

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
349-1200, Town Hall Room  
TUESDAY, DECEMBER 17, 2002, **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 Gary Gibbons, EMS/Fire Chief Fred Cowper, Attorney Mike Woodworth, Attorney Andrea Ditschman

1. CALL MEETING TO ORDER  
Supervisor McGillicuddy called the meeting to order at 6:01 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.

Tricia Keith, 2333 Indian Hills, Okemos, presented herself for appointment to the Economic Development Corporation Board.

Bob Homan, 2176 Hamilton Road, Okemos, representing the applicant for Rezoning #02090 (Wells), made himself available for questions.

Julie Bohr, 3957 Sun Rapids Dr., Okemos, spoke in support of Rezoning #02080 (Eyde).

Charles Louis Willems, 1387 Hickory Island, Haslett, thanked Sue St. Laurent for assistance in correcting his address on file with Consumers' Energy.

Mark K. Clouse, Financial & Legal Counsel, Eyde Company, 4660 S. Hagadorn Rd, Ste 660, East Lansing, provided information in addition to the December 13, 2002 staff memorandum detailing vacant lots in the Township.

[Submitted information and December 13, 2002 staff memorandum in Official Minute Book]

John Veenstra, 320 Piper Road, Haslett, spoke in support of the nullification of the Act 425 Agreement<sup>1</sup> with Lansing covering the property commonly known as the "Governor's Collection."

Vance Kincaid, 4530 Nakoma Drive, Okemos, read from a prepared statement, cautioning the Board against taking any action related to the property commonly known as the "Governors' Collection."

[Prepared statement in Official Minute Book]

Vernon W. McLellen, 1459 Cheboygan Road, Okemos, spoke in opposition to the provision of the Act 425 Agreement with Lansing for the wholesaling of water to Lansing for this development.

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<sup>1</sup> Act 425 with Lansing Adopted [November 3, 1999 Agenda Item #23C](#)

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Clerk Helmbrecht welcomed Haslett High School students in attendance as part of a course requirement.

Clerk Helmbrecht reported on the completion of the Code of Ordinance recodification process and the availability of the proposed code via a link from the township website.

Trustee Woiwode commented she would like to see the Board revisit the issue of "fair market value" in the Land Preservation Ordinance.

Treasurer Hunting reminded Township property owners of the winter tax payment deadlines.

Manager Richards introduced Norm Cox, President, The Greenway Collaborative, to discuss his bid as the Advisory Committee's recommended consultant for the development of a greenspace plan.

Norm Cox, President, The Greenway Collaborative, discussed his approach in developing a greenspace plan.

6. APPROVAL OF AGENDA — OR CHANGES

**Trustee Brixie moved to approve the agenda amended as follows: Add Board Communication CL-1 (Such) to Agenda Item #7A. (Board Communications) with the following amendment to the proposed motion:**

**"; and to accept the resignation of Andy Such from the Cable Communications Commission Board Liaison and the Economic Development Corporation as a Member and Board Liaison;"**

**Move Agenda Item #7J (Authorization to Sign Greenspace Contract for Services) to #10D; Move Agenda Item #7N (Acceptance of Foster & Crouse Property Donation into Land Preservation Program) to #10C. Seconded by Trustee Woiwode.**

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

The adopted Consent Agenda items are as follow:

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

NAYS: None

Motion carried unanimously.

A. Communications

(1). Board Deliberation (##)

11A-1 Mark K. Clouse, Financial & Legal Counsel, Eyde Company, 4660 S. Hagadorn Rd, Ste 660, East Lansing; RE: Petition in Support of Rezoning #02080 (Eyde)

(2) Board Information (BI)

BI-1 Helen Ramsey, 2236 Tamarack Drive, Okemos; RE: Opposition to Rezoning #98010 (Hodney)

BI-2 Norma Prouty, 4690 Kingswood Drive, Okemos; RE: Recommendation for Rezoning of 1954 Hamilton Road

BI-3 Peter and Sue Griswold, 4653 Danbury Way, Okemos; RE: Recommendation for Rezoning of 1954 Hamilton Road

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- BI-4 Patrick E. Lindemann, Ingham County Drain Commissioner, 707 Buhl Ave, Mason;  
RE: Request for Reconsideration of Chippewa Woods Plat Requirement for  
Sidewalk Along the South Side of Buckingham Drive
- BI-5 Peter McPherson, President, Michigan State University; RE: MSU's New \$1.2  
Billion Capital Campaign
- BI-6 Charles Louis Willems, 1387 Hickory Island, Haslett; RE: Request for Assistance in  
Clarifying Residence Status to Consumers' Energy for Billing Corrections
- BI-7 Hal Hepler, 5331 Panda Bear Circle, East Lansing; RE: Anonymous Mailings

(2) Commission Linkage (CL)

- CL-1 Andy Such, 1147 Woodwind Trail, Haslett; RE: Resignation from the following  
positions: Cable Communication Commission Board Liaison, Economic  
Development Corporation Board Liaison, Economic Development Corporation  
Board Member

(3). Staff Communication/Referral (SC)

- SC-1 DARE Graduation Schedule
- SC-2 Correspondence from Township Attorney Michael Woodworth to Larry Smith,  
Chairman, Ingham County Road Commission; RE: Section 9 Commission Review  
Procedure, MCL 125.39
- SC-3 Michigan Townships Association Legislative Fax, November 22, 2002 Edition
- SC-4 Michigan Townships Association Legislative Fax, November 27, 2002 Edition
- SC-5 Michigan Townships Association Legislative Fax, December 6, 2002 Edition

**Trustee Woiwode 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; and to accept the resignation of Andy Such from the Cable Communications Commission Board Liaison and the Economic Development Corporation as a Member and Board Liaison. 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 - December 3, 2002

**Trustee Woiwode moved to approve and ratify the minutes of the [December 3, 2002 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. Resignation of Park Commissioner - Dianne Holman

**Trustee Woiwode moved to accept the resignation of Dianne Holman from the Park Commission effective December 31, 2002. Seconded by Trustee Brixie.**

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

D. Bills

**Trustee Woiwode moved that the Township Board approve the Manager's Bills as follow:**

Common Cash	\$ 219,508.27
Public Works	\$ 181,639.59
Total Checks	\$ 401,147.86
Credit Card Transactions	\$ 20,797.93
Total Purchases	<u>\$ 421,945.79</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]

E. Fourth Quarter Budget Amendments

**Trustee Woiwode moved that the 2002 Amended Budget as reflected on Page 2 of the memorandum to the Township Board from the Finance Director, dated December 13, 2002 be approved. 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. 2003 Non-Union Salary Schedule

**Trustee Woiwode moved approval of the 2003 Non-Union wage scale as proposed by the Township Manager. Seconded by Trustee Brixie.**

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

G. Assessing Stipulation

**Trustee Woiwode moved that the Township Director of Assessing be authorized to sign a stipulation with Whitehills Coves Associates LLC for the year 2002 on the proposed stipulated taxable values on the above-attached list (See staff memorandum dated December 17, 2002). Seconded by Trustee Brixie.**

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

H. Code of Ordinance - Adoption of Recodified Ordinance

**Trustee Woiwode moved THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY, MICHIGAN, the Township Board hereby Introduces for Publication and Subsequent Adoption Ordinance No. \_\_\_, entitled "Code of Ordinances Adopting Ordinance." Seconded by Trustee Brixie.**

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

[Signed and Sealed Resolution in Official Resolution Book]

- I. Mutual Aid Agreements - City of Mason and Delta Charter Township  
**Trustee Woiwode moved THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Charter Township of Meridian, Ingham County, Michigan, does hereby approve the attached Mutual Aid Agreement Between City of Mason and Charter Township of Meridian, and the attached Mutual Aid Agreement Between Delta Charter Township and Charter Township of Meridian, and authorizes and directs the Township Supervisor, Clerk and Manager to execute, and enter into said agreements 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.

[Signed and Sealed Resolution in Official Resolution Book]

- K. Establish Fees for Land Clearing Application  
**Trustee Woiwode moved THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, hereby establishes an application fee of fifty dollars (\$50) for any proposed land clearing activity. The fee shall be refundable if the Director of Community Planning and Development determines the proposed land clearing activity is exempt from the provisions of the Land Clearing Ordinance. Seconded by Trustee Brixie.**

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

[Signed and Sealed Resolution in Official Resolution Book]

- L. Van Atta Road Public Road Improvement Special Assessment District #29 - **Resolution #5 Amendment**  
**Trustee Woiwode moved to approve Van Atta Road Public Road Improvements Special Assessment District #29 Resolution No. 5 Amended, which approves the special assessment roll; designates the project as: "Van Atta Road Public Road Improvements," the assessment roll as "Van Atta Road Public Road Improvements Special Assessment District #29 Special Assessment Roll," and the district as the "Van Atta Road Public Road Improvements Special Assessment District #29;" adopts the amount of \$ 21,462.10 (\$ 2,146.21/parcel) as the final amount for the assessment roll; and orders and directs the assessment roll to be paid and collected, with an amendment due date of July 1, 2003. Seconded by Trustee Brixie.**

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

[Signed and Sealed Resolution in Official Resolution Book]

- M. 2002 Order to Maintain Sidewalk - **Resolution #4** (Set Public Hearing January 21, 2003)  
**Trustee Woiwode moved to approve the 2002 Order to Maintain Sidewalk Special Assessment District #4 - Resolution #4, which files the proposed final special assessment roll with the Township Clerk and sets the date for a public hearing on January 21, 2002. Seconded by Trustee Brixie.**

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

[Signed and Sealed Resolution in Official Resolution Book]

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

Determination of Potential Conflict of Interest: (Agenda Item #8 (Questions for the Attorney))

- Q. Would there be any potential conflict of interest for Trustee Woiwode in considering the matter of Agenda Item #11A. (Rezoning #02080 (Eyde)) based on the location of her property.  
 A. If the only basis for consideration of a conflict of interest is the proximity of the property; there is nothing in Act 196 of 1973 that would call for the Trustee's recusal.

9. HEARINGS

- A. Spring Lake #9 Streetlighting District  
 Supervisor McGillicuddy opened the public hearing at 6:31 P.M.

Director Severy introduced the matter as outlined in staff memorandum.

Minesh Mody, 3524 Rainbow Court, Okemos, spoke in support of the streetlighting district for the following reason:

- Nine (9) of the eleven (11) residents signed the petition

Supervisor McGillicuddy closed the public hearing at 6:44 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

John Veenstra, 320 Piper Road, Haslett, introduced himself for appointment to the Park Commission.

Supervisor McGillicuddy closed public comment.

- A. Appointments

**Treasurer Hunting moved that the Township Board approve the following to the specified Boards and Commissions:**

<u>Public Body</u>	<u>Last Name</u>	<u>First Name</u>	<u>MI</u>	<u>Expires</u>
Board of Review	Basolo	Greg	P	12/31/04
Board of Review	Bhugra	Satnam	S	12/31/04
Board of Review	Hagen	Charles	C	12/31/04
Board of Review	Oliva	Michael	G	12/31/04
Board of Review	Andrews	Arthur		12/31/04
Board of Review	Wilson	Patricia	F	12/31/04
<b>Cable Communications Commission</b>	Lewis	Clinton		12/31/05
<b>Cable Communications Commission (Board Liaison)</b>	Hunting	Bruce		11/20/04
<b>Community Resources Commission</b>	Ahlbrand	Carolyn		12/31/04
<b>Community Resources Commission</b>	Golke	Eric		12/31/04
<b>Community Resources Commission</b>	Nelson	Mary		12/31/04

<b>Community Resources Commission</b>	<b>Fleishman</b>	<b>Judith</b>		<b>12/31/04</b>
<b>Community Resources Commission</b>	<b>Rojas-Dedenbach</b>	<b>Angela</b>		<b>12/31/04</b>
<b>Community Resources Commission</b>	<b>McKenzie</b>	<b>Bruce</b>		<b>12/31/03</b>
<b>Environmental Commission</b>	<b>Black</b>	<b>Ted</b>		<b>12/31/05</b>
<b>Environmental Commission</b>	<b>Gregory</b>	<b>Shari</b>		<b>12/31/05</b>
<b>Economic Development Corp.</b>	<b>Keith</b>	<b>Tricia</b>		<b>12/31/08</b>
<b>Economic Development Corp.</b>	<b>Thiel</b>	<b>Craig</b>		<b>12/31/06</b>
<b>Economic Development Corp.</b>	<b>Terry</b>	<b>Keith</b>		<b>12/31/07</b>
<b>Economic Development Corp. (Board Liaison)</b>	<b>Stier</b>	<b>Steve</b>		<b>11/20/04</b>
<b>Elected Officials Compensation Commission</b>	<b>Boog</b>	<b>Patrick</b>		<b>12/31/07</b>
<b>Elected Officials Compensation Commission</b>	<b>Dowley</b>	<b>Joel</b>		<b>12/31/06</b>
<b>Land preservation Advisory Board</b>	<b>Rosenman</b>	<b>Kenneth</b>		<b>12/31/06</b>
<b>Planning Commission</b>	<b>Ochberg</b>	<b>Lynn</b>		<b>12/31/05</b>
<b>Planning Commission</b>	<b>Clark</b>	<b>Eldon</b>		<b>12/31/05</b>
<b>Planning Commission</b>	<b>Wolfe</b>	<b>Alan</b>	<b>J</b>	<b>12/31/05</b>
<b>Pension Trustees</b>	<b>Shoup</b>	<b>Chalouy</b>		<b>12/31/06</b>
<b>Zoning Board of Appeals</b>	<b>Hershisher</b>	<b>Jim</b>		<b>12/31/05</b>
<b>Zoning Board of Appeals Alternate #1</b>	<b>Hughes</b>	<b>Anne</b>	<b>K</b>	<b>12/31/05</b>
<b>Zoning Board of Appeals Alternate #2</b>	<b>Doering</b>	<b>Mary</b>		<b>12/31/05</b>

**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. Rezoning #02090 (Wells) - Final Adoption**

**Trustee Brixie moved [and read the resolution into the record] THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, the Township Board hereby Finally Adopts Ordinance No. 2002-14, entitled "Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #02090" rezoning from RR (Rural Residential) to RAAA (Single Family-Low Density). Seconded by Treasurer Hunting.**

Board Members discussed the following:

- Consistency of the proposed rezoning with the Comprehensive Development Plan

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

- C. Acceptance of Foster & Crouse Property Donation into Land Preservation Program  
Clerk Helmbrecht introduced the property for acceptance.

**Clerk Helmbrecht moved [and read the resolution into the record] THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Charter Township of Meridian, Ingham County, Michigan, does hereby accept by gift the above referenced property, in accordance with the warranty deeds signed by Richard B. Foster, Jr. and Gretchen M. Foster, husband and wife, and Edward B. Crouse and Patricia B. Crouse, husband and wife, subject to the conditions stated above. Seconded by Trustee Woiwode.**

Absence of Warranty Deeds: (Agenda Item #8 (Questions for the Attorney))

- Q. The resolution refers to the property "as described in the attached warranty deeds," but they are not attached. Does this present a problem?  
A. No. The legal description has been reviewed and appropriate documents prepared.

Board Members discussed the following:

- Appreciation for this donation of property for permanent preservation

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

[Signed and Sealed Resolution in Official Resolution Book]

- D. Authorization to Sign Greenspace Contract for Services  
Supervisor McGillicuddy opened the matter for discussion.

Board Members discussed the following:

- Pending cuts to state revenue sharing
- Optional nature of proposal
- Sufficiency of allocated funds from the 2002 and 2003 budget
- Variation of projected costs

**Trustee Woiwode moved to authorize the Township Manager to retain the professional services of The Greenway Collaborative for developing the Township's Greenspace Plan. The contract for professional services shall be in a form approved by the Township Attorney and signed by the Township Manager. Seconded by Trustee Brixie.**

Board Members discussed the following items:

- Completion of the project with allocated funds
- Advancement of a community priority
- Delays have the potential for permanent and costly losses

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

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Michael W. Radke, President, Okemos Board of Education, 1824 Shadywood Lane, Okemos, spoke in support of Rezoning #02080 (Eyde).

Vance Boyd, 88 W. Sherwood Rd., Okemos, spoke in opposition to Rezoning #02080 (Eyde).

Richard Cooley, 9290 Riverside Drive, Grand Ledge, spoke as the applicant's landscape architect, in support of Rezoning #02080 (Eyde).

Melissa Goodnoe, 4714 Powell Rd, Okemos, spoke in opposition to Rezoning #02080 (Eyde).

Don Frank, 5277 Cornell Rd, Haslett, spoke in opposition to Rezoning #02080 (Eyde).

Gene Turnwald, 4986 Powell Rd, Okemos, spoke in support of Rezoning #02080 (Eyde).

Joan Guy, 1083 Woodside Drive, Haslett, spoke in opposition to Rezoning #02080 (Eyde).

Scott Fairmont, 4429 Apache Dr., Okemos, read from a prepared statement in support of Rezoning #02080 (Eyde).

[Prepared statement in Official Minute Book]

Daria N. Schlega, 2446 Burcham Drive, East Lansing, spoke in opposition to Rezoning #02080 (Eyde).

Fred "Sonny" France, 4932 Grandview Ave, Okemos, discussed the state of Okemos Public Schools and spoke in support of Trustee Woiwode's recusal in regard to Rezoning #02080 (Eyde).

John Anderson, 215 W. Newman Rd, Okemos, spoke in opposition to Rezoning #02080 (Eyde).

Eleanor V. Luecke, President, L.I.N.C., read from a prepared statement in opposition to Rezoning #02080 (Eyde).

[Prepared statement in Official Minute Book]

Carla Clos, 2669 Linden Dr., East Lansing, discussed the importance of coordinated strategic planning and dialog in relation to Rezoning #02080 (Eyde).

Bryan Barrett, 16400 Upton Rd., Lot 11, East Lansing, spoke and submitted written comment in opposition to Rezoning #02080 (Eyde).

[Written comment in Official Minute Book]

Supervisor McGillicuddy closed public comment.

- A. Rezoning #02080 (Eyde), Request to Rezone Approximately 110 Acres Between Powell and Cornell Roads and south of Tihart road, Okemos, from RR to RAAA, RA and RB

Director Kieselbach introduced the proposed rezoning as outlined in staff memorandum.

Supervisor McGillicuddy opened the floor to the applicant.

Mark K. Clouse, Financial & Legal Counsel, Eyde Company, 4660 S. Hagadorn Rd, Ste 660, East Lansing, spoke in support of Rezoning #02080 (Eyde) and recommended a forum for discussions between the Board and applicant.

Jeff Kyes, Vice President, K.E.B.S., Inc., 2116 Haslett Rd., Haslett, discussed the availability of sanitary sewer to the subject site.

Board Members discussed the following:

- Service area of the Mud Lake Lift Station
- Infrastructure and greenspace considerations of a RR (Rural Residential) development of the subject site
- Concerns related to the wide range of calculations for vacant lots in the Township
- Determination of total vacant lots based on build-out analysis vs. existing lots and divisions based on particular school districts
- Potential traffic impact on Powell Road
- Ingham County Road Commission traffic threshold for the paving of dirt roads
- Presence of Blanding's Turtles in the area
- Preservation of significant natural features on the site
- Development of the subject site as a planned unit development (PUD)
- Development of the subject site as a planned residential development (PRD)
- Numbers of vacant lots based on zoning categories
- Recalculation of vacant lots based on recent rezonings
- Preservation of greenspace
- Consideration of Board and applicant discussions of development possibilities
- Availability of water and sewer to the subject site
- Sanitary sewer vs. septic fields to service a RR (Rural Residential) development
- Capacity limits on the Grand River Lift Station
- Possible impact of ZA #02100 (Township Board) to limit rezoning applications

Supervisor McGillicuddy recessed the meeting at 8:41 P.M.

Supervisor McGillicuddy reconvened the meeting at 8:54 P.M.

B. Time Limitation for Land Clearing Application

Supervisor McGillicuddy opened the discussion on a time limitation for Land Clearing Applications as requested at the October 15, 2002 Regular Meeting (See Agenda Item #10D from the October 15, 2002 Board Minutes).

Board Members discussed the following:

- Ordinance requirement for the Director of Community Planning and Development to decide within thirty (30) days of receipt of a complete application
- State statutory time limit for wetland use permits of ninety (90) days
- State statutory time limit for land use permits of forty-five (45) days
- Minimum processing time for site plan review of fifteen (15) days to provide for notice and public comment
- Staff assistance in the application completion process
- Appeal process of the Director's decision
- Consideration of a time limit on the Board's decision upon an appeal of the Director's decision
- Consideration of the zoning ordinance definition of an "aggrieved person"

Applicable Definition of "Aggrieved Person" and Appeal Time Limit: (Agenda Item #8 (Questions for the Attorney))

Q. Which definition of "aggrieved person" would be operative in this chapter, and what considerations are there in imposing a time limit on the Board's decision?

A. There is nothing to require the Board to impose a time limit on itself to hear such an appeal. A time limit could be imposed in the interest of expediting such appeals. If the question is in regard to the completeness of an application, this should be handled at the staff level. The only issue to come before the Board is whether the Director correctly applied or interpreted the

ordinance. The ordinance provides standing to any adjacent property owner, or an individual to whom would be visited a special injury or harm by the granting of a permit. This provision of standing is the standard recognized in law and of simple application to this ordinance. The Board has the prerogative to amend the definition applicable to this ordinance.

Board Members discussed the following:

- Implications on staffing numbers and time to comply with time limits
- Implementation of a Board Policy vs. an Ordinance Amendment
- Possibility for indefinite postponement of an appeal hearing
- Occurrence of land clearing before the effective date of the ordinance
- Notification of tree clearing businesses in the Greater Lansing Area of the establishment of the Land Clearing Ordinance

Definition of "Aggrieved Person": (Agenda Item #8 (Questions for the Attorney))

Q. Should the definition of "aggrieved person" be changed?

A. This is a new ordinance with no implementation history. Experience sometimes indicates the necessity for a variety of changes. It is advisable to first see how the ordinance works in practice before making piece-meal changes; unless staff identifies a problem, there is an error in the language, or problems develop in practice.

Board Members discussed the following:

- Invitation for public input on effectiveness of the ordinance

**The consensus of the Board was to consider amendments to the ordinance only if the need arises.**

C. Burning Ordinance Amendment

Manager Richards introduced the proposed amendment as outlined in staff memorandum.

Board Members discussed the following:

- Implications on air quality
- Resolution of yard waste dilemma through development of municipal composting facilities/services
- Implications on quality of life
- Yard waste disposal as a potential area of cooperation with East Lansing
- Provision of a municipal chipper
- Availability of the option to compost in place
- Focus on yard waste removal services for higher density residential areas
- Illegal yard waste dumping

**The consensus of the Board was to maintain the current language.**

D. Drug Paraphernalia Ordinance

Chief Gibbons introduced the proposed draft ordinance as outlined in staff memorandum.

Board Members discussed the following:

- Ordinance as a preventive vs. curative measure
- Impact on the "right to commerce"
- Imposition of charges in conjunction with possession of a controlled substance
- Addressing the issue of cultural practices to use drug paraphernalia for the consumption of legal substances
- Burden of proof for "relative use" to fall on the prosecution

Inclusion of the List of Objects Under Section 38-2.B.8.: (Agenda Item #8 (Questions for the Attorney))

- Q. Should there be a specific list of objects included in the ordinance, as the typical interpretation of law is that what is listed is subject, and what is not listed is not subject?
- A. Currently, these are the items law enforcement have identified to be frequently associated with the drug trade. The list is intended to be illustrative rather than exclusive. It is noteworthy that any new ordinance or legislation has the possibility to be ruled unconstitutional. In the example of an individual possessing a particular item on the list, the burden of proof lies with the police to tie the item to a drug use to constitutionally enforce the ordinance. Drug paraphernalia ordinances have been constitutionally upheld in the state. The implementation of a drug paraphernalia ordinance would come under scrutiny. The intent of the ordinance is to provide the police department with all available tools to fight the drug trade.

Board Members discussed the following:

- Concern related to the imposition on the individual in the determination of a case.
- Addressing concerns through policy and training
- Concern related to the restriction on common items
- Lack of existing controls on drug paraphernalia
- Correlation between drug paraphernalia and trafficking
- Consideration of similar ordinances from other municipalities
- Process for developing a case for possession of drug paraphernalia

12. VISION SESSION/ENDS: Community Survey

Manager Richards introduced the proposed survey as outlined in staff memorandum.

Board Members discussed the following:

- Desirability of the comparability of any new survey with previous surveys
- Reliability of a phone vs. mail survey
- Determination of a specific use for the survey
- Budgetary implications of a survey
- Option to purchase individual survey questions on quarterly surveys of polling firms

13. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Vernon W. McLellen, 1459 Cheboygan Road, Okemos, spoke in support of the re-establishment of Board Subcommittees.

John Veenstra, 320 Piper Road, Haslett, spoke in opposition to the proposed Drug Paraphernalia Ordinance.

Supervisor McGillicuddy closed Public Remarks.

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:04 P.M.

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SUSAN MCGILLICUDDY  
TOWNSHIP SUPERVISOR

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MARY M. G. HELMBRECHT  
TOWNSHIP CLERK

Paul J. Cassidy, Secretary