

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **DRAFT** -  
5151 Marsh Road, Okemos, MI 48864-1198  
853-4000, Town Hall Room  
TUESDAY, MARCH 20, 2007, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Treasurer Hunting, Trustees Brixie, Such, Veenstra  
ABSENT: Clerk Helmbrecht, Trustee 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, Director of Parks and Recreation LuAnn Maisner, Director of Information  
Technology Stephen Gebes, 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.

Barbara Reeves, 6181 Skyline Drive, East Lansing, representing the Meridian Township Citizens Recycling Advisory Committee, announced its first recycling effort to be held on Saturday, April 21, 2007, at the Farmers Market, 5151 Marsh Road, Okemos from 9:00 AM until 3:00 PM.

Henry Silverman, Vice President of the Lansing branch of the American Civil Liberties Union (ACLU), 1099 Woodwind Trail, Haslett, expressed concern with certain provisions of the proposed zoning amendment for murals.

Charles Willems, PO Box 184, Haslett, requested the assessing department correct Township records relative to the lakefront classification of Mrs. Willems' property, parcel #33-02-11-176-002

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

A. Treasurer's Report

Treasurer Hunting summarized current fixed maturity investments by fund and non-fixed investments as of February 28, 2007; delinquent personal property tax collections and 2006 distributions as of March 9, 2007.

6. APPROVAL OF AGENDA — OR CHANGES

**Trustee Such moved approval of the agenda. Seconded by Trustee Brixie.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy, Treasurer  
Hunting

NAYS: None

Motion carried 5-0.

VOICE VOTE: Motion carried 5-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Information (BI)

BI-1 Vincent Lyon-Callo, 4112 Hulett Road, Okemos; RE: Environmental Stewardship of the Township

BI-2 Charles Louis Willems, PO Box 184, Haslett; RE: Lakefront Classification of Willems Property, Parcel No. 33-02-02-11-176-002

(2). Staff Communication/Referral (SC)

SC-1 Michigan Townships Association Legislative E-Report, March 2, 2007 Edition

SC-2 Michigan Townships Association Legislative E-Report, March 9, 2007 Edition

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

Materials received at the March 6, 2007 Board Meeting

Monica Day, 1771 Nemoke Trail, Apt. 10, Haslett; RE: Outdoor Lighting Ordinance

Jeffery Elsworth, 5231 Madison Avenue, #C2, Okemos; RE: Outdoor Lighting Ordinance

Robert Fishel, Electric Distribution Engineering Department, Consumers Energy, 1945 West Parnall Road, Jackson; RE: Outdoor Lighting Ordinance

Bob Wasserman, 2796 Buglers Way, East Lansing; RE: Invitation to attend activities to advocate a more responsible Iraq Policy

**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.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,  
Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

B. Minutes

**Trustee Brixie moved to approve and ratify the minutes of the March 6, 2007 Regular Meeting as submitted. Seconded by Trustee Such.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,  
Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

C. Bills

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

Common Cash	\$ 179,768.08
Public Works	\$ 529,280.18
Public Safety Bldg. Debt	
Ck #1103-Bank of New York Bond-Payment	\$ 270,625.00
Total Checks	\$ 979,673.26
Credit Card Transactions	\$ 16,677.42
Total Purchases	<u>\$ 996,350.68</u>
ACH Payments	<u>\$ 424,055.66</u>

**Seconded by Trustee Such.**

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, MARCH 20, 2007 \*APPROVED\*

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,  
Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

[Bill list in Official Minute Book]

D. Authorization to Sign Wildlife Habitat Incentives Program Documents

**Trustee Brixie moved that the Township Supervisor, Township Clerk and Township Manager are authorized to act on the Township's behalf for the purpose of applying for, accepting and administering assistance for wildlife habitat through the U.S. Department of Agriculture Wildlife Habitat Incentive Program and to sign documents on behalf of Meridian Township. Seconded by Trustee Such.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,  
Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

E. Employee Request to Purchase MERS Generic Credit Service

**Trustee Brixie moved approval of Scott D. Dawson's request to purchase generic service credit of 2 years, 8 months, under the MERS pension System and authorize the Township Clerk to execute the authorizing resolution. Seconded by Trustee Such.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,  
Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

F. Appointments to Planning Commission

**Trustee Brixie moved that Tamara Jorkasky be appointed to the Planning Commission. Appointment is to fill the remainder of Dan Smith's term ending December 31, 2007. Seconded by Trustee Such.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,  
Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

**Trustee Brixie moved that Diana Klemans be appointed to the Planning Commission. Appointment is for three years ending December 31, 2009. Seconded by Trustee Such.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,  
Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

G. Liquor License Transfer of Ownership

**Trustee Brixie moved to approve Jiang, Inc.'s application to transfer ownership of a 2006 Class C liquor license for a business, located at 3536 Meridian Crossing, Suite 200, Okemos, Michigan, Meridian Township, Ingham County, Michigan, from Sheshiang Garden, Inc. to Jiang, Inc., and further, authorize the Township Clerk to execute the resolution for local approval of this transfer. Seconded by Trustee Such.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,  
Treasurer Hunting

NAYS: None  
Motion carried 5-0.

H. Resolution for Regional RMS/CAD Contract Agreement

**Trustee Brixie moved that the Township Board approve the resolution to enter into a subcontract with the City of East Lansing funding the Township's portion of the COPS Grant Records Management System and Computer-Aided Dispatch Project not to exceed \$150,000 for software and hardware and \$28,000 for the first year's support. Seconded by Trustee Such.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,  
Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

I. Resolution Authorizing Signing of Installment Purchase Agreement for Vactor Truck

**Trustee Brixie moved to adopt the attached resolution authorizing the Township Manager to sign the Installment Purchase Contract for purchase of a Vactor Truck in the amount of \$173,985. Seconded by Trustee Such.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,  
Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

J. Okemos Preserve Streetlighting District SAD, **Resolution #2**

**Trustee Brixie moved to approve Okemos Preserve Streetlighting Special Assessment District Resolution #2, which confirms the plans and estimate of costs for the Okemos Preserve Streetlighting Special Assessment District; directs the Supervisor to make a special assessment according to the roll submitted to the public hearing and confirms the assessment amount of \$3360.00 for the first year, and \$3210.00 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 thirty streetlights, with cut-off fixtures; 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, Veenstra, Supervisor McGillicuddy,  
Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item # 10A, #11C)

9. HEARINGS

A. Sierra Ridge Streetlighting SAD

Supervisor McGillicuddy opened the public hearing at 6:41P.M.

Director Severy summarized the Sierra Ridge Streetlighting SAD as outlined in staff memorandum dated March 16, 2007.

Supervisor McGillicuddy closed the public hearing at 6:42P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

A. Rezoning #06050 (Newton Road), BL-69 request to rezone approximately 26.17 acres located at 6276 Newton Road and the parcel to the east from RR (Rural Residential) to C-2 (Commercial) conditioned on the sites being developed as a MUPUD, **Final Adoption**

**Trustee Veenstra 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. 2007-04 entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #06050” from RR (Rural Residential) to C-2 (Commercial) conditioned on the property being developed under the Township’s mixed use planned unit development ordinance, and limiting the types of permitted uses and the residential density of the development as attached to and fully incorporated into this resolution as Attachment “B” and Attachment “C”.**

**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 Trustee Such.**

Staff review v. preparation of the conceptual site plan: (Questions for the Attorney (See Agenda Item #8))

- Q. Trustee Veenstra, I noticed you changed one word in this on the first page, third paragraph down. Where it says Township staff to “review” you used “prepare” on the conceptual site plan. Andria, I wanted to ask you is that going to alter this resolution terribly, because our initial resolution, our first resolution, did not use the word “prepare” in it. Is it substantially different with the word “prepare” v. “review”?
- A. Whether it was reviewed or prepared, I don’t know. If it was reviewed, changing it today does not mean that you cannot approve it and go forward. I think that’s a question, I’m guessing, for Mr. Kieselbach; whether it was reviewed or prepared by Township staff. I’m not sure which one happened. Either way, the correct word can be used, and you can adopt it and go forward.

Board members discussed the following:

- Concern that a condition must be initiated and carried out by the applicant, and changing this paragraph indicates staff worked on the conceptual plan

**The seconder offered the following amendment:**

- **Remove the word “prepare” in the third paragraph and insert the word “review”**

**The amendment was accepted by the maker.**

ROLL CALL VOTE: YEAS: Trustees Such, Veenstra, Supervisor McGillicuddy, Treasurer Hunting  
NAYS: Trustee Brixie  
Motion carried 4-1.

**B. Outdoor Lighting Ordinance, Final Adoption**

**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. 2007-03, entitled “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 38, Article VII Outdoor Lighting, By Deleting Sections 38-371 through 38-380 and by Adding Section 38-371 through 38-388.”**

**BE IT FURTHER RESOLVED that the Clerk of the Charter Township of Meridian is directed to publish the Ordinance at least once prior to the next regular meeting of the Township Board.**

**Seconded by Trustee Brixie.**

Board members and staff discussed the following:

- Resident suggestion regarding rebuttable presumption that lamps in non-conforming luminaries

have been replaced ten years after effective day of this amendment

- Non-conformance of existing mercury vapor lamps and prohibition of new ones
- Prohibition of garage and porch lights which create light trespass and glare from a passing motorist already regulated
- Towers of 200 feet in height or higher regulated by the FAA
- Towers less than 200 feet do not require lights
- Proposed ordinance a good compromise
- Request to change the word “encouraged” to “required” in Section 38-279(k)
- Support for reduced light pollution in the sky
- Staff to document use of commercial lights at night

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Supervisor McGillicuddy, Treasurer  
Hunting  
NAYS: Trustee Such  
Motion carried 4-1.

C. Revision of Water and Sewer Fees

**Trustee Brixie moved to adopt the attached resolution amending the Water & Sewer System rates and charges for 2007. Seconded by Trustee Such.**

Board members discussed the following:

- Meter test charge is actual cost of staff time involved
- Utility billing staff provides comparative information to the citizenry regarding water usage

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,  
Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

D. Resolution for Orlando Park Development Project Grant Application

Director Maisner summarized the grant application as outlined in staff memorandum dated March 15, 2007.

**Trustee Brixie moved to adopt the Michigan Natural Resources Trust Fund Grant application for development of Orlando Park resolution. Seconded by Trustee Such.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,  
Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

E. Resolution for North Meridian Road Park Improvement Project Grant Application

Director Maisner summarized the grant application as outlined in staff memorandum dated March 15, 2007.

**Trustee Veenstra moved adoption of the Michigan Natural Resources Trust Fund Grant application for improvements to North Meridian Road Park resolution. Seconded by Trustee Brixie.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,  
Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Richard Harrington, 820 Piper Road, Haslett, offered suggestions for changes to the proposed zoning amendment for murals.

Supervisor McGillicuddy closed public comment.

A. Sierra Ridge Streetlighting SAD

Board members discussed the following:

- Need for streetlight at the intersection of Sacramento Way and Newton Road
- Use of cut-off fixtures
- Place only one light on Isaac Lane, between 2139 and 2145 Isaac Lane
- Consideration of coordinating streetlights in the future with subdivision to the east by moving proposed streetlight between 2133 and 2139 Isaac Lane to the easterly edge

**The consensus of the Board was to place this item on the consent agenda for the April 3, 2007 Board meeting.**

B. C-1 and C-2 Zoning Amendments, Size of Use

Director Kieselbach summarized the proposed zoning amendments as outlined in staff memorandum dated March 16, 2007.

Board members and staff discussed the following:

- Planning Commission recommendation for adoption of use sizes in 2000
- Business operations change over time
- Promotion of reuse of existing buildings by eliminating the use size
- Increased cost of square footage for leasing space
- Majority of C-1 in unbuffered areas adjacent to residentially zoned neighborhoods
- Most of the identified sites are more limited by setbacks and parking regulations than square footage
- Concern with “disconnect” between uses and zoning on the Township’s Zoning Map
- Consideration of rezoning properties used as office to make zoning match its use
- Possible elimination of size restrictions for C-1 on existing buildings
- Definitive language prepared by staff to be sent to the Planning Commission
- Enforcement issues created by new v. old buildings
- Staff to explore negative effects of elimination of size restrictions
- Current size limits in C-1 too restrictive
- Parking restrictions for the business control the size of the business

**It was the consensus of the Board to continue discussion on this issue at the April 3, 2007 Board meeting.**

C. Proposed Zoning Amendment for Murals

Director Kieselbach summarized the proposed zoning amendment as outlined in staff memorandum dated March 16, 2007.

Board members discussed the following:

- Redundancy contained in definition and condition number one
- Concern with prohibition of a mural on an accessory structure
- Staff to contact business owners with murals on buildings to offer input
- Allowance for an artist to sign his/her work

Possible prohibition of text on murals: (Questions for the Attorney (See Agenda Item #8))

Q. Is there case law supporting the prohibition of text on murals? Do you anticipate any difficulties from that part of this?

A. As far as the case law, the only place that I believe exists specifically deals with painting of

murals. It just states that you can regulate them as signs and, beyond that, there aren't very many cases out there. This has not been specifically submitted to me for specific review on the language yet, and when we do that, we would want to make sure there wasn't any kind of regulation of content more than what is normally allowed. I'm not necessarily sure at this point that I would recommend the no words, no alphabet at all. This is an issue we need to look at and we have not done that yet. It hasn't been submitted to us to look at the specifics of the language that's proposed, so we'll do more research into that. My concern with some of this definition is that there's time when you can use letters in a mural and you are not using words. That might very well be okay. We still need to look at where is that line and how do you regulate that without regulating the content itself. That's not to say you can't put any letters up there at all, like the Albert Einstein painting. Someone decides to put that up, there's obviously letters there, but that's not commercial. We'll look at that when asked to do that by the Board.

Continued Board discussion:

- Possible restriction to prohibit murals on the front of a building
- Goal of art is to communicate a message
- Prohibition of text will not solve the problem of eliminating messages

**The consensus of the Board was for staff to work with the Township attorney and bring this item back for discussion at the May 1, 2007 Board meeting.**

12. VISION SESSION/ENDS: Cityhood, Roads, Transportation Center

Ken VerBurg, Chair, State Boundary Commission, stated most of the Commission's work is in response to annexations. He gave an overview of the provision contained in the Charter Township Act which spells out how an annexation in a charter township can take place.

Mr. VerBurg indicated the State Boundary Commission's role with respect to incorporation into a city is largely administrative. A petition filed with the Boundary Commission needs to have been circulated to residents within the area to be incorporated and contain an accurate description of the land to be included into the proposed new city. The number of signatures required on the petition is five percent (5%) of the number of residents in the area to become a city and must be freeholders (a person who lives on the property he/she owns). Mr. VerBerg added the circulators of the petition must carry a map of the area to be included in the proposed city and show it to prospective signors.

Once the petition is submitted, the Boundary Commission reviews the petition, looking at the description and the adequacy of signatures. Upon determining the signatures are legally sufficient, a date for a public hearing is set. The hearing is conducted and once the transcript of the hearing is circulated, the Boundary Commission recesses for a thirty (30) day period to allow for additional written public comment. In addition, another seven (7) days is allowed for individuals to respond to the written material submitted within the thirty (30) day time frame.

Mr. VerBurg noted the Boundary Commission would review submitted comments at its next meeting and make a decision whether to permit the incorporation to proceed or not. He added that, as a general rule, if the documents are correct and the opinions are pronounced, the Boundary Commission will declare a date for an election, which must take place more than forty-five (45) days after the Director of the Department of Labor and Economic Development signs the order. Mr. VerBurg noted that during the aforementioned forty-five day period, residents in the Township may circulate a petition (which must contain signatures of five percent (5%) of registered voters) to ask for an election on the Boundary Commission's recommendation.

If the forty-five (45) day period does not generate a request for an election, the Boundary Commission may set a date for an election on the selection of Charter Commissioners. Charter Commissioners must file a petition and be elected for one of nine (9) seats. After being elected and certified, a ninety (90) days period commences, during which time the Charter Commissioners prepare a charter which is submitted, along with officers provided for in the charter, to the voters for affirmation. If not approved, the charter may be returned to the Charter Commission for a second time and can be resubmitted to the electorate. If the issue is defeated, the public has seven to ten (7-10) days to petition the person elected as Mayor to obtain a new Charter Commission.

Board members discussed the following:

- Length of process to become a city
- Possible restrictions on candidates for Charter Commission office
- Elected officials serving on the Charter Commission
- Boundary Commission authentication of the schedule for the process towards cityhood
- Common objections to incorporation
- Law does not require the Ingham County Road Commission (ICRC) to relinquish responsibility for the primary road system to the community
- City would receive PA 51 funds for those roads which come under its jurisdiction
- Agreement on boundary roads relative to snow plowing, etc.
- How to deal with resurfacing of subdivision roads

13. PUBLIC REMARKS

Supervisor McGillicuddy opened and closed Public Remarks.

14. POSSIBLE CLOSED SESSION

**Trustee Such moved that the Township Board go into a closed session to discuss strategy related to ongoing litigation. Seconded by Trustee Brixie.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy, Treasurer  
Hunting  
NAYS: None  
Motion carried 5-0.

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

**Trustee Brixie moved to return to open session. Seconded by Trustee Veenstra.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,  
Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

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

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,  
Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

15. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:30 P.M.

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SUSAN MCGILLICUDDY  
TOWNSHIP SUPERVISOR

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MARY M. G. HELMBRECHT, CMC  
TOWNSHIP CLERK

Sandra K. Otto, Secretary