

**CITY OF EAST LANSING
REGULAR COUNCIL MEETING
MINUTES
July 10, 2012**

Present: Beard, Power, Triplett, Goddeeris
Absent: Loomis

The meeting was called to order at 7:30 p.m. by Mayor Goddeeris. 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 Goddeeris and seconded by Power to approve the agenda with the following changes:

CONSENT AGENDA

Move Item # 18 to Business agenda:

- Approval to authorize the City Manager to sign a contract with C & D Hughes, Inc. in the amount of \$130,310 for the replacement of the retaining wall and sidewalk along the west side of Abbot Road between Oakhill Avenue and Fern Street.
(Re-number subsequent items)

Item # 21 – New Item

- Set a public hearing on August 8, 2012 for consideration of an Amended Brownfield Plan #16 for the Interstate Partners Project.

Item # 22 – New Item

- Approval of a request for street closures for the Great Lakes Folk Festival, August 9 through August 12, 2012:

Thursday, August 9 at 8:00 a.m.

- Albert Avenue Parking Lot 1
- Ameritech Lot (Abbot across from City Hall)

Friday, August 10 at 4:00 a.m.

- Albert Avenue between Evergreen and Grove Street
- Abbot Road between Grand River Avenue and Elizabeth Street
- City Hall north lot for revamped City Hall open air stage setup
- Parking Lot 4 (Albert and Abbot)

ALL YEAS
MOTION CARRIED

Item 2 **Approval of the Minutes**

It was moved by Beard and seconded by Power to approve the minutes of the June 19, 2012 regular meeting.

Goddeeris asked that her comment at Item 9, page 2724, be corrected to read:

Goddeeris thanked the Health Care Task Force for their hard work in negotiating a decrease in the health care premium.

ALL YEAS
MOTION CARRIED

Item 3 **Special Presentation**

Kristin Shelley, East Lansing Public Library Director; and Ginny Haas, MSU Director of Community Relations, presented an overview of upcoming events for the 2012 One Book, One Community program. The 2012 book selection is “Behind the Beautiful Forevers” by Katherine Boo. Shelley and Haas thanked Council for their support and participation.

Item 4 **Written Communication**

Between June 26 and July 10, 2012, Council received written communication:

- 06/27/12 from Eliot Singer regarding City Center II
- 06/27/12 from Phil Bellfy regarding City Center II
- 06/28/12 from Phil Bellfy regarding City Center II
- 06/29/12 from Eliot Singer regarding The Pointe
- 06/30/12 from Eliot Singer regarding the BANs
- 07/01/12 from Alice Dreger regarding St. Anne Lofts
- 07/02/12 from Eliot Singer regarding St. Anne Lofts
- 07/03/12 from Phil Bellfy regarding City Attorney
- 07/06/12 from Eliot Singer regarding St. Anne Lofts
- 07/06/12 from Eliot Singer regarding St. Anne Lofts
- 07/07/12 from Phil Bellfy regarding City Attorney
- 07/09/12 from Phil Bellfy regarding City Attorney
- 07/09/12 from Eliot Singer regarding St. Anne Lofts
- 07/09/12 from Mike Mihalus regarding St. Anne Lofts
- 07/09/12 from Martha & Ray Nachreiner regarding St. Anne Lofts
- 07/09/12 from Eliot Singer regarding St. Anne Lofts
- 07/10/12 from Peter Alegi regarding St. Anne Lofts
- 07/10/12 from Phil Bellfy regarding St. Anne Lofts
- 07/10/12 from Joseph & Elaine Reynolds regarding St. Anne Lofts
- 07/10/12 from Stephen Osborn regarding St. Anne Lofts

Item 5 **Communication from Audience**

- Eric St. Onge spoke in support of Wanda Stokes for 30th Circuit Court Judge.

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

Councilmember Power:

- Distributed correspondence dated July 10, 2012 outlining his thoughts and observations regarding Shared Public Services Initiative Capital Area Fire Authority report by Plante Moran.

Councilmember Beard:

- Reminded citizens the Michigan Primary Election will be held Tuesday, August 7, 2012 and Council meeting will be moved to Wednesday, August 8, 2012.

Mayor Pro Tem Triplett:

- Reported on the Hometown Housing Partnership open house held today from 11:00 a.m. to 2:00 p.m. for an income qualified home on Wolf Court.
- Said he looks forward to presentation from staff and further conversation regarding the fire study referred to by Power in his report.

Mayor Goddeeris:

- Said she, Triplett, and City Manager Lahanas met with East Lansing Public Schools Superintendent David Chapin and said an intergovernmental committee meeting may be scheduled for the last week of August.

Item 7

Review of Work Session Actions

Mayor Goddeeris reviewed the following actions taken at the work session of June 26, 2012:

1. Approved minutes from the June 12, 2012 work session.
2. Approved Administrative Service Agreement between the Arts Council of Greater Lansing and the City of East Lansing for July 1, 2012 – June 30, 2013.
3. Approved State Revolving Fund Project Plan and resolution.
4. Approved amendments to FY2012 budget.
5. Approved renewal of City's general, property and excess liability insurance premiums for the period beginning July 1, 2012 and authorized City manager to bind coverage.
6. Approved Policy Resolution 2012-4; Resolution to Commit Parks and Recreation Revenues.
7. Approved street closure for 900 block of Audubon Road between Northlawn Avenue and Saginaw Street from 5:00 p.m. to 8:00 p.m. on Tuesday, July 24, 2012, for a neighborhood picnic.
8. Approved correction on re-appointments of the following commissioners to the Downtown Development Authority for a full term beginning July 1, 2012 and ending June 30, 2016:
 - Eric Rosekrans
 - Bill Mansfield
 - David Krause
 - Gretchen Neisler
9. Approved re-appointment of Jacob Horner to the Hometown Housing Partnership, Inc. for a full term beginning July 1, 2012 and ending June 30, 2015.
10. Approved a street closure request for Chittenden Drive and Kedzie Streets on July 11, 2012 from 5:00 p.m. to 8:00 p.m. for the annual Orchard Street Pumphouse Ice Cream Social. Rain date scheduled for July 12, 2012.

Item 8**City Manager's Report**

City Manager George Lahanas:

- Highlighted Item # 17 on the Consent agenda regarding the increase of contributions to MERS from members of the Command Officers Association of Michigan (COAM) unit. He said a special presentation of recognition will be made before Council in August.

Item 9**City Attorney's Report**

City Attorney Tom Yeadon:

- No Report

Item 10**Public Hearing – 213-217 Ann Street**

Consideration of an application from Infinity Companies, LLC to modify the approved Site Plan and Special Use Permit to construct a five story mixed-use building at 213-217 Ann Street. The property is zoned B-3, city Center Commercial District.

George Lahanas, City Manager, reported on building code enforcement and steps taken to ensure safety at 213-217 Ann Street. He said an independent engineering firm will also provide a review of the site.

Council discussed construction reports, standards of review, legal requirements, and assessed value and brownfield plan recalculations.

Darcy Schmitt, Planning and Zoning Administrator, updated Council and answered questions on application to modify approved Site Plan and Special Use Permit at 213-217 Ann Street and two additional recommended conditions of approval.

Goddeeris opened the public hearing on an application from Infinity Companies, LLC to modify the approved Site Plan and Special Use Permit to construct a five story mixed-use building at 213-217 Ann Street.

Bill Weckesser, 618 Kensington, spoke regarding St. Anne Lofts.

Alice Dreger, 621 Sunset Lane, spoke regarding St. Anne Lofts.

Seeing no one else come forward, Goddeeris closed the public hearing on 213-217 Ann Street.

It as moved by Power and seconded by Beard to table until July 24, 2012, consideration of an application from Infinity Companies, LLC to modify the approved Site Plan and Special Use Permit to construct a five story mixed-use building at 213-217 Ann Street.

ALL YEAS
MOTION CARRIED

Item 11**Public Hearing – 313 East Grand River Avenue**

Consideration of an application from Spencer Soka for Special Use Permit approval for the property at 313 East Grand River Avenue. The proposed application would allow for alcohol sales under a Class C liquor license at the existing State Side Deli restaurant. The property is zoned B-3, City Center Commercial District.

Darcy Schmitt, Planning and Zoning Administrator, distributed information on current downtown restaurants with special use permits for alcohol sales, restaurants in the downtown licensed to sell alcohol, and assigned liquor licenses in the City of East Lansing.

Beard asked if the Police Chief has expressed an opinion on this application. Schmitt said the application has been routed to City departments and no specific concerns have been stated.

Goddeeris opened the public hearing on an application from Spencer Soka for Special Use Permit approval for the property at 313 East Grand River Avenue to allow alcohol sales under a Class C liquor license at the existing State Side Deli restaurant.

Seeing no one come forward, Goddeeris closed the public hearing on the application for Special Use Permit approval for the property at 313 East Grand River Avenue.

It was moved by Power and seconded by Triplett to approve an application from Spencer Soka for Special Use Permit approval for the property at 313 East Grand River Avenue to allow for alcohol sales under a Class C liquor license at the existing State Side Deli restaurant.

Beard said he will be voting against this application because of a proliferation of liquor licenses in the vicinity.

Goddeeris said she will support the application as this is a good use of a liquor license to help a smaller business.

YEAS – 3

NAYS – 1, Beard

MOTION CARRIED

Item 12**Consent Agenda**

City Manager George Lahanas reviewed the Consent agenda:

1. Approval of a request to allow downtown East Lansing merchants to use the sidewalks in front of their businesses to sell merchandise during the annual East Lansing Sidewalk Sales event, Thursday, July 19, 2012 through Sunday, July 22, 2012, during regular business hours.
2. Approval of a request to allow downtown East Lansing merchants to use the sidewalks in front of their businesses to sell merchandise during MSU Welcome Events, beginning Friday, August 24, 2012 through Wednesday, August 29, 2012, during regular business hours.

3. Approval of a request for Great Lakes Folk Festival to host a Michigan and Great Lakes Craft Beer and Wine Beverage Tent.
4. Approval of a conditional Class III rental license that allows up to two unrelated persons at 119 Bessemaur Drive.
5. Introduced and set a public hearing on August 8, 2012 for Ordinance No. 1282; an Ordinance to amend Section 2-253 of Division 1 – Generally – of Article V – Boards and Commissions – of Chapter 2 – Administration – and Section 42-6 of Article I – in General – and Section 42-43 of Division 1 – Generally – of Article II – Administration and Enforcement – and Sections 42-214 and 42-215 of Article IV – Franchise Fees – of Chapter 42 – Telecommunications – of Code of the City of East Lansing and to Repeal Division 2 – Cable and Telecommunication Commission – and Sections 42-71, 42-72, 42-73 and 42-74 of Chapter 42 – Telecommunications – of the code of the City of East Lansing.
6. Approval of a Municipal Employees Retirement System (MERS) resolution allowing the City of East Lansing to increase contributions from the members of the Command Officers Association of Michigan (COAM) unit by 2% annually and authorize the City Manager to sign.
7. Approval of right-of-way for Coldstone Creamery, 200 M.A.C. Avenue.
8. Introduce and set a public hearing on August 8, 2012 for a Site Plan application for 151 Bogue Street – Farmhouse Fraternity Expansion.
9. Introduce and set a public hearing on August 8, 2012 for Ordinance No. 1279; an application from five separate property owners to rezone the properties at 903, 911, 919, 927, and 933-935 East Grand River Avenue from B-1, General Office Business District, to B-2, Retail Sales Business District.
10. Set a public hearing on August 8, 2012 for consideration of an Amended Brownfield Plan #16 for the Interstate Partners Project, 1525 W. Lake Lansing Road.
11. Approval of a request for street closures for the Great Lakes Folk Festival, August 9 through August 12, 2012:
 - Thursday, August 9 at 8:00 a.m.
 - Albert Avenue Parking Lot 1
 - Ameritech Lot (Abbot across from City Hall)
 - Friday, August 10 at 4:00 a.m.
 - Albert Avenue between Evergreen and Grove Street
 - Abbot Road between Grand River Avenue and Elizabeth Street
 - City Hall north lot for revamped City Hall open air stage setup
 - Parking Lot 4 (Albert and Abbot)

It was moved by Triplett and seconded by Power to approve the Consent agenda.

ALL YEAS
MOTION CARRIED

- 1. Approval to authorize the City Manager to sign a contract with C & D Hughes, Inc. in the amount of \$130,310 for the replacement of the retaining wall and sidewalk along the west side of Abbot Road between Oakhill Avenue and Fern Street.**

Todd Sneathen, Director of Public Works and Environmental Services, briefed Council and answered questions on the replacement of the retaining wall and sidewalk. He said CDBG (Community Development Block Grant) funds will be used and the project should be completed by August 15 before the arrival of students for the fall semester at MSU.

It was moved by Triplett and seconded by Power to authorize the City Manager to sign a contract with C & D Hughes, Inc. in the amount of \$130,310 for the replacement of the retaining wall and sidewalk along the west side of Abbot Road between Oakhill Avenue and Fern Street, as included in July 10, 2012 Council packet.

ALL YEAS
MOTION CARRIED

- 2. Consideration of Policy Resolution 2012-2; Guidelines for Granting Concessionaire Licenses in the City of East Lansing.**

Lori Mullins, Community and Economic Development Administrator, updated Council on Policy Resolution 2012-2. Mullins said one of the two concessionaires from last year has re-applied and said this Policy Resolution also allows for two food trucks at a specific location on Albert Avenue. She said the application fee for a food truck is \$1,800.

It was moved by Triplett and seconded by Power to approve Policy Resolution 2012-2: Guidelines for Granting Concessionaire Licenses in the City of East Lansing.

Triplett said this policy resolution requires annual review of the policy and of individual applicants. He also said the fee provides financial equity with brick and mortar businesses.

Beard said concessionaires and food trucks will add vibrancy to the downtown and this provides an equitable fee process.

Goddeeris said some food trucks gain a local following and then open an establishment.

ALL YEAS
MOTION CARRIED

CITY OF EAST LANSING

POLICY RESOLUTION NO. 2012-2

**GUIDELINES FOR GRANTING CONCESSIONAIRE LICENSES IN THE
CITY OF EAST LANSING**

WHEREAS, The City Manager may grant a Concessionaire License to any person, firm, partnership, corporation or other business entity to sell goods, services or merchandise from a temporary or portable structure or fixture at a specific location on any public place, street, or right-of-way within the downtown business district pursuant to Section 8-133(7) of the City Code.

WHEREAS, In addition to the terms and conditions described in Chapter 8, Sections 8-131 through 8-133 and Sections 8-151 through 8-154 of the City Code, the City Council is to approve guidelines for the City Manager to consider in reviewing applications for Concessionaire Licenses; and

WHEREAS, The Downtown Development Authority has voted in support of the following guidelines; and

WHEREAS, The Council and the Downtown Development Authority wish to have the following areas covered by this policy resolution:

- | | |
|-------------------------------|-------------------------------|
| 1. Application/Review/Appeals | 6. Appearance and Noise |
| 2. Permitted Uses | 7. Sanitation and Cleanliness |
| 3. License Fees | 8. Insurance |
| 4. Locations | 9. Storage |
| 5. Hours of Operation | 10. Review of Policy |

NOW THEREFORE, the City Manager shall consider the following Guidelines in reviewing an application for a Concessionaire's License:

1. Application/Review/Appeals

An Advisory Committee selected by the DDA will review concessionaire applications. This committee will consist of membership from the DDA and Downtown Management Board, one of whom shall be a merchant engaged in the food service business.

- a. Applications are submitted to the City Clerk.
- b. Review of applications will be by an Advisory Committee appointed by the DDA.
- c. Advisory Committee will review applications for conformance with Guidelines and recommend approval or denial to City Manager.
- d. The City Manager may deny and/or suspend or revoke a license pursuant to Section 8-67 if licensee does not meet the minimum requirements of these guidelines. Failure to meet the minimum requirements of or comply with these guidelines is cause for denial, suspension or revocation of a license.
- e. Appeals of City Manager's action to deny an initial license and of the application of specific guidelines to an applicant may be made to the City Council. Appeals of the City Manager's action to suspend or revoke a license or deny a renewal license application shall be made pursuant to Sections 8-67.

2. Permitted Businesses/Uses and Application Review Criteria

The permitted uses are for food vending and non-food vending only if the non-food items are not already offered by a nearby downtown business

Application Review Criteria:

- a. In addition to the requirements of Section 8-152, application shall include all plans and merchandise proposed to be sold.
- b. Advisory Committee shall coordinate location of use.
- c. Proposed business shall meet the goal of providing a use that adds to the vitality and aesthetic appeal of the downtown.
- d. Proposed business shall compliment the area.
- e. Applicants need to meet all applicable local and state laws and comply with requirements of the Ingham County Health Department.

3. License/Rental Fees

- a. \$200 initial application fee and \$100 annual renewal application fee. Application fees will be applied to the annual rental fee upon approval.
- b. Initial fees will be as follows: \$1,200 annual rental fee for all approved concessionaire carts and \$1,800 annual rental fee for all approved food trucks. Renewal fees will be \$1,100 annually for concessionaire carts and \$1,700 annually for food trucks.
- c. Rental fees will offset parking revenue lost and will otherwise go to the DDA to be expended by the DDA for maintenance & public improvements in the DDA District pursuant to the annual DDA budget approved by City Council.

4. Locations

- a. No locations will be allowed along Grand River Avenue. Concessionaire Carts shall be permitted only at those three locations shown and Concessionaire Trucks shall be permitted only at the one parking location as shown on the attached DDA District Boundary map which is incorporated herein.
- b. Concessionaire Cart Location Criteria:
 - a) Locations will be reviewed with respect to non-conflicting uses.
 - b) One cart or kiosk per location unless recommended otherwise by the Advisory Committee.
 - c) Locations will only be allowed where there is a minimum of six feet of unobstructed public walkway.
 - d) Location assignments will be based on seniority and if a concessionaire does not renew before their one-year approval expires then they may lose their location.

- c. Specific locations (up to 40 sq. ft. per cart and 1 parking space per truck) will be recommended to the City Manager or Council by the DDA following a recommendation from the Advisory Committee.
- d. Goods are not allowed to be sold to persons in vehicles.
- e. Businesses within 500 feet of the proposed site will be notified of the application for a Concessionaire's License and given the opportunity to comment. The City Manager will take these and other comments into consideration during his/her review.

5. Hours of Operation

- a. Normal maximum hours of operation, Sunday through Saturday, 7:00 a.m. to 12:00 midnight, (Licensee must stop serving at 12:00 a.m.).
- b. No hours allowed during any City sponsored festivals (unless approved through Festival procedures). Concessionaires may operate on football game days.
- c. Licensees will be monitored for conformance by P.A.C.E.
- d. Concessionaires must remove cart daily at or before 12:00 a.m.
- e. Food trucks shall have a set monthly schedule approved by the City Manager upon recommendation of the advisory committee so that the parking space may be made available for visitors when not in use by the food truck.

6. Appearance and Noise

- a. Licensee shall submit drawings and photographs of cart or truck and goods and complete list of goods to be sold.
- b. Carts and trucks shall be attractive and be kept clean.
- c. Cart shall be movable and have at least two wheels. Tables allowed for non-food items only with approval of the Review Committee.
- d. Cart and truck designs shall be approved by Advisory Committee.
- e. Vendors shall not use loud generators or other noise producing equipment per the City's Noise Ordinance.

7. Sanitation and Cleanliness

Licensee shall provide own receptacle and keep/leave location and immediate surrounding area clean and free from trash and litter. (Note: City/DDA may add additional receptacles, if required.)

8. Indemnity and Insurance

Licensee shall, to the fullest extent permitted by law, defend, indemnify, and hold the City harmless against any claim that may arise from its use of the public right of way. The Licensee shall obtain and maintain during the term of the license a comprehensive general liability insurance policy written on an occurrence basis having policy limits of no less than \$300,000 per occurrence. A certificate of insurance naming the City as an additional insured shall be filed by licensee with the approved application. The certificate shall provide that the City will receive 30 days prior written notice of cancellation or non-renewal.

9. Storage

During off hours, licensee shall be responsible for removing cart or truck and any other equipment to be stored off site in a private location.

10. Review of Policy

That the concessionaire guidelines be evaluated by the DDA with a report and recommendation to the City Council every year.

Policy Resolution 2012-2 replaces Policy Resolution 2011-3.

Item 14

Adjournment

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

ALL YEAS
MOTION CARRIED

There being no further business the meeting was adjourned at 8:53 p.m.

Diane Goddeeris
Mayor

Nancy O. Wagner
Administrative Secretary