



**Official Proceedings of the City Council  
City of Lansing  
December 5, 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 7:22 p.m. by President Hussain

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

ABSENT: None

A quorum was present.

Mayor Schor asked people to remember Bishop David Maxwell, who recently passed away. Vice President Wood asked people to remember Claude Beavers, who recently passed away. The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Hussain

**Special Ceremonies**

Appointment of Dr. Thomas Woods as an At-Large member of the Human Relations and Community Services Advisory Board for a term to expire June 30, 2025.

**Resolution #2022-293**

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

WHEREAS, the Mayor has made the appointment of Dr. Thomas Woods as an At-Large member of the Human Relations and Community Services Advisory Board 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 November 15, 2022 and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Dr. Thomas Woods as an At-Large member of the Human Relations and Community Services Advisory Board for a term to expire June 30, 2025.

By Council Member Spitzley

Motion Carried

City Clerk Swope administered the Oath of Office to Dr. Thomas Woods as a member of the Park Board.

Appointment of Karl Dorshimer as an At-Large Member of the Next Michigan Development Corporation Board for a term to expire April 15, 2024.

**Resolution #2022-294**

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 Karl Dorshimer as an At-Large member of the Next Michigan Development Corporation Board for a term to expire April 15, 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 Development and Planning met on November 16, 2022 and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Karl Dorshimer as an At-Large member of the Next Michigan Development Corporation Board for a term to expire April 15, 2024.

By Council Member Spitzley

Motion Carried

City Clerk Swope administered the Oath of Office to Karl Dorshimer as a member of the Next Michigan Development Corporation Board.

### **Comments by Council Members and the City Clerk**

President Hussain gave a reminder there will not be a Constituent Contact Meeting in December, and that the next meeting will be in January. He also announced the upcoming Southwest Action Group meeting. The Southwest Action Group will also be holding a Holiday in the Square event being held at the Town Square.

City Clerk Swope announced the partial statewide recount of Proposal 3.

### **Community Event Announcements**

Loretta Stanaway spoke about the open house celebrating the Cemetery Courtesy Office's third anniversary.

Claretta Duckett-Freeman spoke about the Meet Black Santa event and toy raffle being held at Willow Tree Family Center.

### **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 congratulated those who were elected to the City's legislative delegation. He also gave a reminder that yard waste collection dates have passed, acknowledged a milestone passed by the 311 Call Center, thanked those involved with the Shop with a Cop event, and congratulated A Novel Concept on their grand opening. He also thanked Pastor and First Lady Trice for their work, Dave Holland at the Auto Care Center for his holiday event, those involved in the Lansing Save night, and attendees of the Hispanic Symposium. He announced that the Eastside Neighborhood Organization is having a holiday party, the Lansing Area AIDS Network is holding a Holiday Gala, the Lansing Area Safety Network has a ribbon cutting, the Red Cedar Lodge Senior Housing has a ribbon cutting and open house, and the Red Cedar has a grand opening party.

### **Public Comment on Legislative Matters**

Legislative Matters included the following public hearings:

Ordinance adding Chapter 291 to establish the HUD conflict of interest policy

Public Act 425 Agreement; Windsor Township

South Martin Luther King Jr. Boulevard Corridor Improvement Authority Development and Finance Plan

Vice President Wood and Council Member Spitzley gave an overview of the public hearings.

#### Public Comment on Legislative Matters:

Michael Lynn spoke about the ARP Allocation Plan.

Jody Washington spoke about the ARP Allocation Plan.

Brad Krabel spoke about the 425 Agreement.

Jennifer Estill spoke about the Ovation Performing Arts Center.

Loretta Stanaway spoke about the OPRAs and Brownfields.

Erica Lynn spoke about the ARP Allocation Plan.

City Clerk Swope acknowledged written communications.

### **Legislative Matters**

#### **Referral of Public Hearings**

Ordinance adding Chapter 291 to establish the HUD conflict of interest policy  
Referred to the Committee of the Whole

Public Act 425 Agreement; Windsor Township  
Referred to the Committee of the Whole

South Martin Luther King Jr. Boulevard Corridor Improvement Authority Development and Finance Plan  
Referred to the Committee of the Whole

**Consent Agenda**

By Vice President Wood

To approve all remaining items on the Consent Agenda

Motion Carried

**Resolution #2022-295**

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

WHEREAS, the Mayor has made the reappointment of Shirley Carter-Powell as an At-Large member of the Arts and Culture Commission for a term to expire June 30, 2026; 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 November 15, 2022 and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Shirley Carter-Powell as an At-Large member of the Arts and Culture Commission for a term to expire June 30, 2026.

Adopted as part of the Consent Agenda

**Resolution #2022-296**

By the Committee of the Whole  
Resolved by the City Council of the City of Lansing

WHEREAS, the Mayor has made the reappointment of Jennie Gies as a City of Lansing member of the Capital Area Transportation Authority Board for a term to expire September 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 of the Whole met on December 5, 2022 and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Jennie Gies as a City of Lansing member of the Capital Area Transportation Authority Board for a term to expire September 30, 2025.

Adopted as part of the Consent Agenda

**Resolution #2022-297**

By the Committee of the Whole  
Resolved by the City Council of the City of Lansing

WHEREAS, the City of Lansing and the Capitol City Labor Program Inc., Non-Supervisory Unit have negotiated a collective bargaining agreement (the "CBA") for the period covering July 1, 2022 through June 30, 2026, which is summarized in the Tentative Agreement Document approved by the parties ("Tentative Agreement") and which contains the changes to the prior CBA; and

WHEREAS, the Union membership ratified this agreement on November 21, 2022; and

WHEREAS, the Mayor recommends the CBA, as summarized in the Tentative Agreement, be approved;

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby ratifies the Tentative Agreement of the parties for the CBA between the City of Lansing and the Union, Capitol City Labor Program Inc., Non-Supervisory Unit for the period covering July 1, 2022 through June 30, 2026.

Adopted as part of the Consent Agenda

**Resolution #2022-298**

By the Committee of the Whole  
Resolved by the City Council of the City of Lansing

WHEREAS, the City of Lansing and the Lansing City Unit, Local 2256 of the United Auto Workers have negotiated a collective bargaining agreement (the "CBA") for the period covering October 1, 2022 through September 30, 2026, which is summarized in the Tentative Agreement Document approved by the parties ("Tentative Agreement") and which contains the changes to the prior CBA; and

WHEREAS, the Union membership ratified this agreement on November 30, 2022; and

WHEREAS, the Mayor recommends the CBA, as summarized in the Tentative Agreement, be approved;

NOW, THEREFORE BE IT RESOLVED, that the City Council hereby ratifies the Tentative Agreement of the parties for the CBA between the City of

Lansing and the Lansing City Unit, Local 2256 of the United Auto Workers for the period covering October 1, 2022 through September 30, 2026.

Adopted as part of the Consent Agenda

**Resolution #2022-299**

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

**RESOLUTION APPROVING BROWNFIELD PLAN #83  
MONEYBALL BROWNFIELD REDEVELOPMENT PROJECT**

WHEREAS, the Brownfield Redevelopment Authority (the 'Authority') of the City of Lansing, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act, Public Act 381 of 1996, as amended, (the 'Act') has prepared a Brownfield Plan, submitted to Council and placed on file in the office of City Clerk, LBRA Brownfield Plan #83 – Moneyball Brownfield Redevelopment Project (the 'Plan'); and

WHEREAS, a public hearing was held by the Lansing City Council on November 14, 2022 and at least 10 days before the public hearing the taxing jurisdictions were provided notice to be fully informed about the fiscal and economic implications of the proposed Plan and given a reasonable opportunity to express their views and recommendations regarding the Plan in accordance with Section 13 (10) and 14(1) of the Act; and

WHEREAS, the Lansing City Council, before and during its public hearing on November 14, 2022 reviewed testimony and evidence regarding the Plan, and found that:

1. the Plan provides for the reimbursement of costs attributable to eligible activities to the developer and the Authority,
2. the Project includes, in addition to the eligible activities identified in the Plan, the redevelopment of the property,
3. the Project may result in new private investment of approximately \$874,000.
4. the Plan provides for the capture of property tax increment revenues due to the private investment on the site, and devotes them to repaying the Authority for its costs associated with eligible activities it performs, and to repaying the developer for their costs associated with eligible activities they perform, in accordance with the Plan,

WHEREAS, the Authority Board of Directors, at its meeting on October 7, 2022, recommended approval of the Plan, for this Project; and

WHEREAS, the City of Lansing Department of Economic Development and Planning has determined the proposed Project is consistent with local development and redevelopment plans and zoning ordinances, and

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, after having duly considered the Plan, finds it is in compliance with the provisions of the Act and further finds:

- The Plan constitutes a public purpose under the Act;
- The Plan meets all of the requirements for a Brownfield Plan set forth in Section 13 of the Act;
- The proposed method of financing the costs of the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing;
- The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act; and
- The amount of the captured taxable value estimated to result from the adoption of the Plan is reasonable; and
- The proposed project is consistent with local development and redevelopment plans and zoning ordinances as has also been determined by the City of Lansing Department of Economic Development and Planning.

BE IT FINALLY RESOLVED that the Lansing City Council hereby approves the LBRA 'Brownfield Plan #83 – Moneyball Brownfield Redevelopment Project'.

Adopted as part of the Consent Agenda

**Resolution #2022-300**

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 1703, 1717, and 1723 E. Michigan Avenue, 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, Michigan Certified Development Corporation, 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 properties commonly known as 1703, 1717, and 1723 E. Michigan

Avenue, Lansing, Michigan; 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 November 14, 2022.

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

LOTS 4, 5, 6 & 7, ALSO ENTIRE VAC ALLEY LYING ACROSS THIS BLOCK BLOCK 6 RUMSEYS MICHIGAN AVENUE ADD, 33-01-01-15-280-042; LOT 4 ASSESSORS PLAT NO 35, 33-01-01-15-280-071; LOT 3 ASSESSORS PLAT NO 35, 33-01-01-15-280-081, 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.

Adopted as part of the Consent Agenda

**Resolution #2022-301**

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

Resolution to Approve an Obsolete Property Rehabilitation Act Certificate Transfer  
221 West Saginaw Street

WHEREAS, pursuant to the Michigan Obsolete Property Rehabilitation Act, being Public Act 146 of 2000 (PA 146 of 2000), M3 Group, LLC has filed an application for the transfer of an Obsolete Property Rehabilitation Exemption Certificate (OPRA Certificate) with the Lansing City Clerk, for the property at 221 W. Saginaw St. Lansing, Michigan (Property); and

WHEREAS, M3 Group, LLC (the Applicant) recently acquired the Property; and

WHEREAS, the Property is located within an Obsolete Property Rehabilitation District legally established by resolution adopted November 28, 2016, after a public hearing was held on November 14, 2016, as provided by section 3 of PA 146 of 2000; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of property already exempt under Public Act 146 of 2000 and under Public Act 198 of 1974 (IFT's) does not exceed 5% of the total taxable value of the City of Lansing; and

WHEREAS, an Obsolete Property Rehabilitation Act Certificate by Motion Properties was approved by resolution adopted on November 28, 2016 after a public hearing was held on November 14, 2016, as provided by PA 146 of 2000; and

WHEREAS, an Obsolete Property Rehabilitation Act Certificate was issued by the State Tax Commission to Motion Properties for the 221 W. Saginaw St. property on June 6, 2017 for a period of 12 years, ending December 30, 2029; and

WHEREAS, Motion Properties completed a rehabilitation program for Property which constitutes a rehabilitated facility within the meaning of Public Act 146 of 2000 and is situated within an Obsolete Property Rehabilitation District established in the City of Lansing eligible under Public Act 146 of 2000 to establish such a district; and

WHEREAS, the Applicant requests the existing Obsolete Property Rehabilitation Act Certificate be transferred from the previous owner, Motion Properties, to the current owner, M3 Group, LLC; and

WHEREAS, the application is for the remaining period of the OPRA Certificate and under no circumstances or criteria will an extension of the exemption be considered; and

WHEREAS, M3 Group, LLC has been certified in writing by the City of Lansing Treasurer to be not delinquent in any taxes related to the facility; and

WHEREAS, the Applicant has provided answers to all required questions under the application instructions to the City of Lansing; and

WHEREAS, completion of the rehabilitated facility is calculated to, and will at the time of issuance of the certificate, have the reasonable likelihood to, increase commercial activity, revitalize urban areas, create employment, retain employment, and increase the number of residents in the community in which the facility is situated; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of Public Act 146 of 2000.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby grants an Obsolete Property Rehabilitation Exemption Transfer for the real property, excluding land, located in an Obsolete Property Rehabilitation District at property located at 221 W. Saginaw St., Lansing, Michigan, legally described as LOT 8 & N 1 R LOT 7 BLOCK 63 ORIG PLAT, Tax Parcel Number Parcel Number: 33-01-01-16-127-001.

BE IT FINALLY RESOLVED that the City Clerk shall cause the Application for Obsolete Property Rehabilitation Certificate to be completed, including the "Clerk Certification" and shall file the completed application, together with a certified copy of this resolution with the State Tax Commission.

Adopted as part of the Consent Agenda

### Resolutions

#### Resolution #2022-302

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

WHEREAS, the Code Compliance Officer has determined that the building located at 304 REGENT ST., Parcel # 33-01-01-15-429-401 legally described as N 34 FT LOT 19 BLOCK 2 HUDSONS ADD., City of Lansing, is an unsafe or dangerous building as defined in Section 108.1 of the International Property Maintenance Code as adopted by Lansing Codified Ordinance 1460.01, and the Housing Law of Michigan, and the building was red tagged on January 10, 2018, and again on August 14, 2021; and

WHEREAS, a hearing was held by the Lansing Demolition Board on August 25, 2022, at which the Hearing Officer determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by September 24, 2022; and

WHEREAS, said Hearing Officer filed a report of their findings and order with the City Council and requested the City Council to take appropriate action under the Lansing Codified Ordinances and the Housing Law of Michigan; and

WHEREAS, the Housing Law of Michigan and Lansing Codified Ordinances require 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; and

WHEREAS, the City Council held a public show cause hearing on November 14, 2022, to review the findings and the order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board Officer has not occurred.

NOW, THEREFORE, BE IT RESOLVED that the owner(s) of 304 Regent Street, as legally described above, are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within 30 days from the date of this resolution, December 5, 2022.

BE IT FURTHER RESOLVED that the property owner(s) is hereby notified that this order must be appealed within twenty days pursuant to MCL 125.542 and should the owners fail to comply with the Hearing Officers' order for demolition or make safe, the Code Compliance Officer is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED, whether demolition is accomplished by said property owner or the City, that appropriate seeding and restoration of property take place to avoid run-off to adjacent properties.

BE IT FURTHER RESOLVED that if the demolition is accomplished by the City, the cost of such demolition shall be a lien against the real property and shall be reported to the City Assessor.

BE IT FINALLY RESOLVED that the owners in whose name the property appears upon the last local tax assessment record shall be notified by the City Assessor of the amount of such cost by first class mail at the address shown on the records. Upon the owner's failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the amount of said costs shall be a lien and shall be filed and recovered as provided by law and the lien shall be collected and treated in the same manner as provided for property tax liens under the general property tax act.

By Vice President Wood

Motion Carried

#### Resolution #2022-303

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 4580 SEAWAY DR., Parcel # 23-50-40-36-407-011, legally described as: LOT 137 GLENBURNE NO 2, 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 May 7, 2021 and requested the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on September 22, 2022, 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 October 22, 2022; 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, December 12, 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 4580 Seaway Drive, 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(s) 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 #2022-304**

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, January 9, 2023, 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 request for a special land use permit:

SLU-1-2022: 109 E. Randolph Street, Special Land Use permit authorizing a 20-bed, state-licensed adult foster care, large group home for the aged

By Council Member Spitzley

Motion Carried

**Resolution #2022-305**

By the Committee of the Whole  
Resolved by the City Council of the City of Lansing

WHEREAS, the City of Lansing is the owner of real property commonly known as the "Lot 48 Richfield Park Sub" (the "Property") of North Cemetery located at 845 E. Miller Rd, Lansing, Michigan and legally described as:

LOT 48 RICHFIELD PARK, A SUBDIVISION OF A PART OF THE SW 1/4 OF SECTION 3, T3N, R3W, CITY OF LANSING, COUNTY OF INGHAM, STATE OF MICHIGAN, SUBJECT TO ALL BUILDING, USE AND OTHER RESTRICTIONS OF RECORD; and

WHEREAS, sale of the Property is in the best interest of the City because the City will no longer incur the expenses associated with maintaining the Property; and

WHEREAS, the electors of the City of Lansing on the August 2, 2022 ballot voted and approved to sell the property commonly known as "Lot 48 Richfield Park Sub" of North Cemetery currently located on the parcel of property located at 845 E. Miller Rd. in Lansing; and

WHEREAS, the City published a Request for Proposal, RFP/23/026, to purchase the Lot 48 Richfield Park Sub" of North Cemetery on September 26, 2022 which generated one (1) proposal; and

WHEREAS, the proposal that was best able to comply with the terms of the Request for Proposal was received from VMG Construction whose address is 6081 S. MLK Jr. Blvd. Lansing, Michigan, for purchase in the amount of Eight Thousand Five Hundred Dollars (\$8,500.00), subject to the terms of the Request for Proposal, the proceeds of which will go towards upgrading North Cemetery; and

WHEREAS, the offer for this property was higher than the August 9, 2021, appraised value of Eight Thousand Dollars (\$8,000.00); and

NOW, THEREFORE, BE IT RESOLVED, the Lansing City Council approves acceptance of the offer by VMG Construction for the City of Lansing.

BE IT FURTHER RESOLVED, the Lansing City Council approves the sale of the Property, legally described as:

LOT 48 RICHFIELD PARK, A SUBDIVISION OF A PART OF THE SW 1/4 OF SECTION 3, T3N, R3W, CITY OF LANSING, COUNTY OF INGHAM, STATE OF MICHIGAN, SUBJECT TO ALL BUILDING, USE AND OTHER RESTRICTIONS OF RECORD.

For the sum of Eight Thousand Five Hundred Dollars (\$8,500.00), to VMG Construction.

BE IT FINALLY RESOLVED, the Administration, on behalf of the City, is hereby authorized to sign and execute all documents, receive the funds, create the necessary accounts, and make necessary transfers for their administration in accordance with the requirements of the grantor to effectuate this transaction, subject to their prior approval as to content and form by the City Attorney.

By Vice President Wood

Motion Carried

**Resolution #2022-306**

By the Committee of the Whole

Resolved by the City Council of the City of Lansing

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) requires that the City of Lansing submit a substantial amendment to its FY 2021 Annual Action Plan in order to receive HOME ARP (American Rescue Plan) funds of \$2,784,822 through the submission of a HOME ARP Allocation Plan; and

WHEREAS, this award will give the City of Lansing a significant resource to address the needs of Qualifying Populations by creating affordable housing or non-congregate shelter units, providing tenant based rental assistance (TBRA), or supportive services; and

WHEREAS, these funds will be used to help the following Qualifying Populations: homeless, at-risk of homelessness, those fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking or human trafficking, other populations where providing assistance would prevent the family from becoming homeless or would serve those with the greatest risk of housing stability, Veterans and families that include a veteran family member that meet one of the preceding criteria; and

WHEREAS, the City of Lansing must follow, as with other planning documents, its consultation and public participation process to develop a HOME ARP Allocation Plan that meets the requirements as established in HUD Notice CPD-21-10; and

WHEREAS, pursuant to program requirements, the city has conducted a consultation and citizen participation and open review process which has included meetings a public hearing and provided the 15-day comment period; and

WHEREAS, the City has further promoted participation, input and review in the process by conducting two (2) separate virtual consultation meetings on September 15, 2022 before the Continuum of Care and September 16, 2022 before other community stakeholders serving the Qualifying Populations on the proposed use of the HOME ARP funds; and

WHEREAS, the City did also initiate and carry out the required fifteen (15) day public comment period on the proposed HOME ARP Allocation Plan by publishing a notice in the Lansing City Pulse on October 26, 2022; and

WHEREAS, a public hearing was held before the Lansing City Council on November 14th, 2022 to again receive citizen comments and recommendations and to give final review to HOME ARP Allocation Plan; and

WHEREAS, Federal regulations require the City to make certain certifications and assurances to HUD as a part of the HOME ARP Allocation Plan;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lansing adopts the substantial amendment to the City of Lansing's FY2021 Annual Action Plan for the submission of the HOME ARP Allocation Plan, as proposed by the Committee of the Whole; and

BE IT FURTHER RESOLVED that the Mayor, as the City's Chief Executive Officer, or his designee is hereby authorized to sign any required documents, including all understandings, assurances and certifications contained therein, and to submit the substantial amendment to the Department of Housing and Urban Development; and

BE IT FINALLY RESOLVED that the Mayor or his designee is authorized, as the official representative of the City of Lansing, to set-up budget line items, provide any and all information, to act in connection with the application and to execute all agreements, contracts and legal documents, including the agreement between the City and the Department of Housing and Urban Development, to secure HOME ARP funding and implement the programs.

By Vice President Wood

Motion Carried with Council Members Daniels and Wood voting nay

**Resolution #2022-307**

By the Committee of the Whole

Resolved by the City Council of the City of Lansing

WHEREAS, the City Council of the City of Lansing deems it advisable and necessary to provide for the acquisition, construction, operation, and maintenance of a public media center and arts and cultural performance venue, and appurtenant properties and facilities therefor; and

WHEREAS, Act 31 of the Public Acts of Michigan 1948 (First Extra Session), as amended ("Act 31") enables a City to incorporate one or more authorities for the purpose of acquiring, furnishing, equipping, owning, improving, enlarging, operating, and maintaining buildings, automobile parking lots or structures, transit-oriented developments, transit-oriented facilities, recreational facilities, stadiums, and the necessary site or sites therefor, together with appurtenant properties and facilities necessary or convenient for the effective use thereof, for use for any legitimate public purpose of the City; and

WHEREAS, the City Council deems it advisable and necessary and in the best interest of the City to create and establish an Authority under the provisions of Act 31, for the purpose of accomplishing the aforesaid, to be designated the Lansing Public Media Authority; and

WHEREAS, Articles of Incorporation for the proposed Lansing Public Media Authority under Act 31 have been reviewed by the City Council;

NOW THEREFORE BE IT RESOLVED THAT:

1. The attached Articles of Incorporation of the Lansing Public Media Authority are hereby approved and adopted.
2. The Mayor and City Clerk of the City are hereby authorized and directed to execute the Articles of Incorporation of the Lansing Public Media Authority for and on behalf of the City.
3. The City Clerk shall cause a copy of the Articles of Incorporation of the Lansing Public Media Authority or a summary of the Articles to be published once in a newspaper circulated within the City as provided in Act 31, such publication to be accompanied by a notice that valid incorporation of the Lansing Public Media Authority shall be conclusively presumed unless questioned in a court of competent jurisdiction as provided in Act 31.
4. The City Clerk shall file a certified copy of the executed Articles of Incorporation of the Authority with the County Clerks of the Counties of Ingham and Eaton, and the Secretary of State of the State of Michigan, together with a certificate stating the date and newspaper of publication of the Articles of Incorporation. The City Clerk is hereby authorized and directed to file the originally executed Articles of Incorporation with the recording secretary of the Authority, when selected, and to take such steps as are necessary under the provisions of State law to perfect the Articles of Incorporation of said authority.
5. All other resolutions and parts of resolutions in so far as they conflict with the provisions of this Resolution are hereby rescinded.

By Vice President Wood

Motion Carried with Council Members Spitzley and Wood voting nay

**Resolution #2022-308**

By the Committee of the Whole  
Resolved by the City Council of the City of Lansing

City of Lansing  
Counties of Ingham and Eaton, State of Michigan

**RESOLUTION AUTHORIZING ISSUANCE AND SALE OF  
LIMITED TAX GENERAL OBLIGATION BONDS**

**A RESOLUTION TO APPROVE:**

- ☐ Up to \$20,000,000 of Limited Tax General Obligation Bonds to finance lawful capital improvement needs of the City;
- ☐ Sale of Bonds in one or more series;
- ☐ Pledge of City's full faith and credit for the payment of the Bonds;
- ☐ Authorized Officers to sell Bonds without further Council action;
- ☐ Rating application, official statement, and continuing disclosure; and
- ☐ Other matters necessary to sell and deliver the Bonds.

**WHEREAS**, the City, a municipal corporation of the State, has been duly created under the provisions of Act 279, pursuant to which the City has the comprehensive home rule power conferred upon it by Act 279 and the Constitution, subject only to the limitations on the exercise of that power contained in the Constitution, by statute of the State or by provisions of the Charter; and

**WHEREAS**, the City determines it to be necessary for the public health, safety and welfare of the City and its residents to acquire and construct within the City certain capital improvements, including a public media and performing arts center, with parking and other necessary appurtenances and infrastructure (collectively, the "Capital Improvements"); and

**WHEREAS**, under the provisions of Section 517 of Act 34 a City may issue municipal securities to pay the cost of any capital improvement items within the limitations provided by law; and

**WHEREAS**, staff of the City recommend that issuance by the City of its Capital Improvement Bonds (Limited Tax General Obligation) under Section 517 of Act 34 in an amount not to exceed Twenty Million Dollars (\$20,000,000) (the "Bonds") for the purpose of financing costs of acquisition and construction of the Capital Improvements is the most practical means to that end; and

**WHEREAS**, it is proposed that the Bonds be limited tax general obligation bonds secured by a pledge of the City's full faith and credit, subject to constitutional, statutory and charter limitations; and

**WHEREAS**, as additional security for the Bonds, the City anticipates contractually pledging certain public, education and government access facilities and services fees ("PEG Fees") it receives as a franchising entity pursuant to 2006 Michigan Public Act 480 (the Uniform Video Services Local Franchise Act); and

**WHEREAS**, not less than 45 days prior to the issuance of the Bonds, a notice of intent to issue bonds must be published in accordance with Section 517 of Act 34, a form of which is attached as Exhibit B ("Notice of Intent"), which will provide that the proposed Bonds may be issued without a vote of the electors of the City unless the requisite petitions for an election on the question of the issuance of the Bonds are filed with the Clerk of the City ("City Clerk") within a period of 45 days from the date of publication; and

**WHEREAS**, Act 34 permits the City to authorize, within limitations which shall be contained in the authorizing resolution of the governing body, an Authorized Officer to sell and deliver and receive payment for obligations, approve interest rates or methods for fixing interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, and other matters and procedures necessary to complete the transactions authorized; and

**WHEREAS**, the City Council of the City ("Council") wishes to authorize an Authorized Officer to sell and deliver and receive payment for the Bonds without the necessity of Council taking further action prior to sale and delivery of the Bonds.

**WHEREAS**, the Bonds will be issued pursuant to such terms and bear interest at such rates as finally determined at the time of sale of such Bonds in one or more Sale Orders in accordance with the parameters of this Resolution or the terms of a Bond Purchase Agreement; and

**WHEREAS**, the Council desires to delegate to any Authorized Officer the authority to make certain determinations with respect to the Bonds, if necessary, within the parameters of this Resolution and to take such other actions and make such other determinations as may be necessary to accomplish the sale and delivery of the Bonds and the transactions contemplated by this Resolution, as shall be confirmed in one or more Sale Orders or a Bond Purchase Agreement; and

**WHEREAS**, the Council wishes to authorize the determination of the method of sale of the Bonds pursuant to a Sale Order, which sale will be by either (a) negotiated sale to one or more underwriters, (b) public/competitive sale or (c) private placement with a designated purchaser; and

**WHEREAS**, if the Bonds are sold pursuant to a negotiated or public/competitive sale, the Council desires to authorize the submission of disclosure information in connection with the distribution of one or more preliminary official statements (together with any supplements thereto, each a "Preliminary Official Statement") and final official statements (together with any supplements thereto, each an "Official Statement") in connection with the offering for sale of a certain series or all of the Bonds; and

**WHEREAS**, if the Bonds are sold pursuant to a negotiated or public/competitive sale, it will be required, as a condition precedent to the purchase of the Bonds, that the City agree to provide continuing disclosure as required by Section (b)(5) of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities and Exchange Act of 1934, as amended; and

**WHEREAS**, the Bonds may be issued as tax-exempt bonds pursuant to the requirements of the Code, in reliance on the advice of the City's Municipal Advisor and the City's Bond Counsel, each as appointed and defined below.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY THAT:

## ARTICLE I

### DEFINITIONS AND INTERPRETATION

Section 101. Definitions. The words and terms defined in the preambles and recitals hereof and the following words and terms as used in this Resolution shall have the meanings ascribed therein or herein to them unless a different meaning clearly appears from the context:

"Act 34" means the Revised Municipal Finance Act, Act 34, Public Acts of Michigan, 2001, as amended.

"Act 279" means the Home Rule City Act, Act 279, Public Acts of Michigan, 1909, as amended.

"Authorized Officer" means each of the Mayor, the Deputy Mayor, the City Clerk, the Chief Strategy Officer and the Finance Director of the City.

"Bond Counsel" means Dykema Gossett PLLC, attorneys of Lansing, Michigan.

"Bondholder," "Bondowner," "Owner" or "Registered Owner" means, with respect to any Bond, the person in whose name such Bond is registered in the Bond Registry.

"Bond Insurer" means the issuer of a Municipal Bond Insurance Policy with respect to the Bonds, if any, named in the Sale Order.

"Bond Purchase Agreement" means each bond purchase agreement between the City and the Underwriters or purchaser or purchasers of the Bonds providing for the terms and conditions of the purchase of the Bonds.

"Bond Registry" means the books for the registration of Bonds maintained by the applicable Transfer Agent.

"Bonds" means the City's 2022 or 2023 Limited Tax General Obligation Bonds, issued in one or more series, as authorized by Article III of this Resolution.

"Bonds Maximum Interest Rate" means a rate of interest not to exceed the maximum rate permitted by law.

"Bonds Maximum Principal Amount" means an amount not to exceed twenty million dollars (\$20,000,000).

"Capital Improvement Fund" means the fund so designated and established under Section 501 hereof.

"Charter" means the Home Rule Charter of the City, as amended from time to time.

"City" means the City of Lansing, Counties of Ingham and Eaton, State of Michigan.

"Code" means the Internal Revenue Code of 1986, as amended.

"Constitution" means the Constitution of the State of Michigan of 1963, as amended.

"Council" means the City Council of the City of Lansing, Michigan.

"Debt Retirement Fund" means the fund so designated and established under Section 501 hereof.

"Fiscal Year" means the fiscal year of the City as in effect from time to time.

"Interest Payment Date" has the meaning given such term in Section 303.

"Mayor" means the mayor of the City or his designee.

"Municipal Advisor" means Robert W. Baird & Co. Incorporated, Lansing, Michigan.

"Municipal Bond Insurance Policy" means one or more policies of municipal bond insurance, if any, issued by the Bond Insurer insuring the payment when due of the principal of and interest on the Bonds determined to be insured as set forth in a Sale Order.

"Non-Arbitrage and Tax Compliance Certificate" means each Non-Arbitrage and Tax Compliance Certificate of the City regarding rebate requirements and other tax responsibilities of the City relating to the Bonds under the Code.

"Regular Record Date" has the meaning given such term in Section 303.

"Resolution" means this Resolution, as supplemented by one or more Sale Orders.

"Sale Order" means the order or orders executed by an Authorized Officer approving the sale of any series of Bonds and making certain determinations and/or confirming the final details of such Bonds upon the sale thereof in accordance with the parameters of this Resolution and the terms of the Bond Purchase Agreement.

"State" means the State of Michigan.

"Transfer Agent" means a bank or trust company to be selected by an Authorized Officer of the City to serve as the transfer agent or paying agent.

"Underwriters" means such underwriter or underwriters as shall be designated in the Sale Order.

Section 102. Interpretation. (a) Words of the feminine or masculine genders include the correlative words of the other gender or the neuter gender.

(b) Unless the context shall otherwise indicate, words importing the singular include the plural and vice versa, and words importing persons include corporations, associations, partnerships (including limited partnerships), trusts, firms and other legal entities, including public bodies, as well as natural persons.

(c) Articles and Sections referred to by number mean the corresponding Articles and Sections of this Resolution.

(d) The terms "hereby," "hereof," "hereto," "herein," "hereunder" and any similar terms as used in this Resolution, refer to this Resolution as a whole unless otherwise expressly stated.

## ARTICLE II DETERMINATIONS

Section 201. Authorization of Bonds: Finding and Declaration of Need to Borrow. The Council hereby finds and declares that it is necessary for the City to borrow hereunder such sum as shall be determined by an Authorized Officer not in excess of the Bonds Maximum Principal Amount and to evidence such borrowing by the issuance of the Bonds not in excess, in aggregate principal amount, of such Bonds Maximum Principal Amount, pursuant to the Charter and in accordance with the provisions hereof, for the purpose of paying all or part of the costs of acquiring and constructing the Capital Improvements, including the costs incidental to the issuance, sale and delivery of the Bonds, all as finally confirmed by an Authorized Officer in the Sale Order.

The Bonds shall consist of bonds in fully-registered form in denominations of \$5,000, or integral multiples thereof, or in minimum denominations of \$100,000 and \$5,000 additional integral multiples thereof, not exceeding for each maturity the maximum principal amount of that maturity, numbered as determined by the Transfer Agent (as hereinafter defined). The Bonds shall bear interest at the rates determined upon sale of the Bonds but in any event the net interest cost of any Tax-Exempt Bonds (as defined below) shall not exceed 6.00% per annum and the net interest cost of any Taxable Bonds (as defined below) shall not exceed 9.00% per annum. The Bonds shall bear interest, mature as serial bonds, term bonds or drawdown bonds, and be payable at the times and in the manner as may be determined by the Authorized Officer in a Sale Order at the time of sale of the Bonds. The Bonds shall be dated as of the date of delivery thereof or as may be otherwise determined by the Authorized Officer at the time of sale of the Bonds. The Bonds may be subject to redemption prior to maturity at the times and prices and in the manner as may be determined by the Authorized Officer at the time of sale of the Bonds.

The Bonds may be issued in book-entry only form through The Depository Trust Company in New York, New York ("DTC") and the Authorized Officer is authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Bonds in book-entry only form, and to make such changes in the form of the Bonds within the parameters of this resolution as may be required to accomplish the foregoing.

Interest on the Bonds shall be payable to the registered owner of record as of the fifteenth (15<sup>th</sup>) day of the month prior to the payment date for each interest payment. The record date of determination of registered owners for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. Interest shall be payable by check or draft drawn on the Transfer Agent mailed to the registered owner at the registered address, as shown on the registration books of the City maintained by the Transfer Agent. The principal of the Bonds shall be payable upon presentation and surrender of such Bonds to the Transfer Agent. Notwithstanding the foregoing, if the Bonds are held in book-entry form by DTC, payment shall be made in the manner prescribed by DTC.

The Authorized Officer is hereby authorized to appoint a bank or trust company to act as bond registrar, paying agent and transfer agent (the "Transfer Agent") for the Bonds. The Authorized Officer is hereby authorized to execute one or more agreements with the Transfer Agent on behalf of the City. The City reserves the right to replace the Transfer Agent at any time, provided written notice of such replacement is given to the registered owners of record of the Bonds not less than sixty (60) days prior to an interest payment date.

### ARTICLE III AUTHORIZATION; PLEDGE; SECURITY; DESIGNATIONS; REDEMPTION OF THE BONDS

Section 301. Limited Tax Pledge; Security. (a) The City hereby irrevocably pledges its limited tax full faith and credit for the prompt payment of the Bonds. The Bonds will be a first budget obligation of the City, payable from the general funds of the City including the collection of ad valorem taxes on all taxable property in the City subject to applicable constitutional, statutory and charter tax rate limitations. The City shall levy annually ad valorem taxes on all the taxable property in the City which, taking into consideration estimated delinquencies in tax collections, shall be fully sufficient to pay the principal and interest on the Bonds; provided, however, that if at the time of making any such tax levy there shall be other legally available funds for the payment of principal of and interest on the Bonds, then credit therefor may be taken against the levy for payment of the Bonds. The rights or remedies of Bondholders may be affected by bankruptcy, insolvency, fraudulent conveyance or other laws affecting creditors' rights generally now existing or hereafter enacted and by the application of general principles of equity including those relating to equitable subordination.

(b) Each Authorized officer is authorized to further contract for or otherwise obligate the PEG Fees toward payment of the Bonds

(c) Each Authorized Officer is hereby authorized to negotiate and execute any indenture or indentures, or agreements as shall be deemed necessary by an Authorized Officer and confirmed in a Sale Order for and on behalf of the City, to provide for the pledge of security and otherwise to secure payment of the Bonds.

Section 302. Tax-Exempt Bonds; Taxable Bonds. The Authorized Officers are each hereby authorized and directed to determine whether all or any portion of the Bonds shall be sold as: (i) Bonds the interest on which is excluded from gross income for federal income tax purposes ("Tax-Exempt Bonds"), or (ii) taxable Bonds the interest on which, if any, is included in gross income for federal income tax purposes under the Code ("Taxable Bonds"), or any combination thereof.

#### Section 303. Designations, Dates, Interest Rates, Maturities, Redemption and Other Terms of the Bonds.

(a) The Bonds shall be issued in one or more series to be designated as "LIMITED TAX GENERAL OBLIGATION BONDS", or such other designation determined by an Authorized Officer. The Bonds shall further bear a series designation corresponding to the year of issuance and other necessary identifying information as shall be provided in the Sale Order; shall be issued in fully registered form as serial bonds, term bonds, a combination thereof, or as a single instrument bond, as provided in the Sale Order. Each series of Bonds shall be dated and issued in authorized denominations all as determined in the Sale Order.

(b) In making the determinations set forth in this Resolution with respect to the Sale Order, the Authorized Officers shall be limited to the parameters as follow:

(1) The first maturity date or mandatory sinking fund redemption date for each series of the Bonds shall not be later than five (5) years from the date of issuance; and the final maturity dates for the Bonds shall not be later than the earlier of (i) the last year of the weighted average estimated period of usefulness of the Capital Improvements or (ii) 30 years.

(2) To the extent permitted by applicable law, the Bonds may be sold with an original issue premium or original issue discount in an amount as determined by an Authorized Officer.

(3) The maximum rate of interest on the Bonds shall not exceed the Bonds Maximum Interest Rate.

(c) The Bonds shall mature on such dates and shall bear interest at such rates on a fixed and/or variable and tax-exempt or taxable basis not in excess of the legal limit, and payable on such dates (each an "Interest Payment Date"), all as shall be provided in a Sale Order. Unless otherwise provided by an Authorized Officer in a Sale Order, interest on the Bonds shall be calculated on the basis of a 360-day year consisting of twelve 30-day months. The Bonds shall be payable as to principal and interest in lawful money of the United States of America.

(d) Except as may be otherwise provided by an Authorized Officer in a Sale Order, interest on the Bonds shall be payable on each Interest Payment Date to the Registered Owner of record as of the 15th day of the month, whether or not a Business Day (a "Regular Record Date"), prior to each Interest Payment Date. Interest on the Bonds shall be payable to such Registered Owners by check or draft drawn on the Transfer Agent on each Interest Payment Date and mailed by first class mail or, upon the written request of the Owner of \$1,000,000 or more in aggregate principal amount of Bonds (with complete wiring instructions no later than the Regular Record Date for such Interest Payment Date), by wire transfer by the Transfer Agent to such Owner. Such a request may provide that it will remain in effect with respect to subsequent Interest Payment Dates unless and until changed or revoked at any time prior to a Regular Record Date by subsequent written notice to the Transfer Agent.

(e) The principal of the Bonds shall be payable to the Owners of the Bonds upon the presentation of the Bonds to the Transfer Agent at the principal corporate trust office of the Transfer Agent. If the Bonds are held in book-entry form by the Depository Trust Company in New York, New York ("DTC"), payment shall be made in the manner prescribed by DTC.

(f) The Bonds may be subject to redemption and/or tender for purchase prior to maturity or shall not be subject thereto, upon such terms and conditions as shall be provided by an Authorized Officer in the Sale Order delivered in connection with the Bonds.

Unless waived by any Registered Owner of the Bonds to be redeemed, official notice of redemption shall be given by the Transfer Agent on behalf of the City. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates, CUSIP numbers, if any; certificate numbers, and in the case of partial redemption, the called amounts of each certificate; the redemption date; the redemption price or premium; the place where the Bonds called for redemption are to be surrendered for payment; and that interest on the Bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date.

In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

(g) An Authorized Officer, after consultation with Bond Counsel and the Municipal Advisor, may designate and issue the Bonds as "qualified tax-exempt obligations" for purposes of interest expense by financial institutions as defined in Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code").

Section 304. Execution, Authentication and Delivery of Bonds. The Bonds shall be executed in the name of the City by the manual or facsimile signatures of the Authorized Officers and authenticated by the Transfer Agent, or a trustee if an indenture is executed in connection with the issuance of the Bonds, and the seal of the City (or a facsimile thereof), if applicable, shall be impressed or imprinted on the Bonds. After the Bonds have been executed and authenticated for delivery to the original purchaser thereof, they shall be delivered to the purchasers thereof upon receipt of the purchase price. If the Bonds are not authenticated, then at least one signature on the Bonds shall be a manual signature. The Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the purchaser or other person in accordance with instructions from the Authorized Officer.

Section 305. Mutilated, Destroyed, Stolen or Lost Bonds. (a) Subject to the provisions of Act 354, Public Acts of Michigan, 1972, as amended, and any other applicable law, if (i) any mutilated Bond is surrendered to the City, and the City receives evidence to its satisfaction of the destruction, loss or theft of any Bond and (ii) there is delivered to the City such security or indemnity as may be required by it to save the City harmless, then, in the absence of notice to the City that such Bond has been acquired by a bona fide purchaser, the City shall execute and deliver in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Bond, a new Bond of like tenor and principal amount, bearing a number not contemporaneously outstanding.

(b) If any such mutilated, destroyed, lost or stolen Bond has become or is about to become due and payable, the City in its discretion may, instead of issuing a new Bond, pay such Bond.

(c) Any new Bond issued pursuant to this section in substitution for a Bond alleged to be mutilated, destroyed, stolen or lost shall constitute an original additional contractual obligation on the part of the City, and shall be equally secured by and entitled to equal proportionate benefits with all other Bonds of like tenor issued under this Resolution.

Section 306. Form of the Bonds. The Bonds shall be in substantially the following form with such insertions, omissions, substitutions and other variations as shall not be inconsistent with this Resolution or permitted by the Sale Order or as approved by an Authorized Officer and Bond Counsel:

[Form of Bond]

United States of America  
State of Michigan  
Counties of Ingham and Eaton

CITY OF LANSING  
[2022/2023] LIMITED TAX GENERAL OBLIGATION BOND

|                      |                         |                               |              |
|----------------------|-------------------------|-------------------------------|--------------|
| <u>Interest Rate</u> | <u>Date of Maturity</u> | <u>Date of Original Issue</u> | <u>CUSIP</u> |
|----------------------|-------------------------|-------------------------------|--------------|

Registered Owner:

Principal Amount: \_\_\_\_\_ Dollars (\$ \_\_\_\_\_)

The CITY OF LANSING, Counties of Ingham and Eaton, State of Michigan (the "City"), acknowledges itself to owe and for value received hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Date of Maturity specified above, unless prepaid prior thereto as hereinafter provided, with interest thereon (computed on the basis of a 360-day year consisting of twelve 30-day months) from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on \_\_\_\_\_ 1, 20\_\_ and semiannually thereafter. Principal of this bond is payable at the corporate trust office of \_\_\_\_\_, \_\_\_\_\_, or such other transfer agent as the City may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to any interest payment date (the "Transfer Agent"). Interest on this bond is payable to the registered owner of record as of the fifteenth (15th) day of the month preceding the interest payment date as shown on the registration books of the City kept by the Transfer Agent by check or draft mailed to the registered owner of record at the registered address.

The limited tax full faith, credit and resources of the City are pledged for the payment of the Bonds of this issue, and the City has pledged that it shall pay the principal of and interest on the Bonds of this issue as they mature as a first budget obligation from its general fund and, after taking into account funds which the City may have legally available for payment of principal of and interest on the Bonds of this issue, shall levy annually ad valorem taxes on all taxable property in the City sufficient to pay the principal of and interest on the Bonds of this issue subject to applicable constitutional, statutory, and charter tax rate limitations.

Additionally, the City has committed certain public, education and government access facilities and services fees ("PEG Fees") it receives as a franchising entity pursuant to 2006 Michigan Public Act 480 (the Uniform Video Services Local Franchise Act) toward payment of the principal of and interest on the Bonds, to the extent such funds continue to be available.

[This bond is one of a series of [2022/2033] Limited Tax General Obligation Bonds (the "Bonds") aggregating the principal sum of \$\_\_\_\_\_, issued for the purpose of acquiring, constructing and installing within the City certain capital improvements, including a public media and performing arts center, with parking and other necessary appurtenances and infrastructure (collectively, the "Capital Improvements"), [paying capitalized interest] and paying costs incidental to the issuance of the Bonds.]

Bonds of this issue maturing in the years 20\_\_ to \_\_\_\_\_, inclusive, shall not be subject to redemption prior to maturity. Bonds or portions of bonds of this issue in multiples of \$[5,000] maturing in the year \_\_\_\_\_ and thereafter shall be subject to redemption prior to maturity, at the option of the City, in any order of maturity and by lot within any maturity, on any date on or after \_\_\_\_\_ 1, \_\_\_\_\_, at par and accrued interest to the date fixed for redemption.

[Insert any term bond provisions, if applicable]

In case less than the full amount of an outstanding bond is called for redemption, the Transfer Agent, upon presentation of the bond called in part for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for redemption.

Notice of redemption shall be given by the Transfer Agent to the registered owner of any bond or portion thereof called for redemption by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered address of the registered owner of record. A bond or portion thereof so called for redemption shall not bear interest after the date fixed for redemption provided funds are on hand with the Transfer Agent to redeem said bond or portion thereof. Bonds shall be called for redemption in multiples of \$5,000, and bonds of denominations of more than \$5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bonds by \$5,000, and such bonds may be redeemed in part. The notice of redemption for bonds redeemed in part shall state that, upon surrender of the bond to be redeemed, a new bond or bonds in the same aggregate principal amount equal to the unredeemed portion of the bonds surrendered shall be issued to the registered owner thereof with the same interest rate and maturity. No further interest on bonds or portions of bonds called for redemption shall accrue after the date fixed for redemption, whether the bonds have been presented for redemption or not, provided funds are on hand with the Transfer Agent to redeem the bonds or portion thereof.]

This bond is transferable only upon the registration books of the City kept by the Transfer Agent by the registered owner of record in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the resolution authorizing this bond and upon the payment of the charges, if any, therein prescribed. The Transfer Agent shall require the bondholder requesting the transfer to pay any tax or other governmental charge required to be paid with respect to the transfer. [The Transfer Agent shall not be required to issue, register the transfer of, or exchange any bond during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of bonds selected for redemption and ending at the close of business on the day of that mailing.]

This bond, including the interest thereon, is payable as a first budget obligation of the City from the general funds of the City including the collection of ad valorem taxes on all taxable property in the City subject to applicable constitutional, statutory and charter tax rate limitations.

It is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this bond and the series of bonds of which this is one, exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the City, including this bond, does not exceed any constitutional, statutory or charter debt limitation.

This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.

IN WITNESS WHEREOF, the City of Lansing by authority of its City Council, has caused this bond to be signed for and on its behalf and in its name by the manual or facsimile signatures of the Mayor and Clerk of the City, and the official seal of the City or a facsimile thereof to be impressed or printed hereon, all as of the Date of Original Issue.

## CITY OF LANSING

Counties of Ingham and Eaton  
State of Michigan

By \_\_\_\_\_

Its Mayor

(SEAL)

Countersigned:

By \_\_\_\_\_

Its City Clerk

## Certificate of Authentication

This bond is one of the bonds described in the within-mentioned resolution.

\_\_\_\_\_, Michigan  
Transfer AgentBy \_\_\_\_\_  
Its: Authorized Signature

Date of Authentication: \_\_\_\_\_, [2022/2023]

Section 311. Sale of Bonds to Underwriters or Direct Purchaser. Any series of Bonds may, if deemed appropriate by an Authorized Officer, be sold to (i) the Underwriters pursuant to a Bond Purchase Agreement or (ii) a bank or other financial institution qualified by law to purchase and take delivery of such Bonds for its own investment, pursuant to a purchase contract, in which case (A) such purchaser shall deliver an investor letter in a form acceptable to an Authorized Officer and (B) the City's obligations hereunder relating to the Preliminary Official Statement, Official Statement and Undertaking (as defined below) may not apply.

**ARTICLE IV  
SPECIAL COVENANTS**

Section 401. Reimbursement. For the purposes of complying with the reimbursement rules of Treasury Regulations 1.150-2 pursuant to the Code, the City reasonably expect to reimburse itself for expenditures for the costs of the Capital Improvements with proceeds of Bonds.

Section 402. Tax Exemption Covenant for Tax-Exempt Bonds. The City covenants that it will not take any action, or fail to take any action required to be taken, if taking such action or failing to take such action would adversely affect the general exclusion from gross income of interest on any Tax-Exempt Bonds, from federal income taxation under the Code.

Section 403. Arbitrage Covenant. (a) The City will not directly or indirectly (1) use or permit the use of any proceeds of any Tax-Exempt Bonds or other funds of the City or (2) take or omit to take any action required by Section 148(a) of the Code in order to maintain the exclusion from gross income of the interest on any Tax-Exempt Bonds for federal income tax purposes. To that end, the City will comply with all requirements of Section 148 of the Code to the extent applicable to the Bonds and the requirements set forth in the Non-Arbitrage and Tax Compliance Certificate of the City.

(b) Without limiting the generality of subsection (a), above, the City agrees that there shall be paid by the City from time to time all amounts, if any, required to be rebated to the United States pursuant to Section 148(f) of the Code. This covenant shall survive payment in full or defeasance of the Tax-Exempt Bonds.

(c) Notwithstanding any provision of this Section, if the City obtains an opinion of Bond Counsel to the effect that any action required under this Section is no longer required, or that some further action is required, to maintain the exclusion from gross income of the interest of any Tax-

Exempt Bonds for federal income tax purposes pursuant to Section 103 of the Code, the City may conclusively rely on such opinion in complying with the provisions hereof.

#### ARTICLE V BONDS FUNDS AND ACCOUNTS; DISPOSITION OF BONDS PROCEEDS

Section 501. Establishment of Accounts and Funds. (a) Each Authorized Officer is hereby authorized to establish such accounts, subaccounts or other funds as shall be required for the payment of the Bonds, and for the payment of the Capital Improvements, including but not limited to, with such modifications or additions to facilitate the identification of such accounts, subaccounts or other funds:

- A. Debt Retirement Fund; and
- B. Capital Improvement Fund.

Each Authorized Officer is hereby authorized to establish such accounts, subaccounts or funds as shall be required for the issuance and delivery of the Bonds, if any, to accommodate the requirements of such series of Bonds, including, but not limited to, such accounts, subaccounts or funds necessary to facilitate the purchase and payment of variable rate bonds. Each Authorized Officer is hereby authorized to allocate any net original issue premium, if any, received upon the sale of the Bonds to such accounts and in such amounts as permitted by applicable law.

Section 502. Debt Retirement Fund. An Authorized Officer is authorized and directed to open a separate depository or trust account with a bank or trust company to be designated as the [2022/2023] CAPITAL IMPROVEMENT BONDS (LIMITED TAX GENERAL OBLIGATION) DEBT RETIREMENT FUND (the "Debt Retirement Fund"). The Debt Retirement Fund may be pooled or combined with other debt retirement funds for issues of bonds of like character as provided by Act 34 or other state law. An amount sufficient to assure timely payment of the principal of and interest on the Bonds shall be transferred each year into the Debt Retirement Fund from the general fund of the City or other funds legally available therefor. The moneys deposited in the fund shall be used solely for the purpose of paying the principal of and interest on the Bonds and, as may be necessary, to rebate arbitrage earnings, if any, to the United States Department of Treasury as required by the Internal Revenue Code of 1986, as amended. The accrued interest and premium, if any, received upon delivery of the Bonds shall also be deposited in the Debt Retirement Fund.

The City may provide for the payment of principal of any of the Bonds issued as term bonds through the purchase of municipal securities in the open market at a price not greater than that payable on the next redemption date in order to satisfy all or part of the next succeeding scheduled mandatory redemption.

Section 503. Capital Improvement Fund. The City Treasurer is authorized and directed to create a fund designated as the [2022/2023] CAPITAL IMPROVEMENT BONDS (LIMITED TAX GENERAL OBLIGATION) CAPITAL IMPROVEMENT FUND (the "Capital Improvement Fund"). The City Treasurer shall deposit the proceeds of the Bonds into the Capital Improvement Fund, less accrued interest and premium, if any, which shall be deposited into the Debt Retirement Fund. The moneys in the Capital Improvement Fund shall be used to pay the costs of the Capital Improvements and to pay the costs of issuance of the Bonds. Moneys remaining in the Capital Improvement Fund after completion of the Capital Improvements may be used for any purpose permitted by law.

Section 504. Investment of Monies in the Bonds Funds and Accounts. (a) An Authorized Officer shall direct the investment of monies on deposit in the funds and accounts established hereunder, and the Transfer Agent, upon written direction or upon oral direction promptly confirmed in writing by an Authorized Officer, shall use its best efforts to invest monies on deposit in the funds and accounts in accordance with such direction.

(b) Monies on deposit in the funds and accounts established under this Article V may be invested in such investments and to the extent permitted by applicable law.

#### ARTICLE VI DEFEASANCE

Section 601. Defeasance. Bonds shall be deemed to be paid in full upon the deposit in trust of cash or direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America, or any combination thereof, not redeemable at the option of the issuer thereof, the principal and interest payments upon which, without reinvestment thereof, will come due at such times and in such amounts, as to be fully sufficient to pay when due, the principal of such Bonds and interest to accrue thereon, as confirmed by a verification report prepared by an independent certified public accountant. Such cash and securities representing such obligations shall be deposited with a bank or trust company and held for the exclusive benefit of the Owners of such Bonds. After such deposit, such Bonds shall no longer be entitled to the benefits of this Resolution (except for any rights of transfer or exchange of Bonds as therein or herein provided for) and shall be payable solely from the funds deposited for such purpose and investment earnings, if any, thereon, and the lien of this Resolution for the benefit of such Bonds shall be discharged.

#### ARTICLE VII OTHER PROVISIONS OF GENERAL APPLICATION

Section 701. Credit Enhancement. There is hereby authorized to be obtained a Municipal Bond Insurance Policy or other credit enhancement or a combination thereof to secure the payment of all or part of the Bonds, if, and provided that, it shall be determined by an Authorized Officer that such cost of such Municipal Bond Insurance Policy or other credit enhancement or a combination thereof is less than the interest rate savings therefrom or otherwise that it is in the best interest of the City. In the event a commitment for a Municipal Bond Insurance Policy is obtained or a commitment for other credit enhancement is obtained, each Authorized Officer is hereby authorized to approve the terms, perform such acts and execute such instruments that shall be required, necessary or desirable to effectuate the terms of such commitment and the transactions described therein and in this Resolution and the Sale Order provided that such terms are not materially adverse to the City.

Section 702. Approval of Other Documents and Actions; Treasury Approval. The Authorized Officers and any other officers or employees of the City are hereby authorized and directed on behalf of the City to take any and all other actions, perform any and all acts, including causing the publication

of the Notice of Intent, and execute any and all documents that shall be required, necessary or desirable to implement this Resolution. The Bonds shall neither be sold nor issued unless and only so long as the issuance of the Bonds as provided herein shall have been authorized and approved in accordance with the applicable provisions of Act 34 and Act 279.

Each Authorized Officer is hereby authorized to do and perform any and all acts and things with respect to the Bonds which are necessary and appropriate, consistent with this Resolution, including to pay the related fees, if any, to the Michigan Department of Treasury (the "Department") at his or her discretion under Act 34 for an Order or Orders of Approval to issue all or a portion of the Bonds; to file applications with the Department for a waiver of the investment grade rating requirement; to enter into one or more dealer-manager agreements, remarketing agreements, indentures, letters of credit and reimbursement agreements, to seek such waivers or other Department approvals as necessary to implement the sale, delivery and security for the Bonds, and as required by the Department and Act 34; to pay any post-closing filing fees required by Act 34 to the Department or other specified agency, as a cost of issuance or from other legally available funds; to secure ratings by bond rating agencies, if cost effective; to negotiate and acquire a Municipal Bond Insurance Policy and/or other credit enhancement, if any, to further secure the Bonds or any portions thereof; to acquire an irrevocable surety bond to fulfill the City's obligation to fund any reserve account; and to incur and pay reasonable fees, costs and expenses incidental to the foregoing and other costs of issuance of the Bonds including, but not limited to fees and expenses of Bond Counsel, the Municipal Advisor, accountants and others, from Bond proceeds or other available funds, for and on behalf of the City.

Section 703. Continuing Disclosure Undertaking. If the Bonds are sold pursuant to a negotiated or public/competitive sale, or as otherwise required, the City shall enter into a continuing disclosure undertaking pursuant to Rule 15c2-12 promulgated by the Securities and Exchange Commission (the "Rule") for the benefit of the holders and beneficial owners of the Bonds as to which the Rule is applicable, as more specifically set forth in Exhibit A hereto (the "Undertaking"); provided, however, that the terms of the Undertaking are subject to completion and modification prior to delivery of the Bonds to such extent as an Authorized Officer shall deem necessary to comply with law or market requirements of the Underwriters. Each Authorized Officer is hereby authorized to execute and deliver the Undertaking after completion and modification as provided in this Resolution and the Sale Order.

Section 704. Delegation to Authorized Officers. (a) Prior to the sale date or dates for the Bonds, an Authorized Officer may cause the preparation and approve the form and distribution of necessary City disclosure for any Preliminary Official Statement or Official Statement and other offering materials to be used in conjunction with the sale or offering of the Bonds, and an Authorized Officer may deem the City's disclosure "final" for purposes of Rule 15c2-12 of the Securities and Exchange Commission.

(b) Pursuant to the authority of Section 315(1)(d) of Act 34, each Authorized Officer is hereby authorized to make the following determinations with respect to the Bonds within the parameters of this Resolution: (i) to determine the principal amounts of the Bonds to be issued on a fixed or variable interest rate basis and tax exempt or taxable basis; (ii) to determine the interest rate provisions, tender and other requirements for Bonds issued on a variable rate basis; (iii) to negotiate the terms for the sale of the Bonds to the Underwriters or other purchasers; (iv) to cause the Preliminary Official Statement and the final Official Statement for the Bonds to be prepared and circulated; and (v) to take such other actions and make such other determinations as may be necessary to accomplish the sale and delivery of the Bonds and the transactions contemplated by this Resolution, as shall be confirmed in the Sale Order.

(c) Except as otherwise provided herein, all determinations and decisions of an Authorized Officer with respect to the issuance and sale of the Bonds as permitted or required by this Resolution shall be confirmed in a Sale Order or Sale Orders, and such confirmations shall constitute determinations that any conditions precedent to such determinations and decisions of any Authorized Officer have been fulfilled.

Section 705. Approving Legal Opinions with Respect to the Bonds. The sale of the Bonds shall be conditioned upon receiving, at the time of delivery, the approving opinion of Bond Counsel, approving legality of the Bonds and, with respect to Bonds determined by an Authorized Officer to be issued as Tax-Exempt Bonds, the exclusion from gross income of the interest paid thereon from federal and State income taxation only.

Section 706. Method of Sale; Award. (a) The Bonds shall be sold at a negotiated sale described in subsection (b) below, or shall be sold at a public sale following the publication of an Official Notice of Sale as described in (c), below, all as shall be determined by an Authorized Officer to be in the best interests of the City based on the recommendation of Bond Counsel and the Municipal Advisor.

(b) Negotiated Sale. In order to optimize the interest rate upon the issuance of the Bonds and in order to provide flexibility with respect to the sale date for the Bonds, the Bonds are authorized to be sold via a negotiated sale or private placement, based on recommendations of Bond Counsel and the Municipal Advisor.

(c) Public Sale. If an Authorized Officer, based on recommendations of Bond Counsel and the Municipal Advisor, determines that it is in the best interests of the City to sell the Bonds at a public sale, then each Authorized Officer is authorized and directed to fix the date of sale of the Bonds and to publish an Official Notice of Sale relating to the Bonds in substantially the form attached as Exhibit C (the "Official Notice of Sale"), in accordance with law, once in either The Bond Buyer or other newspaper of general circulation at least seven days prior to the date fixed for receipt of bids for the purchase of the Bonds. The Authorized Officers, and each of them individually, are hereby authorized to act for and on behalf of the City to receive bids for the purchase of the Bonds and to take all other steps necessary in connection with the sale, award and delivery thereof.

Section 707. Delivery of Bonds. Subject to the provisions of the Sale Order, each Authorized Officer is hereby authorized to deliver the Bonds to the Underwriters upon receiving the purchase price therefor in lawful money of the United States.

Section 708. Official Statement. Each Authorized Officer is hereby authorized to execute the Official Statement or other offering materials with respect to the Bonds in the form approved by an Authorized Officer with such changes as an Authorized Officer may authorize. Such Official Statement or other offering materials to be used in conjunction with the sale or offering of the Bonds are hereby authorized to be printed and used by the Underwriters in connection with the sale of the Bonds to the public. Circulation of the Preliminary Official Statement, if any, or other preliminary offering materials by the Underwriters is hereby approved.

Section 709. Appointment of Bond Counsel, Municipal Advisor; Engagement of Other Parties. The appointment of the law firm of Dykema Gossett PLLC of Lansing, Michigan, as Bond Counsel for the Bonds is hereby ratified and confirmed, notwithstanding the periodic representation by Dykema Gossett PLLC in unrelated matters of other parties and potential parties to the issuance of the Bonds. The fees and expenses of Bond Counsel

and other accumulated bond-related fees and expenses shall be payable as a cost of issuance from proceeds of the Bonds or other available funds in accordance with the letter of such firm on file with the City.

The appointment of Robert W. Baird & Co. Incorporated as Municipal Advisor for the Bonds is hereby ratified and confirmed. The fees and expenses of the Municipal Advisor and other accumulated bond related fees and expenses shall be payable as a cost of issuance from proceeds of the Bonds or other available funds in accordance with the letter of such firm on file with the City.

Each Authorized Officer is hereby authorized to engage other necessary professionals as he or she deems necessary and appropriate in connection with the sale, issuance and delivery of the Bonds and to pay the fees and expenses thereof from the proceeds of the Bonds or other available funds.

Section 710. No Recourse Under Resolution. All covenants, agreements and obligations of the City contained in this Resolution shall be deemed to be the covenants, agreements and obligations of the City and not of any councilperson, member, officer or employee of the City in his or her individual capacity, and no recourse shall be had for the payment of the principal of or interest on the Bonds or for any claim based thereon or on this Resolution against any councilperson, member, officer or employee of the City or any person executing the Bonds in his or her official individual capacity.

Section 711. Severability. If any one or more sections, clauses or provisions of this Resolution shall be determined by a court of competent jurisdiction to be invalid or ineffective for any reason, such determination shall in no way affect the validity and effectiveness of the remaining sections, clauses and provisions hereof.

Section 712. Cover Page, Table of Contents and Article and Section Headings. The cover page, table of contents and Article and Section headings hereof are solely for convenience of reference and do not constitute a part of this Resolution, and none of them shall affect its meaning, construction or effect.

Section 713. Conflict. All resolutions or parts of resolutions or other proceedings of the City in conflict herewith shall be and the same hereby are repealed insofar as such conflict exists.

Section 714. Governing Law and Jurisdiction. This Resolution shall be governed by and construed in accordance with the laws of the State.

Section 715. Resolution and Sale Order are a Contract. The provisions of this Resolution and the Sale Order shall constitute a contract between the City, the Bondholders and the Bond Insurer, if any.

Section 716. Effective Date. This Resolution shall take effect immediately upon its adoption by the Council.

By Vice President Wood

Motion Carried with Council Members Spitzley and Wood voting nay

**Resolution #2022-309**

By the Committee of the Whole

Resolved by the City Council of the City of Lansing

WHEREAS, the City of Lansing, Counties of Ingham and Eaton, State of Michigan (the "City"), plans to finance the development of, and provide for the operation of, a public media and performing arts center to be located within the City (the "Project"); and

WHEREAS, prior to September 30, 2022, the City submitted an application (the "Application") to the Michigan Economic Development Corporation (the "MEDC"), grant administrator on behalf of the State of Michigan (the "State"), for a Michigan Enhancement Grant; and

WHEREAS, pursuant to Section 1096(76) of 2021 Michigan Public Act 87 ("Act 87"), the State has earmarked two million dollars (\$2,000,000) (the "Grant") of the funds appropriated for Michigan Enhancement Grants to the City, to assist with the financing of the Project; and

WHEREAS, specifically, Section 1096(76) of Act 87 states that the Grant is for a music and arts center in a city with a population greater than 100,000 and in a county with a population between 275,000 and 300,000 according to the 2010 federal decennial census; and

WHEREAS, it is anticipated that, upon receipt and processing of the Application, the MEDC will confirm the Grant in favor of the City; and

WHEREAS, pursuant to this Resolution, the City, by and through its City Council, wishes to accept and appropriate the Grant to support the financing of the Project; and

WHEREAS, while there is no local match requirement for the Grant, the City has demonstrated its additional anticipated financing sources for the Project in the Application.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City accepts the Michigan Enhancement Grant in the amount of \$2,000,000 and appropriates such funds as necessary to support the financing of or provide security for the Project; and

BE IT RESOLVED, the total amount of the Grant funds may be received from the MEDC in one or more distributions; and

BE IT RESOLVED, the Mayor of the City and the Finance Director or their designees are authorized to create appropriate accounts to make necessary operating transfers for the expenditure and control of the balance of the awarded Grant for the benefit of the Project as ultimately designed; and

BE IT RESOLVED, the Mayor of the City and the Finance Director or their designees are authorized representatives to execute any documents on behalf

of the City or its affiliate, including a Grant Agreement with the MEDC, the Michigan Strategic Fund or any other party relating to the receipt of the Grant and application of Grant funds for the benefit of the Project; and

BE IT RESOLVED, that the acceptance, approvals and authorizations contained in this Resolution will apply to the Grant, including if the amount of the Grant is increased from time to time, and including the negotiation and execution of any additional documentation reflecting such increases.

By Vice President Wood

Motion Carried with Council Members Spitzley and Wood voting nay

### Ordinances for Introduction

#### Introduction of Ordinance

The Committee on Development and Planning introduced:

An ordinance of the City of Lansing, Michigan, providing for the conditional 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 1242.02 of the Code of Ordinances. Property located at:

Z-1-2022: 109 E. Randolph Street, from "R-6A" Urban Detached Residential to "R-AR" Residential Adaptive Reuse, with the condition that the uses of the property are limited to one single family dwelling, one two-family dwelling or a state licensed adult foster care home with a maximum capacity of 20 residents, with approval of a special land use permit

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

#### Resolution #2022-310

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, January 9, 2023, at 7 p.m. in the Tony Benavides Lansing City Council Chambers, 10<sup>th</sup> Floor, Lansing City Hall, 124 W. Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for conditional rezoning:

Z-1-2022: 109 E. Randolph Street, from "R-6A" Urban Detached Residential to "R-AR" Residential Adaptive Reuse, with the condition that the uses of the property are limited to one single family dwelling, one two-family dwelling or a state licensed adult foster care home with a maximum capacity of 20 residents, with approval of a special land use permit

By Council Member Spitzley

Motion Carried

### Ordinances for Passage

#### Passage of Ordinance

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE LANSING CODIFIED ORDINANCES BY AMENDING CHAPTER 1300, SECTIONS 1300.02, 1300.04, 1300.09, AND 1300.11 TO UPDATE THE ORDINANCE TO REFLECT CHANGES IN LAWS AND RULES BY THE CANNABIS REGULATORY AGENCY, FORMERLY KNOWN AS THE MARIJUANA REGULATORY AGENCY, AND ADDING SECTION 1300.17 TO CODIFY THE PROCESS FOR TEMPORARY MARIJUANA EVENTS.

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

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

Nays: Council Member Wood

#### Ordinance #1308

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE LANSING CODIFIED ORDINANCES BY AMENDING CHAPTER 1300, SECTIONS 1300.02, 1300.04, 1300.09, AND 1300.11 TO UPDATE THE ORDINANCE TO REFLECT CHANGES IN LAWS AND RULES BY THE CANNABIS REGULATORY AGENCY, FORMERLY KNOWN AS THE MARIJUANA REGULATORY AGENCY, AND ADDING SECTION 1300.17 TO CODIFY THE PROCESS FOR TEMPORARY MARIJUANA EVENTS.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1300, Sections 1300.02, 1300.04, 1300.09, and 1300.11 of the Code of Ordinances of the City of Lansing, Michigan be and is hereby amended and Section 1300.17 is added to read as follows:

## 1300.02. Definitions, interpretation and conflicts.

For the purposes of this chapter:

- (a) Any term defined by the Michigan Medical Marihuana Act, MCL 333.26421 et seq., as amended ("MMMA"), the Medical Marihuana Facilities Licensing Act, MCL 333.2701 et seq. (MMFLA), as amended, the Marihuana Tracking Act ("MTA"), MCL 333.27901 et seq., the Michigan Regulation and Taxation of Marihuana Act (MRTMA"), MCL 333.27951 et seq., shall have the definition given in those acts; if the definition of a word or phrase set forth in this chapter conflicts with the definition in the MMMA, MMFLA or MTA, or if a term is not defined but is defined in the MMMA, MMFLA MTA, or MRTMA then the definition in the MMMA, MMFLA, MTA, or MRTMA shall apply.
- (b) Any term defined by 21 USC 860(e) referenced in this chapter shall have the definition given by 21 USC 860(e).
- (c) This chapter shall not limit an individual or entity's rights under the MMMA, MMFLA, MTA, or MRTMA and these acts supersede this chapter where there is a conflict between them and the immunities and protections established in the MMMA and MRTMA unless superseded or preempted by the MMFLA and/or MRTMA.
- (d) All activities related to medical marihuana, including those related to a Medical Marihuana Provisioning Center, a Medical Marihuana Grower Facility, a Medical Marihuana Secure Transporter, a Medical Marihuana Processor or a Medical Marihuana Safety Compliance Facility shall be in compliance with the rules of the Marihuana Regulatory Agency, the rules of the Michigan Department of Licensing and Regulatory Affairs, or any successor agency, the rules and regulations of the City, the MMMA, MMFLA and the MTA.
- (e) All activities related to non-medical marihuana shall be in compliance with the rules of the Michigan Department of Licensing and Regulatory Affairs, or any successor agency, the rules and regulations of the City and MRTMA.
- (f) Any use which purports to have engaged in the cultivation or processing of marihuana into a usable form, or the distribution of marihuana, or the testing of marihuana either prior to or after enactment of this chapter without obtaining the required licensing set forth in this chapter shall be deemed to be an illegally established use and therefore not entitled to legal nonconforming status under the provisions of this chapter, and/or State law. Any license granted pursuant to this chapter shall be exclusive to the licensee, and is a revocable privilege. Granting a license does not create or vest any right, title, franchise, or other property right.
- (g) The following terms shall have the definitions given:

*Application/License Application* means an application for a license pursuant to the terms and conditions set forth in Sections 1300.04 and 1300.05.

*Application for a License Renewal* means an application for a license renewal pursuant to the terms and conditions of Section 1300.07.

*Buffered Use* means a use subject to the buffering and dispersion requirements of Sections 1300.10 and 1300.11.

*Building* means an independent, enclosed 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 dividing walls from the ground up, and without openings, each portion of such structure shall be deemed a separate structure, regardless of whether the portions of such structure share common pipes, ducts, boilers, tanks, furnaces, or other such systems. This definition refers only to permanent structures, and does not include tents, sheds, greenhouses and private garages on residential property, stables, or other accessory structures not in compliance with MMMA or MRTMA. 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.

*Chapter* means this Chapter 1300.

*Church* means an entire space set apart primarily for purposes of public worship, and which is tax exempt under the laws of this state, and in which religious services are held, and the entire building structure of which is kept for that use and not put to any other use inconsistent with that use.

*City* means the City of Lansing, Michigan.

*Clerk* shall mean the City Clerk of Lansing, Michigan.

*Council or City Council* means the City Council of Lansing, Michigan.

*Employee* means any individual who is employed by an employer in return for the payment of direct or indirect monetary wages or profit, under contract, and any individual who volunteers his or her services to an employer for no monetary compensation, or any individual who performs work or renders services, for any period of time, at the direction of an owner, lessee, of other person in charge of a place.

*License* means a license issued for the operation of a medical marihuana facility or marihuana establishment pursuant to the terms and conditions of this chapter and includes a license which has been renewed pursuant to Section 1300.07.

*Licensee* means a person issued a license for a medical marihuana facility or marihuana establishment pursuant to this chapter.

*Limit* means a competitive application process by which the municipality selects applicants who are best suited to operate in compliance with the Michigan Regulation and Taxation of Marihuana Act and this chapter and prevents the Department of Licensing and Regulatory Affairs from issuing a State license within the municipality's jurisdiction if the applicant is not selected, in compliance with MCL § 333.27956(1) and MCL § 333.27959(4).

***Marihuana Educational Research License* means any person or entity licensed by the United States Drug Enforcement Administration (DEA) and in affiliation with a degree or certificate program offered by an institution of higher learning accredited by the Higher Learning Commission and subject to the requirements outlined under State of Michigan Rule 420.27a, as may be updated or amended from time to time.**

*Marihuana Establishment* means any marihuana operation that is required to be licensed under this chapter and possesses a license or approval to operate under the MRTMA, including a Marihuana Microbusiness, a Marihuana Retailer, a Marihuana Grower, a Marihuana Processor, a Marihuana Secure Transporter, a Marihuana Safety Compliance Facility, and a Designated Consumption Establishment.

*Marihuana Grower* means a licensee that is a commercial or business entity located in the City that is licensed or approved to operate by the State pursuant to the MMFLA or MRTMA and is licensed by the City pursuant to terms and conditions of this chapter that cultivates, dries, trims or cures and packages marihuana in accordance with State law.

***Marihuana Microbusiness* means a person or entity licensed as a marihuana microbusiness or class A microbusiness, as defined by State of Michigan Rules 420.105 and 420.105a which may be updated or amended from time to time, to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a Marihuana Safety Compliance Facility, but not to other marihuana establishments, located in the City that is licensed or approved to operate by the State pursuant to the MRTMA and is licensed by the City pursuant to the terms and conditions of this chapter.**

*Marihuana Operation/Operator* means all types of medical and non-medical marihuana establishments and facilities operating in the City of Lansing that are required to be licensed under this chapter and possess a license or approval to operate under State law.

*Marihuana Processor or Medical Marihuana Processor Facility* means a commercial entity located in the City that is licensed or approved to operate by the State pursuant to the MMFLA or MRTMA and is licensed by the City pursuant to the terms and conditions of this chapter, that extracts resin from the marihuana or creates a marihuana-infused product, processes and packages marihuana, and sells or otherwise transfers marihuana to marihuana operations, to the extent permitted by State law and rules.

*Marijuana Regulatory Agency or MRA* means the agency within the State of Michigan Department of Licensing and Regulatory Affairs created pursuant to Executive Order 2019-07 to regulate medical and recreational marihuana.

*Marihuana Retailer* means a licensee located in the City that is licensed or approved to operate by the State pursuant to the MRTMA and is licensed by the City pursuant to the terms and conditions of this chapter to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to a marihuana establishment and to individuals who are 21 years of age or older.

*Marihuana Safety Compliance Facility or Medical Marihuana Safety Compliance Facility* means a commercial or business entity located in the City that is licensed or approved to operate by the State pursuant to the MMFLA or MRTMA and is licensed by the City pursuant to the terms and conditions of this chapter, that tests marihuana, including certification for potency, the presence of contaminants, and tetrahydrocannabinol and other cannabinoids.

*Medical Marihuana Facility* means any facility or center that is required to be licensed under this chapter and possesses a license or approval to operate from the State under the MMFLA, including: A Medical Marihuana Provisioning Center, a Medical Marihuana Processor, a Medical Marihuana Grower Facility, a Marihuana Secure Transporter, and a Medical Marihuana Safety Compliance Facility.

*Medical Marihuana Provisioning Center* means a commercial or business entity located in the City that is licensed or approved to operate by the State pursuant to the MMFLA and is licensed by the City pursuant to the terms and conditions of this chapter, that sells, supplies, or provides marihuana to registered qualifying patients only as permitted by State law. Medical Marihuana Provisioning Center, as defined in the MMMA, MMFLA and MTA, includes any commercial property or business where marihuana is sold in conformance with State law and regulation. A noncommercial or nonbusiness location used by a primary caregiver to assist a qualifying patient, as defined in the MMMA, MMFLA or MTA connected to the caregiver through the State's marihuana registration process in accordance with the MMMA, MMFLA or MTA is not a Medical Marihuana Provisioning Center for purposes of this chapter.

*MMFLA* means the Medical Marihuana Facilities Licensing Act, MCL 333.2701 et seq. as amended from time to time.

*MMMA* means the Michigan Medical Marihuana Act, MCL 333.26421 et seq. as amended from time to time.

*MRTMA* means the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., as amended from time to time.

*MTA* means the Marihuana Tracking Act, MCL 333.27901 et seq., as amended from time to time.

*Ordinance* means the ordinance adopting this Chapter 1300.

*Park* means an area of land designated by the City as a park on its master plan or on a Council-approved list of City parks.

*Person* means an individual, partnership, firm, company, corporation, association, sole proprietorship, limited liability company, joint venture, estate, trust, or other legal entity.

*School* means and includes buildings used for school purposes to provide instruction to children and youth in grades pre-kindergarten through 12, and headstart when that instruction is provided by a public, private, denominational, or parochial school.

*Secure Transporter or Medical Marihuana Secure Transporter* means a commercial or business entity that is licensed or approved to operate by the State pursuant to the MMFLA and is licensed to operate by the City pursuant to the terms and conditions of this chapter, that stores marihuana and transports marihuana between medical marihuana facilities or marihuana establishments for a fee and in accordance with State law.

*Stakeholder* means, with respect to a trust, the trustee and beneficiaries; with respect to a limited liability company, the managers and members; with respect to a corporation, whether profit or non-profit, the officers, directors, or shareholders; and with respect to a partnership or limited liability partnership, the partners, both general and limited.

*State* means the State of Michigan.

*Ward* means the four wards of the City of Lansing as outlined in 2-203 of the Lansing City Charter.

(h) Any term defined by the MMMA, the MMFLA, MTA, or MRTMA and not defined in this chapter shall have the definition given in the MMMA, MMFLA, MTA, or MRTMA as applicable.

1300.04. License application submission.

(a) Each marihuana operation must be licensed by the City. Applications for a license shall be made in writing to the City Clerk.

All applications submitted to the City Clerk in accordance with the provisions of this chapter shall be considered for the issuance of a license. An applicant may apply for multiple licenses under this chapter of the same or different natures simultaneously, as permitted by law.

(b) A complete application for a license or licenses required by this chapter shall be made under oath on forms provided by the City Clerk, and shall contain all of the following:

- (1) If the applicant is an individual, the applicant's name, date of birth, physical address, email address, one or more phone numbers, including emergency contact information, and a copy of a government-issued photo identification card of the applicant.
- (2) If the applicant is not an individual, the names, dates of birth, physical addresses, email addresses, and one or more phone numbers of each stakeholder of the applicant including designation of a stakeholder as an emergency contact person and contact information for the emergency contact person, articles of incorporation or organization, internal revenue service SS-4 EIN confirmation letter, and the operating agreement or bylaws of the applicant, if a limited liability company.
- (3) **Any applicant who meets any of the follow criteria must provide the necessary disclosure information outlined in 1300.04(b)(1) and (2):**
  - (A) **For an individual or sole proprietorship: the proprietor and spouse.**
  - (B) **For a partnership and limited liability partnership: all partners and their spouses.**
  - (C) **For a limited partnership and limited liability limited partnership: all general and limited partners, not including a limited partner holding a direct or indirect ownership interest of 10% or less who does not exercise control over or participate in the management of the partnership, and their spouses.**
  - (D) **For a limited liability company: all members and managers, not including a member holding a direct or indirect ownership interest of 10% or less who does not exercise control over or participate in the management of the company, and their spouses.**
  - (E) **For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.**
  - (F) **For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.**
  - (G) **For a multilevel ownership enterprise: any entity or person that receives or has the right to receive more than 10% of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.**
  - (H) **For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.**
  - (I) **For a trust: trustees, any individual or body able to control and direct the affairs of the trust, and any beneficiary who receives or has the right to receive more than 10% of the gross or net profit of the trust during any full or partial calendar or fiscal year and their spouses.**

(3)(4) The name, date of birth, physical address, copy of photo identification, and email address for any operator or employee if other than the applicant.

(4)(5) The name and address of the proposed marihuana operation and any additional contact information deemed necessary by the City Clerk.

(5)(6) Applicant or licensee shall keep records of the results of the criminal history background checks performed pursuant to MMFLA and/or MRTMA requirements and shall provide copies for every applicant, licensee, stakeholder, and employee to the City Clerk within five business days of receipt.

(6)(7) An affirmation under oath as to whether the applicant or operator has had a business license revoked or suspended, and if revoked or suspended,

then the reason for such revocation or suspension.

- (7)(8) A copy of the proposed business plan for the marihuana operation, including, but not limited to, the following:
- i. The proposed ownership structure of the marihuana operation, including percentage ownership of each person; and
  - ii. A current organization chart that includes position descriptions and the names of each person holding each position.
- (8)(9) One of the following: (a) a proof of ownership of the entire premises wherein the marihuana operation is to be operated; or (b) written consent from the property owner for use of the premises in a manner requiring licensure under this chapter along with a copy of any lease for the premises.
- (9)(10) Verify compliance with State-mandated security measures as outlined in Emergency Rule 35 of the Department of Licensing and Regulatory Affairs: Adult-Use Marihuana Establishments Emergency Rules of July 3, 2019, as may be updated or amended from time to time.
- (10)(11) A floor plan of the marihuana operation, as well as a scale diagram illustrating the property including all available parking spaces, all available handicapped accessible parking, and noting storage spaces for any flammable or combustible substances.
- (11)(12) Verify compliance with State-mandated marketing and advertising restrictions as outlined in Emergency Rule 52 of the Department of Licensing and Regulatory Affairs: Adult-Use Marihuana Establishments Emergency Rules of July 3, 2019, as may be updated or amended from time to time.
- (12)(13) A location area map, as measured pursuant to Section 1300.10, of the marihuana operation and surrounding area that identifies the relative locations and the distances, as measured pursuant to Section 1300.10(d), to the buffered uses set forth in Section 1300.10(a), and noting any residentially-zoned property within one-quarter mile of the marihuana operation.
- (13)(14) An affidavit that neither the applicant nor any stakeholder of the applicant is in default to the City. Specifically, that the applicant or stakeholder of the applicant has not failed to pay any property taxes, special assessments, fines, fee or other financial obligation to the City.
- (14)(15) A signed acknowledgment that the applicant is aware and understands that all matters related to marihuana, growing, cultivation, possession, dispensing, testing, safety compliance, transporting, distribution, and use are currently subject to State and Federal laws, rules, and regulations, and that the approval or granting of a license hereunder does not exonerate or exculpate the applicant from abiding by the provisions and requirements and penalties associated with those laws, rules and regulations or exposure to any penalties associated therewith; and further the applicant waives and forever releases any claim, demand, action, legal redress, or recourse against the City, its elected and appointed officials and its employees and agents for any claims, damages, liabilities, causes of action, damages, and attorney fees the applicant may occur as a result of the violation by applicant, its officials, members, partners, shareholders, employees and agent of those laws, rules, and regulations and hereby waives, and assumes the risk of, any such claims and damages, and lack of recourse against the City, its elected and appointed officials, employees, attorneys, and agents.
- (15)(16) Proof of an insurance policy covering each license and naming the City, its elected and appointed officials, employees, and agents, as additional insured parties, available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors, in the amount of (a) at least \$1,000,000.00 for property damage; (b) at least \$1,000,000.00 for injury to one person; and (c) at least \$2,000,000.00 for injury to two or more persons resulting from the same occurrence. The insurance policy underwriter must have a minimum A.M. Best Company insurance ranking of B+, **DemoTech consistent with State law, or similar rating from another credit rating agency for the insurance industry.** The policy shall provide that the City shall be notified by the insurance carrier 30 days in advance of any cancellation. The insurer must be licensed in the State of Michigan.
- (16)(17) i. Proof of a surety bond in the amount of \$50,000.00 with the City listed as the obligee to guarantee performance by applicant of the terms, conditions and obligations of this chapter in a manner and surety approved by the City Attorney; or, in the alternative,
- ii. Creation of an escrow account as follows:
    - a. The account must be provided by a State or federally regulated financial institution or other financial institution; and
    - b. The account must be for the benefit of the City to guarantee performance by licensee in compliance with this chapter and applicable law; and
    - c. The account must be in the amount of \$20,000.00 and in a form prescribed by the City Attorney.
- (17)(18) Projected or actual annual budget and revenue based upon generally accepted accounting principles (GAAP standards) demonstrating sufficient financial resources to fund and execute the submitted business plans and building plans.
- (18)(19) An estimate of the number and type of full-time equivalent jobs that the marihuana operation expects to create and the amount and type of compensation for each position, including but not limited to healthcare, retirement, and paid time off.
- (19)(20) Submission of an odor plan to address any potential odors stemming from the use, storage, growing, or processing of marihuana.
- (20)(21) Execution of the Financial Resources Litigation History form made available by the City Clerk.
- (21)(22) Execution of the Morals, Good Order and General Welfare Litigation History form made available by the City Clerk.
- (22)(23) Any other information requested by the City Clerk to assist in the review of the application. Failure to provide required or requested information may result in an incomplete application determination and may result in denial or revocation of licensure.
- (23)(24) There is an ongoing obligation to provide updated information to the City Clerk. Should there be a change to any portion of an application, the applicant must advise the City Clerk within seven days from date of change and provide any documentation to support the change in application. Failure to provide documentation shall result in an incomplete application determination and is subject to denial of licensure.
- (c) Each application shall be accompanied by a license application fee in an amount of \$5,000.00.
- (d) Upon receipt of a completed application meeting the requirements of this section and the appropriate license application fee, the City Clerk shall refer a copy of the application to each of the following for their approval: the City Attorney, the Building Safety Office, the Police Department, the Zoning Administrator, and the City Treasurer.
- (e) No application shall be approved unless:
- (1) The Building Safety Office has inspected the proposed location or approved proposed site plans for compliance with all laws for which they are charged with enforcement and for compliance with the requirements of this chapter.
  - (2) The Zoning Administrator has confirmed that the proposed location complies with the Zoning Code and this chapter.
  - (3) The City Treasurer has confirmed that the applicant and each stakeholder of the applicant are not in default to the City, including but not limited to, non-payment of property taxes.
  - (4) The Police Department has reviewed the criminal history background checks for each applicant, stakeholder, and employees provided by the applicant.
  - (5) The City Attorney's office has reviewed and approved as to form the insurance and either the surety bond or escrow account documentation for compliance with State and local laws.
- 1300.07. License renewal application.
- (a) Application for a license renewal required by this chapter shall be made in writing to the City Clerk at least 28 days prior to the expiration of an existing license.
- (b) An application for a license renewal required by this chapter shall be made under oath on forms provided by the City, and shall contain all of the information required by Section 1300.04(b).

- (c) An application for a license renewal shall be accompanied by a renewal fee in an amount of \$5,000.00. The renewal fee is established to defray the costs of the administration and enforcement of this chapter expended by the City Clerk's Office, Police Department, City Attorney's Office, Treasury, Building Safety office, Zoning Administrator, and other relevant City departments.
- (d) Upon receipt of a completed application for a license renewal meeting the requirements of this chapter and the license renewal fee, the City Clerk shall refer a copy of the renewal application to each of the following for their approval: The City Attorney's Office, the Building Safety Office, the Police Department, the Zoning Administrator, and the City Treasurer.
- (e) No application for a license renewal shall be approved unless:
  - (1) The Building Safety Office has inspected the proposed location and/or approved proposed site plans for compliance with all laws for which they are charged with enforcement within the past calendar year.
  - (2) The Zoning Administrator has confirmed that the location complies with the Zoning Code and this chapter.
  - (3) The City Treasurer has confirmed that the applicant and each stakeholder of the applicant and the location of the marihuana operation are not currently in default to the City, including but not limited to property taxes.
  - (4) The Police Department has reviewed the criminal history background checks for each applicant, stakeholder, and employee, as provided by the applicant.
  - (5) The City Attorney's Office has reviewed and approved as to form the insurance and either the surety bond or escrow account documentation for compliance with State and local laws.
  - (6) The applicant possesses the necessary State licenses or approvals.
  - (7) The applicant has operated the marihuana operation in accordance with the conditions and requirements of this chapter as well as Federal and State laws and regulations.
  - (8) The marihuana operation has not been declared a public nuisance.
- (f) If written approval is given by each individual, department, or entity identified in subsection (e), the City Clerk confirms compliance with subsection (b) and receipt of the renewal fee, the City Clerk shall issue a license renewal to the applicant. The renewal shall be deemed approved if the City has not issued formal notice of denial within 60 days of the filing date of the application, unless the applicant is advised of non-compliance under Section 1300.07(e) during such period.
- (g) If an applicant receives conditional approval to receive a license but fails to obtain that license within 24 months from the date of conditional approval, the City Clerk may revoke the conditional approval and deny licensure. conditional approval is not a license and in no way permits growing, processing, testing, transport, or sale of marihuana or marihuana product.

#### 1300.09. Minimum operational standards of a marihuana operation.

Except as may be preempted by State law or regulation:

- (a) Every Medical Marihuana Provisioning Center, Marihuana Retailer, and Designated Consumption Establishment must be located in a building, as defined under Section 1300.02.
- (b) No Medical Marihuana Provisioning Center, Marihuana Retailer, Marihuana Microbusiness, or Designated Consumption Establishment shall be open between the hours of 10:00 p.m. and 9:00 a.m.
- (c) Consumption of marihuana shall be prohibited on the premises of a marihuana operation except as permitted by City Charter Section 8-501, State law, and a designated consumption establishment license has been obtained.
- (d) No marihuana operation shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the marihuana operation is operated; or any other nuisance that hinders the public health, safety and welfare of the residents of the City.
- (e) The license required by this chapter shall be prominently displayed on the premises of a marihuana operation.
- (f) The premises shall be open for inspection during the stated hours of operation and as such other times as anyone is present on the premises. Refusal to permit inspection may result in revocation or suspension of licensure.
- (g) It shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.
- (h) No other accessory uses are permitted within the same establishment or facility unless expressly permitted by State or local law.
- (i) All processing activity shall be performed indoors in a building.
- (j) All persons working in direct contact with marihuana shall conform to hygienic practices while on duty, including but not limited to:
  - (1) Maintaining adequate personal cleanliness;
  - (2) Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated;
  - (3) Refraining from having direct contact with medical marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.
- (k) Marihuana operations must be kept clean and in good repair, including proper disposal of all waste and litter.
- (l) No Medical Marihuana Provisioning Center, Marihuana Retailer, Marihuana Microbusiness, or Designated Consumption Establishment shall permit the sale, consumption, or serving of alcohol.
- (m) Any marihuana licensee engaged in the sale of marijuana must apply for and receive approval from the Zoning Administrator prior to operating a drive-through (drive-thru).**

#### 1300.11. Location of Marihuana Growers, Marihuana Safety Compliance Facilities, Marihuana Processors, Marihuana Secure Transporters, Marihuana Microbusinesses, and Designated Consumption Establishment.

- (a) All Marihuana Growers and Marihuana Microbusinesses shall be limited to Ind-1 (suburban industrial), Ind-2 (general industrial) and Ind-3 (urban industrial) zoning districts as identified in this Code.
- (b) All Marihuana Safety Compliance Facilities, Marihuana Processors, **Educational Research Facilities**, and Marihuana Secure Transporters shall be limited to Ind-1 (suburban industrial), Ind-2 (general industrial), Ind-3 (urban industrial), and DT-2 (urban flex) zoning districts as identified in this Code.
- (c) All Designated Consumption Establishments shall be limited to S-C (suburban corridor), MX-C (mixed use urban corridor), MX-2 (mixed use community center), MX-3 (mixed use district center), Ind-1 (suburban industrial), Ind-2 (general industrial), Ind-3 (urban industrial), and DT-2 (urban flex) zoning districts as identified in this Code.
- (d) No marihuana operation shall be located in an unzoned area or in an area subject to an agreement entered into pursuant to Public Act 425 of 1984.

#### 1300.17. Temporary Marihuana Events

- (a) Any temporary marihuana event occurring in the City of Lansing shall submit the following to the Office of the Mayor for municipal approval or denial:**
  - (1) A full and complete copy of the application submitted to the State of Michigan;**
  - (2) Proof of Marihuana Event Organizer License from the State of Michigan;**

- (3) A complete Special Event Permit Application if the event is to occur on City-owned property;
- (4) Submission of a \$5,000 license application fee;
- (b) Upon receipt of a completed application meeting the requirements of this section and payment of the appropriate license application fee, the application shall be referred to the following departments for their approval: the City Attorney, the Police Department, the Fire Department, and the Department of Parks & Recreation if hosted on City-owned property.
- (c) The Mayor is the final authority in the decision whether to approve, deny, or modify the application.

Section 2. All ordinances, resolutions or rules, parts of ordinances inconsistent with these 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 30<sup>th</sup> day after enactment by City Council and pursuant to Section 3-307 of the City Charter, this Chapter shall expire December 31, 2031.

### **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

Lansing Housing Commission Financial Report, June 30, 2022

Referred to the Committee of the Whole

Liquor License; Comfort Zone Cigar Lounge request for a Class C license, Sunday Sales (AM/PM), dance, entertainment, and outdoor service permits at 600 S. Pennsylvania Ave. (PEND-3114)

Referred to the Committee on City Operations

Ballot Proposal; Charter general revision question as required by the Charter (PEND-3117)

Referred to the Committee of the Whole

Letter(s) from the Mayor re:

Appointment; Robert Benstein as an At-Large member of the Lansing Gateway Corridor Improvement Authority Board of Directors for a term to expire June 30, 2026 (PEND-3095)

Referred to the Committee on Development and Planning

SLU-2-2022; Special Land Use Permit, 340 E. Edgewood Blvd for a self-storage rental facility (PEND-3111)

Referred to the Committee on Development and Planning

Setting a Public Hearing on SLU-2-2022; Special Land Use Permit, 340 E. Edgewood Blvd for a self-storage rental facility (PEND-3112)

Referred to the Committee on Development and Planning

Issuance of sewage disposal system revenue bonds for CSO Program (PEND-3116)

Referred to the Committee of the Whole

Collective Bargaining Agreement; United Auto Workers Local 2256 Contract (PEND-3118)

Placed on File

Collective Bargaining Agreement; Capitol City Labor Program (CCLP) Non-Supervisory Unit Contract (PEND-3110)

Placed on File

- Communications and Petitions, and Other City Related Matters:

Notice from the Michigan Liquor Control Commission; 7Y97 Store B, LLC request to transfer ownership 2022 SDD & SDM License with Sunday Sales Permit (AM), Sunday Sales Permit (PM) for SDD License- spirits and Sunday Sales Permit (PM) for SDM License mixed spirit drink from Kartar Liquor Inc.; Conditional License (RID # RQ-2202-00957)

Referred to the Committee on City Operations

**Public Comment on City Government Related Matters**

Jody Washington spoke about homelessness.

Abby Deneau spoke about the mass extinction.

Nicklas Zande spoke about the City Charter Revision Proposal.

Loretta Stanaway spoke about various City Matters

Kyle Richard spoke about homelessness

Kelsey Hudson spoke about homelessness

Joann Baumann spoke about homelessness.

Andy Markovic spoke about the S. Martin Luther King Corridor Authority.

John Morin spoke about his experience with the Lansing Police Department.

Claretta Duckett-Freeman spoke about homelessness.

Erica Lynn spoke about various City Matters.

Michael Lynn spoke about various City Matters.

**Adjourned Time 8:59 P.M.**

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

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**Chris Swope, City Clerk**