

ORDINANCE #1147

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 1034 OF THE LANSING CODIFIED ORDINANCES BY ALLOWING APPLICATIONS FOR THE RE-NAMING OF STREETS TO BE REVIEWED BY CITY COUNCIL.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 1034 of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

CHAPTER 1034. NAMING AND RENAMING OF PUBLIC MEMORIALS*

1034.01. Purpose.

The purpose of this chapter is to provide a citizen board called the Memorial Review Board, to receive, review and make recommendations on proposals to name and rename public memorials and streets as memorials. The Memorial Review Board shall serve as a facilitator and shall encourage dialogue on such proposals; hold public hearings; conduct focus groups, discussions and surveys; and balance the public's sense of place, history and identity with special recognition for a particular community, leader or history.

1034.02. Definitions.

As used in this chapter:

A. "Local street" means a Lansing street right-of-way designated as a local street in the Public Service Department on "the Michigan Department of Transportation Certified Major and Local Street Designation."

B. "Major street" means a Lansing street right-of-way designated as a major street in the Public Service Department on "the Michigan Department of Transportation Certified Major and Local Street Designation."

C. "Public memorial" means a public building, park, garden, sculpture, bridge or other public structure or area, that is named and dedicated in honor and memory of a person, organization, event or other entity.

D. "Street as a memorial" means a street that is named to honor and memorialize a person, organization, event or other entity.

1034.03. Establishment of Memorial Review Board.

There is hereby established a citizens Memorial Review Board for the City, which is formed in accordance with the City Charter, Article 5, Chapter 1.

1034.04. Composition of the Memorial Review Board; terms of office; vacancies.

(a) The Memorial Review Board shall consist of eight members who are appointed by the Mayor with the advice and consent of Council. Four members shall be appointed from the City-at-large and one member shall be appointed from each of the four wards. Eligibility shall be in accordance with those qualifications for holding office set forth in Section 5-103 of the City Charter.

(b) Appointments to the Memorial Review Board representing each ward for the first term shall be for one, two and three-year terms. Thereafter, there shall be four-year terms, commencing July 1. Terms for the at-large members shall be staggered so that at least one shall expire each year. The Chairperson shall be elected annually by a majority vote of the membership of the Memorial Review Board.

1034.05. Powers and duties of the Memorial Review Board.

The Memorial Review Board shall be informed of, and review and advise upon, all matters pertaining to the naming or renaming of a public memorial, or a street as a memorial.

1034.06. Meetings of the Memorial Review Board.

(a) The Memorial Review Board shall hold regular meetings once a month, unless it has no agenda items, and shall consider applications for a public memorial on the agenda of the next regular meeting of the Memorial Review Board, when an application for naming or renaming a public memorial or a street as a memorial has been filed with the City Clerk AND FORWARDED TO THE MEMORIAL REVIEW BOARD.

(b) The business conducted by the Memorial Review Board shall be open to the public and held in compliance with Act 267 of the Public Acts of 1976, as amended, being MCL 15.261 to 15.275. Public notice of the time, date and place of such meetings shall be given in the manner required by the act.

1034.07. Compensation of the Memorial Review Board members.

The Memorial Review Board members shall not receive compensation for their service on the Memorial Review Board. Any actual reasonable and necessary expenses incurred by the Memorial Review Board and its members may be paid upon prior appropriation and approval by the City Council.

1034.08. Freedom of information.

The Memorial Review Board shall be subject to the Freedom of Information Act, Act 442 of the Public Acts of 1976, being M.C.L.A. 15.231 to 15.246.

1034.09. Procedures.

(a) Anyone proposing the naming or renaming of a public memorial or street as a memorial shall file an application with the City Clerk, **ALONG WITH THE ESTIMATED COST OF MAILING NOTICE FOR NAMING OR RENAMING STREETS.** The application shall contain the following information:

- (1) The proposed name and the basis and significance of the name;
- (2) The object, site, or street that is the subject of the application;
- (3) The current name of the object, site or street, if applicable;
- (4) The effect of the proposed name change upon residents and businesses, if applicable;
- (5) The projected cost to implement the application proposal, if approved; and
- (6) Anticipated support or opposition to the application proposal.
- ~~(7) WHETHER THE APPLICATION SHOULD BE SUBMITTED BY THE CITY CLERK DIRECTLY TO CITY COUNCIL OR TO THE MEMORIAL REVIEW BOARD FOR FURTHER REVIEW AND RECOMMENDATIONS.~~

(b) The City Clerk shall, **UPON RECEIPT,** forward the application to the Memorial Review Board. ~~OR TO CITY COUNCIL, BASED UPON THE DESIGNATION MADE IN THE APPLICATION PURSUANT TO SUBSECTION (a)(7)upon receipt.~~

~~(c) If the application is to name or rename a street as a memorial, in addition to the requirements in subsection (a) of this section, the applicant shall also file a petition with the City Clerk within sixty (60) days of the filing of the of the application.~~

~~(1) The petition, to be valid, must support the application proposal and contain the following minimum number of signatures: if the street is a local street, the petition must be signed by not less than one percent (1%) of the registered voters of Lansing as of the date of the last general election; and if the street is a major street, the petition must be signed by not less than three percent (3%) of the registered voters of Lansing as of the date of the last general election.~~

~~(2) Within 14 days of the filing of the petition, the City Clerk shall verify the petition signatures and submit a written report to the Memorial Review Board as to the sufficiency of the petition pursuant to the requirements of this subsection (c).~~

~~(3) If the applicant fails to file a petition within the required time, containing not less than the minimum number of signatures, the application shall be deemed invalid and the Memorial Review Board shall report this fact to the City council.~~

~~(d) If the application proposes to name or rename a street as a memorial, the applicant shall be responsible for, and bear the cost of, printing and delivering, door to door to affected businesses and residences, notice of the proposed name change. The notice shall be delivered to all businesses and residences with a mailing address on the subject street and to all businesses and residences on the immediate corners of streets intersected by the subject street.~~

~~(1) The applicant shall make a reasonable effort to include in the written notice the information described in paragraph (3) of subsection (g).~~

~~(2) The notice shall also include information as prepared by the Memorial Review~~

~~Board and approved as to form by the City Attorney, describing the City's process for naming and renaming a street as a memorial.~~

~~(3) The applicant shall request that an occupant of each residence or business sign a statement, in a form acceptable to the Memorial Review Board and approved by the City Attorney, acknowledging receipt of the notice. If an occupant is not available or elects not to sign the statement, the applicant shall show in writing on the statement the address of the occupant, the date and time notification was attempted, and indicate whether the occupant was not available or elected not to sign. A signature on the petition submitted by the applicant shall be considered fulfillment of this acknowledgment requirement. A copy of acknowledgments, petitions and statements of attempted notification shall be delivered to the City clerk and forwarded to the Memorial Review Board within sixty days of the filing of the application.~~

~~(e)~~ (c) The original naming of streets in a new subdivision is not subject to the requirements of this Chapter 1034 and is governed by Chapter 1234, "Platting Procedure", and Chapter 1236, "Design Standards."

~~(f)~~ (d) ~~IF WHEN THE APPLICATION IS FORWARDED TO THE MEMORIAL REVIEW BOARD, THE BOARD SHALL, w~~Within ninety (90) days of receiving the application, ~~the Memorial Review Board shall make a written report and recommendation to Council to approve, approve with modification, or deny the application proposal.~~

~~(g)~~ (e) The Memorial Review Board shall notify the applicant of ~~the~~ ANY initial scheduled meeting to review the application. At such meeting, the Memorial Review Board shall determine how to proceed to review the application.

(1) The Memorial Review Board may require the applicant to provide such additional information as is determined to be necessary for the Memorial Review Board to make an informed report and recommendation and that can reasonably be produced by the applicant in a timely manner. Failure of the applicant to timely provide the information shall not relieve the Memorial Review Board of its obligation to make a report and recommendation to ~~e~~ CITY Council within ninety (90) days of its receipt of the application.

(2) The Memorial Review Board shall make a determination of the accuracy of the information presented in the application and include such determination in its report and recommendation to the City Council.

(3) The Memorial Review Board shall determine appropriate language to be included in public notices and notifications to affected parties under this chapter, subject to approval as to form by the City Attorney. At a minimum, the notices and notifications shall include the identification of the public memorial or street as a memorial to be named or renamed and the cost of such naming or renaming to the City, together with the time, date and location of any subsequently scheduled public hearings or meetings of the Memorial Review Board at which the proposed naming or renaming is to be discussed.

(4) THE CITY CLERK SHALL FORWARD AN APPLICATION TO THE CITY COUNCIL

FOR ACTION UNLESS THE MEMORIAL REVIEW BOARD HAS FORWARDED A REPORT AND RECOMMENDATION AFTER (90) NINETY DAYS OF FILING.

~~(h)~~ (F) Upon receipt of the report and recommendation of the Memorial Review Board, OR AN APPLICATION FROM THE CITY CLERK, the City Council shall schedule, within sixty (60) days, a public hearing on the application proposal. At least thirty (30) days prior to the public hearing, notification acceptable in content to the Memorial Review Board and approved as to form by the City Attorney, shall be published by the City Clerk, in a newspaper of general circulation within the City. If the proposal is to name or rename a street as a memorial, in addition to the newspaper notice, the Planning and Neighborhood Development Department shall cause to be mailed to the owners of record of properties with mailing addresses on the subject street, and on street CORNERS ~~corners~~ of all streets intersected by the subject street, notification of the proposal and the date, place and time of the public hearing, in a form acceptable to the Memorial Review Board and approved by the City Attorney.

~~(i)~~ (G) City Council shall, within ninety (90) days of its receipt of ~~the~~ A Memorial Review Board's report and recommendation OR AN APPLICATION FROM THE CITY CLERK, APPROVE OR DENY THE NAMING OR RENAMING SOUGHT IN THE APPLICATION. ~~, affirm, affirm with modification, or deny the Memorial Review Board's recommendation.~~ City Council may, as part of its consideration, refer the report and recommendation OR THE APPLICATION to one or more of its standing committees as it may determine appropriate. City Council action shall be by appropriate ordinance or resolution.

~~(j)~~ (H) The actual naming or renaming shall be effective not later than ninety (90) days after the proposal has been adopted by City Council.

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.