



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
DECEMBER 22, 2014**

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 Boles

PRESENT: Council Members Boles, Brown Clarke, Dunbar, Houghton, Quinney, Washington, Wood

ABSENT: Council Member Yorko

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

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Vice President Brown Clarke

To approve the printed Council Proceedings of October 27, November 10, November 24, and December 8 of 2014

Motion Carried

CONSIDERATION OF LATE ITEMS

By Vice President Brown Clarke

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

Motion Carried

The following items were added to the agenda:

1. Grant Acceptance; Competitive Grant Assistance Award (CGAP) for Delhi Township Blue Card Command Certification Program for Delhi Township
2. Grant Acceptance; Competitive Grant Assistance Award (CGAP) for the Lansing Regional AVI Medical Response Team for East Lansing

SPECIAL CEREMONIES

1. Tribute; in recognition of Lansing Catholic Central Cougars High School Football Team 2014 Season

Council Member Brown Clarke spoke in support of the tribute.

City Clerk Swope read the following resolution:

RESOLUTION #2014-323

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

WHEREAS, on November 29, 2014 the Lansing Catholic Central Cougars High School Football Team played Grand Rapids West

Catholic in the Division 5 State Championship game at Ford Field in Detroit; and

WHEREAS, after falling behind 17-0 early in the second quarter, the Cougars scored 20 consecutive points. Although the Cougars were defeated on the scoreboard in the 4th quarter, 24-20 of the Championship game, they were champions in their right with a 13-0 season, the 2014 District Championship Title, and a representation at the State Final game that showed true contenders; and

WHEREAS, the Lansing Catholic Central Cougars provided the City of Lansing yet another reason to come together and show their support of several very deserving high school students.

BE IT RESOLVED, that the Lansing City Council, wishes to recognize the 2014 Lansing Catholic Central Cougars High School Football Team for their monumental accomplishment of obtaining a spot at the Division 5 State Championship game. We admire the coaches, players, cheerleaders and supporters for all of your hard work and dedication.

By Council Member Brown Clarke

Motion Carried

Executive Assistant to Mayor, Randy Hannan, spoke in support of the tribute.

Assistant Coach Jim Baker thanked the Council for the recognition, and the parents and community for their support.

Football Team Captain Jack Peters thanked the Council for the recognition.

2. Tribute; in recognition of 2015 Michigan Superintendent of the Year, Lansing School District Superintendent Yvonne Caamal Canul

Council Member Houghton spoke in support of the tribute.

City Clerk Swope read the following resolution:

RESOLUTION #2014-324

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

WHEREAS, Yvonne Caamal Canul began her career as Superintendent of the Lansing School District in 2012 after accumulating 38 years of education experience in the Lansing area; and

WHEREAS, on November 13, 2014 Yvonne Caamal Canul was unanimously selected as the 2015 Michigan Superintendent of the Year by the Michigan Association of School Administrators (MASA); and

WHEREAS, the Superintendent of the Year Award is presented to one member who has shown tremendous effort and dedication to enriching the lives of children and the community as a whole. Ms. Caamal Canul is recognized for her visionary leadership and energetic advocacy for public education; and

WHEREAS, the selection of the Michigan recipient is part of the American Association of School Administrator's National Superintendent of the Year Program. As the Michigan honoree, Ms. Caamal Canul now becomes a finalist for the National Superintendent of the Year Award; and

WHEREAS, Ms. Caamal Canul has taught in the Lansing School District at the elementary, middle, and high school levels, in addition to her role as the Director of Curriculum and Assessment. Before her leadership role as Superintendent, Ms. Caamal Canul worked with the Michigan State University Outreach and Engagement office to improve early education; and

WHEREAS, Ms. Caamal Canul founded and directed the Center for Language, Culture, and Communication Arts, Lansing's first multi-cultural based focus school. This led to the honor of the Capital Area Hispanic Representatives Award for Achievement. Ms. Caamal Canul's rich cultural and educational background allows her to be receptive to the needs of all students; and

WHEREAS, Ms. Caamal Canul brings a vast set of tools and experience to the 12,000 + students in the Lansing School District. Since becoming superintendent for the Lansing School District Ms. Caamal Canul has played a key role in enforcing the district's three-year "Bold Changes = Smarter Schools, Reset for Student Success" which is a plan to restructure and continue the growth of Lansing schools. The plan, focuses on the principles of child development and establishing a long-term instructional vision, with an aim towards achieving educational and financial soundness in the district.

BE IT RESOLVED, that the Lansing City Council, congratulates Superintendent Yvonne Caamal Canul for receiving the 2015 Michigan Superintendent of the Year from the Michigan Association of School Administrators. Your dedication and service to the students and families of the Lansing School District, along with the community lend hope to a brighter future.

By Council Member Houghton

Motion Carried

Yvonne Caamal Canul thanked the Council for the recognition, and thanked the faculty, administrators and students for their dedication to education.

Lansing School Board Member Rachel Lewis congratulated Superintendent Caamal Canul for the award, and thanked Council for the recognition.

3. Tribute; in recognition of the Arts Council of Greater Lansing 50th Anniversary

Council Member Dunbar spoke in support of the tribute.

City Clerk Swope read the following resolution:

RESOLUTION #2014-325

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

WHEREAS, the Arts Council of Greater Lansing, Lansing's award-winning local arts agency, providing support, capacity building and resources for capital region artists and arts and cultural organizations as well as providing high-quality arts experiences for the community is celebrating its 50th anniversary; and

WHEREAS, the Arts Council's strong board leadership and exemplary

staff over the years has ensured its success in its mission to lead, advocate for, and advance arts and culture in the capital region. It is recognized locally, statewide and nationally as a leading arts agency; and

WHEREAS, the Arts Council has proven its intrinsic value through its longevity, its dedication to its mission and the capital area and foremost to its vision of building vibrant, prosperous communities where citizens are empowered and transformed through the arts.

BE IT RESOLVED that the Lansing City Council officially congratulates the Arts Council of Greater Lansing on its 50th Anniversary and wishes it continued success for a strong future as it supports, strengthens and promotes arts, culture and creativity in the capital region.

By Council Member Dunbar

Motion Carried

The Arts Council of Greater Lansing's Executive Director Debbie Mikula shared details of the multiple events in 2015 to celebrate the Art Council's 50th Anniversary.

4. Tribute; in recognition of REO Town Renaissance

Council Member Dunbar spoke in support of the tribute that recognized the work of Ryan and Megan Wert.

City Clerk Swope read the following resolution:

RESOLUTION #2014-326

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

WHEREAS, Ryan and Megan Wert have resided in the REO Town area of Lansing for over a decade, purchasing and rehabilitating formerly blighted residential properties in the River Point Neighborhood, including their home, their small business, and their first rental property; and

WHEREAS, following graduation from Hope College and an internship at GBP Studios in East Lansing, Ryan opened and continues to operate Elm Street Recording in REO Town, which has recorded such notable artists and acts as The Verve Pipe, West Shore Symphony Orchestra, various a cappella ensembles from MSU, announcers for NBC Sports, the Lansing Unionized Vaudeville Spectacle, and numerous local emerging and established talents; and

WHEREAS, following graduation for Michigan State University, Megan began a career teaching special education and junior high, first at Lansing Public Schools then at Holt Public Schools where she continues to inspire students while volunteering at various REO Town, Old Town, and other community functions, festivals, and fundraisers; and

WHEREAS, Ryan is the current president, and former treasurer, of the REO Town Commercial Association (RTCA) and through his decade-long membership in the RTCA has endeavored to raise awareness and induce investment in REO Town, specifically by originating or organizing numerous community and civic-minded events, including the REO Town Music Festival, annual Art Attack Festivals, Thrift Store Gala, and Vacant Lansing 4; and

WHEREAS, Ryan and Megan have graciously opened their home on countless occasions to neighbors, entrepreneurs, and artists from diverse backgrounds and identities, creating a safe and social space

for camaraderie, conversation, and cooperation among individuals encouraging and contributing to the revitalization and resurgence of REO Town; and

WHEREAS, Michigan Radio referred to Ryan as a “fearless urban pioneer” for his devoted efforts to promote REO Town, is affectionately referred to as “the Mayor of REO Town” by those involved in the revival of REO Town, and both Ryan and Megan are known throughout the community as the couple who have invested their wealth, time, labor, and hearts in the people and places of REO Town.

BE IT RESOLVED, that the Lansing City Council commends Ryan and Megan Wert for their years of dedication to involvement, improvement, and investment in REO Town. Their continued service and commitment to the Lansing community and economic development, has inspired their neighbors and benefits the entire City of Lansing.

By Council Member Dunbar

Motion Carried

Executive Assistant to Mayor Bernero, Randy Hannan, spoke in support of the tribute.

Megan and Ryan Wert thanked the Council for the recognition.

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

Executive Assistant to Mayor Bernero, Randy Hannan, shared details about the Mobile Food Pantry, spoke about the merits of the Oliver Tower Project, economic incentives for the Neogen Corporation, and about a new federal blight removal grant received by the City.

SHOW CAUSE HEARINGS

1. In consideration of the issuance of Make-Safe or Demolish Orders to the owners of property located at 300 E. Miller

- Comment on Scheduled Show Cause Hearings:

Council Member Washington gave an overview of the Show Cause hearing.

No one from the public spoke in regards to the Show Cause hearing.

REFERRAL OF SHOW CAUSE HEARINGS

1. In consideration of the issuance of Make-Safe or Demolish Orders to the owners of property located at 300 E. Miller
REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

PUBLIC COMMENT ON LEGISLATIVE MATTERS

Legislative Matters included the following public hearings:

1. In consideration of Comcast Cable Franchise renewal

Council President Boles gave an overview of the public hearing.

- Public Comment on Legislative Matters:

No one from the public spoke at public comment.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of Comcast Cable Franchise renewal
THE HEARING IS RECESSED BUT KEPT OPEN

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION #2014-327

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

WHEREAS, the Mayor made the appointment of Linda Sanchez Gazella of 1430 Sunnyside Avenue in Lansing, MI, 48910, as a Second Ward member to the Police Board of Commissioners for a term to expire June 30, 2018; and

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

WHEREAS, the Public Safety Committee met on Wednesday, December 17, 2014 and took affirmative action.

BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Linda Sanchez Gazella of 1430 Sunnyside Avenue in Lansing, MI, 48910, as a Second Ward member to the Police Board of Commissioners for a term to expire June 30, 2018.

By Council Member Washington

Motion carried

City Clerk Swope swore in Linda Sanchez Gazella as the Second Ward Member of the Board of Police Commissioners.

RESOLUTION #2014-328

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

WHEREAS, the Mayor made the appointment of Samantha Harkins of 301 N. Sycamore Street in Lansing, MI, 48933, as an At-Large member to the Elected Officers Compensation Commission for a term to expire October 1, 2019; and

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

WHEREAS, the Committee of the Whole met on Monday, December 22, 2014 and took affirmative action.

BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Samantha Harkins of 301 N. Sycamore Street in Lansing, MI, 48933, as an At-Large member to the Elected Officers Compensation Commission for a term to expire October 1, 2019.

By Council Member Brown Clarke

Motion carried

City Clerk Swope swore in Samantha Harkins to the Elected Officers

Compensation Commission.

RESOLUTION #2014-329

BY COUNCIL MEMBERS BOLES, BROWN CLARKE, DUNBAR, HOUGHTON, QUINNEY, WASHINGTON, WOOD, AND YORKO
RESOLVED BY THE LANSING CITY COUNCIL

WHEREAS, Christian S. "Coach" Ferguson passed away on Wednesday December 3, 2014 at the age of 73, and was a lifelong resident of Lansing; and

WHEREAS, "Coach" Ferguson graduated from Sexton High School where he played on the 1959 Class "A" Basketball State Championship team where he was also the captain and MVP. After graduation he attended Michigan State University where he played on the 1961-62 men's basketball team; and

WHEREAS, Chris was veteran who served in US Marine Corps and was stationed in Vietnam as a machine gunner; and

WHEREAS, Chris was fondly known as "Coach" and began his basketball coaching career in Los Angeles and continued at East Lansing High School where he was head coach from 1989-2001. He also coached at the Boys and Girls Club and was the assistant coach at Sexton High School where they went on to win two State championships. Chris had a general love of sports including golf, tennis, football and was also an avid card player; and

WHEREAS, Chris is survived by his wife Joy; daughter, Tiffani; son, Quinn; grandson, Jalen Turner; brother, Joel Ferguson; special brother-in-law, Gregory Eaton; sisters-in-law, Dr. Surae Eaton-Sangster and Erma Ferguson; brother-in-law, Tyrone Sangster; many nieces, nephews, cousins; and special friend, Anna Strong. He is preceded in death by his mother, Josephine Wharton; father, Rollin Ferguson; and brother, Brian Ferguson.

BE IT RESOLVED that the Lansing City Council wishes to extend their deepest sympathy to the family and friends of Christian "Coach" Ferguson. We thank you for sharing Chris with the community in the many hours he devoted to the youth by instilling them with the values of team work, respect, and the love of competition. Christian "Coach" Ferguson legacy lives on.

By Council Member Wood

Motion Carried

RESOLUTION #2014-330

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

Act-10-2013, Sale of 1.4 Acres of 601 Leshar Place (Oak Park)

WHEREAS, the City of Lansing proposes to sell 1.4 acres of the property at 601 Leshar Place in "as is" condition to the Neogen Corporation; and

WHEREAS, the property currently is part of Oak Park, and is considered surplus by the Parks Department; and

WHEREAS, the property is irregularly shaped, contains approximately 1.4 acres and is currently zoned "A" Single Family Residential; and

WHEREAS, the property is currently used as storage by the Neogen Corporation, and rezoning the property to the "H" Light Industrial district is necessary for continued use by Neogen; and

WHEREAS, the sale of the subject property was recommended for approval by the Parks and Recreation Board at its June 9, 2010

meeting, and was authorized by the Lansing voters on August 7, 2012; and

WHEREAS, at its meeting on October 1, 2013, the Planning Board found, based on a review of the location, character, and extent of the Act-10-2013 proposal, that:

- The property is considered surplus by the Parks and Recreation Department,
- No other City department has indicated a use for the property,
- A sale would put it back on the tax rolls,
- The sale of the property will have no adverse impact on either Oak Park or the surrounding neighborhood; and

WHEREAS, the Planning Board voted unanimously (7-0) to recommend approval of Act-10-2013, a proposal to sell 1.4 acres of the property at 601 Leshar Place to the Neogen Corporation; and

WHEREAS, the Committee on Development and Planning has reviewed the report and recommendation of the Planning Board and concurs therewith;

NOW THEREFORE BE IT RESOLVED, the Lansing City Council hereby approves Act-10-2013, and authorizes the sale of 1.4 acres of 601 Leshar Place (Oak Park), legally described as:

A parcel of land in the Northwest 1/4 of Section 15, T4N, R2W, Lansing Township, Ingham County, Michigan, the surveyed boundary of said parcel described as: Commencing at the Northwest corner of said Section 15; thence S00°24'38"W along the West line of said Section 15 a distance of 796.25 feet; thence S89°39'06"E parallel with the North line of Genesee Street a distance of 41.25 feet to the East right of way line of the Conrail Railroad and the point of beginning of this description; thence S89°39'06"E parallel with said North right of way line 258.36 feet; thence N00°50'31"E 117.97 feet; thence S88°33'33"E 162.34 feet; thence S00°37'20"W 119.79 feet; thence S04°08'03"W 96.44 feet to said North right of way line; thence N89°39'06"W along said North right of way line 414.86 feet to said East right of way line; thence N00°24'38"E along said East right of way line 101.15 feet to the point of beginning; said parcel containing 1.40 acres more or less; said parcel subject to all easements and restrictions if any;

For the amount of: \$170,000.00, less closing costs, as follows:

- \$88,000.00; and
- Maintenance work at Oak Park valued at \$81,200.00 over a period of five (5) years as established in a separate contemporaneous Agreement for Maintenance Services between the parties.

BE IT FURTHER RESOLVED, that the Mayor, on behalf of the City, per City Council Resolution # 569 of 10/6/1999 shall deposit proceeds from sales of designated park land in excess of City costs associated with such sale into the appropriate fund account with the expenditure of these funds to be used exclusively for park acquisition and development.

BE IT FINALLY RESOLVED, that the Mayor, on behalf of the City, is hereby authorized to sign and execute all documents to complete this sale, subject to prior approval as to content and form by the City Attorney.

By Council Member Quinney

Motion Carried

RESOLUTION #2014-331

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolution Creating Industrial District IDD-2-14 for Neogen Corporation

WHEREAS, the City of Lansing received and filed a request from Neogen Corporation, to create Lansing Industrial Development District (IDD-2-14), pursuant to Public Act 198 of 1974, as amended, on property more fully described in this resolution; and

WHEREAS, a public hearing on the creation of IDD-2-14 was held on the 8th day of December, 2014, at which time all interested persons, residents and taxpayers had an opportunity to appear and be heard and make any objection they may have to the proposed District; and

WHEREAS, Neogen Corporation, has met all the requirements for the creation of IDD-2-14, as required by Public Act 198 of 1974, as amended, and by the policies of this Council;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Lansing hereby approves the request and creates IDD-2-14 for the area legally described as:

LOT 5, ASSESSORS PLOT NO 5, Tax ID 33-01-01-15-151-261.

BE IT FURTHER RESOLVED, this Resolution shall not be construed as the City Council's approval of any future tax abatement or tax exemption applications from Neogen Corporation, or any other applicant.

By Council Member Quinney

Motion Carried

RESOLUTION #2014-332

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

Resolution to Approve an IFT Application for Neogen Corporation

WHEREAS, the Lansing City Council has previously created Lansing Industrial Development District (IDD-2-14) on October 24, 2014, on the property located at 728 E. Shiawassee, Lansing MI; and

WHEREAS, the City of Lansing received and filed an application from Neogen Corporation requesting an Industrial Facilities Exemption Certificate (IFT-4-14) for personal and real property investments pursuant to Public Act 198 of 1974, as amended; and

WHEREAS, a public hearing was held December 8, 2014, on the Industrial Facilities Exemption Certificate (IFT-4-14) filed by Neogen Corporation, at which all owners of real and personal property within IDD-2-14 and, other City residents and taxpayers, the assessor and the representatives of the legislative body of each taxing unit that levies ad valorem taxes for the IDD-2-14 had the opportunity to appear and be heard; and

WHEREAS, Neogen Corporation has substantially met all of the requirements for said Exemption Certificate as required by Public Act 198 and by the policies of this Council;

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the City of Lansing, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted, and

WHEREAS, the Industrial Facilities Exemption Certificate, when issued, shall be and remain in force for a period of twelve (12) years

after completion of the facility.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council finds and determines that the granting of this Industrial Facilities Exemption Certificate for real and personal property under Public Act 198, shall not have the effect of substantially impeding the operation of the City of Lansing, nor impairing the financial soundness of any taxing unit which levies ad valorem taxes in the City of Lansing.

BE IT FURTHER RESOLVED that the Lansing City Council hereby approves the application of Neogen Corporation for an Industrial Facilities Exemption Certificate (IFT-4-14), for real and personal property investments in the areas of IDD-2-14 legally described as:

LOT 5, ASSESSORS PLOT NO 5, Tax ID 33-01-01-15-151-261,

for a period of 12 years, after project completion, provided that this resolution shall be effective upon the execution of a written Industrial Facilities Exemption Certificate Agreement between Neogen Corporation and the City of Lansing, in the form as filed with the City Clerk.

BE IT FINALLY RESOLVED that the Mayor, on behalf of the City, is authorized to execute the afore stated agreement, subject to prior approval thereof as to form by the City Attorney.

By Council Member Quinney

Motion Carried

RESOLUTION #2014-333

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

WHEREAS, Rickey Cotton sought to eliminate a special assessment of \$1,044.00 for trash removal fees, and all associated penalties and interest, on the property tax bill for 1400 Knollwood Avenue (Tax ID #33-01-01-08-279-141); and

WHEREAS, upon filing a claim to the Committee on General Services, the claim in the total amount of \$1,044.00 was denied on December 15, 2014.

NOW, BE IT RESOLVED, that the City Council, hereby, denies the claim of Rickey Cotton in the amount of \$1,044.00 for trash removal fees and all associated penalties and interest on the property tax bill for 1400 Knollwood Avenue (Tax ID #33-01-01-08-279-141).

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

By Council Member Wood

Motion Carried

RESOLUTION #2014-334

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

WHEREAS, Kyle Le, on behalf of the Vietnamese American Buddhist Association sought to eliminate a special assessment of \$2,622.00 for trash removal fees, and all associated penalties and interest, on the property tax bill for 3015 S. Martin Luther King Jr. Blvd (Tax ID #33-01-01-29-427-002); and

WHEREAS, upon filing a claim to the Committee on General Services, the claim in the total amount of \$2,622.00 was denied on December 15, 2014.

NOW, BE IT RESOLVED, that the City Council, hereby, denies the claim of the Vietnamese American Buddhist Association in the amount of \$2,622.00 for trash removal fees and all associated penalties and interest on the property tax bill for 3015 S. Martin Luther King Jr. Blvd. (Tax ID #33-01-01-29-427-002).

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

By Council Member Wood

Motion Carried

RESOLUTION #2014-335

BY THE COMMITTEE ON PUBLIC SAFETY

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Lansing Code Enforcement Officer has declared a certain structure (dwelling) at 2128 N. East, Parcel # 33-01-01-03-353-001 and Legal Description: North 35 ft. Lot 1 EXE E 50 ft. Randalls sub to be an unsafe and dangerous building and requests that the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, The Code Enforcement Officer red tagged the said structure on January 11, 2007, and requested that the property owner be ordered to demolish or otherwise make safe the structure; and

WHEREAS, on October 30, 2014, 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 (MCL 125.539) and the Lansing Housing and Premises Code (Section 108.1.1) and to order the property owner to make safe or demolish the structure; and

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

WHEREAS, the Housing Law of Michigan and the Lansing Housing and Premises Code 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 the Lansing City Council hereby schedules a show cause hearing for Monday, January 12, 2015 at 7:00 p.m. in the Lansing City Council Chambers, 10th Floor City Hall, 124 W. Michigan, Lansing, Michigan in consideration of the finding and order of the Lansing Demolition Hearing Board regarding the structure at 2128 N. East Street 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 Demolition Board officer to demolish or make safe the subject structure.

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

By Council Member Washington

Motion Carried

RESOLUTION #2014-336

BY THE COMMITTEE ON PUBLIC SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

PUBLIC IMPROVEMENT I/II

WHEREAS, the Public Service Department has established the need to repair and reconstruct public sidewalks in the following described areas:

- Glasgow Drive (from Deerfield Ave to Inverary Drive)
- Christine Drive (from Norwich Road to Inverary Drive)
- Inverary Drive (from Norwich Road to Glasgow Drive)
- Brisbane Drive (from Norwich Road to Averill Drive)
- Oban Road (between Christine Drive and Glasgow Drive)
- Sunderland Road (between Brisbane Drive and Inverary Drive)

Project Title: 2015 – Sidewalk Repair Project, PS # 01113

WHEREAS, the Public Service Department requests, pursuant to Chapter 1024.03 of the Code of Ordinances that the repair and reconstruction of these public sidewalks be determined by City Council to be a necessary public improvement, and

WHEREAS, the City Council has determined that this proposed public improvement will benefit especially properties in the vicinity of the work to be done and that a benefit district pursuant to Chapter 1026 of the Lansing Code of Ordinances should be established to be specially assessed for the public improvement.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby determines it to be of a public necessity to construct the following public improvements:

Sidewalk repairs in the following areas:

- Glasgow Drive (from Deerfield Ave to Inverary Drive)
- Christine Drive (from Norwich Road to Inverary Drive)
- Inverary Drive (from Norwich Road to Glasgow Drive)
- Brisbane Drive (from Norwich Road to Averill Drive)
- Oban Road (between Christine Drive and Glasgow Drive)
- Sunderland Road (between Brisbane Drive and Inverary Drive) excepting all public streets and alleys and other land deemed not benefited;

BE IT FURTHER RESOLVED that the cost of these improvements is to be partially financed by special assessments to the benefited property owners, and the City's share of the project shall be paid from FY2014/FY2015 sidewalk repair funds.

BE IT FINALLY RESOLVED that the Department of Public Service is hereby authorized to prepare necessary plans and specifications for these improvements, obtain any necessary easements for construction, determine the estimated cost of said project, establish the special assessment district and the applicable assessment to the properties in the district, and to furnish said information to the Mayor and City Council.

By Council Member Dunbar

Motion Carried

RESOLUTION #2014-337

BY THE COMMITTEE ON PUBLIC SERVICE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment 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, 2017;

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

WHEREAS, the Public Service Committee met on Monday, December 22, 2014 and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment 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, 2017.

By Council Member Dunbar

Motion Carried

RESOLUTION #2014-338

BY THE COMMITTEE ON PUBLIC SERVICE
RESOLVED BY THE CITY COUNCIL OF THE City OF LANSING

WHEREAS, the Mayor made reappointments to the Capital Area Transportation Authority as stated below:

Robert Swanson as a City of Lansing member for a term to expire September 30, 2017

Anne Wilson as a City of Lansing member for a term to expire September 30, 2017; and

WHEREAS, the Mayor's office has verified that the nominees have been vetted and meet the qualifications as required by the City Charter.

BE IT RESOLVED, the City Council confirms the reappointments to the Capital Area Transportation Authority as stated below:

Robert Swanson as a City of Lansing member for a term to expire September 30, 2017.

Anne Wilson as a City of Lansing member for a term to expire September 30, 2017.

By Council Member Dunbar

Motion Carried

RESOLUTION #2014-339

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

WHEREAS, the State of Michigan Department of Treasury has given preliminary notice of its intent to award a Competitive Grant assistance Program (CGAP) grant in the amount of \$10,001.00 toward reimbursement of expenditures required to implement the Capital Area Shared Recycling Services Analysis, and

WHEREAS, the grant amount from the State of Michigan Department of Treasury is \$10,001.00. Eaton County will be the fiduciary for the grant with the matching funds from various entities and the City of Lansing match at \$7,500; and

WHEREAS, the State of Michigan requires each municipality's governing body to approve a resolution authorizing participation in the proposed project prior to finalizing the award of grants from the State of Michigan's CGAP, and

WHEREAS, the State of Michigan requires a resolution and copies of minutes from the date of the meeting at which the resolution was approved to be provided within 60 days of the preliminary notice of award, and

WHEREAS, THE City of Lansing acknowledges that it:

1. Has filed its annual financial report (F65) or audit per the Uniform Budgeting and Accounting Act or the Uniform System of Accounting Act
2. Has filed its financial plan (deficit elimination plan) per the Glenn Steil State Revenue Sharing Act
3. Is not delinquent in making payments that are due on loans issued pursuant to the Emergency Municipal Loan Act
4. Does not have a payment due and owing to the state

And thus is eligible to participate in a CGAP grant-funded project.

NOW, THEREFORE, BE IT RESOLVED THAT the Lansing City Council hereby authorizes participation in the Capital Area Shared Recycling Services Analysis and on behalf of the City of Lansing authorizes Eaton County to provide this resolution and minutes indicating its approval to the State of Michigan, and to submit and execute documents requested by the State of Michigan relating to the CGAP requirements.

By Council Member Wood to place an affirmative roll on the Resolution

By Council Member Wood to accept a substitute for the Resolution

Motion Carried

By Council Member Wood to amend the Resolution as substituted by striking "WHEREAS, Mid-Michigan Program for Greater Sustainability, Eaton County, the City of Lansing, the City of East Lansing and Meridian Township in conjunction with Resource Recycling Systems will conduct a study to determine the feasibility of a regional recycling center; and"

Motion Carried

The question being the motion to place an affirmative roll on the Resolution as amended

Motion Carried

RESOLUTION #2014-340

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

WHEREAS, the State of Michigan Department of Treasury has given preliminary notice of its intent to award a Competitive Assistance Program (CGAP) grant in the amount of up to \$793,167 toward the purchase of equipment, formation, and training of a Lansing Regional AVI medical response team; and

WHEREAS, City of East Lansing has received a letter of intent to award \$793,167 in grant monies for the training and equipment for AVI response for Lansing police and fire; and

WHEREAS, the Cities of Lansing and East Lansing and the Charter Townships of Delhi, Lansing, Meridian and Delta will be involved in the CGAP award to develop a Metro Lansing AVI response team; and

WHEREAS, the City of East Lansing will be the lead agency in the CGAP and fiduciary of the grant for the AVI training and equipment; and

WHEREAS, the City of East Lansing authorized and approved that fire and law enforcement officials be provided training and equipment at no cost to the City of Lansing; and,

WHEREAS, the City of East Lansing affirms its desire to accept the CGAP grant from the State of Michigan Department of Treasury; and

WHEREAS, the City of Lansing supports the City of East Lansing in its acceptance of the Competitive Grant Assistance Award (CGAP) from the State of Michigan Department of Treasury for Active Violence Incidents (AVI) for equipment and training for fire and law enforcement purposes.

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council does agree and supports the City of East Lansing in its acceptance of the CGAP grant and participation by the City of Lansing in the development of a Metro Lansing AVI response team.

By Council Member Wood

Motion Carried

RESOLUTION #2014-341

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

WHEREAS, the Blue Card Command Certification Program is a state of the art training and certification system that teaches company and command officers how to standardize local incident operations for the organizations across jurisdictional lines; and

WHEREAS, Delhi Charter Township has received a letter of intent to award \$224,800 in grant monies for the formation and training of a Lansing Metro Command Team; and

WHEREAS, the Cities of Lansing and East Lansing and the Charter Townships of Delhi, Lansing, Meridian and Delta will be involved in the training and formation of the Lansing Metro Command Team; and

WHEREAS, Delhi Charter Township will be the lead agency in the training, formation and fiduciary of the grant for the Lansing Metro Command Team; and

WHEREAS, Delhi Charter Township has authorized and approved that fire officials shall be trained in the Blue Card Command Certification Program at no cost to the City of Lansing; and

WHEREAS, Delhi Charter Township affirms its desire to accept the CGAP grant from the State of Michigan Department of Treasury; and

WHEREAS, the City of Lansing supports Delhi Charter Township in its acceptance of the Competitive Grant Assistance Award (CGAP) from the State of Michigan Department of Treasury for training in the Blue Card Command Certification Program for the Lansing Metro Command Team.

NOW, THEREFORE, BE IT RESOLVED, that the Lansing City Council does hereby agree and supports the Delhi Charter Township in the acceptance of the CGAP Grant and participation in the Lansing Metro Command Team training.

By Council Member Wood

Motion Carried

RESOLUTION #2014-342

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

WHEREAS, pursuant to the Lansing City Charter and Chapter 280 of the Lansing Code of Ordinances, the Council shall designate in advance the first meeting of the Elected Officers Compensation Commission in odd-numbered years; and

WHEREAS, Chapter 280 of the Lansing Code of Ordinances requires the first meeting of the Elected Officers Compensation Commission to be prior to March 1, 2015 and that the commission meet on no more than 15 session days;

WHEREAS, Chapter 280 of the Lansing Code of Ordinances requires the Elected Officers Compensation Commission to make its determination within forty-five days after its first meeting;

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council hereby calls upon the Elected Officers Compensation Commission to meet and conduct its business in 2015 and designates Thursday, February 5, 2015 at 12:30 p.m. in the City Council Conference Room on the 10th floor of City Hall as the first meeting of the Commission.

BE IT FURTHER RESOLVED the Office Manager to the Council shall serve as the recording secretary to the Commission unless the Commission determines otherwise.

BE IT FINALLY RESOLVED the City Clerk shall notify the members of the Commission in writing concerning the designated date, time, and place of the first meeting at least seven calendar days in advance thereof.

By Council Member Brown Clarke

Motion Carried

RESOLUTION #2014-343

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

Act-6-11, Sale of Oliver Towers Property, 310 Seymour Street

WHEREAS, the City of Lansing Planning and Neighborhood Development Department proposes the sale of the Oliver Towers property at 310 Seymour Street (the "Property"), to George F. Eyde Family, LLC; and

WHEREAS, according to an appraisal by Vertalka and Vertalka, Inc, dated June 24, 2011, the value of the Property is \$1,050,000; and

WHEREAS, on October 4, 2011, after a duly noticed public hearing, and based on its review of the location, character, and extent of Act-6-11 in accordance with its Act 33 Review procedures, the Lansing Planning Board found that given the relocation of the Lansing Housing Commission's office facilities, the Oliver Towers property is surplus City property; and

WHEREAS, the Planning Board, at its meeting on October 4, 2011, voted unanimously (5-0) to recommend approval of Act-6-11, including the disposal of the Property; and

WHEREAS, the Committee of the Whole has reviewed the report and recommendation of the Planning Board and found that the disposition of the Property will be beneficial to the City; and

WHEREAS, pursuant to the City Charter 8-403.3 City Council held a public hearing on December 8, 2014; and

NOW BE IT RESOLVED, the Lansing City Council hereby approves the Buy and Sell Agreement placed on file with the City Clerk on October 31, 2014, and Act-6-2011, disposition of the Property, legally described as:

PARCEL NO. 33-01-01-16-177-022 (Tax Description from County Records)
LOTS 4 THROUGH 9, ALSO THE SOUTH 12 FEET OF LOTS 3

AND 10, BLOCK 84, ORIGINAL PLAT, CITY OF LANSING, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 2 OF PLATS, PAGE 36, INGHAM COUNTY RECORDS

to George F. Eyde Family, LLC for the sum of One Million Fifty Thousand and 00/100 Dollars (\$1,050,000), plus closing costs.

BE IT RESOLVED, that the Mayor, on behalf of the City, is hereby authorized to sign and execute all documents to complete the transaction, subject to prior approval as to content and form by the City Attorney.

By Council Member Brown Clarke

Motion Carried

RESOLUTION #2014-344

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

WHEREAS, the City of Lansing and the Teamsters Local 214 (the Union) have negotiated a collective bargaining agreement (CBA) for the period covering January 1, 2015 through December 31, 2018, which is summarized in the November 21, 2014 Tentative Agreement of the parties; and

WHEREAS, the Union membership has ratified this agreement; 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 CBA between the City of Lansing and the Teamsters Local 214 for the period covering January 1, 2015 through December 31, 2018, which is summarized in the November 21, 2014 Tentative Agreement and which includes, among other matters, the following health care plans for active employees and prospective retirees:

A. Base Plan. The City will offer full-time employees a choice of Base Plan health insurance as follows:

1. BC/BS PPO 12/20 with a \$1000/\$2000 deductible and \$10/\$40/\$80 Rx drug card with MOPD 2 and Retail 90 rider and \$40.00 office/\$60.00 urgent care and \$250.00 Emergency Room co-pays.
2. PHP DPL 15500 with a \$1000/\$2000 deductible and \$10/\$40/\$80 Rx drug card with MOPD 2 and Retail 90 rider and \$40.00 office/\$60.00 urgent care and \$250.00 Emergency Room co-pays.

B. The City will pay no more than the premium cost of the Base Plan options provided in Subsection A, up to the limit of the state mandated hard cap amounts under Public Act 152 of 2011, as amended. Because the 2011 P.A. 152 hard cap amounts are subject to change, the City will pay no more than the cost of the Base Plan (BCBSM or PHP) hard cap amounts in effect at any given time.

Employees will pay no premium sharing toward the Base Plan so long as rates remain at or below the state mandated hard cap amounts. If rates exceed the state mandated hard cap amounts, employees will become responsible for and pay all costs in excess of the hard cap amounts.

C. Optional Coverage. Employees may elect to "buy-up" to their choice of certain optional insurance plans by selecting and enrolling in the chosen optional plan and paying at the employee's own expense the difference between the optional plan premium

cost and the corresponding Base Plan (BCBSM or PHP) City premium cost (the "differential cost"). The differential cost may be changed by the City from time during the term of this Agreement to time to reflect changes in premium costs. The optional coverage plans are as follows:

1. Option 1 Plan, either BC/BS PPO 4 or PHP DPL 15400 with a \$500/\$1000 deductible and a \$10/\$40/\$80 Rx drug card with MOPD 2 and Retail 90 rider and \$30 office/\$50 urgent care and \$150 Emergency Room co-pays; or
2. Option 2 Plan either through Blue Cross Blue Shield or PHP with a \$0 deductible \$15 Office Visit, \$15 Urgent Care co-pay (BCBS)/\$20 Urgent Care (PHP) co-pay, \$50 Emergency Room co-pay, \$15 Chiropractic co-pay (BCBS)/\$0 Chiropractic co-pay (PHP), \$0/\$15/\$40 Prescription co-pays, MOPD (2 co-pays for a 3-month supply), Mandatory Generic rider and Hearing Aide HC-A coverage.

The employee shall be responsible for the differential cost through payroll deduction.

- D. New hires into City employment on or after January 1, 2015: There will be no retiree health insurance plan for new hires into City employment hired on or after January 1, 2015. Rather, employees will only be offered a defined contribution healthcare savings plan vehicle funded by the City of Lansing at the rate of 4% of the employee's wages per year. The account will be established to allow portability in the event that the employee separates from the City after a three (3) year vesting period.
- E. The Union agrees to participate in a healthcare coalition with other City bargaining units and agrees to reopen the health insurance provisions of this collective bargaining agreement to reflect coalition agreed-upon terms and language.

BE IT FINALLY RESOLVED, that the City Council hereby ratifies the November 21, 2014 Tentative Agreement of the parties for the CBA between the City of Lansing and the Teamsters Local 214 for the period covering January 1, 2015 through December 31, 2018.

By Council Member Brown Clarke

By Council Member Quinney to enter closed session for the purpose of discussing strategy and negotiations for a collective bargaining agreement.

Motion Carried by the following by the following roll call vote:

Yeas: Council Members Boles, Brown Clarke, Dunbar, Houghton, Quinney, Washington, Wood

Nays: None

The Council entered closed session at 8:30 p.m.

The Council returned to regular session at 8:53 p.m.

The question being the motion to place an affirmative roll on the Resolution

Motion Carried

REPORTS FROM COUNCIL COMMITTEES

BY THE COMMITTEE ON GENERAL SERVICES

At several of the 2014 meetings of the Committee on General Services, committee members, city staff, residents and landlords have discussed

approaches to improving housing quality that have included:

- Licensing residential landlords
- Requiring lead clearance in order to obtain a "certificate of compliance" for residential rental property
- Adding local "stretch provisions" to the International Property Maintenance Code section of Lansing's Building and Housing Code
- Increasing inspection frequency of residential rental property

This report is to summarize findings and next steps related to these approaches. Should the City Council wish to pursue some or all of these approaches in 2015, the fact-finding completed by the Committee on General Services in 2014 can be used as a basis.

Landlord licensing. The primary finding from the committee on this topic is covered in the opinion from the Office of City Attorney (OCA), dated December 15, 2014. The opinion states: "residential landlord licensing would fall within the City's authority and is not preempted by state statute". The Lansing City Council may now proceed with the next steps in exploring a landlord licensing program-- including parameters and costs-- secure with the knowledge that in general, this type of licensing program is not preempted by state statute.

What is a landlord licensing program? A model landlord licensing program exists in Cedar Rapids, Iowa. The Cedar Rapids program treats the landlord license as a business license granted to a person or a company to allow them to conduct the business of renting out residential rental property. This is distinct and different from rental property registration and inspection, which deals with each specific property uniquely, rather than with the overall portfolio and conduct of the person or business owning and managing the rental property. Some of the conditions for obtaining the landlord license in Cedar Rapids include attending training, complying with requirements for registration and inspection of all rental properties in the portfolio, and having paid in full any judgments entered in favor of the city against the applicant.

In committee discussions, it was noted that there is currently no requirement by City of Lansing that a rental property owner be current on all taxes, fees and assessments owed to the city in order to receive a certificate of compliance for a rental property. This is because the certificate is tied to compliance with the International Property Maintenance Code, but not to any other factors. A landlord licensing program could include a requirement to be current on property taxes, fees and assessments.

What is the cost of a landlord licensing program? Exact costs would depend on the parameters of the program (ie training, reviewing tax records, collecting fees, hearing cases for suspension or revocation of a license). While committee members have asked staff to begin exploring cost estimates to operate a landlord licensing program in Lansing, such estimates will need to be itemized to consider the various factors that could be included or not included in such a program. In other words, it will be difficult to say exactly what a landlord licensing program will cost without knowing what would be included in such a program.

Would there be a fee associated with a landlord license? In theory, there could be a fee associated with obtaining a landlord license. In Cedar Rapids, Iowa, a landlord license is only required one time per landlord/owner/operator and there is a \$50 fee.

Lead Clearance. The primary finding from the committee on this topic is that, given the high numbers of children who continue to experience lead poisoning in our area (200-300/year), the high percentage (70%)

of those cases that live in rental housing, and the severe and long lasting intellectual and behavioral impacts of lead poisoning, this is an area with room for improvement.

The City of Detroit enacted an ordinance in 2010 requiring lead clearance in order to obtain a certificate of compliance for rental property. Proof of lead clearance is provided to City staff for review. Proof takes the form of documentation from a state-licensed lead inspection/risk assessor. These inspectors/assessors are not employed by the City of Detroit. These are private-sector individuals who are trained and equipped to conduct lead inspection/risk assessments. They are regulated by the Michigan Department of Community Health (MDCH). A list of certified lead inspectors and risk assessors is available online.

MDCH has offered to provide training to the City of Lansing staff on reviewing documentation that would be submitted by property owners to prove lead clearance. The MDCH Healthy Homes Section has also agreed to provide ongoing technical and enforcement support related to review of the documentation for a lead clearance requirement. (The MDCH Healthy Homes Section also administers grants of up to \$8,000 for lead testing and abatement of owner-and-renter-occupied property.)

Committee members have initiated conversations with the administration about the feasibility of incorporating this requirement into current practices. OCA has stated that they would like to review jurisdictional provisions in federal and state law regarding lead clearance of rental property. At the time of the report, conversations between staff and leadership in the Fire Department and Planning and Neighborhood Development Department regarding this concept are ongoing, in regards to what the staffing requirements for a lead clearance provision would be.

Next steps in exploring this approach include:

- Obtaining a written or verbal statement from OCA that there are not jurisdictional considerations that would prevent City of Lansing from requiring lead clearance in order to obtain a certificate of compliance for a rental unit
- A presentation to city staff from the MDCH Healthy Homes Section Manager to further explain City vs. State roles, procedures and possible partnership in a lead clearance requirement scenario

"Stretch Provisions" of IPMC. The detailed analysis provided to committee members by the National Center for Healthy Housing included with committee records.

Frequency of Rental Inspections. The City of Lansing currently inspects registered rental properties every two or three years, depending on the type of rental unit and whether or not there were violations at the previous inspection. As compared to other municipalities in the region, Lansing's inspection frequency is not the most frequent, and it is not the least frequent. Meridian Township and East Lansing require annual inspection of all rental units. Some municipalities do not have any rental registration or inspection program. At the time of this report writing, Michigan law requires cities with population over 100,000 to register and inspect rental property.

During the discussion of rental inspection frequency, staff reported that there are currently around 30,000 registered rental units in Lansing, and that annual inspections are roughly 4,000 per year. With a maximum inspection frequency of 3 years between inspections, one would expect at least 10,000 inspections per year. When committee members asked the Lead Housing Tnspector to explain this discrepancy, he reported that the Code Compliance Unit tracks inspections by the number of buildings they inspect, but not the number of units. Without unit-level tracking and reporting, it is impossible to know if inspections are being performed at the frequency

required by current city ordinance or not--- nevertheless if there is a need to perform inspections more frequently than currently specified by ordinance.

Other resource documents:

- December 15, 2014 opinion from Office of City Attorney RE: Landlord Licensing
- December 18, 2014 letter from Michigan Department of Community Health RE: Lead Clearance
- November 24, 2014 memorandum from National Center for Healthy Housing

By Council Member Wood to receive the Committee Report

Motion Carried

ORDINANCES FOR INTRODUCTION

Council Member Quinney introduced:

An Ordinance of the City of Lansing providing that the Code of Ordinances be amended by providing for the rezoning, with conditions, of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-6-2014, 1900 S. Cedar Street and 8 Teel Court, Rezoning from "D-1" Professional Office and "B" Residential Districts to "F-1" Commercial District

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

RESOLUTION #2014-345

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

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, January 12, 2015, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-6-2014, 1900 S. Cedar Street and 8 Teel Court, Rezoning from "D-1" Professional Office and "B" Residential Districts to "F-1" Commercial District

By Council Member Quinney

Motion Carried

Council Member Quinney introduced:

An Ordinance of the City of Lansing providing that the Code of Ordinances be amended by providing for the rezoning, with conditions, of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-7-2014, 310 N. Seymour Street, Rezoning from "CUP" Community Unit Plan to "G-1" Business District

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

RESOLUTION #2014-346

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

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, January 12, 2015, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-7-2014, 310 N. Seymour Street, Rezoning from "CUP" Community Unit Plan to "G-1" Business District

By Council Member Quinney

Motion Carried

Council Member Quinney introduced:

An Ordinance of the City of Lansing providing that the Code of Ordinances be amended by providing for the rezoning, with conditions, of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-8-2014, South Side of 1100-1200 Blocks of E. Michigan Avenue, Rezoning from "F-1" Commercial and "DM-3" & "DM-4" Residential Districts to "G-1" Business District

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

RESOLUTION #2014-347

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

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, January 12, 2015, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-8-2014, South Side of 1100-1200 Blocks of E. Michigan Avenue, Rezoning from "F-1" Commercial and "DM-3" & "DM-4" Residential Districts to "G-1" Business District

By Council Member Quinney

ORDINANCES FOR PASSAGE

An Ordinance of the City of Lansing, Michigan, Providing for the Rezoning of a parcel of real property located in the City of Lansing, Michigan and for the revision of the district maps adopted by section 1246.02 of the Code of Ordinances.

Z-4-2013, 1.4 Acres of 601 Leshar Place, Rezoning from "A" Residential District to "H" Light Industrial District

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

Yeas: Council Members Boles, Brown Clarke, Houghton, Quinney, Washington, Wood

Nays: None

ORDINANCE #2581

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

SECTION 1246.02 OF THE CODE OF ORDINANCES.

The City of Lansing ordains:

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

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

Case Number: Z-4-2013

Address: Part of 601 Leshar Place

Parcel Number: PPN: 33-01-01-15-101-016

Legal Descriptions: A parcel of land in the Northwest 1/4 of Section 15, T4N, R2W, Lansing Township, Ingham County, Michigan, the surveyed boundary of said parcel described as: Commencing at the Northwest corner of said Section 15; thence S00°24'38"W along the West line of said Section 15 a distance of 796.25 feet; thence S89°39'06"E parallel with the North line of Genesee Street a distance of 41.25 feet to the East right of way line of the Conrail Railroad and the point of beginning of this description; thence S89°39'06"E parallel with said North right of way line 258.36 feet; thence N00°50'31"E 117.97 feet; thence S88°33'33"E 162.34 feet; thence S00°37'20"W 119.79 feet; thence S04°08'03"W 96.44 feet to said North right of way line; thence N89°39'06"W along said North right of way line 414.86 feet to said East right of way line; thence N00°24'38"E along said East right of way line 101.15 feet to the point of beginning; said parcel containing 1.40 acres more or less; said parcel subject to all easements and restrictions if any, from "A" Residential district to "H" Light Industrial district.

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

Section 3. This ordinance was duly adopted by the Lansing City Council on December 22, 2014, and a copy is available in the office of the Lansing City Clerk, 9th Floor, City Hall, 124 W. Michigan Avenue, Lansing, MI 48933.

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

An Ordinance of the City of Lansing, Michigan, to amend the Lansing Codified Ordinances by amending Chapter 294, Sections 294.02(a), 294.02(i), 294.02(k) and 294.02(r) to conform to the firefighter's pension benefit changes contained in the collective bargaining agreement between the City and IAFF Local 421, ratified May 19, 2014, by adding the definitions of annual base salary, base wage and firefighter's base wage; providing a minimum retirement age of 50 for new hired firefighters; limiting firefighters' pensions to 110% of a firefighter's base wage; amending the firefighter employee pension contribution; and reducing the pension benefit multiplier for new hired firefighters and by amending section 294.02(k) to conform the retirement option numbering to the police officers' collective bargaining agreement

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

Yeas: Council Members Boles, Brown Clarke, Houghton, Quinney, Washington, Wood

Nays: None

Motion Carried

By Council Member Brown Clarke to give the ordinance immediate effect

Motion Carried

ORDINANCE #1194

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND THE LANSING CODIFIED ORDINANCES BY AMENDING CHAPTER 294, SECTIONS 294.02(a), 294.02(i), 294.02(k) AND 294.02(r) TO CONFORM TO THE FIREFIGHTER'S PENSION BENEFIT CHANGES CONTAINED IN THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND IAFF LOCAL 421, RATIFIED MAY 19, 2014, BY ADDING THE DEFINITIONS OF ANNUAL BASE SALARY, BASE WAGE AND FIREFIGHTER'S BASE WAGE; PROVIDING A MINIMUM RETIREMENT AGE OF 50 FOR NEW HIRED FIREFIGHTERS; LIMITING FIREFIGHTERS' PENSIONS TO 110% OF A FIREFIGHTER'S BASE WAGE; AMENDING THE FIREFIGHTER EMPLOYEE PENSION CONTRIBUTION; AND REDUCING THE PENSION BENEFIT MULTIPLIER FOR NEW HIRED FIREFIGHTERS; AND BY AMENDING SECTION 294.02 (k) TO CONFORM THE RETIREMENT OPTION NUMBERING TO THE POLICE OFFICERS' COLLECTIVE BARGAINING AGREEMENT.

THE CITY OF LANSING ORDAINS:

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

294.02. Pensions.

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

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

ANNUAL BASE SALARY MEANS THE SALARY PAID BY THE CITY TO A POLICE OFFICER OR FIREFIGHTER FOR 12 CONSECUTIVE MONTHS OF CREDITED SERVICE.

BASE WAGE MEANS A FIREFIGHTER'S BASE WAGE.

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

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

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

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

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

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

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

FIREFIGHTER'S BASE WAGE MEANS A FIREFIGHTER'S SALARY DETERMINED BY HIS OR HER CLASSIFICATION AND ANNUALIZED RATE OF PAY CONTAINED IN APPENDIX A OF THE COLLECTIVE BARGAINING AGREEMENT COVERING THE MEMBER AND IN EFFECT ON THE DATE OF THE FIREFIGHTER'S SEPARATION FROM CITY SERVICE.

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

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

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

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

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

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

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

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

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

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

(i) *Voluntary Retirement.*

- (1) A member may retire upon his or her written application filed with the Board of Trustees setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he or she wishes to be retired, provided that such member is eligible to retire according to subsections (i)(2) through (4) hereof upon his or her retirement, he or she shall receive a retirement allowance as provided in subsection (k)(1) hereof.
- (2) A member may retire after 25 or more years of credited service, or after his or her attainment of age 55, EXCEPT THAT A FIREFIGHTER WHO BECOMES A MEMBER ON OR AFTER MAY 19, 2014 WITH 25 OR MORE YEARS OF CREDITED SERVICE MAY NOT RETIRE BEFORE ATTAINMENT OF AGE 50.

(k) *Retirement Allowance.*

(1) *Generally.*

- A. Upon a police officer member's retirement, he or she shall receive a retirement allowance equal to 3.2 percent of the member's final average compensation multiplied by the number of years and fraction of a year, of credited service not to exceed 25 years.
- B. FOR A firefighter WHO IS A member BEFORE MAY 20, 2014, AND retireS, he or she shall receive a retirement allowance equal to the sum of 3.2 percent of his or her final average compensation multiplied by the number of years, and fraction of a year, of his or her credited service, not to exceed 25 years-, EXCEPT THAT FOR A MEMBER WHO SEPARATES FROM CITY EMPLOYMENT ON OR AFTER OCTOBER 1, 2014, THE RETIREMENT ALLOWANCE SHALL NOT EXCEED 110% OF THE FIREFIGHTER'S BASE WAGE AT THE TIME OF SEPARATION.
- C. FOR A FIREFIGHTER WHO BECOMES A MEMBER ON OR AFTER MAY 20, 2014, AND RETIRES, HE OR SHE SHALL RECEIVE A RETIREMENT ALLOWANCE EQUAL TO THE SUM OF 2.5 PERCENT OF HIS OR HER FINAL AVERAGE COMPENSATION, MULTIPLIED BY THE NUMBER OF YEARS AND FRACTION OF A YEAR, OF HIS OR HER CREDITED SERVICE, NOT TO EXCEED 25 YEARS, EXCEPT THAT THE RETIREMENT ALLOWANCE SHALL NOT EXCEED 110% OF THE FIREFIGHTER'S BASE WAGE AT THE TIME OF SEPARATION FROM CITY EMPLOYMENT.
- D. If a retiree dies before he or she has received in retirement allowance payments an aggregate amount equal to his or

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

- (2) *Deferred allowance.* Should any member, who has ten or more years of credited service, leave the employ of the City before becoming eligible to retire as provided in section (i) hereof for any reason except his or her discharge, retirement or death, he or she shall be entitled to a retirement allowance, as provided in subsection (k)(1) hereof pursuant to its provisions in force at the time he or she left City employment, provided that he or she does not withdraw his or her accumulated contributions from the employees' savings fund. His or her retirement allowance shall begin the first day of the calendar month next following the month in which his or her written application on the approved form for the same is filed with the Board of Trustees, within 30 days before, on or after his or her attainment of age 55.

(3) *Retirement options.*

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

OPTION I. UNDER THIS OPTION, THE MEMBER AT RETIREMENT SHALL RECEIVE THE FULL RETIREMENT ALLOWANCE AS PROVIDED IN SUBSECTION (k)(1)A. AND UPON THE RETIREE'S DEATH, HIS OR HER SURVIVING SPOUSE, WHO WAS HIS OR HER LEGALLY MARRIED SPOUSE AT THE TIME OF RETIREMENT, SHALL RECEIVE A RETIREMENT ALLOWANCE EQUAL TO 50 PERCENT OF THE RETIREE'S RETIREMENT ALLOWANCE UNTIL THE SPOUSE'S DEATH.

OPTION II. UNDER THIS OPTION, THE MEMBER AT RETIREMENT SHALL RECEIVE 93 PERCENT OF THE FULL RETIREMENT ALLOWANCE AS PROVIDED IN SUBSECTION (k)(1)A. AND UPON THE RETIREE'S DEATH, HIS OR HER SURVIVING SPOUSE, WHO WAS HIS OR HER LEGALLY MARRIED SPOUSE AT THE TIME OF RETIREMENT, SHALL RECEIVE A RETIREMENT ALLOWANCE EQUAL TO 75 PERCENT OF THE RETIREE'S RETIREMENT ALLOWANCE UNTIL THE SPOUSE'S DEATH.

OPTION III. UNDER THIS OPTION, THE MEMBER AT retirement shall receive 86 percent of THE full retirement allowance as provided in subsection (k)(1)A.. AND upon the RETIREE'S death , his or her SURVIVING SPOUSE , who was his or her legally married spouse at the time of retirement, shall receive a retirement allowance equal to 86 percent of the RETIREE'S retirement allowance UNTIL THE SPOUSE'S DEATH.*Option IV.* Non-spousal beneficiary. A

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

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

Option I. Under this option, the member at retirement SHALL receive the full retirement allowance AS PROVIDED IN SUBSECTION (k)(1)B. and upon the RETIREE'S death, HIS OR HER SURVIVING spouse, WHO WAS HIS OR HER LEGALLY MARRIED SPOUSE AT THE TIME OF RETIREMENT, shall receive A RETIREMENT ALLOWANCE EQUAL TO 50 percent of the RETIREE'S retirement allowance until the spouse's death.

Option II. Under this option, the member at retirement SHALL receive 93 percent of the full retirement allowance AS PROVIDED IN SUBSECTION (k)(1)B. and upon the RETIREE'S death, HIS AND HER SURVIVING spouse, WHO WAS HIS OR HER LEGALLY MARRIED SPOUSE AT THE TIME OF RETIREMENT, shall receive A RETIREMENT ALLOWANCE EQUAL TO 75 percent of the RETIREE'S retirement allowance until the spouse's death.

Option III. Under this option, the member at retirement SHALL receive 86 percent of the full retirement allowance AS PROVIDED IN SUBSECTION (k)(1)B. and upon the RETIREE'S death, HIS OR HER SURVIVING spouse, WHO WAS HIS OR HER LEGALLY MARRIED SPOUSE AT THE TIME OF RETIREMENT, shall receive RETIREMENT ALLOWANCE EQUAL TO 86 percent of the RETIREE'S retirement allowance until the member's spouse's death.

- Option IV. Non-spousal beneficiary. A member may select a reduced pension naming a parent, brother, sister, child or grandchild as beneficiary. The reduced pension shall be actuarially determined based on the age of the employee and the beneficiary at the time of retirement, and shall not be actuarially more costly than Option 1 above. For this option to be made and take effect, the member who is married must first have filed with the Board a voluntarily written spousal relinquishment of beneficiary agreement on a form approved by the Board that has been duly and voluntarily executed by the member's spouse. Regardless of the indicated beneficiary, retiree health care shall be passed on only to the member's spouse.

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

- C. If a retiree who retired under subsection (i)(1) hereof dies prior to the earlier of his or her attainment of age 55 or the date upon which he or she would have achieved 25 years of credited service but for the disability, his or her widow or widower, who was his or her legally married spouse at the time of his or her retirement, shall receive a retirement

allowance computed according to subsection (k)(1) hereof. In computing the retirement allowance, the retiree's credited service shall be increased to include the period he or she was in receipt of a disability retirement allowance provided in subsection (l)(3) hereof, and his or her final average compensation shall be recomputed using the monthly rates of compensation as of the date of his or her death for the rank or ranks held by him or her during the period used in computing his or her final average compensation at the time of his or her retirement. For Fire Department employees, if the employee incurred the disability while "acting" at a higher rank, the final average compensation of the employee shall be based upon the pay he or she would have received in the "acting" rank for the applicable service period. The widow or widower retirement allowance shall not be less than 20 percent of the retiree's recomputed final average compensation and shall be subject to subsection (k)(3)C. hereof.

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

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

(r) *Retirement System Funds.*

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

reasonable assumptions as to mortality, interest, etc., and correct procedures relating to the method of funding, all as made by the City upon and with the advice of an actuary. Notwithstanding the foregoing, any contributions made by the City by a mistake of fact shall be returned to the City, upon its request, within one year after such contribution was made.

(2) *Employees' savings fund.*

- A. The employees' savings fund shall be the fund in which shall be accumulated, at regular interest the contributions deducted from the compensations of members, and from which shall be made transfers and paid refunds of accumulated contributions as provided in this section.
- B. ~~THE CONTRIBUTIONS OF A MEMBER OF THE FIRE DEPARTMENT SHALL BE CALCULATED AS A PERCENTAGE OF THE MEMBER'S COMPENSATION AND PAID INTO THE SYSTEM AS PROVIDED IN THIS SUBSECTION (r)(2)B. FOR THE POLICE NONSUPERVISORY DEPARTMENT DIVISION AND THE POLICE SUPERVISORY DEPARTMENT TO THE RETIREMENT SYSTEM THE MEMBER'S CONTRIBUTION SHALL BE 7.58 PERCENT, 8.5 PERCENT, AND 9.52 PERCENT, RESPECTIVELY OF HIS OR HER COMPENSATION PAID HIM OR HER BY THE CITY. FOR THE POLICE SUPERVISORY DIVISION THE MEMBER'S CONTRIBUTION SHALL BE 9.52 PERCENT. FOR FIREFIGHTERS WHO WERE MEMBERS BEFORE MAY 20, 2014, THE CONTRIBUTION SHALL BE 10 PERCENT. FOR FIREFIGHTERS WHO BECOME MEMBERS ON OR AFTER MAY 19, 2014, THE CONTRIBUTION SHALL BE 7 PERCENT. The Director of Finance or other officer responsible for making up the payroll shall cause the contributions to be deducted from the compensation of each member on each and every payroll, for each and every payroll period, from the date of his or her entrance in the system to the date his or her membership terminates.~~
- C. The contributions provided in this subsection shall be made notwithstanding that the minimum compensation provided by law for any member shall be changed thereby. Every member shall be deemed to consent and agree to the deductions made and provided for in this subsection, and payment of his or her compensations less such deductions shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person, except as to benefits provided under this chapter. When deducted, the contributions of each member shall be paid into the retirement system and shall be credited to his or her individual account in the employees' savings fund.
- D. In addition to the contributions deducted from the compensations of a member, as hereinbefore provided, he or she shall deposit in the fund, by a single payment or by an increased rate of contribution as determined by the Board of Trustees, an amount equal to the amount he or she might have withdrawn therefrom, together with regular interest from the date of withdrawal to the date of repayment. In no case shall any member be given credit for service rendered prior to the date he or she withdrew his or her accumulated contributions until he or she repays to the fund all amounts due such fund by him or her.
- E. Upon the retirement of a member, his or her accumulated contributions shall be transferred from the employees' savings fund to the retirement reserve fund. At the expiration of a period of five years from and after the date an employee ceases to be a member, any balance standing to his or her

credit in the employees' savings fund that is unclaimed by the member or his or her legal representative shall remain a part of the moneys of the retirement system and shall be transferred to the pension accumulation fund, if no retirement allowance will become payable by the retirement system on account of his or her City employment.

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

(3) *Pension accumulation fund.* The pension accumulation fund shall be the fund in which shall be accumulated reserves resulting from contributions provided by the City. Upon the basis of mortality tables and other tables of experience, and regular interest, as the Board of Trustees shall from time to time adopt, the actuary shall annually compute the retirement allowance reserve liabilities for retirement allowances being paid retirements and beneficiaries and covering service rendered and to be rendered by members. The liabilities so computed shall be financed by appropriations, to be made by Council determined according to this section. The board shall annually report to council the amount of contributions to be paid by the City to the retirement system during the ensuing fiscal year. When paid, the City's contributions shall be credited to the pension accumulation fund.

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

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

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

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

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

(6) *Health Insurance Fund.* The health insurance fund shall be the fund for receiving contributions for post-retirement health insurance benefits. The initial balance as of January 1, 1998, shall be \$3,584,840.14, which amount is equal to the December 31, 1997, asset receivable allocated to health insurance advance funding from the City's general fund. City contributions, as specified in this paragraph, for post-retirement health insurance benefits, including dental insurance and Medicare reimbursement benefits, shall be credited to the health insurance fund. Notwithstanding the provisions of subsection 294.02(r)(8), the health insurance fund shall be credited investment income at a rate consistent with the method used to determine the actuarial value of assets in the annual actuarial report. Premiums or charges, as specified in this subsection, for post-retirement health insurance benefits, including dental insurance and Medicare reimbursement benefits, shall be paid from the health insurance fund.

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

B. Beginning July 1, 1999, and each year thereafter, a portion of the premiums or charges for post-retirement health insurance benefits, including dental insurance and Medicare reimbursement benefits, shall be paid from the health insurance fund on behalf of eligible retiree and beneficiaries of the retirement system in accordance with the applicable collective bargaining agreements and personnel rules of the City. The portion of the premiums or charges that will be paid from the health insurance fund is a percentage of such premiums or charges paid on behalf of persons with

retirement effective dates on or after January 1, 1999. The percentage shall be four percent in the fiscal year beginning July 1, 1998, increasing four percent each year thereafter until it reaches 100 percent. The amount of premiums or charges paid from the health insurance fund shall be reduced by the amount, if any, paid from a voluntary employee's beneficiary association established by the City for this purpose. Notwithstanding the method specified in this subparagraph to compute the portion of the premiums of charges that are paid from the health insurance fund, the fund balance of the health insurance fund at any point in time is reserved to support the post-retirement health insurance benefits, including dental insurance and Medicare reimbursement benefits, of all eligible retiree and beneficiaries of the retirement system regardless of retirement effective date.

- C. Notwithstanding the creation or maintenance within the retirement system of the health insurance fund, this section is not to be construed or deemed to have established or removed any benefits, financial or otherwise, subject to Article IX, Section 24 of the 1963 Constitution of the State of Michigan. Nor shall the creation and maintenance of the health insurance fund preclude the City from giving consideration to and implementing cost containment measures as provided by law. Instead, the purpose of this section is to put in place a mechanism for the advance funding of post-retirement health insurance benefits for eligible retiree, and not, apart from the advance funding obligation, to grant additional rights or to take away any rights which eligible retiree may already have.

- (7) *Investment of funds.*
- A. The Board of Trustees shall be the trustees of the funds of the retirement system and may invest and reinvest such funds as now or hereafter permitted by law. The Board may hold, purchase, sell, assign, transfer and dispose of any securities and investments in which any of the moneys of the retirement system have been invested, as well as the proceeds of such investments.
- B. Except as otherwise provided in this chapter, no trustee or officer or employees of the retirement system shall have any direct or indirect interest in the gains or profits of any investments made by the Board. No such person, directly or indirectly, for himself or herself or as an agent or partner of others, shall borrow any of the moneys or deposits of the system or in any manner use such moneys or deposits, except to make such current and necessary payments as are authorized by the Board. No such person shall become an endorser or surety or become in any manner an obligor for any moneys loaned by or borrowed from the system.
- (8) *Allowance of regular interest.* The Board annually shall allow and credit regular interest on the mean balances in each of the funds of the retirement system for the preceding year; provided, however, that interest to be credited members' individual balances in the employees' savings fund shall be computed on the balances standing to their credit at the beginning of the calendar year and shall be credited at the end of the calendar year, the amounts so allowed and credited shall be paid from interest and other earnings on investments of the system. Any additional amount necessary to allow regular interest, as provided in this system, shall be paid from the pension accumulation fund. AU interest, dividends and other income derived from the deposit and investment of moneys of the system not required for the

allowance of regular interest, shall be credited to the pension accumulation fund.

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

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

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

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

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

Motion Carried

Reports from City Officers, Boards and Commissions:

1. Letter(s) from the City Clerk re:

- a. Minutes of Boards, Commissions, and Authorities placed on file in the Clerk's Office

PLACED ON FILE

2. Letter(s) from the Mayor re:

- a. Teamsters Local 214 (2015-2018) Collective Bargaining Agreement

REFERRED TO THE COMMITTEE OF THE WHOLE

- b. Grant Acceptance; Competitive Grant Assistance Award (CGAP) for Delhi Township Blue Card Command Certification Program for Delhi Township

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

- c. Grant Acceptance; Competitive Grant Assistance Award (CGAP) for the Lansing Regional AVI Medical Response Team for East Lansing

REFERRED TO THE COMMITTEE ON WAYS AND MEANS

- d. Appointment of James McClurken as the 4th Ward Member of the Park Board for a term to expire June 30, 2016

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

- e. Noise Waiver for BWL Steam Utility Construction for area of E. Michigan Avenue between Washington Square and Grand Avenue and area of Alley #6 South of Michigan Avenue

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- Communications and Petitions, and Other City Related Matters:

1. Notices from the Michigan Liquor Control Commission regarding:

- a. Denial of Application to transfer licenses to unlicensed premise located at 800 E. Michigan

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- b. Request to Transfer ownership of 2014 Class C and SDM License, LAF Fine Dining, Inc., 320 E. Michigan

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

2. Claim Appeal; Claim ID 1145, from Reginald Christian Jr. for property located at 223 W Fairfield Avenue

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

3. Claim Appeal; Claim ID 1125, from Roberto Garcia for property located at 112 W. Cavanuagh Road

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

4. Michigan Department of Environmental Quality Water Division Notice of Intent to Establish Condominium Project

RECEIVED AND PLACED ON FILE

MOTION OF EXCUSED ABSENCE

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

Motion Carried

REMARKS BY THE MAYOR OR EXECUTIVE ASSISTANT

Executive Assistant to Mayor Bernero, Randy Hannan, wished Happy Holidays to the Council and the Lansing Community.

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS

Russell Terry spoke about post office concerns.

Council President Boles wished the Lansing Community a Merry Christmas, Happy Hanukkah, and a Happy Kwanza. She also stated that the next Council meeting is on January 5, 2015.

ADJOURNED TIME 9:26 P.M.

CHRIS SWOPE, CITY CLERK