

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
853-4000, Town Hall Room  
TUESDAY, MAY 2, 2017 **6:00 P.M.**

PRESENT: Supervisor Styka, Clerk Dreyfus, Treasurer Brixie, Trustees Deschaine, Jackson, Opsommer, Sundland

ABSENT: None

STAFF: Township Manager Frank Walsh, Director of Public Works and Engineering Derek Perry, Director of Community Planning & Development Mark Kieselbach, Police Chief David Hall, Fire Chief Fred Cowper, Director of Communications Deborah Guthrie, Economic Development Coordinator/Associate Planner Ben Motil

1. CALL MEETING TO ORDER

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

2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS

Supervisor Styka led the Pledge of Allegiance.

3. ROLL CALL

The Clerk called the roll of the Board.

4. PRESENTATION (None)

5. CITIZENS ADDRESS AGENDA ITEMS AND NON-AGENDA ITEMS

Supervisor Styka opened Public Remarks.

Mike Jenkins, 6030 Skyline Drive, East Lansing, thanked the Board, on behalf of the Walnut Hills neighborhood, for listening to their constituents relative to the proposed denial of Rezoning #16060.

Angela Wilson, 4767 Mohican Lane, Okemos, spoke in opposition to MUPUD #16024 and SUP #1611 (Capstone).

Leonard Provencher, 5824 Buena Parkway, Haslett, spoke in opposition to MUPUD #16024 and Rezoning #16060, offered comments and concerns on the Township Board policy regarding minutes and voiced support of the school elections which were held today in Haslett and East Lansing.

Ann Alchin, 5972 Cypress Street, Haslett, spoke in support of the policy regarding Board minutes and expressed her concerns with the Police and Fire millage proposal language.

Supervisor Styka closed Public Remarks.

6. TOWNSHIP MANAGER REPORT

Manager Walsh reported the following:

- Sleepy Hollow neighborhood meeting regarding water, sewer and roads will be held tomorrow night at 6:00 P.M. at the Central Fire Station
- Increasing the number of warning sirens will be before the Board in the near future
- List of local road improvements for 2017 is being developed
- Haslett Marathon station application may be revised with a new proposed site layout and will come before the Board on May 16<sup>th</sup>

7. BOARD MEMBER REPORTS AND ANNOUNCEMENTS

Treasurer Brixie reported the following:

- Township Manager will be attending neighborhood group meetings around the Township
- Her attendance at the recent Tri-County Regional Planning Commission (TCRPC) meeting

Trustee Opsommer reported the following:

- His attendance at the April 19<sup>th</sup> CATA Board meeting
  - CATA suspended activities on the Bus Rapid Transit (BRT) project
  - Forensic Audit underway with a request for proposal (RFP) for a new audit firm
  - Legal counsel to analyze all possible recovery methods
  - Retirement of the CEO/Executive Director in February, 2018

Trustee Deschaine reported the following:

- Nonmotorized transportation was discussed at the April 27<sup>th</sup> Transportation Commission meeting
- Two ribbon cutting ceremonies for the Economic Development Corporation's purchase of 3 D printers for Ralya and Murphy Elementary Schools
- May 20th as Love a Park Day
- Goal of the Kiwanis Club to display 800 flags this year in its Flags Over Meridian Program

Supervisor Styka reported the following:

- His attendance at last week's Corridor Improvement Authority (CIA) meeting where their goals and objectives were discussed
- Attendance at last week's L. O. Eye Care grand opening
- Attendance at the last Downtown Development Authority (DDA) meeting
  - 42 flags from the Flags over Meridian Program will be displayed in the four corner area
- Meeting on water and sewer extension for the Sleepy Hollow neighborhood will be held tomorrow night at 6:00 P.M. at the Central Fire Station
- Farmers Market will be held at the Central Park Pavilion beginning May 6<sup>th</sup>
- Meridian Garden Club Benefit/Fundraiser at Frames Unlimited on May 20th
- Fun In the Sun Day at Lake Lansing on June 16<sup>th</sup>
- Success of the Recycling Event held on April 22<sup>nd</sup> which broke a Guinness World Record for electronics recycling

8. APPROVAL OF AGENDA

**Treasurer Brixie moved to approve the agenda as submitted. Seconded by Trustee Jackson.**

VOICE VOTE: Motion carried unanimously.

9. CONSENT AGENDA (SALMON)

Supervisor Styka reviewed the consent agenda.

**Treasurer Brixie moved to adopt the Consent Agenda amended as follows:**

- **Move Agenda Item #9 B (1): March 21, 2017 Regular Meeting Minutes to Action Item #12E**

**Seconded by Trustee Jackson.**

ROLL CALL VOTE: YEAS: Trustees Deschaine, Jackson, Opsommer, Sundland, Supervisor Styka, Treasurer Brixie, Clerk Dreyfus

NAYS: None

Motion carried unanimously.

A. Communications

**Treasurer Brixie 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 Jackson.**

ROLL CALL VOTE: YEAS: Trustees Deschaine, Jackson, Opsommer, Sundland, Supervisor Styka, Treasurer Brixie, Clerk Dreyfus  
 NAYS: None  
 Motion carried unanimously.

B. Minutes

**(2) Treasurer Brixie moved to approve and ratify the minutes of the April 18, 2017 Regular Meeting as submitted. Seconded by Trustee Jackson.**

ROLL CALL VOTE: YEAS: Trustees Deschaine, Jackson, Opsommer, Sundland, Supervisor Styka, Treasurer Brixie, Clerk Dreyfus  
 NAYS: None  
 Motion carried unanimously.

C. Bills

**Treasurer Brixie moved that the Township Board approve the Manager’s Bills as follows:**

Common Cash	\$	356,930.89
Public Works	\$	97,602.44
Trust & Agency	\$	- 0 -
 Total Checks	 \$	 454,533.33
 Credit Card Transactions (April 13 to April 26, 2017)	 \$	 8,570.27
 Total Purchases	 \$	 <u>463,103.60</u>
 ACH Payments	 \$	 <u>778,541.37</u>

**Seconded by Trustee Jackson.**

ROLL CALL VOTE: YEAS: Trustees Deschaine, Jackson, Opsommer, Sundland, Supervisor Styka, Treasurer Brixie, Clerk Dreyfus  
 NAYS: None  
 Motion carried unanimously.

[Bill list in Official Minute Book]

E. Resolution to Approve Financial Institution (First National Bank)

**Treasurer Brixie moved to adopt a resolution entitled “Authority to Open an Account” at: First National Bank of America. Seconded by Trustee Jackson.**

ROLL CALL VOTE: YEAS: Trustees Deschaine, Jackson, Opsommer, Sundland, Supervisor Styka, Treasurer Brixie, Clerk Dreyfus  
 NAYS: None  
 Motion carried unanimously.

- F. Discharge of Mortgage 1678 Lake Lansing (Miser)  
**Treasurer Brixie moved to approve discharging the Rental Property Rehabilitation Program Mortgage from 1678 Lake Lansing Road, Haslett MI 48840, parcel #33-02-02-10-203-020. Seconded by Trustee Jackson.**

ROLL CALL VOTE: YEAS: Trustees Deschaine, Jackson, Opsommer, Sundland, Supervisor Styka, Treasurer Brixie, Clerk Dreyfus  
 NAYS: None  
 Motion carried unanimously.

10. QUESTIONS FOR THE ATTORNEY

- A. Legal Requirements – Board Minutes

William Fahey, Township Attorney, Fahey Schultz Burzych Rhodes, commented on sources of state law regarding minutes, provided his interpretation of the Open Meetings Act (OMA) as it relates to approving and changing minutes, the process for taking minutes through Board policy, time periods for the Board to approve minutes, time frames for correcting and amending minutes and rationale for remedying Board action or lack of Board action through “reenactment” of meetings.

Board and attorney discussion:

- Inquiry concerning the need for reenactment of meetings earlier in the year where multiple sets of minutes were on the agenda for approval
- Minutes were approved at subsequent meetings, making reenactment a moot point
- No case law exists where a Township was sued when minutes were not approved on a timely basis
- Questions about language in MCL 15.269 stating minutes shall be approved at “the next meeting”
- Concerns about the legality of changing minutes six (6) weeks after a Board meeting

11. HEARINGS

- A. Mixed Use Planned Unit Development #16024 (Capstone), construct Hannah Farms East at Hannah Boulevard/Eyde Parkway

Supervisor Styka opened the public hearing at 6:37 P.M.

Director Kieselbach summarized the proposed Mixed Use Planned Unit Development (MUPUD) with changes from previous proposals as outlined in staff memorandum dated April 26, 2017.

- Applicant

Mark Clouse, Chief Financial Officer and General Counsel, Eyde Co., 300 S. Washington Square, Suite 400, Lansing, noted the underlying zoning is Commercial and Professional/Office. He addressed the diversity of housing types (some with garages), and elimination of some buildings to the south. Mr. Clouse stated the waivers requested may appear onerous but were granted in the past for the previous phases.

John Acken, Capstone Collegiate Communities, 431 Office Park Drive, Birmingham, Alabama, noted more greenspace is in this proposal due to the two-story parking garage and placing garages under the townhouses. He indicated a third parcel (.9 acre) will be added to the project and not developed. Mr. Acken offered layout perspectives from different angles for the four (4) story apartment building and three (3) story townhouses, highlighting amenities, schematics of the apartments and townhouses and market needs for rentals.

- Public

Joe Pavona, 4726 Arapaho Trail, Okemos, voiced concern the prior Board did not listen to residents when voting on the previous phases of the Capstone project as the original plan presented had single family houses, condos, movie theaters, and greenspace/parks but changed to student housing from the inception of construction. He suggested preservation of a 200 foot conservation buffer which abuts the Indian Lakes Estates subdivision is important.

Bobby Bringi, 4543 Comanche Drive, Okemos, stated residents move to Okemos for a better quality of life and neighborhood integrity, indicating the proposed excessive density will encroach on the Indian Lakes neighborhood.

Supervisor Styka closed the public hearing at 7:12 P.M.

12. ACTION ITEMS

- A. Rezoning #16060 (Summer Park Realty), Rezone 157 acres from RR (Rural Residential) to RAA (Single Family, Low Density) at 2874 Lake Lansing Road  
**Trustee Deschaine moved to adopt the resolution to deny Rezoning Petition #16060, a request to rezone approximately 157 acres from RR (Rural Residential) to RAA (Single Family-Low Density) at 2874 Lake Lansing Road. Seconded by Clerk Dreyfus.**

Board discussion:

- Substantial resident testimony characterized the negative impact the proposed change in zoning would have on the community

ROLL CALL VOTE: YEAS: Trustees Deschaine, Jackson, Opsommer, Sundland, Supervisor Styka, Treasurer Brixie, Clerk Dreyfus

NAYS: None

Motion carried unanimously.

- B. 2017-2019 TPOAM Administrative Professional Employees Contract  
 Township Manager Walsh summarized the changes to the Administrative Professional Employees Contract as outlined in staff memorandum dated April 27, 2017.

**Trustee Opsommer moved to approve the 2017-2019 Collective Bargaining Agreement as tentatively agreed to and further ratified by the TPOAM Administrative Professional Employees. Seconded by Treasurer Brixie.**

Board and staff discussion:

- Recognition of the sacrifice by current employees
- Bargaining unit is approximately 70% funded
- Reappropriation of general fund monies as a result of Police and Fire Millage approval could result in this unit being 100% funded in five (5) to seven (7) years
- Police and Fire revenue vs. expenses

- Need to retain qualified and dedicated employees
- Decrease in revenue sharing over the last two decades

ROLL CALL VOTE: YEAS: Trustees Deschaine, Jackson, Opsommer, Sundland, Supervisor Styka, Treasurer Brixie, Clerk Dreyfus  
 NAYS: None  
 Motion carried unanimously.

C. Meridian Township Vision and Mission Statements

**Treasurer Brixie moved to amend the current Vision and Mission Statement adopted in the 2001 Board Policy Manual to read as follows:**

**Vision: Our vision is to achieve and maintain a welcoming community with the highest quality of life for our residents. We believe the highest quality of life encompasses sustained or enhanced natural environment, health and safety, prosperity, cultural heritage and diversity.**

**Mission: Providing a safe and welcoming, sustainable, prime community.**

**Seconded by Trustee Deschaine.**

Director Guthrie provided an overview of the process used by the Branding Development Committee to create the vision and mission statements.

Board discussion:

- Board member belief the proposed vision and mission statements used the Branding Development Committee’s idea as a base
- Concern with proper construction of the mission statement
- Concern with vision statement

**Clerk Dreyfus offered the following amendment:**

- **Change the vision statement to read: Our vision is to achieve and maintain a sustainable and welcoming community with the highest quality of life for our residents. This encompasses protecting our natural environment and our health and safety, and enhancing our prosperity, cultural heritage, diversity and recreational opportunities.**

**Seconded by Trustee Sundland.**

Continued Board discussion:

- History of vision statement and its tie to the Policy Governance Manual
- Key concepts about the Township are now in the revised vision statement
- Concern with link to Board Goals and Objectives

VOICE VOTE ON THE AMENDMENT: Motion carried 4-3 (Treasurer Brixie, Trustees Deschaine and Opsommer)

VOICE VOTE ON THE MAIN MOTION: Motion carried unanimously.

D. Policy Regarding Minutes of the Township Board

**Trustee Jackson moved to adopt the policy regarding minutes of the Township Board. Seconded by Trustee Sundland.**

**Treasurer Brixie moved to amend #6 of the proposed policy as follows:**

- **Insert “, the Planning Director” after Clerk. Seconded by Trustee Deschaine.**

Board discussion:

- Planning Director is already included in the review process for technical corrections
- Policy will shorten the minutes

VOICE VOTE ON THE AMENDMENT: Motion carried unanimously.

VOICE VOTE ON THE MAIN MOTION: Motion carried unanimously.

E. March 21, 2017 Regular Meeting Minutes

**Trustee Deschaine moved to adopt the Revised Draft Minutes of the March 21, 2017 Board meeting. Seconded by Treasurer Brixie.**

**Trustee Deschaine offered the following amendments to Page 8:**

- **Insert comment as the first bullet under Board and staff discussion which reads: THIS MOTION IS BEING MADE IN CONSIDERATION OF THE TREMENDOUS SACRIFICES THAT CURRENT AND FUTURE EMPLOYEES HAVE MADE IN RENEGOTIATING THEIR PENSIONS AND BECAUSE WE ARE PROPOSING A PUBLIC SAFETY MILLAGE WE ARE ASKING OUR RESIDENTS TO CONSIDER IN AUGUST**
- **Amend bullet #5 to read: ~~Reminder~~ BOARD MEMBER BELIEF that all Township staff, ~~including the Manager~~, have received a 2% increase for three (3) years**
- **Amend bullet #7 to read: Board member belief that in 2012, ~~the salaries of the Clerk, Treasurer, Supervisor and Board Trustees~~ were cut due to “political lobbying directed at the LOCC**
- **Amend bullet #10 to read: Board member BELIEF ~~statement~~ that comparatively speaking, the various Board member compensation amounts are less than what is paid by other similarly sized communities**
- **Amend bullet #13 by deleting existing language and inserting: BOARD MEMBER BELIEF THAT VOTING IN A RAISE FOR BOARD MEMBERS IN THE SAME MEETING AS VOTING TO PUT ON THE BALLOT A APPROXIMATELY 1.5 MILLAGE INCREASE ON THE BALLOT IS WRONG AND DISTURBING**
- **Amend bullet #14 by deleting existing language and inserting: BOARD MEMBER BELIEF THAT THE TOWNSHIP IS IN A CRISIS WITH THE UNFUNDED PENSION LIABILITY AND THERE IS AN IMPORTANT MESSAGE TO SENT TO VOTERS THAT WE TAKE IT SERIOUSLY AND WE ARE GOING TO OUR PART BY REFUSING OUR RAISE AND TO MAKE A SACRIFICE**

**Seconded by Treasurer Brixie.**

Board and attorney discussion:

- Addition of opening statement in the proposed minutes, addressing perceived deficiencies in the draft minutes, timeframe for amending minutes, and approval of minutes when Board takes no action
- Objection to changing minutes six (6) weeks after the Board meeting
- Belief the minutes of March 21, 2017 can only be corrected at the April 4, 2017 Board meeting, referencing state law MCL 15.269
- Michigan Township Association (MTA) information states only one (1) opportunity to change minutes
- Township legal firm’s position the perceived conservative advice provided by the MTA regarding approval and/or correction of draft minutes relative to the Open Meetings Act (OMA) is incorrect

- Legal advice by the Township law firm states reenactment of approval of minutes at a subsequent meeting can remedy lack of approval
- Concern over legal theories v. case law and language in state statute
- Concern about the validity of legal advice as it applies to changing minutes

VOICE VOTE ON THE AMENDMENT: Motion carried 5-2 (Clerk Dreyfus, Trustee Sundland)

**Trustee Deschaine moved to reenact the meeting of April 4, 2017 to approve the revised minutes of March 21, 2017 as amended. Seconded by Treasurer Brixie.**

Board and attorney discussion:

- Changes which can legally be included in the minutes
- Concern about approving changes submitted at the April 18<sup>th</sup> Board meeting as the basis for the revision of minutes submitted at the reenacted April 4<sup>th</sup> Board meeting

**Trustee Jackson called the question. Seconded by Treasurer Brixie.**

VOICE VOTE ON THE AMENDMENT: Motion carried 5-2 (Clerk Dreyfus, Trustee Sundland)

**Treasurer Brixie offered the following amendment to Neil Bowlby’s comments on Page 12:**

- **Delete “had a spouse with a professor salary, but the Clerk did not” and insert “IS MARRIED TO A UNIVERSITY PROFESSOR AND FROM A DUAL INCOME HOUSEHOLD, AND THE CLERK IS SINGLE”**

**Seconded by Trustee Deschaine.**

VOICE VOTE ON THE AMENDMENT: Motion carried 5-2 (Clerk Dreyfus, Trustee Sundland)

VOICE VOTE ON THE MAIN MOTION: Motion carried 5-2 (Clerk Dreyfus, Trustee Sundland)

**13. BOARD DISCUSSION ITEMS**

- A. Mixed Use Planned Unit Development #16024 (Capstone), construct Hannah Farms East at Hannah Boulevard/Eyde Parkway

Board and applicant discussion:

- Type of building materials, density and lack of greenspace
- History of the rezoning of the 81 acres to be developed as one (1) mixed use planned unit development (MUPUD)
- Negative impact of adding existing commercial into the MUPUD, inappropriately increasing density
- Concern the original mixed village concept has turned into a sprawling high density student apartment complex
- Michigan State University administration letter states there is no need for more off-campus student housing
- Crime and drugs associated with Chandler Crossing in Bath Township
- Student desire to live close to campus results in some single family homes turned into student rentals
- Applicant assertion that increasing the supply of student housing next to campus will improve the housing stock of single family homes available for faculty
- Creation of the MUPUD to target redevelopment of sites with large impervious surfaces

- Concerns that the conservation area adjacent to, but not affiliated with, the MUPUD was not to be included when calculating greenspace within the MUPUD
- Lack of diversity in proposed housing types, applicant's ability to offer 55 and over housing, "bubble" of multifamily housing units in the region which could burst someday, and aging hotels which can be converted into apartments
- Concern with traffic study methodology based on number of dwelling units and not people housed within the units, causing an underestimation of traffic counts
- Preference for dining and commercial options on the main floors, housing stock for 55 and over, as well as owner occupied residences
- Belief that proposed amenities are marketing features to attract renters and student numbers put forth by the applicant are skewed
- Belief that Capstone Collegiate Communities build projects and then typically sells them
- Meridian Township's needs are not being addressed by the applicant's proposal
- Applicant's belief an inadequate supply of student housing close to campus artificially inflates rental rates, resulting in a disincentive to fix up older apartments
- Retail establishments on the ground floor would reduce density
- Current property owner stated they are seeking a senior housing developer for the last parcel of property
- This project could be constructed with downsized empty-nester dwellings for seniors wishing to live in a walkable area
- Unlikelihood of seniors wanting to live next to a student apartment complex

**It was the consensus of the Board to place this item on for action at its May 16, 2017 Board meeting unless the applicant requests an extension.**

- B. Special Use Permit #16111 (Capstone), construct group of buildings greater than 25,000 square feet in size at Hannah Boulevard/Eyde Parkway

Director Kieselbach summarized the special use permit (SUP) request as outlined in staff memorandum dated April 27, 2017.

Board discussion:

- SUP process gives the Board an opportunity to discuss intangibles related to the project
- Larger size results in many consequences, including traffic

**It was the consensus of the Board to place this item on for action at its May 16, 2017 Board meeting.**

#### 14. COMMENTS FROM THE PUBLIC

Supervisor Styka opened Public Remarks.

Jane Cissell, 4777 Mohican Lane, Okemos, questioned what individuals would want to live next to a high density student apartment complex, amendments made to the minutes and suggested paying someone overtime to take minutes so the Clerk can pay attention to Board business at meetings.

Bobby Bringi, 4543 Comanche Drive, Okemos, stated he is a university professor and one which would be attracted to suitable housing near campus.

Leonard Provencher, 5824 Buena Parkway, Haslett, addressed the hour discussion on minutes, reduction of public comment placed into the record and senior housing interspersed among student housing.

Neil Bowlby, 6020 Beechwood Drive, Haslett addressed the Board's rejection of the Local Officials Compensation Commission recommendation regarding pay raises, citing motive, means and opportunity.

Supervisor Styka closed Public Remarks.

15. OTHER MATTERS AND BOARD MEMBER COMMENTS

Upon request, the Supervisor Styka clarified the intent of the new minute taking policy.

16. ADJOURNMENT

**Treasurer Brixie moved to adjourn. Seconded by Trustee Deschaine.**

VOICE VOTE: Motion carried unanimously.

Supervisor Styka adjourned the meeting at 9:50 P.M.

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RONALD J. STYKA  
TOWNSHIP SUPERVISOR

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BRETT DREYFUS, CMMC  
TOWNSHIP CLERK

Sandra K. Otto, Secretary