

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING – **APPROVED & AMENDED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, DECEMBER 7, 2004, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such, Veenstra
ABSENT: Trustee Woiwode
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief Dave Hall, EMS/Fire Chief Fred Cowper, Attorney Andria Ditschman

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:00 P.M.

2. PLEDGE OF ALLEGIANCE

Supervisor McGillicuddy led the Pledge of Allegiance.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Stephen Boyd, 2567 Heather Circle, East Lansing, introduced himself as a candidate for appointment to the Environmental Commission.

Win Stebbins, 3875 Roxbury, Okemos, spoke in support of modification of the Okemos Road Widening Project with public input.

Chris Savage, 3156 Biber Street, East Lansing, introduced himself as a candidate for appointment to the Planning Commission.

R_x Harrington, 820 Piper Road, Haslett, spoke in support of a fire station and library being housed in the same building.

John Anderson, 215 W. Newman Road, Okemos, congratulated Trustee Veenstra on his election and spoke in opposition to Zoning Amendment #04080 (Township Board).

Lynne Page, 3912 Raleigh Drive, Okemos, spoke in support of a public hearing on Zoning Amendment #04080 (Township Board). As President of Briarwood Home Owners Association, she spoke in support of a public meeting on the Okemos Road Widening Project.

Pat Lindemann, Ingham County Drain Commissioner, presented a Dam Inspection Report for the Lake Lansing Dam. It is a triennial inspection report of the dam as required by the Dam Safety Act.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

A. Recognition of Achievement for Sergeants Plaga and Spencer

Police Chief Dave Hall introduced Sergeants Ken Plaga and Alan Spencer and commended them for their recent graduation from the School of Police Staff and Command.

Manager Richards noted this month's internal monitoring reports as mandated by Board policy. The two topics covered were grants and contracts, and communications and support to the Board.

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Treasurer Hunting reminded citizens that winter tax bills are due by February 14, 2005 at 5:00 P.M. Residents who wish to pay their taxes by year end were apprised of the Township office closings for the holiday: Christmas Eve through December 27th and December 31st.

6. APPROVAL OF AGENDA — OR CHANGES

Trustee Brixie moved to approve the agenda amended as follows:

- **Add Agenda Item #11E – Okemos Road Widening Project**

Seconded by Trustee Such.

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

Trustee Such moved to adopt the Consent Agenda amended as follows:

- **Move Agenda Item #7F to #10D**
- **Agenda Item #7C – change Total ACH Transaction Receipts to \$2,526.64**

Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting

NAYS: None
Motion carried 6-0.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Deliberation (BD)

- 7F-1 Eleanor V. Luecke, President, LINC, PO Box 40, Okemos; RE: Zoning Amendment #04080 (Township Board)
- 7F-2 Judi Pressick, President, Concerned Citizens for Meridian Township, 2219 Butternut, Okemos; RE: Zoning Amendment #04080 (Township Board)
- 7F-3 Lynne S. Page, et al, 3912 Raleigh Drive, Okemos; RE: Request for Board hearing on Zoning Amendment #04080 (Township Board)
- 7F-4 John Anderson, et al, 315 W. Newman, Okemos; RE: Request for Board hearing on Zoning Amendment #04080 (Township Board)

(2). Board Information (BI)

- BI-1 Richard Foster, 4990 Country Drive, Okemos; RE: Posting of Planning Commission and Township Board Meeting Minutes
- BI-2 Lynne S. Page, President, Briarwood Home Owners Association, PO Box 210, Okemos; RE: Okemos Road Improvements
- BI-3 Michael Homier, Foster, Swift, Collins & Smith, 313 S. Washington Square, Lansing; RE: Removal of Rezoning #04030 (Hovey) from the December 7, 2004 Agenda
- BI-4 The Michigan Townships Association, 512 Westshire Drive, Lansing; RE: November, 2004 Issue of *Capital Currents*

(3). Regional Linkage (RL)

- RL-1 Congressman Mike Rogers, 1327 E. Michigan Avenue, Lansing; RE: H.R. 1787, donation of fire equipment to volunteer fire companies

(4). Staff Communication/Referral (SC)

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- SC-1 Mark Kieselbach, Director of Community Planning and Development; RE: Commission Review #04143 (Township Board)
- SC-2 Mark Kieselbach, Director of Community Planning and Development; RE: Commission Review #04133 (Township Board)
- SC-3 Michigan Townships Association Legislative Fax October 29, 2004 Edition
- SC-4 Michigan Townships Association Legislative Fax November 12, 2004 Edition
- SC-5 Michigan Townships Association Legislative Fax November 19, 2004 Edition

Trustee Such moved that the communications be received and placed on file, and any communications not already assigned for disposition be referred to the Township Manager or Supervisor for follow-up. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

B. Minutes

Trustee Such moved to approve and ratify the minutes of the November 16, 2004 Regular Meeting as submitted. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

C. Bills

Trustee Such moved that the Township Board approve the Manager's Bills as follows:

Common Cash	\$ 285,030.33
Public Works	\$ 179,054.10
Total Checks	\$ 464,084.43
Credit Card Transactions	\$ 14,580.87
Total Purchases	<u>\$ 478,665.30</u>
ACH Payments	<u>\$ 536,230.35</u>

Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

[Bill list in Official Minute Book]

D. Budget Amendment for HOM-TV computer

Trustee Such moved approval to transfer \$3,000 from the Cable Fund Balance to Account #230-750.806.980.010 (video production equipment) to purchase computer equipment. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

E. Additional Bank Authorization

Trustee Such moved to adopt a resolution entitled “Authority to Open Account” for the above listed institution. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting

NAYS: None

Motion carried 6-0.

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item # 11A, #11D)

9. HEARINGS (None)

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Mark Hopewell, Lapham Associates, 116 South Third Street, West Branch and consultant to Mr. Fedewa, spoke in support of Modification of Wetland Use Permit #04-03-01 (Fedewa) as he feels Wetland #7 would not sustain itself once the project, as proposed, was implemented.

Jerry Fedewa, G.S. Fedewa Builders, spoke in support of his proposed modification of Wetland Use Permit #04-03-01 (Fedewa), Sierra Ridge.

Carla Clos, Environmental Commission Chair, spoke to the significance of Wetland #7 as contained in the Environmental Report on the proposed Modification to Wetland Use Permit #04-03-01 and urged denial of Wetland Use Permit #04-03-01 (Fedewa), Sierra Ridge.

Patrick Lindemann, Ingham County Drain Commissioner, submitted a handout and spoke in opposition to Modification of Wetland Use Permit #04-03-01 (Fedewa), Sierra Ridge.

Supervisor McGillicuddy closed public comment.

A. Modification of Wetland Use Permit #04-03-01 (Fedewa), Sierra Ridge

Trustee Brixie moved [and read into the record] NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, pursuant to Article 4 of Section 22 of the Township Code of Ordinances, hereby denies Wetland Use Permit #04-03-01. Seconded by Trustee Veenstra.

Board members discussed the following:

- Wetland buffers initially used were forty (40) feet
- Allowance of a front yard setback smaller than the thirty (30) feet proposed
- Change in buffer and setbacks increase the building envelope for Lots 21, 22, and 27
- Building envelopes large enough for sufficient sized homes and the value of the lots
- Opportunity for the builder to provide smaller houses on lots surrounding the wetland to address desire of citizens for affordable housing within the Township
- Retention of the wetland as originally approved not a significant impairment to the development of the subdivision
- Waive the \$10,000 bond if the applicant signs the wetland over to the Ingham County Drain Commissioner (ICDC)
- Maintenance of the wetland as originally approved
- Recommendation of the ICDC and the Environmental Commission for denial
- Not in the best interest of the area or the drainage plan to fill Wetland #4-27
- Long term goal of the Board to have a net increase of wetlands
- Request for meeting of the development staff with the ICDC and the applicant regarding long-term maintenance of the wetland

The seconder offered the following amendment:

- **Insert the words “contiguous to” in the sixth WHEREAS clause after the word “mitigation” and strike the next word “in”**

Amendment accepted by the maker.

Supervisor McGillicuddy offered the following amendment:

- **Insert as the tenth whereas clause: WHEREAS, The Township’s Environmental Commission recommended denial of Wetland Use Permit #04-03-01; and**

Amendment accepted by the maker and seconder.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting

NAYS: None

Motion carried 6-0.

- B. Rezoning #04140 (MS Realty Investments LLC), a request to rezone 41.04 acres at 6365 Newton Road from C-2 (Commercial) and CR (Commercial Recreation) to RD (Multiple Family-Low Density) **Treasurer Hunting moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION Ordinance No. _____, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #04140” C-2 (Commercial) and CR (Commercial Recreation) to RD (Multiple Family-Low Density).**

BE IT FURTHER RESOLVED that the Clerk of the Charter Township of Meridian is directed to publish the Ordinance in the form in which it is introduced at least once prior to the next regular meeting of the Township Board.

Seconded by Trustee Such.

Board members discussed the following:

- Request is a downzoning
- Rezoning eliminates inconsistencies in the Future Land Use Map
- Consistent with the Master Plan
- Rezoning would reduce traffic
- Good transitional zoning decision
- Area surrounded by residential
- Air quality of the area
- Rezoning would support a Township goal of appreciating property values

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting

NAYS: None

Motion carried 6-0.

- C. Ember Oaks Street Lighting SAD, Redetermination of Cost, Resolution #2

Trustee Such moved to approve Ember Oaks Subdivision Streetlighting District Resolution for Redetermination of Costs Resolution #2 which confirms the redetermination of costs for the Ember Oaks Subdivision Streetlighting District; directs the Supervisor to make a special assessment according to the roll submitted to the public hearing and confirms the assessment amount of \$2,400.00 (\$70.59/parcel) for the first year, and \$2,250.00 (\$66.18/parcel) annually thereafter, and directs that amount to be assessed against the lands on that roll; and orders the special assessment roll filed with the Township Assessor for spreading annually on the tax roll. Seconded by Clerk Helmbrecht.

Board members discussed the following:

- Formalization of charges for the streetlighting district
- Question of additional wattage for the reflectors at the last meeting
- ~~Dark sky policy in the lighting ordinance requires~~ Light fixture ~~chosen~~ requires with higher wattage
- Cost dictated by the provider of the utility
- Township as a collecting agent in the streetlighting districts

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: Trustee Veenstra
Motion carried 5-1.

- D. Zoning Amendment #04080 (Township Board), request to amend the C-2 District to allow a hotel as a use permitted by Special Use Permit, add a definition of "hotels and motels" and revise the C-3 (Commercial) and RP (Research Park) districts for consistency, Set Public Hearing Date (December 21, 2004)

Trustee Such moved to set a public hearing for Zoning Amendment #04080 for the Board's Tuesday, December 21, 2004 regular meeting. Seconded by Trustee Veenstra.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

AA. Towar Easements for Storm Drainage Project

Ingham County Drain Commissioner Pat Lindemann stated the easements are for the Towar Garden storm sewer rebuild. It is the ICDC plan to retrofit a new storm drain system for the Towar area and part of the design will utilize some of the land under Township control.

Mr. Lindemann gave a brief history of progress to date, explaining the rain garden design with landscape opportunities. He stated the project will use perforated piping which is less expensive than the traditional concrete pipes which hauls water away.

ICDC has had several meetings with residents with very positive results. ICDC is currently in the process of obtaining easements, including the use of bio detention and stormwater management, in front and back yards with individual meetings from the affected landowners, ensuring maneuverability around existing structures to the residents' satisfaction.

Brian Cenci, Fitzgerald Henne & Associates, 3125 Sovereign Drive, Lansing and lead engineer on the project explained where easements from the Township were needed as outlined on parcel maps handed out to the Board.

Director Severy noted the parcel of land east of Towar Garden on Pollard Avenue is park property and the Park Commission should be consulted prior to Board action.

Board members discussed the following:

- Definition of bioretention centers
- Better availability of certain land for active recreational use
- Minimization of impact of wet areas on existing recreational activities
- Land purchase by the ICDC from the Township
- Appreciation for ICDC innovation
- Consultation with the Park Commission regarding possible purchase of parcel on Pollard Avenue
- Obtain easement for recreational purposes and/or pathway if Pollard Avenue parcel is purchased by the ICDC
- Language provision for land reverting back to the Township in the event it ceases to be used as a rain garden
- System which needs long-term maintenance best served by ICDC ownership
- Request from the ICDC to have the Township sell two pieces of land and give easements for the other two
- Long root systems of indigenous wildflowers planted for rain gardens make for good recharge systems to get down to the plastic pipe which costs one-fifth (1/5) of the cost of concrete piping
- ICDC estimate that design and construction of this type of stormwater facility is approximately half the cost of a normal system
- Information regarding rain gardens available at: www.raingardens.org
- Sufficient time for the Park Commission to discuss and report back to the Board as all but one Park Commissioner is new
- Park Commission in the process of developing a new five-year park plan

The consensus of the Board was to place this item on for action at its December 21, 2004 Board meeting.

[Supervisor McGillicuddy recessed the meeting at 8:07 P.M.]

[Supervisor McGillicuddy reconvened the meeting at 8:20 P.M.]

- A. Preliminary Plat #04032 (Eyde Company), request to plat Lake Lansing Estates, a 16 single family home subdivision north of Lake Lansing Drive, east of Newton Road
Director Kieselbach summarized the preliminary plat request as outlined in staff memorandum dated December 2, 2004.

Mark Clouse, Chief Financial Officer and General Counsel, Eyde Co., 4660 S. Hagadorn, Suite 660, East Lansing noted his letter to Director Kieselbach in response to concerns expressed by the Board at its November 16, 2004 meeting. He indicated the location of the road is the result of Board approval of Isaac Lane in the adjacent Sierra Ridge Estates subdivision. The Eyde Co. requested alternate access points to both the Township and the Ingham County Road Commission, but he stated neither body addressed the request. It is his intent to plat lots back to the edge of the property line as allowed by state law, some of which contain wetlands, and to denote the wetlands and wetland buffers both on the plat and on markers at the site.

Board members discussed the following:

- Determining factor of the setback is the size of the wetland
- Obligation of the developer to consider natural features other than floodplains and wetlands
- Possibility of boulevard entrance into Isaac Lane to preserve black walnut tree
- Concern over single access point into Lake Lansing Estates subdivision

Township obligation relative to landlocked property: (Questions for the attorney (See Agenda Item #8))

- Q. What obligation does the Township have, Andria, when a property owner has landlocked property? Do we have any obligation to make sure they have an access?
- A. Under the Land Division Act, it requires that the Board not approve a parcel that is landlocked unless they can find some other suitable access. The Board can then make a determination if that is suitable. I don't have the provision in front of me, but I can find it for you. It does say the Board shall not approve landlocked or other land that does not have suitable access.

Mr. Clouse added the state will not approve the plat if it creates a landlocked parcel. This issue was addressed with the Braemoor Subdivision.

The consensus of the Board was to place this item on for action at the December 21, 2004 Board meeting.

- B. Zoning Amendment #04090 (Planning Commission), request to amend the C-2 (Commercial) district to allow climate controlled storage facilities
Director Kieselbach summarized the proposed zoning amendment as outlined in staff memorandum dated December 3, 2004.

Steven VandenBossche, Talon Development, 550 Hulet Drive, Suite 103, Bloomfield Hills, stated the proposed amendments were acceptable to the developer and urged action at the next regular Board meeting.

The consensus of the Board was to place this item on for action at the December 21, 2004 Board meeting.

- C. Land Division Ordinance
Director Kieselbach summarized the draft Land Division Ordinance as outlined in staff memorandum dated December 3, 2004.

Board members and staff discussed the following:

- Divide the ordinance into sections for discussion purposes
- Discussion of Article I at the next Board meeting
- Ordinance entirely under the purview of the Board
- Hold a public hearing to receive citizen input

The consensus of the Board was to discuss Article I at the December 21, 2004 Board meeting,

- D. Natural Features Assessments/Guidelines
Director Kieselbach summarized the Natural Features Assessment Guidelines as outlined in staff memorandum dated December 3, 2004.

Chair Clos, Chair of the Environmental Commission, voiced concern that more specific criteria are needed in the zoning ordinance to aid developers and the Environmental Commission during site assessment.

Board members and staff discussed the following:

- Natural assessment currently applies only for special use permit and site plan review applications
- Broaden natural features assessment to include subdivision plats
- Planning Department discretion to ascertain if needed for a specific site
- Specific areas of staff "frustration" which precipitated Environmental Commission request
- Possible cost of homeowner compliance
- Development of the "detail" which describes what is necessary for assessment and complete inventory of impact

- After “detail” is developed in draft form, determine if staff can accomplish under the current ordinance or incorporate as additional language into the ordinance
- Identify problem areas experienced by staff before rewriting ordinance

Criteria for application information: (Questions for the attorney (See Agenda Item #8))

- Q. Is that something we would be able to put into our ordinance? A more spelled out version of what we are looking for?
- A. There are two issues. First, if we are going to require this type of specific information in the application, you must put it in the ordinance. Otherwise, you can't determine that an application is incomplete if it doesn't say they're required to turn it in. If it doesn't say anything about a certain sized tree or a certain soil type, the Board or department can't say it is not a complete application because you haven't turned this in. So, yes, they need to know that information.

Secondly, as far as using this, you need to make sure there are some criteria as far as reviewing the SUP request or the site plan request of the subdivision or preliminary plat review which requires this information. It needs to require that you look at the drains, the soils or natural features. Having this isn't alone enough; you need to have criteria where you can apply that information. Otherwise, it is of no use to you. In reviewing this, we should probably review the criteria as well and make sure this is usable.

It was the consensus of the Board to have staff work with the Environmental Commission and bring this item back to the Board at a future date.

- E. Widening of Okemos Road
Manager Richards indicated the topics voiced by residents this evening were already covered in discussions between the Township and the Road Commission. The Road Commission is the governing body of the decisions on the road and under time constraints for the final design. A Township Board public hearing would not be useful at this point in the process.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened and closed public remarks.

13. POSSIBLE CLOSED SESSION

Trustee Such moved that the Township Board go into closed session to consider the purchase of real property. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

Supervisor McGillicuddy recessed the meeting at 9:24 P.M.

The Board adjourned to the Upstairs Conference Room for a closed session.

Trustee Such moved to return to open session. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

Supervisor McGillicuddy reconvened the meeting at 10:31 P.M.

Trustee Such moved to have the Township Manager go forward as discussed in closed session. Seconded by Trustee Brixie.

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ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

14 ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:33 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary