



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
PROCEEDINGS OF AUGUST 12, 2013**

City Council Chambers
Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Wood

PRESENT: Council Members Boles Robinson, Jeffries, Quinney, Washington, Wood

ABSENT: Council Members Dunbar, Houghton (arrived at 7:02 p.m.), Yorko (arrived at 7:05)

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Wood.

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Vice President Boles Robinson

To approve the printed Council Proceedings of June 3, 2013

Motion carried

Council Member Houghton arrived at 7:02 p.m.

SPECIAL CEREMONIES

1. Tribute; In Recognition of Andrew Brewer and the members of Men Making a Difference

Council Member Boles Robinson thanked the people involved with Men Making a Difference and spoke about their good works.

Council Member Quinney spoke about the community contributions of the people involved with Men Making a Difference.

Council Member Yorko arrived at 7:05 p.m.

Andrew Brewer thanked the City Council for the recognition and introduced the members of Men Making a Difference accompanying him. He spoke about their work.

RESOLUTION #2013-145

BY COUNCIL MEMBERS BOLES ROBINSON, DUNBAR,
HOUGHTON, JEFFRIES, QUINNEY, WASHINGTON, WOOD &
YORKO

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Andrew Brewer started a picnic three years ago that impacted families so much that he became committed to bring a successful outlet for youth. This evolved into a movement that impacted our city gathering a group of men and women together and created Men Making A Difference (M.M.A.D.); and

WHEREAS, Mr. Brewer said, "There is an outrage with single mothers and incarcerated parents in our community that need assistance with the everyday struggles of raising our children." M.M.A.D. is serious

about working on solutions; to create a successful outcome for young people's future through education, cultural awareness and support; and

WHEREAS, M.M.A.D. primary focus is on the age group of 10 to 14; however, they will not turn down any child in need. Their goal is to interact with the kids in a group environment. Introducing them to new people and other boys with similar stories; so that, they can connect with other young men in their community; and

WHEREAS, over the summer M.M.A.D. helps in providing kids help with athletic apparel from cleats, uniforms, helmets & shoes. At the start of the school year they have a book bag give away; so that, students the essential tools to be successful with their education note books, pens, and binders; and

WHEREAS, M.M.A.D. host an annual picnic every year that involves great food, wonderful prizes, and enlightening entertainment; which the young men are active participants. Mr. Brewer said, "When we look at volunteering opportunities, we look to increase a sense of community, ownership and stewardship in our youth which fosters the development of a community identity and spirit.

NOW THEREFORE BE RESOLVED that the Lansing City Council wishes to extend their gratitude and thanks to Andrew Brewer and the members of Men Making A Difference for their willingness to change lives and mold the character of young people in our community.

By Council Member Boles Robinson

Motion Carried

**COUNCIL MEMBERS' COMMENTS
AND CITY CLERK'S ANNOUNCEMENTS:**

Council Member Washington announced the East Village Neighborhood's annual picnic.

Council Member Quinney announced the Lewton-Rich Neighborhood National Night Out Against Crime event.

Council Member Houghton announced the Cavanaugh Park Neighborhood National Night Out Against Crime event and the Old Everett safety meeting.

Council Member Boles Robinson spoke about the recent Second Saturday meeting.

Council Member Yorko announced the National Night Out Against Crime events for Old Oakland Neighborhood, Westside Neighborhood, Downtown Neighborhood, and Colonial Village Neighborhood.

Council Member Jeffries announced the St. Casimir Corn Roast and the Come to the River 5k walk/run.

President Wood spoke about the National Night Out Against Crime events.

Council Member Quinney announced the Bluebell Park Neighborhood National Night Out Against Crime event.

City Clerk Swope announced the availability of election results and turnout from last week's City Primary. He spoke about the initiative to amend the Lansing City Charter regarding Marijuana.

COMMUNITY EVENT ANNOUNCEMENTS

Michael Morofsky clarified the date of the Colonial Village upcoming event.

It was announced that Men Making a Difference would be having a book bag drive.

Kathi Raffone announced the opening of the John Pollard Memorial Library.

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

Chad Gamble, Chief of Staff and Acting Executive Assistant to Mayor Bernero, announced a drive-in movie at Groesbeck Golf Course. He announced the Mobile Food Pantry, the Kids Connect Program, the kick off to the summer food program, the Spartans Give Back event, and a form-based code meeting. He spoke about the non-motorized pathway project on the agenda for tonight.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

Legislative Matters included the following public hearings:

1. In consideration of Z-1-2013; 5950 S. Martin Luther King Jr. Blvd; Cars are Us rezoning the property from "E-2" Local Shopping District to "F" Commercial District
2. In consideration of an Ordinance of the City of Lansing, Michigan, to amend the Code of Ordinances of the City of Lansing by amending Chapter 884 and adding a new Section 884.12 for the purposes of providing for a service charge in lieu of taxes for twenty-four low or moderate income elderly dwelling units in a project known as Liberty Village, pursuant to the provisions of the State Housing Development Authority Act of 1966, as amended

Council Member Jeffries gave an overview of both public hearings.

Jim Rooker spoke in support of the Liberty Village ordinance.

Kathi Raffone expressed concern about the Funding for Recycling Carts and the Recognition of Non-Profit status for the Northtown Neighborhood Association.

Claude Beavers spoke in support of the resolution regarding St. Petersburg, Russia.

Willy Williams expressed concerns with internal auditor appointment, the St. Petersburg, Russia resolution, and the tribute for Georgia Brown.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of Z-1-2013; 5950 S. Martin Luther King Jr. Blvd; Cars are Us rezoning the property from "E-2" Local Shopping District to "F" Commercial District
REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

2. In consideration of an Ordinance of the City of Lansing, Michigan, to amend the Code of Ordinances of the City of Lansing by amending Chapter 884 and adding a new Section 884.12 for the purposes of providing for a service charge in lieu of taxes for twenty-four low or moderate income elderly dwelling units in a project known as Liberty Village, pursuant to the provisions of the State Housing Development Authority Act of 1966, as amended
ADOPTED AT THIS MEETING

LEGISLATIVE MATTERS

CONSENT AGENDA

By Council Member Boles Robinson

To approve items 1a, 3a, 3b, 5a, and 5b on the Consent Agenda.

Council Member Jeffries asked that item 3a be removed from the Consent Agenda.

The question being adoption of the remaining items on the Consent Agenda

Motion Carried

RESOLUTION #2013-146

BY COUNCIL MEMBERS BOLES ROBINSON, DUNBAR, HOUGHTON, JEFFRIES, QUINNEY, WASHINGTON, WOOD & YORKO

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, Georgia Lee Brown was born in Athens, GA on January 7, 1913. She was the daughter of the late Matthew and Alice Dean who moved to Lansing in 1922; and

WHEREAS, Georgia attended a number of schools in Lansing. She was the first black female to attend Eastern High School and graduated from Lansing Central High School. She married Robert Brown and together they had nine children; and

WHEREAS, Georgia was an active member of Trinity A.M.E. Church for more than 75 years served as Trustee Board Secretary for more than 20 years, author of the historical marker text at Trinity A.M.E., as Sunday School Teacher and Nursery attendant for 50 years; and

WHEREAS, Georgia, a beautiful, distinguished lady, a tireless worker and supporter of this community for more than 80 years. Her main interest was improving the lives of the youth in Lansing, which was pursued thru her many volunteer activities including the Parent Teacher Association earning her the National Honorary Membership Life Award, Lansing Black Mother of the Year Recognition, Lansing's 1953 Mother of the Year, YMCA/YWCA youth programs, president of the Y Boy's Mother's Club, 6 years as a Girl Scout Leader, 13 years as a Den Mother with the Cub Scouts; and

WHEREAS, Georgia Brown would say, "I think God has given me the ability to talk to people and comfort them. This is my ministry." Georgia has received the Sojourner Truth Award for community service, and was a Golden Heritage Life Member of the N.A.A.C.P. She is a past president and charter member of the Lansing Association of Women's Clubs, and a Golden Life Member of National Council of Negro Women. She was affiliated with the League of Women Voters, Church

Women United, the Interracial Fellowship, Potter Park Zoological Society and the Old News Boys. She was the first woman appointed to the State Boundary Commission by Ingham County.

THEREFORE BE IT RESOLVED that the Lansing City Council sends their deepest condolences to the family and friends of Georgia Brown. Georgia will be missed by many and may we always remember her motto and try to live by her example of giving her life to comfort others.

Adopted as part of the Consent Agenda

RESOLUTION #2013-147

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

WHEREAS, the Committee on General Services denied the claim ID #954 in the amount of \$1,341.00 for property located at 1236 Allen St. on August 6, 2013;

NOW, THEREFORE, BE IT RESOLVED that the City Council, hereby, denies the claim #954 for property located at 1236 Allen St. in the amount of \$1,341.00;

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

Adopted as part of the Consent Agenda

RESOLUTION #2013-148

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

WHEREAS, the Mayor made the appointment of Jennifer Flood of 320 S. Fairview in Lansing, MI, 48912, as a City of Lansing Representative to the Potter Park Zoo Board for a term to expire December 31, 2014; and

WHEREAS, the Public Services Committee met on Wednesday, August 7, 2013 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Jennifer Flood of 320 S. Fairview in Lansing, MI, 48912, as a City of Lansing Representative to the Potter Park Zoo Board for a term to expire December 31, 2014.

Adopted as part of the Consent Agenda

RESOLUTION #2013-149

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

WHEREAS, the Mayor made the re-appointment of Rick Kibbey of 1614 Lindberg in Lansing, MI, 48910, as a City of Lansing Representative to the Potter Park Zoo Board for a term to expire December 31, 2015; and

WHEREAS, the Public Services Committee met on Wednesday, August 7, 2013 and took affirmative action;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the re-appointment of Rick Kibbey of 1614 Lindberg in Lansing, MI, 48910, as a City of Lansing Representative to the Potter Park Zoo Board for a term to expire December 31, 2015.

Adopted as part of the Consent Agenda

RESOLUTIONS

RESOLUTION #2013-150

BY COUNCIL MEMBER WASHINGTON

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing prohibits discrimination on the basis of sexual orientation and gender identity as well as other categories; and

WHEREAS, the Lansing Regional Sister Cities Commission has at least some form of a relationship with St. Petersburg, Russia; and

WHEREAS, the governments of St. Petersburg and the Russian Federation have been involved in the systematic violation of the human rights of lesbian, gay, bisexual, transgender and allied people; and

WHEREAS, St. Petersburg city officials failed to protect the safety of LGBT and allied activists on June 29, 2013, which resulted in the beatings and arrests of 60 LGBT and allied activists; and

WHEREAS, laws and policies that violate human rights are contrary to the values and policies of the City of Lansing and its residents.

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council strongly condemns the widespread abuses of human rights being perpetrated in St. Petersburg; and

BE IT FURTHER RESOLVED, that the Lansing City Council urges the Lansing Regional Sister Cities Commission to sever all remaining ties, including references on its website and signage, with St. Petersburg; and

BE IT FURTHER RESOLVED, that the Lansing City Council requests the City of Lansing Human Relations and Community Service Department and/or Advisory Board prepare an annual report summarizing current human rights issues and challenges in each of Lansing's sister cities and submit the report to the Lansing City Council by the beginning of each calendar year.

By Council Member Washington

Motion Carried by the following roll call vote:

Yeas: Council Members Council Members Boles Robinson, Houghton Jeffries, Quinney, Washington, Wood, Yorko

Nays: None

RESOLUTION #2013-151

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

WHEREAS, Northtown Neighborhood Association has requested a resolution of recognition as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license pursuant to MCL 432.103 (9); and

WHEREAS, the City Attorney has reported that, based on a review of the documentation submitted, Northtown Neighborhood Association qualifies as a Local Nonprofit Organization;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, recognizes the Northtown Neighborhood Association as a Local Nonprofit Organization operating in the City of Lansing for the purpose of obtaining a charitable gaming license.

BE IT FURTHER RESOLVED the City Clerk is requested to provide a copy of this resolution to the Northtown Neighborhood Association located at 1563 N. High Street, Lansing, MI 48906.

By Council Member Houghton

Motion Carried

RESOLUTION #2013-152

BY THE COMMITTEE ON PERSONNEL
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, on August 12, 2013 the Personnel Committee confirmed the selection of James R. DeLine as the new Internal Auditor – Level 42 for the Lansing City Council;

WHEREAS, the Internal Auditor position, by Charter, is a Council appointment;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, affirms the appointment of James R. DeLine effective as of August 26, 2013 and declares him as the Internal Auditor for the City of Lansing.

BE IT FURTHER RESOLVED that the initial salary will be Level 42, Step 7.

By Council Member Boles Robinson

Motion Carried

RESOLUTION #2013-153

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

RESOLUTION APPROVING FINANCING UNDER
ACT 99, PUBLIC ACTS OF MICHIGAN, 1933
RECYCLING CARTS AND TRUCKS

A RESOLUTION TO AUTHORIZE:

- Up to \$3,400,000 of installment purchase financing for recycling carts and trucks.
- Interim Finance Director to negotiate financing.

WHEREAS, the City of Lansing (the "City") determines it to be necessary for the public health, safety and welfare of the City and its residents and employees to acquire approximately 38,000 new wheeled recycling carts and 5 new recycling trucks with automated pickup arms (the "Property") at a total estimated cost of not-to-exceed \$3,400,000; and

WHEREAS, under the provisions of Act 99, Public Acts of Michigan, 1933, as amended ("Act 99"), the City Council is authorized to enter into any contracts or agreements for the purchase of real or personal property for public purposes, to be paid for in installments over a period not to exceed the useful life of the property acquired, as determined by resolution of the City Council, or 15 years, whichever is less; and

WHEREAS, the City Council wishes to authorize the Interim Finance Director (the "Authorized Officer") to negotiate the installment purchase financing of the Property without the necessity of the City Council taking further action.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Authorized Officer is hereby authorized to negotiate one or more installment purchase agreements or contracts with the sellers of the Property and a bank or other financial institution, in substantially the form as she shall, in consultation with counsel, determine to be appropriate. Principal payable pursuant to the installment purchase agreements or contracts shall be payable over a period to be determined by the Authorized Officer but in any event not to exceed the useful life of the Property set forth in Section 2 of this Resolution. The net interest cost payable under the installment purchase agreements or contracts shall not exceed 5.00% per annum, and the aggregate principal amount to be paid by the City under the installment purchase agreements or contracts shall not exceed \$3,400,000.

2. The useful life of the recycling carts is hereby determined to be not less than 9 years. The useful life of the recycling trucks is

hereby determined to be not less than 8 years. The acquisition of the Property and the approval of the installment purchase agreements or contracts hereby are found and declared to be for a valid public purpose and in the best interest of the health and welfare of the residents of the City.

3. The City hereby agrees to include in its budget for each year a sum which will be sufficient to pay the principal of and the interest coming due under the installment purchase agreements or contracts before each following fiscal year. In addition, the City hereby pledges to levy, if necessary, ad valorem taxes on all taxable property in the City each year in an amount necessary to make its debt service payments under the installment purchase agreements or contracts, subject to applicable constitutional, statutory and charter tax rate limitations.

4. The Authorized Officer is hereby directed and authorized to execute and deliver the installment purchase agreements or contracts in final form, and to execute and deliver such additional documentation as shall be necessary to effectuate the closing contemplated by the installment purchase agreements or contracts and the assignment thereof, including requisition certificates (if provided by the form of installment purchase agreement or contract) providing payment to the sellers of the Property upon delivery of any portion of the Property or for reimbursement of previously appropriated or advanced costs.

5. The Authorized Officer is hereby authorized to make all administrative transfers necessary to implement this resolution, including current fiscal year debt service account, and to establish appropriate construction and financing accounts.

6. The City covenants that, to the extent permitted by law, the City shall take all actions within its control necessary to maintain the exclusion of the interest component of the payments due under the installment purchase agreements or contracts from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code") including but not limited to, actions relating to the rebate of arbitrage earnings, if applicable.

7. The City hereby makes the following declaration of intent for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code:

(a) The City reasonably expects to reimburse itself with proceeds of debt to be incurred by the City for the expenditures made to pay certain costs associated with the Property which were or will be paid subsequent to sixty (60) days prior to the date hereof from the general funds or capital fund of the City.

(b) As of the date hereof, the maximum principal amount of debt expected to be issued for reimbursement purposes, including reimbursement of debt issuance costs, is \$3,400,000, which debt may be issued in one or more series and/or together with debt for other purposes.

(c) A reimbursement allocation of the expenditures described in paragraph (a) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Property is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Property to reimburse the City for a capital expenditure made pursuant to this Resolution.

(d) The expenditures for the Property are "capital expenditures" as defined in Treas. Reg. § 1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of "placed in service" under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

(e) No proceeds of the borrowing paid to the City in reimbursement pursuant to this Resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (c) above.

8. The City hereby requests that Miller, Canfield, Paddock and Stone, P.L.C. continue to serve the City as bond counsel for this financing, notwithstanding the potential concurrent representation of any other participant in the financing in matters not related to this financing. The City recognizes that Miller, Canfield, Paddock and Stone, P.L.C. has represented from time to time, and currently represents, various banks, financial institutions, underwriters, contractors, vendors, and other potential participants in this financing for matters not related to this financing.

9. The Authorized Officer is hereby authorized to retain a financial consultant to assist the City in preparation and planning for this financing.

10. In the event that the Authorized Officer is not available to undertake responsibilities delegated to her under this resolution, then the Chief Operating Officer, Mayor, or other officer of the City designated by the Authorized Officer, Chief Operating Officer, or Mayor is authorized to take such actions. The Authorized Officer, Chief Operating Officer, Mayor, City Clerk, or any of them, are hereby severally authorized to execute and deliver the installment purchase agreements or contracts in final form. The officers, administrators, agents and attorneys of the City are authorized and directed to execute and deliver all other agreements, documents and certificates, to use monies legally available to the City to pay any costs necessary to accomplish negotiation and execution of the installment purchase agreements or contracts, and to take all other actions necessary to complete the financing transaction contemplated by this Resolution.

11. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

By Council Member Boles Robinson

Motion Carried

RESOLUTION #2013-154

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

WHEREAS, The Lansing Fire Department received a Federal Emergency Management, Assistance to Fire Fighters Grant (AFG), and

WHEREAS, The AFG grant is a FEMA grant and is awarded to fire departments as a competitive bid process, and

WHEREAS, The AFG grant is designed to provide federal funds to for the purpose of training and purchasing equipment based on homeland security guidelines; and

WHEREAS, The AFG awards \$292,791 for the duration of Twelve (12) months

WHEREAS, The AFTG award for \$292,791 requires a local match of \$58,558; and

WHEREAS, The AFG grant will support the Lansing Fire Department with funding for operational equipment and training; and

NOW, THEREFORE, BE IT RESOLVED, The Lansing City Council approves acceptance of the AFG grant in the total amount of \$292,791.00 for the grant period beginning June 7, 2013 and ending June 6, 2014 to the Lansing Fire Departments operational needs.

BE IT FINALLY RESOLVED, The Administration is authorized to create appropriate accounts and to make the necessary operating transfers for the expenditure and control of the balance of the grant funds.

By Council Member Boles Robinson

Motion Carried

RESOLUTION #2013-155

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

WHEREAS, The Lansing Office of Emergency Management receives Federally-funded grant dollars, Emergency Management Performance Grant (EMPG), to pay for a percentage of the program Coordinators Salary and Fringe benefits; and

WHEREAS, The supplemental 2010 distribution EMPG grant is a hand down grant to the State of Michigan and is awarded to Emergency Management programs within the State of Michigan annually; and

WHEREAS, The supplemental EMPG grant is designed to provide federal EMPG funds to the sub grantee for the development and maintenance of an emergency management program capable of protecting life, property, and vital infrastructure in time of disaster or emergency; and

WHEREAS, the supplemental EMPG awards of \$5664.00 for the salary of the Emergency Management coordinator

WHEREAS, The State of Michigan award of \$5664.00 requires no local match or additional funding; and

WHEREAS, the supplemental EMPG grant will fund a percentage of the compensation of the Emergency Management program coordinator's salary and fringe benefits;

NOW, THEREFORE, BE IT RESOLVED, The Lansing City Council approves acceptance of the supplemental EMPG grant in the total amount of \$5664.00 for the grant to fund a percentage of the Emergency Management program coordinators salary; and

BE IT FINALLY RESOLVED, The Administration is authorized to create appropriate accounts and to make the necessary operating transfers for the expenditure and control of the balance of the grant funds.

By Council Member Boles Robinson

Motion Carried

RESOLUTION #2013-156

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

WHEREAS, The Lansing Office of Emergency Management receives Federally-funded grant dollars, Emergency Management Performance Grant (EMPG), to pay for a percentage of the program Coordinators Salary and Fringe benefits; and

WHEREAS, The supplemental 2011 distribution EMPG grant is a hand down grant to the State of Michigan and is awarded to Emergency Management programs within the State of Michigan annually; and

WHEREAS, The supplemental EMPG grant is designed to provide federal EMPG funds to the sub grantee for the development and maintenance of an emergency management program capable of protecting life, property, and vital infrastructure in time of disaster or emergency; and

WHEREAS, the supplemental EMPG awards \$17,278.00 for the salary of the Emergency management coordinators

WHEREAS, The State of Michigan award of \$17,278.00 requires no local match or additional funding; and

WHEREAS, the supplemental EMPG grant will fund a percentage of the compensation of the Emergency Management program coordinator's salary and fringe benefits;

NOW, THEREFORE, BE IT RESOLVED, The Lansing City Council approves acceptance of the supplemental EMPG grant in the total amount of \$17,278.00 for the grant to fund a percentage of the Emergency Management program coordinators salary; and

BE IT FINALLY RESOLVED, The Administration is authorized to create appropriate accounts and to make the necessary operating transfers for the expenditure and control of the balance of the grant funds.

By Council Member Boles Robinson

Motion Carried

ORDINANCES FOR PASSAGE

An Ordinance of the City of Lansing, Michigan, to amend the Code of Ordinances of the City of Lansing by amending Chapter 884 and adding a new Section 884.12 for the purposes of providing for a service charge in lieu of taxes for twenty-four low or moderate income elderly dwelling units in a project known as Liberty Village, pursuant to the provisions of the State Housing Development Authority Act of 1966, as amended

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

Yeas: Council Members Council Members Boles Robinson, Houghton Jeffries, Quinney, Washington, Wood, Yorko

Nays: Council Members

By Council Member Jeffries to give the ordinance immediate effect

Motion Carried

ORDINANCE NO. 1186

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE CODE OF ORDINANCES OF THE CITY OF LANSING BY AMENDING CHAPTER 884 AND ADDING A NEW SECTION 884.12 FOR THE PURPOSES OF PROVIDING FOR A SERVICE CHARGE IN LIEU OF TAXES FOR TWENTY-FOUR LOW OR MODERATE INCOME ELDERLY DWELLING UNITS IN A PROJECT KNOWN AS LIBERTY VILLAGE, PURSUANT TO THE PROVISIONS OF THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, AS AMENDED.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 884 of the Code of Ordinances of the City of Lansing, Michigan be amended to add a new section 884.12 to read as follows:

884.12 LIBERTY VILLAGE

(A) PURPOSE. IT IS ACKNOWLEDGED THAT IT IS A PROPER PUBLIC PURPOSE OF THE STATE AND ITS POLITICAL SUBDIVISIONS TO PROVIDE HOUSING FOR ITS RESIDENTS OF LOW AND MODERATE INCOME AND TO ENCOURAGE THE DEVELOPMENT OF SUCH HOUSING BY PROVIDING FOR A SERVICE CHARGE IN LIEU OF PROPERTY TAXES IN ACCORDANCE WITH THE STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966, BEING PUBLIC ACT 346 OF 1966, AS AMENDED [MCL 125.1401, ET SEQ]. THE CITY IS AUTHORIZED BY SUCH ACT TO ESTABLISH OR CHANGE THE SERVICE CHARGE TO BE PAID IN LIEU OF TAXES BY ANY OR ALL CLASSES OF HOUSING EXEMPT FROM TAXATION UNDER SUCH ACT AT ANY AMOUNT IT CHOOSES, NOT TO EXCEED THE TAXES THAT WOULD BE PAID BUT FOR THIS ACT. IT IS FURTHER ACKNOWLEDGED THAT SUCH HOUSING FOR ELDERLY PERSONS OF LOW AND MODERATE INCOME IS A

PUBLIC NECESSITY, AND AS THE CITY WILL BE BENEFITED AND IMPROVED BY SUCH HOUSING, THE ENCOURAGEMENT OF THE SAME BY PROVIDING CERTAIN REAL ESTATE TAX EXEMPTION FOR SUCH HOUSING IS A VALID PUBLIC PURPOSE.

(B) DEFINITIONS.

1. "ACT" MEANS THE STATE HOUSING DEVELOPMENT AUTHORITY ACT, BEING PUBLIC ACT 346 OF 1966, AS AMENDED.
2. "ANNUAL SHELTER RENTS" MEANS THE TOTAL COLLECTIONS DURING AN AGREED ANNUAL PERIOD FROM ALL ELDERLY PERSONS OF LOW OR MODERATE INCOME, OCCUPYING THE HOUSING DEVELOPMENT REPRESENTING RENTS FOR OCCUPANCY, WHICH RENTAL AMOUNTS SHALL BE EXCLUSIVE OF CHARGES FOR GAS, ELECTRICITY, HEAT OR OTHER UTILITIES FURNISHED TO THE OCCUPANTS.
3. "AUTHORITY" MEANS THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY.
4. "CONTRACT RENTS" ARE AS DEFINED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT IN REGULATIONS PROMULGATED PURSUANT TO SECTION 8 OF THE U.S. HOUSING ACT OF 1937, AS AMENDED BY THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974.
5. "ELDERLY PERSONS" MEANS (i) A SINGLE PERSON WHO IS FIFTY-FIVE (55) YEARS OF AGE OR OLDER OR A HOUSEHOLD IN WHICH AT LEAST ONE MEMBER IS 55 YEARS OLD OR OLDER OR; (ii) A PERSON WITH DISABILITIES, A DISABLED FAMILY, OR DISPLACED FAMILY, ALL AS DEFINED IN 24 CFR 5.403.
6. "FEDERALLY-AIDED MORTGAGE" MEANS ANY OF THE FOLLOWING:
 - i. A MORTGAGE INSURED, PURCHASED, OR HELD BY THE SECRETARY OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ("HUD") OR UNITED STATES DEPARTMENT OF AGRICULTURE – RURAL DEVELOPMENT ("USDA-RD");
 - ii. A MORTGAGE RECEIVING INTEREST CREDIT REDUCTION PAYMENTS PROVIDED BY HUD OR USDA-RD;
 - iii. A HOUSING DEVELOPMENT TO WHICH THE AUTHORITY ALLOCATES LOW INCOME HOUSING TAX CREDITS UNDER SECTION 22b OF THE ACT; OR
 - iv. A MORTGAGE RECEIVING SPECIAL BENEFITS UNDER OTHER FEDERAL LAW DESIGNATED SPECIFICALLY TO DEVELOP LOW AND MODERATE- INCOME HOUSING, CONSISTENT WITH THE ACT.
7. "HOUSING DEVELOPMENT" OR "DEVELOPMENT" MEANS A DEVELOPMENT WHICH CONTAINS A SIGNIFICANT ELEMENT OF HOUSING FOR ELDERLY PERSONS OF LOW AND MODERATE INCOME AND SUCH ELEMENTS OF OTHER HOUSING, COMMERCIAL, RECREATIONAL, INDUSTRIAL, COMMUNAL AND EDUCATIONAL FACILITIES AS THE AUTHORITY MAY DETERMINE WILL IMPROVE THE QUALITY OF THE DEVELOPMENT AS IT RELATES TO HOUSING FOR PERSONS OF LOW AND MODERATE INCOME. FOR THE PURPOSE OF THIS SECTION, THE NAME OF THIS DEVELOPMENT IS LIBERTY VILLAGE, AND IT CONSISTS OF TWENTY-FOUR (24) UNITS OF RENTAL HOUSING LOCATED WITHIN LANSING AT 1401 GEORGETOWN BLVD. (PPN 33-01-05-08-251-009).

8. "HUD" MEANS THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OF THE UNITED STATES GOVERNMENT.
9. "LOW INCOME HOUSING TAX CREDIT PROGRAM" MEANS THE PROGRAM ESTABLISHED BY SECTION 42 OF THE UNITED STATES INTERNAL REVENUE CODE.
10. "LOW OR MODERATE INCOME" MEANS LOW OR MODERATE INCOME ELIGIBILITY UNDER THE AUTHORITY ACT OR RULES.
11. "MORTGAGE LOAN" MEANS A LOAN TO BE MADE BY A PRIVATE ENTITY, OR INSURED BY HUD, OR A LOAN FROM THE AUTHORITY, FOR THE FINANCING OF THE PURCHASE AND CONSTRUCTION OF THE HOUSING DEVELOPMENT.
12. "SPONSOR" MEANS A PERSON OR OTHER ENTITY WITH A HOUSING DEVELOPMENT WHICH IS FINANCED OR ASSISTED PURSUANT TO THE ACT. FOR PURPOSES OF THIS SECTION, THE SPONSOR IS THE LIBERTY VILLAGE LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED PARTNERSHIP OR ITS SUCCESSORS OR ASSIGNS.
13. "UTILITIES" MEANS FUEL, WATER, SANITARY SEWER AND/OR ELECTRICAL SERVICE, WHICH IS PAID FOR BY THE HOUSING DEVELOPMENT.

(C) ESTABLISHMENT OF ANNUAL SERVICE CHARGE.

1. THE CITY ACKNOWLEDGES THAT THE SPONSOR AND THE AUTHORITY HAVE ESTABLISHED THE ECONOMIC FEASIBILITY OF THE LIBERTY VILLAGE HOUSING DEVELOPMENT IN RELIANCE UPON THE ENACTMENT AND CONTINUING EFFECT OF THIS SECTION AND UPON THE QUALIFICATION OF THE TWENTY-FOUR (24) UNITS OF ELDERLY HOUSING IN THE HOUSING DEVELOPMENT FOR EXEMPTION FROM ALL PROPERTY TAXES AS ESTABLISHED IN THIS SECTION.
2. SUBJECT TO THE CONDITIONS AND REQUIREMENTS OF THIS SECTION AND THE ACT, THE TWENTY FOUR UNITS IN THE ELDERLY HOUSING DEVELOPMENT FOR PERSONS OF LOW AND MODERATE INCOME IDENTIFIED AS LIBERTY VILLAGE AND THE PROPERTY ON WHICH THEY ARE CONSTRUCTED SHALL BE EXEMPT FROM ALL PROPERTY TAXES FOR NOT MORE THAN 20 YEARS, COMMENCING WITH THE TAX YEAR IN WHICH THE SPONSOR MEETS ALL THE REQUIREMENTS OF PARAGRAPH (C)(4) BELOW.
3. IN LIEU OF ALL SAID PROPERTY TAXES ON THE TWENTY-FOUR (24) UNITS IN THE ELDERLY HOUSING DEVELOPMENT, THE SPONSOR SHALL PAY, AND THE CITY WILL ACCEPT, AN ANNUAL SERVICE CHARGE FOR PUBLIC SERVICES, IN THE SUM EQUAL TO:
 - i. FOUR PERCENT (4%) OF THE DIFFERENCE BETWEEN NINETY-FIVE PERCENT (95%) OF CONTRACT RENTS ACTUALLY COLLECTED LESS UTILITIES PAID FOR BY SPONSOR.
4. THE EXEMPTION PROVIDED UNDER THIS ORDINANCE SHALL COMMENCE WHEN THE SPONSOR COMPLIES WITH SECTION 5(A)(1) OF 1966 PA 346, AS AMENDED, CODIFIED AT MCL 125.415(A)(1), WHICH PROVIDES: THE OWNER OF A HOUSING PROJECT ELIGIBLE FOR THE EXEMPTION SHALL FILE WITH THE LOCAL ASSESSING OFFICER (THE CITY ASSESSOR) A NOTIFICATION OF THE EXEMPTION, WHICH SHALL BE IN AN AFFIDAVIT FORM AS PROVIDED BY THE AUTHORITY. THE COMPLETED AFFIDAVIT FORM FIRST SHALL BE SUBMITTED TO THE AUTHORITY FOR CERTIFICATION BY THE AUTHORITY THAT THE PROJECT IS ELIGIBLE FOR THE EXEMPTION. THE OWNER THEN SHALL FILE THE CERTIFIED NOTIFICATION OF THE EXEMPTION WITH THE LOCAL ASSESSING OFFICER BEFORE NOVEMBER 1 OF THE YEAR PRECEDING THE TAX YEAR IN WHICH THE EXEMPTION IS TO BEGIN.
5. IN ADDITION TO THE CERTIFICATION REQUIRED PURSUANT TO PARAGRAPH 4 OF THIS SUBSECTION (C), THE SPONSOR SHALL PROVIDE FOR THE HOUSING DEVELOPMENT ANNUALLY IN WRITING TO THE CITY ASSESSOR FOR THE PRECEDING YEAR IN WHICH THE PROPERTY TAX EXEMPTION WAS IN EFFECT:
 - i. THE ANNUAL AUDITED ACCOUNTING REPORT FOR THE PAYMENT IN LIEU OF TAXES; AND
 - ii. A CERTIFIED STATEMENT IDENTIFYING ALL THE UNITS RENTED TO ELDERLY PERSONS OF LOW OF MODERATE INCOME; AND
 - iii. IF REQUESTED BY THE CITY, PROOF THAT THE HOUSING DEVELOPMENT UNITS HAVE NOT INCREASED, DECREASED, OR BEEN ALTERED IN ANY FORM, UNLESS THE CITY HAS OTHERWISE AMENDED THE PROVISIONS OF THIS SECTION.

(D) LIMITATION ON THE PAYMENT OF THE ANNUAL SERVICE CHARGE. NOTWITHSTANDING SUBSECTION (C), THE SERVICE CHARGE TO BE PAID EACH YEAR IN LIEU OF TAXES FOR THE PART OF THE HOUSING DEVELOPMENT PROJECT THAT IS TAX EXEMPT AND OCCUPIED BY OTHER THAN LOW OR MODERATE INCOME ELDERLY PERSONS SHALL BE EQUAL TO THE FULL AMOUNT OF THE TAXES THAT WOULD OTHERWISE BE DUE AND PAYABLE ON THAT PORTION OF THE HOUSING DEVELOPMENT PROJECT IF THE PROJECT WERE NOT TAX EXEMPT.

(E) PAYMENT OF ANNUAL SERVICE CHARGE. THE SERVICE CHARGE IN LIEU OF TAXES, AS ESTABLISHED UNDER THIS SECTION, SHALL BE PAYABLE IN THE SAME MANNER AS GENERAL PROPERTY TAXES ARE PAYABLE TO THE CITY, EXCEPT THAT THE ANNUAL PAYMENT SHALL BE MADE ON OR BEFORE JULY 1 OF THE YEAR FOLLOWING THE YEAR UPON WHICH SUCH CHARGE IS CALCULATED.

(F) CONTRACTUAL EFFECT. NOTWITHSTANDING THE PROVISIONS OF SECTION 15(A)(5) OF THE ACT TO THE CONTRARY, A CONTRACT BETWEEN THE CITY AND THE SPONSOR WITH THE AUTHORITY AS THIRD PARTY BENEFICIARY UNDER THE CONTRACT, TO PROVIDE TAX EXEMPTION AND ACCEPT PAYMENT IN LIEU OF TAXES AS PREVIOUSLY DESCRIBED, IS EFFECTUATED BY THE ENACTMENT OF THIS ORDINANCE.

(G) DURATION. THIS ORDINANCE SHALL REMAIN IN EFFECT AND SHALL NOT TERMINATE FOR 20 YEARS, COMMENCING AS DESCRIBED IN PARAGRAPH (C)(2), PROVIDED THAT THE SPONSOR COMPLIES WITH THE REQUIREMENTS OF THE ACT AND THIS ORDINANCE, AND FURTHER PROVIDED THAT THE HOUSING DEVELOPMENT CONTINUES TO BE ASSISTED BY SECTION 8 OF THE U.S. HOUSING DEVELOPMENT ACT OF 1937, AS AMENDED OR THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS THE SAME MAYBE FURTHER AMENDED OR SUPERSEDED, OR THERE IS AN AUTHORITY-AIDED OR FEDERALLY-AIDED MORTGAGE ON THE HOUSING DEVELOPMENT AS PROVIDED IN THE ACT, OR THE AUTHORITY OR HUD HAS AN INTEREST IN THE PROPERTY; BUT IN NO EVENT BEYOND DECEMBER 31, OF THE 20TH YEAR FOLLOWING COMMENCEMENT AS DESCRIBED IN PARAGRAPH (C)(2). FURTHERMORE, SO LONG AS THE HOUSING DEVELOPMENT IS FINANCED BY A FEDERALLY INSURED MORTGAGE AND AFTER THE END OF THE SECTION 8 CONTRACT, AS IT MAY BE REPLACED OR EXTENDED, OCCUPANCY IS RESTRICTED TO ELDERLY PERSONS WHOSE INCOMES DO NOT EXCEED 60% OF AREA MEDIAN INCOME AND RENTS ARE RESTRICTED AS PROVIDED FOR PERSONS AT 60% OF AREA MEDIAN INCOME,

ALL AS DETERMINED UNDER THE LOW INCOME HOUSING TAX CREDIT PROGRAM, THE DEVELOPMENT SHALL BE DEEMED TO BE FINANCED BY A FEDERALLY-AIDED MORTGAGE. IF THE SPONSOR CHANGES THE SCOPE OR PURPOSE OF THE TWENTY-FOUR (24) UNITS OF ELDERLY HOUSING WITHIN THE DEVELOPMENT WITHOUT THE CONSENT OF THE CITY OF LANSING, BY AND THROUGH ITS REPRESENTATIVES, AND IN ACCORDANCE WITH THE REQUIREMENTS OF THE LANSING CITY CHARTER, THIS SECTION SHALL AUTOMATICALLY EXPIRE AND BE OF NO EFFECT.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed as they pertain to the Liberty Village housing development

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 valid.

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

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 Boles Robinson that all items be considered as being read in full and that President Wood make the appropriate referrals

Motion Carried

• Reports from City Officers, Boards and Commissions:

1. Letter(s) from the Mayor re:
 - a. PPE-1-13; Exemption of new Personal Property for Jackson National Life Insurance Company
REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING
 - b. PPE-2-13; Exemption of new Personal Property for Jackson National Life Insurance Company
REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING
 - c. IDD-1-13; Industrial Development District for Jackson National Life Insurance Company
REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING
 - d. IDD-2-13; Industrial Development District for Jackson National Life Insurance Company
REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING
 - e. SLU-3-2013; Request from Riverview Church to utilize the property at 1115 S. Washington Avenue for a

church
REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

f. ACT-7-13; Property Acquisition and Disposition at Moores River Drive and Cooley Drive
REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

g. Public Improvement V; Adjustment of Assessment Role for Sanitary Sewer Improvement
REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

• Communications and Petitions, and Other City Related Matters:

1. Notices from the Michigan Liquor Control Commission re:
a. Transfer of Ownership Class C and SDM Licenses; Irish House Company, 1910 W. Saginaw Street
REFERRED TO THE COMMITTEE ON GENERAL SERVICE

b. Transfer of Ownership Class C License; Slainte' Ventures, Inc, 802-804 E. Michigan Avenue
REFERRED TO THE COMMITTEE ON GENERAL SERVICE

c. New Permit Approval Order; K.L.C. of Lansing, Inc, 1526 S. Cedar Street
REFERRED TO THE COMMITTEE ON GENERAL SERVICE

2. Letters and information from Gary Casteel, Patrick Lafferty, and C. Paul Johns and Chong-Anna Canfora regarding American Legion Post 12 and former Fire Station #5
REFERRED TO THE COMMITTEE ON PUBLIC SERVICE

3. Letter from Michael Mercer regarding Council Members
RECEIVED AND PLACED ON FILE

MOTION OF EXCUSED ABSENCE

By Council Member Yorko to excuse Council Member Dunbar from tonight's proceedings.

Motion Carried

REMARKS BY COUNCIL MEMBERS

Council Member Yorko expressed concern that agenda item XIII C 1 a was not considered for adoption this evening.

Council Member Jeffries provided additional details about the St. Casimir Corn Roast.

Council Member Boles Robinson spoke about the need for additional information regarding agenda item XIII C 1 a.

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS:

Michael Morofsky spoke about the 9-1-1 Call Center and about the Public Services Department.

Tamia Daniel and Linda Daniel spoke about a neighborhood issue.

Justin Detmers spoke in favor of Riverview Church's request for a special land use, SLU-3-2013.

Willy Williams spoke about various City matters.

Claude Beavers spoke about the City budget and various other City matters.

Kathi Raffone spoke about various City matters.

Several Council Members spoke about the concerns raised by Tamia Daniel.

ADJOURNED TIME 9:11 P.M.

CHRIS SWOPE, CITY CLERK