

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
853-4000, Town Hall Room  
TUESDAY, JUNE 6, 2006, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such (6:10 P.M.), Veenstra (6:04 PM), 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 6:00 P.M.

2. PLEDGE OF ALLEGIANCE

Supervisor McGillicuddy led the Pledge of Allegiance.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Leonard Provenchur, 5824 Buena Parkway, Haslett, spoke in appreciation of the Township's Memorial Day service, display of the US flag in the Town Hall Room, rules for display of the flag at half mast on Memorial Day and broken glass on the asphalt section of Raby pathway.

Keith Granger, Granger Container Service, 16980 Wood Road, Lansing, gave the Board an update on customer response to Granger's recycling offer over the last three (3) weeks. He asked the Board to consider posting the "free" recycling offer on the Township's website, through HOM-TV and in the *Meridian Monitor*. He announced there are now "user friendly" containers at the Township's Transfer Station through a cooperative effort with his organization and the Township. Mr. Granger reiterated the recycling effort is a private enterprise issue and requested the single hauler provider discussion at the Board level be put to rest.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

A. 2005 Audit Presentation, Mary Schafer and Jill Martinez, Plante & Moran

Mary Schafer and Jill Martinez, Plante & Moran, 1111 Michigan Avenue, East Lansing, gave a graphic audit presentation highlighting the Township's financial status for 2005 year-end, noting a fund balance increase of over a million dollars. The Comprehensive 2005 Annual Report indicated the Township received a Certificate of Excellence in Financial Reporting.

Ms. Schafer noted there is a new governmental standard coming out which relates to retiree health care costs. While the standard does not require funding by a community, if retiree health care is not funded, there will be an additional liability.

Supervisor McGillicuddy thanked the Township Manager and department heads for closely monitoring the budget while staying within projected expenses which allowed the fund balance to substantially increase. She indicated the Township's Standard & Poor's rating also increased.

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Ms. Schafer added that the rating is an indicator of the financial health of an entity. Having the rate increase provides the Township with better interest rates for borrowing and more people would be likely to buy bonds, if issued.

Supervisor McGillicuddy noted the Township has received the Excellence in Reporting Award for five (5) years.

6. APPROVAL OF AGENDA — OR CHANGES

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

VOICE VOTE: Motion carried 6-1 (Veenstra).

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

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

NAYS: None

Motion carried unanimously.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Determination (BD)

10A-1 Charles Willems, PO Box 184, Haslett; RE: Memorandum transmitting a copy of Michigan Department of Labor and Economic Development's Amicus Curiae brief in support of Plaintiff/Counter-Defendant-Appellant's application for leave to Appeal in Charles L. Willems v Charter Township of Meridian, Ingham County Road Commission and Christopher A. Drobney, Defendants-Appellees, and Emanuel Blosser, Brian Bishop and Nichole Bishop, Defendants/Counter-Plaintiff-Appellees

(2). Board Information (BI)

BI-1 Patricia A. York, 4622 Okemos Road, Okemos; RE: Opposition to the Downtown Development Authority Plan and Tax Increment Financing Plan

BI-2 Lynne S. Page, President, Briarwood Home Owners Association, PO Box 210, Okemos; RE: Support of the augmentation well for WUP #06-03 (Briarwood Drain)

BI-3 Deborah Canja, 3920 Sheldrake, Okemos; RE: Support of the augmentation well for WUP #06-03 (Briarwood Drain)

BI-4 Carl Harmon, LINC, PO Box 40, Okemos; RE: Support for the Township's Recycling Initiatives

BI-5 Tim Potter, 4632 Van Atta Road, Okemos; RE: Bicycle Safety on and condition of Hamilton Road

BI-6 Lillian Reynolds, 16400 Upton Road, Lot 22, East Lansing; RE: Township restrictions on the Okemos Family Market

BI-7 Eunice Creswell, 2013 Tomahawk Road, Okemos; RE: Support for Meridian Township's Recycling Initiatives

BI-8 Vincent Lyon-Callo, 4112 Hulett Road, Okemos; RE: Support for Meridian Township's Recycling Initiatives

BI-9 Keith L. Granger, Chief Executive Officer, Granger, 16980 Wood Road, Lansing; RE: Granger's Curbside Recycling Program for Meridian Township

BI-10 Keith L. Granger, Chief Executive Officer, Granger, 16980 Wood Road, Lansing; RE: Granger's Curbside Recycling Program Follow-Up

BI-11 Harry Perlstadt, 1899 Creek Landing, Haslett; RE: "Free" Recycling

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- BI-12 Chris, Ashley & Tyler Kliever, 5109 E. Brookfield Drive, East Lansing; RE: Support for Meridian Township's Recycling Initiatives
- BI-13 David Hollister, Chairperson, Libraries NOW! Committee, 1804 Shubel Avenue, Lansing; RE: LIBRARIES NOW! Committee to Support the Capital Area District Library
- BI-14 Carl Harmon, LINC, PO Box 40, Okemos; RE: Fund for drainage portion of the Potter Street Sidewalk Special Assessment District
- BI-15 William Breakey, 321 Woodland Pass, East Lansing; RE: Delinquent Personal Property
- BI-16 Eric Hausken, AT&T Foundation, San Antonio, TX; RE: Press release on the 2006 AT&T Excelsior Grant Program

(3). Regional Linkage (RL)

- RL-1 Patrick E. Lindemann, Ingham County Drain Commission, 707 Buhl Avenue, Mason; RE: Notice of Letting of Drain Contract and Day of Review of Apportionments for the Briarwood Drain
- RL-2 Deborah L. Bellows, Secretary, Ingham County Road Commission Board, 301 Bush Street, Mason; RE: Notice of public informational meeting to be held on Thursday, June 1, 2006 at 6:15 P.M. at Austin E. Cavanaugh Administration Building, located at 301 Bush Street, Mason regarding the temporary stop locations placed on Hamilton Road and Kenmore Street, and on Hamilton Road and Kent Street
- RL-3 Patricia Lockwood, Emerald Ash Borer Policy Director, Office of Governor Granholm; RE: Restoration of Our Trees (ROOT) Pilot Program

(4). Staff Communication/Referral (SC)

- SC-1 Letter from Director Kieselbach to Pat Lindemann, Ingham County Drain Commission; RE: Wetland Use Permit #06-03 (Briarwood Pond and Briarwood Drain)
- SC-2 Michigan Townships Association Legislative E-Report, May 12, 2006 Edition
- SC-3 Michigan Townships Association Legislative E-Report, May 19, 2006 Edition
- SC-4 Michigan Townships Association Legislative E-Report, May 26, 2006 Edition

(5). On File in the Clerk's Office (OF)

Materials received at the May 16, 2006 Meeting

Deborah Canja, 3920 Sheldrake, Okemos; RE: Support of the augmentation well for WUP #06-03 (Briarwood Drain)

Lynne S. Page, President, Briarwood Home Owners Association, PO Box 210, Okemos; RE: Support of the augmentation well for WUP #06-03 (Briarwood Drain)

Charles Willems, PO Box 184, Haslett; RE: Copy of Michigan Department of Labor and Economic Development's Amicus Curiae brief in support of Plaintiff/Counter-Defendant-Appellant's application for leave to Appeal in Charles L. Willems v Charter Township of Meridian, Ingham County Road Commission and Christopher A. Drobney, Defendants-Appellees, and Emanuel Blosser, Brian Bishop and Nichole Bishop, Defendants/Counter-Plaintiff-Appellees

**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 Treasurer Hunting.**

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

B. Minutes

**Trustee Brixie moved to approve and ratify the minutes of the May 16, 2006 Regular Meeting as submitted. Seconded by Treasurer Hunting.**

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

C. Bills

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

Common Cash	\$ 354,200.84
Public Works	\$ 207,997.86
PS Bldg Debt Fund	250.00
Ck #1099-JP Morgan Chase Bank	
Bond-Admin Fee	
Total Checks	\$ 562,448.70
Credit Card Transactions	\$ 18,981.88
Total Purchases	<u>\$ 581,430.58</u>
ACH Payments	<u>\$ 733,938.39</u>

**Seconded by Treasurer Hunting.**

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

[Bill list in Official Minute Book]

D. Resolution for Endorsing and Supporting a Local Road Asset Management Pilot Project for Portions of Ingham County

**Trustee Brixie moved [and read into the record], NOW THEREFORE BE IT RESOLVED, that the Charter Township of Meridian Township Board does hereby endorse and support the application for local road pilot funds being submitted by the Tri-County Regional Planning Commission to the Asset Management Council.**

**BE IT FURTHER RESOLVED, that the Charter Township of Meridian does hereby direct our staff to cooperate and participate in data collection and related support activities for said pilot project if it is funded by the Asset Management Council.**

**BE IT FURTHER RESOLVED, that it is the intent of the Charter Township of Meridian Township Board to receive such data and technical assistance made available through this pilot project to assess conditions on our local street system and to apply this information to decide strategies for managing our assets consistent with the requirements of Act 499.**

**BE IT FURTHER RESOLVED, that the Clerk is hereby authorized to sign this resolution and transmit it to the Tri-County Regional Planning Commission, the Asset Management Council and the other governments and agencies in the study area as an indication that the Charter Township of Meridian supports and endorses this proposed pilot asset management project for our local street system.**

**Seconded by Treasurer Hunting.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor  
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting  
NAYS: None

Motion carried unanimously.

E. Assessing Stipulation

**Trustee Brixie moved that the Township Assessor be authorized to sign a stipulation with Scott A. and Laura A. Chappelle on the following property:**

YEAR	DOCKET NO.	ADDRESS OF PROPERTY
2005	0318184	4218 Jacob Meadows, Okemos, MI
<u>Assessment</u>	2005	<u>AV</u> \$514,100 <u>TV</u> \$439,166
<u>Proposed Assessment</u>	2005	<u>AV</u> \$387,500 <u>TV</u> \$387,500

**Seconded by Treasurer Hunting.**

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

F. Resignation and Appointment to the Planning Commission

**Trustee Brixie moved to accept the resignation of Ganesh Reddy and appoint Dr. Richard Honicky to the Planning Commission for the remainder of the term ending December 31, 2007. Seconded by Treasurer Hunting.**

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

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item # 10B, #11A, #11B)

9. HEARINGS (None)

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Mark Clouse, Chief Executive Officer, 4660 S. Hagadorn, Suite 660, East Lansing, spoke in support of Wetland Use Permit #06-02 (Eyde), Georgetown..

Supervisor McGillicuddy closed public comment.

A. Land Division Ordinance, **Introduction**

**Trustee Woiwode 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 Code of the Charter Township of Meridian, Michigan, Chapter 62 Subdivisions and Other Divisions of Land, By Deleting Article I In General and Article II Land Divisions; and by Adding Article I In General, Article II Plat Procedures, Article III Design Standards, Article IV Division of Land, Article V Division of Platted Land and Article VI Administration and Enforcement; and by Adopting a Fee Schedule."**

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

**Seconded by Trustee Brixie.**

**Clerk Helmbrecht offered the following friendly amendment:**

- **Delete the words in the BE IT FURTHER RESOLVED clause “in the form in which it is introduced”**

**The amendment was accepted by the maker and seconder.**

Board members and staff discussed the following:

- Land clearing section on page 18 was removed at the Township attorney’s suggestion because it is addressed elsewhere in an ordinance
- Area calculation of water features on page 24 was removed because the Land Division Ordinance was modeled after the state act where it is not a requirement
- Township wetland ordinance would protect any water feature a plat would include
- Clarity of definition of “reasonably proximate” language taken from the Township’s utility section of the ordinance
- Director of Engineering capable of determining what is “reasonably proximate”

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,  
Clerk Helmbrecht, Treasurer Hunting  
NAYS: Trustee Veenstra  
Motion carried 6-1.

B. Wetland Use Permit #06-02 (Eyde), Georgetown

**Trustee Brixie moved [and read into the record] NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, pursuant to Article 4 of Section 22 of the Township Code of Ordinances, the Township Board hereby approves Wetland Use Permit #06-02 with the following conditions:**

1. **Approval is based upon the plans, documents, and materials prepared by KEBS, Inc., submitted in conjunction with Wetland Use Permit #06-02 and the revised stormwater outlet design prepared by KEBS, Inc., dated May 12, 2006, subject to revisions as required.**
2. **The applicant shall amend the revised plans to address the following issues identified by the Township’s Environmental Consultant in its letter dated May 25, 2006:**
  - **Direct discharge from Basin #1 more southward;**
  - **Verify the discharge location of Basin #2 and if necessary, re-designed to avoid impacts to steeper slopes; and**
  - **Plant cordgrass along with switch grass and lake sedge in the channel beds.**

**The revised plans shall be subject to the review and approval of the Director of Community Planning and Development.**

3. **The wetland boundary for Wetlands #14-17, #14-18, #14-19, and #14-20 shall be flagged in those areas adjacent to the proposed work. The flagging shall be clearly evident throughout construction.**
4. **The applicant shall obtain all necessary permits, licenses, and approvals from the Michigan Department of Environmental Quality (MDEQ) and the Ingham County Drain Commissioner’s office prior to any work beginning on the stormwater basin and outlet. Copies of all permits, licenses, and approvals shall be forwarded to the Department of Community Planning and Development.**

5. **The applicant shall monitor areas impacted by the basins and stormwater discharges for one year following the completion of construction and shall remediate any problems which develop to the satisfaction of the Director of Community Planning and Development.**
6. **Erosion control fencing shall be installed prior to construction and shall be removed after construction is completed and the area is stabilized.**
7. **No straw bales shall be used for erosion control, unless in conjunction with sediment erosion control fencing.**
8. **A copy of the approved wetland use permit containing the conditions of issuance shall be posted on the site in a conspicuous manner such that the wording of the permit is available for public inspection. Posting of the site shall be done prior to commencement of work on the site and continue throughout the duration of the project.**
9. **Where practical, Basin #1's configuration shall be re-designed to avoid impacts to the trees identified by the Township's Environmental Consultant.**

**Seconded by Treasurer Hunting.**

Board members and staff discussed the following:

- Notification to Mr. Harmes as an adjacent property owner as part of the Township's wetland use permit process
- Township wetland consultant did not express concern that water volume into the wetland would change the drainage pattern from Mr. Harmes' property on the east side of Cornell Road across from entrance drive to cul-de-sac
- Unless specific to the wetland issue, the process or approval is not held up due to litigation regarding the parcel
- Request for the Director to contact Mr. Harmes with a verbal response to his concerns
- Pending lawsuit asks for a remedy which is totally irrelevant to the development of Georgetown

E-mail from Mr. Roland Harmes: (Questions for the Attorney (See Agenda Item #8))

Q. Maybe the attorney has something more to add to that?

A. I haven't seen the e-mail. I do know there was a question as to if there is current litigation involving a site or a development, does that, in general, stay the proceedings? In this case, there was no stay on this development at this time. That probably answered the question that was posed earlier, but I have not seen the full e-mail.

Board procedure when property before the Board is the subject of a lawsuit: (Questions for the Attorney (See Agenda Item #8))

Q. It is this property which is the subject of a lawsuit, and I am wondering if we should be legally proceeding when, according to this e-mail, it is not proper to proceed when there is pending litigation on the property involved?

A. As I said, there is no stay on the proceedings in this case. Actually, it would be inappropriate to not proceed without a stay from the court telling you to not go forward in this case.

**Trustee Woiwode offered the following friendly amendment:**

- **Delete "Where practical" in Condition #9 and insert "Subject to the approval of the Director of Community Planning and Development"**

**The amendment was accepted by the maker and seconder.**

Continued Board member and staff discussion:

- Mr. Harmes notified as an adjoining property owner for the Township's wetland permit
- Mr. Harmes as an adjoining property owner for the MDEQ permit process

Michigan Department of Environmental Quality (MDEQ) notification to Mr. Harmes as an adjacent property owner: (Questions for the Attorney (See Agenda Item #8))

Q. That is not our jurisdiction, Trustee Veenstra. That's a different subject, isn't it Andria?

A. It is a different approval process. I assume that the same complaint has been made to that body that there was not alleged appropriate notice.

**Trustee Veenstra offered the following friendly amendment:**

- **Delete "re-designed" and insert "redesign" in Condition #2, bullet number 2**

**The amendment was accepted by the maker and seconder.**

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

NAYS: Trustee Veenstra

Motion carried 6-1.

- C. Final Plat #00012 (SBI Limited Partnership), a request for final plat approval for Ember Oaks Phase II, a single family 4-lot subdivision located north of Jolly Road and east of Ambassador Drive  
**Trustee Such moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN approves the Final Plat of Ember Oaks Phase II. Seconded by Clerk Helmbrecht.**

Board members discussed the following:

- Records verified for financial guarantee before final plat is brought for Board approval
- Two-year extension for remaining 119 lots which have not been granted final plat approval was given on December 6, 2005

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

NAYS: None

Motion carried unanimously.

#### 11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Gwen Wyatt, 3918 E. Sunwind Drive, Okemos, spoke in support of the abandonment of Zephyr Drive.

Supervisor McGillicuddy closed public comment.

##### A. Abandonment of Zephyr Drive

Director Severy summarized the request to abandon Zephyr Drive as outlined in staff memorandum dated June 2, 2006.

Board members and staff discussed the following:

- Ingham County records its resolution of abandonment
- State law reads that each adjoining property owner receives one-half of the abandoned parcel

Possible replatting process: (Questions for the Attorney (See Agenda Item #8))

Q. Because this is part of a plat, does there need to be a replatting of the neighborhood or anything like that? Andria, would you know if it needs to be replatted?

A. There is some disagreement regarding that question right now. There's actually ongoing litigation involving the Township. Unfortunately, that issue wasn't raised in the lower court, so it is being raised now. There is a request for leave to the Supreme Court on that issue; however, it wasn't raised at the lower level. I don't believe the Supreme Court will be responding to that issue; however, it is our point of view that the Road Commission has the ability to go either

route. They aren't necessarily required to do a replatting or go to the Circuit Court, in this case. I can't tell you if it is going to be addressed in the court case or not, in the near future, because it is very likely that the Supreme Court won't address it at all because it wasn't raised at the lower level. I think the real answer to that is that it's the Road Commission's issue to deal with whether they go through the platting process, tell someone to go through the platting process, or whether they abandon it. The Township doesn't abandon it; the Township just says to the Road Commission whether they are interested in retaining a portion or not. They don't make the decision whether it gets abandoned or not.

Continued Board and staff discussion:

- If a portion of the road is abandoned, the Ingham County Road Commission (ICRC) would maintain ownership even though it does not meet their requirements for the width of a road
- If utilities are in a right-of-way when abandoned, the ICRC always reserves easement for utilities
- Township does not allow any construction on the portion of an easement which has utilities
- Sewer line connection along the walkway settled from improper compaction
- Board desire to abandon only 25 feet as requested by the Wyatts
- Repaving of walkway in the rear needs to remain low enough in order to not pond water
- State Attorney General amicus curae brief that states a platted area in a platted development is different than a simple split
- Need for Board to revisit the issue to ascertain it is acting properly in this request
- Township needs to have the ability to maintain the water, sewer and bike path
- Difficulty for the Board to give the Road Commission permission on the abandonment without a clear and legally defensible position with regard to the maintenance of our utilities
- Need to ensure that maintenance of the underground utilities are protected
- Option of the petitioner to seek a variance from the Zoning Board of Appeals to place an addition on her home that is violation of the Township's setback ordinance

**The consensus of the Board was to allow staff to work with the Road Commission and bring this item back to the Board for action at the appropriate time.**

- B. Rezoning #99020 (Forsberg), request to rezone approximately 4.24 acres from RR (Rural Residential) to PO (Professional Office) north of Jolly Road and west of Jolly Oak Road

Director Kieselbach summarized the rezoning request as outlined in staff memorandum dated June 2, 2006.

Larry Schneider, Knaggs, Harter, Brake & Schneider, 7521 Westshire Drive, Suite 100, Lansing, representative for Mr. Forsberg, offered history on and spoke in support of this rezoning request. He indicated it is Mr. Forsberg's intent to develop the area at one time as mixed use, but that the rezoning needed to occur first.

Dennis Forsberg, President, TA Forsberg, Inc., 2422 Jolly Road, Okemos, offered that the subject parcel is the focal point of the entire project. He expressed a desire to work with staff and the Board and felt this corner of the Township would prosper with the advent of the walking trail system.

Board members and staff discussed the following:

- Site could be developed using a private road which would stem from Okemos Road
- Applicant needs to have 50 feet of frontage on a public road for the PO district
- Smith Drain as a public drain
- Option for mixed use is allowed in the PO district
- Applicant's willingness to accept a condition from the Board if this property is rezoned to PO that it be developed under the mixed use ordinance
- Significant change in the vicinity since the request was first made
- Amount of right-of-way required for the Smith Drain (100 foot easement; 50 feet on each side of the middle of the drain)
- Property immediately to the west of the site is zoned RR and has no homes on the parcel

- Pursuit of pathways on either side of the Smith Drain with the Drain Commissioner
- Potential for the applicant to create a road connection to Kansas Street
- Rationale for tabled motion to deny the rezoning request
- Rezoning review criteria
- Parcel “overlooked” in the 2005 Master Plan Future Land Use Map
- Applicant’s willingness to propose a conditional zoning request
- Concern with overdevelopment in the area with surrounding residential
- Vacancy rate in the Township for professional office
- Board request to have the Director of Community Planning and Development meet with the applicant to ascertain conditions the Board would support
- Lack of consensus to send the mixed use concept to the Planning Commission the last time the rezoning request was discussed by the Board
- Best application for mixed use is along a busy road to get the vertical height with a taller structure which buffers the things behind the busy road from the traffic on the road
- Location has gravel roads and a very rural feel of the residential component to the west
- Keeping this parcel residential would increase the Board’s long range goal of walkability
- Location of the pond area
- Setbacks from rural residential if development of this parcel occurred

Conditional zoning: (Questions for the Attorney (See Agenda Item #8))

Q. Is this a place for conditional zoning, which has been approved by the Legislature just recently? If it is, how does it work?

A. I think what Mark has already said is there’s been what the Board could consider a condition already offered and that other conditions could also be offered. There certainly could be a conditional zoning, and, as I think Treasurer Hunting might have said, the condition has to be offered by the applicant. They can change it and add conditions if they wanted to. The Board then considers that along with the rezoning request.

**The consensus of the Board was to place this item on for discussion at the June 20<sup>th</sup> Board meeting.**

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Dennis Forsberg, 2422 Jolly Road, Okemos, spoke to the issue of business ownership of a building v. leasing office space.

Carl Harmon, 1924 Birchwood, Okemos, spoke to the legitimacy of the Board’s concern regarding Rezoning #99020 (Forsberg).

Manager Richards noted that his office has received more positive comments from the public on the Granger curbside recycling efforts than any other issue he has been involved in over more than twenty years in local government.

Supervisor McGillicuddy closed Public Remarks.

13. POSSIBLE CLOSED SESSION

**Treasurer Hunting moved that the Township Board go into closed session to consider the purchase of real property and to consider material which is exempt from discussion or disclosure by either state or federal statute.**

**Seconded by Trustee Such.**

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

NAYS: None

Motion carried unanimously.

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

**Trustee Veenstra moved to return to open session. Seconded by Trustee Such.**

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

**Trustee Such moved to go forward as discussed in closed session. Seconded by Trustee Brixie.**

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

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:14 P.M.

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SUSAN MCGILLICUDDY  
TOWNSHIP SUPERVISOR

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MARY M. G. HELMBRECHT  
TOWNSHIP CLERK

Sandra K. Otto, Secretary