

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, MARCH 4, 2014 **6:00 P.M.**

PRESENT: Supervisor LeGoff, Clerk Dreyfus, Treasurer Brixie, Trustees Scales, Styka, Veenstra
(6:06 P.M.), Wilson
ABSENT: None
STAFF: Township Manager Frank Walsh, Director of Community Planning & Development
Mark Kieselbach, Director of Public Works and Engineering Ray Severy, Police Chief
David Hall, Fire Chief Fred Cowper

1. CALL MEETING TO ORDER

Supervisor LeGoff called the meeting to order at P.M.

2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS

Supervisor LeGoff led the Pledge of Allegiance.

3. ROLL CALL

The secretary called the roll of the Board.

4. SPECIAL PRESENTATION

A. Peter Briggs – MSU Office for International Students and Scholars

Mr. Briggs addressed how the community is being shaped by the 7,161 international MSU students from 131 countries, the majority of students from China, Korea and India. He spoke to the numerous services his office provides to international students attending college and their family members. Mr. Briggs noted the significant increase in the number of freshman applications from China for fall (6,500), with approximately 1,000 undergraduates to be enrolled. He addressed the economic impact these students and their families have, stating they will bring an estimated \$250 million to the greater Lansing area.

Board discussion:

- Housing needs of the international students is being met at this time
- Importance of maintaining housing near the bus line for international students
- Many of the students depend on CATA buses for transportation
- Potential plans by the university to continue enrollment increases
- Enrollment growth to date has been at the undergraduate level
- Plans for the rate of undergraduate students to remain constant over the next several years
- Qualities of a globally friendly community
- One Township strategy for diversity is to offer help with language barriers

5. PUBLIC REMARKS

Supervisor LeGoff opened Public Remarks.

Ann Alchin, 5972 Cypress, Haslett, offered praise for the Township's EMT services. She read verbatim the Fire Chief's comment relative to "taking action" made at the February 18, 2014 Board meeting regarding SUP #13121, requesting an explanation of what action he was referring to.

John Bradley, 1082 Cliffdale Drive, Haslett, spoke in support of SUP #13121, the central fire station replacement project.

Neil Bowlby, 6020 Beechwood Drive, Haslett, requested an explanation on how the recently closed central fire station could have been allowed to deteriorate into such a state of disrepair. He presented data he offered at the last Board meeting regarding the percentage of fires v. EMS runs out of the central fire station, and additional information on the Township's fire prevention statistics from the National Fire Prevention Association. He requested the Fire Chief's resignation or, in the alternative, a reprimand for comments made by him at the February 18, 2014 Board meeting.

Lawrence Nolan, 4765 Nakoma Drive, Okemos, attorney for the Autumn Park Condominium owners, stated his clients are opposed to a fire station at the proposed location. He indicated his clients believe there are "better" alternative locations for a "replacement" station, and requested a Section 61 Review. Mr. Nolan spoke to the "double talk" from the Township regarding lack of approval of the special use permit. He addressed the Planning Commission recommendation that the fire station not be placed at the proposed location.

Betsy Strobl, 2056 Central Park Drive, Okemos, spoke to the unique situation surrounding the proposed fire station, as the Township is the developer of the project. She alleged there was a lack of conversation with the Autumn Park Condominium owners at a "compromise" meeting held February 19th with the Township and a compromise doesn't exist when both parties do not have a voice.

David Strobl, 1320 Cove Court, Okemos, showed a Powerpoint presentation on the tree cutting which he believed will be necessary in order to place the fire station at the "compromise" location on the subject property.

Mike Anderson, 2020 Central Park Drive, Okemos, expressed his continued opposition to SUP #13121. He inquired as to the Board's rationale for moving forward with the fire station at the proposed location, despite many objections by the Autumn Park Condominium owners. He believed the Board is going to force this issue into the courts and waste taxpayer money to do so.

Bill Richardson, 5300 Chantilly Lane, Haslett, spoke in support of SUP #13121, as it is an important infrastructure project for the Township. He addressed the benefits of quick responses by ambulances. He noted that, as a Township firefighter, there are nearly 1,500 fire calls per year, not the reported 2% of fire runs indicated earlier. He reminded Board members that 11, 754 registered voters supported the location of the central fire station on the subject site. Mr. Richardson also noted there were several locations discussed at multiple meetings when this issue was first vetted, and population, geography, call volume, street access and cost were all taken into consideration, not a "rush to judgment" as earlier described.

Vance Kincaid, 4530 Nakoma Drive, Okemos, stated moving forward does not mean forgetting the past. He spoke to history repeating itself when experience is not retained. Mr. Kincaid believed the Township did not negotiate in good faith relative to the proposed new central fire station and addressed the importance of the Township following its own processes and procedures. He requested residents visit www.meridianmivote.info for detail on the fire station issue.

Bill Priese, 10312 W. Powell Road, Eagle, Chief of Training, Meridian Township Fire Department, spoke to the importance of firefighter training. He clarified what he believed was misinformation brought forth by various individuals on training of firefighters, noting that the public is always invited to tour any of the fire station locations.

Sue Simkin, 2032 Central Park Drive, Okemos, asked to get back on track with the issue of the process relative to the central fire station

Supervisor LeGoff closed Public Remarks.

6. TOWNSHIP MANAGER REPORT

Township Manager Walsh reported on the following:

- Annual tax roll from the Assessor to be completed within the next few days will allow for a comparison with the estimated budgeted amount in August of last year for the Township's taxable value
- Spoke to the Wardcliff and Chippewa Hills neighborhoods at their meetings
- Postponement of the Douglas J meeting
- Meeting with Lansing Economic Area Partnership (LEAP)
- Future Boards and Commission Chairs meeting as a spinoff of the Joint Meeting with Boards and Commissions on February 18th

7. BOARD COMMENTS & REPORTS

Trustee Scales outlined numerous meetings and functions he attended since the last Township Board meeting, submitting a list for inclusion in the public record.

Trustee Veenstra reported his attendance at the February 26th meeting of Tri County Regional Planning Commission. He voiced support that police forfeiture should be made public and monthly reports should be provided. Trustee Veenstra spoke to questionable confidentiality of a memorandum on pending lawsuits against the police department when it only includes the status of those cases.

Treasurer Brixie reported property taxes were due by Friday, February 14th and any late payments should now be sent to Ingham County. She reported important stakeholder meetings will be held April 14th-17th to discuss where bus rapid transit stations along the Michigan/Grand River Avenue corridor will be located.

Trustee Wilson reported her attendance at the most recent Groundwater Management Board meeting as well as the LEAP meeting with other Township officials and staff where a proactive approach on visioning for Meridian Mall relative to the Michigan/Grand River Corridor was discussed.

Trustee Styka reported his attendance at the February 24th Planning Commission meeting where he addressed the urban services management area (USMA). He also attended the February 26th Cable Commission meeting which focused on both the franchise fee audit and the technical audit. He announced a March 29th Community Resources Commission bowling fundraiser which provides money through an emergency needs fund for qualifying residents of the Township.

Clerk Dreyfus reported his attendance at the Autumn Park Condominium "compromise" meeting on February 19th, as well as the Michigan Senate hearing hosted by the director of the Michigan Economic Development Corporation (MEDC). He also reported his attendance at an all-day Michigan Association of Municipal Clerks' session where key issues and changes were covered (e.g., campaign contribution limit raised to \$1,000 for local elections). Clerk Dreyfus noted he met with Nokomis Learning Center volunteers who are interested in developing a closer relationship with the Township to resolve concerns on specific issues. He also held an Election Commission meeting to change the polling location for the May 6th election called by the Williamston School District to address a recreation millage renewal request, indicating the Board will need to consider a motion to move its May 6th regularly scheduled meeting to Thursday, May 8th at the next Board meeting.

8. APPROVAL OF AGENDA

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

VOICE VOTE: Motion carried unanimously.

9. CONSENT AGENDA

Supervisor LeGoff reviewed the consent agenda.

Trustee Scales moved to adopt the Consent Agenda. Seconded by Treasurer Brixie.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,
Treasurer Brixie, Clerk Dreyfus
NAYS: None
Motion carried unanimously.

A. Communications

(1) Board Deliberations (BD)

BD12B-1 Robert Hammer, 4953 Okemos Road, East Lansing; RE: Support for the new location of the proposed central fire station on the subject parcel

(2) Board Information (BI)

BI-1 Ann Alchin, 5972 Cypress, Haslett; RE: Call for resignation of the Fire Chief

(3) Staff Communications (SC)

SC-1 Communications Director Deborah Guthrie; RE: Information on Time Warner Cable's Merger with Comcast

Trustee Scales 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 Treasurer Brixie.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,
Treasurer Brixie, Clerk Dreyfus
NAYS: None
Motion carried unanimously.

B. Minutes

Trustee Scales moved to approve and ratify the minutes of the February 18, 2014 Regular Meeting. Seconded by Treasurer Brixie.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,
Treasurer Brixie, Clerk Dreyfus
NAYS: None
Motion carried unanimously.

[Bill list in Official Minute Book]

C. Bills

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

Common Cash	\$ 447,358.41
Public Works	\$ 49,664.49
Total Checks	\$ 497,022.90
Credit Card Transactions	\$ 7,086.89
Total Purchases	<u>\$ 504,109.79</u>
ACH Payments	<u>\$ 421,581.47</u>

Seconded by Treasurer Brixie.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,
Treasurer Brixie, Clerk Dreyfus

NAYS: None
Motion carried unanimously.

D. Ratification of Police Officer Appointment

Trustee Scales moved to ratify the appointment of Marc Roe to the position of Police Officer contingent upon successful completion of those items stipulated in the conditional offer of employment. Seconded by Treasurer Brixie.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,
Treasurer Brixie, Clerk Dreyfus
NAYS: None
Motion carried unanimously.

E. Resolution Approving a Financial Institution

Trustee Scales moved to adopt a resolution entitled “Authority to Open an Account” at Michigan Class Investment Pool-administered by Public Trust Advisors (formerly Michigan Class Investment Pool-administered by Cutwater Asset Management). Seconded by Treasurer Brixie.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,
Treasurer Brixie, Clerk Dreyfus
NAYS: None
Motion carried unanimously.

10. QUESTIONS FOR THE ATTORNEY (See Agenda Item #13 A, #13B)

- Q. A statement in the February 18, 2014 minutes at the top of Page 8 states “Legal advice from the Township Attorney, through staff, there was no need to provide both a resolution to approve and a resolution to deny.” Is that statement correct?
- A. It’s not a simple answer. There were times in the past when there was confusion with the Planning Commission when there were multiple resolutions, both to approve and to deny, that either could not get passed or could not get brought up at meetings. My understanding is that what staff has been doing with our direction quite a few years ago, was to give them a resolution to approve if they thought there was a consensus to approve. If that changed or they weren’t able to approve it, then they would ask for a resolution to deny which would come up at a following meeting. That is my understanding of what has been going on in the past.
- Q. If that is the procedure, in January we had a motion at the Planning Commission, obviously involving the fire station, where the motion for the special use permit (SUP) failed to pass. Under what we just heard from the attorney, apparently, at the next meeting, there should have been a resolution to deny. So, I am asking, was there such a resolution to deny?
- A. I’m sorry; would you repeat the question.
- Q. Since at the January meeting of the Planning Commission, a motion to approve the SUP for the fire station failed to pass on a four (4) yes, five (5) no vote, wouldn’t the procedure that you just outlined to us mean that the Planning Commission should take up a resolution to deny at the next meeting.
- A. Well, there’s two answers to that. The first is...my understanding is...the only time that the staff would come back, and Mr. Kieselbach may want to confirm this, with a resolution to deny is if it was requested by the Planning Commission. But, in addition, if what you are talking about is (and I assume you want me to continue to answer this question) the central fire station (and I know we have legal counsel here to handle that), at that time I think it was the middle of the appeal which is slightly different than the normal procedure.

ATTORNEY JEFF SLUGGETT (BLOOM SLUGGETT MORGAN) COMMENT:

As special counsel to the Township relative to the fire station special land use matter, I would concur with what your Township Attorney said in the sense that there is no legal obligation that multiple alternative resolutions be presented; that simply isn’t legally required. Could it be asked for by the Planning Commission? Absolutely. My understanding is that didn’t occur in this case. My understanding is, and I could be corrected, that at the meeting the trustee is referring to, the motion to approve conditionally failed, which did not constitute a denial (and that’s not “double talk”; I’ll take issue with Mr. Nolan on that point). That’s an important legal procedural piece of information that

needs to be taken into account. In any event, there was no denial, there was no motion to rescind, there was no motion to revoke. It is in the hands of the Planning Commission if they choose to do anything further, although I would at least question whether they have any legal authority to act at this point. The fact is they've made (and I'm getting ahead of myself in terms of what I had anticipated saying to the Board) a decision. They approved a recommendation on that special land use that was appealed. That, currently, is what's before this Board.

BOARD MEMBER COMMENT: Well, in effect, you're telling us that their January vote to approve just didn't mean anything and that rather troubles me. It seems to me that if the Planning Commission didn't ask for a resolution to deny after that resolution to approve failed to pass, at a minimum our staff should ask the Planning Commission does this mean you want a resolution to deny at the next meeting. I don't think these things should be left in limbo like this. A motion to approve fails to pass and then it's assumed that is just meaningless? I just find that unacceptable. I think the Planning Commission should speak clearly and if they fail to approve something, I think they should follow that up with passing a motion to deny.

Q. The Planning Commission had their meeting and followed their procedures. Who has authority right now? Where are we in the process, because it seems pretty clear to me that we are in the process and somebody has authority. Who is it?

A. I don't want to steal Frank's thunder. I know he has a memo in your agenda packet. He apparently wants me to steal his thunder. As I said before, in September, there was a motion that was approved to conditionally approve the special land use for that corner for the fire station. That was appealed; that, as you all know, is before the Board. The Board, I believe, at your October 13th meeting, sent it back to the Planning Commission (as authorized under your zoning ordinance) for further hearings or other action prior to making a final determination; the final determination, in other words, to be made by this Board, not the Planning Commission.

The decision had already been made, legally, by the Planning Commission and appealed to this Board. You, as you are authorized to do under the zoning ordinance, sent it back to the Planning Commission, presumably to get further information, to get their opinion, to get their judgment, which is perfectly within your rights as a Board to do that. It went back, the motion to approve was made (I'm not exactly sure why, but it was) and it failed. No other action was taken other than I also believe there was a review of the Section 61 question. That, too, I believe, failed. There was no denial; there was nothing further as I've said before. So, procedurally, you are back in front of this Board. My understanding is you have something further on in your agenda tonight in terms of a recommendation coming from staff in terms of what to do, but it's back in front of this Board.

Q. At the following meeting where the Planning Commission did not take action and did not pass the resolution, there was a subsequent Planning Commission meeting two weeks later. At that particular meeting, a Planning Commissioner made a motion to have a resolution to deny. It was seconded and then the Planning staff person informed the group that it was inappropriate to do that, and in a nutshell, said the Board has to request that. It caused some confusion and we're still in this situation here where I'm hearing very, very different answers repeatedly. I would like you to clarify, because what I'm hearing from you, is that, actually, the Planning Commission had the absolute right at that next meeting when a motion was made and seconded, to have a resolution to deny made at that particular meeting. Is that an accurate assessment of that interpretation?

A. I don't believe that was what I said. I think what I said was that the original motion, obviously, was approved. That's in front of this Board. I don't know....I simply haven't looked at the issue of whether, given the fact that the Planning Commission has already approved something that is currently on appeal before this Board, the Planning Commission, in fact, could now take action. I don't know. I would have to look at that question; I don't know the answer to that.

- Q. Just so I'm clear. There is now a legal uncertainty about whether the Planning Commission has the right to take any action at all, even though we sent it back to them. It's unknown what action can be taken by them except for what? We sent it back to them. What action can the Planning Commission unequivocally take when we sent it back to them?
- A. They did take action in the sense that they weighed in on; they've expressed their opinion (which is really what I would argue they did by allowing the motion to approve to fail). They were expressing their opinion on that question. Is it legally binding? Is it a decision? No, I don't believe so, in my opinion. But, clearly, they've expressed their opinion. I don't think there's any doubt about that.
- Q. As a foundational point, what statutory rights does the Planning Commission have with respect to this particular issue? Let's just take it from a ground level. What is legally in the State of Michigan statutes that gives Planning Commissions statutory authority for what aspect of this? Section 61 Review, special use permit, or are those all recommendations that are provided? Or, do any of those have legal binding themselves?
- A. If your question is if the Planning Commission is the final authority, then the answer is no. Statutorily, the Zoning Enabling Act (the State Zoning Enabling Act) provides that communities such as the Township can adopt zoning ordinances. It is then up to the Township to decide through its zoning ordinance who is the decision making body. Meridian has done that with respect to special land uses in this situation, indicating the special land uses are to be decided by the Planning Commission, but that there's a right to appeal. Frankly, most of the communities I work in don't have such a provision. You do. So, the ultimate decision maker relative to, I would argue in terms of how your zoning ordinance is currently drafted, this issue is the Township Board. The same is true under the Section 61 Review. The Planning Commission must review and take action on the location, character and extent (I think is the language from Section 61). Once they do, though, that position stands unless, again, it is appealed to the Township Board, which the Section 61 provides for. So, at the end of the day, I guess all I'm saying is the Township Board ultimately will be the decision maker on this issue.
- Q. Sure. But that's like saying the US Supreme Court is an ultimate decision maker on other cases. There's steps along the way where decisions are made and precedents are set. Right? So, ultimately the Board is the final arbiter, but what I have just heard is that the special land use permit's first step of a legal approval, though, comes before the Planning Commission.
- A. That's correct.
- Q. So, the Planning Commission had first said yes, and legally had said yes to the special use permit. Then it was referred back from this Board for further review, and the Planning Commission then chose not to support a resolution that was actually another special use permit for the same property. So there was a second special use permit that went back to that Planning Commission for the same exact property and at that one, that resolution did not pass.
- A. I can't speak to...I thought, and I could be wrong, my understanding had been that the special land use that was being reviewed the second go-around (if you will) by the Planning Commission, was, in fact, the same special land use. I don't think that changed.

Board discussion:

- Previous time in the Township when the Planning Commission did not perform Section 61 Reviews
- Inquiry if all required Section 61 Reviews will be brought before the Planning Commission in the future
- The process used to review Section 61 should be decided solely by the Township Board
- Board review in the future of how Section 61 Reviews will be handled

TOWNSHIP ATTORNEY STATEMENT: If I could weigh in on the Section 61. Those are routinely done in the Township at this time; they have been done for quite a few years. The Section 61 goes to the Planning Commission from the entity that has the authority. It may be the County Road Commission, it may be the Board; it depends on what the issue is and what's being modified in the Master Plan. That goes to the Planning Commission. In every case, the entity that sent it to the Planning Commission has the ability to override the Planning Commission's decision by a two-thirds (2/3) vote. They are being done. I don't want to get into that here's an example and it wasn't. If that's the case, then that should go to the Manager and we can talk about it. But, in general, they are being done routinely.

Continued Board discussion:

- Board member request for staff to draft a resolution making clear Section 61 Reviews will be conducted by the Planning Commission and place it on the agenda for the next Board meeting
- Board member preference for this issue to be placed on a future agenda as a discussion item prior to giving staff direction

11. HEARINGS

A. Mixed Use Planned Unit Development #14-05054 (DTN) – Request to Review the Space Allocation for Commercial and Office Uses in the Hamptons of Meridian

Supervisor LeGoff opened the public hearing at 7:21 P.M.

Director Kieselbach summarized the mixed planned unit development (MUPUD) amendment as outlined in staff memorandum dated February 27, 2014.

- Applicant
Allen Russell, DTN Management, 1690 Mack Avenue, Haslett, explained a recent change in the vacancy of office usage within the building, which allowed Red Haven Restaurant the potential to expand its adjacent restaurant approximately 800 square feet through amendment of the Hamptons of Meridian's mixed use planned unit development.

Supervisor LeGoff closed the public hearing at 7:29 P.M.

12. ACTION ITEMS

Supervisor LeGoff opened Public Remarks.

Susan Simkin, 2032 Central Park Drive, Okemos, spoke to the "compromise" meeting held relative to the central fire station, believing there was no effort on the part of the Township to listen to the concerns of the Autumn Park Condominium owners. She offered her proposed solution for placement of the fire station on the subject property which would not violate a federal Housing and Urban Development (HUD) law concerning noise.

Neil Bowlby, 6020 Beechwood Drive, Haslett, requested a groundwater vulnerability review be conducted by the Environmental Commission prior to the Planning Commission making an informed decision on a Section 61 Review for the central fire station. He addressed the importance of safety relative to firefighter training and questioned how the existing central fire station was allowed to deteriorate to such a condition that it had to be closed.

Mike Anderson, 2020 Central Park Drive, Okemos, did not believe it should take two (2) years to begin construction of the new central fire station, acknowledging the core issue is about its location. He reminded Board members to read their mission statement.

Ann Alchin, 5972 Cypress, Haslett, questioned how traffic control would be handled if emergency vehicles exit onto Okemos Road. She requested answers be provided to questions posed by the Clerk.

David Strobl, 1320 Cove Court, Okemos, offered his version of the “compromise” meeting held on the proposed new central fire station. He showed several photos of the land staked for the proposed new central fire station. He believed the Township and its counsel have not addressed the concerns of the Autumn Park Condominium owners.

Joy Wiseman, 4954 Hillcrest, Okemos, spoke in opposition to SUP #13121. She inquired if the proposed site plan for the new fire station includes a stormwater retention and cleansing area as it is being built next to a 100 year floodplain area. Ms. Wiseman asked if the plan adhered to the Clean Water Act. She spoke to the cost of flood insurance.

Vance Kincaid, 4530 Nakoma Drive, Okemos, reminded the Board and Township Manager that they work for “us”. He addressed the negotiation process, believing “everything” is on the table or it is not a negotiation. Mr. Kincaid spoke to the Fire Chief’s demonstration of bad judgment and characterized the advice received by Mr. Sluggett on Township planning and zoning as inadequate. He addressed a Section 61 Review, stating the run-off from the property will now affect different property owners. He believed a Section 61 Review should have been conducted prior to the SUP. Mr. Kincaid spoke to the condition of the asphalt on Central Park Drive after a few years of fire truck use.

Steven Lamb, 2026 Central Park Drive, Okemos, believed proper procedure for the new central fire station was not followed prior to placing the millage question on the ballot. He requested the Township Board follow its own procedures.

Leonard Provencher, 5824 Buena Parkway, Haslett, believed the process for the new central fire station has lacked transparency from the onset and, for that reason, he was opposed to SUP #13121 and Commission Review #13053.

Barbara Strobl, 1320 Cove Court, Okemos, believed the proposed plan for the fire station at a different location on the subject parcel was developed without collaboration with the Autumn Park Condominium owners.

Betsy Strobl, 2056 Central Park Drive, Okemos, did not believe the Township put forth a collaborative effort on the proposed central fire station location. She alleged the Township Board has chosen to disregard the Planning Commission’s denial by not giving the Commission proper guidance to “correct” the issue.

Lawrence Nolan, 4765 Nakoma Drive, Okemos, attorney for the Autumn Park Condominium owners, believed his clients were given an ultimatum, not an opportunity for negotiation. He requested the Board listen to his clients to avoid the inevitable.

David Strobl, 1320 Cove Court, Okemos, offered his rendition of discussion which occurred at the “compromise” meeting on the new central fire station.

Supervisor LeGoff closed Public Remarks.

- A. 2013 Order to Maintain Sidewalks, Special Assessment District No. 14 – **Resolution No. 5**
Treasurer Brixie moved to approve the 2013 Order to Maintain Sidewalk Special Assessment District No. 14 - Resolution No. 5, which approves the special assessment roll; designates the project as “2013 Order to Maintain Sidewalk Special Assessment District No. 14”, the assessment roll as the “2013 Order to Maintain Sidewalk Special Assessment District No. 14 Special Assessment Roll”, and the district as the “2013 Order to Maintain Sidewalk Special Assessment District No. 14”; adopts the amount of \$12,092.45 as the final amount for the assessment roll; and orders and directs the assessment roll to be paid and collected. Seconded by Trustee Styka.

Board discussion:

- Boiler plate language contained in Section #4 is not applicable since the Township will never bond for \$12,000 in sidewalk repair
- Subject language is standard and included to address all situations which may occur
- Concern with wasted time spent on “wordsmithing” changes which are not substantive

Trustee Veenstra offered the following amendment:

- **Amend Section #4 by deleting the remaining language which commences with “In the event the Township Board...”**

Seconded by Clerk Dreyfus.

Continued Board discussion:

- Amount of the Township’s sidewalk special assessments never rise to the level of issuing bonds
- Board member belief the boilerplate language is totally irrelevant and should not be included

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Clerk Dreyfus
NAYS: Trustee Wilson, Supervisor LeGoff, Treasurer Brixie
Motion carried 4-3.

ROLL CALL VOTE ON THE MAIN MOTION: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus
NAYS: None
Motion carried unanimously.

B. Special Use Permit #13121 – Construction of the New Fire Station

Trustee Veenstra moved to refer SUP #13121 to the Planning Commission and the Environmental Commission. Seconded by Clerk Dreyfus.

Board and staff discussion:

- Opposition to sending the SUP to two Commissions
- Board member belief the Section 61 Review should move forward
- Current Board action does not reject the will of the voters
- Board member suggestion to start all the procedures over again and do them the “right way” to possibly avoid litigation
- Uncertainty whether a third location proposed by an Autumn Park Condominium owner would be viable given that much of the acreage on the subject parcel is limited due to floodplain and wetland
- Preference to send the proposed plans to the Environmental Commission to offer its expertise and provide data to assist the Board in analyzing the site
- The Environmental Commission was consulted on the initial plan which was one reason why the project faced the Autumn Park Condominiums
- Compromise included moving the ingress, eliminating the training tower, eliminating one bay and retention of the vista

Township Manager Walsh offered history on the process for the proposed central fire station. He gave his summary of the series of events during the “compromise” meeting with the Autumn Park Condominium owners.

Director Severy explained the revised site plan in detail, highlighting an egress onto Okemos Road and an ingress off Central Park Drive. He stated the Ingham County Department of Roads maintains standards which will not allow for driveways within a specified distance from intersections (Okemos Road and Grand River) or from another driveway. Director Severy noted the building footprint has been reduced by 14 feet on the north end to minimize the visual impact for the condominium owners. He indicated the parking was placed to the south, but needed to be relatively close to the front entrance of the fire station for visitor convenience. Director Severy noted it is the Township's intent to place a traffic signal south of the driveway on Okemos Road which would allow for the use of a pre-empt button in order to control northbound traffic when responding, adding it will remain green at all times unless triggered by emergency vehicles. He stated lighting for the fire station must comply with the Township's dark sky policy. Director Severy indicated the proposed project will not encroach on the wetland or floodplain on the property. He stated new stormwater regulations require all fire vehicles to be washed inside the building, the runoff of which must be directed to the sanitary sewer. Director Severy clarified that any building or parking lot runoff will be sent to a detention area/raingardens which must mitigate runoff at preconstruction rates and not increase floodplain concerns. He noted the primary flooding for this area and land to the west is from backup of the Red Cedar River. Director Severy specified the site layout, from an engineering standpoint, is a compromise as the proposed site and parking is not as efficient as the previous plan.

Continued Board, staff and Autumn Park Condominium attorney discussion:

- Elimination of the training tower due to the height of the tower
- Township plans have moved the drive onto Central Park Drive approximately 20-25 feet to the west at the request of an Autumn Park Condominium owner
- Elimination of a storage bay
- Tree preservation plans will offer a vista for Autumn Park Condominium owners
- Township attempt to retain as many trees as possible
- Trees in front of the fire station also offer a view buffer for the residents across Okemos Road
- Perimeter, parking lot and driveway landscaping requirements/buffers
- Street trees will be required along both Central Park Drive and Okemos Road as part of the project
- Exit onto Okemos Road not the preferred exit by the Fire Department
- Pole barn for storage of equipment
- Preference stated by the attorney for the Autumn Park Condominium owners to move the building further south on the parcel
- Board member support for either the proposed new placement of the fire station or the original design
- Quest for transparency resulted in placing the location of the proposed fire station before the voters, while not legally required to be included in the ballot language
- Most common feedback during payment of taxes or water bills is appreciation for the work performed by the Township's fire personnel
- Communications received today in overwhelming support of placement of the proposed new central fire station on the subject property
- Board must make considerations for the safety of all Township residents
- Building located in the southeast corner is a pole barn to store equipment
- Attorney for the condominium owners' concern with the ingress/egress from Central Park Drive
- Fire station building will have three (3) full bays and a fourth narrow bay (14 feet) for storage
- Attorney for the condominium owners finds the proposed plan an improvement over the original plan but still unacceptable to the Autumn Park Condominium owners
- Open space across from the Autumn Park condominiums was a key component in the revised location

TOWNSHIP ATTORNEY COMMENT: I want to make sure the motion is restated out loud because I am not clear exactly what's being referred back. I want to make sure that is clear to every Board member before you vote on that.

Trustee Veenstra restated his motion as follows:

- **Refer the SUP back to both the Planning Commission and the Environmental Commission.**

Continued Board discussion:

- Motion made by the maker in an attempt to “speed up” the process to fully receive advice from the Planning Commission on both the Section 61 Review and the SUP
- More government transparency if the issue is referred back to the Planning Commission
- Board member understanding that the SUP before the Board is still the appeal of the Autumn Park Condominium owners and the Board should be the body which acts on it
- Board member request for a staff/attorney recommendation on how to proceed

ATTORNEY JEFF SLUGGETT COMMENT:

The recommendation of staff and our office is that you, in fact, would go back to the Planning Commission for a Section 61 Review. That is what’s required by law; whether it’s always been don’t in the past or not, I can’t comment, but it’s what is required by law. They’re the appropriate body to take a look, as Section 61 says, as to the location, character and extent. That’s a logical first step and that is, in fact, what’s staff recommendation is.

Continued Board and staff discussion:

- Motion before the Board is an attempt to do the right thing in the wrong way
- If the motion is voted down, one Board member will offer a more appropriate motion
- Statement made during the Joint Boards and Commissions meeting that the Environmental Commission wants an active role
- Board member votes on tough issues distinguish those that are “true” environmentalists
- Board member preference for the Environmental Commission to review the new proposed location through a special meeting
- Environmental Commissioner review followed the Board’s direction during the design process
- Environmental Commission review of this project resulted in a preference for the project to be moved further to the east on the property for environmental preservation
- Results of the Environmental Commission review caused staff to move the fire station to the west of the post office to preserve as many trees as possible

ATTORNEY JEFF SLUGGETT COMMENT:

The matter before the Board is the appeal of the original Planning Commission action, the approval on the SUP. That is technically what is still before the Board.

Continued Board discussion:

- Subject proposal has not been before the Planning Commission to receive a clear yes or no vote

ROLL CALL VOTE: YEAS: Trustee Veenstra, Clerk Dreyfus

NAYS: Trustees Scales, Styka, Wilson, Supervisor LeGoff, Treasurer
Brixie

Motion failed 2-5.

C. Commission Review #13053 – Section 61 Review of the New Fire Station

Trustee Scales moved to refer the revised Okemos Road location for the fire station to the Planning Commission to conduct a Section 61 Review at the Planning Commission’s regular meeting on March 24, 2014, and to request the Planning Commission to act on the Section 61 Review at that same meeting on March 24, 2014. Seconded by Trustee Styka.

Board discussion:

- Motion will allow the Planning Commission to review the new site
- Preference for the Planning Commission to request input by the Environmental Commission

Trustee Veenstra offered the following amendment:

- **Amend the motion by inserting after “Planning Commission” the language “and to the Environmental Commission”**

Seconded by Clerk Dreyfus.

ROLL CALL VOTE: YEAS: Trustee Veenstra, Clerk Dreyfus
NAYS: Trustees Scales, Styka, Wilson, Supervisor LeGoff, Treasurer
Brixie
Motion failed 2-5.

Continued Board discussion:

- Preference for the Planning Commission to also make a SUP decision on the new fire station location
- Procedure is being followed by the Board in sending the Section 61 Review to the Planning Commission
- Planning Commission has the option to solicit opinions from the Environmental Commission
- Preference for the Environmental Commission to take up the new location of the fire station on their own volition

ROLL CALL VOTE ON THE MAIN MOTION: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus
NAYS: None
Motion carried unanimously.

13. BOARD DISCUSSION ITEMS

[Supervisor LeGoff recessed the meeting at 9:25 P.M.]

[Supervisor LeGoff reconvened the meeting at 9:34 P.M.]

Supervisor LeGoff opened and closed Public Remarks.

- A. Mixed Use Planned Unit Development #14-05054 (DTN) – Request to Review the Space Allocation for Commercial and Office Uses in the Hamptons of Meridian

Trustee Veenstra moved to suspend the rules to vote on MUPUD #14-05054 the same night as the public hearing. Seconded by Trustee Scales.

Board and applicant discussion:

- Red Haven Restaurant as a tremendous addition to Meridian Township
- Red Haven Restaurant provides local food and local talent for its customers
- Owners received a permit from the Health Department to allow seating in the covered walk-through area
- Amendment at the Planning Commission to increase the percentage of commercial to allow the applicant some “wobble room”
- Request by the applicant to have the Board vote on the issue this evening
- Applicant, Planning Commission or the Township Board can initiate a rezoning to change the underlying rezoning from Professional and Office (PO) to Commercial (C-1) to allow the applicant flexibility without going back through the entire process each time
- Underlying zoning in the entire area is either PO or multiple-family residential
- Mixed use is allowed in commercial and PO
- Covered bicycle parking is a listed amenity
- Encourage LED lighting, even though LED lighting was not required at the time the property was built
- DTN is rapidly converting to LED lighting in common areas, hallways, parking areas, etc., in part, due to programs from utility companies supporting such action
- Board member belief that commercial rezoning at this location is spot zoning

Procedure to suspend the rules: (Questions for the Attorney (See Agenda Item #10))

Q. Do we need a motion to suspend the rules to act?

- A. For consistency, you've been suspending the rules regularly whenever you want to change anything, so you might as well do that. You started doing that.

Continued Board discussion:

- Staff recommendation that if the rules are suspended, the maker read the Planning Commission resolution with applicable changes

VOICE VOTE: Motion carried unanimously.

Treasurer Brixie moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of the amendment to Mixed Use Planned Unit Development #14-05054, to allow 8,656 square feet of commercial space within a PO (Professional and Office) zoned mixed use planned unit development, subject to the following conditions:

- 1. Approval is granted in accordance with the floor plan received by the Township on December 16, 2013, subject to revisions as required.**
- 2. The commercial space on the site shall not exceed 8,656 square feet unless the applicant applies for and receives an amendment to the mixed use planned unit development.**
- 3. All previous conditions placed on the mixed use planned unit development approval shall remain in effect. Seconded by Trustee Styka.**

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,
Treasurer Brixie, Clerk Dreyfus
NAYS: None
Motion carried unanimously.

- B. Resolution Approving the Consumers Energy Streetlight Contract
Manager Walsh summarized the proposed Consumers Energy Streetlight Contract as outlined in staff memorandum dated February 28, 2014.

Board discussion:

- First year assessment pays for streetlight installation provided by Consumers and is higher than in subsequent years

Comparison between the existing and proposed contract: (Questions for the Attorney (See Agenda Item #10))

- Q. Are there changes from our 1980 current streetlight contract and, if so, what is the nature of those changes in the contract?
- A. Without comparing them, I can't tell you what those are. I believe the original contract was in the previous packet. No, not without comparing them side by side, I couldn't tell you that right now, Trustee Veenstra. I have it here, but I don't know that without comparing them.

Continued Board discussion:

- Contract is drafted by Consumers Energy lawyers and is one-sided in their favor
- Residents may have a choice, in the future, of electricity vendors
- Board member request for a comparison of the new contract with the previous version for the next Board meeting where this item will be on the agenda for action
- Consumers Energy is regulated by the Michigan Public Service Commission and these contracts exist in every community throughout the state wherever Consumers Energy is located
- The Township has no bargaining power

- Consumers Energy is the owner of the streetlights

It was the consensus of the Board to place this item on for action at the March 18, 2014 Board meeting.

C. Township Manager Annual Performance Review

Board discussion:

- According to state law, it is at the discretion of the employee whether an evaluation is conducted in public or private
- Paragraph 10 of Mr. Walsh's contract states that the Township Manager shall assist in the development of goal based evaluation forms and an evaluation process subject to sole approval of the employer
- First action is to have an acceptable process in place
- Preference to have proper alignment by moving the date so the evaluation criteria is established at the same time as the Board's goals are established for the year
- Reestablishment of the previous committee which initially established the Township Manager's goals in order to meet with the Township Manager and return a recommendation to the Board
- Suggestion to round up the Township Manager's salary to an even dollar amount

14. PUBLIC REMARKS

Supervisor LeGoff opened Public Remarks.

Betsy Strobl, 2056 Central Park Drive, Okemos, agreed that the tone of the "compromise" meeting with the Township and the Autumn Park Condominium owners was positive. She requested Board members take a site visit to the proposed fire station location to see how close it would be located to the existing condominiums.

Lawrence Nolan, 4765 Nakoma Drive, Okemos, expressed continued concern and opposition to the new location of the proposed central fire station.

Vance Kincaid, 4530 Nakoma Drive, Okemos, inquired if the Ingham County Road Department and the Ingham County Drain Commissioner have reviewed the proposed location of the new central fire station. He voiced his continued opposition to the new central fire station process, stating this is a wellhead protection area designated by the federal government and the state. Mr. Kincaid believed it is also a groundwater contamination vulnerability area and a watershed area. He spoke to the "late review" by an individual Environmental Commission member, not a full discussion before the whole Environmental Commission. He made several statements which expressed concern with the central fire station at the proposed location.

Susan Simkin, 2032 Central Park Drive, Okemos, addressed noise which would be generated by the proposed new central fire station. She believed noise to be the "real" environmental issue.

Barbara Strobl, 1320 Cove Court, Okemos, expressed concern there was no dialogue or collaboration at the "compromise" meeting between the Township and the Autumn Park Condominium owners.

David Strobl, 1320 Cove Court, Okemos, offered various comments in continued opposition to the proposed new central fire station.

Steven Lamb, 2026 Central Park Drive, Okemos, believed mistakes were previously made by the Township relative to the proposed central fire station. He thought each time this issue was discussed, additional errors were made, requesting the process start over again.

Mike Anderson, 2020 Central Park Drive, Okemos, requested the Board consider other alternatives to the new proposed location of the central fire station. He believed placement of the new central fire station on the subject five (5) acre portion of a 28 acre residentially zoned parcel will essentially commit the 28 acres to the fire station and nothing else. Mr. Anderson also stated the Township will essentially destroy the vacant residentially zoned parcel on the north side of Central Park Drive at the intersection of Okemos Road. He believed the residents across Okemos Road in front of the proposed new fire station location were not properly notified.

Supervisor LeGoff closed Public Remarks.

15. FINAL BOARD MEMBER COMMENT

Trustee Scales clarified all the meetings on the new central fire station were not as contentious as projected by the Autumn Park Condominium owners. He believed this does not have to be a win-lose situation. Trustee Scales stated that the Board listened to the residents' concerns expressed at both the Board and Planning Commission meetings.

Clerk Dreyfus reported his attendance at the "compromise" meeting, noting the Township Manager promised none of the compromises offered would be taken away. He inquired if there was a threat that the essential compromises would be removed if the Autumn Park Condominium Association did not agree to the proposal.

Trustee Scales responded that absolutely no threat occurred.

Trustee Veenstra believed the Board should start the process for the new central fire station over again. He urged staff to have more dialogue with residents in the area and suggested the Autumn Park Condominium owners review the plans in order to ascertain if there are any changes which would improve the plans from their point of view.

16. ADJOURNMENT

Supervisor LeGoff adjourned the meeting at 10:34 P.M.

ELIZABETH LEGOFF
TOWNSHIP SUPERVISOR

BRETT DREYFUS
TOWNSHIP CLERK

Sandra K. Otto, Secretary