

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY JANUARY 17, 2012 **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie, Trustees Dreyfus (6:10 P.M.) LeGoff, Ochberg (6:14 P.M.), Veenstra
ABSENT: None
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy

1. CALL MEETING TO ORDER

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

2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS

Supervisor McGillicuddy led the Pledge of Allegiance.

3. ROLL CALL

The secretary called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Paul Peterson, 6068 Beechwood Drive, Haslett, spoke in support of removal of the clause which requires mandatory connection to public sewer within one year from the date of availability of the sewer service.

Greg Grubb, 6063 Redondo Drive, Haslett, spoke in support of removal of the clause which requires mandatory connection to public sewer within one year from the date of availability of the sewer service.

Carrie Hiser, 6020 Beechwood Drive, Haslett, expressed concern with a sewer connection for the Greenwood subdivision.

Dennis Conlin, 6043 Redondo Drive, Haslett, spoke in opposition to a sewer connection for the Greenwood subdivision.

Chris Stephon, 6065 Green Road, Haslett, spoke in support of removal of the clause which requires mandatory connection to public sewer within one year from the date of availability of the sewer service.

Charlotte Sulin, 6023 Beechwood Drive, Haslett, spoke in favor of removal of the clause which requires mandatory connection to public sewer within one year from the date of availability of the sewer service.

Dan Prueter, 6063 Green Road, Haslett, expressed concern with the procedure employed by the Township for construction of a sewer connection to the Greenwood subdivision.

Dennis Welch, 627 Maple Hill Drive, Haslett, spoke in support of removal of verbiage which requires mandatory connection to public sewer within one year from the date of availability of the sewer service and requested there not be any time frame placed on the hookup requirement unless a septic system fails.

Neil Bowlby, 6020 Beechwood Drive, Haslett, addressed the Township's current system regarding sewer connection and spoke in opposition to the proposed connection for Greenwood subdivision.

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Mary Veresh, 5417 Marsh Road, Haslett, spoke in opposition to her 2012 Order to Maintain Sidewalk special assessment, indicating the sidewalk which runs along the side of her home is not on her property.

Bill McConnell, 4376 Manitou Drive, Okemos, thanked the Board for the numerous opportunities provided to the public for input; specifically relative to the Pedestrian/Bicycle Pathway Master Plan. He urged the Board to focus funding on segments of the pathway for which no other resources exist. Mr. McConnell noted his attendance at the Complete Streets Workshop and spoke to use of the pathway millage for bicycle lanes.

Dave Steadman, President, Maple Ridge Condo Association, 5493 Maple Ridge Drive, Haslett, requested any further notices on the 2012 Order to Maintain Sidewalk, SAD #13 for properties within the association be sent directly to him. He added the association will be paying for any sidewalk repairs. Mr. Steadman requested clarification on property lines to ensure the association pays for only its repairs.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Supervisor McGillicuddy reported her attendance at the Tri-County Regional Planning Commission's Urban Service Boundary Committee met and discussed language for possible extensions once the boundary is in place. She noted language would be sent to the Planning Commission as early as February. She also reported her attendance at the Township's Complete Streets Workshop held January 12, 2012 and the Meridian Area Business Association (MABA) meeting on January 13th.

Trustee Ochberg reported her attendance at the most recent Economic Development Corporation (EDC) where an annual strategic planning meeting was scheduled at the Meridian Service Center for January 19th at 6:00 P.M. . She also reported her attendance at a sign ordinance training seminar hosted by Michigan State University's Land Policy Institute where she obtained information concerning first amendment rights to communicate with neighbors through signage. Trustee Ochberg noted a number of phrases and verbiage in Meridian Township's sign ordinance may violate the first amendment of the US Constitution and sent a list for staff review. She spoke to compelling government interest as the only prohibition to a sign/message and expressed concern with the phrase "Anything not expressly permitted is prohibited" contained in the Township's Code of Ordinances.

Treasurer Brixie reported her attendance at the Complete Streets Workshop, the EDC meeting and the MABA meeting.

Trustee Veenstra spoke in support of Trustee Ochberg's points relative to the Township's sign ordinance. He also reported his attendance at the complete streets workshop and noted his no vote at the December 13, 2011 meeting regarding the Section 61 Review for sewer and water extension to the Greenwood subdivision.

Clerk Helmbrecht reminded citizens of the February 28th Presidential Primary Election. She indicated the first batch of ballots for those residents requesting one through the absentee voter application process will be mailed on Friday, January 20, 2012. Clerk Helmbrecht noted requests for absentee ballots thereafter will be processed on a daily basis up until 4:00 P.M. on Monday, February 27th, emphasizing that all voters must select a ballot type on the application in order to receive an absentee ballot.

6. APPROVAL OF AGENDA

Treasurer Brixie moved to approve the agenda amended as follows:

- **Move Agenda Item #11D: "Amendments to Section 78-152 (C)(1), Sewer Connection" to Agenda Item #9C**

Seconded by Clerk Helmbrecht.

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie

NAYS: None

Motion carried unanimously.

The adopted Consent Agenda items are as follows:

A. Communications

(1) Board Information (BI)

BI-1 David and Jane Ledebuhr, 4767 Cornell Road, Okemos; RE: Improvements to Cornell Road

BI-2 Trustee Lynn Ochberg; RE: Placing making in Meridian Township

BI-3 Eckhart Dersch, 2203 Butternut Drive, Okemos; RE: Recommendation of Jon Mayes for appointment to the Land Preservation Advisory Board

(2) Staff Communications (SC)

SC-1 Memorandum from Cindy Cummings, Police Records Supervisor; RE: Current list of licensed vendors and non-licensed persons or nonprofit organizations engaged in soliciting or canvassing dated January 9, 2012

SC-2 Director Kieselbach, Community Planning and Development; RE: Commission Review #12013, Section 61 Review: Public water and sanitary sewer system extensions

Treasurer Brixie moved that the communications be received and placed on file, and any communications not already assigned for disposition be referred to the Township Manager or Supervisor for follow-up. Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie

NAYS: None

Motion carried unanimously.

B. Minutes

(1) **Treasurer Brixie moved to approve and ratify the minutes of the December 6, 2011 Regular Meeting as submitted. Seconded by Trustee Ochberg.**

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie

NAYS: None

Motion carried unanimously.

(2) **Treasurer Brixie moved to approve and ratify the minutes of the December 13, 2011 Regular Meeting as submitted. Seconded by Trustee Ochberg.**

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie

NAYS: None

Motion carried unanimously.

(3) **Treasurer Brixie moved to approve and ratify the minutes of the January 3, 2012 Regular Meeting as submitted. Seconded by Trustee Ochberg.**

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
 McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

C. Bills

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

Common Cash	\$ 203,209.55
Public Works	\$ 373,093.46
Retainage	
Check #1042 – Scarlett Construction (2011 Water Main)	\$ 11,195.30
Check #1043 – L Clarke, Inc. (2009 Water Main)	\$ 5,690.14
Total Checks	\$ 593,188.55
Credit Card Transactions	\$ 8,406.55
Total Purchases	<u>\$ 601,595.10</u>
 ACH Payments	 <u>\$ 321,812.27</u>

Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
 McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

[Bill list in Official Minute Book]

D. Assessing Stipulations

Treasurer Brixie moved that the Township Attorney be authorized to sign a stipulation with MEIP Borrower, C, LLC in accordance with the revised assessed and taxable values stated as follows:

**MICHIGAN TAX TRIBUNAL DOCKET NUMBER 368202
 MEIP BORROWER C, LLC
 PROPOSED STIPULATION FIGURES**

Original Values

Parcel Number	Address	Year	Original Assessed Value	Original Taxable Value
33-02-02-29-105-004	4440 Hagadorn	2009	\$1,536,000	\$1,536,000
33-02-02-29-105-004	4440 Hagadorn	2010	\$1,449,100	\$1,449,100
33-02-02-29-105-004	4440 Hagadorn	2011	\$1,419,300	\$1,419,300

Proposed Revised Values

Parcel Number	Address	Year	Revised Assessed Value	Revised Taxable Value
33-02-02-29-105-004	4440 Hagadorn	2009	\$1,200,000	\$1,200,000
33-02-02-29-105-004	4440 Hagadorn	2010	\$1,150,000	\$1,150,000
33-02-02-29-105-004	4440 Hagadorn	2011	\$1,100,000	\$1,100,000

Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
 McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

Treasurer Brixie moved that the Township Attorney be authorized to sign a stipulation with Tom's Food Center, Inc. in accordance with the revised assessed and taxable values stated as follows:

**MICHIGAN TAX TRIBUNAL DOCKET NUMBER 416081
 TOM'S FOOD CENTER, INC.
 PROPOSED STIPULATION FIGURES**

Original Values

Parcel Number	Address	Year	Original Assessed Value	Original Taxable Value
33-02-02-22-427-009	1619 Grand River	2011	\$1,388,400	\$1,179,342

Proposed Revised Values

Parcel Number	Address	Year	Revised Assessed Value	Revised Taxable Value
33-02-02-22-427-009	1619 Grand River	2011	\$912,500	\$912,500

Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
 McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

Treasurer Brixie moved that the Township Attorney be authorized to sign a stipulation with Moulton Development, LLC in accordance with the revised assessed and taxable values stated as follows:

**MICHIGAN TAX TRIBUNAL DOCKET NUMBER 392859
 MOULTON DEVELOPMENT, LLC
 PROPOSED STIPULATION FIGURES**

Original Values

Parcel Number	Address	Year	Original Assessed Value	Original Taxable Value
33-02-02-28-176-021	2380 Science Parkway	2010	\$520,300	\$460,902
33-02-02-28-176-021	2380 Science Parkway	2011	\$479,600	\$468,737

Proposed Revised Values

Parcel Number	Address	Year	Revised Assessed Value	Revised Taxable Value
33-02-02-28-176-021	2380 Science Parkway	2010	\$385,000	\$385,000

33-02-02-28-176-021	2380 Science Parkway	2011	\$367,000	\$367,000
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Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
 McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

Treasurer Brixie moved that the Township Attorney be authorized to sign a stipulation with Chad S. Raynak in accordance with the revised assessed and taxable values stated as follows:

**MICHIGAN TAX TRIBUNAL DOCKET NUMBER 423997
 CHAD S. RAYNAK
 PROPOSED STIPULATION FIGURES**

Original Values

Parcel Number	Address	Year	Original Assessed Value	Original Taxable Value
33-02-02-21-481-001	2039 Lagoon Drive	2011	\$72,000	\$72,000

Proposed Revised Values

Parcel Number	Address	Year	Revised Assessed Value	Revised Taxable Value
33-02-02-21-481-001	2039 Lagoon Drive	2011	\$40,000	\$40,000

Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
 McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

Treasurer Brixie moved that the Township Attorney be authorized to sign a stipulation with Okemos Station, LLC in accordance with the revised assessed and taxable values stated as follows:

**MICHIGAN TAX TRIBUNAL DOCKET NUMBER 392344
 OKEMOS STATION, LLC
 PROPOSED STIPULATION FIGURES**

Original Values

Parcel Number	Address	Year	Original Assessed Value	Original Taxable Value
33-02-02-28-326-023	4235 Southport	2010	\$2,184,100	\$2,184,100
33-02-02-28-326-023	4235 Southport	2011	\$1,892,700	\$1,892,700

Proposed Revised Values

Parcel Number	Address	Year	Revised Assessed Value	Revised Taxable Value
33-02-02-28-326-023	4235 Southport	2010	\$1,812,500	\$1,812,500
33-02-02-28-326-023	4235 Southport	2011	\$1,812,500	\$1,812,500

Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
 McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

Treasurer Brixie moved that the Township Attorney be authorized to sign a stipulation with Meridian Meadows, LLC in accordance with the revised assessed and taxable values stated as follows:

**MICHIGAN TAX TRIBUNAL DOCKET NUMBER 392343
 MERIDIAN MEADOWS, LLC
 PROPOSED STIPULATION FIGURES**

Original Values

Parcel Number	Address	Year	Original Assessed Value	Original Taxable Value
33-02-02-23-351-002	4555 Paddock Drive	2010	\$4,443,000	\$4,443,000
33-02-02-23-351-002	4555 Paddock Drive	2011	\$4,102,400	\$4,102,400

Proposed Revised Values

Parcel Number	Address	Year	Revised Assessed Value	Revised Taxable Value
33-02-02-23-351-002	4555 Paddock Drive	2010	\$3,925,000	\$3,925,000
33-02-02-23-351-002	4555 Paddock Drive	2011	\$3,925,000	\$3,925,000

Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
 McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

Treasurer Brixie moved that the Township Attorney be authorized to sign a stipulation with Nancy J. and Iqbal S. Uppal in accordance with the revised assessed and taxable values stated as follows:

**MICHIGAN TAX TRIBUNAL DOCKET NUMBER 427781
 NANCY J. AND IQBAL S. UPPAL
 PROPOSED STIPULATION FIGURES**

Original Values

Parcel Number	Address	Year	Original Assessed Value	Original Taxable Value
33-02-02-02-376-002	6029 East Lake Drive	2011	\$337,900	\$337,900

Proposed Revised Values

Parcel Number	Address	Year	Revised Assessed Value	Revised Taxable Value
33-02-02-02-376-002	6029 East Lake Drive	2011	\$273,500	\$273,500

Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

E. Appointment of New Police Officer

Treasurer Brixie moved ratification of the appointment of Mark A. Divney to the position of Police Officer to satisfy the final item stipulated in the Conditional Offer of Employment. Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

8. QUESTIONS FOR THE ATTORNEY (None)

9. HEARINGS

A. Pedestrian/Bicycle Pathway Master Plan

Supervisor McGillicuddy opened the public hearing at 6:43 P.M.

Director Severy summarized the Pedestrian/Bicycle Pathway Master Plan as outlined in staff memorandum dated January 13, 2012. He spoke to road diets, as bicycle lanes are not shown on the Master Plan. Director Severy indicated the Ingham County Road Commission (ICRC) will be performing major reconstruction on Haslett Road from the railroad tracks west to Park Lake Road and the Township has discussed with the ICRC the possibility of making that a three (3) lane road with bicycle lanes. Director Severy indicated there has also been discussion with the ICRC relative to bicycle lanes for Lake Lansing Road, Mount Hope Road, and Central Park Drive. He indicated traffic components for each road would need to be assessed and intersections would be examined. He indicated the ICRC would like public input on road diets as well as Board direction on placement.

Mike Unsworth, 5948 Village Drive, Haslett, noted money for the pathway system is acquired through a special millage and cannot be used for anything else. He spoke in general support of expansion of the off-road system, stressing more work needs to be performed on the Interurban Pathway, specifically towards Lake Lansing Park. Mr. Unsworth agreed with the need for a crossing over the C & N Railroad tracks along Okemos Road. He spoke in support of road diets, specifically for Haslett Road, Lake Lansing Road, and the Raby Road/Interurban link. Mr. Unsworth believed naming off-road trails beneficial as it would give them an identity. He spoke to the need for good lighting on pathways along busy streets (e.g., Okemos Road, Marsh/ Haslett Roads).

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Leonard Provencher, 5824 Buena Parkway, Haslett, spoke in general support of Director Severy's recommendations for the Pedestrian/Bicycle Pathway Master Plan. He addressed the concept of shared lanes for roads which cannot accommodate bicycle lanes. Mr. Provencher requested the gap between Lac DuMont and Bois Isle Drive be addressed through construction of a seven (7) foot pathway, as it is within ¼ mile of Murphy Elementary School. He spoke to the area from the intersection of Marsh and Haslett north to Lake Drive which needs to be brought up to grade. Mr. Provencher spoke in support of an extension of Phase III for a pathway behind Haslett Town Plaza and under Marsh Road as he believed it would be beneficial to the businesses located there.

Tim Potter, 4632 Van Atta Road, Okemos, spoke in support of the projects contained in the staff report to the Board by Director Severy. He believed lighting at the crossing of the interurban pathway at Okemos Road needs to be addressed in a timely fashion. Mr. Potter also spoke in support of extending the Interurban Pathway under Marsh Road. He noted the driving factor to adopt a complete streets policy is a drop in accidents.

Ned Jackson, 6232 W. Reynolds Road, Haslett, spoke in support of Director Severy's recommendations for the Pedestrian/Bicycle Pathway Master Plan. He believed the use of signage could alert vehicle drivers to the physical presence of bicyclists and pedestrians.

Mary McDowell, 2346 Mount Hope, Okemos, requested staff reports and maps on this issue be placed on the Township website for public perusal.

Supervisor McGillicuddy closed the public hearing at 7:08 P.M.

- B. 2012 Order to Maintain Sidewalk, Special Assessment District No. 13
Supervisor McGillicuddy opened the public hearing at 7:08 P.M.

Director Severy summarized the 2012 Order to Maintain Sidewalk SAD No. 13 as outlined in staff memorandum dated January 13, 2012.

Supervisor McGillicuddy closed the public hearing at 7:11 P.M.

- C. Amendments to Section 78-152 (C) (1), Sewer Connection
Director Severy summarized the proposed utility ordinance amendment as outlined in staff memorandum dated January 13, 2012.

Neil Bowlby, 6020 Beechwood, Haslett, believed the largest public objection was the one-year requirement for hookup. He indicated the public wanted written assurance that taxpayers would not be "forced" to hookup within one year and would not be required to fund the project. Mr. Bowlby also expressed concern that there not be any time limit (e.g., ten years) required for hookup. He further indicated the Township should not require hookup in the event of a septic system failure if it can be replaced/repared. He spoke to the costs of a home septic system vs. public sewer. Mr. Bowlby did not believe the Township should expect a small number of people to "bail it out" of a bad investment which does not pay for itself.

Dennis Welch, 627 Maple Hill Drive, Haslett, thanked the Board for its open mindedness on this issue.

Carrie Hiser, 6020 Beechwood Drive, Haslett, spoke in opposition to setting an "arbitrary" time limit. She believed failure of a septic system should be determined by a neutral third party (e.g., Ingham County Board of Health) to avoid pressure based on a certain political or financial climate at that point in time. She requested the Township ascertain the state codes on this issue and its response to those codes. Ms. Hiser expressed appreciation for a future public hearing on the sewer.

Board members and staff discussed the following:

- Section 61 Review by the Planning Commission indicated extension of sewer to the Greenwood subdivision is in compliance with the Master Plan
- Section 61 Review by the Planning Commission did not authorize any action
- This project would require Township Board approval through a budget amendment

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- Affirmative vote on a budget amendment by the Board would authorize money to be spent from the sewer fund
- Township option not to enforce state law which requires sewer connection within 18 months of sewer construction
- Township attorney clarification on how best not to enforce the hookup requirement within a specified timeframe
- Sewer and/or water extension may be accomplished through Township initiation of the project paid with water or sewer funds, and a payback district would be implemented to assess property owners as they connect
- Second option is for the Township Board to initiate the assessment district, which requires only 20% of the owners within the assessment district to object
- If 20% of the property owners object, the Board cannot proceed with the project unless a petition is submitted with 51% of the property owners in favor of the project
- In the event of a system failure, the Ingham County Health Department requires a property owner to connect if public sewer is available within 200 feet from the building
- Board member preference for the payback district alternative
- Possible alternative to service only the property at 6065 Green Road
- Township preference for the Greenwood subdivision to be serviced by gravity
- Reminder that any home which has a septic system must either pass the County's point of sale inspection or the system must be upgraded prior to final sale of the home
- Board member request for additional information, including state law requirements and Ingham County's sanitary code
- Clarification that earlier reference of 320 feet was for water hookup
- Explanation of a \$50 charge contained in the bills for an ad regarding the Greenwood subdivision sanitary sewer

10. ACTIONS ITEMS/ENDS

Supervisor McGillicuddy opened Public Remarks.

Mike Thomas, 2555 Capeside Drive, Okemos, spoke in support of the application of Jon Mayes to the Land Preservation Advisory Board.

Jon Mayes, 2099 Ashland Avenue, Okemos, offered his services for appointment to the Land Preservation Advisory Board.

Supervisor McGillicuddy closed Public Remarks.

A. Appointments to Boards and Commissions

Trustee Ochberg moved to accept the appointments to Board and Commissions as presented by Supervisor McGillicuddy in a memorandum dated January 13, 2012. Seconded by Treasurer Brixie.

Trustee Veenstra moved to divide the question.

Trustee Ochberg moved to appoint James Jackson to the Environmental Commission for a three (3) year term ending December 31, 2014. Seconded by Treasurer Brixie.

VOICE VOTE: Motion carried unanimously.

Trustee Ochberg moved to appoint Jon Mayes to the Land Preservation Advisory Board for a four (4) year term ending December 31, 2015. Seconded by Treasurer Brixie.

VOICE VOTE: Motion carried unanimously.

Trustee Ochberg moved to appoint Dante Ianni to the Zoning Board of Appeals as Alternate #1 for a three (3) year term ending December 31, 2014. Seconded by Treasurer Brixie.

VOICE VOTE: Motion carried unanimously.

Board members and staff discussed the following:

- Openings on the Assessing Board of Review and Community Resources Commission
- Two (2) openings on the Assessing Board of Review which are alternate positions
- Assessing Board of Review meets during the day and some evenings in the third week of March, once in the summer and one meeting in December
- Original intent of the Supervisor to have three (3) Boards of Review as there were over 600 appeals last year

Dante Ianni, 3800 Viceroy Drive, Okemos, expressed appreciation for appointment to the Zoning Board of Appeals. He noted he studied land use planning and zoning issues in law school and is a tax attorney in the area.

B. Amendments to Board Policy Manual

Supervisor McGillicuddy reviewed the changes made to the Board Policy Manual at the January 20, 2012 Policy Governance Meeting.

Trustee Ochberg moved approval of the amendments to the Board Policy Manual discussed and developed at the Board Meeting held on January 10, 2012. Seconded by Treasurer Brixie.

Board members discussed the following:

- Reprioritization of ordinance amendments as an agenda item in March, 2012

VOICE VOTE: Motion carried unanimously.

[Supervisor McGillicuddy recessed the meeting at 7:58 P.M.]

[Supervisor McGillicuddy reconvened the meeting at 8:06 P.M.]

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened Public Remarks.

Mike Thomas, 2555 Capeside Drive, inquired if there would be a presentation on the Storm Water Drainage over The Red Cedar Glen Land Preserve.

Supervisor McGillicuddy closed Public Remarks.

A. Storm Water Drainage over The Red Cedar Glen Land Preserve

Mike Thomas, 2555 Capeside Drive, Okemos, representative for the Red Cedar Glen Stream Restoration Advisory Committee (empowered by the Land Preservation Advisory Board), spoke to the Red Cedar Glen erosion problem communicated to the Township Board and Planning Department in 2008. He spoke to the three (3) drainages which cross the preserve from south to the north (western, central and eastern drainage). Mr. Thomas noted these areas were historically intermittent streams. He indicated the Land Preservation Advisory Board first looked at the property in 2002 and ultimately purchased it in 2006. Mr. Thomas stated a management plan draft, based upon the recommendations in the stewardship plan, was created in 2007-2008. He added a Land Preservation Board member walked the property early in 2008 and noted a significant amount of erosion primarily in the eastern and central streambed.

Mr. Thomas stated the Land Preservation Board began monitoring the erosion in 2008, and entered into discussions with the Ingham County Drain Commissioner (ICDC) on how to control the water flowing across the preserve and stabilize the streams. He added members met with the ICDC staff on the property in July, 2010. Further, Mr. Thomas stated in February, 2011, the Committee met with staff of the Drain Commissioner's office and the ICDC's engineering consultants, discussing the types of restoration which could be performed at various locations. He indicated it is his understanding that the agreement for granting an easement to the Drain Commissioner is still pending, all the while the erosion continues to increase.

Mr. Thomas offered photos of the drainage issues beginning in 2002, depicting the vast amount of downcutting which has transpired since that time. He noted the Land Preservation Advisory Board (LPAB) has a pending resource rich management plan to stabilize the streambed and slopes in order to restore natural vegetation. Mr. Thomas noted erosion will continue to the south, potentially affecting the stability of the railroad. He added that until agreement is reached with the ICDC, LPAB cannot move forward with allowing the ICDC to help stabilize and restore the area, bringing the amount of drainage back to preconstruction conditions.

Frank Hatfield, 1578 Sylvan Glen Road, Okemos, stated the main east-west trail which crosses the middle creek began changing approximately ten years ago. He indicated approximately three years ago something happened upstream to significantly increase the flow. Mr. Hatfield gave a slide presentation with pictures taken today showing the railroad culvert completely underwater, a single stream which has now spread out into multiple channels, another stream which has developed "cataracts" and contributes to the erosion and smaller cataract on one of the braids which is under the root mass, destroying the tree(s) and depositing soil into the Red Cedar River. He indicated that cataracts will continue to move upstream, cutting as they travel

David Pierson, representative for Schroeder Homes, 1305 S. Washington Avenue, Lansing, indicated storm water drainage in Ingham County is controlled by the ICDC. He explained that when a preliminary plat is submitted, it first goes to the Township and then to the ICDC. Mr. Pierson stated the preliminary plat showed the layout of the lots, roads, drains other utilities, etc. He noted that as the subdivision is built, individual pieces of the plat are designed, engineered, first submitted for approval through the Township, the Ingham County Road Commission (ICRC) and then the ICDC. Mr. Pierson stated that Mr. Schroeder must follow the direction of the ICDC, noting the extended period of time the described conditions have existed without any action to address the issue depicted through pictures displayed earlier. He added that the ICDC and the Township have been discussing what the drainage through that area should look like over the last 3-½ to 4 years, cognizant that the drainage must fit with the engineering within Ember Oaks. Mr. Pierson stated it was his understanding that the ICDC's attorney did not respond to the latest draft sent on behalf of the Township by Fahey, Schultz, Burzych, Rhodes in September, 2011. He noted the developer has to follow the direction of the drainage district (i.e., ICDC), which he has done to date.

William Fahey, Fahey, Schultz Burzych, Rhodes, PLC, 4151 Okemos Road, Okemos, displayed a topographical map which showed how the development of Ember Oaks affects the entire 241 acres and the Land Preservation property. He added he was representing the Township in the capacity of a landowner. Mr. Fahey noted the way the plat has been "built out" since 2000, the drainage components of the plat necessary to ensure the natural flow is preserved have not yet been built. He stated that homes have been built in excess of the capacity of this land to carry additional runoff. Mr. Fahey stated that as the development has been phased, the drainage structures which should have been constructed as a part of the preliminary plat to accommodate the homes which have already been built are not in place.

Mr. Fahey noted there are 2 ways for the Township to solve its problem as a landowner. He stated that Mr. Schroeder and the ICDC are currently trespassing on Land Preservation property as they are sending an amount of water over Township property in excess of the preexisting amount. He indicated the ICDC did not obtain an easement for this property when he created the Ember Oaks Drain. Mr. Fahey identified that it is the trespass which is creating the damage on the Land Preservation property. He noted he met with the ICDC in late 2010 and discussed creating an expanded drainage district; draft agreements and plans were exchanged among attorneys from February, 2011 until the end of March, 2011. Mr. Fahey stated he sent the final drafts on March 28th of last year, but did not hear back. He indicated that after six months of "prodding", the ICDC's attorney responded that the ICDC would not agree, stating he would not accept any restrictions on his ability to handle the property in any manner he desires. Mr. Fahey added the Township has a right, as a property owner, to offer its management plan on how the property will be restored and maintained once the ICDC is allowed access.

Mr. Fahey stated the other resolution is through the developer, who is also trespassing. He noted the preliminary plat for Ember Oaks is expiring and contains structures which could provide protection and save further damage to the Land Preservation property.

Board members, staff and the attorneys discussed the following:

- Statement by the ICDC that it was not “his plan” and therefore there has been no forward movement on the restoration
- Access by the ICDC through easement is critical
- Allowing ICDC access to remove trees in the future is necessary
- Process of approving the Ember Oaks subdivision
- Extension for Ember Oaks before the Board in December, at which time the applicant indicated he could not do anything regarding the water from the subdivision moving onto Land Preservation property
- Developer more than willing to work with the parties involved for resolution of this matter
- ICDC was invited to attend this meeting to discuss the issue
- Staff contacted the ICDC and his secretary to place this item on his calendar
- ICDC attorney informed staff this morning that the Drain Commissioner would not be in attendance this evening
- No reason offered by the ICDC or his attorney why he could not attend this meeting
- Land Preservation agreement with actions identified in the management plan
- If the ICDC was granted an open easement, he could create anything
- Management Plan includes a restoration easement
- Township desire to control the use of its property for a river trail and public enjoyment of the area
- Impact of the Ember Oaks development on the Land Preservation property
- Erosion control fencing currently not being maintained on many properties in Ember Oaks
- Lack of respect by the ICDC to aid in resolution of the property
- Board member preference to let the plat expire
- Culverts in all three (3) areas go underneath the railroad
- Possible Township contact with the railroad to bring pressure on the ICDC
- Concern with expiration of the preliminary plat as it will not prevent the water from traversing onto Land Preservation property
- Possibility of proceeding without ICDC involvement
- Discussion with the developer regarding addition of conditions to the preliminary plat extension approval which addresses the drainage issues by requiring the development to detain some of the water on site
- Developer and his legal counsel amenable to resolution to this problem
- Preference to explore immediate fixes through the preliminary plat extension approval process
- Relationship between the drainage problem and removal of the erosion control function from the ICDC
- Contribution by the Township’s erosion control personnel to aid in correction of the problem
- Soil and sedimentation control program is to ensure each lot being developed retains soil on the developed lot
- Suggestion to pass a resolution which publicly reaches out to the ICDC for his cooperation
- Possible “tweaking” of the current drainage by the developer without involvement by the ICDC
- ICDC has already approved the drainage for the preliminary plat
- Need to ascertain what “pieces” of the preliminary plat’s drainage structures need to be built to solve the water problem now
- Possibility of engaging the ICDC’s engineer in the discussion even if agreement with the Drain Commissioner cannot be reached
- Suggestion for the developer to use drainage control devices on his property
- Culverts underneath the railroads are owned by the railroad, but subject to the right of flow for existing streams on the property
- Concern with the cost of the drainage improvement apportioned to the Township at large

It was the consensus of the Board to have the Township’s attorney and the developer’s attorney work with engineers involved to find a solution to the drainage problem.

Carla Clos, Ingham County Deputy Drain Commissioner, 707 Buhl Avenue, Mason, apologized for the misunderstanding surrounding the ICDC's schedule this evening. She indicated it was the ICDC's belief that the issue on the Township Board's agenda was the preliminary plat extension for Ember Oaks and noted the ICDC attorney had contacted Township staff regarding the ICDC's absence this evening.

Continued Board member and Deputy ICDC discussion:

- ICDC wants to be part of the solution to this problem
- Four (4) lots and a small segment of a road have been established for public drains
- Phase I lots are mostly developed with homes
- Phase I is not served by public drains
- Petition filed in 2007 to establish public drains for Phase I
- Need for an "emergency stop gap" measure to prevent further erosion and damage to this natural area
- Deputy ICDC statement that the contributing drainage area is not solely Ember Oaks, but also west of that development

B. Pedestrian/Bicycle Master Plan

Board members discussed the following:

- Trail underneath the railroad on Marsh Road is already on the Master Plan
- Desirability of a pathway between Bois Isle and Murphy Elementary School
- Possibility of modifying the parking lot, moving trees, or possibly filling in the drainage ditch near Murphy Elementary School in order to complete pathway on the south side of Lake Lansing
- Need to provide signage
- Unique idea presented by a member of the public to name pathways
- Possibility of a pedestrian actuated signal at the interurban crossing on Okemos Road
- East side of Park Lake Road, north of Lake Lansing would require a boardwalk to connect
- Possibility of constructing the pathway on Cornell Road next year
- "Low hanging fruit" has been constructed; the remaining pathways are more expensive to construct
- Support for the Park Commission recommendations
- East-west corridors have massive barriers, but Consumers Energy owns the majority of the property in the center of land between Dobie and Van Atta Road
- Possible connector placed by MSU at the end of Bennett Road in an effort to reach Hawk Island
- Concept of road diets
 - Need to ascertain if there is public support for a road diet on Haslett Road
 - Possibility of a road diet only from Marsh Road to the west
 - Possible charette for a road diet on Haslett Road
 - Slurry is ¼" in depth
- Request to add route around Gaylord C. Smith Court
 - Receive recommendations at a later date
 - Benefit of traveling on the interurban pathway is that it is off-road
 - Possible bypass of the parking lot
 - Ingham County Parks working to obtain grants to construct the entire pathway from Okemos Road to Grand River and further west
- Desirability of a pathway connection between Sylvan Glen and Legg Park
- Desirability of a pathway connection at the east end of Raby Road to Marsh Road
 - When the ICRC abandoned this section of Raby Road, easement was preserved for utilities
 - Easement for utilities should include pathway
- Connection of an interurban path north to Haslett Road
- Need to inform public regarding the pathway from Gaylord C. Smith Court to Central Park
- Questioned need for a separate pathway east from Okemos Road due to cost for a boardwalk
- Objection to paved pathways on Land Preservation property
- Earlier Board determination that "primitive" pathways would be the type of pathway on Land Preservation properties

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- Park property v. Land Preservation property regarding type of pathway
- Road diets are a significant issue and should not be part of the pathway system discussion
- Joint meetings would be held with the ICRC and the Township regarding road diets
- Use of the Consumers utility easement which parallels Jolly Road from Okemos Road to Van Atta Road
 - Prior objection by residents in the neighborhood
 - Key east-west route still on the Master Plan
 - Construction of the section from Dobie Road east to Van Atta Road
- Members of the public who came to the Park Commission meeting requested the Sylvan Preserve be added to the Pedestrian/Bicycle pathway Master Plan
- Consideration of adding a primitive pathway designation on the Master Plan for the Sylvan Glen Preserve
 - Sufficient acreage to accommodate both the intention of the LPAB and residents who wish to traverse land in the Sylvan Glen Preserve
 - Construction of a permanent pathway uses large machinery and will destroy plant life in natural areas
- Recent article which depicted the average increase in property values of 9% for land which backs up to public pathways
- Possible connection from Hartrick Park west to Hagadorn Road for better utilization of pathways
- High traffic volume on Haslett Road would make a road diet unpopular

It was the consensus of the Board to place this item on for action at the February 7, 2012 Board meeting.

C. 2012 Order to Maintain Sidewalk, Special Assessment District No. 13

It was the consensus of the Board to place this item on for action at the February 7, 2012 Board meeting.

12. VISION SESSION

A. Community Art

Treasurer Brixie moved to postpone this agenda item until the February 7, 2012 Board meeting due to the lateness of the hour and subsequent closed session. Seconded by Trustee Veenstra.

Board members discussed the following:

- Concern that postponement may eradicate the possibility for grant opportunities offered by the National Endowment for the Arts
- Grant opportunities are afforded to members of the Lansing Arts Council
- \$25 fee to become a member of the Lansing Arts Council (a regional non-governmental organization)
- Membership in the Lansing Arts Council allows the Township to partner with the council to apply for a home town planning grant up to \$150,000

Supervisor McGillicuddy moved to amend the motion to include a \$25.00 expenditure to join the Lansing Arts Council.

Seconded by Trustee Ochberg.

Continued Board discussion:

- Deadline for the grant application is March 1st
- Preference to separate out the two issues into individual motions

Clerk Helmbrecht moved to divide the question.

Continued Board discussion:

- No prior Board discussion regarding this issue or joining this organization

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- No details on who will write the grant and what it will be used for
- Lack of certainty that the Township will move forward with the grant
- Opportunity exists to join this organization at a future time

VOICE VOTE ON THE AMENDMENT: Motion carried 6-1 (Brixie).

VOICE VOTE ON THE MAIN MOTION: Motion carried unanimously.

13. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, did not believe a proposed pedestrian/bicycle pathway on the eastern most perimeter of the Sylvan Glen Land Preservation property would be invasive. He noted other Land Preservation properties contain asphalt and boardwalks. Mr. Provencher indicated the public packet was incomplete as draft minutes were not included in the packet.

Nicholas McIntosh, 2397 Emerald Forest Circle, East Lansing, inquired as to what information is available on Meridian Township's drinking water.

Supervisor McGillicuddy suggested Mr. McIntosh speak with the Director of Public Works and Engineering as a yearly analysis is performed on the Township's drinking water.

Supervisor McGillicuddy closed Public Remarks.

13. FINAL BOARD MEMBER COMMENT (None)

14. POSSIBLE CLOSED SESSION

Trustee Ochberg moved that the Township Board go into closed session for consideration of legal opinion within the attorney-client privilege pursuant to MSA § 4.1800 (18)(h). Seconded by Treasurer Brixie.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
NAYS: Trustee Veenstra
Motion carried 6-1.

Supervisor McGillicuddy recessed the meeting at 10:28 P.M.

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

Treasurer Brixie moved to return to open session. Seconded by Trustee Dreyfus.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
NAYS: None
Motion carried unanimously.

Supervisor McGillicuddy reconvened the meeting at 11:29 P.M.

Treasurer Brixie moved to direct the Township Attorney go forward as discussed in closed session. Seconded by Trustee Dreyfus.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
NAYS: None
Motion carried unanimously.

15. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 11:30 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT, CMC
TOWNSHIP CLERK

Sandra K. Otto, Secretary