

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, MAY 4, 2004, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Treasurer Hunting, Trustees Brixie, Stier, Such, Woiwode
(6:06 P.M.)
ABSENT: Clerk Helmbrecht
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development
Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief
Gary Gibbons, EMS/Fire Chief Fred Cowper, Personnel Director/Assistant Manager
Paul Brake, Attorney Mike Woodworth

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.

Zane Balks-Russell, 2060 Riverwood, Okemos, spoke in support of the Mixed Use Ordinance.

Harold Jacobsen, 3939 E. Sunwind, Okemos, spoke in opposition to Rezoning #04020 (Okemos Public Schools).

Ruby Ghosh, 2174 Butternut Drive, Okemos, spoke in support of Rezoning #04020 (Okemos Public Schools).

Shelee Bush, 3912 Hazy Lane, Okemos, spoke in opposition to Rezoning #04020 (Okemos Public Schools).

Jody Wesley, 1391 Silverwood Drive, Okemos, spoke in support of Rezoning #04020 (Okemos Public Schools).

Connie Bloniarz, 3924 Hazy Lane, Okemos, spoke in opposition to Rezoning #04020 (Okemos Public Schools).

Mark Bush, 3912 Hazy Lane, Okemos, spoke in opposition to Rezoning #04020 (Okemos Public Schools).

Jeff Wesley, 1391 Silverwood Dive, Okemos, spoke in support of Rezoning #04020 (Okemos Public Schools).

Cindy Joncas, 3918 Hazy Lane, Okemos, read from a prepared statement in opposition to Rezoning #04020 (Okemos Public Schools).

Lucas Joncas, 3918 Hazy Lane, Okemos, read from a prepared statement in opposition to Rezoning #04020 (Okemos Public Schools).

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Gretchen Foster, 4990 Country Drive, Okemos, relinquished her time to her husband, Richard Foster.

Richard Foster, 4990 Country Drive, spoke concerning Rezoning #04020 (Okemos Public Schools) and Rezoning #02080 (Eyde).

Jeff Theuer, 2161 Quarry Road, Okemos, spoke in support of Rezoning #04020 (Okemos Public Schools).

Carla Luberto, 4002 Shoals Drive, Okemos, spoke in support of Rezoning #04020 (Okemos Public Schools).

David Tanay, 1397 Silkwood, Okemos, spoke in opposition to Rezoning #04020 (Okemos Public Schools).

Eleanor Luecke, LINC, PO Box 40, Okemos, spoke in opposition to Rezoning #04020 (Okemos Public Schools).

Robert Hopp, 3918 E. Sunwind Drive, Okemos, spoke in opposition to Rezoning #04020 (Okemos Public Schools).

Miriam Olsen, 3914 Hulett Road, Okemos, spoke in opposition to Rezoning #04020 (Okemos Public Schools).

Karen Dean, 2140 Belding Court, Okemos, spoke in support of Rezoning #04020 (Okemos Public Schools).

Vance Kincaid, 4530 Nakoma Drive, Okemos, spoke in opposition to Rezoning #04020 (Okemos Public Schools).

Arlene Radcliffe, 3913 Hazy Lane, Okemos, relinquished her time to Mark Bush, who continued his speech in opposition to Rezoning #04020 (Okemos Public Schools).

Jim Schmidt, 3980 E. Sunwind, Okemos, spoke in opposition to Rezoning #04020 (Okemos Public Schools).

Clark Radcliffe, 3913 Hazy Lane, Okemos, spoke in opposition to Rezoning #04020 (Okemos Public Schools).

Lynne Page, President, Briarwood Homeowners Association, 3912 Raleigh Drive, Okemos, spoke in opposition to Rezoning #04020 (Okemos Public Schools).

Joyce Grover, 3689 Van Atta Road, Okemos, relinquished her time to Barbara Schmidt.

Barbara Schmidt, 3980 E. Sunwind Drive, Okemos, spoke in opposition to Rezoning #04020 (Okemos Public Schools).

John Anderson, 215 W. Newman, Okemos, again announced his candidacy for Supervisor and spoke to attendance at the Tri-County Regional Planning Commission Land Use Forum by several Township officials.

Shari Gregory, 4154 Shoals Drive, Okemos, and member of the Environmental Commission, stated the Township's environmental consultant's report has just been received for WUP #04-02 (Terra Prima, LLC).

David Baker, 3906 E. Sunwind Drive, Okemos, spoke in support of the Board's affirmation of the Planning Commission's denial of Rezoning #04020 (Okemos Public Schools).

Craig Ruff, 1849 Cimarron, Okemos, spoke in support of Rezoning #04020 (Okemos Public Schools).

David Hallman, 3922 Hulett Road, Okemos, spoke in support of Rezoning #04020 (Okemos Public Schools).

James Gill, 3625 Aragon, Lansing, introduced himself and announced his candidacy for Ingham County Sheriff.

Will White, 4695 Okemos Road, Okemos, spoke in opposition to Rezoning #04020 (Okemos Public Schools) and in support of the Mixed Use Ordinance. He also announced the May 25, 2004 initial meeting on Design Meridian in the Town Hall Room.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Trustee Woiwode reported on the May 1st Tri-County Regional Planning Commission Land Use Forum and the turnout of elected officials.

Trustee Brixie reported on the East Lansing Planning Commission's progress with the Rysberg property on Lake Lansing Road. The attorneys for East Lansing and Meridian Township have agreed there should be no approvals on this site until the conservation easement is in place. The Drain Commissioner attended the meeting and as there are still several issues which Mr. Rysberg needs to resolve with the Drain Commissioner, the Planning Commission did not take action.

Treasurer Hunting responded to what he believed was a serious accusation made by Richard Foster. He stated Mr. Foster's comments regarding the Treasurer's actions relative to contact with Mr. Bush's law firm were false. The response received from the law firm was that it was not officially representing a client and the law firm did not have a position on Rezoning #04020 (Okemos Public Schools), despite communication from Mr. Bush on the firm's letterhead.

Trustee Stier summarized the Zoning Board of Appeals meeting of April 28, 2004.

Trustee Such stated that for the record, he speaks to anyone who calls him on any issue.

Supervisor McGillicuddy announced a hearing on the Rysberg wetland use permit will be held June 2nd at 7:00 P.M. in the Meridian Township Service Center.

6. APPROVAL OF AGENDA — OR CHANGES

Trustee Brixie moved to approve the agenda amended as follows:

- **Move Agenda Item #11D to #11A, and reletter the remaining agenda items under Discussion Items**

Seconded by Trustee Such.

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

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

NAYS: None

Motion carried 6-0.

The adopted Consent Agenda items are as follow:

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A. Communications

(1). Board Deliberation (BD)

- 11D-1 David E. Tanay, 1397 Silkwood Drive, Okemos; RE: Opposition to Rezoning #04020 (Okemos Public Schools)
- 11D-2 Steve Vagnozzi, 3454 E. Arbutus Drive, Okemos; RE: Support for Rezoning #04020 (Okemos Public Schools)
- 11D-3 Gene Townsend, 2803 Jolly Road, Okemos; RE: Rezoning #04020 (Okemos Public Schools)

(2). Board Information (BI)

- BI-1 Bob and Fran Deatrack, 1166 Teakwood Circle, Haslett; RE: Opposition to Rezoning #02080 (Eyde)
- BI-2 Rick Foster, 4990 Country Drive, Okemos; RE: Rezoning #02080 (Eyde)
- BI-3 Charles Louis Willems, PO Box 184, Haslett; RE: Maintenance of property between the west side of his homestead and Lake Lansing
- BI-4 Judy Ratkos, 4970 E. Sleepy Hollow, East Lansing; RE: ZBA Case No. 04-03-10-1 (Fedewa Builders)
- BI-5 Judy Ratkos, 4970 E. Sleepy Hollow, East Lansing; RE: Support for decision on ZBA Case No. 04-03-10-1 (Fedewa Builders)
- BI-6 Keith L. Schroeder, 4665 Dobie Road, Suite 130, Okemos; RE: Ember Oaks Streetlight District

(3). Regional Linkage (RL)

- RL-1 Julie Brixie, Meridian Township Trustee and Board Liaison to the East Lansing Planning Commission; RE: Letter to East Lansing Planning Commission on Gaslight Village Office Complex

(4). Staff Communication/Referral (SC)

- SC-1 Michigan Townships Association Legislative Fax April 16, 2004 Edition
- SC-2 Michigan Townships Association Legislative Fax April 23, 2004 Edition

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

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

B. Minutes

Trustee Such moved to approve and ratify the minutes of the April 20, 2004 Regular Meeting with the following amendments:

- Amend page 7, by adding “e” to “Ann”
- Amend the motion for Agenda Item #11A, on page 9 by striking out “suspend the rules and”
- Amend page 11, by correcting the spelling “Woody” to “Witte”

Seconded by Trustee Brixie.

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

C. Bills

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

| | |
|--------------------------------------|---------------|
| Common Cash | \$ 423,962.98 |
| Public Works | \$ 31,266.88 |
| Public Safety Building Debt-Bond Fee | |
| Check #1090-JP Morgan Chase Bank | \$ 512.50 |
| Total Checks | \$ 455,742.36 |
| Credit Card Transactions | \$ 14,510.54 |
| Total Purchases | \$ 470,252.90 |
| | |
| ACH Payments | \$ 401,331.85 |

Seconded by Trustee Brixie.

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

[Bill list in Official Minute Book]

D. Ratify Police Officer Appointment

Trustee Such moved ratification of Nicholas Edward Olivo to the position of police officer contingent upon successful completion of those items stipulated in the conditional offer of employment. Seconded by Trustee Brixie.

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

E. Ratify Fire Department Promotion

Trustee Such moved to ratify the promotion of Paul McGarry to the rank of lieutenant. Seconded by Trustee Brixie.

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

F. Wetland Use Permit #04-02 (Terra Prima), Set Public Hearing for May 18, 2004

Trustee Such moved to schedule a public hearing on Wetland Use Permit #04-02 for the Township Board's Tuesday, May 18, 2004 Regular Meeting. Seconded by Trustee Brixie.

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

G. Memorandum of Agreement and Budget for Phase II Storm Water Program

Trustee Such moved to approve the attached resolution approving the Memorandum of Agreement forming the Greater Lansing Regional Committee on Phase II Nonpoint Source Pollution Prevention, approving the budgets, authorizing expenditures not to exceed \$3,000 and \$3,400 for 2004 and 2005 respectively, and appointing the Director of Public Works & Engineering as the Township's representative to the Committee. Seconded by Trustee Brixie.

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

[Supervisor McGillicuddy recessed the meeting at 7:50 P.M.]
[Supervisor McGillicuddy reconvened the meeting at 8:01 P.M.]

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

Ex parte communications:

- Q. At the last meeting, we had questions raised about ex parte communications. I'm finding this discussion to be troubling and I just want to make sure. My understanding has always been that we are a legislative body, and that, on occasion, we are an appellate body on decisions from other bodies within the Township. I assume that there might be some concern about going with an appellate situation differently than our basic legislative rules. In zoning, my understanding is we're actually a legislative body?
- A. There has been reference to acting in a quasi-judicial capacity. The difficulty when you start kicking around terms like judicial or quasi-judicial and then try to engraft on that, the rules of ex parte or the prohibition against ex parte communications that would apply to judges simply doesn't work when you're talking about a body such as this, the governing body of the Township.

Certainly, what the test is, and what the goal is is to see to it that decisions are made in a public forum, that the ideas are freely expressed, there not be any decisions made behind closed doors (I see no indication that's occurring) and, of course, the discussions conducted by this Board will culminate in that public decision-making process. I haven't seen anything in my capacity as legal counsel for the Township to indicate that there is any violation of any ex parte communication rules that would apply. I have reviewed, and as a matter of fact will be responding in some detail to, Mr. Foster's letter. I have reviewed the cases and the legal opinions that he cites, and I haven't seen any Michigan authority that would indicate that the communications that are complained of here violate any rule prohibiting ex parte communications.

- Q. I appreciate that because, obviously, we're covered by the Open Meetings Act; we're covered by the Freedom of Information Act and judicial bodies aren't. A judge isn't, but all the filings would be. We are also not an adversarial situation, if I understand it; our goal is not to pick a winner, but to come up with good policies and laws. Correct?
- A. Correct. It is important again, and I want to emphasize the distinction between this group as a decision-making body and staff. One of the charges that we give to our staff by way of our ordinance is to help in the interpretation of the ordinance when we have applicants, regardless of whether they're developers or single land owners. The Board, in its wisdom, and the ordinance, recognizes that sometimes some interpretation and guidance is absolutely necessary.

9. HEARINGS (None)

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

A. Millage Renewal

Manager Richards introduced the proposed millage renewal language as outlined in staff memorandum dated April 30, 2004.

Trustee Such moved to approve the attached millage renewal language for 2 ballot proposals to appear on the August 3, 2004 Primary Election ballot: (1) EMS/Fire Department and (2) Police Department. Seconded by Trustee Brixie.

Board members discussed the following:

- Renewal millage only
- Reduction from current millage due to Headlee Amendment

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

- B. Authorization to Submit Proposal to the City of East Lansing for Cable TV Services
Manager Richards introduced the proposed authorization to submit as outlined in staff memorandum dated April 30, 2004

Treasurer Hunting moved to authorize the Cable T.V. Coordinator to submit a proposal to provide cable television services to the City of East Lansing. In the event the contract is awarded, the Township Manager is authorized to negotiate and to execute the necessary agreement(s) on behalf of Meridian Township. Seconded by Trustee Brixie.

Board members discussed the following:

- Board liaison to the Cable Commission relayed Board concerns to the Cable Commission
- Concerns discussed at the Cable Commission level will be incorporated into the proposal
- Need to provide superior services to the City of East Lansing
- Concern there are no “unintended consequence” for each governmental unit to have public access television provided
- Need to address governance issues regarding oversight of HOM-TV
- Concern cable provider will delete either Channel 21 or 22, which would result in a loss of the Township’s programming time
- Channel change as a contracting item with the cable provider

Trustee Such offered the following friendly amendment:

- **Insert “production and public access” after the word “television” in line 2 of the motion**

Amendment accepted by the maker and seconder.

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

- C. Preliminary Plat of Blueberry Hills

Trustee Brixie moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby grants approval of the preliminary plat for a single-family subdivision of nine (9) lots, commonly known as Blueberry Hills, located east of Van Atta Road and south of Piper Road with the following conditions:

1. **Approval is granted in accordance with the revised Preliminary Plat received by the Township on March 10, 2004, prepared by The McNeer Company, indicating nine (9) single-family lots, subject to revisions as required.**
2. **An overall grading plan for the subdivision shall be required with detailed construction plans, prior to issuance of any building permits. The elevation of each lot corner shall be indicated on the site plan for each lot when submitting for a building permit.**
3. **Storm sewer leads shall be provided to each lot in the subdivision. The final location of the lead shall be subject to the approval of the Director of Public Works and Engineering. All residences constructed in the subdivision shall be connected to the leads.**
4. **Street trees shall be required throughout the subdivision. 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.

5. **The applicant shall obtain all necessary permits and approvals from the Ingham County Drain Commissioner, Ingham County Road Commission, Michigan Department of Environmental Quality (MDEQ), and the Township. Copies of all permits and approval letters shall be submitted to the Department of Community Planning and Development. Should a permit be required from the Michigan Department of Environmental Quality, no grading or construction work shall be conducted until the permit is final and unappealable at the MDEQ.**
6. **Homes built on each lot shall not exceed the three (3) bedroom maximum imposed by the Ingham County Health Department unless the Township receives a letter from the Health Department indicating the restriction has been changed or removed.**
7. **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.**
8. **A copy of the information that exists on computer for the plat and construction plans shall be provided to the Township Engineering staff in an Auto Cad compatible format.**

Seconded by Trustee Such.

Board members discussed the following:

- Storm sewers on the property as a requirement through the Ingham County Road Commission

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

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Keith Froelich, 4228 Cornell Road, Okemos, and the OHS Athletic Director, looked at recreational and athletic use of the field which is part of the subject Rezoning #04020 (Okemos Public Schools). He felt that with Hartrick Park, the athletic and recreation needs could be met for all current groups.

William Rustem, 2770 Dobie Road, Mason, cited reasons to request Rezoning #04020 (Okemos Public Schools). One of the key findings of the Governor's Land Use Leadership Council's report was that schools need to be responsive to local units of government; likewise, local units need to be responsive to school needs. He felt the health of the Okemos school system directly affects property values. Mr. Rustem also believed that large lot exclusionary zoning is wrong.

Scott Knapp, 505 Ardson, East Lansing, representative of the land owner for the Meridian Crossing Development, stated contact with staff and the Board during the development process is essential. His client owns property on Okemos Road and it was rezoned from CS to C-2. He spoke in support of the amendment to the C-2 zoning district to allow a motel or hotel.

Luc Joncas, 3918 Hazy Lane, spoke in opposition to Rezoning #04020 (Okemos Public Schools) and deferred his time to Mark Bush.

Cindy Joncas, 3918 Hazy Lane, spoke in opposition to Rezoning #04020 (Okemos Public Schools) and to the property owned by the Okemos Public Schools as part of the Greenspace Plan.

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Clarke Radcliffe, 3913 Hazy Lane, Okemos, encouraged the Township Board to listen to the Planning Commission relative to Rezoning #04020 (Okemos Public Schools).

Mark Bush, 3912 Hazy Lane, Okemos, spoke concerning lack of notice to a land owner allegedly adjacent to the subject property of Rezoning #04020 (Okemos Public Schools). He also referred Board members to a letter contained in his brief from Craig Van Sumeren, Chair of the Park Commission.

Eleanor Luecke, President, LINC, PO Box 40, Okemos, spoke concerning the Mixed Use Ordinance and the Master Plan, Future Land Use Chapter and Map.

Lynne Page, President, Briarwood Homeowners Association, 3912 Raleigh Drive, Okemos, spoke concerning the land use issue relating to Rezoning #04020 (Okemos Public Schools).

Steve Taylor, 1863 Birchwood, Okemos, spoke in support of Rezoning #04020 (Okemos Public Schools).

John Anderson, 215 W. Newman, Okemos, spoke in opposition to Rezoning #04020 (Okemos Public Schools).

Brett Dreyfus, 6386 Towar Avenue, Okemos, stated his personal opinion of the rationale for the Planning Commission decision on Rezoning #04020 (Okemos Public Schools).

Vance Kincaid, 4530 Nakoma Drive, spoke in opposition to Rezoning #04020 (Okemos Public Schools).

William White, 4695 Okemos Road, spoke in support of the proposed mixed use ordinance with modifications and showed photographs of a successful mixed use concept in Howell, Michigan.

Jerome Hull, 3972 Dayspring Court, Okemos, spoke in opposition to Rezoning #04020 (Okemos Public Schools).

Supervisor McGillicuddy closed public comment.

DA. Rezoning #04020 (Okemos Public Schools), request to rezone Hulett Road property from RR to RA. Director Kieselbach outlined the proposed rezoning as outlined in staff memorandum dated April 30, 2004. In response to an earlier statement regarding alleged lack of notice to an adjacent property owner, the ordinance requires notification to all property owners within 300 feet of the property. The property mentioned on Kansas measures 450 feet, and falls outside of the notification area for the hearing.

Ronald J. Styka, 2176 Belding Court, Okemos and Okemos School Board Trustee read a prepared statement on the review criteria in support of Rezoning Request #04020 (Okemos Public Schools), and also included the following points:

- School district dependent upon per pupil amount from State of Michigan
- Closed Edgewood Elementary, but still have excess capacity and declining enrollment, partly due to Proposal A and the declining birth rate
- Examples of cost-cutting measures already applied

Peter L. Tresize, 3818 Yosemite Drive, Okemos, and Okemos School Board Trustee, stated he respected the decision of the Planning Commission, but respectfully disagreed. It is his understanding the Township Board reviews the decisions of the Planning Commission on a de novo basis, and it is appropriate for them to differ from a Planning Commission determination should it see fit to do so. He also stated that the zoning plan of a Township should consider the types of housing, the locations of housing, the affordability of housing and the mixture in the community.

Mr. Tresize believed there existed creative ways to build a subdivision which would attract young families for the benefit of this community as a whole, not just the schools.

Bob McDonough, 2369 Seminole Drive, Okemos, and Vice President of the Okemos School Board,

thanked Board members for their time, professionalism and ongoing commitment towards the schools within the Township. The School Board will pursue all ideas brought to them, but not as alternatives, as that time has passed.

Treatment of Applicant: (Questions for the Attorney (See Agenda Item #8))

Q. Should we treat this school differently than any other applicant?

A. No, the school is not to be treated differently than any other applicant seeking a rezoning. The legal criteria that have been established, and I think they also were included a couple of times in your packet, apply equally to the school district as they would anyone else.

Consideration of School Finances: (Questions for the Attorney (See Agenda Item #8))

Q. Should school finances be a factor in our decision?

A. Again, I'll respond to that by saying that the legal criteria that are set forth in your packet do not include the financial condition or circumstances of the applicant.

Mandatory provision for parkland: (Questions for the Attorney (See Agenda Item #8))

Q. Can we force the school to provide park land for our community?

A. I would also indicate that, as I think it was previously observed, whether this property is rezoned or not, it is capable of currently being developed. There is no guarantee what's developed under existing zoning, that the parkland would be preserved or that those athletic fields would be preserved.

Offers of purchase: (Questions for the Attorney (See Agenda Item #8))

Q. Should the fact that the school has received offers from developers for the property be a factor in our discussion?

A. Again, it would not be one of the statutory criteria that you would apply.

Q. Can the School Board withdraw and sell the property to someone else? Can they withdraw their application?

A. Certainly, whether they withdrew the application or not, they could sell the property.

Purchase price of homes: (Questions for the Attorney (See Agenda Item #8))

Q. Should the price of homes be a factor as we make our decision?

A. Affordable housing is a legitimate concern in terms of planning. The trouble is, as this Board has many times attempted to discuss, the concept of affordable housing is a very slippery term. How you get to that and how you accomplish that from a zoning decision or land use decision is extremely illusive.

Potential role of the School Board: (Questions for the Attorney (See Agenda Item #8))

Q. I don't know who to ask this, but could the School Board itself act as a developer? Could they act as a contracting agent and be their own developer?

A. Well, I think they may have some difficulties in that regard, given their charge.

Community need as a criterion: (Questions for the Attorney (See Agenda Item #8))

Q. Is it appropriate for us to look at the school's goals for this rezoning based on the community need?

A. Certainly, community need is one of the criteria that could be considered. To the extent that the goals of the school are compatible with a recognized community need, that could be considered. I don't know if I'm specifically answering your question, but I am doing the best I can.

Master Plan Land Use Designation: (Questions for the Attorney (See Agenda Item #8))

Q. Could you comment on the conundrum that we're in with the Comprehensive Development Plan because the Master Plan is indicating that this is public land and the school is indicating that they wish to sell the land? First of all, can you comment on our authority to control whether or not they sell the land and, secondly, can you comment on what we can consider in light of the fact that the Master Plan is calling for public land and it is apparent that the land is not going to be public anymore?

A. You can't prevent the school district from selling its land. Let me say that is outside your purview. It appears to me that what may have happened, and perhaps I am speaking out of turn

because I really don't know the historical perspective on this, but a relatively easy land use designation was arrived at simply to say that is owned by the school and let's just designate that as public land. I think one of the things that's being suggested now for a Future Land Use Map is to at least reflect the current zoning on those properties. That's really what the focus of your attention is here today. You have a current underlying zoning of RR. The question is: ought that be amended applying the statutory criteria? Is there some, for example, changed circumstances or one of the other criteria, any reason why the present zoning is unreasonable? If you arrive at a conclusion that yes, in fact, there is a reason or reasons why, then you go to the second set of criteria. The fact that this was designated as public land on the Future Land Use Map, unfortunately, doesn't help you very much, but I also don't think you can deter your responsibility to pass on the question by simply throwing your hands up by saying this is public land and there's nothing we can do with that.

Consistency of Board action: (Questions for the Attorney (See Agenda Item #8))

- Q. I have a couple of questions. First of all, I am interested in your off-hand opinion about the changed circumstances in the area; specifically, I am referring to a number of rezonings which have taken place along Hulett Road and on both sides of Hulett Road and in the general area over the past years, some of which were more recently rezoned than others. I am wondering what our position would be with respect to consistency of Board action if we were to, let's say, maintain this area or demand that this area remain RR?.
- A. Recently, this Board has been called upon to decide applications for rezoning on other parcels of property in proximity to this one. In connection with those applications and those decisions, this Board has made factual findings. I think it is important that the Board be aware of the factual findings it made previously, and that the Board also be aware that it needs to be consistent with those factual findings. One of the things that is always troublesome, whether you are in a court of law or before a Board such as this, is you would like to have some predictability in terms of the decision-making process. I think it is important when you talk about predictability to look at the decisions that have been previously made and to see to it that whatever decision you should arrive at here is consistent with those determinations, or at least not diametrically opposed to it or that there is some explanation as to why they are inconsistent. Yes, you should consider prior decisions involving rezoning applications on neighboring properties.

Board members and staff discussed the following:

- Bennett Woods Elementary, Cornell Elementary and Okemos High School zoned RR
- All other school property in other zoning categories, i.e., RA, RB, RAA
- Schools are treated as a non-residential use in a residential area similar to churches and day care centers for zoning ordinance consideration
- Zoning of surrounding/adjacent neighborhoods as reason for higher zoning categories of school property
- Township parkland zoned in residential categories
- Walnut Hills and Haslett golf courses zoned as RR
- Golf courses and cemeteries rezoned due to the fact they are not public land, but under private ownership
- Size of greater Briarwood
- Proposed new developments surrounding this land approximately 600 lots
- Alleged storm drainage problems in Sunwind
- No known flooding in the area
- Proposed Bennett/Hulett Road roundabout better than conventional traffic signal
- Proposed roundabout similar to the one at Marsh/Hamilton but is four-way intersection
- Ingham County Road Commission has looked at the traffic volume and designed it in conjunction with the roundabout experts
- Smith interceptor east of the surrounding developments has sewer capacity to accommodate the number of projected homes on properties in the area
- Pedestrian traffic crossing Hulett Road in proximity to the proposed roundabout
- Crosswalks not generally constructed at a non-intersection area as drivers don't slow down
- Roundabouts safer for pedestrians as they only need to watch for traffic in one direction at a time

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- Vehicle of “boulevarding” for pedestrians crossing Hulett Road to/from Bennett Woods
- School Superintendent comments on financing of the subject property; general fund money on land contract
- Electromagnetic field issue and the Township wetland ordinance transpired after purchase of the property
- When current high school property was purchased, the School Board approached the Park Commission to trade the land which is now Hartrick Park
- Use of the new Hartick Park stadiums as a reason to say there are sufficient playfields
- Attempt to fix skewed previous planning decisions
- Need for dialogue with the school boards so decisions aren't reactive
- Board decision should include proper zoning for the future of the community
- Board cannot prohibit proper zoning with the expectation that the land would not then be sold
- 1998 Community Attitude Survey revealed the greatest reason for moving into the Township was the public schools
- Parents before the Community Forum Committee desired to have the Okemos School District sell the property
- Proposal has the potential to create a different type of community which would fulfill a community need
- Rezoning request meets the criteria for good planning
- Rezoning request as a prudent and legally defensible decision
- Rezoning request a perfect example of an “infill” project
- Logical and orderly development which fits in with surrounding zoning
- 459 units already zoned for building homes in the surrounding area
- Desire for the School Board and residents to work towards a solution

The consensus of the Board was to place this on as an action item at the next Board meeting and direct staff to prepare two (2) different motions.

Trustee Such moved to postpone Agenda Items # 11B, 11C, 11D and 11E until next Board meeting. Seconded by Trustee Brixie.

12. VISION SESSION/ENDS: (None)

13. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

John Anderson, 215 W. Newman, alleged he had a solution to Rezoning #04020 (Okemos Public Schools).

Eleanor Luecke, President, LINC, PO Box 40, urged the Board not to rush into a decision on Rezoning #04020 (Okemos Public Schools)

Vance Kincaid, 4530 Nakoma Drive, spoke to the alleged traffic problem which would be caused by a single-lane roundabout being built on Hulett and Bennett Roads.

Supervisor McGillicuddy closed Public Remarks.

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:31P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary