

**CITY OF EAST LANSING
REGULAR COUNCIL MEETING
MINUTES
November 1, 2011**

Present: Beard, Peters, Triplett, Goddeeris, Loomis
Absent: None

The meeting was called to order at 7:30 p.m. by Mayor Loomis. The meeting was held in Council Chambers of the 54-B District Court, 101 Linden Street, East Lansing.

Item 1 **Approval of the Agenda**

It was moved by Loomis and seconded by Goddeeris to approve the agenda.

ALL YEAS
MOTION CARRIED

Item 2 **Approval of the Minutes**

It was moved by Peters and seconded by Goddeeris to approve the minutes from the October 18, 2011 regular meeting.

ALL YEAS
MOTION CARRIED

Item 3 **Special Presentations**

- Interim City Manager George Lahanas said East Lansing has excellent public service and thanked Police Chief Juli Liebler and Fire Chief Randy Talifarro for their efforts to obtain staffing grants from the Federal government. Chief Liebler introduced five new police officers and Chief Talifarro introduced one new firefighter and said an additional new firefighter had a prior commitment this evening and will be introduced at another time.
- Mayor Pro Tem Goddeeris thanked Judge David Jordon and mentor coordinator Jon Caterino for establishing the Ingham County Veterans' Treatment Court in 2010 and for their hard work and dedication. Judge Jordon and Caterino highlighted successes of the court which is designed to assist veterans who are involved in the criminal justice system.
- Mayor Loomis highlighted the Technology Innovation Center (TIC) which began three years ago to advance the culture of entrepreneurship throughout the East Lansing community. Jeff Smith, Project Manager for New Economic Initiatives, recognized graduating tenants of TIC and thanked the Downtown Development Association, Planning Department, city residents, and tenants of TIC for their efforts. Smith said the City has been nationally recognized for its support of entrepreneurship.

Item 4**Written Communication**

- 11/01/11 from Keith Phillips regarding Grand River Avenue speed limit
- 10/24/11 and 10/24/11 from Phil Bellfy regarding executive session request and general concerns
- 10/28/11 from Hagan Realty regarding trash ordinance
- From Cathy Tucker regarding Barnes and Noble
- From Lori Strom regarding Active Living For Adults (ALFA)
- From Chad Martinsen regarding property issues
- From Jeffrey Hank regarding City concerns

Item 5**Communication from Audience**

- Diane Wing, 1024 Huntington Road, spoke in opposition to Grand River Avenue speed limit change
- Jason Harder, 1002 W. Grand River Avenue, spoke in opposition to Grand River Avenue speed limit change
- Phil Bellfy, 513 Dorothy Lane, spoke in support of Council removal petition
- Arthur Slabosky, 1764 Colorado, spoke in support of Grand River Avenue speed limit change
- Jeffrey Hank, 349 Division Street, spoke regarding issues with the City Attorney's office
- John Doherty, 1557 Ann Street, spoke regarding parking issues and Grand River Avenue speed limit change
- Hans Larsen, 1006 Lantern Hill Drive, spoke regarding transparency and responsiveness of City Hall

Item 6**Communication from Mayor and Council Members**

Councilmember Triplett:

- Said there is a vacancy on the Housing Commission and encouraged interested residents to apply for this position or other vacant positions on City Boards and Commissions.

Councilmember Beard:

- No Report

Councilmember Peters:

- No Report

Mayor Pro Tem Goddeeris:

- No Report

Mayor Loomis:

- No Report

Item 7**Review of Work Session Actions**

Mayor Loomis reviewed the following actions taken at the work session of October 25, 2011:

1. Approved the minutes of the October 11, 2011 work session.
2. Approved resolution to authorize the City's share to construct a non-motorized pathway, installation of two pedestrian crosswalks and sharrow symbols along Grand River Avenue between Collingwood and the City's eastern boundary, located within the corporate limits of the City of East Lansing, Michigan.
3. Approved resolution ordering the repair of sidewalks within the boundaries of the FY2011-2012 Sidewalk Maintenance Program.
4. Approved amended Executive Search Agreement between the City of East Lansing and Affion Public, LLC, for the City Manager search.
5. Approved Leadership in Environmental and Agricultural Fields (LEAF), which is a student organization based within the College of Agriculture and Natural Resources (CANR) at Michigan State University, to go trick-or-treating for canned goods and other non-perishable items to be donated to the Michigan State University Food Bank.

Item 8

City Manager's Report

Interim City Manager George Lahanas:

- No Report

Item 9

City Attorney's Report

City Attorney Dennis McGinty:

- No Report. Commented on prior communication from Jeffrey Hank.

Item 10

Public Hearing – Ordinance No. 1265

Consideration of Ordinance No. 1265; a City-initiated ordinance to amend Article IV at Sections 50-333 and 50-334 – of Chapter 50 – Zoning – of the Code of the City of East Lansing to amend the standards for Neo-Traditional Neighborhood Redevelopment Plans.

Loomis opened the public comment portion of the public hearing.

Seeing no one come forward, Loomis closed the public comment portion of the public hearing.

It was moved by Beard and seconded by Goddeeris to approve Ordinance No. 1265; a City-initiated ordinance to amend Article IV at Sections 50-333 and 50-334 – of Chapter 50 – Zoning – of the Code of the City of East Lansing to amend the standards for Neo-Traditional Neighborhood Redevelopment Plans.

ALL YEAS
MOTION CARRIED

CITY OF EAST LANSING

ORDINANCE NO. 1265

AN ORDINANCE TO AMEND ARTICLE IV AT SECTIONS 50-333 & 50-534 – OF CHAPTER 50 – ZONING – OF THE CODE OF THE CITY OF EAST LANSING TO AMEND THE STANDARDS FOR NEO-TRADITIONAL NEIGHBORHOOD REDEVELOPMENT PLANS

THE CITY OF EAST LANSING ORDAINS:

Section 50-333 of Article IV of Chapter 50 – Zoning – of the Code of the City of East Lansing is hereby amended to read as follows:

Sec. 50-333. Required Conditions.

A neo-traditional redevelopment plan must comply with the following standards.

- (1) *Minimum Site Area.* The redevelopment site plan must have a contiguous area of at least 2 acres exclusive of any existing public street right-of-way that traverses through the site or lies adjacent to it. Eighty percent of this site must be secured and under control of the applicant at the time of the application submittal. The site shall be developed by a single owner or a group of owners acting jointly in accordance with an approved site plan which encompasses the entire site.
- (2) *Maximum residential density.* The maximum number of principal dwellings permitted on a redevelopment site shall be determined by dividing the total site area, exclusive of any existing public street right-of-way, by 3,500 square feet.
- (3) *Minimum residential lot area.* Where part of the site is to be subdivided into separate building lots or to be designated as limited common space as part of a site condominium, the minimum lot area shall be 2,500 square feet.
- (4) *Maximum use restrictions.* No more than 25 percent of the principal dwellings on the redevelopment plan shall be multiple-family dwelling units.
- (5) *Special Use.* Up to 25 percent of the principal single-family dwelling units may provide an accessory apartment above garages, commonly referred to as a Granny Flat, subject to an approved special use permit as provided by article II, division 3 of this Chapter. An owner may rent to no more than two unrelated persons in an accessory apartment.
- (6) *Use Restriction.* All principal dwelling units must be deed restricted to prohibit the use or occupancy in a way that would require a rental housing license pursuant to article 10 of Chapter 6 of the Code of the City of East Lansing.
- (7) *Maximum building height.* The maximum permitted height of buildings shall be determined according to the following schedule:

a. <i>Principal dwellings.</i>	<i>Maximum Height</i>
Single-family, two-family, and townhouse dwellings	2 ½ stories, or 30 feet

Multiple-family dwellings	2 stories, or 30 feet
b. <i>Accessory buildings.</i>	1 story, or 15 feet
With accessory apartment	2 story, or 25 feet

(8) *Maximum building and ground coverage.* Subdivided building lots or limited common areas within a site condominium which are comparable to a subdivided lot and which are to be developed for a single-family or two-family dwelling unit, the maximum building and ground coverage ratios shall be 60 percent and 70 percent respectively. For subdivided building lots or limited common areas which are to be developed for townhouse dwellings or multiple family dwellings, the maximum building and ground coverage ratios shall be 65 percent and 75 percent, respectively.

(9) *Building setback requirements.* The minimum building setback requirements are as follows:

a. Principal dwellings, including attached garages:

From public streets right-of-way 10 feet

From private roads, alleys 10 feet

b. Detached garages, carports or other accessory structures:

From public streets right-of-way 20 feet

From other exterior redevelopment site boundaries 5 feet

From any principal building 10 feet

(10) *Setback requirements for interior lots.* Buildings and parking spaces on subdivided lots or limited common areas within the development shall meet the standards in subsection (8) of this section. Other setbacks for individual lots may be required to achieve the design standards and principles in section 50-334.

(11) *Minimum distance between buildings.* In no case shall two detached buildings be located closer than ten feet apart.

(12) *Required parking.* Parking facilities shall be provided, constructed, and screened in accordance with the requirements of article VIII of this chapter; except that the yard paving restrictions in Section 50-816(3) and the parking and driveway setbacks in section 50-816(4) shall not apply on individual lots or limited common areas within the development. Parking spaces not on a driveway shall be located no closer than 20 feet from any public street. Unenclosed parking spaces and driveways shall be located no closer than 8 feet from other exterior site boundaries.

(13) *Redevelopment Transition.* Existing residential structures and driveways which serve them may be maintained and may continue to be used for residential purposes until redeveloped in later phases. Such structures may be reconstructed

to repair damage caused by natural elements or fire notwithstanding restrictions regarding the nonconforming use of buildings set forth in section 50-853. If 100 percent of the redevelopment site is not secured at the time of the application submittal, the applicant must submit a strategy plan to obtain the remaining site as well as a written summary and site plan to develop the site with the secured properties at the time of site plan submittal.

THE CITY OF EAST LANSING ORDAINS:

Section 50-334 of Article IV of Chapter 50 – Zoning – of the Code of the City of East Lansing is hereby amended to read as follows:

Sec. 50-334. Design standards and principles.

A neo-traditional neighborhood redevelopment plan shall substantially conform to the following design principles and standards.

(1) *General site layout.*

- a. The placement and concentration of uses and the bulk and design of structures shall be arranged to minimize contrasts in scale between abutting uses and structures; to ensure reasonable privacy for residents and neighbors of the development; to protect residents and neighbors from noise, shadowing, and other nuisance impacts; to maintain adequate visibility for safety along streets and sidewalks; and to provide an attractive appearance of the development from abutting properties and public streets.
- b. The configuration of buildings should reflect traditional urban neighborhood design patterns. All residential buildings should include porches at the front of the house and garages set behind the house when alleys are available. When no alleys are available the garage shall be setback 6 feet from the front of the house to maintain an emphasis on the front of the house. Homes should have gabled roofs, at least 18 inch overhang and windows that have a greater vertical than horizontal dimension.
- c. The development shall be attractively landscaped around the perimeter of the redevelopment site. A variety of plant materials shall be preserved and/or placed throughout the site to enhance the appearance of the development and to provide privacy and separation between abutting properties and between different functional areas. Trees of a type and size specified in section 48-32 of the City Code shall be planted no more than 40 feet apart within the right-of-way along all public streets abutting or within the development.

(2) *Public facilities and services.*

- a. The development shall be located and designed so it can be adequately served by essential public utilities and services.

- b. All new and improved public facilities shall be placed and constructed in conformance with local standards and regulations, and in a manner which minimizes the costs and difficulty of operating and maintaining them.
- (3) *Open space and amenities.*
- a. Open space shall be arranged and improved in a manner which maximizes its benefits to the residents of the development.
 - b. Open space shall be arranged in a manner which preserves and draws benefit from desirable natural features on the site.
 - c. Passive and active recreational amenities shall be accommodated on the site consistent with the anticipated needs and interest of prospective residents. Any redevelopment development plan with more than eight dwelling units shall include a neighborhood park at a rate of 275 sq. ft. per primary dwelling unit with shared play equipment.
 - d. Where land is to be dedicated as open space within subdivisions or condominium developments, appropriate easements or land dedications documents shall accompany the application for approval.
- (4) *Traffic and access.*
- a. Traffic facilities affording general access to and circulation within the development may be developed as public streets or private roads or alleys; however, access must be perpetually available to residents and emergency vehicles.
 - b. Access points to public streets shall be designed to provide safe access to the development without causing congestion or safety problems along the street.
- (5) *Parking.*
- a. Parking and access facilities shall be developed and screened in accordance with in article VIII of this chapter.
 - b. Exterior lighting on the site shall be shielded and arranged to project the light downward onto areas intended to be illuminated and not onto surrounding residential dwellings or adjacent properties.

Item 11

Public Hearing –340 Albert Avenue Modified SUP

Consideration of an application from Albert Street Retail, LLC, for a modified Special Use Permit for the property at 340 Albert Avenue, allowing an entertainment permit to be granted for Mumbai, a restaurant serving alcohol.

Darcy Schmitt, Planning and Zoning Administrator, clarified original and modified Special Use Permit (SUP) conditions.

Loomis opened the public comment portion of the public hearing.

Seeing no one come forward, Loomis closed the public comment portion of the public hearing.

It was moved by Triplett and seconded by Beard to approve an application from Albert Street Retail, LLC, for a modified Special Use Permit for the property at 340 Albert Avenue, allowing an entertainment permit to be granted for Mumbai, a restaurant serving alcohol, with conditions as outlined in November 1, 2011 Council packet.

ALL YEAS
MOTION CARRIED

Item 12

Consent Agenda

Interim City Manager George Lahanas reviewed the Consent agenda:

1. Approval of a resolution recognizing the Ingham County Veterans' Treatment Court for their dedication and hard work.
2. Approval of a resolution celebrating graduation of the East Lansing Technology Innovation Center tenants.
3. Approval of a resolution recognizing November as National Family Caregivers Month in the city of East Lansing.
4. Approval of the 2012 City Council meeting schedule.
5. Approval of the Housing Commission recommendation to issue a conditional Class III rental license at 1817 Burrwood Circle with the additional condition that the owner provide a local contact to the CENC (Code Enforcement and Neighborhood Conservation) department and comply with any requirements in the by-laws and rules of the condominium association related to renting the unit. The owner is Vanessa Crocetto.
6. Introduce and refer to the Planning Commission Ordinance No. 1269; a City-initiated ordinance to amend Article IV at Section 50-222 – of Chapter 50 – Zoning – of the Code of the City of East Lansing to include privately owned parks and recreation areas as a permitted use subject to an approved Special Use Permit.
7. Introduce and refer to the Planning Commission Ordinance No. 1271; a City-initiated ordinance to rezone the property at 300-310 West Grand River Avenue from B-3, City Center Commercial District, to B-2, Retail Sales Business District. The property is being rezoned in conjunction with the default terms of the Conditional Rezoning Agreement covering the property.
8. Approval of the appointment of Jane Beaudoin to the Active Living For Adults Advisory Commission for a partial term ending December 31, 2011.
9. Approval of the appointment of Cheryl Goodman to the Active Living For Adult Advisory Commission for a partial term ending December 31, 2013.

10. Approval of the appointment of Grant Johnson to the Cable, Internet & Technology Commission for a partial term ending December 31, 2013.
11. Approval of a revised resolution approving an application for an Industrial Facilities Exemption Certificate for Spartan Technology Development, LLC, at 2000 Merritt Road, East Lansing.
12. Approval of Change Order No. 1 for Bailey Neighborhood Sidewalk Ramp Reconstruction – CDBG (Community Development Block Grant) funding.
13. Approval of a contract with Carl Walker Inc. in the amount of \$24,415 for engineering and design services for capital repairs to Division Street parking garage and authorize Interim City Manager to sign.

It was moved by Peters and seconded by Beard to approve the Consent agenda.

ALL YEAS
MOTION CARRIED

City of East Lansing, Michigan

**RESOLUTION RECOGNIZING THE INGHAM COUNTY VETERANS'
TREATMENT COURT FOR THEIR DEDICATION AND HARD WORK**

November 1, 2011

WHEREAS, established in March 2010, the Ingham County Veterans' Treatment Court is a specialty treatment court designed to assist veterans from all branches of the military who have found themselves involved in the criminal justice system; and,

WHEREAS, the program is a cooperative effort of the U.S. Department of Veterans Affairs; the Ingham County Circuit Court; the 54A, 54B and 55th District Courts; and Ingham County prosecuting officials and police agencies. The program, which is housed here at the 54B District Court in East Lansing, features mentoring by other military veterans; and,

WHEREAS, the goal of the Ingham County Veterans' Treatment Court is to divert eligible veteran defendants from the traditional court process to a specialized criminal court docket; and,

WHEREAS, this court works to address criminal behavior by treating underlying problems, such as drug addiction, alcohol abuse, post-traumatic stress disorder and traumatic brain injury. Key features include treatment, intensive supervision, frequent judicial review hearings and graduated incentives and sanctions. Because rehabilitation is the primary goal, problem-solving courts are often described as providing "therapeutic jurisprudence." Participants are held accountable and face sanctions for non-compliance with program rules. Studies indicate that these programs reduce recidivism and are less costly over the long term than incarceration; and,

WHEREAS, the presiding Judge is Judge David L. Jordon, who has tirelessly worked to develop and expand this program. He is driven by a strong sense of purpose, one that he refers to as "the right thing to do;" and,

WHEREAS, there is widespread "community" involvement in the Ingham County Veterans Treatment Court. In addition to the Veterans' and court participation, there are volunteers from Eagle Vision (vocational training and help for veterans), Thomas M. Cooley Law School and Detroit Mercy College of Law; and,

WHEREAS, the Ingham County Veterans' Treatment Court is a remarkable, outstanding program that benefits those who have stood in harms way for all of us and it benefits the community at large.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Lansing hereby recognizes Judge Jordon and the Ingham County Veterans' Treatment Court for their dedication, hard work and continued success.

City of East Lansing, Michigan

A RESOLUTION CELEBRATING THE GRADUATION OF THE EAST LANSING TECHNOLOGY INNOVATION CENTER TENANTS

November 1, 2011

WHEREAS, the East Lansing Technology Innovation Center strives to advance the culture of Entrepreneurship throughout the East Lansing community; and,

WHEREAS, Technology Innovation Center tenants have successfully created a work environment committed to collaboration amongst regional technology-based businesses; and,

WHEREAS, Technology Innovation Center tenants have served as exceptional neighbors and members of the downtown business community; and,

WHEREAS, Technology Innovation Center tenants promote long term and sustainable economic development in East Lansing and throughout the Greater Lansing region.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Lansing hereby celebrates the graduation of the East Lansing Technology Innovation Center tenants.

City of East Lansing, Michigan

RESOLUTION RECOGNIZING NOVEMBER AS NATIONAL FAMILY CAREGIVERS MONTH IN THE CITY OF EAST LANSING

November 1, 2011

WHEREAS, Thanksgiving is the season where we pause to reflect on the many blessings bestowed on us as a city/state and as individuals. We are especially grateful for the profound love that is expressed through the support, care and compassion that is provided by family caregivers to our loved ones; the chronically ill, terminally ill, elderly and frail, the young or those living with a disability. Caregivers reflect family and community life at its best and should be counted as one of our most important natural resources; and,

WHEREAS, the need for family caregivers is growing. The blessings of medicine and technology have helped us live longer; as a result, persons with disabilities are enjoying longer lives and people over 85 are the fastest growing segment of our population. Family caregivers can be found in every city and town in America. It is very likely that we all know at least one family caregiver; and,

WHEREAS, these everyday heroes among us deserve our lasting gratitude and respect. This month, as we honor the many contributions that family caregivers make to the quality of life, let us resolve to work through our community, religious, social, business and other organizations to offer programs and services that will provide caregivers the support and encouragement they need to carry out their vital responsibilities.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Lansing hereby recognizes November 2011 as National Family Caregivers Month in East Lansing.

2012 CITY COUNCIL MEETING SCHEDULE

Regular Meetings

1st and 3rd Tuesdays, City Hall, Courtroom #2, 7:30 p.m.
(unless noted otherwise)

January 17 (<i>MSU Union</i>)	May 1	September 18 (<i>MSU Union</i>)
February 7	May 15	October 2
February 21	June 5	October 16 (<i>Hannah</i>)
March 6	June 19	November 7 (<i>Wednesday</i>)
March 20	July 10	November 20
April 3	August 8 (<i>Wednesday</i>)	December 4
April 17	September 4	December 18

Work Sessions

2nd and 4th Tuesdays, City Hall, Courtroom #2, 7:00 p.m.
(unless noted otherwise)

January 10	April 24	September 11
January 24	May 8	September 25
February 14	May 22	October 9
February 29 (<i>Wednesday</i>)	June 12	October 23
March 13	June 26	November 13
March 27	July 24	November 27
April 10	August 21	December 11

- There are five Tuesdays in January, May, July and October that may be suitable for joint City Council/School Board Meeting
- February 28, August 7 and November 6 are the dates for the 2012 elections and it is customary to move a meeting falling on Election Day to the Wednesday immediately after

CITY OF EAST LANSING

EAST LANSING CITY COUNCIL

A RESOLUTION APPROVING AN APPLICATION FOR AN INDUSTRIAL FACILITIES TAX EXEMPTION CERTIFICATE FOR SPARTAN TECHNOLOGY, LLC AT 2000 MERRITT ROAD, EAST LANSING, MI IN COMPLIANCE WITH THE PROVISIONS OF ACT 198, PUBLIC ACTS OF 1974, AS AMENDED

WHEREAS, the City Council of the City of East Lansing on February 15, 2011, after a duly noticed public hearing, established an Plant Rehabilitation District in accordance with the provisions of Public Act 198 of 1974, as amended; and,

WHEREAS, Spartan Technology, LLC meets the definition of an “Eligible Business” as defined by PA 198 of 1974 and will be engaged primarily in the business of biotechnology at the location of 2000 Merritt Road in East Lansing, Michigan 48823; and,

WHEREAS, the granting of the Industrial Facilities Exemption Certificate shall not have the effect of substantially impeding the operation of the City of East Lansing, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the City of East Lansing; and,

WHEREAS, Spartan Technology, LLC is not delinquent on any taxes related to the facility, including taxes owed on existing property; and,

WHEREAS, the exemption of property for Spartan Technology, LLC shall have the effect of increased employment in the City of East Lansing; and,

WHEREAS, the aggregate State Equalized Value (SEV) of real and personal property exempt from ad valorem taxes within the City of East 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.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of East Lansing hereby grants an Industrial Facilities Tax Exemption for real property for Spartan Technology, LLC, at 2000 Merritt Road in East Lansing for a period of 12 years, beginning May 17, 2011, and ending December 30, 2023, pursuant to the provisions of PA 198 of 1974, as amended.

Item 13

Business Agenda

1. Consideration of a change to the City Council November meeting schedule.

Dennis McGinty, City Attorney, briefed Council on City Charter, election code pertaining to provisional ballots, and optional dates for a special meeting for the purpose of swearing in newly-elected Councilmembers and electing mayor and mayor pro tem.

It was moved by Beard and seconded by Peters to defer to December 6, 2011, public hearings for Ordinance No. 1252 and Ordinance No. 1268.

ALL YEAS
MOTION TO DEFER CARRIED

It was moved by Peters and seconded by Beard to cancel November 9, 2011 City Council work session and November 15, 2011 regular meeting; and schedule special meeting on Wednesday, November 16, 2011, for purposes of administering oath of office to newly-elected Councilmembers and selecting leadership of Council.

ALL YEAS
MOTION CARRIED

Item 14

Adjournment

It was moved by Goddeeris and seconded by Beard to adjourn.

ALL YEAS
MOTION CARRIED

There being no further business the meeting was adjourned at 9:15 p.m.

Victor W. Loomis, Jr.
Mayor

Nancy O. Wagner
Administrative Secretary