

City of Flint, Michigan

*Third Floor, City Hall
1101 S. Saginaw Street
Flint, Michigan 48502
www.cityofflint.com*



Meeting Agenda - Final

Tuesday, November 20, 2018

5:00 PM

Committee Room

LEGISLATIVE COMMITTEE

Eva L. Worthing, Chairperson, Ward 9

Eric Mays, Ward 1

Santino J. Guerra, Ward 3

Jerri Winfrey-Carter, Ward 5

Monica Galloway, Ward 7

Maurice D. Davis, Ward 2

Kate Fields, Ward 4

Herbert J. Winfrey, Ward 6

Allan Griggs, Ward 8

Inez M. Brown, City Clerk

ROLL CALL

SPECIAL ORDER

180514 Special Order/Medical Marihuana Ordinances

A Special Order as requested by Councilperson Worthing to discuss the city's Medical Marihuana ordinances.

Postponed from 10-3-18

ORDINANCES

180592 Amendment/Ordinance/Chapter 18 (Taxation; Funds; Purchasing)/Article I (In General)/Section 18-4.1 (Service Charge in Lieu of Taxes for Housing Facilities for Certain Persons)

An ordinance to amend the Code of the City of Flint by amending Chapter 18, (Taxation; Funds; Purchasing); Article I, (In General); Section 18-4.1, (Service Charge in Lieu of Taxes for Housing Facilities for Certain Persons) shall be amended by adding subsection (y). [NOTE: The PILOT is for the Clark Commons Limited Dividend Housing Association, LLC, which will own and operate a housing project identified as "Clark Commons, LLC" to serve persons and families of low income. The annual service charge shall be equal to eight (8) percent of the annual shelter rents, exclusive of charges for gas, electricity, heat or other utilities.]

DISCUSSION ITEMS

180576 Discussion Item/Recreational Marihuana

A discussion item as requested by Councilperson Mays, re: He would like to discuss the recreational marihuana. [Referral Action Date: 11/7/2018 @ Legislative Committee Meeting.]

OLD, OUTSTANDING DISCUSSION ITEMS

170028 Referral/Tax Breaks/Home-Based Businesses

Referral by Councilperson Mays to ADMIN, re: He would like to know if the current Administration has considered or is working toward offering tax breaks to city residents with home-based businesses, as well as asks that the City Council consider creating specific legislation in this regard. [Referral Action Date: 1/09/2017 @ City Council Meeting.]

170386 Ordinance Drafts/Water Bills

Referral by Councilperson Mays to MAYOR/ADM/LAW/: He would like two ordinances drafted for the council to review: 1. water lien relief, and 2. a limit on how far the city can go back in trying to collect past due water bills that have been estimated. [Referral Action Date: 7/6/2017 @ Finance Committee Meeting.]

180017 Discussion Item/Home Business Ordinance

Discussion item proposed by Councilperson Mays, re: He would like a discussion of the Home Business Ordinance on the next Legislative Agenda. [Referral Action Date: 1/3/2018 @ Governmental Operations Committee Meeting.]

180304 Referral/CWAC/Ordinance/Discussion

Referral by Councilperson FIELDS to LEGAL/PLANNING & DEVELOPMENT, re: She would like a copy of the CWAC Ordinance and to have a discussion item about the CWAC on the Legislative Agenda. [Referral Action Date: 6/20/2018 @ Grants Committee Meeting.]

180443 Discussion Item/Ordinance Amendment/Blight Infractions

Discussion Item as requested by Councilperson Mays, re: He would like to discuss the possibility of amending the City Code with regard to blight infractions in order to include a \$500 fine and possible jail time. [Referral Action Date: 8/27/2018 @ City Council Meeting.]

180533 Referral/Lobbyists/Fee

A referral as requested by Councilperson Fields to LEGAL: She would like to legislation to require lobbyists to pay fees, as referenced in the new City of Flint Charter. [Referral Action Date: 10/3/2018 @ Finance Committee Meeting.]

180534 Discussion Item/Parking on Lots

A discussion item as requested by Councilperson Mays: He would like to discuss parking on lots. [Referral Action Date: 10/3/2018 @ Finance Committee Meeting.]

See attached ordinance

NEW BUSINESS

ADJOURNMENT

180592

ORDINANCE NO. _____

An ordinance to amend the Code of the City of Flint by amending Chapter 18, Taxation; Funds; Purchasing; Article I, In General; Section 18-4.1, Service Charge in Lieu of Taxes for Housing Facilities for Certain Persons.

IT IS HEREBY ORDAINED BY PEOPLE OF THE CITY OF FLINT:

Sec. 1. That the provisions of Chapter 18, Taxation; Funds; Purchasing; Article I, In General; Section 18-4.1, Service Charge in Lieu of Taxes for Housing Facilities for Certain Persons, shall be amended by adding subsection (Y), which shall read in its entirety as follows:

(Y) THE CITY ACKNOWLEDGES THAT CLARK COMMONS LIMITED DIVIDEND HOUSING ASSOCIATION, LLC (THE "SPONSOR") HAS OFFERED, SUBJECT TO RECEIPT OF AN AUTHORITY-AIDED OR FEDERALLY-AIDED MORTGAGE LOAN AND/OR ALLOCATION OF LOW INCOME HOUSING TAX CREDITS FROM THE MICHIGAN STATE HOUSING AND DEVELOPMENT AUTHORITY ("MSHDA"), TO OWN AND OPERATE A HOUSING PROJECT IDENTIFIED AS "CLARK COMMONS LLC" (THE "PROJECT") ON CERTAIN PROPERTY LOCATED IN THE CITY TO SERVE PERSONS AND FAMILIES OF LOW INCOME, AND THAT THE SPONSOR HAS OFFERED TO PAY THE CITY ON ACCOUNT OF THIS HOUSING DEVELOPMENT AN ANNUAL SERVICE CHARGE FOR PUBLIC SERVICES IN LIEU OF AD VALOREM TAXES.

THE CITY ACKNOWLEDGES THAT THE SPONSOR SHALL BE AFFORDED TAX BENEFITS OF PAYING A SERVICE CHARGE IN LIEU OF AD VALOREM TAXES (BUT

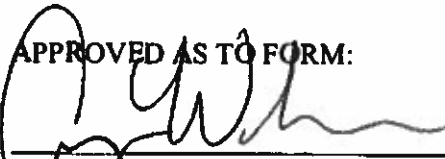
NOT IN LIEU OF PAYMENT OF SPECIAL ASSESSMENTS INCLUDING, BUT NOT LIMITED TO, THE STREET LIGHTING SPECIAL ASSESSMENT). THE CITY FURTHER ACKNOWLEDGES THAT THE SPONSOR FITS WITHIN THE CLASS AS DESCRIBED IN §18-4.3 BELOW. THE ANNUAL SERVICE CHARGE FOR THE CLASS OF PERSONS OF LOW AND MODERATE INCOME SHALL BE EQUAL TO EIGHT PERCENT (8%) OF THE ANNUAL SHELTER RENTS, EXCLUSIVE OF CHARGES FOR GAS, ELECTRICITY, HEAT, OR OTHER UTILITIES FURNISHED TO THE OCCUPANTS, INCLUDING THE PORTION OF RENT PAYABLE UNDER ANY GOVERNMENTAL SUBSIDY. NOTWITHSTANDING THE FOREGOING, THE ANNUAL SERVICE CHARGE SHALL NOT EXCEED AD VALOREM PROPERTY TAXES THAT WOULD BE ASSESSED OR PAID ABSENT THIS TAX EXEMPTION.

Sec. 2. This ordinance shall become effective immediately upon publication.

Adopted this _____ day of

_____, 2018 A.D.

Dr. Karen W. Weaver, Mayor

APPROVED AS TO FORM:

Angela Wheeler, Chief Legal Officer

ORDINANCE AMENDMENT STAFF REVIEW

Date: *October 2, 2018*

Agenda Item Title:

ORDINANCE AMENDMENT 18-4.1(y): TO APPROVE THE PILOT PROJECT FOR CLARK COMMONS LIMITED DIVIDEND HOUSING ASSOCIATION, LLC.

Prepared By:

Planning and Development Department, Division of Community and Economic Development

Background/Summary of Proposed Action:

18-4.1(y): The Clark Commons housing development provides 62 housing units to the City of Flint, 55 of which will be assisted units affordable to low to moderate income residents. The project will be completed as Phase I of the Choice Neighborhoods Implementation Project, taking 31 currently vacant, publicly owned lots in the Smith Village area, and developing affordable housing opportunities closer to the city center.

- Quantitatively, the apartments provide sorely-needed, safe and affordable housing to residents whose incomes are 60% or less of the area median income for the area, and those moving from the Atherton East Development.
- Qualitatively, the property will introduce 11 brand new buildings to house residents. The developer/partnership has worked to establish long term sustainability of the development through local control of the property, the use of LIHTC credits, and energy efficiency through meeting Green Communities standards.
- Statutorily, Section 18-4.3 refers to a number of questions for housing developments asking for a PILOT. All of those questions are addressed and their answers meet the threshold of being eligible for a PILOT.
 - This project's financing includes a Low Income Housing Tax Credit allocation from MSHDA;
 - This project's location is in an economically depressed urban renewal project area (entire City of Flint);
 - This project is not economically feasible absent the City's allowing a service charge in lieu of taxes due to low market rents and the need for continued capital improvements;
 - MSHDA's allocation of Low Income Housing Tax Credits was tied to the city giving this tax benefit;
 - The ownership partnership (Clark Commons Limited Dividend Housing Association, LLC) will not have any employees.
 - The developer of this project originally requested this PILOT during the planning stage of the project, prior to the start of construction or renovation.

Special Consideration:

The prior PILOT that was awarded on this property was to a different ownership entity than that of which is currently requesting this PILOT. An eight (8) percent PILOT is being requested to allow for the long-term sustainability of the property and prevent the property from falling into a situation where it would not be sustainable.

Financial Implications:

The 62 units of housing are needed and this PILOT is one of the key components to allowing the housing development to be financially viable. The 8% PILOT estimation is \$34,322.69. It is important to note that the property will develop long vacant land near the city center. The PILOT will add the property back to the tax rolls and provide additional tax revenue to the City. Therefore it is recommended that Council approve a 8% PILOT service charge for the Clark Commons Limited Dividend Housing Association, LLC for the Clark Commons Development.

Budgeted Expenditure: Yes No
ORDINANCE

Please explain, if no: NOT APPLICABLE

Pre-encumbered: Yes No

Requisition #: N/A

Reviewed and Approved By: Carissa Dotson Date: 10.24.18

Other Implications: No other implications are known at this time.

Staff Recommendation: Staff recommends approval of this resolution.

APPROVAL



RESOLUTION REVIEW FORM

FROM: DCED
Department

DATE NO. 10/23/18
18-6454
Law Office Login #

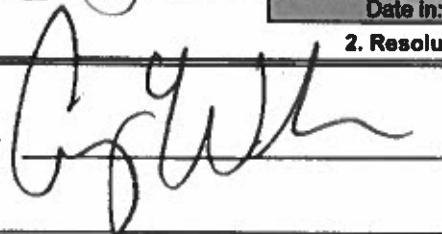
RESOLUTION NAME: **Resolution Authorizing Ordinance Amendment 18-4.1(y) to Approve the PILOT for the Clark Commons Limited Dividend Housing Association LLC Project commonly known as the Clark Commons Project.**

1. RESOLUTION REVIEW - PLANNING AND DEVELOPMENT DIRECTOR

The attached RESOLUTION is approved by the Director of the Department. By signing, the Director approves this resolution to be processed for signatures.

By: Suzanne Wilcox  DATE: 10/2/18
Director (Date)
Date in: _____

2. Resolution Review- Legal

By: Angela Wheeler  DATE: 10-23-18
Chief Legal Officer
Date in: _____

3. RESOLUTION REVIEW - FINANCE

The attached RESOLUTION is submitted to the FINANCE Department for approval as to **FINANCE COMPLIANCE**:
The Finance Department reviewed this RESOLUTION, on 10-23-18 and by signing
this form approves as to **FINANCE COMPLIANCE**. (Date)

By: Hughey Newsome  DATE: 10-23-18
Finance Director

To appear on the
11/20/18
Council Committee
meeting
Agenda

§ 28-93 PARKING ON PARKWAY.

No person shall park or stand a vehicle in the parkway, being that portion of the street between the edge of the roadway and nearest street lot line, unless otherwise provided and authorized by the official regulations, and then parallel parking only will be permitted, except in those specified cut back areas where approved and authorized by the official regulations. Except that parallel parking shall be allowed upon the western side of that portion of Branch Road lying between Carpenter Road and Layton Boulevard.

(Ord. 894, passed 1-5-1950; Ord. 2666, passed 10-9-1978; Ord. 2692, passed 2-12-1979; Ord. 3130, passed 3-26-1990)

§ 28-103 PARKING ON PRIVATE PROPERTY.

It shall be unlawful for any person to park any vehicle within the setback area of any property used for residential purposes, except upon a driveway designed for such purpose or otherwise permitted by law. For the purpose of this chapter, *SETBACK AREA* shall be as defined in zoning regulations of the City of Flint.

No vehicle shall be parked or permitted to remain upon private property without the express or implied consent, authorization, or ratification of the owner, occupant, lessee, agent or trustee of such property. Complaints for violation of this paragraph shall be made by the owner, occupant, lessee, agent or trustee of the property.

(Ord. 894, passed 1-5-1950; Ord. 2038, passed 3-13-1968; Ord. 2587, passed 1-24-1977)

§ 50-134 LOCATION OF PARKING LOTS OR STRUCTURES.

Off-street parking lots or structures shall be located as hereinafter specified. Where a distance is specified, such distance shall be the average walking distance measured from the nearest point in the parking lot or structure to the nearest point of the building that the lot or structure is required to serve.

(a) *For one- and two-family dwellings.*

(1) Parking spaces to meet the minimum requirements of this chapter shall be located on the same lot with the building they are required to serve, but not in the required front or side street setback area.

a. The width of the parking strip, apron or driveway shall not exceed ten feet; however:

b. If a garage or carport is attached to the principal structure, the width of the parking strip, apron or driveway shall not exceed the width of the garage or carport;

c. If a garage or carport is detached from the principal structure and access is provided from a side street, the width of the parking strip, apron or driveway shall not exceed the width of the garage or carport.

(2) These provisions shall not apply to lot widths of 80 feet or more.

(b) *For multiple dwellings.*

(1) Not more than 200 feet from the building they are required to serve, and not in the front or side street setback area. In the required front or side street setback areas, all parking spaces shall consist of a parking strip, apron or driveway:

a. The width of the parking strip, aprons or driveway shall not exceed ten feet; however:

b. If a garage or carport is attached to the principal structure, the width of the parking strip, apron or driveway shall not exceed the width of the garage or carport;

c. If a garage or carport is detached from the principal structure and access is provided from a side street, the width of the parking strip, apron or driveway shall not exceed the width of the garage or carport.

(2) These provisions shall not apply to lot widths of 80 feet or more.

(c) *For commercial and institutional use.* For hospitals, sanitariums, asylums, orphanages, rooming houses, lodging houses, club rooms, fraternity and sorority houses and similar institutions, not more than 300 feet from the building they are required to serve.

(d) *For other uses.* For uses other than those specified above, not more than 1,000 feet from the building they are intended to serve.

(Ord. 2046, passed 4-11-1968; Ord. 3274, passed 4-25-1994)