



**OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
OCTOBER 14, 2013**

City Council Chambers
Lansing, Michigan

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

PRESENT: Council Members Boles, Dunbar, Houghton, Jeffries, Quinney, Washington, Wood, Yorko

ABSENT: None

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

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Vice President Boles

To approve the printed Council Proceedings of September 9, 23, and 30, 2013

Motion Carried

**COMMENTS BY COUNCIL MEMBERS
AND THE CITY CLERK**

Council Member Boles announced the Lewton-Rich Neighborhood meeting and the Mobile Food Pantry. She talked about the Board of Water & Light's project to flush some water mains in the Churchill Downs area.

Council Member Yorko announced the Preservation Lansing Awards and the Colonial Village Neighborhood meeting.

Council Member Washington announced the Allen Neighborhood Center's fundraiser, Make a Fuss About Food.

Council Member Quinney announced the Last Taste of Summer fundraiser.

Council Member Houghton spoke about the Fenner Nature Center's recent apple butter event.

President Wood announced the Churchill Downs neighborhood meeting and the NAACP Freedom Fund Dinner.

City Clerk Swope gave information about absentee ballots for the upcoming City Election.

Council Member Boles announced a blood drive at Cooley Law School.

COMMUNITY EVENT ANNOUNCEMENTS

Diane Sanborn gave additional details about the Preservation Lansing Awards

**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, announced Trick-or-Treat on the Square, the City's Veterans Day celebration, and Silver Bells in the City. He spoke about the Niowave incentive on tonight's agenda and urged the Council to adopt it. He spoke about the special land use for Riverview Church and expressed concern with allowing the SLU on the entire property although the applicant has indicated only part of the property will be used for a church.

PUBLIC COMMENT ON LEGISLATIVE MATTERS

Legislative Matters included the following public hearings:

1. In consideration of SLU-3-2013; Request from Riverview Church to utilize the property at 1115 S. Washington Avenue for a church

Council Member Jeffries gave an overview of the public hearing.

Pastor Noel Heikkinen, Justin Detmers, and Ed Cloutier on behalf of the applicants, as well as Charles Ford on behalf of the current property owner, gave an overview of the public hearing.

• Public Comment on Legislative Matters:

Mary Ann Prince spoke in favor of SLU-3-2013.

Mary Elaine Kiener spoke in favor of the Niowave PPE and in favor of SLU-3-2013.

Ty Forquer spoke in favor of SLU-3-2013.

Tyson Pumphrey spoke in favor of SLU-3-2013.

Daniel Medrano spoke in favor of SLU-3-2013.

Ashley Lamb spoke in favor of SLU-3-2013.

Shannon Ryan spoke in favor of SLU-3-2013.

Clark Cambern spoke in favor of SLU-3-2013.

REFERRAL OF PUBLIC HEARINGS

1. In consideration of SLU-3-2013; Request from Riverview Church to utilize the property at 1115 S. Washington Avenue for a church

TO BE CONSIDERED LATER IN THIS MEETING

LEGISLATIVE MATTERS

RESOLUTIONS**RESOLUTION #2013-214**

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

SLU-3-2013, 1115 S Washington Avenue
Special Land Use Permit – Church in an “F-1” Commercial District

WHEREAS, the applicant, Riverview Church, is requesting a Special Land Use Permit (SLU-3-2013) to utilize the building at 1115 S Washington Avenue for a church; and

WHEREAS, the property is zoned “F-1” Commercial District, where churches are permitted subject to obtaining a Special Land Use Permit; and

WHEREAS, a review was completed by staff evaluating the character, location and impact this proposal would have on the surrounding area and the impact on the environment, utilities, services and compliance with the Zoning Code and objectives of the Comprehensive Plan; and

WHEREAS, the Planning Board held a public hearing on August 6, 2013, at which seven (7) representatives of the church, the applicant's architect, the current owners of the building, two area residents and one other person spoke in favor of the request and no other comments were received; and

WHEREAS, the Planning Board, at its August 6, 2013 meeting, voted (5-0) to recommend denial of SLU-3-2013 for a Special Land Use permit to allow a church in the building at 1115 S Washington Avenue; and

WHEREAS, the Lansing City Council held public hearings regarding SLU-3-2013 on September 23rd and October 14, 2013, at which representatives of the church spoke in favor of the request and comments were received; and

WHEREAS, the Committee on Development and Planning has reviewed the report and recommendation of the Planning Board and does not concur therewith; and

NOW THEREFORE BE IT RESOLVED that the Lansing City Council hereby approves SLU-3-2013 to utilize the building at 1115 S. Washington for a church with the following conditions:

1. The applicant agrees in writing, that it will not object to the issuance of liquor licenses in the area, and further agrees that new liquor licenses may be issued without a hearing.
2. The applicant agrees to no curb cut onto S Washington Street, and to utilize the alley for all vehicular traffic and deliveries.
3. The applicant agrees to convert the building into a condominium and to record a Master Deed with the Ingham County Register of Deeds by December 31, 2013.
4. The northeastern portion of the building (4,106 sq ft) will be used as a commercial banquet center (“CBC”) and kept on the tax rolls.
5. Following recording of the Master Deed, the CBC unit will be owned by a limited liability company and fully taxable.
6. The CBC will not be deemed a “church” for purposes of issuing new liquor licenses within 500 ft of the property.
7. Any subsequent owner of all or any portion (including a

condominium unit) of the property shall abide by and comply with these terms as a Condition for the renewal or continuation of this Special Land Use Permit.

BE IT FURTHER RESOLVED that this Special Land Use permit shall remain in effect only so long as the petitioner fully complies with this resolution, and if the petitioner or any subsequent owner or occupant fails to comply, the Special Land Use permit may be terminated by City Council Resolution.

BE IT FINALLY RESOLVED, that in granting this request, the City Council determines the criteria set forth in Section 1282.03(f)(1)-(9) have been satisfied after an evaluation of the facts related to the Riverview Church permit request, and by so doing finds the following:

1. The proposed Special Land Use is compatible and harmonious with the essential character of the adjacent property and surrounding area uses.
2. The proposed Special Land Use will not change the essential character of the surrounding properties.
3. The proposed Special Land Use will not interfere with the general enjoyment of adjacent properties.
4. The proposed Special Land Use will not adversely impact adjacent properties as it will be an improvement to the use or character of the property under consideration.
5. The proposed Special Land Use will not adversely impact the health, safety and welfare of person or property in the surrounding area and the Special Land Use will not be hazardous to adjacent properties.
6. The proposed Special Land Use can be adequately served by essential public facilities and services.
7. The proposed Special Land Use will not place any demands on public services and facilities in excess of current capacities.
8. The proposed Special Land Use is consistent with the intent and purposes of the Zoning Code and the Design Lansing Comprehensive Master Plans.
9. The proposed Special Land Use will comply with the dimensional requirements of the Zoning Ordinance.

By Council Member Jeffries

Motion Carried by the following roll call vote:

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

Nays: None

RESOLUTION #2013-215

BY THE COMMITTEE OF THE WHOLE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING
Approving a Personal Property Exemption

WHEREAS, pursuant to Public Act 328 of 1998 (1998 PA 328), Niowave Inc. has made Application for Exemption of New Personal Property (PPE-01-12) for a property located at 1012 North Walnut Street this is contained within the Lansing Brownfield Redevelopment Zone, established, by the Lansing City Council on August 18, 1997 pursuant to Act 381 of 1996, as amended; and

WHEREAS, a public hearing was held March 11, 2013, on the Niowave Inc. Application for Exemption of new personal property, at which, and with advance written notice, the assessor and any and all representatives, all owners of real and personal property within the Lansing Brownfield Redevelopment Zone other City residents and taxpayers, the assessor and all representatives of the affected taxing units were afforded an opportunity to appear and be heard on the application and exemption request; and

WHEREAS, the City is an eligible distressed community under Public

Act 328 by containing NEZ classifications under Neighborhood Enterprise Zone Act of 1992, and as acknowledged in the State Tax Commission bulletin on exemption of new personal property to assessing officers, dated May 10, 1999; and

WHEREAS, Lansing Brownfield Redevelopment Zone area is an eligible district under Public Act 328, as amended, and it is within the jurisdiction of the City of Lansing and, therefore, within an eligible distressed community; and

WHEREAS, Niowave Inc. meets the requirements of an eligible business under Public Act 328 by being primarily engaged in research and development;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council hereby approves the application of Niowave Inc. for exemption of new personal property PPE-01-12 pursuant to Public Act 328 of 1998, as amended, for that portion of the Lansing Brownfield Redevelopment Zone legally described as: LOTS 4, 5, 6, 7, 8, 9, 10, 11 & 12 BLOCK 39 ORIG PLAT

BE IT FURTHER RESOLVED that the personal property exemption PPE-01-12 under Public Act 328 shall be for the period of six (6) years effective Dec. 31, 2013 and ending Dec. 31, 2018.

BE IT FINALLY RESOLVED that the City Clerk shall cause the application for exemption of new personal property PPE-01-12 to be completed and shall cause the completed application and a copy of this Resolution to be filed with the State Tax Commission.

By Vice President Boles

Motion Carried by the following roll call vote:

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

Nays: None

SPEAKER REGISTRATION FOR PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS

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

REPORTS FROM CITY OFFICERS, BOARDS, AND COMMISSIONS; COMMUNICATIONS AND PETITIONS; AND OTHER CITY RELATED MATTERS

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

Motion Carried

- Reports from City Officers, Boards and Commissions:
 1. Letter(s) from the City Clerk re:
 - a. Request for Recognition of Non-Profit Status in the City of Lansing for the Michigan Environmental Health Association

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

PUBLIC COMMENT ON CITY GOVERNMENT RELATED MATTERS

Mary Ann Prince spoke about the City election.

Gary Casteel spoke in favor of deeding Fire Station #5 to Capital Area American Legion Post #12.

Charles Dye spoke in favor of deeding Fire Station #5 to Capital Area American Legion Post #12.

Mike Redding spoke about the Mary Margaret Murphy Woll Award.

Harold King spoke about various City matters.

ADJOURNED TIME 9:01 P.M.

CHRIS SWOPE, CITY CLERK