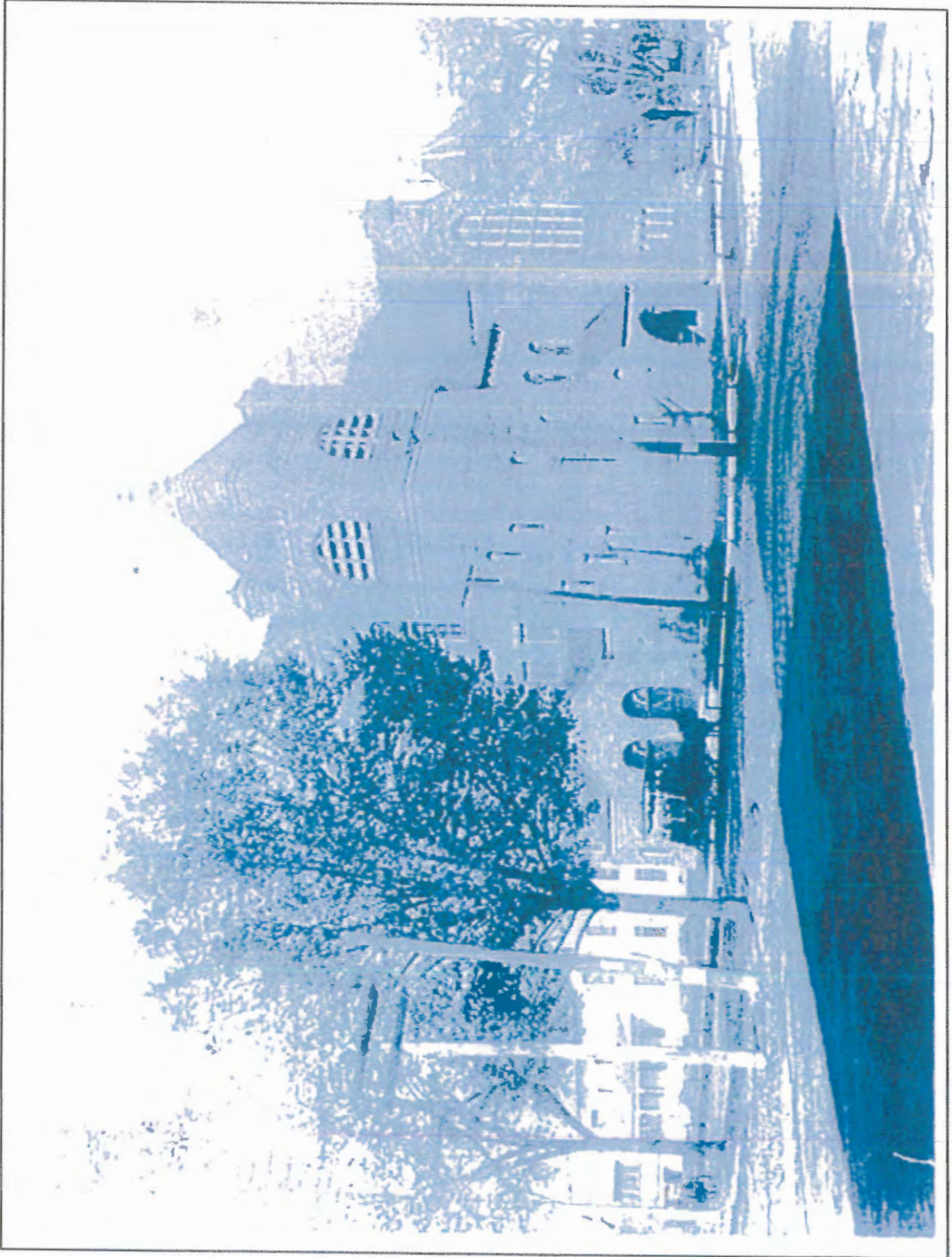
Central United Methodist Church, 215 N. Capitol Ave., Lansing, Michigan





Central United Methodist Church

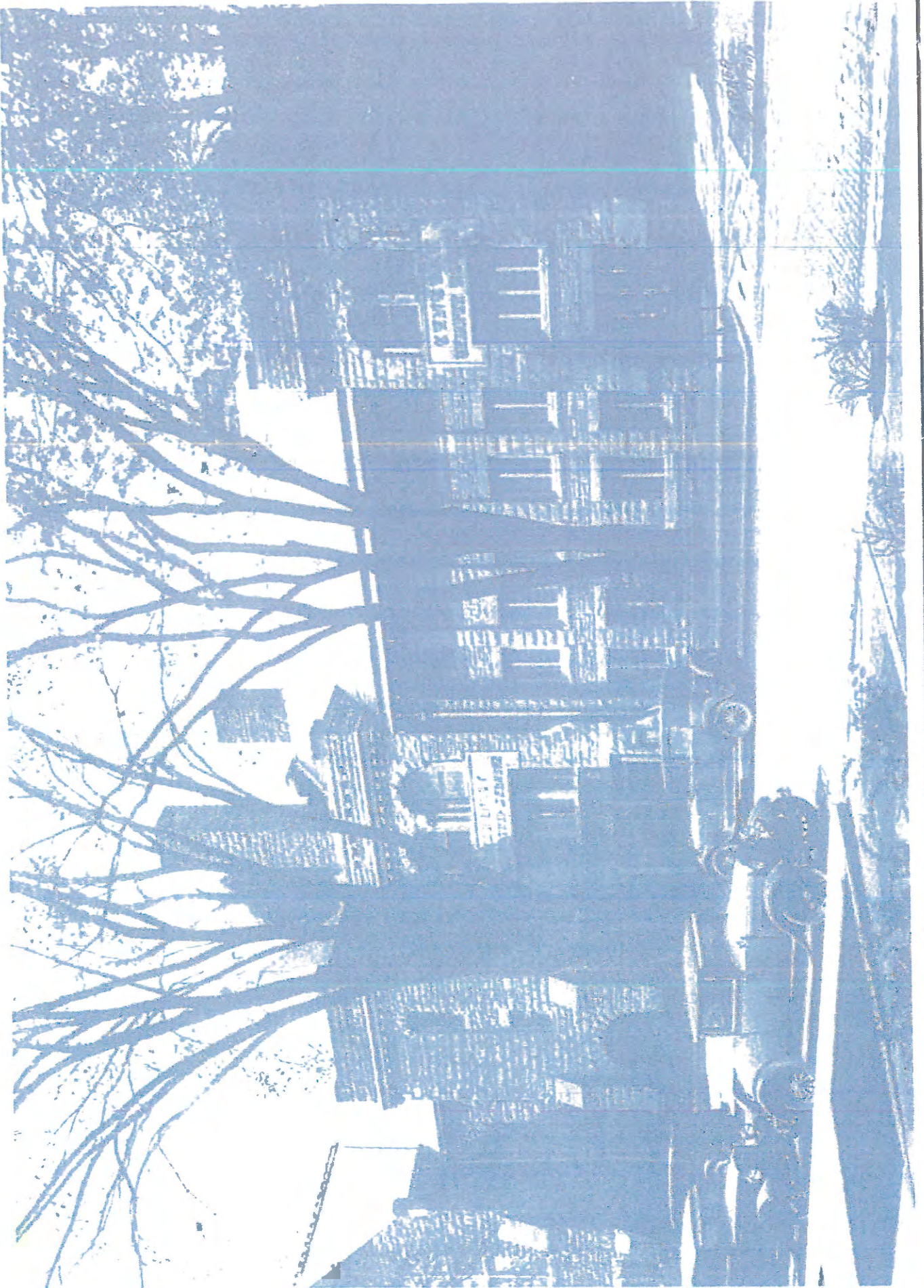
Lots 4, 5, and 6, Block 95, Original Plat, City of Lansing, Ingham County, Michigan. PPN 33-01-01-16-180-041.



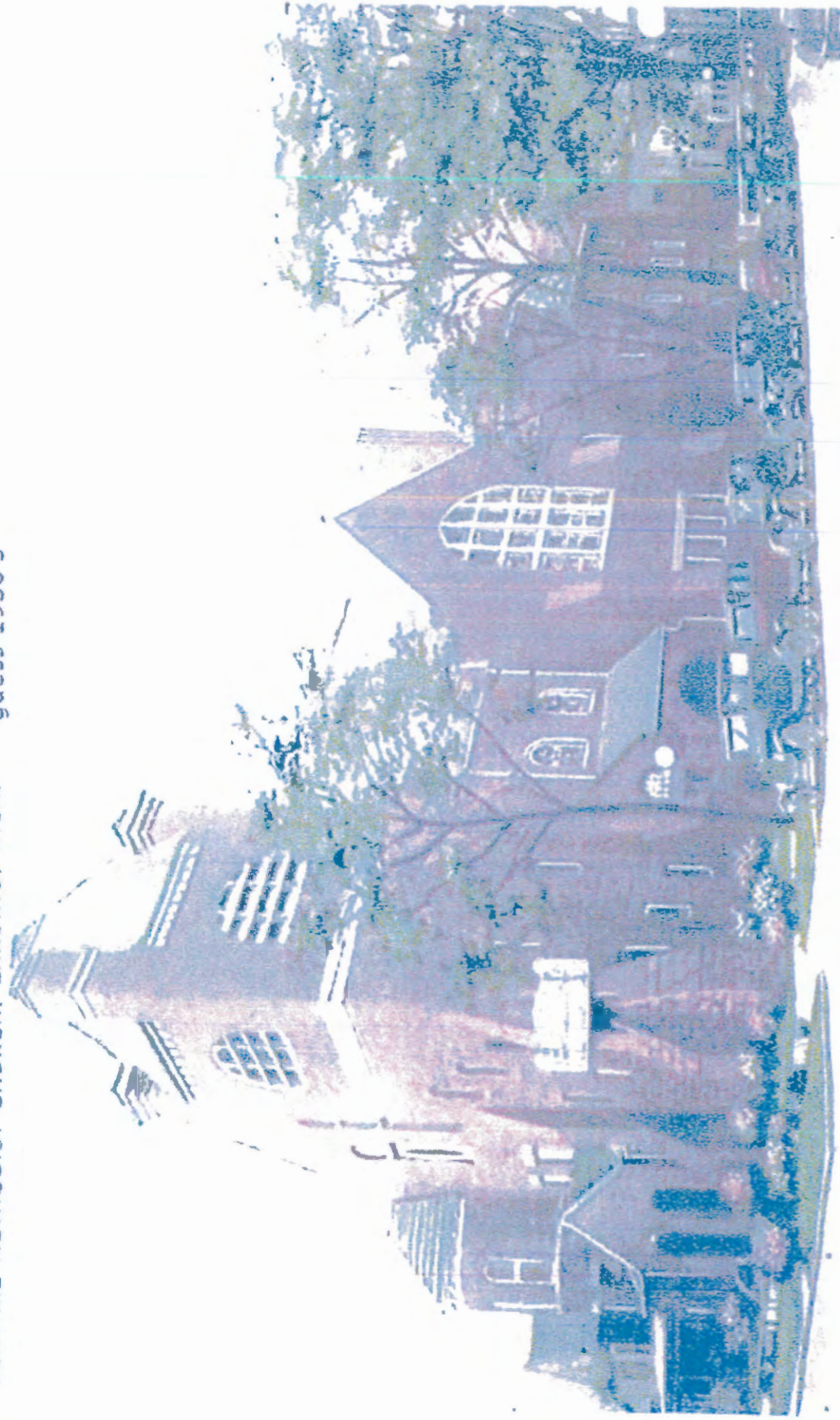




2"



CENTRAL METHODIST CHURCH, LANSING, MICH. guess 1930's



BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, _____, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance to confer Historic District status on the Central United Methodist Church Historic District, a single resource local historic district located at 215 North Capitol Avenue, Lansing, Michigan 48933-1372, described as:

Lots 4, 5, and 6, Block 95, Original Plat, City of Lansing, Ingham County, Michigan. PPN 33-01-01-16-180-041.

INTRODUCTION OF ORDINANCES

The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the establishment of:

Central United Methodist Church Historic District, a single resource local historic district located at 215 North Capitol Avenue, Lansing, Michigan 48933-1372, described as Lots 4, 5, and 6, Block 95, Original Plat, City of Lansing, Ingham County, Michigan. PPN 33-01-01-16-180-041.

under Section 1220.03(c) of the Code, was introduced by the Committee on Development and Planning, read a first and second time by its title and referred to the Committee on Development and Planning.

ORDINANCE NO. 1220.26

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN TO AMEND CHAPTER 1220 BY ADDING A NEW SECTION 1220.26 TO THE LANSING CODIFIED ORDINANCES FOR THE PURPOSE OF ESTABLISHING THE CENTRAL UNITED METHODIST CHURCH HISTORIC DISTRICT, A SINGLE-RESOURCE LOCAL HISTORIC DISTRICT LOCATED AT 215 N. CAPITOL AVENUE (A.K.A. 200 W. OTTAWA STREET) PPN 33-01-01-16-180-041, IN THE CITY OF LANSING, MICHIGAN, AND DEFINING ITS BOUNDARIES IN ACCORDANCE WITH CHAPTER 1220.

The City of Lansing ordains:

Section 1. That Chapter 1220 of the Code of Ordinances of the City of Lansing, Michigan, be and is hereby amended by adding a new Section 1220.26 to read as follows:

1220.26. – CENTRAL UNITED METHODIST CHURCH HISTORIC DISTRICT.

THE CENTRAL UNITED METHODIST CHURCH HISTORIC DISTRICT, LOCATED AT 215 N. CAPITOL AVENUE (A.K.A. 200 W. OTTAWA STREET), BEING LEGALLY DESCRIBED AS:

Lots 4, 5, and 6, Block 95, Original Plat, City of Lansing, Ingham County, Michigan. PPN 33-01-01-16-180-041.

IS HEREBY ESTABLISHED AS A LANSING HISTORIC DISTRICT IN ACCORDANCE WITH THIS CHAPTER.

Section 2. All ordinances or parts of ordinances inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance was duly adopted by the Lansing City Council on _____, 2017, and a copy is available in the office of the Lansing City Clerk, 9th Floor, City Hall, 124 W. Michigan Avenue, Lansing, MI 48933.

Section 5. This ordinance shall take effect upon the expiration of seven (7) days from the date this notice of adoption is published in a newspaper of general circulation.

CITY OF LANSING
NOTICE OF PUBLIC HEARING

Central United Methodist Church Historic District

The Lansing City Council will hold a public hearing on Monday, _____, at 7:00 p.m. in Council Chambers, 10th Floor, Lansing City Hall, 124 W. Michigan Ave., Lansing, MI, to consider a request by the Central United Methodist Church for the establishment of a local historic district for the area described as:

The Central United Methodist Church, 215 North Capitol Avenue, Lansing, Michigan 48933-1372. *Legal Boundary Description:* Lots 4, 5, and 6, Block 95, Original Plat, City of Lansing, Ingham County, Michigan. PPN: 33-01-01-16-180-041.

For more information about this case, phone City Council Offices on City business days, Monday through Friday, between 8 a.m. and 5 p.m. at 483-4177. If you are interested in this matter, please attend the public hearing or send a representative. Written comments will be accepted between 8 a.m. and 5 p.m. on City business days if received before 5 p.m., Monday, _____, at the City Council Offices, Tenth Floor, City Hall, 124 West Michigan Ave., Lansing, MI 48933-1696.

Chris Swope, City Clerk

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Fuller Law and Counseling, P.C.

*Tania E. (Dee Dee) Fuller
751 – C Kenmoor Avenue NE
Grand Rapids, Michigan 49546
fullerd@fullerlaw.biz
(616) 454-0022
(616) 456-0022 Facsimile*

May 3, 2017

SENT VIA EMAIL ONLY

Council President Patricia Spitzley
City Clerk's Office
City of Lansing
124 West Michigan Avenue
Lansing, Michigan 48933

Re: Celebration Banquets, L.L.C. – City of Lansing Ordinance Change or
Variance

Dear Ms. Spitzley:

In addition to requesting approval of the Resort C Liquor License transfer for our Celebration! Cinema Lansing & IMAX location, we are also requesting either an Ordinance amendment or variance. Section 830.06 (h) of the City of Lansing Ordinance precludes a facility from operating a liquor license if films are shown with sexually explicit activities. Because some R rated films show sexually explicit activities, this matter will need to be addressed before we can utilize the license in Lansing.

To assist the Commission, as well as any Committee reviewing this matter, it was suggested that we supply you with examples of ordinance changes or variances we have found relating to nudity restrictions as we have obtained liquor licenses throughout the state. Candidly, this issue has not come up very often. Most cities and townships in Michigan do not have liquor license restrictions of this nature.

With this said, last year, when we obtained the license in the City of Kentwood, their ordinance included several requirements that were inconsistent with licensing a theatre. Most specifically, they wanted a full-service restaurant with a full menu. It was clear that these requirements were intended to preclude licensing businesses that involve: the selling adult entertainment items, acting strictly as bars or nightclubs, or that may show adult movies, from obtaining a liquor license. To overcome the restrictions, the City Commission and City Attorney decided to amend their ordinance to establish an exception for a Movie Theatre Complex. (Attached is a copy of the redlined version of their ordinance.) Kentwood's approach is to amend their ordinance to allow a license for the acceptable applicant as narrowly as possible. By changing the ordinance in this manner, it is unlikely that the new wording would apply to anyone other than the particular applicant.

Patricia Spitzley
May 3, 2017
Page 2

I have been involved with the acquisition and approval of all six licenses owned by Celebration, and only the City of Kentwood required an amendment or variance to their ordinance. We are presently obtaining a license for our Benton Harbor location in Benton Township, and that transfer was already approved without the need for an Ordinance change or variance.

Please let me know if there is anything else I can do to assist you in this process. Also, please share this information with the Commission and any other parties you feel are appropriate. We look forward to hearing from you and would be happy to meet with anyone regarding approving this license transfer as needed. Thank you for your help!

Very Truly Yours,

Fuller Law and Counseling, P.C.



Tania E. (Dee Dee) Fuller

TEK/

Enclosures

cc: Kenyon Shane, Celebration Banquet L.L.C.

**CITY COMMISSION
CITY OF KENTWOOD
KENT COUNTY, MICHIGAN**

Commissioner _____, supported by Commissioner _____, moved the adoption of the following ordinance:

**ORDINANCE NO. ____
AN ORDINANCE TO AMEND CHAPTER 6, ARTICLE 2, SECTIONS 6-31 AND 6-92,
OF THE CODE OF ORDINANCES, CITY OF KENTWOOD, MICHIGAN**

THE CITY OF KENTWOOD ORDAINS:

Section 1. Amendment of Section 6-31. That Chapter 6, Article 2, Section 6-31 of the Code of Ordinances, City of Kentwood, Michigan, is amended to read in full as follows:

Sec. 6-31. - Definitions.

The following words, terms and phrases, when used in this article, shall generally have the same meaning provided in the Michigan Liquor Control Code where not in conflict with the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage includes any spirituous, vinous, malt or fermented liquor, liquid or compound, whether or not medicated, proprietary, patented and by whatever name called, containing one-half of one percent or more of alcohol by volume and which is fit for use for beverage purposes.

Alcohol service area means the portion of an establishment which is licensed to sell alcohol for consumption on the premises where persons are permitted to consume alcoholic beverages.

Applicant means any person who seeks approval from the City Commission to sell alcoholic beverages.

Conference center means a building or any portion which, in the judgment of the City Commission, is a bona fide conference center and meets the following requirements and such other requirements as the City Commission deems appropriate:

(1) The conference center is used solely pursuant to a rental agreement signed in advance by a member of the organization, institution, entity or group desiring to use the conference center or any portion thereof;

(2) More than 50 percent of the gross receipts of the conference center are derived from rents, charges, fees and sales of food and beverages, not including sales of alcoholic beverages;

(3) The conference center is rented predominantly for functions, such as meetings, conferences, lectures, seminars, live speaking engagements, weddings, receptions and banquets;

(4) If a bar or counter space is provided in the conference center for the dispensing and sale of alcoholic beverages, such bar or counter space occupies not more than ten percent of the seating capacity of the conference center;

(5) The conference center contains a business office which maintains regular and normal business hours of operation;

(6) The seating and/or table configuration in each room of the conference center is transitory;

(7) The conference center provides a minimum approved occupancy of at least 500 persons;

(8) The conference center provides a minimum approved table seating capacity of at least 300 persons;

(9) The conference center provides at least one approved occupancy area of 5,000 square feet or more; and

(10) In addition to the area required by subsection (9) of this definition, the conference center provides at least one separate approved occupancy area of 250 square feet or more.

Grocer/market means a retail establishment of which not less than a majority of its sales consist of staple foodstuffs, meats, produce and dairy products, but which is also licensed by the State of Michigan to sell beer and/or wine for consumption on the premises. A grocer/market must have: a retail/service area of at least 25,000 square feet of enclosed building area; annual sales volume in excess of \$7.5 million; at least 75 percent of the gross receipts of the business are derived from the sale of items other than alcoholic beverages; and, no more than ten percent of the establishment's gross receipts shall be for beer or wine sales for consumption on the premises.

Licensee means any person who has been granted a license to sell alcoholic beverages in the City by the state liquor control commission.

Micro brewer means a brewer that is licensed by the state liquor control commission to manufacture and sell to licensed wholesalers beer that is produced by it, and that produces in total less than 30,000 barrels of beer per year, inclusive of all brands and labels of the brewer, whether brewed in the State of Michigan or not.

Motel and *hotel* mean buildings which, in the judgment of the City Commission, are to be regularly used and kept open as such in a bona fide manner for the feeding and lodging of guests, where all who conduct themselves properly and are able and ready to pay for such services are received, if there be any accommodations for them.

Movie Theater Complex means a motion-picture theater complex comprised of not less than six (6) screens, total seating for not less than 800 patrons and a minimum of 40,000 square feet of space.

Premises includes all of the areas used in carrying out the primary normal functions of the business of the licensee, except such areas as are specifically excluded in other provisions of this article.

Restaurants means either of the following:

(1) *Full menu restaurant* means a sit down establishment that prepares food on the premises and serves meals selected by the patron from a menu which includes choices of appetizer, salad, entree (featuring a variety of meat, poultry, vegetarian or fish dishes) vegetable, bread, dessert and beverage; all meals and beverages are served by wait staff; and its food service is available to the public not less than ten hours per day/five days per week.

(2) *Limited menu restaurant* means a sit down establishment serving short order type foods from a menu, such as pizzas, chicken, hamburgers or tacos. Foods must be available and prepared on site. A limited menu restaurant shall make its food service available to the public at all times that alcoholic beverages are available for purchase.

Sale includes the exchange, barter, traffic or furnishing of any alcoholic beverage.

Small distiller means any establishment licensed to manufacture and sell spirits or alcohol, or both, of any kind, meeting the State of Michigan's definition of a small distiller.

Small wine maker means a wine maker that is licensed by the state to manufacture or bottle not more than 50,000 gallons of wine in one calendar year and sell it to: licensed wholesalers; licensed

retailers; to consumers for off premises consumption; and to consumers for on-premises consumption if operating a restaurant at the manufacturing premises.

Spirits means any beverage which contains alcohol obtained by distillation, mixed with potable water and other substances in solution, and includes, among other things, wine containing an alcoholic content of over 16 percent by volume.

Section 2. Amendment of Section 6-92. That Chapter 6, Article 2, Section 6-92 of the Code of Ordinances, City of Kentwood, Michigan, is amended to read in full as follows:

Sec. 6-92. Seating, Food and Operational Matters.

(a) All hotels and/or motels selling alcohol beverages for consumption on the premises under a "Class A" or "Class B" license must have 25 or more guest rooms and a restaurant with existing dining table seating for not less than 75 persons. If a counter or bar space is provided for dispensing and selling alcoholic beverages, such counter or bar space shall be limited in size so that it does not comprise more than 20 percent of the total seating availability of the entire dining room.

(b) All establishments which are not a part of a hotel, motel, or conference center and which are licensed to sell alcoholic beverages for consumption on the premises must have a full menu restaurant with existing dining table seating for not less than 100 persons. If a counter or bar space is provided for dispensing and selling alcoholic beverages, such counter or bar space shall be limited in size so that it does not comprise more than 20 percent of the total seating availability of the entire dining room. This subsection does not apply to establishments selling beer for consumption on the premises under a microbrewery license, wine for consumption on the premises under a small winemaker license, spirits for consumption on the premises under a small distiller license, a grocer/market establishment selling beer and/or wine for consumption on the premises under a tavern license, or a movie theater complex selling alcoholic beverages for consumption on the premises under a tavern or other license, which establishments are regulated in accordance with subsections (c), (d), (e), (f) and (g) herein.

(c) Any establishment selling beer for consumption on the premises under a "microbrewery" license shall have a restaurant as defined herein and/or taproom on the premises. If the micro brewer has a full menu restaurant on the premises, the micro brewer shall be subject to the restrictions set forth in subsection (b). If the micro brewer has a taproom it must also have a limited menu restaurant and the total building capacity shall not exceed 50 seats. If a counter or bar space is provided for dispensing and selling alcoholic beverages, such counter or bar space shall be limited in size so that it does not comprise more than 20 percent of the total seating availability.

(d) Any establishment selling wine for consumption on the premises under a "small wine maker" license must have a full menu or limited menu restaurant. If the small wine maker has a full menu restaurant on the premises, the small wine maker shall be subject to the restrictions set forth in subsection (b). If the small wine maker has a limited menu restaurant on the premises the total building capacity shall not exceed 50 seats. If a counter or bar space is provided for

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dispensing and selling alcoholic beverages, such counter or bar space shall be limited in size so that it does not comprise more than 20 percent of the total seating availability.

(c) Any grocer/market establishment selling beer and wine for consumption on the premises under a "tavern" license must have a full menu or limited menu restaurant. If the grocer/market has a full menu restaurant on the premises, the grocer/market shall be subject to the restrictions set forth in subsection (b). If the grocer/market has a limited menu restaurant on the premises the total alcohol service area shall not exceed 50 seats in total. If a counter or bar space is provided for dispensing and selling alcoholic beverages, such counter or bar space shall be limited in size so that it does not comprise more than five percent of the total seating availability of the alcohol service area.

(f) Any distiller establishment selling spirits for consumption on the premises under a "small distiller" license must have a full menu or limited menu restaurant. If the small distiller has a full menu restaurant on the premises, the small distiller shall be subject to the restrictions set forth in subsection (b). If the small distiller has a limited menu restaurant on the premises the total building capacity shall not exceed 50 seats. If a counter or bar space is provided for dispensing and selling alcoholic beverages, such counter or bar space shall be limited in size so that it does not comprise more than 20 percent of the total seating availability.

(g) Any movie theater complex selling alcoholic beverages for consumption on the premises under a tavern or other license must have a full menu or limited menu restaurant. If the movie theater complex has a full menu restaurant on the premises it shall be subject to the restrictions set forth in subsection (b). If the movie theater complex has a limited menu restaurant on the premises no tables or table service is required. The licensee must utilize distinct and identifiable cups or other containers to distinguish between non-alcoholic and alcoholic beverages. The sale of alcoholic beverages for consumption on the premises may not comprise more than 10% of the movie theater complex's gross sales.

(h) Any person violating the provisions of this section shall be guilty of a misdemeanor, punishable by up to 90 days in jail and/or a fine up to \$500.00.

Deleted: (g)

Section 3. Effective Date. This Ordinance shall be published as required by law and shall become effective 10 days following its publication.

YEAS: _____

NAYS: _____

ABSENT: _____

ORDINANCE NO. ____ ADOPTED.

Stephen C.N. Kepley, Mayor

XV B 2.

RECEIVED
2017 MAY -4 AM 10: 29
LANSING CITY CLERK

Rachel Jensen
112 N Foster Avenue
Lansing
MI 48912

May 1, 2017
Ref: City Charter and Ordinances

Lansing City Clerk
124 W. Michigan Avenue, 9th Floor
Lansing, MI 48933

To Whom It May Concern

Hi there! My name is Rachel Jensen and I would like assistance with a couple of things.

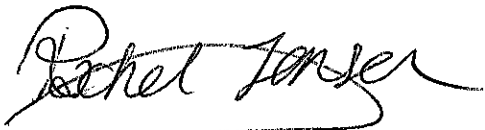
I have a problem with this City Ordinance listed below:

680.05. - Trespass.

(a) No person shall willfully enter upon the lands or premises of any public, private or parochial school in the City without lawful authority, after having been forbidden to do so by the principal or the principal's designated agent. No person, being upon such lands or premises, shall refuse or neglect to depart therefrom upon being requested to do so by the principal or the principal's designated agent. No person shall enter or remain in any school building without complying with the directions posted at the building entrance. Failure to comply with such directions shall be deemed a prima-facie violation of this section. However, this requirement shall not apply to students who are regularly enrolled at and attending such school, to parents or guardians of such students, to teachers or to other employees. (b) For the purpose of this section, "students who are regularly enrolled at and attending" does not include students who are expelled or suspended from a public, private or parochial school.

It is my understanding from speaking with Lansing Police Department that a civilian does not need to be notified that a trespass form has been filed against them. I would like to change that.

Yours Sincerely






CITY OF LANSING
AFFIDAVIT OF DISCLOSURE

TO: CITY CLERK

DATE: 04-06-17

RECEIVED
 2017 APR 24 PM 3:47
 LANSING CITY CLERK

I KEEGAN C. STITT make the following disclosure under oath:
 (Name)

PLEASE CHECK THE BOX AND FILL IN THE APPROPRIATE BLANKS FOR EACH OF THE FOLLOWING ITEMS

- | | <u>Yes</u> | <u>No</u> | |
|----|-------------------------------------|-------------------------------------|--|
| 1. | ☒ | ☐ | I am an ☐ elected or ☐ appointed ☐ officer or ☒ employee of the City of Lansing holding the position of <u>SERGEANT</u> in the <u>POLICE</u> Department |
| | ☐ | ☒ | I am an immediate family member related to an elected or appointed officer or employee of the City of Lansing named _____, holding the position of _____ in the _____ Department |
| | ☐ | ☒ | I am a Business Associate of an elected or appointed officer or employee of the City of Lansing named _____ holding the position of _____ in the _____ Department. |
| 2. | ☐ | ☒ | I may derive income or benefit directly or indirectly from the bidding of, negotiation of, solicitation of or entry into a contract with the City or from and City action detailed below. (Charter 5-505.1) |
| | ☐ | ☒ | I may have a conflict between a personal interest and the public interest, the nature of which is disclosed below. (Charter 5-505.2) [Chapter 290.04(I) of the Code of Ordinances] |
| | ☐ | ☒ | I may have a financial interest in a matter proposed to be acted upon by the City of Lansing as described below. [Chapter 290.04(I) of the Code of Ordinances] |
| | ☐ | ☒ | I make this disclosure because of a possible appearance that I may be in violation of, or in conflict with the City of Lansing Ethics Ordinance as provided for in the Code of Ordinances and in the City Charter. |

3. My City of Lansing position is:
☒ Full-time ☐ Part-time (less than 25 hours/wk) ☐ Unpaid

4. PLEASE DESCRIBE IN DETAIL YOUR REASON(S) FOR SUBMITTING THIS DISCLOSURE AND EXPLAIN WHY YOU THINK A CONFLICT MAY/MAY NOT EXIST.

I DO NOT BELIEVE THAT A CONFLICT OF ANY SORT
EXISTS.

I hereby certify that this disclosure is complete and accurate to the best of my knowledge, information and belief.

The foregoing Affidavit of Disclosure was executed on this 13TH day of APRIL, 2017.

Karen C. Stitt
Signed

State of Michigan, County of INSHAM

Subscribed and sworn to before me this 13TH day of April, 2017

Nannette M. Miller
Notary Public/or Deputy Clerk

Clinton County, Michigan

My Commission Expires: 4.1.21



ATTACHMENT TO AFFIDAVIT OF DISCLOSURE

Please provide additional information about your outside business or employment. Of special interest to the Board is how the activities of the business or employment may directly or indirectly affect the City. This disclosure is about information and is not an indication of any anticipated conflict of interest or suspected wrongdoing. Therefore, please describe for the Board what it is you actually do and be detailed and specific. You are not required to limit your disclosure only to the following questions. For each business, include in your answer such things as:

- What is the form of your business entity and what percentage do you own? _____

I WILL BE AN EMPLOYEE OF DFL HONOR GUARD TRAINING;
0 % (company that does 16 hrs/week)

- Are you self-employed? No

- Who is your employer, if applicable? _____

DFL HONOR GUARD TRAINING

- What are the things you actually do in the business? _____

I WILL TRAIN FIRST RESPONDERS IN HONOR GUARD AND
CEREMONIAL OPERATIONS.

- Who are your clients and who receives your goods or services? _____

POLICE, FIRE AND EMS PERSONNEL FROM VARIOUS
AGENCIES

- How and where are your services performed? _____

SERVICES WILL BE PERFORMED IN ALAENA, MI.

1 week / 40 hours

- How often do you do outside work? _____

TRAINING IS SCHEDULED FOR JUNE 5-9 - 2017.

- Does your business or employer contract with the City? No

- In performing your business or outside employment, do you use any City facilities or equipment?

YES If so, describe: I INTEND TO WEAR MY
HONOR GUARD UNIFORM ON THE FINAL DAY OF
TRAINING - DURING A SIMULATED FULL-HONORS FUNERAL SERVICE.

- Is any of your business or employment conducted in the City? No If so, describe:

- Does your business advertisement or circulars, if any, contain any reference to the City or your City employment? No

- Is there any additional information that you believe would assist the Board of Ethics in its review of your business or personal activities for potential conflicts of interest? No If so, please describe: _____

In providing this additional information, the Board of Ethics asks that you give special attention to the Conflicts of Interest section of the Charter found at 5-505.1 – 5-505.3. A copy is enclosed for your convenience.