

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
349-1200, Town Hall Room  
TUESDAY, SEPTEMBER 21, 2004, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Stier, Such, Woiwode  
ABSENT: None  
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, Director of Finance Diana Hasse, Attorney Andria Ditschman

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:01 P.M.

2. PLEDGE OF ALLEGIANCE

Police Chief Dave Hall led the Pledge of Allegiance.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Rosemarie Aquilina, 6275 Mereford Court, East Lansing, introduced herself as one of the candidates in the 55<sup>th</sup> District Court judicial race.

Michael Brian Cavanaugh, 526 Jolly Road, Okemos, introduced himself as a judicial candidate for the 30<sup>th</sup> Circuit Court on the November 2<sup>nd</sup> ballot.

Billie Jo Berry, 1195 Clayton Court, Mason, offered her credentials as a candidate for the 55<sup>th</sup> District Court judgeship.

Will White, 4695 Okemos Road, Okemos, spoke in support of mixed use, but felt Zoning Amendment #03090 (Township Board), as written, would not work.

Keith Oberg, 1585 Hillside Drive, Okemos, inquired as to the listed expenditure of \$3,900 for golf lessons contained in Agenda Item #7C and questioned some circumstances in the resolution for Rezoning/PRD #02080.

William J. Cleary, 1896 Danbury East, Okemos, congratulated Dave Hall on his appointment as Police Chief and addressed the alleged illegality of the LINC organization, its membership and representation by its president.

Richard Foster, 4990 Country Drive, Okemos, urged the Board to follow Township procedures in Rezoning/PRD #02080 (Georgetown).

Lynne Page, President, Briarwood Home Owners Association, PO Box 270, Okemos spoke in opposition to Rezoning/PRD #02080 (Georgetown), Zoning Amendment #04080 (Township Board) and Zoning Amendment #04090 (Planning Commission).

Vance Kincaid, 4530 Nakoma Drive, Okemos, spoke regarding consequences of Board decisions.

John Anderson, 215 W. Newman Road, spoke concerning Meridian Township's Greenspace Plan.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Supervisor McGillicuddy congratulated Acting Police Chief Dave Hall on his appointment by the Township Manager to the position of Chief of Police.

Supervisor McGillicuddy announced the Edgewood Village celebration in the Towar area for ten years of operation within the community.

Supervisor McGillicuddy commended the Ingham County Road Commission for improvements at the Dobie & Hatch Road intersection and the Hulett/Bennett Roads roundabout.

Township Manager Richards announced the publication of the Meridian Area Business Association (MABA) Business Directory, published and partially funded by the Meridian Economic Development Corporation.

Trustee Such commended Manager Richards for his appointment of Dave Hall as the Chief of Police.

Trustee Woiwode offered an explanation of an earlier public comment regarding the Okemos School Board's decision to eliminate junior varsity sports. She stated a lawsuit, filed against a Michigan school district regarding girls' basketball being played in the fall, resulted in a court decision that the action was discriminatory. Trustee Woiwode also noted the Township Board has no control over school board decisions, including whether or not to sell school owned property.

Treasurer Hunting offered an explanation to an earlier public comment regarding the monetary amount shown in Agenda Item #7C for golf lessons. He stated the money is a Parks & Recreation pass through amount which residents pay to participate in the Parks & Recreation Program. After their fee is paid to participate in the program, the Township passes the money on to the provider of that service.

Trustee Such added that more money was collected than the actual cost of the golf lessons and the money went to a Meridian Township business.

Trustee Stier summarized the Zoning Board of Appeals meeting of September 8, 2004.

Clerk Helmbrecht stated ballots are scheduled to be received from the county this week, and will be mailed beginning October 1, 2004.

6. APPROVAL OF AGENDA — OR CHANGES

**Trustee Brixie moved to approve the agenda amended as follows:**

- **Add Agenda Item #10E. Additional Bus Stop Improvements**

**Seconded by Trustee Such.**

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

**Treasurer Hunting moved to adopt the Consent Agenda. Seconded by Trustee Brixie.**

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

NAYS: None

Motion carried unanimously.

The adopted Consent Agenda items are as follow:

A. Communications

- (1). Board Deliberation (BD)

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, SEPTEMBER 21, 2004 \*Approved\*

- 10A-1 Eleanor V. Luecke, President, LINC, PO Box 40, Okemos; RE: Opposition to Rezoning/Planned Residential Development #02080 (Georgetown)
- 10A-2 Eleanor V. Luecke, President, LINC, PO Box 40, Okemos; RE: Citizen Comments at the September 7, 2004 Board Meeting relative to Rezoning/Planned Residential Development #02080 (Georgetown)
- 10B Eleanor V. Luecke, President, LINC, PO Box 40, Okemos; RE: Comments on Zoning Amendment #04080 (Township Board)
- 10C Eleanor V. Luecke, President, LINC, PO Box 40, Okemos; RE: Comments on Zoning Amendment #04090 (Planning Commission)

(2). Board Information (BI)

- BI-1 Wendy S. Holsinger, 4552 Van Atta, Okemos; RE: Support of Rezoning #04130 (Planning Commission)
- BI-2 Kendall and Molly Wingrove,. 2649 Melville Drive, East Lansing; RE: Request for reimbursement due to construction on Melville Drive
- BI-3 Andria M. Ditschman, Hubbard, Fox, Thomas, White & Bengtson, 5801 West Michigan Avenue, Lansing; RE: Township Attorney response to R. Bruce Carruthers' letter requesting renoticing Carriage Hill co-owners for Rezoning and Special Use Permit #04011
- BI-4 Michigan Townships Association, 512 Westshire Drive, PO Box 80078, Lansing; RE: Press release entitled, "State Past Due on Land Payment to Locals"
- BI-5 Michigan Townships Association, 512 Westshire Drive, PO Box 80078, Lansing; RE: Multi-Jurisdictional Planning Workshops
- BI-6 The Michigan Townships Association, 512 Westshire Drive, Lansing; RE: September, 2004 Issue of Capital Currents

(3). Staff Communication/Referral (SC)

- SC-1 Michigan Townships Association Legislative Fax September 3, 2004 Edition
- SC-2 Michigan Townships Association Legislative Fax September 10, 2004 Edition

**Treasurer Hunting 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, Stier, Such, Woiwode, Supervisor  
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried unanimously.

B. Minutes

**Treasurer Hunting moved to approve and ratify the minutes of the September 7, 2004 Regular Meeting as [submitted](#). Seconded by Trustee Brixie.**

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

C. Bills

**Treasurer Hunting moved that the Township Board approve the Manager's Bills as follows:**

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, SEPTEMBER 21, 2004 \*Approved\*

Common Cash	\$ 120,051.37
Public Works	\$ 65,338.15
Total Checks	\$ 185,389.52
Credit Card Transactions	\$ 11,818.95
Total Purchases	<u>\$ 197,208.47</u>
ACH Payments	<u>\$ 428,937.86</u>

**Seconded by Trustee Brixie.**

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

[Bill list in Official Minute Book]

- D. 2005 Recommended Budget, Set Public Hearing Date (October 5)  
**Treasurer Hunting moved that the Township Board set a public hearing date for the recommended 2005 Budget for the Regular Meeting on October 5, 2004 at 6:00 P.M. Seconded by Trustee Brixie.**

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

- E. Outdoor Gathering Permit, Heritage Festival  
**Treasurer Hunting moved approval of the Outdoor Assembly License for the Heritage Festival. Seconded by Trustee Brixie.**

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

- F. Confirmation of Police Chief Selection  
**Treasurer Hunting moved that the Township Manager's appointment of David Hall to the position of Police Chief be ratified and that the Township Supervisor and Clerk be authorized to sign his employment agreement on behalf of the Township. Seconded by Trustee Brixie.**

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

8. QUESTIONS FOR THE ATTORNEY (See Agenda Items #10D, #11, #11D, #11E)

- Q. During public remarks, there were a couple of comments made by Mr. Foster regarding the Comprehensive Plan zoning change and that we needed to have a hearing. He referenced 86-94 of our Code stating that if you have a letter by certified mail, and there were twelve (12) residents, that we as the Board are mandated to have a hearing?
- A. I am not exactly sure of the sequence of events that took place, but if I am recalling correctly, I know there was a question having to do with someone filing a request. The section states that the Township Board may take one or more of the following actions. I believe at that time, the Board had decided that since there were options listed, they could chose whether to go forward with that or not. I believe that was what happened at that time.

9. HEARINGS

- A. Raby Road Sanitary Sewer Special Assessment District #49  
Supervisor McGillicuddy opened the public hearing at 6:44 P.M.  
Director Severy summarized the proposed sanitary sewer district as outlined in staff memorandum dated September 17, 2004.

PUBLIC

Tony Lopez, 2149 Raby Road, Okemos, opposed the special assessment since his property has been connected to the sanitary sewer in Okemos Road since 1978. He felt there would be no benefit from the special assessment that he does not already encounter through the current hook-up.

Supervisor McGillicuddy closed the public hearing at 6:50 P.M.

- B. Dangerous Building at 6083 Gibson Street  
Supervisor McGillicuddy opened the public hearing at 6:50 P.M.  
Director Kieselbach summarized the proposed demolition as outlined in staff memorandum dated September 17, 2004.

Penny Martin, niece of owner Darryl Mangles, 6083 Gibson, East Lansing, presented photos of repairs which are currently under way at the structure in question. She also gave her timeline of events which had transpired regarding Township action on his home.

Darryl C. Mangles, 6641 Braden Road, Perry and owner of 6083 Gibson, expressed concern over the consistency of information which came from Township employees.

PUBLIC

Keith Oberg, 1585 Hillside Drive, Okemos, stated he spoke with the neighbors who he said indicated they had no complaints and did not feel the property was unsightly.

Supervisor McGillicuddy closed the public hearing at 7:07 P.M.

- C. Wetland Use Permit #04-03 (Keith Schroeder/Ember Oaks)  
Supervisor McGillicuddy opened the public hearing at 7:07 P.M.  
Director Kieselbach summarized the proposed wetland use permit as outlined in staff memorandum dated September 17, 2004.

APPLICANT

Keith Schroeder, Ember Oaks Company, 4665 Dobie Road, Suite 130, Okemos, stated the State of Michigan wants to considerably reduce the length of the culvert within the wetland. He added that he and his consultant met with the Township's wetland consultant who all believed there is more open space at the proposed mitigation site. He noted there is an excellent source of water from most of the first phase of the Ember Oaks subdivision's storm sewer.

Mr. Schroeder added that it appeared he could reduce the wetland fill and stay within the safety rules of the Ingham County Road Commission (ICRC) and within the non-wooded portion of the site as suggested by the Township's consultant.

Supervisor McGillicuddy closed the public hearing at 7:18 P.M.

10. ACTION ITEMS/ENDS

- Supervisor McGillicuddy opened public comment.  
Malcolm Mead -O'Brien, 4199 Hulett Road, spoke in opposition to Rezoning/PRD #02080 (Georgetown).

Joan Guy, 1083 Woodside Drive, Haslett, expressed concern over the effect Rezoning/PRD #02080 (Georgetown) would have on the scenic view along Cornell Road. She also noted that the concept of large lot developments is not the route for preservation of natural resources.

Melissa Goodnoe, 4714 Powell Road, Okemos, spoke in opposition to Rezoning/PRD #02080 (Georgetown).

John Anderson, 215 W. Newman Road, Okemos, spoke in opposition to Rezoning/PRD #02080 (Georgetown).

Mark Clouse, Financial Officer and General Counsel, Eyde Co., 4660 S. Hagadorn, Suite 660, East Lansing, spoke in support of Rezoning/PRD #02080 (Georgetown) and refuted remarks from the previous speaker.

Steven VandenBossche, Talon Development, 550 Hulet Drive, Suite 103, Bloomfield Hills, MI 48302 offered photographs of typical mini self-storage and then photographs of structures which resembled the proposed self-storage. He then offered various reasons for support of Zoning Amendment #04090 (Planning Commission).

Supervisor McGillicuddy closed public comment.

- A. Rezoning/Planned Residential Development #02080 (Georgetown) (Louis J. Eyde Limited Family Partnership, George F. Eyde Limited Family Partnership)

Supervisor McGillicuddy asked Director Kieselbach to outline the process of Rezoning/PRD #02080 to date. Director Kieselbach gave an extensive overview of this rezoning.

**Trustee Brixie 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 and Planned Residential Development Petition #02080” RR (Rural Residential) to RA (Single Family, Medium Density) with a Planned Residential Development Overlay.**

**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 Treasurer Hunting.**

Board members and staff discussed the following:

- Proposal significantly different than when first introduced
- Current plan consistent with the Master Plan
- Current plan would accommodate and protect the Township’s greenspace plan
- “Breaks” within the plan would facilitate wildlife movement
- Concerns expressed by residents affected the design on the Rezoning/PRD
- Existing issue with impact on the roads
- Location of the entrance to the Cornell Road side of the development
- Crossing over the drain between the two segments of the development
- Change over the last four (4) years in the way the Board deals with land use
- Property rights dictate development
- Lack of enforceable urban service boundary prohibits limitation of development
- More emphasis should be placed on the capacity of our infrastructure
- Use of the water aquifer for new development or redevelopment
- Potential for Board to look at the precedent set by paving Hulett Road (assess people who benefit by the improvement according to the degree of the benefit) when considering the paving of Powell Road
- Discussion of the road over the culvert to be handled during the plat process
- Cleanup of dumped concrete as a separate issue

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, SEPTEMBER 21, 2004 \*Approved\*

- Preservation of oak, sassafras and hackberry trees near the proposed roadway onto Cornell Road
- Elimination of lots appropriate during the plat process
- Open-bottom boxed culverts for wildlife would be added during the plat process

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

B. Zoning Amendment #04080 (Township Board)

**Treasurer Hunting moved to refer Zoning Amendment #04080 (Township Board) to the Planning Commission to consider for a hotel or motel in the C-2 zoning district to require a minimum lot area of 2.5 acres and a setback greater than the current 100 feet when adjacent to a residential district. Seconded by Trustee Such.**

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

C. Zoning Amendment #04090 (Planning Commission), request to amend the C-2 District to allow climate controlled storage facilities

**Trustee Such moved to refer Zoning Amendment #04090 (Planning Commission) to the Planning Commission to consider standards which would limit enclosed climate controlled storage facilities to existing or proposed retail centers and to require that interior doors not be visible from outside the building. Seconded by Trustee Woiwode.**

Board members discussed the following:

- Creation of the C-1, C-2 and C-3 districts within the last few years
- Referral back to the Planning Commission is to consider only the two (2) issues noted in the motion

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

D. Raby Road Sanitary Sewer Special Assessment District #49, **Resolution #3**, to construct an approximate 330 linear feet of 8" sanitary sewer along Raby Road from Okemos Road to the west  
Director Severy summarized the special assessment district as outlined in staff memorandum dated September 21, 2004.

Board members discussed the following:

- Hold resident harmless who is currently connected to Okemos Road sanitary sewer
- Inability of the original applicant to obtain sufficient petition signatures
- Uniqueness of health condition of the original applicant
- Up front funding from the Township Improvement Revolving Fund (TIRF)
- Incentive for the assessed property owner to pay the pro-rated fee early on as there is a five (5) percent increase per year
- If the Township puts in the sewer line, the Township controls the particulars of determining and collecting the cost through the payback district
- Property owner at 2149 Raby Road responsible for maintenance of the line to Okemos Road

- Property owners responsible for maintenance of their sanitary sewer lead from the main in the street to the house
- Lack of easement for sewer line which crosses the property line adjacent to 2149 Raby Road
- Sewer card record would show location of sewer line from 2149 Raby Road

Hold Harmless Provision: (Questions for the Attorney (See Agenda Item #8))

- Q. Do we take care of the property that I mentioned (2149 Raby Road) during the assessment process or do we put it in the motion?
- A. My understanding is, that as far as the assessment process today, it won't be an assessment because there has been an objection. Therefore, that stops. There is a different process going forward. Under the Public Health Act, the Board can exclude someone from paying a connection fee. The Board has the ability to do that. You do not need to do it tonight.

**Trustee Such moved to approve construction of approximately 1000 L.F. of 8" sanitary sewer along Raby Road from Okemos Road to the west, and approving the estimated cost of \$60,000 to be funded utilizing TIRF funds, which are to be repaid to the Township by property owners when they connect to the sewer. The payback district and benefit amount will be established by resolution upon completion of the sewer. Seconded by Trustee Woiwode.**

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

- E. Additional Bus Stop Improvements  
Manager Richards summarized the bus stop improvements as outlined in staff memorandum dated September 21, 2004.  
**Treasurer Hunting moved that the Township Manager be authorized to spend up to \$8,000 for improvements to eight bus stops and that the general fund budget be amended to reflect this expenditure. Seconded by Trustee Brixie.**

Board members discussed the following:

- Motion is the result of CATA discussion(s) with the Township
- Need for a maintenance plan of the bus stop sites
- Locations slated for improvements

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

[Supervisor McGillicuddy recessed the meeting at 8:43 P.M.]  
[Supervisor McGillicuddy reconvened the meeting at 8:54 P.M.]

#### 11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

John Anderson, 215 W. Newman, Okemos, expressed concern over the decrease in state revenue sharing, the yearly decrease in the budget surplus and the \$5 million plus legal expenses purportedly owed as a result of a Michigan Court of Appeals judgment against the Township.

John Veenstra, 320 Piper Road, Haslett, asked that the credit card purchases included in the bills contain detail as to the purpose. He also expressed concern that the 2005 Recommended Budget is allegedly \$177,000 in the red and asked that more overall detail be included.

Supervisor McGillicuddy closed public comment.

Alleged Illegal Board Activity: (Questions for the Attorney (See Agenda Item #8))

- Q. Would you be able to respond to some of the claims Mr. Anderson made about illegal Board activity and a lawsuit award of \$5 million to the Eyde Company?
- A. It is my understanding that there has been no determination that the Township owes any money or that the Township is at fault.

Supervisor McGillicuddy asked Finance Director Diana Hasse to respond to comments made regarding the Township being in serious financial shape, including the statement that the Township is \$177,000 in the red.

Director Hasse stated the 2005 Recommended Budget represents the financial stability of the Township, recognizing a more than adequate amount of fund balance. It demonstrates a balanced budget except for a predetermined amount of \$177,000 used as loan payments for two (2) buildings purchased by the Township.

Director Hasse also noted that legal fees have been stable for the last (10) years, as depicted on page three (3) of the budget introduction.

Director Hasse stated the Government Finances Organization of America (GFOA) awards governmental units/municipalities for excellence in financial reporting based on the audit report. Meridian Township was one of only seven (7) communities in Michigan to receive this award.

A. 2005 Recommended Budget

Manager Richards gave a general overview of the 2005 Recommended Budget. A good summarization of the budget is that it is a continuation of current programs. The Township continues to add to its tax base, which aids the revenue picture for the general fund.

Manager Richards added the Township infrastructure is in sound shape or programs are in place to deal with improvements. There is currently not enough money being put into local roads by either the Township or the Ingham County Road Commission (ICRC) due to state distribution of money. Manager Richards also noted that background and line item detail is included, some of which is contained in the supplemental information in the back of the document. A list of fees charged by the Township is contained within the budget.

Board members discussed the following:

- Public meeting to discuss the budget held on September 14, 2004
- Fund balance projected at 2.7 months for next year's budget with the auditor's recommendation that a municipality of the size of Meridian Township should be 2 months at a minimum
- Policy governance approach linked to the budget

**The consensus of the Board was to place the Budget public hearing on the agenda for its October 5<sup>th</sup> meeting.**

B. Wetland Use Permit #04-03 (Keith Schroeder/Ember Oaks)

Director Kieselbach pointed to the eleven (11) criteria which must be considered when considering a wetland use permit. The Township's wetland consultant has been asked to respond to the eleven (11) criteria and make a recommendation as to approval or denial of the permit, with possible conditions. This is a joint permit with the Michigan Department of Environmental Quality (MDEQ).

Board members discussed the following:

- Request to the consultant to provide an alternate mitigation site
- Work directly with the MDEQ and the developer
- Forward the consultant's analysis to the MDEQ and the developer

**The consensus of the Board was to place this item on for action at the next Board meeting provided the process can be expedited.**

- C. Zoning Amendment #04100 (Planning Commission), revise definition for “newly discovered evidence”  
Director Kieselbach gave an overview of the proposed zoning amendment which corrects an oversight.

**It was the consensus of the Board to place this item on the consent agenda for the next Board meeting.**

- D. Dangerous Building at 6083 Gibson Street

Board members and staff discussed the following:

- Options to the determination and order by the Building Board of Appeals
- Last permit pulled in September, 2003 expired in March, 2004
- Encouragement by the Township to have the property owner bring property up to code since 1999
- Weigh whether there will be follow through to bring up to code due to long history of this situation
- Registered in 1999 as a rental
- Additional rental regulations if used for rental purposes
- Lack of willingness of the owner to allow assessment of the condition of the building by a building inspector with the owner present

Process to Receive Legal Notification: (Questions for the Attorney (See Agenda Item #8))

- Q. We heard the owner testify here today and also heard somebody who claimed they were the owner’s representative. Does she need legal authorization to be notified? I know we have a legal obligation to notify the owner of the home. Can someone just come in and say mail me the information or do they have to have power of attorney or some other legal instrument?
- A. As you said, the ordinance would require that a certain person be notified, which is the owner. In order for her to be notified, she would need to provide some proof that she is the one that is taking over his affairs, such as power of attorney, and that she should be notified in lieu of her relative. Then we would send it to her.
- Q. Who should she supply that information to?
- A. In this case, I believe the notices came from the Planning Department. They should go to Mr. Kieselbach.
- Q. So there is a process for her to follow so that she can get these notices?
- A. Yes.

**The consensus of the Board was to place this item on for action at the next regular Board meeting.**

- E. Zoning Amendment #03090 (Township Board), Mixed Use Ordinance

Board members and staff discussed the following:

- Agreeable to height limit
- Concern that whole thing is limited to redevelopment areas
- Without the addition of PO, only property zoned C-2 and C-3 would apply
- When the Planning Commission originally added PO, it was limited to sites zoned PO that fit redevelopment
- Possible locations of PO without water and sewer
- Add PO as one of the zoning districts and delete the rest of the language in subsection b
- State law which indicates that as long as one wall is maintained, the entire site can be redeveloped
- Mutual exclusivity of four (4) amenities as written
- Limit of dwelling units left up to the special use process
- Few mixed use projects will be created with the level of density as presented
- Ability to have a scaleable maximum based on a formula

- Less problematic to come up with a density number, treat everyone the same and let the project dictate
- Standards exist for minimum living area in the districts
- Possibility of doubling up on the bonus
- Ability of the ZBA to grant a variance on the density

Concern with Limitation of PO only for Redevelopment: (Questions for the Attorney (See Agenda Item #8))

- Q. I'm a little concerned about the concept that the limit of PO should only be redevelopment sites. I think this is something that should be used everywhere. The Planning Commission defines redevelopment here and says, "Redevelopment may also means a site that contains an existing building(s) to be removed with the approval of the mixed use planned unit development." To me this is a difficult thing. Saying what is redevelopment and what isn't is a very difficult concept in my mind for me to come up with. You could have a site with a home that has a little utility shed in the back yard and the front half is redeveloped into one use and then the back half, like the back forty (40), is sold and has a little shed on it. Is that redevelopment. What is our legal opinion on the definition of redevelopment as it exists in this document?
- A. I think the first part of the definition is pretty broad. My understanding was that the Board wanted it to be somewhat broad so there was flexibility. I think the second part just gives you another way to make something or consider something redevelopment. If you are looking for something broad, I think this is broad. I don't want to call it vague. I think it leaves open...if you want to say something looks like redevelopment to you, if it's rehabilitated, restored, renovated, expanded or adaptively reused, that's pretty broad, I think. I'm not sure if that's your concern that it is too broad, but I think you can fit an awful lot of things in that definition. That was my understanding what the Board wanted was very a very flexible ordinance.

I don't recall exactly why the second part of that definition was added. I'm note sure what the second part of that definition refers to; what situation.

Density Limitation: (Questions for the Attorney (See Agenda Item #8))

- Q. Do we have to have an upper limit in this ordinance of dwelling units? Do we have to say it? Or can we just leave it to the special use permit process?
- A. I had just sent some information to Supervisor McGillicuddy the other day regarding, not this exact same issue, but I think we need to be as specific as possible. Because it is a PUD and the Township Zoning Act requires that you list the standards, what qualifies, what doesn't qualify, and how you are going to make that decision, I think it would be vague and difficult for you to support a decision if you did not have an upper limit.
- Q. Can the upper limit be 50, so that we can then sit and discuss what it should be?
- A. You could, as long as you have some standards for deciding what is appropriate and what wasn't.

Possible Geographic Bonus: (Questions for the Attorney (See Agenda Item #8))

- Q. Is there a way to put in a bonus for a particular geographic location? We know the areas we think of when we are thinking redevelopment. If we were to say, in effect, redevelopment along Grand River, from the western border of the Township to Okemos Road, as an example you can get a bonus for density. Is that something we can legally do?
- A. If you can tie it to a reasonable basis as to why you would allow a bonus for one place and not another. It would need to be tied to some purpose, not just we want this developed here and not developed there.

**The consensus of the Board was to add PO to the locations listed in (c)(1)a, eliminate (c)(1)b.1 and (c)(1)b.3, renumber (c)(1)b.3 to (c)(1)b and add this as an action item for the next Board meeting.**

F. Master Plan, Introduction Chapter

Director Kieselbach summarized the draft Introduction Chapter as outlined in staff memorandum dated September 14, 2004.

**The consensus of the Board was to send the entire Master Plan out to the surrounding communities and other agencies for comment.**

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

John Anderson, 215 W. Newman, Okemos, urged the Township to have infrastructure in place prior to any further upzonings.

John Veenstra, 320 Piper, Haslett, agreed with the Township Manager regarding his statement on the repaving of local roads. He also expressed concern that dues paid to the Lansing Chamber of Commerce was not a proper expenditure of tax dollars and the \$177,000 paid for installment payments on two pieces of property decreased the fund balance.

Will White, 4695 Okemos Road, urged reconsideration of the density limit for the Mixed Use Ordinance.

Darryl Mangles, 6641 Braden Road, Perry expressed concern over the process used for Agenda Item #11D, Dangerous Building at 6083 Gibson Street.

Supervisor McGillicuddy closed Public Remarks.

13. POSSIBLE CLOSED SESSION

**Treasurer Hunting moved pursuant to the Open Meetings Act that the Board go into closed session for the discussion of pending litigation and/or possible settlement strategy. Seconded by Trustee Such.**

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

NAYS: None

Motion carried unanimously.

Supervisor McGillicuddy recessed the meeting at 10:27 P.M.

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

**Treasurer Hunting moved to return to open session. Seconded by Trustee Woiwode.**

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

NAYS: None

Motion carried unanimously.

Supervisor McGillicuddy reconvened the meeting at 10:52 P.M.

**Treasurer Hunting moved to go forward as discussed in closed session. Seconded by Trustee Woiwode.**

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

NAYS: None

Motion carried unanimously.

14 ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:53 P.M.

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SUSAN MCGILlicUDDY  
TOWNSHIP SUPERVISOR

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MARY M. G. HELMBRECHT  
TOWNSHIP CLERK

Sandra K. Otto, Secretary