

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, OCTOBER 16, 2001, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Stier, Woiwode
ABSENT: Trustee Such
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief Gary Gibbons, EMS/Fire Chief Fred Cowper, Director of Finance Diana Hasse, Attorney Mike Woodworth

1. CALL MEETING TO ORDER
Supervisor McGillicuddy called the meeting to order at 6:00 p.m.
2. PLEDGE OF ALLEGIANCE
Attorney Woodworth led the pledge of allegiance.
3. ROLL CALL
Supervisor McGillicuddy called the roll of the Board.
4. PUBLIC REMARKS*
Supervisor McGillicuddy opened Public Remarks.

Mark Clouse, Eyde Company, 4660 S. Hagadorn, East Lansing, spoke in opposition to Rezoning 01040 (Planning Commission). He submitted a chart comparing uses in the current CS (Community Service) zoning and the new C-2 zoning [Chart filed in Official Minute Book]. He submitted a communication from Martha M. Mertz in opposition to Rezoning 01040 (Planning Commission) [See November 8, 2001 Board Communication BI-1].

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT
Trustee Brixie reported the Van Atta Task Force has a scheduled meeting on Saturday, October 27, 2001 at 9:30 a.m. at the Meridian Township Service Center.

Clerk Helmbrecht reported the absentee ballots for the November 6, 2001 Special Lansing Community College are available and would be mailed out Friday, October 19, 2001 for those who have submitted applications. She reported the usual eleven (11) Okemos School District polling places would be combined into three (3). She reported notices would be mailed to all voters having their polling location changed.

Clerk Helmbrecht reported the death of former Township Trustee Louise Kelly and announced a memorial service to be held Sunday, October 21, 2001 at 4:00 p.m. in the Town Hall Room.

Trustee Woiwode reported she intends to call a meeting soon for the Briarwood/Van Atta Task Force pending availability of a meeting room.

Supervisor McGillicuddy reported attendance at the Groundwater Management Board Meeting and the receipt of a grant to close wells in Lansing Township.

Treasurer Hunting reported the collection of \$126,000 from delinquent multi-year or pre-2000 personal property taxes. He reported the high level of cooperation from business owners in becoming current on personal property taxes.

Treasurer Hunting reported on the success of the Grand River Corridor meeting held Saturday, October 6, 2001.

6. APPROVAL OF AGENDA — OR CHANGES
Board Members discussed the addition of Item #11D (Act 108 Agreement - 4-Winds Golf Course).

Treasurer Hunting moved to approve the agenda amended by adding Item #11D (Act 108 Agreement - 4-Winds Golf Course). Seconded by Trustee Stier.

Trustee Woiwode offered an amendment to the motion to move Agenda Item #7H. (Rezoning #01040 (Planning Commission)) to #9D. Amendment accepted by maker and seconder.

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

Trustee Brixie moved to adopt the Consent Agenda. Seconded by Clerk Helmbrecht

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Woiwode, 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)

9B-1 Mark K. Clouse, Esq., Eyde Company, 4660 S. Hagadorn Rd, Ste 660, East Lansing;
RE: Central Park Estates Preliminary Plat #96022

(2). Board Information (BI)

BI-1 Eric Schertzing, Ingham County Treasurer; RE: Property Tax Foreclosure & Forfeiture for 1999 and Prior Taxes

BI-2 Michael & Karin Pavlick, 4387 Hickorywood Drive, Okemos; RE: Non-Smoking Ordinance

BI-3 Stan Levandowski II, President, L&L Food Centers, 4924 Supervisor McGillicuddy M.L. King Jr. Blvd, Lansing; RE: October 6, 2001 Grand River Avenue Forum

BI-4 Don Spyke, 2449 S. Wild Blossom, East Lansing; RE: Support for Stop Signs on Hamilton Road

BI-5 Katina Baryames, President, Baryames Tux Shop, 2421 W. Grand River Ave, Okemos; RE: Opposition to Closure of Hamilton Road at Grand River Ave

BI-6 John Angell, 2029 Wild Cherry Path, Okemos; RE: City of East Lansing

BI-7 Family of Sally Ann Hettler, 405 S. Traver St, St. Johns; RE: Appreciation Note from Family of the Late Sally Ann Hettler

BI-8 Connie Detjen, Teacher, Meridian High School, 1590 Franklin, Haslett; RE: Appreciation for Supervisor McGillicuddy's Talk

BI-9 Norval Burgett, Friends of Historic Meridian Board Member; RE: Commendation to Tom Oxender & Scott Stillman

BI-10 David J. Sonnenberg, P.E., Director of Traffic & Safety, Ingham County Road Commission; RE: Request for Traffic Studies

BI-11 Michigan Liquor Control Commission Licensing Division; RE: Notice of Cancellation of Application for T. R. Lansing, Inc.

BI-12 East Lansing-Meridian Water & Sewer Authority August 16, 2001 Proposed Minutes

(3). Staff Communication/Referral (SC)

SC-1 Troy D. Langer, Associate Planner; RE: Request of Zoning Board of Appeals for Zoning Ordinance for Lake Lansing Area

SC-2 Listing of Current and Future Appointments through December 31, 2001

SC-3 Pat Hatting, 1930 Yuma Trail, Okemos; RE: Enhancements to Grand River Ave

SC-4 Michigan Townships Association Legislative Fax, September 28, 2001 Edition

SC-5 Press Release: Halloween Adventures at the Harris Nature Center

SC-6 Press Release: Accessible Pathway Dedicated at the Harris Nature Center

SC-7 Press Release: Ground Water Exhibit on Display at the Harris Nature Center

SC-8 Press Release: Meridian Township Celebrates Grand Re-Opening of Ferguson Park

SC-9 Press Release: Meridian Township Dedicates Handicapped Accessible Pathway at the Harris Nature Center

SC-10 Press Release: Meridian Township Parks and Recreation Learn to Skate Program

SC-11 Press Release: Meridian Township Parks and Recreation Learn to Play Hockey Program

SC-12 Press Release: Meridian Township Parks and Recreation Kids Connection - Tennis Lessons

SC-13 Press Release: Meridian Township Parks and Recreation Youth Learn to Play

- Hockey Program
- SC-14 Press Release: Meridian Township Parks and Recreation Youth Learn to Skate Program
- SC-15 Press Release: Meridian Township Parks and Recreation "Adult Tennis Instructional Classes"
- SC-16 Press Release: Meridian Township Parks and Recreation "Fit After 40 for Women"

Trustee 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 Clerk Helmbrecht.

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

B. Minutes

Trustee Brixie moved to approve and ratify the minutes of the October 2, 2001 Regular Meeting as submitted. Seconded by Clerk Helmbrecht.

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

C. Bills

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

General Fund/Special Revenue	\$ 309,602.69
Public Works	\$ 52,459.33
<u>Total Checks</u>	<u>\$ 362,062.02</u>
<u>Credit Card Transactions</u>	<u>\$ 24,565.74</u>
Total Purchases	<u>\$ 386,627.76</u>

Seconded by Clerk Helmbrecht.

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

[Bill list in Official Minute Book]

D. Assessing Stipulation

Trustee Brixie moved that the Township Assessor be authorized to sign a Tax Tribunal stipulation with CCPL Real Estate Group, LLC, on the following commercial property:

<u>YEAR</u>	<u>DOCKET NO.</u>	<u>ADDRESS OF PROPERTY</u>
2000	283966	4990 Marsh Road
<u>Assessment/Taxable</u>	2000	\$473,500/473,500
<u>Proposed Asmt/Taxable</u>	2000	\$400,000/400,00

****RATIONALE: This Stipulation is recommended to correct the 2000 Assessed and Taxable Values. After extensive research, it has been determined that our Assessment exceeds fifty-percent (50%) of the property's True Cash Value. Therefore the Proposed Assessment is recommended.**

Seconded by Clerk Helmbrecht

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

E. 3rd Quarter Budget Amendments

Trustee Brixie moved that the 2001 Amended Budget as reflected on Page 2 of the

memorandum to the Township Board from the Finance Director, dated October 12, 2001 be approved. Seconded by Clerk Helmbrecht.

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

- F. Ratify Police Sergeant Appointment
Trustee Brixie moved to ratify the promotion of Lana Howell to the position of Police Sergeant. Seconded by Clerk Helmbrecht.

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

- G. Adoption of the Amended 2001 International Fire Codes - **Final Adoption**
Trustee Brixie moved that the Township Board resolve that Ordinance 2001-13 be finally adopted for the adoption of the International Fire Code 2000 Edition. Seconded by Clerk Helmbrecht.

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

[Signed and Sealed Resolution in Official Minute Book]

- I. PUD #00014 (Fairmont), final review of the proposed 6-unit Songbird Point Planned Unit Development
Trustee Brixie moved that the Township Board hereby grants Final Planned Unit Development approval for Planned Unit Development #00014, subject to the following conditions:

1. **Final approval is granted in accordance with the revised plans prepared by KEBS, Inc., dated September 19, 2001, depicting 6 detached dwelling units in the Songbird Pointe PUD and subject to revisions as required.**
2. **Final utility, street, and pathway plans for the site are subject to the approval of the Director of Engineering & Public Works and shall be in accordance with the Township Engineering Design and Construction Standards.**
3. **The condominium master deed and bylaws shall provide for the care and maintenance of the utilities and the private road and the documents shall be reviewed and approved by the Director of Engineering & Public Works prior to submittal to the State of Michigan.**
4. **The minimum setback between all structures located side by side shall be a total of 15 feet. A minimum front setback of 20-feet shall be provided from the eastern building envelope line. Unit 1 shall be located a minimum of 10-feet from the north property line and Unit 7 shall be located a minimum of 10-feet from the south property line.**
5. **Final approval is subject to the applicant receiving all required permits, licenses, and approvals, from the Ingham County Drain Commissioner's office, Ingham County Health Department, Michigan Department of Environmental Quality, Ingham County Road Commission, and the Township. A copy of each shall be forwarded to the Township.**
6. **If a permit a necessary from the Michigan Department of Environmental Quality (MDEQ), no grading or construction shall take place until the State permit is final and un-appealable at the MDEQ.**
7. **Prior to any grading or construction on the subject site, the Township and Ingham County Drain Commissioner's office shall review and approve the location and installation of silt fencing and other required protective measures separating the proposed work and on-site wetlands, water features setbacks, and floodplain.**
8. **Required silt fencing, sidewalks, pathways, decks, street trees, adjacent driveways, and building corner elevations shall be shown on all plot plans**
9. **No dwelling units or associated structural appurtenances shall be permitted in the floodplain, the regulated wetlands or the required water features setback. A licensed professional engineer shall certify, in writing that each unit is located on land outside of the 100-year floodplain elevation, both upon submittal of each building permit application and upon completion, prior to issuance of a certificate of occupancy.**

10. All units adjacent to the floodplain shall have foundations designed to withstand hydrostatic pressure.
11. Prior to any construction or grading on the site, the applicant shall install silt fencing at the upland edge of the water features setback or the edge of the 100-year floodplain, whichever is closer to the proposed work.
12. Any existing water supply or monitoring wells on the subject site shall be properly closed and abandoned per the requirements and approval of the Ingham County Health Department. In no case shall new wells be constructed for the purposes of irrigation or water supply.
13. The applicant shall provide a performance guarantee in the amount of \$14,125 to cover street tree installation and the 7-foot wide pedestrian/bicycle pathway.
14. All other applicable conditions of the preliminary and secondary Planned Unit Development approvals shall remain in effect.

Seconded by Clerk Helmbrecht

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

[Signed and Sealed Resolution in Official Minute Book]

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item #11D)
9. ACTION ITEMS (PINK)

Supervisor McGillicuddy opened public comment.

Mark Clouse, Eyde Company, 4660 S. Hagadorn, East Lansing, spoke in support of the extension of preliminary plat #96022 (Eyde).

Supervisor McGillicuddy closed public comment.

- A. 2002 Budget
Manager Richards introduced the 2002 Budget for adoption.

Trustee Woiwode moved that the Township Board hereby adopt the 2002 Budget and December 1, 2001 millage levy, subject to technical and typographical corrections to the narrative. Seconded by Trustee Brixie.

Board Members discussed the following items:

- Reduction of millage levy from 2000
- Adoption of an unbalanced 2002 budget

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

[Signed and Sealed Resolution in Official Minute Book]

- B. Preliminary Plat #96022 (Eyde), request for extension of the preliminary plat approval for Central Park Estates

Treasurer Hunting moved that the extension of Preliminary Plat #96022, Central Park Estates, for a period of one (1) year, from October 29, 2001, to October 29, 2002, is hereby granted and all previous conditions (1-29) shall remain in effect and the following new conditions shall be required:

30. The gravel area at the intersection of Central Park Drive and 42nd Street including the gravel area three (3) feet east of the existing pathway shall be paved.
31. A five- (5) foot wide concrete sidewalk shall be constructed between Belvedere Avenue and Powell Road. The final design and location of the sidewalk shall be subject to the approval of the Director of Public Works and Engineering.
32. The southern end of Columbus Avenue, which creates a stub street, may be eliminated subject to the approval of the Ingham County Road Commission.

Seconded by Trustee Brixie.

Board Members discussed the following items:

- Value of project to the Township
- Agreement of applicant to additional conditions
- Names of proposed streets
- Desire for single-family housing

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

[Signed and Sealed Resolution in Official Minute Book]

C. Land Preservation Ordinance

Trustee Woiwode moved that the Township Board hereby Introduces for Publication and Subsequent Adoption Ordinance No. _____, entitled “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, by adding Chapter 127.” Seconded by Trustee Brixie.

Board Members discussed the following:

- Realization of the work of many individuals
- Model land Preservation Program

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

[Signed and Sealed Resolution in Official Minute Book]

D. Rezoning #01040 (Planning Commission), C-3 Zoning Districts - **Final Adoption**

Director Kieselbach discussed the differing procedures and notification requirements involved in the adoption of Zoning Amendment #98150 (Planning Commission) amending Chapter 82 and the current rezoning.

Trustee Woiwode moved that the Township Board hereby finally adopts Ordinance No. 2001-14, entitled “Ordinance Amending the Zoning District Map of Meridian township Pursuant to Rezoning Petition #01040 from CS (Community Service) to C-3 Commercial District.” Seconded by Trustee Brixie.

Board Members discussed the following items:

- Value of discussions and improvements to original recommendation
- Minimal creation of new non-conforming properties
- Practical impossibility of amending zoning without creating non-conformities
- Lack of undeveloped C-3 zoned property
- Inclusion of additional C-3 zoning in the Future Land Use Map
- Intent of Chapter 82 to draw an equivalence between CS (Community Service) and C-2

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

[Signed and Sealed Resolution in Official Minute Book]

10. HEARINGS (CANARY)

A. Water & Sewer Ordinance Revisions and Discussion of Rates & Charges
Supervisor McGillicuddy opened the public hearing at 6:40 p.m.

Director Severy introduced the proposed ordinance revisions, rates and charges.

David Tome, President, East Lansing Laundry, 3340 Lake Lansing Road, East Lansing, spoke in opposition to the proposed sewer and water rates for the following reasons:

- Sewer & Water represent a significant business expense to be increased thirty percent (30%) effective January 1.
- Proposed rates represent a significant increase for residential use
- Recommend incremental increase over time for businesses to adjust budgets

Wayne McLellen, 1459 Cheboygan Road, Okemos, discussed the following items:

- Lateness of mailed notice of hearing
- Adherence to time of hearing notice
- Question of definition of profit
- Nature of debts incurred over past several years

Robert Hinman, 4527 Hawthorn Lane, requested as a public sewer user with a private water source, that the Township connect a water meter to accurately bill his sewage usage.

Harry Hurst, 3418 Lake Lansing Road, East Lansing, spoke in opposition to the proposed water and sewer rates as unjustified based on the lack of service in addressing the sewer backup in his basement.

David Woltz, 2418 Graystone Drive, Okemos, spoke in opposition to the proposed rates and charges for the following reasons:

- The new rates represent a substantial increase
- Lack of sufficient notice to research the rate increases

Larry Hughes, 4292 Dobie Road, Okemos, spoke in opposition to the proposed rates and charges for the following reasons:

- The proposed connection fee charge represents a forty-two percent (42%) increase on an already substantial charge. He submitted his bill for sewer connection. [Bill filed in Official Minute Book]
- A flat fee for sewer only customers should be illegal under the Bolt decision

Leroy McKnight, 3340 Lake Lansing Road, East Lansing, spoke in opposition to the proposed rates and charges for the following reasons:

- One day notice is insufficient
- The proposed water rates represents a forty percent (40%) increase
- Suggested the rate increase represents a forty percent (40%) increase in labor costs

John Barany, 5710 LeBaron Court, East Lansing, spoke in opposition to the proposed rates and charges for the following reasons:

- The rate increases overcompensate for operating millage reductions
- The rate increases represent shifting expenditures for capital improvements and labor to utility billing from the more appropriate administrative funds
- The rate increase is a regressive tax
- Michigan cities have a history of using utility bills to supplement tax revenues

Gary Bozak, 3796 Viceroy Drive, Okemos, spoke in opposition to the proposed rates and charges for the following reasons:

- Lateness of mailed notice of hearing
- Recognizes the need to raise rates, but recommends an incremental increase over time
- The proposed rates less the billing fee represent a thirty-five percent (35%) increase for water and a thirty-eight percent (38%) increase for sewer
- The billing fee is unclear as to whether it is charged per utility or per bill

Supervisor McGillicuddy closed the public hearing at 7:05 p.m.

B. Appeal of Special Use Permit #01071 (Blodgett Oil Co.)
Supervisor McGillicuddy opened the hearing at 7:05 p.m.

Director Kieselbach introduced the appeal of Special Use Permit #01071 (Blodgett Oil Co.) to renovate the existing gasoline station and convenience store located at the southeast corner of Lake Lansing and Abbott Roads.

APPELLANT

Ross W. Blodgett, President, Blodgett Oil Co., Inc., 1616 N. Mission Road, Mt. Pleasant, MI, stated the reasons for the appeal as follows:

- Blodgett oil purchased the property July of 2001 and desires to improve the facility
- The intent is to eliminate the service bays to expand the convenience store
- The proposed site plan would significantly improve conformity with current regulations including:
 - reduced curb cuts
 - reduced impervious surface area
 - increase landscaping
 - improve environmental conditions of the property

- A nearly identical special use permit request (SUP #01070 (Blodgett Oil)) for a different facility was approved by the Planning Commission

PLANNING COMMISSIONER

Planning Commissioner Brett Dreyfus discussed the Planning Commission's denial of the Special Use Permit. He made the following points:

- There is sufficient difference between the subject site and SUP #01070 (Blodgett Oil) for the Brookfield Plaza Shell Station to cause the different results:
 - The subject site has greater traffic concerns
 - The subject site has greater lighting concerns
 - The subject site plan requires setback variances
 - A non-compliant canopy would increase in nonconformity under the proposal
- The appellant has not addressed unresolved landscaping issues
- The proposed site plan does not address barrier-free parking
- There is a need for landscaping islands on the site
- The proposed site plan includes fire hydrants which fail to meet code
- The proposed site plan does not address resident concerns regarding:
 - Lighting
 - Traffic
 - Potential loitering problems

APPELLANT REBUTTAL

Ross W. Blodgett, President, Blodgett Oil Co., Inc., 1616 N. Mission Road, Mt. Pleasant, MI, rebutted as follows:

- The issues raised by the Planning Commission could be handled through a conditional approval of the special use permit
- The issue regarding barrier-free parking was an oversight by the architect that would be corrected.

Supervisor McGillicuddy closed the hearing at 7:20 p.m.

11. DISCUSSION ITEMS (ORCHID)

Supervisor McGillicuddy opened Public Comment.

Wayne McLellen, 1459 Cheboygan Road, Okemos, asked questions regarding Township costs for operation of sewer and water utilities.

John Barany, 5710 LeBaron Court, East Lansing, spoke regarding alleged budget irregularities and/or discrepancies in the 2002 Public Works Budget.

Supervisor McGillicuddy closed public comment.

- Appeal of Special Use Permit #01071 (Blodgett Oil Co.) (Agenda Item #11B.)
Supervisor McGillicuddy opened discussion on Agenda Item #11B (Appeal of Special Use Permit #01071 (Blodgett Oil Co.)).

Board Members discussed the following items:

- Completeness or lack thereof Planning Commission consideration before denial
- Status of discussions to resolve traffic issues
- Incorporation of site plan review issues and concerns: fire hydrants, landscaping and barrier-free parking, into the Planning Commission's consideration of the Special Use Permit
- Significance of design flaws in preventing full consideration of the request
- Potential referral to the Planning Commission to continue discussion
- Potential resolution of issues through staff and appellant discussions with Planning Commission consultation

A. 2002 Township Board Meeting Schedule

Board Members discussed the following items:

- Preference for 1st and 3rd week Schedule as much as possible
- Loss of three (3)- week break between meetings
- A January 3rd meeting requires a Board Packet in the midst of staff vacations
- No net loss of three (3)-week breaks through the year
- Deletion of Budget Deliberation Meetings
- Minimal Agenda for Joint Meetings on Thursdays after elections
- Scheduling of joint meetings with Board's & Commissions
- Meeting schedule requirements

- Potential elimination of first January meeting
- B. Appeal of Special Use Permit #01071 (Blodgett Oil Co.) (See Item #11 above)
- C. Water & Sewer Ordinance Revisions and Discussion of Rates & Charges
Board Members discussed the following items:
 - Option to install water ~~mains~~ meters for private wells
 - Selection of Tetra Tech for water & sewer rate study
 - Legality of flat fees for non-metered water use if based on actual average residential use.
 - Rates for the Board of Water & Light and the Water Authority
 - Hardship discounts
 - Timing of mailed notifications
 - Extended implementation of rate increases
 - Balance of rate increases between large commercial and small residential consumers
 - Maintenance costs and schedule
 - Illegality of conservation based rate
 - Creation of a Frequently Asked Question (FAQ) page for the proposed rates and charges on the Township Website.
 - Prioritization of capital improvement projects
 - Time of public hearings
 - Comparison of rates & charges to other municipalities
 - Prohibition on inflation of charges above costs of operations
 - Annual rate adjustments

Supervisor McGillicuddy recessed the meeting at 8:25 p.m.

Supervisor McGillicuddy reconvened the meeting at 8:30 p.m.

- D. Act 108 Agreement - 4-Winds Golf Course
Attorney Woodworth summarized the 4-Winds Golf Course annexation. He presented the Urban Cooperation Statute as an option available for consideration until the November 6, 2001 annexation election.

Consent of 4-Winds Golf Course Property Owners: (Agenda Item #8 (Questions for the Attorney))

Q. Would the consent of the property owner be required on this agreement in addition to the Township and East Lansing.

- A. Yes, for one reason: this election will go forward, and the property owner could challenge the agreement and its restrictions in court in favor of the election results. The property owner would not be an actual signatory to the agreement.

Litigation Against 4-Winds Golf Course Property Owners: (Agenda Item #8 (Questions for the Attorney))

Q. Would the property owner remain vulnerable to a lawsuit.

- A. The Township would continue litigation until the property owner agrees to be bound by the provisions of the agreement. Otherwise, there is the potential for a successful challenge of the annexation election.

Potential for Voter Fraud: (Agenda Item #8 (Questions for the Attorney))

Q. If a successful challenge of the annexation election is based on voter fraud, there may be potential problems for the property owner.

- A. If the Township pursues a course of challenge and litigation; the Township would challenge the vote of the in Meridian Township elector for the reasons set forth in the complaint. By statute, the information collected by the Township would be forwarded to the Prosecuting Attorney.

Limitation on Annexation: (Agenda Item #8 (Questions for the Attorney))

Q. Would there be some method to include annexation limitations within the agreement.

- A. The underlying problem is the lack of protections for Townships in the legislation. Until the legislature acts, the Township must learn to live with the problem, or contemplate changes in structure to prevent the problem. There is an Intergovernmental Cooperation Policy in place. The difficulty in coming to agreement on barring future annexations is that it violates the statutory right of residents to petition seeking annexation.

Proposed Restrictions: (Agenda Item #8 (Questions for the Attorney))

Q. Is there a proposed agreement including restrictions under consideration by the East Lansing City Council.

- A. There is proposed language under consideration by the East Lansing City Council, which limits potential rezoning of the property without Township approval; to Residential Zoning Districts: RA, R-1, R-2, R-3, or RM-8; or the B-4 Restricted Office Business District. Generally, the East Lansing City Council is considering densities no greater than eight (8) units per acre.

Approval Process for Changes to the Agreement: (Agenda Item #8 (Questions for the Attorney))

- Q. If there are changes to the agreement, would it need to return to the East Lansing City Council for approval.
- A. If there are significant changes to the agreement, it may require reconsideration at a Special Meeting of the East Lansing City Council.

Proposed Restrictions: (Agenda Item #8 (Questions for the Attorney))

- Q. Does the Township have the ability to enter an appropriate buffer in the agreement to protect adjacent residences from the impact of the development of the existing golf course.
- A. Once the property is annexed to the City of East Lansing, those decisions would be made in accordance with its ordinances

Provisions to Reopen: (Agenda Item #8 (Questions for the Attorney))

- Q. Is it possible to reopen negotiations on the agreement.
- A. The statute provides for terms of rescission or termination, but not for reopener clauses.

Rescission or Termination Clause: (Agenda Item #8 (Questions for the Attorney))

- Q. How is there a provision for termination or for rescission if this is an annexation?
- A. The annexation would not be rescinded or terminated, but the conditions assigned to the annexation through the agreement would be removed.

Board Members discussed the following items:

- Requirement for East Lansing cooperation in an Act 108 Agreement
- Need for a special meeting before November 6, 2001
- Prospects for reform of laws regarding municipal boundary amendments
- Need for reference examples of enacted Act 108 Agreements
- Prospects for protracted litigation
- Meeting Schedule for the East Lansing City Council
- Potential inclusion of annexation restrictions in the agreement
- Importance of an Act 108 Agreement to regional cooperation
- Public hearing notification requirements
- The pending Coordinated Planning Act
- Possibility of reopening negotiations
- Review of Agreement
- Responsibility for cooperative effort on part of East Lansing

Trustee Woiwode moved to hold a special meeting on Monday, October 29, 2001 for the purpose of holding a hearing on a potential Section 108 Agreement with the City of East Lansing. Seconded by Trustee Brixie.

Trustee Woiwode amended the motion to include in the purpose of the meeting to consider possible action on a potential Annexation Resolution and Section 108 Agreement with the City of East Lansing. Amendment accepted by seconder.

Trustee Woiwode amended the motion to set the time for the special meeting to be at 6:00 p.m. Amendment accepted by seconder.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Woiwode, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting

NAYS: None
Motion carried 6-0.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened public remarks.

Charles Louis Willems, 1387 Hickory Island, Haslett, spoke in support of a survey of the Township's easement on Hickory Island and discussed the potential loss of the occupancy permit for his home.

Wayne McLellen, 1459 Cheboygan Road, Okemos, objected to outside contracting of the water and sewer rate study and discussed concerns related to the closure of utility loops and the content of joint meetings.

John Veenstra, 320 Piper Road, Haslett, discussed the benefits of cooperation and disadvantage of non-cooperation for both Meridian Township and East Lansing.

Joan Guy, 1083 Woodside Drive, Haslett, suggested the Board hold a forum to address resident questions regarding water and sewer rates.

Supervisor McGillicuddy closed public comment.

13. VISION SESSION:

A. Options for Attaining Board Goal #1

Supervisor McGillicuddy opened discussion regarding Global End #1 (Natural Environment Ends) to create a “worry list” and “action list”

1.1.1. Natural Features

- Worry List
 - Low quality of river and drinking water
 - Increased flooding potential
 - Practice of trash dumping in rural areas
 - Devaluation of open spaces
- Action List
 - Review of planned unit development (PUD) and planned residential development (PRD) ordinances
 - Support for the Land Preservation Program
 - Consider tax incentives to promote protection/conservation
 - Restrictions on motor vehicle access to two-track roads
 - Clarify ordinances and strictly enforce them
 - Incorporation of best watershed management practices
 - Enforcement of the Comprehensive Development Plan
 - Reduction of non-pervious surfaces permitted in ordinance

1.1.2. Rural Character

- Worry List
 - Use of AG (Agricultural) zoned areas for large-scale livestock operations
 - Lack of enforcement measures of 1.1.2.a. (No net loss of farmland)
 - Economic viability of small farms in Township
 - Excessive taxation/assessment of farm land
- Action List
 - Consider rezoning of existing farmland from RR (Rural Residential) to AG (Agricultural)
 - Purchase Development Rights from existing farms
 - Use of MSU expertise to support Township farm operations
 - Expression of Board intent to preserve rural areas

1.1.3. Green and Open Spaces

- Action List
 - Increase priority for park acquisition
 - Plan for protection of open spaces as aggressively as development mitigation
 - Creation of open space overlay district
 - Development of commercial planned unit development

1.1.4. Recycling and Energy Efficiency

- Worry List
 - Lack of emphasis on recycling
 - Lack of awareness of “true costs” of trash disposal
- Action List
 - Review Township practices of disposal and acquisition to set the example
 - Consideration of licensing of trash hauling operations in Township
 - Consideration of refuse/recycling service on community-wide basis
 - Implement a twenty-four- (24) hour recycling
 - Providing Seasonal recycling services

1.1.5. Clean Air, Surface and Ground Water

- Worry List
 - Poor surface water quality for the Red Cedar River
 - loss of existing trees
- Action List
 - Encourage tree planting
 - Increase protections of floodplains
 - Preservation of existing trees
 - Reduce vehicular traffic
- Completed Action
 - Adoption of Groundwater Protection Ordinance
- Attorney Woodworth reported the East Lansing City Council had adopted the resolutions approving the proposed Act 108 Agreement.

14 ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:20 p.m.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Paul J. Cassidy, Secretary