

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING—**APPROVED & AMENDED**
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, MAY 6, 2003, **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, 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 6:01 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.

Stacy A. Hickox, 4291 Indian Glen Drive, Okemos, requested support for a Meridian Township resolution against the USA Patriot Act and in opposition to several provisions of said act.

Melanie Jaramillo, 2080 Ashland Avenue, Okemos provided additional information regarding various methods nationwide of addressing the USA Patriot Act.

Vance Kincaid, 4530 Nakoma Drive, Okemos, gave an overhead presentation and requested support for making the 4530 Nakoma sidewalk assessment equitable as contained in the Modification to the 2003 Order to Maintain Sidewalks Special Assessment District #5.

John Anderson, 215 W. Newman Road, Okemos, spoke in support of a Township-wide traffic study and its related concerns.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Supervisor McGillicuddy asked the Board for its thoughts on declaring May 17, 2003 as Operation Yellow Ribbon Day throughout the Township. Trustee Such expressed concern about the Township being put in a position of pro v anti-war resolution requests. He believed the Board's focus should be on Township government. Treasurer Hunting reminded the Board about the anti-war resolution several meetings ago as it did not fall into the purview of what the Board was elected to do. Treasurer Hunting could support a rally for the troops as he sees it differently from support for or against the war.

Supervisor McGillicuddy stated The Presbyterian Church of Okemos has requested an expansion and would like its request as an action item at the next Board meeting. Trustee Woiwode voiced concern about the Board setting a precedent without a stated reason. Trustee Such asked Director Kieselbach if a reason existed for the fast tract.

Director Kieselbach stated the only reason he was aware of was they wanted to start construction as soon as possible. The church still needs to go through Site Plan Review and the building permit process which is at least a fifteen (15) to thirty (30) day period.

The consensus of the Board is to have the expansion request of The Presbyterian Church of Okemos follow the regular process.

Supervisor McGillicuddy apprised the Board that the Ingham County Road Commission has rescheduled its joint meeting from May 15, 2003 to Thursday, May 29, 2003 at 7:00 p.m.

Treasurer Hunting asked for the name of the submitter of The Detroit News article communication. It was believed it came from a member of the Board; however, the originator was unknown.

Trustee Woiwode asked the Board, Planning Commission and staff to look at a newly released study entitled *Michigan Metro Patterns*. She has a number of copies available for distribution. The study looks at multiple Michigan communities and addresses these areas relative to the effects of sprawl. Supervisor McGillicuddy mentioned Board and staff attendance at the memorial service of Meridian Township Police Officer Jason Dec and expressed the Board's sympathy to his family.

6. APPROVAL OF AGENDA — OR CHANGES

Trustee Brixie moved to approve the agenda as submitted. Seconded by Trustee Such.

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

Trustee Woiwode moved to adopt the Consent Agenda amended as follows:

- **Move Agenda Item #7G to Item #10C.**

Seconded by Trustee Brixie.

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

(1). Board Deliberation (##)

- BD-1 Stephanie L. Taylor, Chairperson, FOX 47 NEWS Rally for the Troops, P. O. Box 4803, East Lansing; RE: Issuance of Proclamation declaring May 17, 2003 Operation Yellow Ribbon Day
- 7G James B. Wessinger, M.D., 4624 Nakoma Drive, Okemos; RE: Opposition to 2003 Order to Maintain Sidewalks Special Assessment District #5 at 4624 Nakoma Drive
- 10A Eleanor V. Luecke, President, L.I.N.C., P. O. Box 40, Okemos; RE: Opposition to Zoning Amendment #03030 (Roper).
- 11A-1 Molly Wingrove, 2649 Melville Dr., East Lansing; RE: Opposition to Planning Commission denial of Rezoning #03020 (Newman Equities)
- 11A-2 Robert B. Hotaling, MUP, PCP#2, AICP (CM), P.O. Box 304, Haslett; RE: Land Use Planning and Zoning Analysis and Professional Opinion of Newman Equities Property located on Central Park Drive

(2). Board Information (BI)

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- BI-1 *Detroit News* Article: Detroit Catholic Central School to replace trees at site in Novi
- BI-2 JoAnn (Mitchell) Forsberg, 2360 Jolly Oak, Okemos; RE: Improvements of industrial site at 2360 Jolly Oak in Okemos.
- BI-3 Peter McPherson, President, Michigan State University, 450 Administration Building, East Lansing; RE: Leave of absence to serve as Financial Coordinator for the Office of Reconstruction and Humanitarian Assistance (ORHA) in Iraq for the Bush Administration
- BI-4 Eleanor V. Luecke, President, L.I.N.C., P. O. Box 40, Okemos; RE: Letter to Planning Commission Chair Richard Foster in support of density change to 2.5-3.5 dwelling units per acre for 2024 Hamilton Road
- BI-5 Joanne Kaye Kordas, 2024 Hamilton Road, Apt. 106, Okemos; RE: Letter to Planning Commission Chair Richard Foster in support of density change to 2.5-3.5 dwelling units per acre for 2024 Hamilton Road
- BI-6 Eleanor V. Luecke, President, L.I.N.C., P. O. Box 40, Okemos; RE: Letter to Planning Commission Chair Richard Foster in opposition to commercial density designation for Wooden Skate
- BI-7 Stacy A. Hickox, 4291 Indian Glen Drive, Okemos; RE: Support of a Meridian Township resolution against the USA Patriot Act
- BI-8 Carl Lira, Chairperson, Capital Improvements Committee of Presbyterian Church of Okemos, 2258 Bennett Road, Okemos; RE: Support for SUP #03-77191 (Presbyterian Church of Okemos)

(3). Regional Linkage (RL)

- RL-1 Ingham County Road Commission, 301 Bush Street, Mason; RE: Reschedule of Joint Meeting with Charter Townships to Thursday, May 29, 2003

(4). Staff Communication/Referral (SC)

- SC-1 Michigan Townships Association Legislative Fax April 18, 2003 Edition
- SC-2 Michigan Townships Association Legislative Fax April 25, 2003 Edition

Trustee Woiwode 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, Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

B. Minutes

Trustee Woiwode moved to approve and ratify the minutes of the April 15, 2003 Regular Meeting as submitted. Seconded by Trustee Brixie.

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

C. Bills

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

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| | |
|--------------------------|----------------------|
| Common Cash | \$ 362,318.82 |
| Public Works | \$ 54,467.98 |
| Total Checks | \$ 416,786.80 |
| Credit Card Transactions | \$ 17,558.22 |
| Total Purchases | <u>\$ 434,345.02</u> |
| ACH Payments | <u>\$ 340,459.38</u> |

Seconded by Trustee Brixie.

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. Assessing Stipulation

Trustee Woiwode moved that the Township Assessor or Township Attorney be authorized to sign a stipulation with Daniel and Margaret Schiffer on the proposed stipulated values for Parcel Number 33-02-02-04-104-019:

2002 Assessed Value: \$701,100 to \$590,000
2002 Taxable Value: \$677,262 to \$590,000

2003 Assessed Value: \$751,000 to \$590,000
2003 Taxable Value: \$687,420 to \$590,000

Seconded by Trustee Brixie.

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

E. Community Resources Commission Ordinance

Trustee Woiwode moved that the Board approve the resolution for Introduction and Subsequent Adoption of Ordinance No. _____, an Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 2 Administration, Article VI, Division 2, Sections 2-196-2-200. Seconded by Trustee Brixie.

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

F. Amendments to the IAFF (Fire Fighters) Labor Agreement

Trustee Woiwode moved approval of the amendments to the collective bargaining agreement with the Meridian Township Fire Fighters Association for 2002-2005 and authorized the Supervisor and Clerk to sign the same. Seconded by Trustee Brixie.

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 Item # 10C, #11A)
9. HEARINGS (None)
10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

John Anderson, 215 W. Newman, Okemos, spoke in opposition to Zoning Amendment #03030 (Roper) until a Comprehensive Traffic Study is conducted.

Vance Kincaid, 4530 Nakoma Drive, Okemos, spoke in support of the Board moving Consent Agenda item #7G to Action Item #10C and thanked the Engineering Department for their cooperation regarding a more equitable resolution to the sidewalk assessment for his property.

Supervisor McGillicuddy closed public comment.

- A. Zoning Amendment #03030 (Roper), request to rezone approximately 2.06 acres on the East side of Okemos Road from RR (Rural Residential) to RAAA (Single Family-Low Density)

Director Kieselbach summarized staff research requested by the Board at its April 15, 2003 regular meeting discussion on this rezoning request as outlined in staff memorandum.

Board Members and staff discussed the following:

- Rezoning of three (3) additional non-conforming RR (Rural Residential) parcels, located to the north and south, to RAAA to bring into compliance
- Rezoning to RAAA consistent with the Comprehensive Development Plan
- Error in the Comprehensive Development Plan for this location
- Drawbacks to building in a floodplain
- Increased personal profitability through rezoning

Trustee Brixie moved [and read the resolution into the record] NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, The Township Board hereby denies Rezoning Petition #03030 RR (Rural Residential) to RAAA (Single Family-Low Density). Seconded by Trustee Woiwode.

- Appreciation to staff for research efforts
- Rezoning not an appropriate remedy to problem parcel
- Inaccurately mapped in 1993
- Definition of lot of record
- Difference in acreage listed (2.06 v 1.82) may be due to meets and bounds parcel
- Amount of acreage not in the floodplain less than .5 acre
- During Planning Commission Review of the Comprehensive Development Plan, consideration be given to floodplain areas for appropriate zoning designations to avoid building in these areas
- Smaller parcels overlooked in the Comprehensive Development Plan
- Applicant need to seek land division upon rezoning approval
- No work in the floodplain is by right; only by special use permit

ROLL CALL VOTE: YEAS: Trustees Brixie, Woiwode, Supervisor McGillicuddy,
Treasurer Hunting
NAYS: Trustee Such, Clerk Helmbrecht
Motion carried 4-2.

- B. Zoning Amendment #02100 (Township Board), Limitation on Rezoning Requests
Clerk Helmbrecht moved [and read into the record] NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, the Township Board hereby Introduces for Publication and Subsequent Adoption Ordinance No. _____, entitled “Ordinance Amending the Code of Meridian Township, Michigan,” by Amending Section 86-2 to Add Definitions and by Adding Section 86-93(3). Seconded by Trustee Woiwode.

Board Members discussed the following:

- Creation of another layer of the process
- Goal to have serious consideration by the applicant bringing a proposal before the Board
- Encourages efficient rezoning applications
- Encourages more efficient use of staff and Township time

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

NAYS: None

Motion carried 6-0.

- C. Modification to the 2003 Order to Maintain Sidewalk Special Assessment District #5
Trustee Brixie moved to approve 2003 Order to Maintain Sidewalks Special Assessment District #5, Resolution #3, approving the public improvement to repair the sidewalks in portions of the following subdivisions: Indian Hills, Indian Hills #4, Country Place, Country Place #2 and #3, Wood Ridge, Wood Valley, Wood Valley #2, #3, and #4, Bird Strawberry Farm Estates #1 and #2; defray the cost by special assessment; approving the estimate of cost of \$36,052.39; determining the special assessment district; and authorizing notices be sent to the property owners giving 20 days notice to replace defective sidewalk. Seconded by Trustee Such.

Board members and staff discussed the following:

- Status of ongoing dialogue with property owner at 4530 Nakoma Drive
- Original Engineering recommendation to replace 288 square feet of sidewalk, approximately nineteen (19) percent of the 1,500 square feet of total sidewalk
- Property owner's previous request to replace entire sidewalk at five (5) feet; hence larger assessment
- Replacement of 288 square feet of sidewalk at the owner's expense as the original assessment of \$1,490.40
- Township agreement to pay forty (40) percent of the side yard (portion closest to Mt. Hope) and replacement of sidewalk across the sewer easement
- Opinion of Engineering staff is to replace only 288 square feet at four (4) feet
- Current requirement of the Township for new sidewalks is five (5) feet
- Appropriateness of replacing a seventy-five (75) year old four (4) foot sidewalk with a new four (4) foot sidewalk
- Additional life of remaining four (4) foot sections, their replacement and non-conformity with existing requirements
- Replacement mainly due to tree roots
- Resolution before the Board is replacement of entire sidewalk at a five (5) foot width for 4530 Nakoma Drive
- Motion amendment to reflect original square feet replacement and the Township's agreement to pay forty (40) percent of the side yard and replacement of sidewalk across the sewer easement
- Private v public sidewalk
- Difference between sidewalk at 4530 Nakoma and other properties on the street is shape of property, giving 365 feet of frontage
- Agreement to treat the long piece on this property as a side yard instead of a front yard
- Mt. Hope sidewalk as originally poured came to Nakoma and went north. In 1974, the Pathway Master Plan was adopted and the sidewalk on Mt. Hope became a pathway. The sidewalk on Nakoma has never been part of a pathway.
- Passage of Resolution #3 is an estimate and does not preclude changes
- Current negotiations in good faith for 4530 Nakoma Drive to effectuate a reasonable solution for all parties concerned
- Final assessment is not approved until Resolution #5 is passed, which is after work is completed

Resolution Modification: (Agenda Item #8(Questions for the Attorney))

Q. What do we need to do to modify this resolution? Would a simple modification or amendment

to take it back to the original assessment for this particular property suffice?

A. We would have to reflect it both in the estimated cost and then in the attached schedule. My calculations indicate we would be reducing the estimated overall cost of the project by \$4,616.68. Therefore, the approval of the estimated cost would be reduced by that amount as well.

Q. Is that the way we should amend the motion?

A. Right. And then reflect the amount of \$1,490.40 as the amount proposed for the Kincaid property.

The maker of the motion moved to amend the original motion as follows:

- **Reduce the estimate of cost from \$36,052.39 to \$31,435.71**
- **Reduce the estimated cost for the parcel at 4530 Nakoma Drive from \$6,107.08 to \$1,490.40 on the attached schedule**

The seconder accepted the amendment.

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.

Daria Schlega, 2446 Burcham, East Lansing, spoke in opposition to Rezoning #03020 (Newman Equities).

Dr. Preecha Supanwania, 4974 Powell Road, spoke in support of Rezoning #03020 (Newman Equities).

Gerald Card, 1999 Cimarron Drive, Okemos, spoke in support of Rezoning #03020 (Newman Equities).

Jerry Gilles, 6173 Oak Park Trail, Haslett, spoke in support of Rezoning #03020 (Newman Equities).

Cinda Kimbirauskas, 1751 Noble Road, Williamston, spoke in support of Rezoning #03020 (Newman Equities).

Bruce Reizen, 2900 Northwind Drive, East Lansing, spoke in opposition to rezoning for "big business."

John Anderson, 215 W. Newman, Okemos, spoke in opposition to Rezoning #03020 (Newman Equities).

Supervisor McGillicuddy closed public comment.

A. Rezoning #03020 (Newman Equities), request to rezone 13.4 acres located on the northwest corner of Newman Road and Central Park Drive from C-2 to C-3

Director Kieselbach introduced the proposed rezoning as outlined in staff memorandum and indicated the purpose of the commercial core designation on the 1993 Comprehensive Development Plan was to limit the bigger users to one area of Meridian Township.

Supervisor McGillicuddy opened the floor to the applicant.

Kevin J. Roragen, Loomis Law Firm, 232 S. Capitol Avenue, Suite 1000, Lansing, spoke on behalf of Rezoning #03020 (Newman Equities) and addressed what he believed was a misconception at the Planning Commission level that C-3 zoning will allow more intensive use of the property.

Jim Heffernan, Kohl's Department Stores, Inc., N 56 W 17000 Ridgewood Drive, Menomonee Falls, WI, spoke in support of Rezoning #03020 (Newman Equities) citing market research to

support his position.

Roger Drobney, Partner in Newman Equities, 1775 Noble Road, Williamston, spoke in support of Rezoning #03020 (Newman Equities). The Township conducted a Comprehensive Traffic Study in 1995 which concluded a major traffic problem existed around the mall and the only viable solution was a circle drive. The Township approached developers in the area and asked if they would accept a large assessment on these properties to build Central Park Drive. Newman Equities paid approximately fifty (50) percent of the cost of the road with the other developers paying the remaining fifty (50) percent.

Board members discussed the following:

- Project meets proper planning criteria and is consistent with the Future Land Use Map and the Comprehensive Development Plan
- Traffic guidelines used in Planning are determined by square feet of space
- Multiple users as a draw for establishments with longer business hours than a retail store would dictate different traffic patterns
- Overall traffic impact
- Single v multiple users
- Viability of Meridian Mall
- Continued viability of the central commercial core
- Township obligation to provide for businesses which will remain viable
- Request for staff to provide C-2 zoning vacancy rates in Township
- Township rezoning from CS to C-2 two years
- By-right "proposal" with CS zoning prior to this Board
- Step-down zoning would take place to the east if this property was rezoned as requested
- Property across Central Park Drive to the south zoned residential is not part of the core and part of a continuing lawsuit
- Traffic engineer statement in study indicated multi-restaurant development would increase afternoon traffic
- Availability of water and sewer to the site
- Water and sewer usage less with single v multi user
- Water flow to the north and then down Grand River until new interceptor is in place

Ongoing Litigation of Other Newman Equities Property: (Agenda Item #8(Questions for the Attorney))

Q. The Treasurer has alluded to the lawsuit regarding another piece of Newman Equities property. Has the Township taken a position in the lawsuit with Newman Equities involving this other parcel and what relevance does that have to the property under discussion?

A. Throughout the litigation involving the property to the east and south of this property, the Township took the position that it had the right of self-determination through its Comprehensive Development Plan to establish boundaries for a commercial core. In point of fact, when we referred to the commercial core in the context of that litigation, it was referring, in part, to the property where this parcel is located. Our position was that the Township has designated areas for development such as those that are now proposed by the applicant, and we have the right to establish those boundaries. I expect we will consistently take that position throughout the course of the appeal. But, if the Township now takes a position that this parcel is not included in the commercial core, I fear that we may be estopped by the position we took during the litigation, or at least that position will be taken as an admission by the Township that this is an appropriate area for a commercial core development.

Supervisor McGillicuddy requested this rezoning request be placed on the agenda as an action item at the next Board meeting.

B. Administrative Permitting Process and Definition of Aggrieved Person
Director Kieselbach introduced the definition of "aggrieved person" as outlined in staff

memorandum.

Attorney Woodworth added that at the last meeting he was asked to draft a definition to broaden the standing. What the law firm did was draft an extremely broad definition. A word of caution is in order as this is a standing "test" that would allow virtually every decision made on a wetland use permit to be appealed. As currently written, it is not confined to Township residents. It does not have a property ownership connection with regard to standing. It simply requires the idea of an identifiable injury not shared in common with others.

One of the questions raised by a Board member at an earlier meeting was if this would expand the number of people who could potentially bring the Township into court for further reviews of decisions made on appeal. The answer is yes.

If the Township Board decides to go to this broader definition, the memo should provide for an additional amendment which requires the appellant to indicate what is the identifiable injury. While the Board determination of what constitutes an aggrieved person should be deleted, there should be some language that the Board will determine whether sufficient interested party standing exists to proceed before the Board reaches the merits of the appeal.

Board members discussed the following:

- Issue of non-residents of Meridian Township who are landowners of contiguous property having appeal rights to wetlands decisions
- Importance of a procedural step to determine interested party
- Support of additional appeals and people who have an interest and/or concern
- Err on the side of environmental protection and pollution control concepts rather than worry about the number of appeals and whether decisions will be appealed to the Circuit Court
- Problematic definition of interested person because individual defending an interest in the environment is not suffering an injury
- Tangible v intangible standard for demonstrated interest
- Requirement for appellant to identify the injury
- Participation in the process as access to the right to appeal

Attorney Woodworth explained the genesis for the injury language. There was environmental litigation which came out of one aspect of the Walmart lawsuit. The Township was not directly involved in that litigation. Judge Glazer was asked to entertain whether a group of individuals had standing. One of them was found to have standing because he was a bird watcher, used this particular area to engage in such recreational activity and, therefore, if the habitat was disturbed, he would suffer an identifiable injury. The proposed language before the Board is an "artful" attempt to latch onto Judge Glazer's view of what would constitute an identifiable injury. (Minutes to clearly identify intent).

Attorney Woodworth suggested the addition of language in Section 22-116 to read "...injury, loss, or potential loss not shared in common..." would address an intangible injury scenario.

Protection of Interests: (Agenda Item #8(Questions for the Attorney))

Q. How do we protect the interest of individuals who do share an injury or loss in common with the general public? How do we include those individuals who recognize a general public loss?

A. One way would be for there not to be any standards for an appellant to meet. Anyone could appeal the decision regardless of any showing. There are a number of environmental "watchdogs", both inside and outside this community, who would be able to articulate their own loss or potential loss to protect the interests of other individuals who aren't necessarily paying attention. The only other choice would be to have no standards and anyone who wanted to challenge it, could come forward. I don't recommend this, as it would expose the Township to additional litigation.

Standing Definition: (Agenda Item #8(Questions for the Attorney))

Q. In looking at the interested person definition, if we deleted the phrase "not shared in common

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with other members of the general public” and retained the “identifiable injury” language, are we retaining enough of a standing definition?

- A. It would depend on whether the Board is comfortable with making the decision. I would also recommend a provision be included that has the Township Board determine whether an individual pursuing the appeal meets the interested party standard before the Board addresses the merits of the appeal. I think it is important to have articulated standards. It would be up to the Board if it felt there was a sufficient threshold to have control over the number of people challenging decisions if the language only stated identifiable injury.

Stated Reasons in Appeal Filing: (Agenda Item #8(Questions for the Attorney))

Q. Must reasons for the appeal be stated in the timely filing of the appeal? I believe they should, and, if so, I would like to see it written somewhere. Do we need a notification mechanism?

- A. The memo does not go far enough. If you look at Item #1, what I propose as additional language after “filing a written statement” would be “containing the specific reasons for the appeal and setting forth the facts establishing his or her status as an interested person with the Township Clerk within the ten (10) days accepted.” We should have gone further in our proposal.

Supervisor McGillicuddy requested that changes discussed be made and available for the next meeting.

12. VISION SESSION/ENDS: (None)

13. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Joan Guy, 1083 Woodside Drive, Haslett, expressed concern over developers who promote a rezoning request by promoting a particular merchant while the purpose of zoning criteria is overlooked.

Daria Schlega, 2446 Burcham, East Lansing, clarified her comments regarding the definition of “strip mall” made in earlier remarks.

Carl Harmon, 1924 Birchwood, Okemos, voiced concern that the Board’s decision on Rezoning #03020 (Newman Equities) should be based on its merits, not the merchant.

Vance Kincaid, 4530 Nakoma Drive, Okemos, spoke to the best use of tax dollars for sidewalk replacement on his property contained in the 2003 Order to Maintain Sidewalk Special Assessment District #5.

John Anderson, 215 W. Newman Okemos, spoke in opposition to Rezoning #03020 (Newman Equities) and feels the Board is out of touch with the citizens of Meridian Township.

Supervisor McGillicuddy closed Public Remarks.

14. POSSIBLE CLOSED SESSION

Treasurer Hunting moved that the Township Board go into closed session to:

- 1) **Consult with the Township Attorney on settlement strategy for pending litigation and**
- 2) **Discuss potential purchase of property.**

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 8:55 p.m.

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

Trustee Such moved to return to open session. Seconded by Treasurer Hunting.

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 10:29 P.M.

Trustee Woidowde moved to direct the Township Manager and Township Attorney to go forward as discussed in closed session. Seconded by Treasurer Hunting.

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

15. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:30 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Acting Secretary