



**Official Proceedings of the City Council
City of Lansing
February 14, 2022**

Tony Benavides Lansing City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:16 p.m. by President Hussain

PRESENT: Council Members Brown, Daniels, Garza, Hussain, Jackson, Spitzley, Wood

ABSENT: Council Member Spadafore

A quorum was present.

Vice President Wood asked people to remember Penny Brewer and Jay Price, both of whom who recently passed away, during the moment of Meditation. Council Member Spitzley and President Hussain asked people to remember Frank Curtis-X, who recently passed away, during the moment of Meditation. President Hussain also asked people to remember Charles McCarthy, who recently passed away during the moment of Meditation. The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Hussain.

Approval of Printed Council Proceedings

By Vice President Wood

To approve the printed Council Proceedings of January 10, January 24, and February 1, 2022

Motion Carried

Consideration of Late Items

By Vice President Wood

To suspend City Council Rule #9 to allow for Consideration of Late Items

Motion Carried

The following item was added to the agenda:

Setting a Second Public Hearing in consideration of SLU-2-2021: 5411 Wise Road (Parcel #: 33-01-05-06-251-021), Special Land Use Permit, Electrical Substation in "R-2" Suburban Detached Residential Zoning District

Community Event Announcements

Breina Pugh spoke about upcoming Financial Pandemic Relief Fairs hosted by the Board of Water and Light.

Speaker Registration for Public Comment on Legislative Matters

City Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

Mayor's Comments

Mayor Schor spoke about the HRCS Community Forum and announced that applications for HRCS Human Services Grants due date. Mayor Schor also thanked the snowplow crews, along with Natalie Singer and Andy Kilpatrick in Public Service Department for the success of naming the plows for the City. Mayor Schor also congratulated Sweet Encounters, who had a grand opening ribbon cutting; Taste Restaurant, a new African food and entertainment place, in Downtown Lansing on Washington Avenue; Xavier DeGroat, who opened his DeGroat Autism Foundation Headquarters; and all of the Old Town Commercial Association Annual Awards winners. Mayor Schor also shared details on warming centers and homeless shelter information, the final participatory budget night meeting, Winterfest, and the Mobile Food Pantry.

Public Comment on Legislative Matters

Legislative Matters included the following public hearing:

In Consideration of SLU-2-2021; Special Land Use Permit, 5411 Wise Road to allow for a new Board of Water and Light Electrical Power Substation

in the "R-2" Suburban Detached Residential Zoning District

Council Member Garza gave an overview of the public hearing.

Public Comment on Legislative Matters:

Darren Cunningham, from Board of Water and Light, spoke about SLU-2-2021.

Legislative Matters

Referral of Public Hearings

In Consideration of SLU-2-2021; Special Land Use Permit, 5411 Wise Road to allow for a new Board of Water and Light Electrical Power Substation in the "R-2" Suburban Detached Residential Zoning District
Referred to the Committee on Development and Planning

Ordinances for Passage

Passage of Ordinance

An Ordinance of the City of Lansing to amend the Lansing Codified Ordinances (Code) by amending Chapter 1218 Sections 1218.01 through 1218.99 to conform to the requirements of MCL 324.9101, et seq, the "Soil Erosion and Sedimentation Control" Act and applicable state regulations.

Was read a second time by its title and adopted by the following roll call vote:

Yeas: Council Members Brown, Daniels, Garza, Hussain, Jackson, Spitzley, Wood

Nays: None

By Council Member Garza to give the ordinance immediate effect

Motion Carried

Ordinance #1298

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE LANSING CODIFIED ORDINANCES BY AMENDING CHAPTER 1218 SECTIONS 1218.01 THROUGH 1218.99 REGARDING SOIL EROSION TO CONFORM TO THE REQUIREMENTS OF mcl 324.9101, ET SEQ, THE "SOIL EROSION AND SEDIMENTATION CONTROL" ACT AND APPLICABLE STATE REGULATIONS.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1218, Section .01 through .99, of the Codified Ordinances of the City of Lansing, Michigan, be and are hereby amended to read as follows:

1218.01. - Definitions.

As used in this chapter:

Certification means a signed, written statement by the City Engineer that specific constructions, inspections or tests required by this chapter have been performed and that such comply with the applicable requirements of this chapter.

City Engineer means the City Engineer or his or her authorized representative.

Earth change means a human-made change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the state and adjacent properties. Earth change does not include the practice of plowing and tilling of the soil for the purpose of crop production.

Designated agent means a person who has written authorization from the land owner to sign the application and secure a SESC permit in the land owner's name.

Land owner means the person who owns or holds the recorded easement on the property or who is engaged in construction in a public right-of-way in accordance with Sections 13, 14, 15, and 16 of Act No.

368 of the Public Acts of 1925, as amended, being §§ 247.183, 247.184, 247.185 and 247.186 of the

Michigan Compiled Laws.

LANDOWNER MEANS A PERSON WHO FULFILLS 1 OR MORE OF THE FOLLOWING REQUIREMENTS:

- (i) THE PERSON OWNS OR HOLDS A RECORDED EASEMENT ON THE PROPERTY.
- (ii) THE PERSON IS ENGAGED IN CONSTRUCTION IN A PUBLIC RIGHT-OF-WAY IN ACCORDANCE WITH SECTIONS 13, 14, 15, AND 16 OF 1925 PA 368, MCL 247.183, 247.184, 247.185, AND 247.186.
- (iii) THE PERSON IS ENGAGED IN A PROJECT THAT MEETS ALL OF THE FOLLOWING CONDITIONS:
 - (A) THE PROJECT IS RELATED TO 1 OR MORE ROADS, HIGHWAYS, SIDEWALKS, TRAILS, DRIVEWAYS, PARKING AREAS, FORMS OF PUBLIC TRANSIT, FORMS OF NONMOTORIZED TRANSPORTATION, OR BOATING, INCLUDING ALL STRUCTURES, IMPROVEMENTS, FEATURES, AND LANDS RELATED TO THE PROJECT.
 - (B) ONE OR MORE STATE AGENCY OR LOCAL UNIT OF GOVERNMENT OWNS, EXERCISES JURISDICTION OVER, OR HOLDS A RECORDED EASEMENT ON THE PROPERTY IN THE AREA WHERE THE EARTH CHANGE WILL OCCUR.
 - (C) ALL STATE AGENCIES OR LOCAL UNITS OF GOVERNMENT THAT OWN, EXERCISES JURISDICTION OVER, OR HAVE A

RECORDED EASEMENT ON THE PROPERTY IN THE AREA WHERE THE EARTH CHANGE WILL OCCUR GRANT A PERMIT OR WRITTEN AUTHORIZATION TO THE PERSON THAT SPECIFIES WHERE THE EARTH CHANGE IS ALLOWED TO OCCUR.

(D) NO STATE AGENCY OR LOCAL UNIT OF GOVERNMENT THAT OWNS, EXERCISES JURISDICTION OVER, OR HOLDS A RECORDED EASEMENT IN THE AREA WHERE THE EARTH CHANGE WILL OCCUR HAS CONTROL OVER THE PROJECT DURING CONSTRUCTION. THE CONTROL PROHIBITED BY THIS SUBPARAGRAPH INCLUDES, BUT IS NOT LIMITED TO, PAYING FOR OR HAVING A FINANCIAL INTEREST IN THE PROJECT DURING CONSTRUCTION OR DIRECTING CONTRACTORS AND OTHER INDIVIDUALS ENGAGED IN CONSTRUCTION WORK. THE CONTROL PROHIBITED BY THIS SUBPARAGRAPH DOES NOT CONSIST SOLELY OF ESTABLISHING CONSTRUCTION REQUIREMENTS OR CONDUCTING INSPECTIONS.

Nonerosive velocity means a speed of water movement which is not conducive to the development of soil erosion.

PART 91 MEANS PART 91 OF 1994 PA 451, MCL 324.9101 TO 324.9123.

Permit (ALSO SESC PERMIT) means a State prescribed permit CONTAINING INFORMATION AS REQUIRED BY R 323.1707 AND issued TO THE LANDOWNER by the City Engineer to authorize work to be performed under this chapter. THIS DOES NOT INCLUDE BUILDING, SEWER OR RIGHT-OF-WAY PERMITS.

Sediment means solid particulate matter, including both mineral and organic matter that is in suspension in water, is being transported or has been removed from its site of origin by the actions of wind, water, or gravity and has been deposited elsewhere.

SESC MEANS SOIL EROSION AND SEDIMENTATION CONTROL.

Soil erosion means the wearing away of land by the action of wind, water, gravity or a combination of wind, water or gravity.

Waters of the State means the Great Lakes and their connecting waters, inland lakes and streams as defined in the rules promulgated by the Michigan Department of ENVIRONMENT, GREAT LAKES, AND ENERGY Environmental Quality or its successors, and wetlands regulated under MCL 324.30301, et seq.

1218.02. - Enforcement by Department of Public Service; adoption of rules by reference.

The Department of Public Service, through the office of the City Engineer, shall be the municipal enforcing agency responsible for the administration and enforcement OF THIS CHAPTER AND OF PART 91, SOIL EROSION AND SEDIMENTATION CONTROL, OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTIONS ACT, 1994 PA 451, AS AMENDED, AND THE RULES PROMULGATED THEREUNDER WITHIN THE CITY OF LANSING. ALL RULES PROMULGATED UNDER PART 91 ARE HEREBY INCORPORATED BY REFERENCE. ~~of this chapter, MCL 324.9101, et seq., and the promulgated rules and the Department of Agriculture, which are hereby adopted by reference as they are amended from time to time.~~ THE INDIVIDUALS WITH DECISION-MAKING AUTHORITY WHO ARE RESPONSIBLE FOR ADMINISTERING THE SOIL EROSION AND SEDIMENTATION CONTROL PROGRAM FOR THE MUNICIPALITY SHALL HAVE CURRENT CERTIFICATES OF TRAINING PER MCL 924.9123.

1218.03. - Compliance required.

No site plan, development plan or plat shall be approved under this Planning and Zoning Code unless such site plan, development plan, or plat includes soil erosion and sediment control measures consistent with this chapter and the related regulations, standards and specifications adopted by reference in this chapter.

~~1218.04. - Certificates of occupancy.~~

~~No certificate of occupancy for any building or structure shall be issued under the Zoning Code or the Building Code, unless the application for such certificate has complied with this chapter and related land development regulations and standards adopted pursuant hereto, and has satisfactorily completed, as evidenced by a certificate of completion issued pursuant to Section 1218.22 1218.21, the soil erosion and sediment control measures approved for such applicant.~~

1218.05. - Building permits.

Upon receipt of an application for a building permit proposing earth changes, which work disturbs one or more acres of land or disturbs land located within 500 feet of A LAKE OR STREAM ~~the waters of the State of Michigan~~, the Building Safety Division of the Department of Planning and Neighborhood Development shall immediately notify the City Engineer. The Building Safety Division shall not issue a building permit to such applicant until the City Engineer has issued the required SESC permit pursuant to this chapter.

1218.06. - Soil Erosion and Sedimentation Control.

Except as otherwise provided in this chapter, a land owner or designated agent, who contracts for, allows or engages in any earth changes which disturbs one or more acres of land, or which is within 500 feet of ~~the waters of the State of Michigan~~ A LAKE OR STREAM, shall obtain a SESC ~~State prescribed~~ permit issued by the City Engineer prior to the commencement of such earth changes. THE SESC PERMIT SHALL BE ISSUED TO THE LANDOWNER, AS DEFINED IN THE PROMULGATED RULES.

1218.07. - Soil erosion and sediment control plan.

The land owner or designated agent shall submit with their application for a SESC ~~State prescribed~~ permit and soil erosion and sedimentation control plan. This soil erosion and sediment control plan shall be reviewed and approved by an employee of the Department of Public Services with THE APPROPRIATE SESC TRAINING AND CERTIFICATES PER MCL 924.9123. ~~the City Engineer.~~ Prior to submittal to the Department of Public Services, the soil erosion and sediment control plan shall be prepared or approved and signed by a qualified person in the management of soil erosion and sedimentation control. Such person may be a professional engineer, registered architect, landscape architect, agronomist, soil scientist, soil engineer or other person of established experience and training. However, the City Engineer may waive the preparation or approval and signature by such qualified person when the work for which a SESC permit is sought entails little or no hazard to adjacent property or to a lake, stream, river or natural drain within 500 feet of the work site and does not include the construction of a fill upon which a structure may be erected. This plan shall identify factors that may contribute to soil erosion, sedimentation or both. The plan shall be designed in a manner to effectively reduce accelerated soil erosion and sedimentation AND SHALL MEET ALL THE REQUIREMENTS OF RULE 1703 OF THE SESC PROMULGATED RULES. The plan submitted to the City Engineer shall include, but not be limited to, all of the following:

1. A MAP OR MAPS AT A SCALE OF NOT MORE THAN 100 FEET TO THE INCH OR AS OTHERWISE APPROVED BY THE CITY ENGINEER. THE MAP SHALL INCLUDE A LEGAL DESCRIPTION AND SITE LOCATION SKETCH THAT INCLUDES THE PROXIMITY OF ANY PROPOSED EARTH CHANGE TO LAKES, STREAMS, RIVERS OR NATURAL DRAINS. THE MAP SHALL SHOW PREDOMINANT LAND FEATURES, INCLUDING ROADS, BUILDINGS, AND NATURAL FEATURES, AND SHALL INCLUDE CONTOUR INTERVALS OR SLOPE DESCRIPTION.
2. A SOILS SURVEY OR A WRITTEN DESCRIPTION OF THE SOIL TYPES OF THE EXPOSED LAND AREA CONTEMPLATED FOR THE EARTH CHANGE.
3. DETAILS FOR PROPOSED EARTH CHANGES, INCLUDING ALL OF THE FOLLOWING:
 - (i) THE DESCRIPTION, LOCATION, ELEVATIONS, DIMENSIONS, EXTENT AND SLOPE OF ALL PROPOSED EARTH CHANGES, INCLUDING BUILDING AND DRIVEWAY GRADES. THIS SHALL INCLUDE THE PHYSICAL LIMITS OF THE EARTH CHANGE
 - (ii) A DESCRIPTION AND THE LOCATION OF ALL EXISTING AND PROPOSED ON-SITE DRAINAGE AND DEWATERING FACILITIES, INCLUDING THE DELINEATION OF THE DRAINAGE AREA OF THE LAND TRIBUTARY TO THE SITE AND THE

ESTIMATED RUNOFF OF THE AREA SERVED BY ANY DRAIN. ALL DRAINAGE STRUCTURES, INCLUDING CATCH BASINS, AND DRAINAGE FACILITIES WITHIN 100 FEET OF THE SITE SHALL BE SHOWN.

- (iii) THE TIMING AND SEQUENCE OF EACH PROPOSED EARTH CHANGE, INCLUDING A SCHEDULE INDICATING THE ANTICIPATED STARTING AND COMPLETION DATES OF THE DEVELOPMENT SEQUENCE AND THE TIME OF EXPOSURE OF EACH AREA PRIOR TO THE COMPLETION OF THE SOIL EROSION AND SEDIMENT CONTROL MEASURES REQUIRED BY THIS CHAPTER;
 - (iv) THE LOCATION AND DESCRIPTION FOR INSTALLING AND REMOVING ALL PROPOSED TEMPORARY SOIL EROSION AND SEDIMENT CONTROL MEASURES, INCLUDING A STATEMENT ON WHO IS RESPONSIBLE FOR THEIR MAINTENANCE.
 - (v) A DESCRIPTION, LOCATION, AND INSTALLATION INSTRUCTIONS FOR ALL PROPOSED PERMANENT SOIL EROSION AND SEDIMENT CONTROL MEASURES, INCLUDING A STATEMENT ON WHO IS RESPONSIBLE FOR THEIR MAINTENANCE.
 - (vi) A PROGRAM PROPOSAL FOR THE CONTINUED MAINTENANCE OF ALL PERMANENT SOIL EROSION AND SEDIMENT CONTROL MEASURES THAT REMAIN AFTER PROJECT COMPLETION, INCLUDING THE DESIGNATION OF THE PERSON RESPONSIBLE FOR THE MAINTENANCE. MAINTENANCE RESPONSIBILITIES SHALL BECOME A PART OF ANY SALES OR EXCHANGE AGREEMENT FOR THE LAND ON WHICH THE PERMANENT SOIL EROSION CONTROL MEASURES ARE LOCATED.
4. THE NAME, MAILING ADDRESS, EMAIL ADDRESS AND TELEPHONE NUMBER OF THE OWNER, DEVELOPER AND APPLICANT;
 5. THE ESTIMATED TOTAL COST OF THE REQUIRED SOIL EROSION AND SEDIMENT CONTROLS;
 6. ANY OTHER INFORMATION OR DATA AS MAY BE REQUIRED BY THE CITY ENGINEER.
 - (a) A site location sketch, at a scale of not more than one inch equals 200 feet, showing the proximity of any proposed earth changes to lakes or streams or both, as well as adjacent properties within 100 feet of the site boundaries;
 - (b) A boundary line survey and legal description of the site on which the work is to be performed; and
 - (c) A plan of the site, at a scale of not more than one inch equals 100 feet, showing:
 - (1) The name, address and telephone number of the owner, developer and applicant;
 - (2) A timing schedule and sequence description of each proposed earth change, including a schedule indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each area prior to the completion of the soil erosion and sediment control measures required by this chapter;
 - (3) A description, and location and installation instructions for of all proposed temporary and permanent soil erosion and sediment control measures required by this chapter;
 - (4) A description and location of all existing and proposed on-site drainage facilities and dewatering facilities, including delineation of the drainage area of the land tributary to the site and estimated runoff of the area served by any drain;
 - (5) A statement of the quantity of excavation or fill involved;
 - (6) The existing topography at a maximum of two-foot contour intervals;
 - (7) The proposed topography at a maximum of two-foot contour intervals;
 - (8) The location of predominant land features, including structures or natural features on the site;
 - (9) The location of any structure or natural feature on the land adjacent to the site and within one hundred feet of the site boundary line, including any catch basins tributary to the site;
 - (10) The proximity of any earth change to any lake, stream, river or natural drain;
 - (11) The location of any proposed additional structures or development on the site;
 - (12) The description, location, elevations, dimensions, extent and slope of all proposed earth changes, including building and driveway grades. This shall include the limits of the earth change;
 - (13) The estimated total cost of the required soil erosion and sediment controls;
 - (14) A soil investigation report, which shall include, but not be limited to, data regarding the nature, distribution and supporting ability of existing soils and rock on the site;
 - (15) A signed statement of assurance that Section 1218.17, pertaining to maintenance of the approved soil erosion and sediment control measures, both temporary and permanent, will be observed; and
 - (16) Any other information or data as may be required by the City Engineer.

1218.08. - Bonds.

As part of the submittal for the soil erosion and sedimentation control permit, the applicant, except where the applicant is a school district, community college district or other governmental entity, shall post with the City Clerk either cash, a certified check, an irrevocable letter of credit issued by a bank or a surety bond in an amount sufficient to ensure the installation and completion of the soil erosion and sedimentation control measures specified in the approved plan. The surety bond shall be open ended and shall be executed by the applicant and a United States based corporate surety authorized to do business in this State as a surety. Any surety bond or irrevocable letter of credit shall be in a form approved by the City Attorney, and shall be made payable to the City in the amount SUFFICIENT TO ASSURE THE INSTALLATION, REMOVAL, AND COMPLETION OF SUCH PROTECTIVE OR CORRECTIVE MEASURES AS MAY BE REQUIRED of the estimated total cost of the required soil erosion and sediment controls approved by the City Engineer pursuant to this chapter. The total cost of the work shall be estimated by the City Engineer. The bond shall include penalty provisions for failure to complete the work on schedule as specified in the SESC permit or in the approved plan. Every bond and instrument of credit shall include, and every cash deposit or certified check shall be made on, the condition that the applicant shall comply with this chapter and all of the terms and conditions of the SESC permit and the approved plan, and shall complete all of the work contemplated under the SESC permit and approved plan within the time limit specified in the SESC permit or plan or, if no time limit is specified, within 180 days after the date of the issuance of the SESC permit. The bond, instrument of credit, cash deposit or certified check shall be released to the applicant upon issuance of the certification of completion as per Section 1218.22.

1218.09. - Extension of time.

If an applicant is unable to complete the work within the specified time, he or she may, at least ten days prior to the expiration of the SESC permit, present, in writing, to the City Engineer, a request for an extension of time setting forth the reasons for the requested extension. If such an extension is warranted, the City Engineer may grant additional time for the completion of the work, but no such extension shall operate to release the owner or the surety on the bond or the person furnishing the instrument of credit, surety bond, cash or certified check. ADDITIONAL FEES FOR INSPECTION MAY BE REQUIRED PRIOR TO GRANTING THE EXTENSION OF TIME.

1218.10. - Notice of violation; completion of work by City.

If the City Engineer determines that soil erosion or sedimentation of adjacent properties or the waters of the State has or will reasonably occur from land in violation of MCL 324.9101, et seq., the promulgated rules adopted by the City, or in violation Chapter 1218 of the Codified Ordinances, the City Engineer may enforce a violation of this part by notifying the land owner in writing, as identified by the most current Assessor's records, either in person or by mail,

with return receipt requested, of its determination.

This Notice of Violation shall include the following:

- (a) The location of the property in violation.
- (b) The owner of the property in violation.
- (c) Description of the violation.
- (d) The proposed remedy to the violation.
- (e) The time specified to remedy the violation.
- (f) If City corrects the violation, Notification of City costs if they exceed \$10,000.00.

Within five days after the Notice of Violation has been issued or the time specified in the notice of violation, the person who owns the land shall bring the soil erosion and sedimentation control into compliance, as described in the proposed remedy to the violation.

After at least five days after the date of the Notice of Violation, or the time specified in the Notice of Violation, if it is the City Engineer's opinion that the condition of the land may result in or contribute to soil erosion or sedimentation of adjacent properties or the waters of the State, and if the required soil erosion and sedimentation control measures are not in place, the City Engineer, or his or her designee, may enter the site and construct, implement and maintain soil erosion and sedimentation control measures in order to bring the site within compliance of the Notice of Violation. If the cost for bringing the site into compliance, including the work, materials, labor, and administration, exceeds \$10,000.00, the City Engineer shall in the Notice of Violation inform the person who owns the land that an expenditure of more than \$10,000.00 may be made. If more than \$10,000.00 is to be expended, work shall not begin until at least ten days after the Notice of Violation has been served.

All expenses incurred by the City, including administrative costs, to construct, implement and maintain soil erosion and sedimentation control measures to bring the site into conformance with the Notice of Violation shall be reimbursed to the City by the land owner.

The City shall have a lien on the land for the expenses incurred to bring the site into conformance with the Notice of Violation. With respect to single-family or multi-family residential property, the lien for such expenses shall have priority over all liens and encumbrances filed or recorded after the date of such expenditure. With respect to all other property, the lien for such expenses shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, MCL 211.1, et seq.

1218.11. - Permit applications; review.

The land owner or designated agent, proposing to undertake earth changes shall submit to the City Engineer an ~~State prescribed~~ application for a SESC permit. A separate application shall be required for each SESC permit.

The City Engineer shall approve, disapprove or require modification of the application for a SESC permit within 30 calendar days following receipt of the application. THE PLAN SHALL BE REVIEWED BY A PERSON WITH APPROPRIATE TRAINING AND CERTIFICATES.

Upon a determination that a permit applicant has met all the requirements of this chapter, the City Engineer shall issue a SESC permit for the proposed earth changes. The SESC permit shall be posted at the work site and a copy of the approved soil erosion and sedimentation control plan shall be available at the work site for inspection. Notification of approval shall be made in writing, in person or by first class mail. If the application is disapproved, the City Engineer shall advise the applicant in writing, in person, or by certified mail of the reasons for disapproval and conditions required for approval. A SESC permit given to the applicant either in person or by first class mail shall constitute approval.

1218.12. - Conditions for nonissuance of SESC permits.

A SESC permit required by this chapter shall not be issued where:

- (a) The work, as proposed by the applicant, will damage any public or private property, interfere with any existing drainage course in such a manner as to cause damage to any adjacent property or result in the deposition of debris or sediment on any public way or into any waters of the State, or create an unreasonable hazard to persons or property.
- (b) The land area for which the project is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce settlement, slope instability or any other such hazard to persons or property.
- (c) The applicant has not met the bond, cash, certified check or instrument of credit deposit requirements of Section 1218.08.

1218.13. - Fees.

At the time of filing an application for a SESC permit required by this chapter, a nonrefundable filing fee, as determined by resolution of Council, shall be paid to the City Engineer. An Additional nonrefundable feeS per acre of site area involved (rounded up to the nearest acre), as determined by resolution of Council, shall be charged for plan and site inspections, with a minimum fee for such review and inspection as determined by resolution of Council.

1218.14. - Modification of approved plans.

All modifications of approved soil erosion and sedimentation control plans must be submitted to and approved by the City Engineer. All necessary sustaining reports shall be submitted with any proposal to modify such approved plans. No earth changes in connection with any proposed modification shall be undertaken without the approval of the City Engineer. Additional fees may be required, as provided in Section 1218.13.

1218.15. - Responsibilities of permittee.

During any earth change operation, the Land owner to whom a valid SESC permit has been issued shall be responsible for:

- (a) The prevention of damage to any public utilities or services within the limits of earth changes and along any routes of travel by the equipment utilized in site operations;
- (b) The prevention of damage to adjacent property, including not performing earth changes on the site so close to the property line as to endanger any adjoining public street, sidewalk, alley or public or private property without supporting and protecting such property from settling, cracking or other damage which might result;
- (c) The carrying out of the proposed work in accordance with the approved plan and in compliance with all the requirement of the SESC permit and this chapter;
- (d) The prompt removal of all soil, miscellaneous debris or other materials applied, dumped or otherwise deposited on public streets, highways, sidewalks or other thoroughfares during transit to and from the construction site where such spillage constitutes a public nuisance or hazard;
- (e) The removal of sediment insofar as possible from any runoff water before it leaves the permitted site;
- (f) The design and installation of permanent or temporary control measures for the conveyance of water around, through or from the earth change area to limit the flow of water to a nonerosive velocity;
- (g) The design, construction and completion of an earth change in a manner that limits the exposed area of any disturbed land for the shortest possible period of time as determined by the City Engineer; and
- (h) The installation of temporary soil erosion and sedimentation control measures before or upon commencement of earth change activity and the maintenance of these measures on a daily basis. The removal of temporary soil erosion and sediment control measures after permanent soil erosion and sediment control measures have been implemented and the area stabilized.

1218.16. - Permanent and temporary soil erosion and sediment control measures.

A PERSON WHO OWNS LAND ON WHICH AN EARTH CHANGE HAS BEEN MADE THAT MAY RESULT IN OR CONTRIBUTE SOIL EROSION OR SEDIMENTATION OF THE WATERS OF THE STATE, WHETHER OR NOT A SESC PERMIT WAS REQUIRED, SHALL IMPLEMENT AND

MAINTAIN SOIL EROSION AND SEDIMENTATION CONTROL MEASURES THAT WILL EFFECTIVELY REDUCE SOIL EROSION OR SEDIMENTATION FROM THE LAND ON WHICH THE EARTH CHANGE HAS BEEN MADE.

Permanent soil erosion control measures required by this chapter for all slopes, channels, ditches or disturbed land areas shall be completed within five calendar days after final grading or earth changes have been completed. When it is not possible to permanently stabilize a disturbed area after such activity has been completed, or where significant earth change activity ceases, temporary soil erosion control measures required under this chapter shall be maintained until permanent soil erosion control measures are in place and the area is stabilized. If significant earth change activities have ceased for more than 30 days, the City Engineer may issue a notice of violation, or complete the work pursuant to Section 1218.10, for the installation of permanent soil erosion control.

1218.17. - Maintenance requirements.

All persons carrying out soil erosion and sediment control measures under this chapter shall have a program for the continued maintenance of all soil erosion and sediment control measures that remain after project completion. Any conveyance of the land on which the permanent soil erosion control measures are located shall provide for maintenance responsibilities. If the conveyance fails to so provide, the subsequent land owner shall be responsible for maintenance responsibilities.

1218.18. - Plans and specifications.

All plans and specifications required by this chapter, including the extension of previously approved plans, shall include provisions for soil erosion and sediment control in accordance with the standards and specifications of all the following:

- (a) The product manufacturer.
- (b) The local conservation district.
- (c) The Michigan Department of Environmental Quality or its successor.
- (d) The Michigan Department of Transportation or its successor.
- (e) The Michigan Department of Agriculture or its successor.
- (f) The City.

If a conflict exists between the standard and specifications, the City Engineer shall determine which specifications are appropriate for the project.

1218.19. - ~~Exceptions~~ EXEMPTIONS from getting SESC permits.

- (a) No soil erosion sedimentation control permit shall be required for:
 - (1) The industry generally referred to as logging, except access roads and ancillary activities;
 - (2) The industry generally referred to as mining, not including the removal of clay, gravel, sand, peat or topsoil. The exception from obtaining a SESC permit does not include access roads and ancillary activities;
 - (3) The plowing or tilling of land for the purpose of crop production or the harvesting of crops;
 - (4) Normal road and driveway maintenance, such as grading and leveling that does not increase the width or length of the road or driveway and will not contribute sediment to lakes or streams;
 - (5) Earth changes of a minor nature that is stabilized within 24 hours of the initial earth disturbance and that will not contribute sediment to lakes or streams;
 - (6) Installation of oil, gas or mineral wells under permit from the Supervisor of Wells if the owner/operator is found by the Supervisor of Wells to be in compliance with MCL 324.9101, et seq., as amended; or
 - (7) A project carried out by the authorized public agency designated pursuant to MCL 324.9101, et seq., as amended.
 - (8) Any additional exemptions listed in 9115 or 9115a of Part 91.
- (b) The exemptions provided in this section shall not be construed as exemptions from the enforcement procedures specified in MCL 324.9101, et seq., as amended, the rules pertaining to soil erosion and sedimentation control pursuant to MCL 324.9104 and MCL 324.9114 promulgated by the Michigan Department of Environmental Quality, the Michigan Department of Agriculture, or this chapter, if such exempted activities cause or result in a violation of MCL 324.9101, et seq., as amended.
- (c) A waiver to the SESC permit may be granted at the City Engineer's discretion for an earth change after receiving a signed affidavit from the land owner stating that the earth change will disturb less than 225 square feet and that the earth change will not contribute sediment to lakes and streams.
- (d) Notwithstanding the ~~exceptions~~ EXEMPTIONS of this section, a person who owns land on which an earth change has been made that may result in or contribute soil erosion or sedimentation of the waters of the State, whether or not a SESC permit was required, shall implement and maintain soil erosion and sedimentation control measures that will effectively reduce soil erosion or sedimentation from the land on which the earth change has been made.

1218.20. - Inspections.

~~The City Engineer shall inspect the work undertaken pursuant to this chapter and shall require adequate inspection of compaction by a soil engineer or by a soil testing agency, approved by the City Engineer, unless the City Engineer determines that such inspection requirements may be waived due to the nonhazardous nature of the work as it pertains to soil erosion and sedimentation.~~

THE CITY ENGINEER SHALL INSPECT THE WORK PURSUANT TO THIS CHAPTER AND SHALL REQUIRE ADEQUATE INSPECTION TO ASSURE THE MINIMIZATION OF SOIL EROSION AND OFF-SITE SEDIMENTATION. SESC INSPECTORS SHALL HAVE THE APPROPRIATE SESC TRAINING AND CERTIFICATES PER MCL 324.9123. PER MCL 324.9113, THE CITY ENGINEER MAY ENTER UPON ANY PRIVATE OR PUBLIC PROPERTY FOR THE PURPOSE OF INSPECTING AND INVESTIGATING CONDITIONS OR PRACTICES THAT MAY BE IN VIOLATION OF THIS PART. HOWEVER, AN INVESTIGATION OR INSPECTION UNDER THIS SUBSECTION SHALL COMPLY WITH THE UNITED STATES CONSTITUTION AND THE STATE CONSTITUTION OF 1963.

1218.21. - Certification of completion.

UPON STABILIZATION OF THE SITE AND THE satisfactory execution of all approved soil erosion and sedimentation control plans, and upon ascertaining that the applicant has complied with this chapter, MCL 324.9101, et seq., as amended, and the promulgated rules governing soil erosion and sedimentation control, the City Engineer shall CLOSE THE SESC PERMIT AND issue a certification of completion.

1218.22. - Cease and desist orders; revocation of SESC permits; legal remedies.

Upon making a finding that there is a violation of any of the provisions of this chapter, MCL 324.9101, et seq., as amended, the promulgated rules pertaining to soil erosion and sedimentation control, the terms of a SESC permit issued hereunder, or the soil erosion and sedimentation control plan approved herein, the City Engineer shall MAY issue a cease and desist order and shall MAY revoke the SESC permit issued under this chapter. All violations of this chapter ISSUED BY THE CITY ENGINEER shall be reported by the City Engineer to the Michigan Department of Environmental Quality or its successor. Notwithstanding the existence or pursuit of any other remedy, the City may maintain an action in its own name in a court of competent jurisdiction for an injunction or other process against a person to restrain or prevent violations of this chapter.

At all reasonable times, the City Engineer may enter in or upon any private or public property for the purpose of inspecting and investigating conditions or practices that may be in violation of this chapter.

However, an investigation or inspection under this chapter shall comply with the United States Constitution and the State Constitution of 1963.

1218.23. - Land owner ~~and contractor~~ responsibility.

Prior to a commencing an earth change, an approved soil erosion and sedimentation control permit, where required, shall be in place. The landowner shall have a copy of approved SESC permit on site and available for inspection. The landowner shall implement the soil erosion and sedimentation control plan in a workmanlike manner and in compliance with Chapter 1218 of the Codified Ordinances.

If the land owner is found to be in noncompliance of Chapter 1218, the City Engineer may deny to the land owner utility permits, sewer permits and other permits to use the public right-of-way. The City Engineer may also request from the Building Safety Division of the Department of Planning and Neighborhood Development the withholding of building, foundation, electrical, plumbing and mechanical permit inspections until such time that the land owner ~~or contractor~~ returns to compliance.

1218.24. - ENFORCEMENT.

THE CITY ENGINEER SHALL EMPLOY A TIERED APPROACH TO SESC ENFORCEMENT. ENFORCEMENT SHALL BE AS FOLLOWS:

1. SESC INSPECTION/CORRECTION NOTICE.
2. NOTICE OF CORRECTION BY LETTER OR EMAIL.
3. NOTICE OF VIOLATION PER SECTION 1218.10
4. CEASE AND DESIST ORDER/REVOCATION OF SESC PERMIT PER SECTION 1218.22.
5. LEGAL ACTION PER SECTION 1218.22.

THE CITY ENGINEER MAY FOREGO ANY OF THE STEPS IF IT IS DETERMINED THAT THERE IS AN IMMEDIATE THREAT TO HEALTH, SAFETY OR PROPERTY.

1218.99. - Penalty.

- (a) *Municipal civil infraction; fine.* Person who violates any of the provisions in this chapter is responsible for a Municipal civil infraction and may be ordered to pay a civil fine pursuant to MCL 324.9121, as provided in Section 203.03.
- (b) *Knowing violation; false statement; fine.* In addition, a person who knowingly violates this chapter or knowingly makes a false statement in an application for a SESC permit or in a soil erosion and sedimentation control plan is responsible for the payment of a civil fine of not more than \$10,000.00 for each day of violation, pursuant to MCL 324.9121.
- (c) *Notice of violation; fine.* In addition, a person who knowingly violates this chapter after receiving a Notice of Violation is responsible for the payment of a civil fine of not less than \$2,500.00 or more than \$25,000.00 for each day of violation, pursuant to MCL 324.9121.

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

Consent Agenda

By Vice President Wood

To approve all items on the Consent Agenda.

Motion Carried

Resolution #2022-025

By the Committee on City Operations
Resolved by the City Council of the City of Lansing

WHEREAS, the Mayor has made the appointment of Alice Brinkman as the 4th Ward member of the Arts and Culture Commission for a term to expire June 30, 2025; and

WHEREAS, the nominee has been vetted by the Mayor's Office and meets the qualifications as required by the City Charter; and

WHEREAS, the Committee on City Operations met on February 1, 2022, and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Alice Brinkman as the 4th Ward member of the Arts and Culture Commission for a term to expire June 30, 2025.

Adopted as part of the Consent Agenda

Resolution #2022-026

By the Committee on City Operations
Resolved by the City Council of the City of Lansing

WHEREAS, the Mayor has made the appointment of Mary Toshach as an At-Large member of the Arts and Culture Commission for a term to expire June 30, 2023; and

WHEREAS, the nominee has been vetted by the Mayor's Office and meets the qualifications as required by the City Charter; and

WHEREAS, the Committee on City Operations met on February 1, 2022, and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Mary Toshach as an At-Large member of the Arts and Culture Commission for a term to expire June 30, 2023.

Adopted as part of the Consent Agenda

Resolution #2022-027

By the Committee on City Operations
Resolved by the City Council of the City of Lansing

WHEREAS, the Mayor has made the appointment of Kevin Bonds as the 2nd Ward member of the Arts and Culture Commission for a term to expire June 30, 2023; and

WHEREAS, the nominee has been vetted by the Mayor's Office and meets the qualifications as required by the City Charter; and

WHEREAS, the Committee on City Operations met on February 1, 2022, and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Kevin Bonds as the 2nd Ward member of the Arts and Culture Commission for a term to expire June 30, 2023.

Adopted as part of the Consent Agenda

Resolution #2022-028

By the Committee on City Operations
Resolved by the City Council of the City of Lansing

WHEREAS, the Mayor has made the appointment of Morgan Butts as an At-Large member of the Arts and Culture Commission for a term to expire June 30, 2022; and

WHEREAS, the nominee has been vetted by the Mayor's Office and meets the qualifications as required by the City Charter; and

WHEREAS, the Committee on City Operations met on February 1, 2022, and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Morgan Butts as an At-Large member of the Arts and Culture Commission for a term to expire June 30, 2022.

Adopted as part of the Consent Agenda

Resolution #2022-029

By the Committee on City Operations
Resolved by the City Council of the City of Lansing

WHEREAS, the Mayor has made the appointment of Ceci Bordayo as the 3rd Ward member of the Arts and Culture Commission for a term to expire June 30, 2024; and

WHEREAS, the nominee has been vetted by the Mayor's Office and meets the qualifications as required by the City Charter; and

WHEREAS, the Committee on City Operations met on February 1, 2022, and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Ceci Bordayo as the 3rd Ward member of the Arts and Culture Commission for a term to expire June 30, 2024.

Adopted as part of the Consent Agenda

Resolution #2022-030

By the Committee on City Operations
Resolved by the City Council of the City of Lansing

WHEREAS, the Mayor has made the appointment of Diane Gardin as an At-Large member of the Arts and Culture Commission for a term to expire June 30, 2023; and

WHEREAS, the nominee has been vetted by the Mayor's Office and meets the qualifications as required by the City Charter; and

WHEREAS, the Committee on City Operations met on February 1, 2022, and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Diane Gardin as an At-Large member of the Arts and Culture Commission for a term to expire June 30, 2023.

Adopted as part of the Consent Agenda

Resolution #2022-031

By the Committee on City Operations
Resolved by the City Council of the City of Lansing

WHEREAS, the Mayor has made the appointment of Shirley Carter-Powell as an At-Large member of the Arts and Culture Commission for a term to expire June 30, 2022; and

WHEREAS, the nominee has been vetted by the Mayor's Office and meets the qualifications as required by the City Charter; and

WHEREAS, the Committee on City Operations met on February 1, 2022, and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Shirley Carter-Powell as an At-Large member of the Arts and Culture Commission for a term to expire June 30, 2022.

Adopted as part of the Consent Agenda

Resolution #2022-032

By the Committee on Development and Planning
Resolved by the City Council of the City of Lansing

WHEREAS, the Mayor has made the appointment of Jordan Sutton as an At-Large member of the Economic Development Corporation / Tax Increment Finance Authority / Lansing Brownfield Redevelopment Authority Board of Directors for a term to expire February 28, 2027; and

WHEREAS, the nominee has been vetted by the Mayor's Office and meets the qualifications as required by the City Charter; and

WHEREAS, the Committee on Development and Planning met on February 9, 2022 and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Jordan Sutton as an At-Large member of the Economic Development Corporation / Tax Increment Finance Authority / Lansing Brownfield Redevelopment Authority Board of Directors for a term to expire February 28, 2027.

Adopted as part of the Consent Agenda

Resolution #2022-033

By the Committee on City Operations
Resolved by the City Council of the City of Lansing

WHEREAS, the Mayor has made the appointment of Charla Burnett as an At-Large member of the Human Relations and Community Services Advisory Board for a term to expire June 30, 2024; and

WHEREAS, the nominee has been vetted by the Mayor's Office and meets the qualifications as required by the City Charter; and

WHEREAS, the Committee on City Operations met on February 1, 2022, and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Charla Burnett as an At-Large member of the Human Relations and Community Services Advisory Board for a term to expire June 30, 2024.

Adopted as part of the Consent Agenda

City Clerk Swope administered the Oath of Office to: Kevin Bonds as the 2nd Ward member of the Arts and Culture Commission; to Morgan Butts as an At-Large member of the Arts and Culture Commission; to Ceci Bordayo as the 3rd Ward member of the Arts and Culture Commission; to Shirley Carter-Powell as an At-Large member of the Arts and Culture Commission.

City Clerk Swope administered the Oath of Office to Charla Burnett as an At-Large member of the Human Relations and Community Services Advisory Board.

Resolutions

Resolution #2022-034

By the Committee on Development and Planning
Resolved by the City Council of the City of Lansing

Resolution to Establish an Obsolete Property Rehabilitation Act District at 1102 South Washington Avenue, Lansing

WHEREAS, pursuant to PA 146 of 2000, the Obsolete Property Rehabilitation Act (the "Act"), the City of Lansing has the authority to establish "Obsolete Property Rehabilitation Districts" within the City of Lansing, and

WHEREAS, REO Ventures, LLC, hereinafter called the "Developer" has requested in writing that the City of Lansing establish an Obsolete Property Rehabilitation District (the "District") as enabled by the Act, for the property commonly known as 1102 South Washington Avenue located in the City of Lansing hereinafter described, and

WHEREAS, the Developer is the legal owner of greater than fifty percent (50%) of all taxable value of the property located within the proposed District, and

WHEREAS, it is determined that the District meets the requirements set forth in section 3(1) of PA 146 of 2000, and

WHEREAS, the Act requires that before establishing the District the Lansing City Council shall give written notice by certified mail to the owners of all real property within the proposed District and shall hold a public hearing in order to provide an opportunity for owners, residents or other taxpayers of the City of Lansing to appear and be heard regarding the establishment of the District and that such notice was given and said public hearing was held on January 10, 2022;

NOW THEREFORE BE IT RESOLVED that the following property are hereby approved and established as an Obsolete Property Rehabilitation District as provided by Public Act 146 of 2000 legally described as:

N 1/2 LOT 1 & E 46 FT OF N 1/2 LOT 2 BLOCK 195 ORIG PLAT CITY OF LANSING, COUNTY OF INGHAM; PARCEL NUMBER: 33-01-01-21-178-040, and

BE IT FINALLY RESOLVED that this resolution shall not be construed as the City Council's approval of any future application for an Obsolete Property Rehabilitation Exemption Certificate for the Developer or any other applicant.

By Council Member Garza

Motion Carried

Resolution #2022-035

By Council President Hussain

Resolved by the City Council of the City of Lansing

WHEREAS, Council Member Brian Daniels was recently appointed to fill Ward 1 Council Member vacancy; and

WHEREAS, pursuant to Rule 16 of the Lansing City Council Rules, *Rule 16. Standing Committees*, the following 2022 Committees assignments will be updated:

Committee on Public Safety:

Council Member Wood – Chairperson

Council Member Daniels – Vice Chairperson

Council Member Brown – Member

Committee on City Operations:

Council Member Spitzley – Chairperson

Council Member Daniels - Vice Chairperson

Council Member Hussain – Member

and;

WHEREAS, the following 2022 Council Member Board and Commission Assignments will be updated:

Capital Area Michigan Works Admin Board: Council Members Daniels, Brown, & Hussain

Tri-County on Aging Consortium Board: Council Members Spitzley and Daniels.

THEREFORE, BE IT RESOLVED, the 2022 Committee Assignments for are updated to reflect Council Member Daniels as Vice Chairperson of the Committee on Public Safety and the Committee on City Operations.

FINALLY, BE IT RESOLVED, that the 2022 Council Member Board and Commission Assignments are updated to reflect that Council Member Daniels is assigned to the Capital Area Michigan Works Admin Board and the Tri-County on Aging Consortium Board.

By President Hussain

Motion Carried

Resolution #2022-036

By the Committee on Development and Planning

Resolved by the City Council of the City of Lansing

Resolution to Establish an Obsolete Property Rehabilitation Act District at 224 South Washington Square, Lansing, MI

WHEREAS, pursuant to PA 146 of 2000, the Obsolete Property Rehabilitation Act (the "Act"), the City of Lansing has the authority to establish "Obsolete Property Rehabilitation Districts" within the City of Lansing, and

WHEREAS, RBM Properties LLC, hereinafter called the "Developer" has requested in writing that the City of Lansing establish an Obsolete Property Rehabilitation District (the "District") as enabled by the Act, for the property commonly known as 224 South Washington Square, Lansing, Michigan, and

WHEREAS, the Developer has executed a purchase agreement with 1247 Center Street LLC, legal owner of greater than fifty percent (50%) of all taxable

value of the property located within the proposed District, and has received written permission from said owner to request establishment of a District, and

WHEREAS, it is determined that the District meets the requirements set forth in section 3(1) of PA 146 of 2000, and

WHEREAS, the Act requires that before establishing the District the Lansing City Council shall give written notice by certified mail to the owners of all real property within the proposed District and shall hold a public hearing in order to provide an opportunity for owners, residents or other taxpayers of the City of Lansing to appear and be heard regarding the establishment of the District and that such notice was given and said public hearing was held on January 10, 2022;

NOW THEREFORE BE IT RESOLVED that the following property are hereby approved and established as an Obsolete Property Rehabilitation District as provided by Public Act 146 of 2000 legally described as:

Lots 25 and 26, Board of State Auditor's Subdivision of the East one-half of Block 115, Original Plat, City of Lansing, Ingham County, Michigan, according to the recorded plat thereof, as recorded in Liber 1 of Plats, Page 26, Ingham County Records, Parcel Number: 33-01-01-16-328-062; and

BE IT FINALLY RESOLVED that this resolution shall not be construed as the City Council's approval of any future application for an Obsolete Property Rehabilitation Exemption Certificate for the Developer or any other applicant.

By Council Member Garza

Motion Carried

Resolution #2022-037

By the Committee on City Operations
Resolved by the City Council of the City of Lansing

WHEREAS, Todd & Sandra Dowrick sought to eliminate a special assessment of \$490 for trash and debris removal fees, associated penalties and interest, on the property tax bill for 1032 Clear Street (ID #33-01-01-21-253-055); and

WHEREAS, upon filing a claim to the Committee on City Operations, the Committee met on February 1, 2022, and denied the claim in the amount of \$490.

THEREFORE, BE IT RESOLVED, the City Council, hereby denies the claim in the amount of \$490 for trash and debris removal fees, associated penalties and interest on the property tax bill for 1032 Clear Street (Tax ID #33-01-01-21-253-055).

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

By Council Member Spitzley

Motion Carried

Resolution #2022-038

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 #80
Pleasant Grove & Holmes Development 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 2130 W. Holmes Road 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, the brownfield plan is available for public inspection at the Lansing Economic Area Partnership, 1000 South Washington, Suite 201, Lansing, MI 48910, 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 February 28, 2022 at 7:00 p.m. on Brownfield Plan #80 – Pleasant Grove & Holmes Mixed-Use Development Project under the Brownfield Redevelopment Financing Act, for property more particularly described as:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 29, THENCE EAST 283 FEET, NORTH 214.5 FEET, EAST 267 FEET, NORTH 247.5 FEET, WEST 550 FEET TO THE WEST SECTION LINE, SOUTH 462 FEET TO BEGINNING, SECTION 26, TOWN 4 NORTH, RANGE 2 WEST
Tax Parcel No. 33-01-01-29-305-122

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 #80 – Pleasant Grove & Holmes Mixed-Use Development Project and the scheduled public hearing.

By Council Member Garza

Motion Carried

Resolution #2022-039

By the Committee on Development and Planning
Resolved by the City Council of the City of Lansing

WHEREAS the City is the owner of property commonly known as 1020 W. Hillsdale Street, and further legally described below; and

WHEREAS the City has received an offer to purchase from Gryphon Group, LLC, the details of which are contained in a proposed Purchase Agreement which was placed on file with the Lansing City Clerk on December 20, 2021.

THEREFORE BE IT RESOLVED by the City Council of the City of Lansing that a public hearing be set for Monday, February 28, 2022, at 7 p.m. in the Tony Benavides Lansing City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing:

Act-1-2022: Sale of 1020 W. Hillsdale, described as: West 20 FT Lot 7, All of Lots 8, 9, 10, 13, 14 and 15, Also Lots 11 and 12 excluding used as Street ROW; Block 8 Bush, Butler and Sparrow Add.

By Council Member Garza

Motion Carried

Resolution #2022-040

By the Committee on Public Safety
Resolved by the City Council of the City of Lansing

WHEREAS, the Lansing Code Compliance Officer has declared a certain structure at 2131 Pleasant View Ave. Parcel # 33-01-01-32-151-001, legally described as: OUTLOT A MID-STATE REPLAT LOT 4 & LOT 37 PLEASANT VIEW, CITY OF LANSING, to be an unsafe and dangerous building and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, the Code Compliance Officer red tagged the said structure on December 3, 2019, and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on October 28, 2021, the Lansing Demolition Board held a meeting to consider and make a recommendation on whether to declare the structure a dangerous building, as defined in the Housing Law of Michigan (MCLA 125.539) and the Lansing Housing and Property Maintenance Code (Ord. 1460.01, et seq.), and ordered the property owner to make safe or demolish the structure by December 28, 2021; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board officer has not occurred; and

WHEREAS, the Housing Law of Michigan and the Lansing Codified Ordinances require that a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe;

NOW, THEREFORE, BE IT RESOLVED that a show cause hearing for Monday, February 28, 2022 at 7:00 p.m. in Tony Benavides Lansing City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan in consideration of the finding and order of the Lansing Demolition Hearing Board Officer regarding the structure at 2131 Pleasant View Avenue, as legally described above, to give the owner, or the owner's agent, the opportunity to appear and show cause why the building should not be demolished or otherwise made safe; and to approve, disapprove, or modify the order of the hearing officer to demolish or make safe the subject structure.

BE IT FINALLY RESOLVED that the Lansing City Council requests that the Code Compliance Officer notify the owner of said property of the opportunity to appear and present testimony at the hearing, as required by law.

By Vice President Wood

Motion Carried

Resolution #2022-041

By the Committee on City Operations
Resolved by the City Council of the City of Lansing

WHEREAS, the City of Lansing has reviewed the proposed special assessment boundaries set by Resolutions 2016-202 and 2017-047; and

WHEREAS, the City of Lansing has reviewed the services provided within those boundaries and the cost incurred between March 31, 2021 and November 31, 2021, by the City totals \$21,807.00.

NOW, THEREFORE, BE IT RESOLVED, that the Glenburne Commons special assessment district is hereby confirmed by City Council to include all of the parcels within these subdivisions, excluding unoccupied units:

Glenburne Subdivision
Glenburne Subdivision No. 2
Glenburne Subdivision No. 3
Glenburne Subdivision No. 4
Glenburne Subdivision No. 5
Part of the North ½ and South East ¼ of Section 36, T4N, R3W
City of Lansing, Eaton County, Michigan

BE IT FURTHER RESOLVED, that the Glenburne Commons improvement be supported by a special assessment of improvement costs against the properties which are especially benefitted as follows: \$47.82 per occupied parcel for the 2021 maintenance costs;

BE IT FURTHER RESOLVED, that the cost and expense of plans and assessments incidental to this preparation of the assessment and the roll, and for providing notices shall be included in the expense of the assessment;

BE IT FURTHER RESOLVED, that the Glenburne Commons assessment roll No. GB-2021, compiled by the City Assessor is attached and incorporated herein, and, presented and accepted by City Council with this resolution;

BE IT FURTHER RESOLVED, that a public hearing be held Monday, February 28, 2022, at 7 p.m. in the Tony Benavides Lansing City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, to consider the establishment of the Glenburne Commons District Special Assessment Roll GB-2021;

BE IT FINALLY RESOLVED, that notice to the affected owners of the properties in said district be given in accordance with Chapter 1026 of the Lansing Code of Ordinances.

By Council Member Spitzley to adopt a substitute for the Resolution

Motion Carried

By Council Member Spitzley to adopt the Resolution as substituted

Motion Carried

Resolution #2022-042

By the Committee on Public Safety
Resolved by the City Council of the City of Lansing

WHEREAS, the City of Lansing is located in the counties of Ingham, Clinton, and Eaton; and

WHEREAS, Eaton County is considering an ordinance that would allow Off Road Vehicles (ORVs) to operate on certain roads in Eaton County; and

WHEREAS, while the proposed ordinance would not allow ORVs to operate on City of Lansing roads in Eaton County, Lansing City Council has concerns surrounding the impact that permitting ORVs to operate on certain roads in Eaton County would have on the City of Lansing; and

WHEREAS, the boundaries between Ingham and Eaton County, and the City of Lansing and neighboring jurisdictions in particular, can be difficult to discern for a member of the public traveling on the roadways; and

WHEREAS, the City of Lansing has been experiencing increased instances of ORV traffic on City roads; and

WHEREAS, the Lansing Police Department has shared concerns with ORV operators on City of Lansing roads, and the danger they may present to other motorists and pedestrian traffic; and

WHEREAS, the proposed Eaton County Ordinance would permit persons as young as 12 years of age to operate an ORV on approved county roads; and

WHEREAS, the Mayor has also shared his concerns and opposition to the proposed ORV ordinance to the Eaton County Board of Commissioners via letter dated October 15, 2021.

WHEREAS, the Eaton County Board of Commissioners has scheduled a public hearing on the proposed ORV ordinance to be held on February 16, 2022.

NOW, THEREFORE BE IT RESOLVED, that Lansing City Council hereby opposes the Eaton County Ordinance that would permit ORVs to be operated on certain roads within Eaton County;

BE IT FURTHER RESOLVED, that Lansing City Council specifically is concerned about the proposed Eaton County ORVs ordinance, and its potential to increase ORV traffic on City of Lansing roads, including ORV operators traveling from the City of Lansing to Eaton County permitted roads for operating ORVs.

BE IT FURTHER RESOLVED, that the Lansing City Council is also concerned about the proposed ORV ordinance and its authorization for persons 12 years old and older to operate an ORV;

BE IT FURTHER RESOLVED, that the Lansing City Council hereby echoes the concerns expressed in the Mayor's letter to the Eaton County Board of Commissioners.

BE IT FINALLY RESOLVED that upon passage of this Resolution, the City Clerk shall forward same to the Eaton County Board of Commissioners, and request that it be added to the record of public comment for the scheduled public hearing on the proposed ordinance on February 16, 2022.

By Vice President Wood

Motion Carried with Council Member Jackson voting nay

Resolution #2022-043

By Council Member Garza

Resolved by the City Council of the City of Lansing

Resolved by the City Council of the City of Lansing that a second public hearing be set for Monday, March 14, 2022, at 7 p.m. in the Tony Benavides Lansing City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Petition for Special Land Use:

SLU-2-2021: 5411 Wise Road (Parcel #: 33-01-05-06-251-021), Special Land Use Permit, Electrical Substation in "R-2" Suburban Detached Residential Zoning District

By Council Member Garza

Motion Carried

Reports From Council Committees

Ordinances for Introduction

Introduction of Ordinance

Council Member Jackson introduced:

An ordinance of the City of Lansing, Michigan, to amend the Lansing Codified Ordinances by adding Chapter 256, Sections 256.01 -256.03 to create the Diversity, Equity, and Inclusion (DEI) Advisory Board; to provide for its composition and function; and to define its duties.

The Ordinance is referred to the Committee on Equity Diversity and Inclusion

Resolution #2022-044

By the Committee on Equity Diversity and Inclusion

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 February 28, 2022 at 7 p.m. in Tony Benavides Lansing City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, to amend the Lansing Codified Ordinances by adding Chapter 256, Sections 256.011- 256.03 to create the Diversity, Equity and Inclusion (DEI) Advisory Board; to provide for its composition and function; and to define its duties.

By Council Member Jackson

Motion Carried

Speaker Registration for Public Comment on City Government Related Matters

City Clerk Swope announced that the public comment registration form(s) for those intending to address Council on City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

Reports From City Officers, Boards, and Commissions; Communications and Petitions; and Other City Related Matters

By Vice President Wood that all items be considered as being read in full and that President Hussain make the appropriate referrals

Motion Carried

- Reports from City Officers, Boards and Commissions:

Letter(s) from the City Clerk re:

Minutes of Boards and Commissions placed on file in the Clerk's Office

Placed on file

Liquor License; Lansing Hotel Investors LLC for a SDM and B-Hotel License with Additional Bars, Dance, and Entertainment, Sunday Sales (PM), and Direction Connections Permits for 111 N. Grand Avenue

Referred to Committee on City Operations

Liquor License; RBM Properties LLC for a New Class C license for 224 South Washington Square
Referred to Committee on City Operations

Fiscal Year 2021-2022 Vacancy Positions Report and General Fund Status Report Second Quarter
Referred to the Committee of the Whole

Letter(s) from the Mayor re:

Setting a Public Hearing in consideration of amending Chapter 696, Section 696.07, to provide requirements for owners of firearms to report the theft thereof and provide penalties for failure to make a report
Referred to the Committee on Public Safety

Amend Chapter 696, Section 696.07, to provide requirements for owners of firearms to report the theft thereof and provide penalties for failure to make a report
Referred to the Committee on Public Safety

Fees; Non-Residential Tennis Fee Increase
Referred to the Committee on Ways and Means

Greater Lansing Regional Committee for Stormwater Management Memorandum of Agreement
Referred to the Committee on City Operations

Appointment; Benjamin Brewer as a Resident Member of the Saginaw Street Corridor Improvement Authority Board of Directors for a term to expire June 30, 2024
Referred to the Committee on Development and Planning

LS-1-2022; Lot Split Application to divide the vacant property located between 3220 and 3330 W. Miller Road
Referred to the Committee on Development and Planning

LS-2-2022; Lot Split Application to divide the vacant property located between 5000 and 5022 Christiansen Road
Referred to the Committee on Development and Planning

Appointment; Abigail Klomprens as the 4th Ward member of the Human Relations and Community Services Advisory Board for a term to expire June 30, 2024
Referred to the Committee on City Operations

Appointment; Clara Martinez as the 1st Ward member of the Arts and Culture Commission for a term to expire June 30, 2022
Referred to the Committee on City Operations

Appointment; Brian Baer as a City of Lansing member of the Capital Area District Library Board for a term to expire April 15, 2022
Referred to the Committee on City Operations

Sole Source Purchase; Finance Department request for Plante Moran as the vendor for the purchase of consulting services for assistance with Federal E Filings and Print/Mail Service
Referred to the Committee on Ways and Means

Collective Bargaining Agreement; United Auto Workers Local 2256 Memorandum of Understanding regarding Extension of Voluntary Opt-In Deadline for the Healthcare Saving Plan
Referred to the Committee of the Whole

- Communications and Petitions, and Other City Related Matters:

Affidavit of Disclosure; Lucianna Solis, Mayor's Office
Referred to the Board of Ethics

Notice from the Michigan Liquor Control Commission; Batter Up, LLC request for the new Non-Transferable Class C License issued under MCL 436.1521(A)(1)(B), Downtown Development Authority License and a Non-Transferable new SDM License under MCL 436.1533(5)(A) (RID # RQ-2110-18571)
Referred to the Committee on City Operations

Motion of Excused Absence

By Council Member Brown to excuse Council Member Spadafore from tonight's proceedings.

Motion Carried

Remarks by Council Members

Council Member Jackson wished everyone a Happy Valentine's Day and a Happy Eighth Anniversary to his wife Arielle Jackson.

Public Comment on City Government Related Matters

John Pavlik spoke about crime in South Lansing.

Adjourned Time 8:41 P.M.

A handwritten signature in black ink that reads "Chris Swope". The signature is written in a cursive, flowing style. Below the signature is a solid black horizontal line.

Chris Swope, City Clerk