

**CITY OF EAST LANSING
REGULAR COUNCIL MEETING
MINUTES
September 18, 2012**

Present: Beard, Loomis, 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**

It was moved by Goddeeris and seconded by Beard to approve the agenda as presented.

ALL YEAS
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Item 2 **Approval of the Minutes**

It was moved by Triplett and seconded by Beard to approve the minutes from the September 4, 2012 regular meeting.

ALL YEAS
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Item 3 **Written Communication**

Between September 4 and September 18, 2012, Council received written communication:

- 09/04/12 from Eliot Singer regarding Propaganda
- 09/05/12 from Phil Bellfy regarding homes on Evergreen
- 09/05/12 from Alice Dreger regarding St. Anne's Lofts cross
- 09/06/12 from Alice Dreger regarding St. Anne's Lofts cross
- 09/07/12 from Eliot Singer regarding Abbot and Grand River development
- 09/09/12 from Robert Smith regarding Ruth Beier for City Council
- 09/09/12 from Eliot Singer regarding St. Anne Lofts
- 09/10/12 from Joyce Macrorie regarding Abbot and Grand River development
- 09/10/12 from Phil Bellfy regarding homes on Evergreen
- 09/10/12 from Jim Nelson regarding Ruth Beier for City Council
- 09/10/12 from Devon Glass regarding Ruth Beier for City Council
- 09/10/12 from Eliot Singer regarding City Attorney review
- 09/10/12 from Hilde Lindeman regarding Ruth Beier for City Council
- 09/11/12 from Jane Dudley regarding Councilmember candidates
- 09/11/12 from Alice Dreger regarding competing interest disclosures
- 09/11/12 from Alice Dreger regarding competing interest disclosures
- 09/12/12 from Michael Lawrence regarding support for Ruth Beier
- 09/12/12 from Eliot Singer regarding MSU-affiliated retirement community
- 09/12/12 from Alice Dreger regarding report on last night

- 09/13/12 from Phil Bellfy regarding suit against City Attorney
- 09/14/12 from Alice Dreger and Laurie Hoffman regarding City Council agendas
- 09/14/12 from Alice Dreger regarding City Council agendas
- 09/14/12 from Alice Dreger regarding City Council agendas
- 09/16/12 from Alice Dreger regarding City Attorney search
- 09/16/12 from Eliot Singer regarding City Attorney
- 09/17/12 from Eliot Singer regarding forum on Red Cedar golf course
- 09/17/12 from Jeffrey Hank and Marie McKenna regarding unequal treatment
- 09/18/12 from Phil Bellfy regarding City Attorney
- 09/18/12 from ELi regarding City Attorney
- 09/18/12 from Bill Murphy regarding Kathleen Boyle for City Council
- 09/18/12 from Steve Scheffel regarding Kathleen Boyle for City Council
- 09/18/12 from Donette Ramey regarding Ruth Beier for City Council
- 09/18/12 from Martha Lynch regarding Kathleen Boyle for City Council

Goddeeris said she has received many calls and comments in support of candidates and in support of Council's process and televised interviews.

Item 4 **Communication from Audience**

- Alice Dreger, 621 Sunset Lane, spoke regarding ethics complaint, St. Anne cross, and City Attorney.

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

Councilmember Loomis:

- Referenced a September 9, 2012 Lansing State Journal article regarding St. Anne project and his concerns regarding Councilmember statements made within the article. He said issues are Council speed at moving project forward, structural integrity, and safety. He said he stands behind his vote.

Councilmember Beard:

- Said on Sunday he attended East Lansing Welcomes the World event and looks forward to next year.

Mayor Pro Tem Triplett:

- Highlighted a signed Memorandum of Understanding for six neighboring jurisdictions to work in a collaborative fashion toward automatic mutual aid for fire service.
- Echoed Beard's comments regarding East Lansing Welcomes the World event. He said this is the third year and thanked East Lansing Public Library and Library Director Kristin Shelley and staff for hosting the event.
- Said he also stands behind his vote and comments made in September 9, 2012 Lansing State Journal article regarding St. Anne project. He referenced standards of review and Council process.

Mayor Goddeeris:

- Also echoed comments regarding East Lansing Welcomes the World event, said there are 7,000 international students at MSU, and encouraged citizens to become involved with our global community.

Item 6

Review of Work Session Actions

Mayor Goddeeris reviewed the following actions taken at the work session of September 11, 2012:

1. Approved the minutes of the August 21, 2012 work session.
2. Approved the minutes of the August 28, 2012 special meeting.
3. Authorized City Manager to sign and file a Baseball Tomorrow Fund grant application with all understandings and assurances; and authorized Assistant Director of Parks, Recreation and Arts to serve as City representative in connection with the application, which is for \$70,000 for improvements to the baseball and softball fields at Patriarche Park.
4. Approved Kevin Beard as City Council appointment to the LAP Respite Center Board of Directors.
5. Approved resolution approving an application for a Development District Liquor License for State Side Deli located at 313 E. Grand River Avenue.
6. Approved street closure for Hawksridge Court on September 23, 2012, from 1:00 p.m. to 4:00 p.m. for annual picnic.

Item 7

City Manager's Report

City Manager George Lahanas:

- Referenced Memorandum of Understanding among six regional municipalities regarding fire services. He said Council has given authority to work toward implementation of Phases I and II of a regional fire study to work toward efficiencies and effectiveness.
- Said he will ask for a correction of Lansing State Journal reference to statement made by Fire Chief Randy Talifarro regarding regional fire study.

Item 8

City Attorney's Report

Goddeeris said Yeadon took over for City Attorney Dennis McGinty on April 1, 2012. She said the contract was due to expire July 30, and a 90 day contract extension was granted which will expire September 30, 2012. She said Council will conduct a performance review next Tuesday and will then make a decision regarding agreement for legal services.

City Attorney Tom Yeadon:

- Presented a brief personal history, highlighted his professional career, litigation skills, institutional memory of the City, and said he will move into the City of East Lansing. Yeadon said he has peer review ratings of highest ethical standards, he gives straightforward, honest legal opinions and advice when asked, and allegations of corruption are nonsense.

City Manager George Lahanas reviewed the Consent agenda:

1. Approval of the New World Systems Standard Software License and Services Agreement and authorize the City Manager to sign the necessary documents by September 19, 2012.
2. Approval of an Administrative Services Agreement between the City of East Lansing and Hometown Housing Partnership, Inc. (HHP) that allows HHP to execute mortgage and promissory note documentation on behalf of the City of East Lansing for participants of the Homeowner Opportunity Assistance Program.
3. Approval of the re-appointment of Jon Hansen to the Officers Compensation Commission for a full term ending September 30, 2019.
4. Approval of a street closure request for 918 Harrington Lane to 940 Harrington Lane on September 21, 2012 from 5:15 p.m. to 7:45 p.m. for Crossing Homeowners Association annual neighborhood picnic.
5. Approval of a street closure request for 1717 Colorado Drive through the north cul-de-sac on Sunday, September 30, 2012 from 3:00 p.m. to 6:30 p.m. for the Northern Meadows Association neighborhood picnic.
6. Approval of Policy Resolution 2012-5; Resolution for Naming Public Properties.
7. Introduce and set a public hearing for October 2, 2012, for Ordinance No. 1283; an Ordinance to amend Article II – Fire Prevention Code – of Chapter 16 – Fire Prevention and Protection – of the Code of the City of East Lansing by making further local changes to the NFPA Fire Protection Code, NFPA 1, 2000 Edition, known as the East Lansing Fire Protection Code, as adopted at Section 16-31 and amended by Section 16-33 by amending the previously added Section 16-1.1 and to add Section 26-66 to Division 2 – Disorderly Conduct – of Chapter 26 – Offenses – to the Code of the City of East Lansing to prohibit the ignition, discharge and use of consumer fireworks.

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

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CITY OF EAST LANSING

POLICY RESOLUTION 2012-5

A RESOLUTION FOR NAMING PUBLIC PROPERTIES

WHEREAS, the City of East Lansing wishes to carefully deliberate the naming of streets and other public places; and

WHEREAS, the City Council desires that during such deliberations, particular consideration will be given to honor people or events associated with East Lansing in addition to other standards established by these guidelines; and

WHEREAS, the City Council desires that any individual, group or organization may propose a name to City Council using an application available from the City Manager's office; and

WHEREAS, while these guidelines are expressed in mandatory terms, they are intended to be guidelines only and interpreted as such, meaning, under circumstances deemed appropriate by Council, any of the guidelines/standards set forth herein may be waived by a majority vote of Council;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of East Lansing hereby adopts the following guidelines for the City of East Lansing to be used when considering the naming of public properties.

BE IT FURTHER RESOLVED that the policy shall be administered as follows:

Section 1. General Guidelines

1. Under these Guidelines, the City will consider the naming of publicly owned streets in their entirety of at least one block in length, traffic islands, parks and buildings.
2. No names will be given to roadway medians, non-road rights-of-way, street corners, fixtures or accessory buildings.
3. No name will be given to any public property which may limit its use.
4. The City will not consider dual naming of any public properties, nor duplicate names.
5. There is no assumption of right for a private donor to name a property because the property was a gift to the public unless such right was retained in the land transfer agreement.
6. The naming of residential subdivision plats and streets will be allowed by the developer if the names are in compliance with Section 1.4 of these Guidelines, as well as other regional standards as applied by the City's Planning Director.
7. The legend of any sign or plaque as required in Section 3.1 must be written or approved by the committee as appointed under Section 2.1.

Section 2. Community Standards for Naming

2.1 Naming of public places for people will be considered for approval by City Council if the honoree meets the standards of community recognition and meets the other applicable standards as follows:

- (a) Person must be deceased.
- (b) Person may have been associated with East Lansing as a resident, an elected official, a volunteer or known for a particular community action.
- (c) Person of national renown will be considered if his/her principles were consistent with East Lansing public policy.
- (d) Recognition of a person is not related primarily to a particular religious association or role.
- (e) Recognition of a person is not related primarily to a particular political association or party.

2.2 Naming of public places for other places, events or for any other purpose will be considered for approval by City Council if it meets the standards of community recognition and if it meets other applicable standards as follows:

- (a) Recognition is not related primarily to a particular religious association or role.
- (b) Recognition is not related primarily to a particular political association or party.
- (c) Recognition is consistent with East Lansing public policy.

Section 3. Financial Considerations

3.1 A permanent sign, or a plaque which explains the significance of the name, must be placed at the site. Costs of the sign or plaque will be borne as follows:

- (a) Costs for signs for city-named streets will be borne entirely by the City.
- (b) Costs for signs for streets in privately developed residential subdivisions will be borne by the City.
- (c) Costs for signs or plaques for other properties requested and named by the City will be borne entirely by the City.
- (d) Costs for signs of plaques for other properties requested for naming by a private entity will be shared by the City and the requesting party as follows:
 - (i) Costs for a plaque or sign of uniform, reasonable size which would normally be placed upon the property will be borne by the City.

- (ii) Unusual costs for a plaque or sign will be borne by the private entity requesting the unusual sign or plaque.

Section 4. Process

4.1 In naming public properties, as initiated either by the City or by an individual or group, the following process must be followed:

- (a) The requesting entity must complete an application and submit it to the City Manager's office who shall forward it to Council for consideration at the next most convenient work session.
- (b) Upon notice of the application, the City Council will then, by majority vote, decide whether to forward the application to an ad hoc committee as described herein or whether to take no further action on the request. If the decision is to forward the application to an ad hoc committee, the Mayor will appoint an ad hoc committee consisting of a former mayor and four other residents who are representative of the community.
- (c) The ad hoc committee will consider the application in light of these Guidelines and standards of community recognition.
- (d) The ad hoc committee must reach a decision for naming within 90 days.
- (e) The recommendations from the ad hoc committee should include notice of any guidelines that would need to be waived if approved and a recommendation of whether or not to waive any of the guidelines/standards set forth herein and the legend for any sign or plaque.
- (f) City Council will consider the recommendation of the ad hoc committee and determine, by majority vote, whether or not to approve the application.
- (g) Approved applications must be kept on file with the City Clerk's office to provide a permanent record of the significance of names.

4.2 Applicants for naming of residential subdivision streets are exempt from Section 4.1 but must submit an application to the City's Planning Director for approval under Sections 1.4 and 1.6 of these Guidelines.

4.3 Size of signs and plaques and placement are regulated by the City Code and must be approved by the appropriate City Official.

Section 5. Repeal of Prior Resolution

This Policy Resolution replaces Policy Resolution 1992-10 which is hereby repealed.

Item 10

Business Agenda

1. Consideration of the Department of Code Enforcement & Neighborhood Conservation (CENC) reorganization.

George Lahanas, City Manager, briefed Council and answered questions on a proposed combination of the Planning and Community Development and Code Enforcement and Neighborhood Conservation departments. He said this departmental reorganization will create one department under the leadership of Tim Dempsey, current Planning and Community Development director, that will house all building and planning related items. He said the new department will be named the Department of Planning, Building, and Development.

Lahanas said the reorganization will make improvements to the process by addressing any miscommunication, will strengthen department culture of strict code compliance and staff expression of concerns, and will make use of the new computer system and software.

Goddeeris said Council discussed this at September 11 work session. She said it is on the Business agenda so the community can see Lahanas' leadership plans for the future and how he has been dealing with issues facing Council.

Triplett said he appreciated the speed with which Lahanas responded to address Council concerns expressed June 26 regarding the St. Anne project.

It was moved by Triplett and seconded by Loomis to approve the City Manager's proposed reorganization and combination of the Planning and Community Development and Code Enforcement and Neighborhood Conservation departments into one department to be named the Department of Planning, Building, and Development, as outlined in September 18, 2012 Council packet.

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2. Discussion regarding filling the vacancy on the City Council left by Don Power.

Goddeeris reviewed the steps Council has taken since the resignation of Don Power:

- Resignation on August 22, 2012
- Special meeting held on August 28 to agree on schedule, application, and process
- According to City Charter, Council has 30 days to make an appointment. That date is September 21, 2012
- Press release to solicit applications on August 29
- Deadline to receive applications was September 7 at 4:00 p.m.
- Interview questions were developed at September 11 work session
- Interviews were held at Hannah Community Center on September 15

- Council received 16 applications; two applicants withdrew before interviews, one withdrew after interviews
- Tonight, discuss and try to come to an agreement on an applicant. If not, additional meetings will be scheduled as necessary.

Goddeeris said this is a talented pool of applicants which makes it a difficult decision. She thanked all who applied and asked those who are not chosen to consider service to the City on Boards or Commissions.

Goddeeris outlined the process used by Council in the City Manager search. She said each Council member will put forward top two candidates, will discuss strengths, and then a motion will be made. She said if there is not a majority, discussion will continue and another motion will be made. She said this will continue tonight, or at a future meeting with additional information from the applicants, if necessary.

Goddeeris put forward the names of Ruth Beier and Kathleen Corkin Boyle.

Beard put forward the names of Kathleen Corkin Boyle and Benjamin Eysselinck.

Triplett put forward the names of Zachary Behler and Kathleen Corkin Boyle.

Loomis put forward the names of Ruth Beier and Douglas Ripley.

It was moved by Beard and seconded by Triplett to appoint Kathleen Corkin Boyle to the open position on the City Council.

ALL YEAS
MOTION CARRIED

Goddeeris said Boyle will be administered the oath of office next week and will serve until the Council election in November 2013. Beard said two four-year terms in addition to this partial term will be on the November 2013 ballot.

3. St. Anne report

Tim Dempsey, Planning and Community Development Director, updated Council on outstanding items in the St. Anne project. He said additional information has come in and has been forwarded to C2AE for their evaluation. He said the condition of occupancy will be determined later this week dependent upon the additional information received. He said the final close-out letter from C2AE should be available on Friday to be included on Council's agenda for discussion next Tuesday.

Goddeeris said Tom Yeadon, City Attorney, has written an opinion dated September 13, 2012 regarding the St. Anne cross architectural feature as it relates to the City's sign ordinance. She said this opinion will be placed on the City website.

Yeadon gave a brief synopsis of the opinion. He said if the cross is a sign, it exceeds the size limitation, and so it is in violation of the sign ordinance. He said under the First Amendment,

a sign of this nature is allowed, and if there are no legitimate governmental interests, such as interference with traffic, the ordinance cannot override First Amendment rights.

Item 11

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 9:01 p.m.

Diane Goddeeris
Mayor

Nancy O. Wagner
Administrative Secretary