



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
SPECIAL MEETING
AUGUST 4, 2014**

City Council Chambers
Lansing, Michigan

Pursuant to Section 3-202.1 of the City Charter, Mayor Bernero has called a special meeting of the City Council. The City Council of the City of Lansing met in special session and was called to order at 7:00 p.m. by President Boles

PRESENT: Councilmembers Boles, Brown Clarke, Dunbar, Houghton, Quinney, Washington, Wood, Yorko

ABSENT: Councilmember Dunbar (7:13 p.m.) and Houghton (7:02 p.m.)

Councilmember Wood asked people to remember Stan Fedewa, who recently passed away, during the moment of Meditation followed by the Pledge of Allegiance led by President Boles.

Councilmember Houghton arrived at 7:02 p.m.

**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.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

• Public Comment on Legislative Matters:

Karen Jennings spoke about the sale of the Miller Road Community Center, and requested that Peppermint Creek Theatre be allowed to finish the theatre season that ends May 2015

Bob Gray spoke about the sale of Grand Woods Park and Board of Water and Light Representation Ballot Proposals.

Mary Ann Prince spoke in opposition to the Grant Woods Proposal, the Board of Water and Light Representation Proposal and the Mayor Emergency Powers Ballot Proposal.

Councilmember Dunbar arrived at 7:13 p.m.

David Wilson spoke against selling any City of Lansing property.

By Councilmember Brown Clarke to resolve into the Committee of the Whole.

Motion Carried

The Council resolved into the Committee of the Whole at 7:15 p.m.

The Council arose from the Committee of the Whole at 7:38 p.m.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2014-201

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 Miller Road Community Center (the "Property") located at 6025 Curry Lane, Lansing, Michigan and legally described as:

COM 198 FT N OF SE COR LOT 2, TH N 139 FT, W 165 FT, S 40 FT, E 16.5 FT, S 99 FT, E 148.5 FT TO BEG; SUPERVISORS PLAT NO 9 T3N R2W, DELHI TOWNSHIP, (NOW CITY OF LANSING), INGHAM COUNTY, MICHIGAN.

WHEREAS, the park that constitutes the Property is a dedicated City of Lansing park, located in Lansing, Michigan; 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, any net proceeds from the sale of the Property will be used for improvements in the City of Lansing park and recreation system; and

WHEREAS, Section 8-403.6 of the Lansing City Charter and Ordinance 208.10 require sale of park land be approved by the voters of the City of Lansing;

NOW, THEREFORE, BE IT RESOLVED that the proposal to sell the Property be submitted to the electors of the City of Lansing for approval as required by Section 8-403.6 of the City Charter at the election to be held on November 4, 2014.

BE IT FURTHER RESOLVED that said proposal be submitted to the electors of the City in the manner and form substantially as follows:

SHALL THE CITY OF LANSING BE AUTHORIZED TO SELL OR OTHERWISE DISPOSE OF MILLER ROAD COMMUNITY CENTER, ALSO DESCRIBED AS:

COM 198 FT N OF SE COR LOT 2, TH N 139 FT, W 165 FT, S 40 FT, E 16.5 FT, S 99 FT, E 148.5 FT TO BEG; SUPERVISORS PLAT NO 9 T3N R2W, DELHI TOWNSHIP, (NOW CITY OF LANSING), INGHAM COUNTY, MICHIGAN.

YES ____
NO ____

BE IT FURTHER RESOLVED that the votes cast upon the proposal shall be counted, canvassed, and returned, and the results determined in the same manner as required for other electoral questions, as prescribed by law.

BE IT FURTHER RESOLVED that the City Clerk is required to provide sufficient notice of the placement of this ballot proposal, in conformance with state election law, including to the County Clerk, and is hereby authorized to take appropriate steps for the placement on the

November 4, 2014 ballot.

BE IT FINALLY RESOLVED that if the sale or disposal of the Property is approved by the voters of the City of Lansing, and if the Administration subsequently negotiates an agreement for that purpose, that such sale or disposal, and the appropriation of net proceeds, shall be returned to the Lansing City Council for final approval.

By Councilmember Brown Clarke

Motion Carried

RESOLUTION #2014-202

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 Grand Woods Park (the "Property"), being comprised of several parcels, located in Delta Township, Eaton County, Michigan and collectively legally described as:

Commencing at a point North 0 degrees 51 minutes East 903.0 feet, from the South quarter post of Section 1, Town 4 North, Range 3 West, Delta Township, Eaton County, Michigan, said point being the Northeast corner of Lot Fifty-five (55) of River Ridge No. 1, running thence along the Northerly line of said River Ridge No. 1, North 60 degrees 51 minutes West 505.0 feet, thence South 87 degrees 44 minutes West 363.83 feet, thence South 77 degrees 49 minutes West 481.6 feet, thence North 82 degrees 24 minutes West 394.67 feet, thence North 86 degrees 13 minutes West 1293.86 feet, thence North 60 degrees 01 minute West 565.02 feet, thence North 47 degrees 57 minutes West 260.75 feet, thence North 74 degrees 22 minutes West 338.15 feet to the West line of the East one-half of the Southeast one-quarter of Section 2, thence North 1 degree 25 minutes West 97.84 feet, thence North 80 degrees 35 minutes East 374.39 feet, thence North 72 degrees 27 minutes East 1000.65 feet, thence North 55 degrees 32 minutes East 343.98 feet, thence South 77 degrees 13 minutes East 717.55 feet, thence North 83 degrees 30 minutes East 571.93 feet, thence South 83 degrees 44 minutes East 322.03 feet, thence South 76 degrees 34 minutes East 362.03 feet, thence South 56 degrees 34 minutes East 504.22 feet to the North-South quarter line, thence South 0 degrees 51 minutes East 986.3 feet to the point of beginning together with the land lying between the Northerly line of said description and the water's edge of the Grand River

and

That part of Southeast fractional 1/4 lying Southwest of Grand River, Section 1, T4N, R3W

and

Out Lot C of River Ridge #3, according to the recorded plat thereof, Eaton County Records.

WHEREAS, the park that constitutes the Property is a dedicated City of Lansing park, located in Delta Township, Lansing, Michigan; and

WHEREAS, sale of the Property is in the best interest of the City because the City will benefit from the proceeds of selling the Property; and

WHEREAS, any net proceeds from the sale of the Property will be used for improvements in the City of Lansing park and recreation system; and

WHEREAS, Section 8-403.6 of the Lansing City Charter and Ordinance 208.10 require sale of park land be approved by the voters of the City of Lansing.

NOW, THEREFORE, BE IT RESOLVED that the proposal to sell the

Property be submitted to the electors of the City of Lansing for approval as required by Section 8-403.6 of the City Charter at the election to be held on November 4, 2014.

BE IT FURTHER RESOLVED that said proposal be submitted to the electors of the City in the manner and form substantially as follows:

SHALL THE CITY OF LANSING BE AUTHORIZED TO SELL OR OTHERWISE DISPOSE OF GRAND WOODS PARK, ALSO DESCRIBED AS:

Commencing at a point North 0 degrees 51 minutes East 903.0 feet, from the South quarter post of Section 1, Town 4 North, Range 3 West, Delta Township, Eaton County, Michigan, said point being the Northeast corner of Lot Fifty-five (55) of River Ridge No. 1, running thence along the Northerly line of said River Ridge No. 1, North 60 degrees 51 minutes West 505.0 feet, thence South 87 degrees 44 minutes West 363.83 feet, thence South 77 degrees 49 minutes West 481.6 feet, thence North 82 degrees 24 minutes West 394.67 feet, thence North 86 degrees 13 minutes West 1293.86 feet, thence North 60 degrees 01 minute West 565.02 feet, thence North 47 degrees 57 minutes West 260.75 feet, thence North 74 degrees 22 minutes West 338.15 feet to the West line of the East one-half of the Southeast one-quarter of Section 2, thence North 1 degree 25 minutes West 97.84 feet, thence North 80 degrees 35 minutes East 374.39 feet, thence North 72 degrees 27 minutes East 1000.65 feet, thence North 55 degrees 32 minutes East 343.98 feet, thence South 77 degrees 13 minutes East 717.55 feet, thence North 83 degrees 30 minutes East 571.93 feet, thence South 83 degrees 44 minutes East 322.03 feet, thence South 76 degrees 34 minutes East 362.03 feet, thence South 56 degrees 34 minutes East 504.22 feet to the North-South quarter line, thence South 0 degrees 51 minutes East 986.3 feet to the point of beginning together with the land lying between the Northerly line of said description and the water's edge of the Grand River

and

That part of Southeast fractional 1/4 lying Southwest of Grand River, Section 1, T4N, R3W

and

Out Lot C of River Ridge #3, according to the recorded plat thereof, Eaton County Records.

YES ____
NO ____

BE IT FURTHER RESOLVED that the votes cast upon the proposal shall be counted, canvassed, and returned, and the results determined in the same manner as required for other electoral questions, as prescribed by law.

BE IT FURTHER RESOLVED that the City Clerk is required to provide sufficient notice of the placement of this ballot proposal, in conformance with state election law, including to the County Clerk, and is hereby authorized to take appropriate steps for the placement on the November 4, 2014 ballot.

BE IT FINALLY RESOLVED that if the sale or disposal of the Property is approved by the voters of the City of Lansing, and if the Administration subsequently negotiates an agreement for that purpose, that such sale or disposal, and the appropriation of net proceeds, shall be returned to the Lansing City Council for final approval.

By Councilmember Brown Clarke

Motion Carried

RESOLUTION #2014-203

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

WHEREAS, the Lansing Board of Water and Light (BWL) is established by City Charter as an administrative board with executive, policy making and management authority over the operation of utility services of the City; and

WHEREAS, the management duties, powers and responsibilities of the BWL reside in and are exercised through actions taken by the BWL Board Members (the Board); and

WHEREAS, the BWL has contracted with other municipalities in the region to supply public utility services to their residents as BWL customers; and

WHEREAS, in the interest of the common goal of improving the delivery of public utility services to BWL customers and strengthening lines of communication and accountability, the Mayor has recommended the City expand the participation on the Board by three advisory non-voting representatives of customers and citizens outside the City of Lansing as follows:

- a. One appointed by East Lansing.
- b. One appointed by Delta Township
- c. One at-large seat representing the remaining communities in the BWL service territory, the appointment of which will be rotated between the following municipalities annually:
 - i. Meridian Township
 - i. Delhi Township.
 - ii. DeWitt Township.
 - iii. Lansing Township.

WHEREAS, the Mayor's recommendation may be accomplished by amending the Charter to provide for advisory non-voting representatives on the Board of utility service customers from municipalities outside the City;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lansing, pursuant to the authority of the Home Rule Cities Act (Act 279 of Michigan P.A. of 1909, as amended, being specifically MCL 117.1 *et. seq.*), and by a three-fifths (3/5) vote of its members elect, hereby proposes that the following amendment adding Subsection 12 to Article 5, Chapter 1, Section 5-103 of the Lansing City Charter be submitted to the electors of the City for adoption or rejection at the election to be held on November 4, 2014;

The proposed amendment would add a new Subsection 12 to Article 5, Chapter 1, Section 5-103 so that it would provide as follows:

5-103.12 The Board of Water and Light Board Members shall include three non-voting advisory members representing utility customer communities outside the City of Lansing. Each non-voting advisory member shall be a Board of Water and Light customer, shall reside in and be appointed by the governing body of the municipality. One member shall represent the City of East Lansing and shall serve a term of four (4) years commencing July 1. One member shall represent Delta Township and shall serve a term of four (4) years commencing July 1. One member shall be at-large and shall represent the remaining municipalities and shall serve a term of one (1) year commencing July 1. The at-large representative shall serve on a rotating annual basis and be appointed by the governing body of the following municipalities in succession: Meridian Township, Delhi

Township, DeWitt Township and Lansing Township. Except as provided herein, Section 2-103, Section 5-105, or State law, the provisions of this Charter shall not apply to the non-voting advisory members of the Board of Water and Light.

BE IT FURTHER RESOLVED that in accordance with the Home Rule Cities Act (Act 279 of the Public Acts of 1909, as amended, being specifically MCL 117.21), the question shall be captioned and stated on the ballot substantially as follows:

**CITY OF LANSING CHARTER AMENDMENT
BOARD OF WATER AND LIGHT MEMBERSHIP**

SHALL THE LANSING CITY CHARTER BE AMENDED TO ADD A NEW SECTION 5-103.12 THAT PROVIDES FOR THE ADDITION TO THE BOARD OF WATER AND LIGHT OF THREE ADVISORY NON-VOTING REPRESENTATIVE MEMBERS OF THE BOARD WHO ARE UTILITY SERVICE CUSTOMERS OF THE BOARD OF WATER AND LIGHT FROM MUNICIPALITIES OUTSIDE THE CITY OF LANSING?

YES _____
NO _____

BE IT FURTHER RESOLVED that the City Clerk is hereby directed and authorized to, in accordance with Act 279 of P.A. 1909, as amended, transmit a copy of this resolution and the roll call vote on it, along with a copy of the proposed amendment to the Governor of the State of Michigan for approval and a copy to the Attorney General for approval as to the form in which the proposal shall be presented to the electors.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to cause the above proposal to be placed on the ballot at the election to be held on November 4, 2014.

BE IT FURTHER RESOLVED that the ballot wording is hereby certified to the City Clerk for submission to the City's electors at the election to be held on November 4, 2014.

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

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

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

By Councilmember Brown Clarke

Motion Carried

RESOLUTION #2014-204

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

WHEREAS, following the December 2013 ice storm that caused widespread, extended power outages across the Board of Water and Light (BWL) service territory, the Mayor ordered an independent investigation of the BWL's preparation for, response to and recovery from the ice storm; and

WHEREAS, the Community Review Team (CRT) led by Brigadier General (ret.) Michael C. H. McDaniel conducted an independent

investigation and released its final report on May 5, 2014; and

WHEREAS, the CRT report, which was reviewed and approved by the Michigan Public Service Commission (MPSC), recommended that the City of Lansing "consider amendment of the City Charter to clarify the powers of the Mayor and to provide the Mayor executive authority over the BWL during disasters or emergencies"; and

WHEREAS, the CRT report supported this recommendation by noting that "during emergencies, there must be a clear and clean command structure" and that "such events often require streamlined command and control systems within a government, to assure a rapid, agile and flexible response to the crisis"; and

WHEREAS, in the interest of adopting and implementing the CRT recommendations, the Mayor has proposed an amendment to the City Charter that authorizes the Mayor to exercise administrative and executive authority over the BWL in the event and for the duration of any declared emergency as defined in state law; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lansing, pursuant to the authority of the Home Rule Cities Act (MCL 117.1, et. seq.), and by a three-fifths (3/5) vote of its members elect, hereby proposes that the following amendment to Article 5, Chapter 1, Section 5-108 of the Lansing City Charter be submitted to the electors of the City for adoption or rejection at the election to be held on November 4, 2014:

The proposed amendment would add a Subsection 3 to Article 5, Chapter 1, Section 5-108 so that it would provide as follows:

5-108.3 Notwithstanding any other provision of this Charter, the Board of Water and Light shall be subject to the emergency powers provided the Mayor by city ordinance and state law and shall include administrative and executive authority.

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

PROPOSED AMENDMENT TO ARTICLE 5, CHAPTER 1,
SECTION 108 OF THE LANSING CITY CHARTER

THE PURPOSE OF THIS AMENDMENT IS TO PROVIDE THAT THE MAYOR BE AUTHORIZED TO EXERCISE ADMINISTRATIVE AND EXECUTIVE AUTHORITY OVER THE BOARD OF WATER AND LIGHT IN THE EVENT AND FOR THE DURATION OF ANY DECLARED EMERGENCY AS DEFINED IN STATE LAW. SHALL THIS AMENDMENT BE ADOPTED?

YES ____
NO ____

BE IT FURTHER RESOLVED that the Charter amendment would take effect on January 1, 2015;

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

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to cause the above proposal to be placed on the ballot at the election to be held on November 4, 2014.

BE IT FURTHER RESOLVED that the ballot wording is hereby certified

to the City Clerk for submission to the City's electors at the election to be held on November 4, 2014.

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

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

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

By Councilmember Brown Clarke

Motion Carried

REPORTS FROM COUNCIL COMMITTEES

REMARKS BY COUNCILMEMBERS

Councilmember Boles shared that she will be absent from the August 11th Council Meeting.

REMARKS BY THE MAYOR OR EXECUTIVE ASSISTANT

Executive Assistant to Mayor Bernero, Randy Hannan, thanked the Councilmembers for attending this special Council meeting.

ADJOURNED TIME 8:04 P.M.

CHRIS SWOPE, CITY CLERK