

**CITY OF EAST LANSING  
REGULAR COUNCIL MEETING  
MINUTES  
September 4, 2012**

Present: Beard, Loomis, Triplett  
Absent: Goddeeris

The meeting was called to order at 7:30 p.m. by Mayor Pro Tem Triplett. 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 Triplett and seconded by Beard to approve the agenda with the following addition:

**CONSENT AGENDA**

**Item #24 – New item**

- Approval of the appointment of Don Davis to the Planning Commission for a term ending December 31, 2013

ALL YEAS  
MOTION CARRIED

**Item 2** **Approval of the Minutes**

It was moved by Beard and seconded by Loomis to approve the minutes of the August 8, 2012 regular meeting.

ALL YEAS  
MOTION CARRIED

**Item 3** **Written Communication**

Between August 21 and September 4, 2012, Council received written communication:

- 08/22/12 from Eliot Singer regarding MEDC Loan
- 08/22/12 from Eliot Singer regarding MEDC Loan
- 08/22/12 from Alice Dreger regarding MEDC Loan
- 08/23/12 from Elaine and Mark Israel regarding Ann Street cross
- 08/23/12 from Phil Bellfy regarding Notice of Commencement
- 08/24/12 from Eliot Singer regarding St. Anne
- 08/25/12 from Eliot Singer regarding MEDC letter
- 08/27/12 from Eliot Singer regarding Tax day
- 08/29/12 from Eliot Singer regarding Park District
- 08/31/12 from Eliot Singer regarding Trash/Recycling
- 08/31/12 from Phil Bellfy regarding City Attorney
- 09/02/12 from Eliot Singer regarding Avondale Square
- 09/03/12 from Eliot Singer regarding MEDC Certification
- 09/04/12 from Phil Bellfy regarding City Attorney

**Item 4****Communication from Audience**

- Alice Dreger, 621 Sunset Lane, spoke regarding citizen-run site at [www.eastlansinginfo.org](http://www.eastlansinginfo.org)

**Item 5****Communication from Mayor and Council Members**

Councilmember Loomis:

- Had question regarding quarterly meeting between City of East Lansing and MSU. City Manager George Lahanas said he would resend the July agenda.

Councilmember Beard:

- No Report

Mayor Pro Tem Triplett:

- Reviewed process Council discussed at August 28 special meeting to select a Council member to fill vacancy due to Don Power's resignation. He said applications are due September 7 by 4:00 p.m., televised interviews of all applicants will be on September 15, selection will take place at Council regular meeting at MSU Union on September 18, and the new Council member will be sworn in at work session of September 25.

**Item 6****Review of Work Session Actions**

Mayor Pro Tem Triplett reviewed the following actions taken at the work session of August 21, 2012:

1. Approved the minutes of the July 24, 2012 work session.
2. Approved a ten month renewal of the City's Workers Compensation Excess Insurance policy with Midwest Employers Casualty Company at a rate of \$27,445 and authorized City Manager to sign necessary documents by September 1, 2012.
3. Approved resolution amending header language for East Lansing Public Library millage ballot question.
4. Approved Fine Park improvements contract award.
5. Approved resolution to adopt amended Brownfield Plan #16 for the City of East Lansing, approving tax increment financing for the Interstate Partners Project.
6. Approved parking agreement for A & G Partnership project.
7. Approved parking agreement between St. Anne, LLC and the City of East Lansing.
8. Appointed Richard Ballard to the Hometown Housing Partnership, Inc. to an At-Large position for a partial term ending June 30, 2014.
9. Authorized City Manager to sign quit-claim deed for resale of 1321 Wolf Court as provided for in Buy-Sell Agreement between Hometown Housing Partnership and the City of East Lansing.

**Item 7****City Manager's Report**

City Manager George Lahanas:

- Said two meetings to receive input on the former City Center II properties owned either by the City or the DDA (Downtown Development Authority) will be held at Hannah Community Center on Thursday, September 6 at 7:00 p.m. and Friday, September 7 at 9:00 a.m. Lahanas invited residents to attend.

**Item 8****City Attorney's Report**

City Attorney Tom Yeadon:

- No Report

**Item 9****Public Hearing – Ordinance No. 1281**

Consideration of Ordinance No. 1281; an application from University Reformed Church to rezone the property at 841 Timberlane Street, from C, Community Facilities, and R-1, Low Density Single-Family Residential, to RM-14, Low Density Multiple-Family Residential District, subject to a conditional rezoning agreement, limiting the use of the property to religious use, while allowing for phasing out of the existing educational use.

Darcy Schmitt, Planning and Zoning Administrator, briefed Council and answered questions on Ordinance No. 1281, resident input, and submitted conditions.

Council discussed possible reversal to R-1 zoning, ground coverage requirements, and compliance with conditional rezoning ordinance.

Triplett opened the public hearing on Ordinance No. 1281.

Bethany Ehrlich, 2001 N. Fairview, Lansing, University Reformed Church representative, spoke in support of Ordinance No. 1281, and the Special Use Permit application in the next Public Hearing, Agenda Item #11.

Seeing no one else come forward, Triplett closed the public hearing on Ordinance No. 1281.

It was moved by Loomis and seconded by Beard to approve Ordinance No. 1281 as presented.

Beard said this is a good example of conditional rezoning and said it is a win-win situation.

Triplett also said this is a win-win situation for the City and the applicant. He requested in the future that staff present a narrative to trace the application back to the conditional rezoning ordinance.

ALL YEAS  
MOTION CARRIED

**CITY OF EAST LANSING**

**ORDINANCE NO. 1281**

**AN ORDINANCE TO AMEND THE ZONING USE  
DISTRICT MAP OF CHAPTER 50 -- ZONING -- OF THE  
CODE OF THE CITY OF EAST LANSING**

THE CITY OF EAST LANSING ORDAINS:

**The Zoning Use District Map is hereby amended to rezone the following described area from C, Community Facilities and R-1, Low Density Single Family Residential, to RM-14, Low Density Multiple Family Residential District in accordance with the conditions set forth in the conditional rezoning agreement incorporated herein:**

Tax Parcel Nos: 33-20-02-08-311-009 & 33-20-02-08-311-022

A PARCEL OF LAND SITUATED IN THE SOUTHWEST 1/ 4 OF SECTION 8, TOWN 4 NORTH, RANGE 1 WEST, CITY OF EAST LANSING, INGHAM COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT A POINT ON THE NORTH-SOUTH 1/ 4 LINE OF SAID SECTION 8; SAID POINT OF BEGINNING BEING NORTH 00°00'13" EAST, 673.22 FEET FROM THE SOUTH 1/ 4 CORNER OF SECTION 8; THENCE SOUTH 89°52'11" WEST, 549.41 FEET ALONG THE EASTERLY EXTENSION OF THE SOUTH LINE OF WALNUT HEIGHTS SUBDIVISION NO. 2 AS RECORDED IN LIBER 2 OF PLATS, PAGE 40, INGHAM COUNTY RECORDS (RECORDED AS N 89°01'30" E); THENCE NORTH 00°07'49" WEST, 162.44 FEET; THENCE NORTH 59°02'7" WEST, 84.20 FEET ALONG THE EASTERLY EXTENSION OF THE NORTHERLY LINE OF LOT 104 OF WALNUT HEIGHTS SUBDIVISION NO. 2 TO THE NORTHEASTERLY CORNER OF SAID LOT 104; THENCE NORTHERLY AND EASTERLY ALONG THE BOUNDARY OF WALNUT HEIGHTS SUBDIVISION NO. 2 THE FOLLOWING 2 COURSES; NORTH 29°29'43" EAST, 521.54 FEET (RECORDED AS N 28°40'30" E, 522 FEET); NORTH 89°54'43" EAST, 365.25 FEET (RECORDED AS N 89°07'50" E, 365.3 FEET) TO THE SOUTHEAST CORNER OF OUTLOT B OF WALNUT HEIGHTS SUBDIVISION NO. 2 AND A POINT ON THE NORTH-SOUTH 1/ 4 LINE OF SAID SECTION 8; THENCE SOUTH 00°00'13" WEST ALONG THE NORTH-SOUTH 1/ 4 LINE A DISTANCE OF 659.01 FEET TO THE POINT OF BEGINNING, CONTAINING 7.77 ACRES, MORE OR LESS, AND SUBJECT TO THE RIGHTS OF THE PUBLIC FOR ROADWAY PURPOSES IN TIMBERLANE STREET, AND SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD OR USE, IF ANY.

More commonly known as 841 Timberlane Street, East Lansing, Michigan 48823

**CONDITIONAL REZONING AGREEMENT**

This Conditional Rezoning Agreement (the "Agreement") is made this \_\_\_ day of \_\_\_\_\_, 2012, (the "Agreement") by and between the CITY OF EAST LANSING, a

Michigan municipal corporation, with its offices at City Hall, 410 Abbot Road, East Lansing, Michigan 48823 (the “City”), and University Reformed Church, with its offices at 4930 S. Hagadorn Road, East Lansing, Michigan 48823 (the “Owner”).

**THE PARTIES RECITE THAT:**

**WHEREAS**, the City is a municipal corporation organized and existing under and pursuant to the Michigan Home Rules Cities Act, 1909 PA 279, as amended (codified at MCL 117.1 et seq.), and exercising all of the powers provided for therein and pursuant to East Lansing City Charter, adopted July 11, 1944, and as subsequently amended; and

**WHEREAS**, the Owner is a Domestic Nonprofit Corporation seeking to use the property for religious use only with no residential use; and

**WHEREAS**, the Owner controls certain parcels of real property located within the City of East Lansing at 841 Timberlane Street (as specifically listed and legally described in this ordinance/agreement) (the “Property”); and

**WHEREAS**, under and pursuant to Section 405 of the Michigan Zoning Enabling Act, 2008 PA 110, as amended (codified at MCL 125.3405 et seq.) and Ordinance No. 1252 of the City of East Lansing, certain conditions voluntarily offered by the owner of land, including an agreement between the City and the Owner, may become a condition of rezoning of the Property; and

**WHEREAS**, on May 28, 2012 the owner of the Property submitted a rezoning application for the property with a site plan (attached as EXHIBIT A), from C, Community Facilities and R-1, Low Density Single Family Residential, to RM-14, Low Density Multiple Family Residential District; and

**WHEREAS**, the City Planning Commission on June 27, 2012 held a Public Hearing on the Rezoning Application; and

**WHEREAS**, the City Planning Commission on June 27, 2012 heard considerable negative public comment concerning the potential for future Multiple-Family housing development possible under the requested zoning district; and

**WHEREAS**, the Owner on July 20, 2012 based on the public input offered to condition the rezoning request, voluntarily offering, in writing, certain conditions to rezone the property from C, Community Facilities and R-1, Low Density Single Family Residential, to RM-14, Low Density Multiple Family Residential District and is offering conditions as set forth in this Agreement; and

**WHEREAS**, on July 11, 2012 the Planning Commission voted approval of the amended request for Conditional Rezoning based upon this Agreement and the attached exhibits; and

**WHEREAS**, the City Council on September 4, 2012 voted to approve the request for Conditional Rezoning and adopted Ordinance No. 1281 based upon the conditions set forth in this Agreement and the attached exhibits;

**NOW, THEREFORE**, in consideration of the foregoing and the mutual promises hereinafter set forth, the City and the Property Owner agree as follows:

**1) THE PROJECT**

**a) Project Definition.** The Owner agrees to occupy the building and land for religious use only, with no residential use. All other permitted uses in Section 50-401 are prohibited, except during a transition period commencing immediately upon the date of transfer of title to URC through July 31, 2013, (“Transition Period”), the Property may continue to be used in part by East Lansing Public Schools (“ELPS”) and MSU Community School of Music (“MSU”), as well as URC. Both ELPS and MSU currently operate under C, community zoning.

**b) Zoning Use District Regulations.** Except as modified herein, the zoning use district regulations for the Property shall be the, RM-14, Low Density Multiple Family

Residential District, Chapter 50, Article V, Division 3, of the City Code and the Property shall remain subject to all other district use and development standards, and all other regulations of the City Zoning Ordinance, Chapter 50 of the Code of the City of East Lansing, and shall remain subject to all other state and local requirements for land development.

**c) Compliance with Conditions.**

Upon the Owner commencing the use upon the property subject to this Agreement, the Property Owner and its successors or assigns shall continuously operate and maintain the Property or use in compliance with all of the conditions set forth in this Agreement. Any failure to comply with a condition contained herein shall constitute a violation of the East Lansing zoning ordinance and be punishable accordingly against the owner of the property. Additionally, any such violation shall be deemed a nuisance *per se* and subject to judicial abatement as provided by law.

**2) TIMING.**

The City and the Owner agree that the following approvals and activities are conditions to this Agreement:

**a)** If, except as otherwise specified herein, the use of the Property for religious use , once commenced pursuant to the terms of this agreement, ceases for more than 30 days after an order to correct has been issued by the planning and zoning official or his or her designee, the Property will revert to R-1, Low Density Single Family Residential District.

**b)** The Owner obtains special use permit approval for the use of the Property as a Church within twelve (12) months of approval of this Agreement by the City and before any use as a Church is commenced.

**3) CITY RIGHT TO REZONE.** Nothing in this Agreement shall be deemed to prohibit the City from rezoning all or any portion of the Property which is subject to this Agreement to another zoning classification. Any rezoning shall be conducted in compliance with the City's zoning ordinance – Chapter 50 – of the East Lansing City Code and the Michigan Zoning Enabling Act, MCL 125.3405, *et seq.*; provided, however, that the City shall not

rezone the property with a different zoning classification during the time period for commencement of the approved use as specified in Paragraph 2 above.

**4) ENTIRE AGREEMENT.** This Agreement and the instruments which are to be executed in accordance with the requirements hereof set forth all of the covenants, agreements, stipulations, promises, conditions and understandings between the City, and the Owner concerning the Property as of the date hereof, and there are no covenants, agreements, stipulations, promises, conditions or understandings, either oral or written, between them other than as set forth herein.

**5) RELATIONSHIP OF THE PARTIES.** The relationship of the City, and the Owner shall be defined solely by the expressed terms of this Agreement, including the implementing documents described or contemplated herein, and neither the cooperation of the parties hereunder nor anything expressly or implicitly contained herein shall be deemed or construed to create a partnership, limited or general, or joint venture between the City and the Owner, nor shall any party or their agent be deemed to be the agent or employee of any other party to this Agreement.

**6) MODIFICATION.** This Agreement can be modified or amended only by a written instrument expressly referring hereto and executed by the City and the Owner.

**7) MICHIGAN LAW TO CONTROL.** This Agreement and the rights and obligations of the parties hereunder shall be construed in accordance with Michigan law.

**8) DUE AUTHORIZATION.** The City and the Owner each warrant and represent to the other that this Agreement and the terms and condition thereof have been duly authorized and approved by, in the case of the City, its City Council and all other governmental agencies whose approval may be required as a precondition to the effectiveness hereof, in the case of the Authority by its members and all other applicable governmental agencies, and as to the Owner, by the members thereof, and that the persons who have executed this Agreement below have been duly authorized to do so. The parties hereto agree to provide such opinions



of counsel as to the due authorization and binding effect of this Agreement and the collateral documents contemplated hereby as the other party shall reasonably request.

**9) ASSIGNMENT.** It is understood and agreed that the Owner may assign all or a portion of its rights and duties hereunder to one or more entities.

**10) NO PERSONAL LIABILITY.** The obligations hereunder of the City and the Owner shall constitute solely the obligations of the respective entities to be satisfied solely from their respective assets, and no officer, agent, employee or partner of any of said entities shall have any personal obligation responsibility or liability for the performance of the terms of this Agreement.

**11) RECORDING.** The approved conditions of rezoning set forth in this ordinance, or an affidavit or memorandum giving notice thereof, shall be filed by the City Zoning Administrator with the Ingham County Register of Deeds.

**Item 10** **Public Hearing – 841 Timberlane Street**

Consideration of an application from University Reformed Church for Special Use Permit approval for the property at 841 Timberlane Street. The proposed application would allow the church to occupy the existing building on the site (the former East Lansing Public Schools administration building).

Triplett opened the public hearing on Special Use Permit application from University Reformed Church for the property at 841 Timberlane Street.

Seeing no one come forward, Triplett closed the public hearing.

It was moved by Beard and seconded by Loomis to approve an application from University Reformed Church for Special Use Permit approval for the property at 841 Timberlane Street, subject to the six conditions as outlined in the August 27, 2012 memorandum from the Planning Commission.

ALL YEAS  
MOTION CARRIED

**Item 11** **Consent Agenda**

City Manager George Lahanas reviewed the Consent agenda:

1. Approval of the appointment of Mary Haskell as officer delegate to annual meeting of Municipal Employees' Retirement System (MERS) on October 3 – 5, 2012.

2. Approval of a FY13 budget amendment in the amount of \$25,450 to both the Parks and Recreation Fund and the Capital Improvement Projects – Parks Fund to assist in financing the Fine Park Improvement Contract awarded by Council at the August 21, 2012 meeting.
3. Approval to authorize the City Manager to transfer \$4,601 from the Active Living for Adults (ALFA) Memorial Donations Account to the ALFA Foundation, a 501c3 organization.
4. Approval of a resolution declaring September 17 – 23, 2012 Constitution Week.
5. Approval of a street closure request for the corner of Lantern Hill Drive and Cedarhill Drive on October 6, 2012 from 11:00 a.m. to 6:00 p.m. for a block party.
6. Approval of a street closure request for Evergreen Avenue between Northlawn Street and Centerlawn Avenue on September 8, 2012 from 3:30 pm. to 8:30 p.m. for a block party.
7. Approval of the following street closures to accommodate the Capital City River Run (CCRR) half marathon on Sunday, September 16, 2012:
  - One lane on eastbound Michigan Avenue from western boundary of the City to Harrison Road from 8:15 a.m. to 9:00 a.m.
  - Harrison Road from Michigan Avenue intersection south about 800 feet to the walkway between the Kellogg Center parking ramp and Kellogg Center from 8:45 a.m. to 9:30 a.m.
  - Harrison Road at Kalamazoo Street from 8:50 a.m. to 9:50 a.m.
8. Approval of the following street closures to accommodate the East Lansing High School Homecoming parade on Friday, October 5, 2012:
  - Old Hickory Lane between Whitehills Drive and Burcham Drive from 5:00 p.m. to 6:00 p.m.
  - Burcham Drive between Old Hickory Lane and M.A.C. Avenue from 5:00 p.m. to 6:00 p.m. or until the last unit has moved off Burcham Drive
  - M.A.C. Avenue from Burcham Drive and Albert Avenue from 5:25 p.m. to 6:10 p.m.
  - Albert Avenue from M.A.C. Avenue to Bailey Street from 5:30 p.m. to 6:10 p.m.
  - Bailey Street between Albert Avenue and Burcham Drive from 5:15 p.m. to 6:15 p.m. or until the last unit has moved off Bailey Street
9. Approval of the following street closures to accommodate the MSU Homecoming parade on Friday, October 12, 2012:
  - Abbot Road between Whitehills Drive and Burcham Drive from 3:00 p.m. to 7:00 p.m. for parade staging
  - Centerlawn Avenue from Forest Street to Abbot Road from 3:00 p.m. to 7:00 p.m. for staging
  - Northlawn Street from Forest Street to Abbot Road from 3:00 p.m. to 7:00 p.m. for staging
  - Evergreen Avenue from Centerlawn Avenue to Northlawn Street from 3:00 p.m. to 7:00 p.m. for staging
  - Forest Street from Centerlawn Avenue to Northlawn Street from 3:00 p.m. to 7:00 p.m. for staging

- Fern Street from Abbot Road to Evergreen Avenue from 3:00 p.m. to 7:00 p.m. for staging
  - Abbot Road from Burcham Drive to Grand River Avenue from 5:45 p.m. to 7:15 p.m. or until the last unit has moved off Abbot Road onto Grand River Avenue
  - Grand River Avenue between Abbot Road and Collingwood Drive entrance from 5:45 p.m. to 7:15 p.m. or until the last unit has moved off Grand River Avenue
  - Burcham Drive between Old Hickory Lane and Abbot Road from 4:00 p.m. to 6:15 p.m. or until the last unit has moved off Burcham Drive
10. Introduce and set a public hearing for October 2, 2012, for an application from Spartan Technology Development for modified Special Use Permit approval for the property at 2000 Merritt Road. The proposed application would allow a portion of the existing office space on the property to be converted to allow a tasting room and retail sales of products produced by biomanufacturing and distilling on the property. The property is zoned OIP, Office Industrial Park District.
  11. Set a public hearing for October 2, 2012, for Ordinance No. 1274; an application from DTN Management to rezone the property at 316 Gunson Street, 400 Gunson Street, and 1130 Beech Street from RM-14, Low Density Multiple-Family Residential, to RM-54, University Oriented Multiple-Family Residential.
  12. Approval to authorize City Manager to execute a contract with low bidder Harmon Sign, Inc. for the East Lansing Wayfinding Signage Project in the amount of \$65,000 for providing and installing new wayfinding signs in the downtown; and also authorize the City Manager to execute any necessary change orders up to \$10,000 above the contract price as required to complete the project.
  13. Approval of the appointment of Don Davis to the Planning Commission for a term ending December 31, 2013.

Loomis requested Items 21 and 22 on the Consent agenda be scheduled for discussion at an upcoming work session:

- *Introduce and set a public hearing for October 2, 2012, for an application from Spartan Technology Development for modified Special Use Permit approval for the property at 2000 Merritt Road. The proposed application would allow a portion of the existing office space on the property to be converted to allow a tasting room and retail sales of products produced by biomanufacturing and distilling on the property. The property is zoned OIP, Office Industrial Park District.*
- *Set a public hearing for October 2, 2012, for Ordinance No. 1274; an application from DTN Management to rezone the property at 316 Gunson Street, 400 Gunson Street, and 1130 Beech Street from RM-14, Low Density Multiple-Family Residential, to RM-54, University Oriented Multiple-Family Residential.*

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

ALL YEAS  
MOTION CARRIED

## City of East Lansing, Michigan

### Resolution Declaring September 17-23, 2012 Constitution Week

September 4, 2012

WHEREAS, the Constitution of the United States of America secures the blessing of liberty for all Americans and embodies the principles of life, liberty, and the pursuit of happiness; and,

WHEREAS, September 17, 2012, marks the two hundred and twenty-fifth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention. Many schools and many communities will be honoring the occasion during the declared 2012 Constitution Week of September 17-23, 2012; and the Friday previous to that weekend; and,

WHEREAS, this anniversary provides an opportunity for all Americans to reflect on the rights and privileges of citizenship and to learn about and celebrate the achievements of the founders of our nation; and,

WHEREAS, this body recognizes that there are many opportunities in which people of all ages may become involved: read a book from the local library, study an aspect of the seven Articles or one or two of the twenty seven Amendments, schedule for your book club a book about one of the signers of the Constitution, attend the Constitution Day playing of the bells at the Carillon on campus at Michigan State University on September 17<sup>th</sup> at noon or attend a special lecture on the Constitution on campus or some other creative way;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Lansing hereby declares the week of September 17-23, 2012 as Constitution Week in the City of East Lansing and urges all citizens to rededicate themselves to our country, to the support and defense of our Constitution, and to a greater involvement in responsible citizenship.

#### **Item 12**

#### **Business Agenda**

##### **1. St. Anne Report**

Triplett said at the July 24 meeting Council voted to require weekly reports regarding deficiencies in St. Anne Lofts project and that City Manager will have officials responsible available at each Council meeting to answer questions until a certificate of occupancy is issued. He also said additional information was provided in Council add-on packet for tonight's meeting.

Tim Dempsey, Planning and Community Development Director, referred to his memo in Council packet and said information provided to Council includes temporary Certificate of Occupancy for floors two through four; letter dated August 15, 2012, which outlines remaining outstanding items; and letter and emails regarding Design Professional Responsible in Charge. Dempsey said outstanding items response is expected by next Friday.

Council discussed outstanding items and deadline, inspections, C2AE review of reports, design professional responsible in charge, structural integrity of the building, and enforcement of compliance.

Loomis said there are a lot of loose ends and he is concerned regarding liability. He said there are still significant technical open items in the C2AE report that need to be addressed. He requested a communication from C2AE regarding resolution of these items.

Council discussed weekly status reports on this project, full and partial compliance, and best information available.

Triplett said this item will again be on September 11 Council work session agenda and requested a synthesis of outstanding items from C2AE report, the temporary certificate of occupancy, and the August 15 letter from Scott Weaver, Building Official, to Kris Elliott of St. Anne, LLC.

Tom Yeadon, City Attorney, referenced his memo dated August 31, 2012. He said there is no Establishment Clause of the First Amendment violation in the St. Anne project, and said the City is prohibited from requiring removal of an architectural feature.

Beard requested staff report regarding form based code zoning. Dempsey said that could be included in the update of the Comprehensive Plan.

Triplett requested that Yeadon's August 31 memorandum be placed on the City website where it can be easily located by residents.

**Item 13**

**Adjournment**

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

ALL YEAS  
MOTION CARRIED

There being no further business the meeting was adjourned at 8:39 p.m.

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Nathan Triplett  
Mayor Pro Tem

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Nancy O. Wagner  
Administrative Secretary