

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, OCTOBER 5, 2004, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Stier, Such, Woiwode
ABSENT: None
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief David Hall, EMS/Fire Chief Fred Cowper, Personnel Director/Assistant Manager Paul Brake, Director of Finance Diana Hasse, Township 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.

Richard Foster, 4990 Country Drive, Okemos, spoke regarding the adoption process of Rezoning #02080 (Georgetown) and his request that the Board hold a public hearing.

Ron Reed, 2444 M-78, Haslett, spoke of his approval of the Township Board's many past accomplishments and applauds the Board's record.

Mike Unsworth, 5948 Village Drive, Haslett, spoke in support of the Meridian Pathway and feels that it is an asset to the community.

Billie Jo O'Berry, 1195 Clayton Court, Mason, urged voters to consider her candidacy for 55th District Judge.

Will Tyler White, 4695 Okemos Road, Okemos, informed the Board of the dedication of a new Sousa Fountain for the Traveler's Club in Okemos. He commented on a study of the downtown Okemos village area being performed by MSU. He suggested this as a positive step forward in the revitalization of the downtown Okemos village area.

Daria Schlega, 2446 Burcham, East Lansing, informed the Board of her concern for possible crimes as the result of the bike path access from Lansing to Meridian Township.

John Anderson, 215 W. Newman, Okemos, mentioned his candidacy for Meridian Township Supervisor, commented on his abilities to govern the Township and issues that he would address.

Bruce Little, 5015 Meridian Rd., Okemos, spoke of his candidacy for Meridian Township Treasurer. He expressed concern over current and future Township expenditures (budget). Mr. Little commended the Board on the choice of new Police Chief David Hall.

Rex Harrington, 820 Piper Rd., Haslett, spoke regarding the dangerous building at 6083 Gibson Street.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Response to Public Comment: (Agenda Item #8 (Questions for the Attorney))

Q. Would you please comment on some of the items that Mr. Foster had brought up this evening?

A. Sure, there are a couple of parts of the Zoning Ordinance as well as the Township Zoning Act that were referenced. The Township Zoning Act and the Township Ordinance Section 11 of the Zoning Act talk about a public hearing being required. That section, the way I read it, applies to a situation where there is a re-referral from the Board on an applicant's request for rezoning back to the Planning Commission where the Board has made changes to that request. The Planning Commission sends a recommendation back up to the Board and then someone asks for a public hearing. The way I review that and the situation that is referenced tonight which I believe is Georgetown, that's the situation or the application before the Board. I believe that the state statute, the way that it is written, that section and the ordinance is not applicable. What is before the Board this evening is action on a request that has been modified by the applicant to change a zoning to RA and a PRD Overlay. The matter has been reviewed by the Planning Commission and has come back to the Board. It is not a re-referral and so the way I see the statute, it's not applicable. The other issue where prior requests for public hearings which were made mute by the fact that the applicant modified their application and asked to have the Planning Commission do something different than they had the first time, so those other requests for public hearings that were referenced are mute and wouldn't make sense to have the Planning Commission or the Board look at it this time.

Q. When the zoning request was changed, did the Planning Commission hold a public hearing on the changed application?

A. I believe that they did, but Mark could confirm. He says yes, they have.

Supervisor McGillicuddy thanked everyone involved with the Heritage Festival and felt it was a very successful undertaking.

Clerk Helmbrecht mentioned that the last day of voter registration has passed. Absentee ballots have been mailed to those who requested them. For clarification, the deadline for voter registration was October 4th. Absentee ballots can be requested until October 30th. The Clerk's Office will be open on Saturday October 30th from 8:00 a.m. until 2:00 p.m. A request for an absentee ballot can still be made.

Cell Tower Litigation: (Agenda Item #8 (Questions for the Attorney))

Q. My understanding of the procedure and the status of that case is that this case has not been lost. As a matter of fact, the case hasn't even begun yet at the Circuit Court level. Is that correct?

A. That is correct.

Q. So, a statement that says we have lost the clock tower case would not be an accurate statement of the current status of the situation.

A. That's correct. As I said before, there have been no final decisions made by the court in that case yet.

Q. Even the reference to the Appellate Decision was not an Appellate Decision based on the case, but an individual issue that was singled out from the rest of the case and was argued at the Circuit Court and the Appellate Court level?

A. That's also correct.

6. APPROVAL OF AGENDA — OR CHANGES

Trustee Brixie moved to approve the agenda amended as follows:

- **Move Agenda Item # 7I to 10F**

Seconded by Trustee Such.

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

Trustee Such moved to adopt the Consent Agenda as submitted. Seconded by Trustee Brixie.

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, OCTOBER 5, 2004 *APPROVED*

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

The adopted Consent Agenda items are as follows:

A. Communications

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

(1). Board Determination (BD)

- 10A-1 Richard B. and Gretchen Foster, 4990 Country Drive, Okemos; RE: Request for a hearing on Rezoning/PRD #02080 (Georgetown), (Louis J. Eyde Limited Family Partnership, George F. Eyde Limited Family Partnership)
- 10A-2 Richard B. Foster, 4990 Country Drive, Okemos; RE: Request for a hearing on Rezoning/PRD #02080 (Georgetown), (Louis J. Eyde Limited Family Partnership, George F. Eyde Limited Family Partnership)
- 10A-3 John T. Anderson, 215 W. Newman Road, Okemos; RE: Petition request for a hearing on Rezoning/PRD #02080 (Georgetown), (Louis J. Eyde Limited Family Partnership, George F. Eyde Limited Family Partnership)
- 10D Will Tyler White, White Bros. Music, 4695 Okemos Road, Okemos; RE: Zoning Amendment #03090 (Township Board), Mixed Use Ordinance

(2). Board Information (BI)

- BI-1 Eleanor V. Luecke, President, LINC, PO Box 40, Okemos; RE: Support for Commission Review #04123 (Township Board)
- BI-2 Eleanor V. Luecke, President, LINC, PO Box 40, Okemos; RE: Opposition to Rezoning #04140 (MS Realty Investments LLC)

(3) Regional Linkage (RL)

- RL-1 June H. Pallottini, Chair, Ingham County Road Commission, PO Box 38, Mason; RE: Letter to Chair Chisholm, Tri-County Regional Planning Commission, on cost containment for the RFP process relative to the Travel Demand Forecasting Modeling
- RL-2 Jon W. Coleman, Executive Director, Tri-County Regional Planning Commission, 913 W. Holmes, Suite 201, Lansing; RE: Request for project applications for available federal Congestion Mitigation/Air Quality (CMAQ) funds.
- RL-3 John W. Midgley, Manager Director, Ingham County Road Commission, PO Box 38, Mason; RE: Proposed Okemos Road Improvements
- RL-4 Michigan Recreation and Park Association, 2465 Woodlake Circle, Suite 180, Okemos; RE: Announcement of Programs available to MRPA members

(4). Staff Communication/Referral (SC)

- SC-1 Memorandum from Cindy Cummings, Police Records Supervisor; RE: Current list of licensed vendors and non-licensed persons or nonprofit organization engaged in soliciting or canvassing
- SC-2 MTA, 512 Westshire Drive, Lansing; RE: Legislative Update, September 17, 2004
- SC-3 MTA, 512 Westshire Drive, Lansing; RE: Legislative Update, September 24, 2004
- SC-4 MTA, 512 Westshire Drive, Lansing; RE: MTA Grassroots Update
- SC-5 Mark Kieselbach, Director of Community Planning and Development; RE: Commission Review #04123, Van Acker Land Preservation Purchase
- SC-6 Mark Kieselbach, Director of Community Planning and Development; RE: Special

Use Permit #04081 (G.S. Fedewa Builders INC.)

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

Materials received at the September 21, 2004 Meeting

Lynne S. Page, President, Briarwood Home Owners Association, PO Box 10, Okemos; RE: Opposition to Rezoning/PRD #02080 (Georgetown) and Zoning Amendment #04080

Eleanor Luecke, LINC, PO Box 40, Okemos; RE: Concern with Rezoning/PRD #02080 (Georgetown)

Ed Busch, 1124 Buckingham Road, Haslett; RE: Opposition to Rezoning/PRD #02080 (Georgetown)

Steve D'Valentine, 5195 Whitetail Circle, Okemos; RE: Opposition to Rezoning/PRD #02080 (Georgetown)

Candy Parker, 4361 Aztec Way, Okemos; RE: Opposition to Rezoning/PRD #02080 (Georgetown)

Ben and Laura Shuart, 1213 Buckingham, Haslett; RE: Opposition to Rezoning/PRD #02080 (Georgetown)

Julia Walsh Roelle, 2283 Hulett Road, Okemos; RE: Opposition to "upzoning"

Amy Baur, 1113 Tihart Road, Okemos; RE: Opposition to Rezoning/PRD #02080 (Georgetown)

Amy Baur, 1113 Tihart Road, Okemos; RE: Opposition to Rezoning/PRD #02080 (Georgetown)

Lynne S. Page, President, Briarwood Home Owners Association, PO Box 10, Okemos; RE: Opposition to Rezoning/PRD #02080 (Georgetown), Zoning Amendment #04080 (Township Board) and Zoning Amendment #04090 (Planning Commission)

Will Tyler White, White Bros. Music, 4695 Okemos Road, Okemos; RE: Mixed Use PUD Ordinance

Richard Foster, 4990 Country Drive, Okemos; RE: Prepared Statement on Rezoning/PRD #02080 (Georgetown)

Tony Lopez, 2149 Raby Road, Okemos; RE: Protest of Raby Road Sanitary Sewer Special Assessment District #49

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

B. Minutes

Trustee Such moved to approve and ratify the minutes of the September 14, 2004, Budget Deliberation Meeting as submitted. Seconded by Trustee Brixie.

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

C. Bills

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

Common Cash	\$ 657,835.51
Public Works	\$ 886,517.25
Total Checks	\$1,544,352.76
Credit Card Transactions	\$ 17,456.96
Total Purchases	<u>\$1,561,809.72</u>
ACH Payments	<u>\$ 288,452.35</u>

Seconded by Trustee Brixie.

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

[Bill list in Official Minute Book]

D. Third Quarter Budget Amendments

Trustee Such moved that the 2004 Amended Budget as reflected on page 3 of the memorandum to the Township Board from the Finance Director, dated October 1, 2004, 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.

E. Paramedic/Firefighter Appointment

Trustee Such moved the ratification of Erik Andrew Sellen and Kelly Renee Trentin to the positions of paramedic/firefighter contingent upon successful completion of those items stipulated in the conditional offer of employment. 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. 2004 F.I.R.E. Grant

Trustee Such moved to authorize the Fire Department to apply for and accept a Fire Prevention and Safety Grant through the Federal Fire Protection and Control Act in the amount of \$6,200.00 with the Township's share coming from the Township's Fund Balance. 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. Wetland Use Permit WUP #04-03-01(Fedewa) Modification, Sierra Ridge

Trustee Such moved to schedule a public hearing on Wetland Use Permit #04-03-01 (G.S. Fedewa Builders) for the Township Board's regular meeting on Tuesday, October 19, 2004. Second by Trustee Brixie.

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

J. Bath Township Water and Sewer Agreement

Director Kieselbach summarized the agreement as outlined in staff memorandum dated September 30, 2004.

Board members and staff discussed the following:

- Concern about how this interacts with requirements to go through Section 9 approvals
- Concern that a precedent is not created where we do not exercise the review process due to the involvement of another jurisdiction
- Parcels and the ordinance requirements
- Concern that the Township is relinquishing authority in terms of this agreement

- More study warranted before action

Section 9 Review for Water and Sewer Agreement: (Questions for the Attorney (See Agenda Item #8))

- Q. I would defer to our Attorney if this is an appropriate action for a Section 9, if it's a question mark or if it's in a gray area of some kind, then I have no objections to following through with that; that would be my only concern.
- A. I just need some clarification, is the sewer from Bath Township actually coming across the Township line? If it is the actual sewer that they're going to hook up to, based on the expressed reading of the statute, I would say it requires a Section 9. If I could have some more time to see if there is any case law out there, because this is a little different than what generally is meant by a Section 9 review which is having to do with the planning aspect of this Township.

Director Severy added that public sewer and public water will be in the street right of way and that the right of way is located in Bath Township. House leads from the homes in Meridian Township will go into Bath Township to connect into public sewer which is located in Bath Township

Attorney Andria Ditschman stated that a Section 9 would not then be required.

Trustee Brixie moved to table Agenda #7J, the Bath Township Water and Sewer Agreement. Seconded by Trustee Woiwode.

VOICE VOTE: Motion carried unanimously

- K. Raby Road Sanitary Sewer
Trustee Such moved to refer the Raby Road sanitary sewer extension to the Planning Commission for review of its location, character and extent. Seconded by Trustee Brixie.

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

- L. Guthrie/Jayne Dobie Road Force Main
Trustee Such moved to refer the Dobie Road force main extension to the Planning Commission for review of its location, character, and extent. Seconded by Trustee Brixie.

Board members and staff discussed the following:

- The position of the Sylvan Glen parcels in relation to the railroad tracks
- Location of the parcels are south of the railroad tracks and have a separate private drive that serves the two parcels
- Only access is from the back of Carriage Lane Apartments which faces on Dobie Rd.
- Clarification in regard to the Township's taking over failed septic systems

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

- M. Ember Oaks Subdivision Street Lighting District Redetermination of Costs, Resolution #1
Trustee Such moved to approve Ember Oaks Subdivision Street Lighting District – Revised Resolution #1 setting a public hearing for November 16, 2004, to hear comments regarding the re-determination of costs and the proposed special assessment roll. Seconded by Trustee Brixie.

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

NAYS: None
Motion carried unanimously.

8. QUESTIONS FOR THE ATTORNEY (See Agenda Items #5, #7J, #10 B, #10 C)

9. HEARINGS

A. 2005 Recommended Budget

Diana Hasse, Director of Finance, introduced the recommended budget for consideration.

Supervisor McGillicuddy asked Director Hasse for comment on the Vehicle Motor Pool. Director Hasse explained that the motor pool fund is separately maintained. There is also a planned vehicle renewal program based upon age and use

Supervisor McGillicuddy opened the public hearing at 6:45 P.M.

PUBLIC

John Anderson, 215 W. Newman Rd., Okemos, offered the following comments:

- Believed the budget surplus is being depleted
- Concerned over cutbacks in state revenue

Will White, 4695 Okemos Rd., Okemos, offered the following comments:

- Felt the budget appeared fairly well balanced overall
- Objected to the proposed rental fee for the use of the Service Center Activity Room
- Believed that non profit groups should have the use of the Service Center Activity Room without a fee
- Recommended that the Service Center Activity Room fee be revisited

Board members and staff discussed the following relative to the budget::

- The most significant change in fund balance was the \$1 million used for road resurfacing
- The 2004 estimate showed a decline in fund balance for purchase of buildings and carryover projects
- Funds have been cut by the State 15% over last year
- Remaining state shared revenue is mostly constitutional money
- Limited state shared revenue left that can be withheld in future years
- State revenue source will probably be fairly stable going forward
- Maintenance of a 2.6 month reserve fund for emergencies
- Unfinished projects at year end which will be carried into the next year (computer systems, grants)
- Purchase and payments on the library building for the Okemos Branch Library and the Activity Center in anticipation of a fire station expansion in the future
- Capital investments may cause the need to dip into reserves
- Projection of a budget where less is spent than revenues generated
- Budget deliberations meeting held on September 14th had one resident in attendance

Board members and staff discussed the following relative to the rental of the Service Center Room:

- Revenue not actually calculated
- Service Center is heavily used, but not all who use the room are Township residents
- Labor costs to clean the building
- Wear and tear on the building itself (carpeting, tables, chairs, etc.)
- Rental is a nominal charge and a way to help keep up the maintenance
- Several administrative functions involved
- Service Center is the only room available for meetings for general public
- Proposal of a two tiered system where \$15 per hour is charged for resident non-profit groups and \$30 per hour for all other groups which includes a two (2) hour minimum
- Allowance of free use by non-profit groups
- The weekend use charge has been in effect for years
- Not charging any additional for weekend use, only for weekday use

Supervisor McGillicuddy closed the public hearing at 7:00 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Penny Martin, 6641 W. Braden, Perry, spoke in reference to the condemnation of 6083 Gibson. She offered information that she had two licensed builders view the home and say the house was sound and worth putting money into, but neither builder would write any information down on paper.

John Anderson, 215 W. Newman, Okemos, expressed his opposition to the Rezoning/PRD #02080 (Georgetown). He is also concerned whether the current sewer system will be able to support this development.

Wil White, 4695 Okemos Rd., Okemos, expressed his approval of Rezoning/PRD #02080 (Georgetown). He commended the use of greenspace and the consideration that was made for wildlife. He would like to see more developments which would reduce automobile trips. He additionally expressed some support for the Mixed Use Ordinance with the exception of the density limitation.

Supervisor McGillicuddy closed public comment.

- A. Rezoning/Planned Residential Development #02080 (Georgetown), (Louis J. Eyde Limited Family Partnership, George F. Eyde Limited Family Partnership)
Treasurer Hunting moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby FINALLY ADOPTS Ordinance No. 2004-07, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning and Planned Residential Development Petition #02080” RR (Rural Residential) to RA (Single Family, Medium Density) with a Planned Residential Development Overlay.

Seconded by Trustee Such.

Board members discussed the following:

- Collaborative effort of this rezoning/PRD
- Cooperative effort brought together a reasonable solution to density
- Preservation of significant greenspace and wildlife corridors
- Approval of this request by the Planning Commission
- Road issues will be addressed
- Sewer capacity is adequate

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

NAYS: None

Motion carried unanimously.

- B. Dangerous Building – 6083 Gibson

Trustee Such moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, hereby approves the order of the Building Board of Appeals that the building at 6083 Gibson Avenue is a dangerous building as defined in Section 17-176 of the Code of Ordinances and the building shall be demolished or made safe on or before November 20, 2004.

Seconded by Trustee Brixie.

Board members discussed the following:

- Homeowner has 60 days to make the building safe
- Home not occupied since 1999
- Home as a rental property
- Reasonable attempt to comply would be seen in seeking building permits, etc.
- Inspectors have not been allowed inside the premises

- 60 days can elapse from the date of the hearing (about 45 days left)
- Question of clarification if the owner seeks permits
- Permits would be issued if they are correctly applied for and paid
- No bathroom in the home
- The issue at hand is a dangerous building, not whether rental or owner occupied
- The order is to bring the house into compliance
- There is flexibility in this issue; a demonstrated effort needs to be made
- Permits were applied for in the past, however, they were not acted upon and became invalid
- The overall goal is compliance and enable people to keep up their property
- The action clause in the resolution states that the building shall be demolished or made safe on or before November 20, 2004
- Correct progress would be a satisfactory move

“Shall” vs. “May”: (Questions for the Attorney (See Agenda Item #8))

- Q. I want to be sure the description does say may, but I want to make sure that we aren't actually saying shall, if that limits our discretion
- A. It says “shall”, which means it either needs to be defined as safe which I think Mr. Kieselbach said. They'll have to make that determination in deciding if it is safe or not. It doesn't say begin to make safe or take efforts, you know make some effort to make it safe; it says it will be safe or demolished. That is the way it is written right now.

Trustee Such offered the following friendly amendment:

- **Delete the word “shall” in the last line of the motion and insert the word “may”**

Language Change Effect on Enforcability: (Questions for the Attorney (See Agenda Item #8))

- Q. How is that going to affect our ability to enforce the code by making it “may”?
- A. I don't think it is a problem to add “may.” I think it would be a better solution to keep it with shall be demolished or somehow add language to the made safe, because that's really what you're saying; you either want it demolished or you want it to go forward, being made safe. You don't want the demolished to be a “may” because then what you're saying today is yes, we want it demolished, or we want some steps to be taken to make it safe. I'm not sure how you'll want to police that though.

Director Kieselbach added that he would bring back a progress report to the November 19th Board meeting to discuss whether or not this motion should be amended

Trustee Such withdrew his friendly amendment to the motion.

Board members discussed the following::

- The owner has had five years to make a good faith effort, which staff has not felt has happened
- Permits have been pulled in the past
- Issue should not have to be brought back over and over again
- Exterior structural modifications have to be made to code
- Building must be made habitable before occupancy could be issued
- Staff inspections must be made
- Current status of occupancy permit

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

NAYS: None

Motion carried unanimously.

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

Board members and staff discussed the following:

- Concerns over the use of planned culverts
- Suggested the use of open-bottom box culverts
- Suggested alternatives to a single culvert

- Open-bottom box culverts are less expensive and require less fill
- Wildlife use of these culverts
- Open-bottom box culverts are large and do not get obstructed easily by debris
- One of the Township Board's goals is to protect the habitats of wildlife
- Infrequency of standing water for the wetlands
- Greenspace lies on both sides
- Environmental Consultants felt that the open-bottom box culverts were not necessary

Trustee Such moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, pursuant to Article 4 of Section 22 of the Township Code of Ordinances, hereby approves Wetland Use Permit #04-03 with the following conditions:

- 1. Approval is based upon the plans, documents and materials prepared by Lapham and Associates, Inc., submitted in conjunction with the wetland use permit to place fill in Township Wetland #35-18 for the purpose of constructing two (2) public road crossings and one (1) boardwalk crossing, subject to revision as required through this approval.**
- 2. Approval is subject to the applicant obtaining a permit from the Michigan Department of Environmental Quality (MDEQ).**
- 3. The wetland use permit shall be subject to the applicant maintaining preliminary plat approval or receiving the final plat for the future phases of Ember Oaks.**
- 4. The mitigation area shall be relocated. The final design and location of the mitigation area shall be subject to the approval of the Director of Community Planning and Development and the Michigan Department of Environmental Quality (MDEQ).**
- 5. Mitigation shall be provided at a ratio of no less than 1.5 to 1.0.**
- 6. The wetland mitigation shall be monitored annually by the applicant's wetland consultant for five (5) years with a status report provided to the Department of Community Planning and Development each year.**
- 7. If wetland vegetation fails to establish in the mitigation area after one (1) growing season, or fails to progress satisfactorily to a self-sustaining wetland as designed, the applicant shall conduct corrective measures as directed by the Township's Wetland Consultant to ensure successful wetland establishment.**
- 8. A performance guarantee in the amount of \$10,000 shall be provided in an acceptable form to the Township to ensure completion of the wetland mitigation.**
- 9. Prior to construction of the mitigation area, a soil erosion and sedimentation control permit from the Ingham County Drain Commissioner and a grading permit from the Department of Community Planning and Development shall be obtained.**
- 10. Erosion control fencing shall be installed prior to construction and maintained throughout construction. The fence shall be removed once the area is stabilized after construction. No straw bales shall be used for erosion control, unless in conjunction with sediment erosion control fencing.**
- 11. Prior to any construction, including grading starting on the site, the applicant shall provide in writing to the Township a notice of commencement of the project.**

- 12. 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.**

Seconded by Trustee Brixie.

Board members and staff discussed the following:

- The study and selection of different types of culverts can be entrusted to the Planning Department and developer
- Small animals will be able to get through culverts
- Open-bottom box culverts come in all sizes and shapes
- Open-bottom box culverts are less expensive and less labor intensive
- Leave the issue with Director Kieselbach and the developer to look at alternatives
- There may be some soil issues for use or non use

Alternative types of culverts: (Questions for the Attorney (See Agenda Item #8))

Q. If we were to say something like an alternative means, where alternative types of culvert other than the cylindrical, one was a 21 inch, and the other was 36 inch, 100 feet and 130 feet is a substantial length and I don't know how best to word it so that we don't see just a regular standardized culvert in the road. Is there any language that you can think of? They can use a small bridge, they could use these other types of culverts. There are other things that they can use other than the standard cylindrical culverts.

A. And you want them to have the option, correct? That's what you're asking?

Q. Yes, I prefer to see something that had less of an impact on the wildlife movement.

A. If your concern is the impact on the wildlife, you can add that as an entire Board feeling that that's the concern and that's why you want to give them options. You could add that or you could say anything to meet the means of providing from one end to the other exactly what the culvert does. You could put the information there as what it does, not exactly the word culvert.

Q. Some means to allow the wildlife to cross the road.

A. I guess I need to know if the main concern of the entire Board is wildlife, then the means to allow wildlife to transfer one side to the other, is that the main concern of the entire Board? Then, I would put that in, that they need to do something to meet that need. I'm not exactly sure. Again, I'm not a planner either, so I don't know if that's the only concern is the wildlife, then I would add that. I don't know what options are available and what would work, if a bridge would work, if it wouldn't, I don't know.

Trustee Such moved to include the following language as condition number 2 and renumber the remaining conditions:

2. The final design and location of the culverts shall be subject to the approval of the Director of Community Planning and Development.

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

- D. Zoning Amendment #03090 (Township Board), Mixed Use 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, amending Chapter 86, Article IV, Division 4, by adding Section 86-440.”

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.

Board members discussed the following:

- Encouraged that the Board is moving forward in this area
- Excitement over the mixed use concept
- A good way to bring more diversity to the Township
- Density issue will need to be revisited
- Ordinance as written is a work in progress

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

E. Okemos Road Widening Project

Trustee Such moved that the Township Manager be authorized to communicate Meridian Township’s commitment to reimburse the Ingham County Road Commission for the cost of adding medians on Okemos Road, described as option B in a letter dated September 2, 2004. Seconded by Trustee Brixie.

Board members and staff discussed the following:

- Ingham County Road Commission project extends from north of Jolly to the CSX RR tracks
- Okemos Road would be widened from four lanes to five lanes which gives a fifth lane for left turns, the entire length
- The Township is proposing in the section between Heritage and just north of Sower Blvd., a landscape median to be constructed
- The landscape median would be approximately 20’ at the widest part and would narrow down to 8’ or less
- Some trees could be planted to help landscape the median
- Ground cover and shrubbery has not been decided; visibility is critical
- Working on a transportation grant to help fund this project
- MDOT will do a preliminary review to determine if the project is eligible
- Ingham County Road Commission (ICRC) is beginning the design of the project and lay out to scale for bids
- The Road Commission project is funded through State administered grant funds with a local match which the ICRC will be supplying
- The project for the Township median would be an addition
- Would not be funded through that project
- Township’s responsibility to find additional funding and/or pay for the improvement from Township’s funds
- ICRC has asked for a definite commitment by the Township
- One time opportunity due to costs
- A commitment requires the Township to follow through and respond in writing to the ICRC
- ICRC will be the applicant for any funding with two possible grant sources
- The cost of the project is approximately \$800,000
- This project is consistent with the Board’s number one priority for “enhancement”
- Creates open and green space
- Encourages a walkable community
- Median keeps two of the lanes of traffic further away from pedestrians and bicyclists
- Question regarding crosswalks
- ICRC has been working with the Township positively in this area

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

- F. Zoning Amendment #04100 (Planning Commission), revise definition for “newly discovered evidence.”

Trustee Such moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THAT 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, by Amending Section 86-2.”

BE IT FURTHER RESOLVED that the Clerk of the Charter Township of M-eridian 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.

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

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

John Veenstra, 320 Piper Rd., Haslett, expressed his concerns over the expenditure for the widening of Okemos Road. He also spoke in opposition to the rental fee for the use of the room at the Service Center.

Supervisor McGillicuddy closed public comment.

A. 2005 Recommended Budget

Manager Richards responded to the previous speaker by offering the following comments.

- The letter from the ICRC and estimate was not available at the time of the proposed Budget.
- Until the final design is completed, there will not be an accurate engineering estimate. There is time to adjust the budget as the money will not be expended until May, 2005.
- The money will come from the Fund Balance if the Township is unsuccessful in obtaining grants
- The Township will still stay within its goal of two (2) months of expenditures even if we have to pay all \$800,000 from Township sources.
- The interest in burying utility lines has been considered and will not be pursued. The assumption is moving of the existing lines would be the expense of the utilities.

There was a consensus of the Board to have this item on for action at the October 19, 2004 Board meeting.

- B. Preliminary Plat #04042 (White Family Properties LLC), request to plat Whitehills Lakes #7, a 6 lot single family home subdivision north of Pine Hollow Drive, west of BL-69.
Director Kieselbach summarized the preliminary plat as outlined in staff memorandum dated September 30, 2004.

There was a consensus of the Board to have this item on for action at the October 19, 2004 Board meeting.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Rex Harrington, 820 Piper Road., Haslett, commended the Board for their decisive work. He endorsed Treasurer Hunting for re-election and feels he has done an excellent job.

Will White, 4695 Okemos Rd., Okemos, spoke in support of the Mixed Use Ordinance, but believes the Ordinance to be very limiting specifically in the area of density.

Supervisor McGillicuddy closed Public Remarks.

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 8:42 p.m.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Joanne Clinard, Acting Secretary