

City of Flint, Michigan

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



Meeting Agenda - Final

Thursday, November 8, 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

ORDINANCES

180523 Amendment/Ordinance/Chapter 2 (Administration)/Article VI (City Wide Advisory Council) [CWAC]

An ordinance to amend Chapter 2 (Administration), Article VI (City Wide Advisory Council), of the Code of the City of Flint by amending Sections 2-26 through 2-26.4, and adding new sections 2-26.5 (Conflicts of Interests) and 2-26.6 (Disqualification).

Postponed from 10-22-18

180567 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 (u). [NOTE: The PILOT is for Communities First, Inc., which will erect, own and operate a housing project identified as "Berkley Place Apartments" to serve persons and families of low income. The annual service charge shall be equal to six (6) percent of the annual shelter rents, exclusive of charges for gas, electricity, heat or other utilities.]

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.]

NEW BUSINESS

ADJOURNMENT

ORDINANCE NO. _____

An Ordinance to amend the City of Flint Code of Ordinances by amending Chapter 2, Article VI, City Wide Advisory Committee.

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

Sec. 1. That the Ordinances of the City of Flint shall be amended by amending Chapter 2, Article VI, City Wide Advisory Committee, by amending sections 2-26 through 2-26.4, such Article VI to read in its entirety as follows:

ARTICLE VI. CITY WIDE ADVISORY COUNCIL COMMITTEE

§ 2-26 CREATED.

There is hereby created a City Wide Advisory COMMITTEE (CWAC) to act in an advisory capacity to the City of Flint in connection with all community and economic development programs. A major purpose is to fulfill grant requirements for citizen input on the use of federal and state funds.

Among the major duties of the CWAC is to: 1) Adopt and utilize an objective review and ranking process of subrecipient applications; and 2) Review and rank all application for subrecipient entitlement and discretionary federal and state grant awards and contracts and make recommendations to City Council and the Mayor for funding allocations. ~~This it to include use of funds by all city of Flint Departments.~~ THE CWAC IS AN ADVISORY BODY AND CAN MAKE NO FINAL FUNDING DECISIONS.

§2-26.1 COMPOSITION; APPOINTMENT AND REMOVAL OF MEMBERS.

- (a) The CWAC shall, except as otherwise provided herein, consist of 11 members. There shall be one member from each of the nine wards of the City serving on the CWAC. City Councilpersons of each of the nine (9) wards shall appoint one (1) member. The Mayor shall appoint two (2) members to the CWAC.
- (b) A member of the CWAC shall be a registered voter and a resident of the ward in which he or she is appointed.
- ~~(c) Removal as a member of the CWAC shall be for cause upon recommendation of the City Council, MAYOR AND IN ACCORDANCE WITH SECTION 6-101(B)(3) OF THE FLINT CITY CHARTER. The failure to attend at least seven (7) meetings annually shall be a cause for removal.~~
- (d) Members of the CWAC shall serve until their term of appointment shall expire, unless prior thereto, they should die, resign, accept appointment as one of the "initial appointments" as provided in §2-26.2, or are removed as herein provided. Once the present term of a current member expires, he or she shall not serve on the CWAC beyond that term unless appointed as provided in §2-26.2.

§2-26.2 Term of Members

The terms of the initial appointments to the CWAC from each ward shall be as follows:

Three (3) members shall serve a term of three (3) years; Four (4) members

shall serve a term of two (2) years; and Four (4) members shall serve a term of one (1) year. The initial terms of the members from each ward shall be determined by lot. Following the terms of the initial appointments, all terms of appointment shall be for three (3) years, provided however, that an appointment to fill a vacancy during a term shall be for the unexpired balance of that term. For purposes of this section "initial appointments" shall mean the first eleven (11) members appointed to the CWAC following the adoption of this ordinance establishing an 11-member CWAC. All successor appointments shall be made in the same manner as provided for in §2-26.1. A member of the CWAC may be reappointed to succeed him/herself.

Except for initial appointments, the effective date of all appointments shall be June 1st. For the initial appointments, the effective date of each such appointment shall be the date of City Council approval of said initial appointments, provided said approval is on or before June 1st. Appointments made after June 1st shall be given retroactive effect to June 1. The term of an appointment shall expire on May 31st of the year in which the appointment would expire. Members, may continue to serve beyond the expiration of their term, until their reappointment, the appointment of a successor, or their removal, whichever should occur first.

§2-26.3 ORGANIZATIONS; TECHNICAL ASSISTANCE.

The CWAC shall within thirty (30) days following the appointment of all members, organize, adopt a regular schedule of meetings, elect officers and

adopt such administrative procedures pursuant to §6-101 of the Flint City Charter as are necessary to accomplish the purposes mentioned in §2-26 hereof.

The Department of Planning and Development shall provide technical assistance to the CWAC in the performance of its duties.

§2-26.4 COMPENSATION OF MEMBERS

Members of the CWAC shall serve without compensation from the City or from any trust, donation or legacy to the City for their services as such members, but this limitation shall not preclude a member or his firm from receiving compensation from the City under contract or otherwise, for services rendered outside his duties as a member of the CWAC.

§2-26.5 CONFLICTS OF INTERESTS

ANY MEMBER OF THE CWAC WHO HAS A SUBSTANTIAL PERSONAL OR PRIVATE INTEREST IN ANY MATTER PROPOSED OR PENDING BEFORE THE CWAC MUST DISCLOSE THAT INTEREST PURSUANT TO THE ETHICS AND DISCLOSURE RULES SET FORTH IN THE CITY OF FLINT CHARTER SECTION 1-602(D)(1)-(3).

§2-26.6 DISQUALIFICATION

ANY CWAC MEMBER WHO HAS A PERSONAL OR PRIVATE INTEREST IN AN ORGANIZATION AND/OR PARTY THAT IS REQUESTING FUNDING FROM THE CITY OF FLINT IS DISQUALIFIED

FROM VOTING ON A FUNDING
RECOMMENDATION FOR THE
IMMEDIATE FUNDING PERIOD
UNDER REVIEW IN THAT SAME
FUNDING CATEGORY.

FOR THE CITY:

Dr. Karen W. Weaver, Mayor

Inez M. Brown, City Clerk

APPROVED AS TO FORM:

Angela Wheeler, City Attorney

180567

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 (u), which shall read in its entirety as follows:

(U) The City acknowledges that Communities First Inc., a Michigan nonprofit corporation (the "Sponsor") has offered, subject to the receipt of a mortgage loan and/or allocation of low income housing tax credits from the Michigan State Housing Development Authority ("MSHDA"), to erect, own and operate a housing project identified as "Berkley Place Apartments" (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 partnership 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 partnership fits within the class as described in §18-4.3

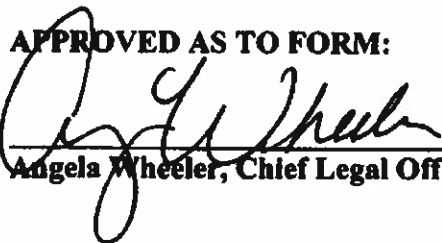
below. The annual service charge for the class of persons of low and moderate income shall be equal to six percent (6%) of the annual shelter rents, exclusive of charges for gas, electricity, heat, or other utilities furnished to the occupants, including the portion of rent payable under any governmental 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. **PROVIDED FURTHER, THAT WITH RESPECT TO THE PROJECT, CONSTRUCTION OF THE HOUSING SHALL COMMENCE ON OR BEFORE MARCH 29, 2020, THREE (3) YEARS AFTER THE INITIAL APPROVAL DATE OF THE PAYMENT IN LIEU OF TAXES.**

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 22, 2018*

Agenda Item Title:

TO AMEND ORDINANCE AMENDMENT 18-4.1 (U): TO ADD LANGUAGE TO THE EXISTING PILOT ORDINANCE FOR BERKLEY PLACE APARTMENTS TO SPECIFY COMENCEMENT OF CONSTRUCTION PRIOR TO DECEMBER 11, 2020, THREE (3) YEARS AFTER THE INITIAL APPROVAL DATE OF THE BERKLEY PLACE PILOT 18-4.1(U).

Prepared By:

Planning and Development Department, Division of Community and Economic Development

Background/Summary of Proposed Action:

On March 29, 2017, the City Council and RTAB approved the PILOT for the Berkley Place Apartments (File Number 170092). December 11, 2017, this was amended to indicate that the PILOT rate would be set at 6%. The agency has requested a clarifying line be added to this Ordinance Amendment indicating the length of time to commence construction be set at 3 years from the date of the original PILOT approval. The date to commence construction by will be set at March 29, 2020, 3 years from the date of the initial PILOT approval.

Financial Implications:

This amendment to the existing ordinance for Berkley Place will assist Communities First, Inc. in retaining their LIHTC award from MSHDA, helping to bring new development to the Ballenger Highway Neighborhood area providing decent, safe, affordable housing at the project site through the construction of 33 apartments, 16 of which will be permanent supportive housing.

Budgeted Expenditure: Yes No

Please explain, if no: *not applicable*

Pre-encumbered: Yes No

Requisition #: *not applicable*

Reviewed and Approved By: *Carissa Johnson*

Date: *10-24-18*

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

Staff Recommendation: Staff recommends approval of this resolution.

APPROVAL

[Signature]

ORDINANCE REVIEW FORM

FROM: Planning and Development
Department

Sarah QUELLMALZ - PROG. MGR.

NO. 17- 18-5433
Law Office Login #

ORDINANCE NAME: **ORDINANCE AMENDMENT 18-4.1(U): TO ADD LANGUAGE TO EXISTING BERKLEY PLACE PILOT ESTABLISHING THAT CONSTRUCTION SHALL COMMENCE NO LATER THAN MARCH, 29, 2020.**

1. ORDINANCE REVIEW - DEPARTMENT DIRECTOR

The attached ORDINANCE is approved by the Director of the affected Department. By signing, the Director approves this ordinance to be processed for signatures and fully executed.

By: Director *Suzanne Wilcox*
Suzanne Wilcox, Director, P&D

DATE: 10/22/18

2. ORDINANCE REVIEW-FINANCE DEPARTMENT

The attached ORDINANCE is submitted to the Finance Department for approval. By signing, the Finance Department approves this ordinance to be processed for signatures and fully executed.

By: *Hughey Newsome*
Hughey Newsome, Chief Financial Officer

DATE: 10/23/18

3. ORDINANCE REVIEW - LAW DEPARTMENT

The attached ORDINANCE is submitted to the Legal Department for approval. By signing, the Legal Department approves this ordinance to be processed for signatures and fully executed.

By: *Angela Wheeler*
Angela Wheeler, Chief Legal Officer

DATE: 10-23-18