

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
349-1200, Town Hall Room  
TUESDAY, NOVEMBER 16, 2004, **6:00 P.M.**

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

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:02 P.M.

2. PLEDGE OF ALLEGIANCE

Supervisor McGillicuddy led the Pledge of Allegiance.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Leonard Provenchur, 5824 Buena Parkway, Haslett, thanked the Board for its past service to the community. He urged the bipartisan coalition which was reelected to stay on its course of listening to community members for continued success.

James Wolf, Tri-County Metro Narcotic Squad, 4000 Collins Road, Lansing, introduced himself and apprised the Board of narcotic accomplishments within Meridian Township.

John Anderson, 215 W. Newman, Okemos, announced the filing of a lawsuit in Circuit Court funded by LINC regarding Rezoning #02080 (Georgetown).

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Supervisor McGillicuddy thanked Trustee Stier for his years of service on the Township Board. She also congratulated the Okemos High School Varsity Soccer Team for winning the Division I State Title.

A. Board Policy 5.1 Commission Accountability: Reports from Lynn Ochberg (PC); Jim Hershiser (ZBA); Craig Van Sumeren (Parks) and Jerry Richards (EDC)

Lynn Ochberg, Planning Commission Chair, highlighted the following Planning Commission announcements/accomplishments:

- Completion of the Master Plan Update and Revision
- Completion of the Mixed Use PUD Ordinance
- Several ordinance revisions
- Conformance of Planning Commission procedures with the State Municipal Planning Act

Jim Hershiser, Zoning Board Appeals Chair, ZBA, offered the following ZBA announcements/accomplishments:

- Appreciation to Trustee Stier for his service as Board liaison on the ZBA
- 35% of cases heard were on or around Lake Lansing
- Streamlining of the process for handicap citizens to make homes handicap accessible

Craig Van Sumeren, Park Commission Chair, offered the following Park Commission announcements/accomplishments:

- Opening of Hartrick Park
- Development of Cedar Bend Neighborhood Park
- Facelift for the Harris Nature Center
- Continuation of the Park Ranger program
- Support of the 1<sup>st</sup> Annual Red Cedar River Float
- Placement of dog rule signs within the park system
- Sunsets with Shakespeare in the Park
- Scouting projects (Harris Nature Center fire pit, boardwalk, roof on Snell Towar Recreation Center, etc.)
- Friends of the Parks Awards ceremony
- Cleanup of the Red Cedar River in conjunction with the Lansing Oar and Paddle Club
- Support for the Meridian Heritage Festival, Nokomis Drum Run and Friends of Historic Meridian
- Appreciation to the Township citizens for renewal of the park millage and the bicycle/pathway millage

Jerry Richards, Chair of the EDC, offered the following EDC announcements/accomplishments:

- Creation of a directory of Meridian Township businesses
- Design Meridian project
- Community Design project within the downtown Okemos area
- Annual MABA Exposition the second Saturday in March
- Creation of an EDC website: [www.meridiantownshipedc.com](http://www.meridiantownshipedc.com)
- Member of the Regional Economic Development Team within the Tri-County area
- Member of the Michigan Downtown Association
- Exploration of the creation of an artisan community within the Township

Manager Richards announced the Township received \$561,715 in federal funds for a gateway entrance project on Okemos Road from Heritage Drive to Sower Boulevard. The Township will pay the remaining cost of the \$800,000 project. He thanked Ray Severy, Director of Public Works & Engineering, for his hard work to make this streetscape come to fruition.

Supervisor McGillicuddy announced that December 1<sup>st</sup> is Meridian Night at Potter's Park Zoo from 5:00 until 8:00 p.m. December 5<sup>th</sup> is Meridian Christmas in the Village from 3:00 until 5:00 p.m. The specialty choirs from both Okemos and Haslett High Schools will be singing at these festivities.

Clerk Helmbrecht stated candidate Scott Stolz has officially requested a recount from the county which will take place November 30<sup>th</sup> and December 1, 2004.

6. APPROVAL OF AGENDA — OR CHANGES

**Clerk Helmbrecht moved to approve the agenda amended as follows:**

- **Agenda Item #7E: Remove the word "East"**
- **Agenda Item #7F: Add "s" at the end of the word "Addition"**
- **Remove Agenda Item #10A**
- **Remove Agenda Item #10E**

**Seconded by Treasurer Hunting.**

VOICE VOTE: Motion carried 4-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

**Clerk Helmbrecht moved to adopt the Consent Agenda. Seconded by Trustee Stier.**

ROLL CALL VOTE: YEAS: Trustee Stier, Supervisor McGillicuddy, Clerk Helmbrecht,

Treasurer Hunting  
NAYS: None  
Motion carried 4-0.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Information (BI)

- BI-1 Ann Howell, 1253 Mizzen, Okemos; RE: Addition of the stoplight and Dobie and Hatch Roads
- BI-2 Therese M. Hercher, 1908 Danbury, Okemos; RE: Affordable housing for single adults within Meridian Township
- BI-3 Molly Wingrove, 2649 Melville Drive, East Lansing; RE: Code enforcement for rental housing within Meridian Township
- BI-4 Potter Park Zoological Society, 1301 Pennsylvania, Lansing; RE: December 1, 2004 as Meridian Township Night at the Wonderland of Lights

(2). Staff Communication/Referral (SC)

- SC-1 Michigan Townships Association Legislative Fax November 5, 2004 Edition

**Clerk Helmbrecht 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 Stier.**

ROLL CALL VOTE: YEAS: Trustee Stier, Supervisor McGillicuddy, Clerk Helmbrecht,  
Treasurer Hunting  
NAYS: None  
Motion carried 4-0.

B. Minutes

**Clerk Helmbrecht moved to approve and ratify the minutes of the November 4, 2004 Regular Meeting as submitted. Seconded by Trustee Stier.**

ROLL CALL VOTE: YEAS: Trustee Stier, Supervisor McGillicuddy, Clerk Helmbrecht,  
Treasurer Hunting  
NAYS: None  
Motion carried 4-0.

C. Bills

**Clerk Helmbrecht moved that the Township Board approve the Manager's Bills as follows:**

Common Cash	\$ 270,139.85
Public Works	<u>\$ 19,504.10</u>
Total Checks	\$ 289,643.95
Credit Card Transactions	\$ 12,386.28
Total Purchases	<u>\$ 302,030.23</u>
ACH Payments	<u>\$ 260,171.92</u>

**Seconded by Trustee Stier.**

ROLL CALL VOTE: YEAS: Trustee Stier, Supervisor McGillicuddy, Clerk Helmbrecht,  
Treasurer Hunting  
NAYS: None  
Motion carried 4-0.

[Bill list in Official Minute Book]

- D. Approval of POLC Collective Bargaining Agreement  
**Clerk Helmbrecht moved approval of the amendments as specified in the attached settlement agreement to the POLC Collective Bargaining Agreement for 2005-2008 and authorize the Supervisor and Clerk to sign the same. Seconded by Trustee Stier.**

ROLL CALL VOTE: YEAS: Trustee Stier, Supervisor McGillicuddy, Clerk Helmbrecht,  
Treasurer Hunting  
NAYS: None  
Motion carried 4-0.

- E. Police Mutual Aid Agreement with the City of Lansing  
**Clerk Helmbrecht moved to approve the proposed Mutual Aid Agreement for law enforcement assistance with the City of Lansing, and to authorize the listed officials to sign the agreement. Seconded by Trustee Stier.**

ROLL CALL VOTE: YEAS: Trustee Stier, Supervisor McGillicuddy, Clerk Helmbrecht,  
Treasurer Hunting  
NAYS: None  
Motion carried 4-0.

- F. Additions to the Winter Tax Bill  
**Clerk Helmbrecht moved to assess the charges identified attached in the staff memorandum dated November 16, 2004 for delinquent special assessments, utility bills, lot mowing and false alarms as a tax lien against the subject properties, as authorized by Sections 51-5, 92-6, 98-2, 11A-4.7 and MCL 41.728. Seconded by Trustee Stier.**

ROLL CALL VOTE: YEAS: Trustee Stier, Supervisor McGillicuddy, Clerk Helmbrecht,  
Treasurer Hunting  
NAYS: None  
Motion carried 4-0.

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

9. HEARINGS

- A. Ember Oaks Street Lighting District Redeterminatin of Cost  
Supervisor McGillicuddy opened the public hearing at 6:32 P.M.  
Director Severy summarized the proposed streetlighting special assessment district redetermination of cost as outlined in staff memorandum dated November 12, 2004.

PUBLIC

John Veenstra, 320 Piper Road, Haslett, questioned the need for higher wattage where the additional reflectors were desired to maintain a dark sky.

Supervisor McGillicuddy closed the public hearing at 6:35 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.  
John Anderson, 215 W. Newman Road, Okemos, spoke in opposition to Zoning Amendment #04080 (Township Board).

Mark Clouse, Financial Officer and General Counsel, Eyde Co., 4660 S. Hagadorn, Suite 660, East Lansing asked the Board to share any questions or concerns regarding Preliminary Plat #04032 (Lake Lansing Estates) with staff, as he was unable to remain until discussion of this item.

Supervisor McGillicuddy closed public comment.

- 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, add a definition of “hotels and motels” and revise the C-3 (Commercial) and RP (Research Park) districts for consistency

**Treasurer Hunting moved to table this item until there is a full complement of the Board.**

**The motion died for lack of support.**

**Clerk Helmbrecht 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, by amending Section 86-2, Section 86-404(e), Section 86-405(e)(3), and Section 86-434(b)(6).**

**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 Treasurer Hunting.**

Board members discussed the following:

- Addition of specific language to allow hotels/motels near freeways but not encroach into the center of the Township
- Approval by the Planning Commission
- Brings two existing hotels into conformity
- Only C-3 land is located in the middle of the Township and would produce increased traffic from outside of the community into the commercial core
- No C-3 land available for building of a hotel or motel
- Allows hotels and motels in C-2 only by special use permit
- 150 foot setback from residential zoning
- 100 foot setback with double row of interlocking pines
- Minimum size of 2.5 acres

ROLL CALL VOTE: YEAS: Trustee Stier, Supervisor McGillicuddy, Clerk Helmbrecht,  
Treasurer Hunting

NAYS: None

Motion carried 4-0.

- C. Rezoning #04130 (Planning Commission), request to rezone approximately 3.17 acres at 4536, 4544, 4552, 4558 and 4564 Van Atta Road and the entrance of Van Atta Woods Park from C-2 (Commercial) to RRA (Single Family, Suburban Estate), **Final Adoption**

**Trustee Stier 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. 2004-11, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #04130” C-2 (Commercial) to RRA (Single Family-Suburban Estate) and RR (Rural Residential).**

**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 finally adopted at least once prior to the next regular meeting of the Township Board.**

**Seconded by Treasurer Hunting.**

Board members discussed the following:

- A downzoning which preserves the eastern third of the township from commercial development
- Preserves the eastern third for residential development

ROLL CALL VOTE: YEAS: Trustee Stier, Supervisor McGillicuddy, Clerk Helmbrecht,  
Treasurer Hunting  
NAYS: None  
Motion carried 4-0.

D. Gibson Street Demolition Order Modification

Director Kieselbach summarized action on this home since the Board meeting of October 5, 2004.

**Treasurer Hunting moved to extend the time period for making the building at 6083 Gibson Avenue safe to December 31, 2004. Seconded by Trustee Stier.**

Board members discussed the following:

- Support for staff recommendation that progress has been made
- Appreciation that Chief Building Inspector has had access to the inside of the building to ensure code compliance

ROLL CALL VOTE: YEAS: Trustee Stier, Supervisor McGillicuddy, Clerk Helmbrecht,  
Treasurer Hunting  
NAYS: None  
Motion carried 4-0.

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

- A. Preliminary Plat #04032 (Eyde Company), request to plat Lake Lansing Estates, a 16 single family home subdivision north of Lake Lansing Drive, east of Newton Road  
Director Kieselbach summarized the proposed preliminary plat as outlined in staff memorandum dated November 12, 2004.

Board members and staff discussed the following:

- Concern with significant trees on the site near Isaac Lane entrance into property
- Placement of Isaac Lane runs through the significant trees and could be moved to the north
- Moving the road to avoid the trees would result in loss of lots
- Natural features inventory prior to preliminary plat approval
- Concern over hydrological connections with the wetlands
- Need for a map of land farther north for potential natural feature designations
- Possibility of a groundwater recharge area
- Refusal by the applicant to allow the Environmental Commission access to the property
- Environmental consultant allowed access to the property
- Possible request for the applicant to create a PUD
- Residentially zoned land within the Township left to be developed is marginal land
- Hiring of local environmental consultant allowed opportunity for environmental assessment
- Some of the lots are within the wetland setback but have sufficient buildable area
- Potential to take the wetland out of lots 2, 3 and 4 and still meet lot size requirements
- Current map before the Board based on the Township consultant's findings
- 1993 Comp Plan designation of 0.5 to 1.25 dwelling units/acre

Comprehensive Development Plan vs. Zoning Designation: (Questions for the Attorney (See Agenda Item #8))

Q. Andria, would you tell me if one takes precedence over the other? I've heard in the past that it is not good to have the Master Plan be totally consistent with the zoning because it shows future development and how the Township would like to see things developed. Does the zoning take precedence over the Comprehensive Plan because these are not consistent?

A. For purposes of zoning and what you are allowed under the zoning district, zoning takes precedence. For purposes of the Comprehensive Plan, that is where you foresee this area going in the future. For purposes of this preliminary plat and how zoning relates to it, zoning definitely takes precedence over the future plan.

The plan, in general, is sometimes different than the zoning because, as you said, you are looking into the future. It is not what it is supposed to be exactly right this minute, but what you are hoping happens in the future, maybe ten or five years down the road. As far as this is involved, your zoning is what you are looking at right now.

Q. This Comprehensive Plan was adopted in 1993, so it has been adopted over ten (10) years. The future development of this particular site would be less than what they are coming in for, but the zoning had not been changed to reflect that.

A. If your zoning has not been changed, then whether it is consistent with the Comp Plan or not doesn't effect the preliminary plat discussion at this time. The zoning is as it is today and if it's inconsistent with the Comp Plan, that is a different issue. My understanding is no one, at this point, has requested to have it rezoned. The future land use is really not an issue as you are looking at the preliminary plat as it is currently zoned.

- Interplay between the Township's wetland consultant and the Environmental Commission
- Subdivision regulations would allow 35 lots to be served on the dead end road
- Road extension to the north would require SUP and WUP
- Amount of buildable land to the north with a potential of 50 lots
- Applicant's adjustments to comply with the recommendations of the Township's environmental consultant
- Review of Sierra Ridge site analysis to determine if significant trees existed on Isaac Lane stub street
- Lack of specific criteria for natural features inventory of a site similar to the wetland ordinance
- Effect of Land Clearing Ordinance on the proposed preliminary plat
- Clearing of trees in road right-of-way during the preliminary plat process
- Board action required by January 12, 2005

**The consensus of the Board was to place this item on the agenda for discussion after staff consultation with the applicant for preliminary plat modification.**

- B. Zoning Amendment #04110 (Planning Commission), an amendment to Section 86-94(5)b.2 to create consistency between the zoning ordinance amendment process and the Township Zoning Act  
Director Kieselbach summarized the zoning amendment as outlined in staff memorandum dated November 9, 2004.

Consistency with State Law: (Questions for the Attorney (See Agenda Item #8))

Q. Is this proper for us to go ahead and move ahead with this kind of amendment in light of the suit that the residents have filed?

A. Are you asking about the fact that we made changes that were consistent with the statute, correct? What happened in this case is some of the language was not consistent with the state act. The Planning Commission considered all of the language that is in this shaded area. I think we came up with

somewhat different provisions, and changed it a little bit more, using the same language, but consistent with the state act. It is fine to go forward because we need to be consistent with the state law and that is what has been changed in the shaded area.

**The consensus of the Board was to place this item on for action at the next Board meeting.**

- C. Rezoning #04140 (MS Realty Investments LLC), a request to rezone 41.04 acres at 6365 Newton Road from C-2 (Commercial) and CR (Commercial Recreation) to RD (Multiple Family-Low Density) Director Kieselbach summarized the proposed rezoning as outlined in staff memorandum dated November 10, 2004.

Michael Giddings, MS Realty Investments LLC, 31550 Northwestern Highway, #200, Farmington Hills, stated RD zoning is currently part of the Master Plan for the subject property. He presented a preliminary concept plan which showed 288 multi-family condominiums in 24 residential buildings and provided photographs of similar projects in Oakland County

Board members and the applicant discussed the following:

- Twelve unit buildings
- Garages served by a rear entry driveway
- A natural buffer exists between the project and adjacent homes in the Whitehills subdivision
- The elevation of single family homes in adjacent Whitehills is approximately 25-40 feet higher than the proposed project
- Proposed price range of \$150,000 to \$160,000 with upgrades
- Good downzoning in the area
- More attractive option than what could be placed on this property by right
- The site has not been used for a lengthy period of time and has become unsightly
- Good transitional land use

**The consensus of the Board was to place this item on for action at the next Board meeting.**

- D. Ember Oaks Street Lighting SAD, Redetermination of Cost

Board members and staff discussed the following:

- Adequate lighting levels determined by Consumers Energy standards
- Need for the Township to provide its own standards
- Additional information on increased wattage for less lighting
- Approval of the higher wattage allows for changes to be made downward in the future

**The consensus of the Board was to place this item on for action at the next Board meeting.**

## 12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Leonard Provenchur, 5824 Buena Parkway, Haslett, voiced his concern regarding pressure on the Board by special interest groups to change zoning within the Township.

Lynne Page, President of Briarwood Homeowners Association, 3912 Raleigh Drive, Okemos, spoke in opposition to Zoning Amendment #04080 (Township Board).

Supervisor McGillicuddy closed Public Remarks.

13. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 8:00 P.M.

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SUSAN MCGILlicUDDY  
TOWNSHIP SUPERVISOR

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MARY M. G. HELMBRECHT  
TOWNSHIP CLERK

Sandra K. Otto, Secretary