

**CITY OF EAST LANSING  
REGULAR COUNCIL MEETING  
MINUTES  
January 17, 2012**

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

The meeting was called to order at 7:30 p.m. by Mayor Goddeeris. The meeting was held in Gold Rooms A & B, MSU Union, East Lansing.

**Item 1** **Approval of the Agenda**

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It was moved by Goddeeris and seconded by Power to approve the agenda with the following addition:

**BUSINESS AGENDA**

**New Item #27**

- City Manager Search

ALL YEAS  
MOTION CARRIED

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

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It was moved by Triplett and seconded by Power to approve the minutes from the December 20, 2011 regular meeting.

ALL YEAS  
MOTION CARRIED

**Item 3** **Special Presentation**

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Goddeeris said special presentation “Where do we go from here? The future of ELPL” by Lauren Douglass will be rescheduled for a future City Council meeting.

**Item 4** **Written Communication**

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- 1/10/12 from Sally Silver
- 1/17/12 from Eliot Singer regarding refinancing BAN’s
- From Tim Knight regarding City Center II area
- From Lyn Smith regarding What Up Dawg? restaurant
- From Eric Zuzga regarding What Up Dawg? restaurant
- From Bob Pratt regarding City Manager search
- From Eliot Singer regarding City Manager search
- From Alice Dreger regarding City Manager search
- From Marcia VanNess regarding Council of Neighborhood Presidents

**Item 5****Communication from Audience**

- Jim Anderson, 968 Roxburgh Avenue, spoke regarding the closing of Barnes and Noble bookstore and City Manager selection
- Phil Bellfy, 513 Dorothy Lane, spoke in opposition to City Center II

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

Councilmember Loomis:

- No Report

Councilmember Beard:

- No Report

Councilmember Power:

- Asked questions of City Attorney Dennis McGinty regarding enforcement of Special Use Conditions, appropriate reasons for Council to meet in Executive session, and City Charter vote requirements. McGinty said he would provide written opinion.

Mayor Pro Tem Triplett:

- Thanked City staff Elaine Hardy for her work as chairperson of the MLK Commission and congratulated her on the success of the Martin Luther King Jr. celebration luncheon which had 1200 in attendance.

Mayor Goddeeris:

- Said the Community Fitness Challenge begins Saturday and encouraged East Lansing citizens to log their exercise through the city website, [www.cityofeastlansing.com](http://www.cityofeastlansing.com)
- Reported on medical amnesty bill which will be heard before the State House on Thursday. She said she will be giving private testimony.

**Item 7****Review of Work Session Actions**

Mayor Goddeeris reviewed the following actions taken at the work session of January 10, 2012:

1. Participated in City Manager interview training.
2. Approved the minutes of the December 13, 2011 work session.
3. Approved AT & T Master Agreement and authorized City Manager to sign.
4. Approved FY2012 budget amendments to General Fund, Major and Local Streets Funds for a transfer of \$80,000 from General Fund to Local Streets Fund.
5. Approved amendment of Section 8 of FY2012 Budget Resolution to reflect billing rates approved by City of East Lansing Fire Chief on December 29, 2011.
6. Approved Grant of Easement between Kim's Oriental Food Store, 901 Trowbridge Road, and the City of East Lansing.

7. Approved Contract Change Order No. 2 with Cadwell Brothers Construction Company in the amount of \$22,684.77 for 2011 Local Street Project and authorized City Manager to sign.
8. By consensus, agreed to meet Wednesday, January 11, 2012, at 7:00 p.m. to approve City Manager semi-finalists.

**Item 8**

**City Manager's Report**

Interim City Manager George Lahanas:

- Thanked Mr. Anderson for his comments and asked Tim Dempsey, Planning and Community Development Director, to read into the record: Barnes & Noble Closing – City of East Lansing Perspective. (see attached under *Additional Materials*)

**Item 9**

**City Attorney's Report**

City Attorney Dennis McGinty:

- No Report

**Item 10**

**Public Hearing – Ordinance No. 1269**

Consideration of Ordinance No.1269; a City-initiated ordinance to amend Section 50-222 of the Zoning Code to allow commercial outdoor recreation facilities in the RA, Residential Agricultural District. At its December 12, 2011 meeting, with seven (members present, the Planning Commission acted to suspend the rules and voted unanimously to recommend City Council approve Ordinance No. 1269.

Darcy Schmitt, Planning and Zoning Administrator, briefed Council and answered questions regarding Ordinance No. 1269.

Goddeeris opened the public hearing on Ordinance No. 1269.

Seeing no one come forward, Goddeeris closed the public hearing on Ordinance No. 1269.

It was moved by Triplett and seconded by Loomis to approve Ordinance No. 1269 as included in January 17, 2012 City Council agenda packet.

ALL YEAS  
MOTION CARRIED

CITY OF EAST LANSING, MICHIGAN  
ORDINANCE NO. 1269

AN ORDINANCE TO AMEND ARTICLE IV AT SECTIONS 50-222 – OF CHAPTER 50  
– ZONING – OF THE CODE OF THE CITY OF EAST LANSING TO AMEND THE  
USES ALLOWED UNDER A SPECIAL USE PERMIT

THE CITY OF EAST LANSING ORDAINS:

Section 50-222 of Article IV of Chapter 50 – Zoning – of the Code of the City of East Lansing is hereby amended to read as follows:

**Section 50-222. –Permitted Uses.**

In the RA district no buildings or premises shall be used and no building shall be erected or altered unless otherwise specifically provided for in this chapter, except for the following uses:

- (1) Permitted principal uses.
  - a. Single-family dwellings.
  - b. Nurseries and allied uses, general farming, orchards, greenhouses, and truck farming, except that the raising of poultry, pets, or livestock for strictly commercial purposes or on a scale that would be objectionable because of noise or odor shall not be permitted.
- (2) Permitted principal uses subject to an approved site plan as set forth in section 50-36 of this chapter.
  - a. Public schools.
  - b. Private or parochial schools.
  - c. Publicly owned parks and recreation areas.
  - d. Commercial outdoor recreation establishment.
- (3) Permitted principal uses subject to an approved special use permit as provided for in article II, division 3 of this chapter.
  - a. Construction contracting businesses that provide services off-premises, including concrete, masonry, carpentry, plumbing, electrical, mechanical, roofing, siding, fencing and similar services; provided, that all equipment, materials, trailers and vehicles, except typical passenger vehicles, used in conjunction with the business, shall be stored in enclosed buildings or in yard areas that are completely enclosed with screen fencing or walls.
  - b. In conjunction with a nursery or greenhouse, the retail sale of related supplies and accessories, such as soil, fertilizer, mulch, ground cover materials, planters, gardening tools, and equipment.
- (4) Permitted accessory uses.
  - a. Private garages, the capacity of which shall not exceed three automobiles, in conjunction with a single-family dwelling.
  - b. Outdoor sheds and storage buildings.
  - c. The keeping of not more than one roomer by an owner residing in a single-family dwelling, except that a person owning a single-family dwelling on the effective date of Ordinance No. 900 shall be permitted to keep two roomers while continuing to own and reside in the dwelling. The maximum occupancy shall not exceed three unrelated persons, including the owner, for an owner-occupied dwelling or two unrelated persons for a non-owner-occupied dwelling. For purposes of this subsection, persons comprising a "domestic unit" as defined under "Family" in section 50-6 shall be deemed related persons

- d. The sale of items grown upon the premises.
- e. Swimming pools, tennis courts, and other similar uses when used for noncommercial purposes.
- f. Class A home occupations.

**Item 11** **Public Hearing – Ordinance No. 1271**

Consideration of Ordinance No. 1271; a City-initiated ordinance to rezone the property at 300-310 West Grand River Avenue from B-3, City Center Commercial (and subject to a Conditional Rezoning Agreement), to B-2, Retail Sales Business. The property is being rezoned back to the previous zoning due to the developer not meeting the timing requirements laid out in the Conditional Rezoning Agreement. At its December 12, 2011 meeting, with seven (7) members present, the Planning Commission acted to suspend the rules and voted unanimously to recommend City Council approve Ordinance No. 1271.

Darcy Schmitt, Planning and Zoning Administrator, briefed Council and answered questions regarding Ordinance No. 1271.

Goddeeris opened the public hearing on Ordinance No. 1271.

Seeing no one come forward, Goddeeris closed the public hearing on Ordinance No. 1271.

It was moved by Power and seconded by Beard to approve Ordinance No. 1271 as presented in January 17, 2012 City Council agenda packet.

ALL YEAS  
MOTION CARRIED

CITY OF EAST LANSING

ORDINANCE NO. 1271

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 parcel from the B-3, City Center Commercial District (subject to a Conditional Rezoning Agreement), to B-2, Retail Sales Business District:**

Parcel Number: 33-20-01-13-227-020

Commencing at the Southwest corner of the Plat of Oakwood as recorded in Liber 2 of Plats, Page 33, Ingham County Records, also being the Southeast corner of Plat of College Heights as recorded in Liber 3 of Plats, Page 13, Ingham County Records; thence S70°11'09"E along the South line of said Plat of Oakwood 37.78 feet to the point of beginning of this description; thence N19°52'19"E 140.80 feet; thence S67°45'43"E 16.95 feet; thence Southeasterly 117.58 feet along a curve to the left, said curve having a radius of 700.00 feet, a delta angle of 09°37'26", and a chord of 117.44 feet bearing S73°08'53"E; thence S77°28'59"E parallel with the South line of

Valley Court 33.37 feet to a point 11.00 feet North of said South line of Valley Court; thence S19°49'52"W 150.54 feet to a point on the South line of said Plat of Oakwood; thence N70°07'45"W continuing along the South line of said Plat of Oakwood 152.49 feet to the Southwest corner of Lot 1 of said Plat of Oakwood; thence N70°11'09"W along said South line 14.93 feet to the point of beginning; said parcel containing 0.55 acre more or less; said parcel subject to all easements and restrictions if any.

More commonly known as 300-310 West Grand River Avenue

**Item 12** **Public Hearing – Michigan FarmHouse Association**

Consideration of an application from the Michigan FarmHouse Association for Site Plan approval for the property at 151 Bogue Street. The proposed application would permit an expansion of the existing FarmHouse fraternity, increasing occupancy from 44 to 60 persons, and would add retail space on the first floor of the addition. The property is zoned EV, East Village. At its December 12, 2011 meeting, with seven (7) members present, the Planning Commission voted unanimously to recommend City Council deny the site plan application from FarmHouse Fraternity for the property at 151 Bogue Street.

Darcy Schmitt, Planning and Zoning Administrator, briefed Council and answered questions on Michigan FarmHouse Association application. Council discussed time-line of application, form-based code, and sub-committee recommendations.

Goddeeris opened the public hearing on the Michigan FarmHouse Association Site Plan approval application.

Isaac Sheppard, Jr., 1054 Pointe Place Blvd., Rochester, Michigan, spoke in support of FarmHouse Site Plan approval application.

Council discussed timeframe of sub-committee recommendations, Planning Commission public hearing, East Village zoning ordinance, and deferral of Council decision.

Goddeeris closed the public hearing on the Michigan FarmHouse Association Site Plan approval application.

It was moved by Loomis and seconded by Triplett to defer consideration of an application from the Michigan FarmHouse Association for Site Plan approval for the property at 151 Bogue Street until April 3, 2012.

ALL YEAS  
MOTION TO DEFER CARRIED

**Item 13** **Consent Agenda**

Interim City Manager George Lahanas reviewed the Consent agenda:

1. Introduce and set a public hearing for February 21, 2012, for consideration of an application from Trilogy Health Services, LLC for Site Plan and Special Use Permit approval for the vacant property at the southeast corner of Coleman and Coolidge Roads. The proposed application would permit construction of nearly 81,000 square

- feet of senior living and long term health care facilities in two buildings. The property is proposed to be rezoned to RM-8, Planned Unit Development, in conjunction with Ordinance No. 1273. At its January 11, 2012 meeting, with six (6) members present, the East Lansing Planning Commission voted unanimously to recommend City Council approve the Site Plan and Special Use Permit application from Trilogy Health Services, LLC for the property at 1525 W. Lake Lansing Road.
2. Introduce and set a public hearing for February 21, 2012, for consideration of Ordinance No. 1273; an application from Trilogy Health Services, LLC to rezone the vacant property at the southeast corner of Coleman and Coolidge Roads from DeWitt Township's A, Agricultural District to East Lansing's RM-8, Planned Unit Development District. At its January 11, 2012 meeting, with six (6) members present, the East Lansing Planning Commission acted to suspend the rules and voted unanimously to recommend City Council approve Ordinance No. 1273.
  3. Introduce and set a public hearing for February 21, 2012, for a Modified Special Use Permit application from the Michigan Hot Dog Experiment, LLC for the property at 301 M.A.C. Avenue, Suites 309-317. The applicant is requesting to change the existing conditions for the What Up Dawg? restaurant to allow the dining room to remain open until 3:00 a.m. and to allow beer sales until 2:00 a.m. The property is zoned B-3, City Center Commercial. At its January 11, 2012 meeting, with six (6) members present, the East Lansing Planning Commission acted to suspend the rules and voted unanimously to recommend that the City Council approve the application.
  4. Approval of the Urban and Community Forestry Grant in the amount of \$6,400 from the Michigan Department of Natural Resources Urban and Community Forestry Program for a White Park Landscape Management Plan and authorize City Manager to execute the Grant Agreement. The local match for this grant is \$6,400 with \$5,000 being allocated in the Department of Parks and Recreation, Stewardship Program budget, and \$1,400 being in-kind services.
  5. Approval of the conceptual plan for Ann Street Plaza which will become Exhibit B1 to St. Anne Development Agreement.
  6. Approval of Outdoor Service Area (right of way) License with St. Anne LLC.
  7. Approval of Traffic Control Order #460 to remove the parking restrictions along Meadowlawn Avenue between Division Street and Bailey Street.
  8. Set a public hearing for February 7, 2012, for Ordinance No. 1275; an Ordinance to amend Section 2-362 of Division 6 – Human Relations Commission – of Article V – Boards and Commissions – of Chapter 2 – Administration, and Sections 22-31, 22-32, 22-33, 22-34, 22-35 and 22-39 of Article II – Civil Rights – of Chapter 22 – Human Relations, and Section 42-73 of Division 2 – Cable and Telecommunication Commission – of Article II – Administration and Enforcement – of Chapter 42 – Telecommunications – of the Code of the City of East Lansing.

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

ALL YEAS  
MOTION CARRIED

- 1. Consideration of moving the Tuesday, January 24, 2012 work session beginning at 7:00 p.m. to Thursday, January 26, 2012, beginning at 9:00 a.m. at the Hannah Community Center for City Council to interview the City Manager finalists.**

It was moved by Goddeeris and seconded by Beard to move the Tuesday, January 24, 2012 work session to Thursday, January 26, 2012, beginning at 9:00 a.m. at Hannah Community Center for City Council to interview City Manager finalists.

ALL YEAS  
MOTION CARRIED

- 2. Consideration of a resolution to schedule a special meeting of the City Council for Friday, January 27, 2012, at 9:00 a.m. at 410 Abbot Road, Conference Room A, to select a candidate for the City Manager position.**

It was moved by Goddeeris and seconded by Power to schedule a special meeting for Friday, January 27, 2012, beginning at 9:00 a.m. at 410 Abbot Road, Conference Room A, to select a candidate for the City Manager position.

ALL YEAS  
MOTION CARRIED

- 3. Consideration of a resolution to schedule an additional work session for Tuesday, January 31, 2012, at 7:00 p.m. at 101 Linden Street, Courtroom #2, to discuss various business items.**

It was moved by Goddeeris and seconded by Beard to schedule an additional work session for Tuesday, January 31, 2012, at 7:00 p.m. at 101 Linden Street, Courtroom #2, to discuss various business items.

ALL YEAS  
MOTION CARRIED

Goddeeris requested a motion from Council to recuse her from Items #24, #25, and #26 on the Business agenda. She referenced her previous statement to Council on December 6, 2011. Goddeeris said she sits on the Board of Blue Cross Blue Shield and these next three Business agenda items relate to properties owned by Blue Cross Blue Shield.

It was moved by Triplett and seconded by Beard to recuse Goddeeris from discussion and decisions related to items #24, #25, and #26 on the Business agenda.

ALL YEAS  
MOTION TO RECUSE CARRIED

Mayor Goddeeris turned the meeting over to Mayor Pro Tem Triplett and stepped away from the Council table.



- 4. Introduce and set a public hearing for February 21, 2012, for consideration of an application from Caddis Development Group for Site Plan and Special Use Permit approval for the property at 1525 West Lake Lansing Road. The proposed application would permit the construction of two medical office buildings and a banking facility with drive through lanes on the former Blue Cross Blue Shield office site. The majority of the property is zoned B-4, Restricted Office Business, with the remainder of the property proposed to be rezoned to B-4 under Ordinance No. 1272. At its January 11, 2012 meeting, with six (6) members present, the East Lansing Planning Commission voted unanimously to recommend City Council approve the Site Plan and Special Use Permit application from Caddis Development Group, LLC for the property at 1525 West Lake Lansing Road.**

It was moved by Power and seconded by Beard to introduce and set a public hearing for February 21, 2012, for consideration of an application from Caddis Development Group for Site Plan and Special Use Permit approval for the property at 1525 West Lake Lansing Road.

ALL YEAS 4 – 0  
MOTION CARRIED

- 5. Introduce and set a public hearing for February 21, 2012, for consideration of Ordinance No. 1272; an application from Caddis Development Group, LLC to rezone the property at 1525 West Lake Lansing Road from B-5, Community Retail Sales District, subject to a Conditional Rezoning Agreement, to B-4, Restricted Office Business District. At its January 11, 2012 meeting, with six (6) members present, the East Lansing Planning Commission acted to suspend the rules and voted unanimously to recommend City Council approve Ordinance No. 1272.**

It was moved by Power and seconded by Loomis to introduce and set a public hearing for February 21, 2012, for consideration of Ordinance No. 1272; an application from Caddis Development Group, LLC to rezone the property at 1525 West Lake Lansing Road.

ALL YEAS 4 – 0  
MOTION CARRIED

- 6. Set a Public Hearing for February 7, 2012, for Brownfield Plan #16 for the Interstate Partners Project (former BCBSM/Health Central site).**

Power requested the public hearing be set for February 21, 2012, after Council has had in-depth budget review. He also requested that the City Assessor be in attendance at the public hearing.

It was moved by Power and seconded by Loomis to set a public hearing for February 21, 2012, for Brownfield Plan #16 for the Interstate Partners Project (former BCBSM/Health Central site).

ALL YEAS 4 – 0  
MOTION CARRIED

Goddeeris returned to the Council table.

## 7. City Manager Search

It was agreed to send a letter, signed by all Council members, to the three proposed City Manager applicants who did not make the semi-finalist list.

Goddeeris said one of the six City Manager semi-finalists has withdrawn. Goddeeris and Beard reviewed next week's proposed interview and hospitality schedule for the five remaining semi-finalists.

### **Item 15**

### **Adjournment**

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

ALL YEAS  
MOTION CARRIED

There being no further business the meeting was adjourned at 8:59 p.m.

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Diane Goddeeris  
Mayor

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Nancy O. Wagner  
Administrative Secretary