

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, SEPTEMBER 7, 2004, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such, Woiwode
ABSENT: Trustee Stier
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Acting Police Chief Dave Hall, Assistant Fire Chief Dale Monnier, Personnel Director/Assistant Manager Paul Brake, Director of Finance Diana Hasse, Attorney Andria Ditschman

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:03 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.

Keith Oberg, 1585 Hillside Drive, Okemos, commented on timely updates to the Township website, concurred with comments contained in Clerk's Communication BI-I, and was in opposition to citing 6083 Gibson, East Lansing as a dangerous building,

John Anderson, 215 W. Newman, Okemos, spoke in opposition to upzoning within Meridian Township at the present time.

Billie Jo O'Berry, 1195 Clayton Court, Mason, judicial candidate for the 55th District Court thanked residents who voted in the primary and urged voters to compare the two (2) candidates when voting in the general election.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Treasurer Hunting reminded taxpayers of the September 14, 2004 deadline for summer tax payments. Any bills misplaced by a taxpayer can be looked up by the Treasurer's Office during office hours, which are 8:00 A.M. until 5:00 P.M. After hours, a white curbside drop box with the Township logo on the side is available behind the Municipal Building.

Supervisor McGillicuddy noted that the Township received the Ingham County Drain Commission's Towar Study and staff is reviewing its results.

Director Severy added the survey completed by the Drain Commissioner's office is a preliminary step in designing the storm drain system for the Towar area. A survey of the homes was conducted to determine existing drainage problems, connection issues and identify where surface flooding occurred. Public meetings were held within the neighborhood to review the conceptual design and it was, in general, favorably received. The ICDC is currently in the design phase of the construction plans for the storm drainage project. It will be necessary to obtain several easements for the system, with construction to begin in the Spring of 2005. One of the benefits of this project will be the reduction in

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surface flooding in the neighborhood. The Township will benefit through sump pump disconnects from the sanitary sewer and connection to the storm sewer, reducing the flow to the East Lansing Wastewater Treatment Plant.

The Drain Commission is proposing “rain gardens”, a concept of planted shallow areas where the first run off of the rain will go. The Drain Commissioner will maintain these rain gardens. The water which will be directed into these areas will remain there for approximately one hour before passing through an outlet into the storm drain system. These low areas will help filter the pollutants in the water before the water is sent into the underground storm drain system. The locations of these rain gardens will be in residential back yards and the ditch lines along the road.

6. APPROVAL OF AGENDA — OR CHANGES

Trustee Brixie moved to approve the agenda amended as follows:

- **Add Agenda Item #11F. Discussion of Okemos Road Redesign**

Seconded by Trustee Woiwode.

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

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

NAYS: None

Motion carried 6-0.

The adopted Consent Agenda items are as follow:

A. Communications

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

(1). Board Deliberation (BD)

- 7-I John Heckaman, Chief Building Inspector; RE: Demolition of 6083 Gibson Avenue, East Lansing
- 10-A Bruce Caruthers, Attorney, 4215 South Pennsylvania, Lansing; RE: Carriage Hills North Condominium Association

(2) Board Information (BI)

- BI-1 Peter Woodford, Okemos; RE: Response to “enough is enough” unidentified mail drop
- BI-2 Alex Voice, Okemos; RE: Resignation from the Environmental Commission to attend U of M
- BI-3 James Harding, 5055 Country Way, Okemos; RE: Resignation from the Environmental Commission
- BI-4 Christopher Moorehead, 230 North Clemens, Lansing; RE: Support for the Pathway – SUP# 04051
- BI-5 Odeena Development Group, 2367 Science Parkway, Suite 2, Okemos; RE: Request for ideas for Okemos School Property

(3) Commission Linkage (CL)

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CL-1 Environmental Commission, Richard Brown, Associate Planner; RE: Natural Features Assessment Guidelines

(4) Regional Linkage (RL)

RL-1 Consumers Power, 2121, Michigan Avenue, Jackson; RE: Design for Okemos Road

(5) Staff Communication/Referral (SC)

SC-1 MTA, 512 Westshire Drive, Lansing; RE: Status Report: State of Michigan late on PILT payments

SC-2 MTA, 512 Westshire Drive, Lansing; RE: Legislative Update, August 20, 2004

SC-3 MTA, 512 Westshire Drive, Lansing; RE: Legislative Update, August 27, 2004

SC-4 LuAnn Maisner, Director of Parks and Recreation; RE: Request for input on Parks and Recreation Five Year Plan

SC-5 Mark Kieselbach, Director of Community Planning and Development; RE: Planning Commission Review #04083

(6) On File in the Clerk's Office (OF)

Materials received at the August 17, 2004 Board Meeting

Rosa Wilkerson, 1002 Huntington, East Lansing; RE: Support for the Pathway – SUP #04051

Dale Crites, 1633 Dobie Circle, Okemos; RE: Support for the Pathway – SUP #04051

Connie Detjen, 2173 Belding Court, Okemos; RE: Support for the Pathway– SUP #04051

Dan McNeal, 2377 North Wild Blossom Court, East Lansing; RE: Opposition to the Pathway– SUP #04051

Celia Seriff, 5187 Wardcliff Drive, East Lansing; RE: Opposition to the Pathway– SUP #04051

James Chester, 1452 Birchwood Drive, Okemos; RE: Opposition to the Pathway– SUP #04051

Ann Graham, 2458 Burcham Drive, East Lansing; RE: Opposition to the Pathway– SUP #04051

Lynn Rich, 2460 Burcham Drive, East Lansing; RE: Opposition to the Pathway– SUP #04051

W. Kerry Miller, 627 Earliglow Land, Haslett; RE: Opposition to the Pathway– SUP #04051

Karen Gallegher, 1112 Woodwind Trail, Haslett; RE: Opposition to the Pathway– SUP #04051

Judith King, 4656 Marsh Road, Okemos; RE: Opposition to the Pathway– SUP #04051

Larisa Hutchins, 1563 West pond Drive, Unit 34, Okemos; RE: Opposition to the Pathway– SUP #04051

Nancy McMall, P.O. Box 208, Okemos; RE: Opposition to the Pathway– SUP #04051

Richard O'Malley, 3720 Okemos Road, Unit #202, Okemos; RE: Opposition to the Pathway– SUP #04051

Emily Sweeney, 2448 Burcham, East Lansing; RE: Opposition to the Pathway– SUP #04051

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

NAYS: None

Motion carried 6-0.

B. Minutes

Trustee Brixie moved to approve and ratify the minutes of the August 17, 2004 Regular Meeting as submitted. Seconded by Trustee Such.

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

NAYS: None
Motion carried 6-0.

C. Bills

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

Common Cash	\$ 386,150.30
Public Works	\$ 300,446.44
Central Park Dr. Debt Retirement	\$ 164,200.00
JP Morgan Trust Co.	
Total Checks	\$ 850,796.74
Credit Card Transactions	\$ 16,603.08
Total Purchases	<u>\$ 867,399.82</u>
 ACH PAYMENTS	 <u>\$ 836,248.40</u>

Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

[Bill list in Official Minute Book]

D. 2005 Draft Budget

Trustee Brixie moved receipt of the 2005 Draft Budget. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

E. Liquor License Transfers

1. Cancun Mexican Grill

Trustee Brixie moved to approve IACM, Inc.'s (A Kentucky Corporation) application to transfer ownership of a 2004 Class C licensed business, in escrow, located at 5640 Marsh Road, Haslett, Michigan, Meridian Township, Ingham County, Michigan from Dennis San-Lang Ku to IACM, Inc. and authorize the Township Clerk to execute the resolution for local approval of the above described transfer. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

2. Old Chicago Restaurant

Trustee Brixie moved to approve OC of Michigan, Inc.'s application to transfer ownership of a 2004 Class C licensed business, in escrow, located at 1938 Grand Rive Road, Okemos, Michigan, Meridian Township, Ingham County, Michigan from Chevy's Inc. (a California Corporation) to OC of Michigan, Inc. and authorize the Township Clerk to execute the resolution for local approval of the above described transfer. Seconded by Trustee Such.

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

NAYS: None
Motion carried 6-0.

- F. Information Technology Master Mutual Aid Agreement
Trustee Brixie moved the Township Board authorize the Township Manager to execute the agreement to allow the Township to participate in the Information Technology Master Mutual Aid Agreement with Ingham County, Eaton County, City of Lansing, and City of East Lansing. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

- G. Assessing Stipulation
Trustee Brixie moved that the Township Assessor be authorized to sign a stipulation with Michigan Electric Transmission Company, LLC, on the following property:

<u>YEAR</u>	<u>DOCKET NO.</u>	<u>ADDRESS OF PROPERTY</u>	
2002	0294106	Personal Property	
<u>Assessment</u>	2002	<u>AV/TV</u>	\$199,400/199,400
<u>Proposed Assessment</u>	2002	<u>AV/TV</u>	\$184,500/184,500

Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

Trustee Brixie moved that the Township Assessor be authorized to sign a stipulation with Michigan Electric Transmission Company, LLC, on the following property:

<u>YEAR</u>	<u>DOCKET NO.</u>	<u>ADDRESS OF PROPERTY</u>	
2003	0294106	Personal Property	
<u>Assessment</u>	2003	<u>AV/TV</u>	\$1,500,400/1,458,700
<u>Proposed Assessment</u>	2003	<u>AV/TV</u>	\$1,500,400/1,458,700

Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

- H. Resolution of Ordinance Adopting and Incorporating by Reference the 2003 Edition of the International Fire Code with Meridian Amendments
Trustee Brixie moved [and read into the record], NOW, 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 "Ordinance Adopting and Incorporating by Reference the 2003 International Fire Code with Meridian Amendments."

Seconded by Trustee Such.

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

NAYS: None

Motion carried 6-0.

- I. Dangerous Building, 6083 Gibson, Set Public Hearing September 21st
Trustee Brixie moved to schedule a hearing on the Building Board of Appeals order that the structure at 6083 Gibson Avenue, East Lansing, be demolished or otherwise made safe for the Township Board's regular meeting on September 21, 2004. Seconded by Trustee Such.

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

NAYS: None

Motion carried 6-0.

- J. Wetland Use Permit #04-03 (Keith Schroeder/Ember Oaks), Set Public Hearing September 21st
Trustee Brixie moved to schedule a public hearing regarding Wetland Use Permit #04-03 (Ember Oaks Company) for the Township Board's regular meeting on September 21, 2004. Seconded by Trustee Such.

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

NAYS: None

Motion carried 6-0.

- K. Request to Purchase Sewer TV Camera Transporter
Trustee Brixie moved to amend the 2004 sewer fund budget by transferring \$9,300 from sewer line repairs to machinery and equipment and to approve the purchase of a sewer television camera transporter. Seconded by Trustee Such.

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

NAYS: None

Motion carried 6-0.

- L. Authorization to Dispose of Surplus Vehicles and Equipment
Trustee Brixie moved to approve the sale of the surplus Township vehicles and equipment on the attached list at public auction or by sealed bid, or if no bids are received to dispose of the vehicles and equipment appropriately. Seconded by Trustee Such.

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

NAYS: None

Motion carried 6-0.

- M. Ember Oaks Subdivision Street Lighting District, **Resolution #2**
Trustee Brixie moved to approve Ember Oaks Subdivision Streetlighting District Resolution #2, which confirms the plans and estimate of costs for the Ember Oaks Subdivision Streetlighting District; directs the Supervisor to make a special assessment according to the roll submitted to the public hearing and confirms the assessment amount of \$2,076.00 for the first year, and \$1,926.00 annually thereafter, and directs that amount to be assessed against the lands on that roll; orders the special assessment roll filed with the Township Assessor for spreading annually on the tax roll; authorizes Consumers Energy to proceed with the installation of the eighteen (18) streetlights; and authorizes the Township Supervisor and Clerk to sign the Authorization for Change in Streetlighting Contract. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

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

QUESTION: When the word “should” is used in ordinances or conditions, what does it mean?
“Shall” and “may” I’m very clear on, but in two (2) instances of items on our agenda tonight, “should” is used. I just want to know if there is any reason to color it differently than “may”. I know it is a weird question, but it affects how I am going to look at a couple of things on the agenda.

ATTORNEY
INQUIRY:

I would ask first what things on the agenda are you referring to?

TRUSTEE
RESPONSE:

One is a condition on a special use permit and the other is in a proposed ordinance that’s just on discussion.

ATTORNEY
ANSWER:

Well, I think you are correct in assuming that it doesn’t have as much authority as “shall” and is similar to “may,” although “should” might have a little more punch than may. It seems to infer there is a preference, but it certainly doesn’t say that the Board has to act in any specific way.

QUESTION:

With regard to a condition on a special use permit or any kind of conditioning of an action that would leave the discretion to the person receiving the permit or the approval, is that right? It doesn’t give us any authority to force somebody to do something where it is a condition.

ATTORNEY
INQUIRY:

If there was a condition placed on a SUP?

TRUSTEE
RESPONSE:

If a condition says “should” in it, as opposed to “shall,” then that leaves it to the discretion of the person receiving the condition?

ATTORNEY
ANSWER:

I would read it that way.

9. HEARINGS

Supervisor McGillicuddy opened the public hearing at 6:20 P.M.

A. Raby Road Sanitary Sewer Special Assessment District #49

Director Severy summarized the proposed Sanitary Sewer District as outlined in staff memorandum dated September 3, 2004.

Supervisor McGillicuddy noted that previously the Board had approved extension of the sewer down Okemos Road near Newton. She asked Director Severy how far away the previous extension was from the location under discussion.

Director Severy stated it was a distance north of the current location.

Supervisor McGillicuddy asked how the petitioner’s home was currently connected.

Director Severy responded that the property owner currently has a failing septic drain field system.

Trustee Woiwode asked if the neighbors farther west would be required to connect in at some point.

Director Severy stated that normally the Township does not require property owners to hook in until the sewer is extended in front of their property. Historically, even then the Township does not mandate hook up unless there is a health and safety concern.

Trustee Such asked Director Severy why not take it farther west to include all of the nearby properties within the special assessment district and thereby reduce the cost of each resident's assessment.

Director Severy responded there are two (2) or three (3) properties to the west which area interested in sewer, but the immediate neighbors are not interested.

Trustee Such felt that if it was extended west, it would reduce the cost of each property owner's hook up, thereby creating more of an incentive if they chose the option to do so. He asked Director Severy if any engineering had been done to see where it is fiscally responsible to end the sewer.

Director Severy stated his department had looked into how far the sewer could go, but the grade goes up and then drops off, thereby limiting the distance due to the sewer's gravitational nature.

Director Severy added that one advantage to putting in the sewer now is that Raby Road is still a gravel road, thereby reducing the cost of construction. He will look to see how far west the sewer could go and come back to the Board with costs.

Trustee Woiwode asked if the Health Department knew why the septic system at 2167 Raby Road failed and, if the soils in the area are the same, what was the likelihood of the septic systems failing on nearby property.

Director Severy responded that while he is unsure of what the soils are like throughout the entire area, he felt eventually there would be failures on nearby properties as the soils are saturated and cannot absorb any more.

Treasurer Hunting inquired if the special assessment district was expanded, wouldn't that necessitate noticing the additional property owners.

Director Severy stated that was correct and what would happen would be to set another public hearing for the expanded assessment district.

Trustee Woiwode stated that while efficiency and economics are to be considered, there was no need to expand the assessment district if the property owners were not interested.

Trustee Such inquired if the Township would require that the residents hook up if the sewer ran in front of a homeowner's property.

Director Severy responded that in the past, the Township has not required the hook-up, but it remained an option. The homeowners would be included in the benefit district and incur the actual cost of installing the sewer, but the actual connection fee and running a line from the homes to the street would not have to occur until the septic systems actually failed.

The Board asked the Engineering Department for an estimate of the cost to be included in the special assessment district.

APPLICANT

Darcy Hansen, 2167 Raby Road, East Lansing, stated she purchased the subject property three and one-half years (3-1/2) years ago with the understanding there were no problems with the septic system. She has had nothing but problems since she has moved in. Raw sewage has seeped up into her yard, experiencing many health problems over the last year.

When Ms. Hansen contacted the Health Department, she was told the previous owners were ordered to replace the system seventeen (17) years ago or hook up to the sewer system, neither of which were done. The Health Department has indicated that immediate resolution is needed or her home will be condemned.

She has been able to generate interest for the four properties shown earlier to hook up to the sewer, although the property owners in between her home and the four properties are not interested.

PUBLIC

John Anderson, 215 W. Newman Road, stated he believed state law required property owners to hook up if a sewer line goes within 200 feet of a home and would like confirmation one way or another.

Supervisor McGillicuddy asked Director Severy if it would be possible to have an emergency connection for 2167 Raby Road in light of the circumstances.

Director Severy stated he would check into it and see if something could be done on a temporary basis.

Trustee Woiwode asked Director Severy if there was a way to proceed, if a decision was made tonight to move ahead, by treating the rest of the road separately.

Director Severy responded it is preferable to treat this as one project. He felt it is very small and would not take long to design once the Board approved the special assessment district. Another time saving measure would be to have this item on for action the same evening as the expanded public hearing.

Supervisor McGillicuddy held the public hearing open until September 21, 2004.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Jean Nicholas, 6232 Brookline Court, East Lansing, spoke in opposition to SUP #04011 and requested no further action be taken until the SUP is renoticed.

Tim Hovey, 124 E. Washington Street, DeWitt, spoke to the options presented tonight in the Board's packet for Rezoning #04030 and supported the referral back to the Planning Commission to consider rezoning the property to RD (multiple family-low density).

Mike Bone, 2970 Lake Lansing Road, East Lansing and co-applicant, spoke in support of the Appeal SUP #04011 (South Whitehills Ltd. Partnership).

John Veenstra, 320 Piper Road, Haslett, urged the Planning Commission's decision be upheld and the appeal of SUP #04011 (South Whitehills Ltd. Partnership) be denied.

John Anderson, 215 W. Newman, Okemos, spoke in opposition to the Appeal of SUP #04011 (South Whitehills Ltd. Partnership) and against any upzoning.

Supervisor McGillicuddy closed public comment.

- A. Appeal of SUP #04011 (South Whitehills Ltd. Partnership), request to construct a 16-unit condominium (White Birch Condominiums) on a 1.55 acres RC (Multiple Family-Medium Density) zoned site on the south side of Birch Row Drive, west of Hagadorn Road

Notification requirements for SUP #04011: (Questions for the attorney (See Agenda Item #8))

Q. It was noticed to several homeowners of the condominium association; maybe not the whole association, but several of the property owners as well as in the paper. Does that not meet our legal requirements or do we have to also make sure that the entire condominium association receives notice?

A. For the appeal hearing that has been scheduled, notice has properly been given at this time to the condominium association and to anyone that has interest. At this point, notice has properly been given in accordance with the state statute and with the ordinance.

- Q. That then raises the question of whether notice was appropriately given on the zoning originally, and from what I'm hearing, there is an argument that didn't happen.
- A. The notice for a rezoning and a notice for a SUP are stated differently in the state statute. The notice for the rezoning, I believe, has more relationship to the assessment roll. In this case, it was properly given because there is no specific person listed in the assessment roll or the association to receive notice. So I would say, in this case, the rezoning was also noticed properly. Also, there is no place to appeal as far as the Township or the Board for the rezoning matter and it couldn't be opened up at this point anyway. It would be moot.
- Q. So the option that exists for the SUP, because there is a different notice provision, is that they have been notified now that the condominium association has been notified for the appeal of the special use permit. If they wanted to challenge the rezoning, they would have to go to court, is that correct?
- A. Right.

Treasurer Hunting moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby affirms the Planning Commission's approval of Special Use Permit #04011 with a modification from 14 dwelling units to 16 dwelling units subject to the following conditions:

- 1. Approval is granted in accordance with the site plan prepared by BRS Engineering, dated April 1, 2004, indicating one building with a total of 16 dwelling units and accompanying materials provided by the applicant, subject to revisions as required.**
- 2. In addition to the required on-site landscaping, a landscape screen composed of evergreen trees shall be provided along the entire western and southern boundaries of the site. The size, type and location of the landscaping shall be subject to the review and approval of the Director of Community Planning and Development.**
- 3. All elevations of the building shall be brick. The north elevation shall have windows.**
- 4. The applicant shall work with the Carriage Hills Shopping Center to extend the sidewalk from the edge of its property to the Carriage Hills Shopping Center parking lot.**
- 5. The oak tree in the southwest corner of the site shall be shown on all future plans. This tree shall be protected during construction using the standards outlined in Section 22-179 of the Code of Ordinances.**
- 6. A land clearing permit shall be required as part of the site plan approval.**
- 7. Final utility plans for the site are subject to approval of the Director of Public Works and Engineering and shall be in accordance with the Township Engineering Design and Construction Standards.**
- 8. The applicant shall obtain all necessary permits, licenses, and approvals from the Ingham County Drain Commissioner's office, Ingham County Road Commission, and the Township. Copies of all permits, licenses, and approval letters shall be submitted to the Department of Community Planning and Development.**
- 9. Street trees shall be required along Birch Row Drive and shall be depicted on the landscape plan submitted for Site Plan Review. Species and location of the trees shall be subject to the approval of the Director of Community Planning and Development and the Ingham County Road Commission.**

10. Any wellhead(s) located on the site shall be properly closed and abandoned per the requirements of the Ingham County Health Department and the Township, prior to the issuance of any permit for construction activity, including grading permits.
11. A copy of the information that exists on computer for the project and construction plans shall be provided to the Township Engineering staff in an Auto Cad compatible format.

Seconded by Trustee Brixie.

Board members discussed the following:

- An appropriate downzoning request for the Township
- The commitment and cooperation of the developer/applicant by staying well below the allowable density for the zoning category
- All review criteria met for the SUP
- Appropriate in-fill proposal for the site
- Potential misuse of the site as a consideration
- Walkability of the site

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

- B. Rezoning #04030 (Hovey), request to rezone approximately 6.9 acres at 5177 and 5241 Marsh Road from RR (Rural Residential) and RA (Single Family-Medium Density) to RC (Multiple Family-Medium Density)

Trustee Brixie moved to refer Rezoning #04030 (Hovey) to the Planning Commission to consider rezoning the 6.9 acre subject site to RD (Multiple Family-Low Density) or RDD (Multiple Family-Low Density) and submit its recommendation to the Township Board within sixty (60) days.

Seconded by Trustee Such.

Board members discussed the following:

- Applicant's willingness to reconsider the application
- Availability of options for the Planning Commission to consider
- Designation as public land on the current future land use map
- RDD meets the requirement of the designation on the draft future land use map
- Planning Commission has the option to reject any recommendation

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Lynne Page, 3912 Raleigh Drive, Okemos, and President of Briarwood Home Owners Association spoke in opposition to upzonings and rezonings and urged the Board to preserve the existing residential neighborhoods of Meridian Township.

John Anderson, 215 W. Newman Road, Okemos, spoke in opposition to Zoning Amendment #04080 (Township Board) and Rezoning/Planned Residential Development #02080 (Georgetown) (Louis J. Eyde Limited Family Partnership, George F. Eyde Limited Family Partnership).

Supervisor McGillicuddy closed public comment.

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- A. Rezoning/Planned Residential Development #02080 (Georgetown) (Louis J. Eyde Limited Family Partnership, George F. Eyde Limited Family Partnership)
Director Kieselbach summarized the rezoning/planned residential development as outlined in staff memorandum dated September 1, 2004.

Mark Clouse, Financial Officer and General Counsel, Eyde Co., 4660 S. Hagadorn, Suite 660, East Lansing gave extensive history and an overview of the project to date.

Board members and the developer discussed the following:

- Ten lots which encroach into the forty (40) foot setback
- No building envelope within the setbacks
- Permission for Board member(s) to arrange site visitation
- Density of the PRD calculated the same as Ember Oaks Subdivision
- Box elder trees on lots 33, 34, 55 and 56 not an attribute to save on the property
- Configuration of open space near lots 86 and 87, 107 and 108, 116 and 117 to preserve for a wildlife corridor
- Planning Commission recommendation for elimination of five (5) lots prior to final environmental consultant report
- Need for more clarity in Planning Commission guidance
- Bridge over Foster Drain vs. culvert between lots 53 and 54, and 152 and 153
- Possibility of angling the street to the west so lots 17 and 18 would be pulled out away from the wetland setback on the east
- One goal of the developer in the layout of the subdivision was to provide the benefit of open space behind as many lots as possible
- Likelihood that the setbacks for lots 17 and 18 would be eliminated by final plat approval
- Work within the deed restrictions or covenants of the property to prevent open space between lots 92 and 103 from becoming a mowed area
- Possibility of adding trees to prevent dumping of grass clippings in open space between lots 92 and 103
- Variety of home styles and sizes on lots
- Possibility of subdivision covenant restrictions to prevent fences which would detract from wildlife movement
- Current restrictions of some subdivisions allow for only rear yard fencing
- Concern by developer that elimination of fencing would exclude potential purchasers
- Board changes to the Planning Commission recommendation does not require referral back to the Planning Commission
- Two decisions (rezoning and PRD overlay) incorporated into one motion
- Willingness of the applicant to grant easements or cooperative locations for the incorporation of the two shared use pathways or greenspace corridor
- Proposal as a good use of the PRD overlay
- Discourage east/west traffic across entire parcel
- Necessity for large amounts of contiguous open space on this property for the preservation of wildlife
- Pros and cons of having or not having a connector road across the Foster Drain
- Perception that the connector road will be used by cut-through traffic
- Inability to eliminate connector road at this stage in the PRD request as the plan must currently meet the subdivision ordinance
- Plat approval as the appropriate step to grant variance for the connector road
- Preference for elimination of the connector road
- Completion of a sewer study to determine capacity
- Mud Lake Lift Station flow in gallons per minute would not increase with the construction of this development
- Existing infrastructure problems with home construction of Central Park Estates
- If the road is to be “improved,” it presents an opportunity to implement traffic calming measures

- Removal of lot 74 if it is the lot the environmental consultant thought was critical in opening up the corridor for wildlife
- Assurance that lot design allows for decks without the need for variances
- Leave lots 33, 34, 55 and 56 and discourage preservation of old, large box elders as they are not good trees

Paving of Powell Road: (Questions for the attorney (See Agenda Item #8))

- Q. One of the concerns I still have is in terms of the traffic generated by this overall. While there was some suggestion in the packet that the developer will be responsible for paving from the Powell Road entrance to Tihart, my guess is that there will be a lot of traffic in the other direction as well. One of the particular areas of concern is whether the Board has authority to ultimately require improvements to be borne by a developer in both directions on a road like this?
- A. If a road is outside of the subdivision area, there is no authority to require improvements. There are some exceptions if that road would be primarily used by those residents and no other persons. There may be some exceptions in case law out there to require the development company to take care of the cost. In general, the rule is if it is outside the subdivision area, there is no authority to require them to improve it as part of the approval of the site plan or rezoning process.
- Q. There were two (2) instances where a development paid to have the road paved. One is Piper Road, where Strawberry Farms had an assessment. I don't think we included Blueberry Farms, but the intention was there to do that. The other is the Capeside area off of Hulett, when the residents there wanted Hulett paved. What they did was assess all the people in the development to pay a certain percentage to have Hulett paved. I don't see why we couldn't apply the same criteria to this because, in my readings over the years of service here to the community, anything over 500 car trips per day on a dirt road require paving. By the projections in the plan, there will more than 500 car trips per days. Is there not a way that we can put that into the criteria, that based on the projected numbers of car trips per day, it is going to be necessary to pave Powell Road? The developer would be charged a certain dollar amount per lot to pave that road.
- A. You are talking about a lot of different procedures in one conversation. I will try to address as many as I can. As far as the rezoning, you can't add that requirement having to do with paving the road because you cannot add conditions to the rezoning.

As far as the sketch plan, in certain circumstances with this idea of a subdivision, there may be ways to require the developer to handle the costs. I don't think Powell Road is one of those, but I will look more specifically at it. There are ways to use special assessments if you can show there is a distinct and specific benefit to the property owners inside the development. You may be able to apply some of that assessment against them. Those are all different procedures. There may be a way to get some of that cost covered for paving Powell Road; it just may not be that you would just not turn it entirely onto the developer as part of the process that is ongoing at this time.

- Q. Perhaps under the plat we could do something? Or it needs to be a whole different procedure?
- A. I haven't looked at Powell Road and its relationship to this subdivision and who else lives around there. My guess is that it wouldn't be appropriate to make it a requirement of the rezoning, the site plan or subdivision approval at this point. I will look further at that and see if there is some basis for that.

The consensus of the Board was to have this on as an action item at the September 21st Board meeting.

[Supervisor McGillicuddy recessed the meeting at 8:17 P.M.]

[Supervisor McGillicuddy reconvened the meeting at 8:31 P.M.]

- B. Zoning Amendment #04080 (Township Board), request to amend the C-2 District to allow a hotel as a Use Permitted by Special Use Permit

Director Kieselbach summarized the zoning amendment as outlined in staff memorandum dated September 1, 2004.

Board members discussed the following:

- Board changes would require referral back to the Planning Commission
- Non-conformance of existing properties as a result of earlier Board action
- Hesitancy to open up “zoning only”
- Possible maximum density for a specifically sized parcel
- Final board decision on the size of any building over 25,000 square feet
- Number of C-2 lots near Jolly and Okemos Roads which are 2.5 acres or greater
- Existing hotel on Grand River sits on 1.55 acres
- Allow market to dictate location of a hotel
- 100 foot setback from residential areas currently the standard for the C-3 district
- Create a larger setback from residential areas than currently allowed for the C-2 district through an added standard that must be met for the SUP
- Types of zoning which surround C-2 district near Jolly Road and BL-69
- Acreage requirement would preclude bed and breakfast businesses
- Types and styles of hotels take traffic generation into consideration
- Traffic comparison between hotel and standard C-2 shopping district dependent upon type of retail establishment

Restriction for hotels adjacent to residential property: (Questions for the attorney (See Agenda Item #8))

- Q. Would it be appropriate for us to consider a restriction that in no case shall a hotel be adjacent to residential zoned properties, or is that too exclusive? This would ensure that it stayed within commercial areas or had office behind it instead of residential.
- A. If you can support that with a relationship to the best interest, you could add it as a criteria in your SUP for that specific use. You would have to relate it back to how it would be in the best interest of the public. I don't know what else is in the ordinance that allows you to back up to residential even if it's within a certain number of feet. If you can put some use that's more dense or what someone would think is less residential friendly, and you can put that adjacent to residential use, you need to be careful that it is consistent with the rest of the ordinance.
- Q. We are trying to protect our residential quality of life and I think this might be one way we can address the concerns that I have heard other Board members express. They would not want to see it backing up to residential properties, want to make sure it stays near the intersections, want to put a restriction on the amount of property it requires; all of those things tend to limit where they can be located. If our objective is to try and keep it near an expressway and away from residential neighborhoods, I think I would like to see us do something like that to narrow the field a little bit.
- A. The Board should keep in mind that if you allow it in a certain zoning district, but then really limit it to the point where no one can build in that zoning district because of the other requirements, you have really not allowed it to be put into that zoning district at all. You need to make sure every available parcel is not next to residential.

It was the consensus of the Board to have this item on for action at the September 21st Board Meeting with a motion to refer the zoning amendment back to the Planning Commission.

- C. Zoning Amendment #04090 (Planning Commission), request to amend the C-2 (Commercial District) to allow climate controlled storage facilities
Director Kieselbach summarized the zoning amendment as outlined in staff memorandum dated September 1, 2004.

Steven VandenBossche, Talon Development Group, 550 Hulet Drive, Suite 103, Bloomfield Hills, offered an extensive overview of the zoning amendment request.

Board members, staff and the applicant discussed the following:

- Restriction in the C-2 district as a secondary use on the parcel
- Stand-alone store can look like a retail establishment
- Ordinance change allowed in C-2 would automatically be allowed in C-3
- 200 foot setback from all residential zoning district lines
- Properties on the south side of Clinton street all zoned residential
- Conditional uses at the staff's discretion for buildings under 25,000 square feet
- Any facility over 25,000 sq. feet would require Board approval of the building size
- Three (3) doors to access the building for loading and unloading are at the side of this structure
- Language written to take into consideration how the building sits on the property
- Talon Development is the broker of the land and will not own the building
- Concern that interior doors to the storage units would be visible from the outside
- Enforceability of hours of operation or overnight parking
- Significant changes would necessitate referral back to the Planning Commission

It was the consensus of the Board to have this item on for action at its September 21st meeting with a motion to refer the zoning amendment back to the Planning Commission.

D. Master Plan, Fiscal Impact Analysis Chapter

Board members discussed the following:

- Fiscal Impact Analysis and the Fiscal Impact Analysis Introduction have almost identical wording
- Use of positive vs. negative phrases
- Page 1, last sentence in paragraph 1- insert "fiscal" between "reasonable" and "opportunity" and delete the phrase "without causing fiscal distress for the Township"
- Need for revision of millage rate in Table X-4 and accompanying text
- Inclusion of all millages in the paragraph following Table X-4
- Board referral back to the Planning Commission for minor changes as discussed

E. Raby Road Sanitary Sewer Special Assessment District #49, to construct an approximate 330 linear feet of 8" sanitary sewer along Raby Road from Okemos Road to the west

F. Discussion of Okemos Road Redesign

Township Manager Richards gave an overview for widening and installing a fifth lane on Okemos Road from Jolly Road to the CSX Railroad track in the 2005 construction season. The second phase will be to construct a fifth lane from the CSX Railroad track to Mt. Hope.

There has been on-going discussion with the Ingham County Road Commission (ICRC) of the Township Board's desire to install a boulevard in the median.

Manager Richards noted when Board and community members recently walked the area, the Road Commission staff indicated the expansion would be on the east side of Okemos Road. Since that time, the ICRC has decided to place the expansion on the west side of the road. Staff members met with ICRC staff who presented possible options for the boulevard. The feasible location would be from Heritage (first street south of Bennett on Okemos Road) to the railroad track. The Township Board needs to supply ICRC staff with direction for the road design.

Options for funding the boulevard would be to pursue grants through the Michigan Department of Transportation, potential cooperation from property owners and possible partial funding from the Township.

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Installation of the boulevard would necessitate at least an additional lane of greenspace on the east side of the road with its accompanying expenses. True costs will not be known until the project is bid and the costs come in.

Manager Richards' suggestion was to move forward and have the road designed with the boulevard as outlined in Option B of the Ingham County Road Commission's letter dated September 2, 2004 and one design for expansion without the boulevard.

Board members discussed the following:

- Application by Ingham County for an Enhancement Grant through the Michigan Department of Transportation
- Letters of support from the residents to include in the County's application
- Cost to the Township of ICRC road design with the boulevard
- Availability of ICRC road design plans
- Unanticipated costs which may fall to the Township
- Additional expense for potentially moving the existing pedestrian/bicycle pathway on both sides of the road

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

John Anderson, 215 W. Newman Road, Okemos, spoke in opposition to Rezoning/Planned Residential Development #02080.

Supervisor McGillicuddy closed Public Remarks.

13. POSSIBLE CLOSED SESSION

Treasurer Hunting moved that the Township Board go into closed session to consult with the Township Attorney on trial or settlement strategy in connection with specific pending litigation and to consider material exempt from discussion or disclosure pursuant to state law. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

Supervisor McGillicuddy recessed the meeting at 10:00 P.M.

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

Trustee Such moved to return to open session. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

Supervisor McGillicuddy reconvened the meeting at 10:47 P.M.

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

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:49 P.M.

SUSAN McGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary