

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD SPECIAL MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
MONDAY, OCTOBER 29, 2001, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Stier,
Such, Woiwode
ABSENT: None
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development
Mark Kieselbach, Attorney Mike Woodworth

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

William J. Cleary, 1896 Danbury East, Okemos, led the pledge of allegiance.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS*

Supervisor McGillicuddy opened Public Remarks.

William J. Cleary, 1896 Danbury East, Okemos, spoke regarding the City of East Lansing government's aggressive pursuit of annexed properties; in support of a cityhood study, and in opposition to the proposed location of the cell tower on the municipal complex.

John Veenstra, 320 Piper Road, Haslett, spoke in support of extended library hours on the weekends.

Supervisor McGillicuddy closed Public Remarks.

5. HEARINGS

A. Act 108 Agreement - 4-Winds Golf Course

Supervisor McGillicuddy opened the public hearing at 6:10 p.m.

Pat Lindemann, Ingham County Drain Commissioner, 707 Buhl, Mason, spoke in opposition to the proposed agreement for the following reasons:

- This annexation provides an example of state statutes favoring an individual property owner over the interests of the community
- The proposed Urban Cooperation Agreements does not meet the intent of state statutes to maximize the safety and public welfare of citizens
- The office of the Drain Commission would lose oversight of a significant drainage district in the Raby Drain District
- The proposed agreement fails to address standards of water management, pre-treatment, and flow
- The notorious reputation of East Lansing in permitting development without predevelopment rates of flow

[Commissioner Lindemann submitted background information on the Raby Drain dated October 29, 2001 and placed in the Official Minute Book]

John Veenstra, 320 Piper Road, Haslett, spoke in opposition to the proposed agreement for the following reasons:

- Need to work for changes in the state statute
- The Township should ask the East Lansing voters to vote against annexation
- The potential existence of financial incentives in the City Manager's contract for the annexation

- of property
- Financial incentives for property annexation is a clear declaration of intent
- Insistence on the demonstration of good will and cooperation by the East Lansing City Council
- Detachment as a potential weapon for the Township in a regional fight with East Lansing
- Investigate cityhood

William J. Cleary, 1896 Danbury East, Okemos, asked the following questions:

- Why did this happen?
- Why has the Township not attempted to negotiate with the property owner?

John Wolenburg, 2459 Barnsbury, East Lansing, asked for an explanation of the permitted zoning designations in the proposed agreement.

Director Kieselbach summarized the zoning categories:

- RA – Residential Agricultural District
 - East Lansing’s lowest density residential zoning district
 - Comparable to residential medium to low density in the Township
 - Permits agricultural uses
 - Permitted lot sizes range from 8,000 square feet for single-family use to 10,000 square feet for agricultural use
 - The density range would be 3.6-4.5 dwelling units per acre
- R-1 - Low density single-family zoning equivalent to RB (Single Family - High Density) zoning
 - The minimum lot size is 8,000 square feet
- R-2 - Medium Density single-family zoning
 - The minimum lot size is 5,000 square feet
 - The density would be seven (7) dwelling units per acre
- R-3 – Single- & Two-family zoning
 - The minimum lot size for single-family is 5,000 square feet
 - The minimum lot size for duplex is 10,000 square feet
- RM-8 – Planned Unit Development (PUD) zoning
 - Permits single-family, two-family or multiple-family uses
 - The maximum density is eight (8) dwelling units per acre
 - Permits PO (Professional Office) use up to five percent (5%) of the gross floor area of the principle buildings
 - Requires twenty percent (20%) open space
- B-4 - Restricted office district
 - Permits banks with drive-through windows and other office uses
 - Averages 10,000 -12,000 square feet of office space per acre

John Wolenburg, 2459 Barnsbury, East Lansing, asked for an explanation of East Lansing’s special use permit (SUP) process and floodplain restrictions.

Director Kieselbach explained the following:

- The SUP process is similar to the Township’s except in RA and R-1 zoning districts where SUP’s are limited to churches, child care facilities, and wireless communication facilities
- The FEMA maps do not show the subject site to be located in the floodplain

John Wolenburg, 2459 Barnsbury, East Lansing, asked what the rezoning notification requirement is in East Lansing

Director Kieselbach explained the following:

- The City and Village Act would likely have similar notification requirements as the Township Zoning Act

Supervisor McGillicuddy asked for confirmation the property could have any one or any combination of the permitted zoning categories.

Director Kieselbach stated this is correct, except for the B-4 zoning district, which is limited to

twenty percent (20%) of the property.

John Wolenburg, 2459 Barnsbury, East Lansing, asked that a condition be added to the agreement such that any zoning changes be reflected in the East Lansing Comprehensive Development Plan before considering any rezonings.

Supervisor McGillicuddy closed the public hearing at 6:35 p.m.

6. ACTION ITEMS

A. Act 108 Agreement & Annexation Resolution - 4-Winds Golf Course

Amendments to the Agreement (Questions for the Attorney)

Q. Would it be possible to add addenda to the agreement in the hopes the East Lansing City Council would consider their acceptance.

A. Any changes in the agreement essentially takes the agreement off the table and the annexation election would decide the issues involved. The East Lansing City Council without obligation may agree to such changes.

Q. Would it be possible to adopt a separate motion requesting consideration of any possible amendments at the option of East Lansing

A. As long as the actions are separate to ensure the clear expression of the intent of the Township Board to accept the agreement as presented. The second action would be an invitation to East Lansing to consider amendments.

Acceptance of Revised Legal Description (Questions for the Attorney)

Q. Does the revised legal description address the issue of the partial inclusion of the residential parcel

A. The original legal description submitted to the Board was prepared by the East Lansing Engineering Department and adopted by the City Council in the agreement. It would be a simple matter to make any minor corrections to the legal description between the City and the Township. The revised legal description is a copy of that attached to the annexation petition, and does not add anything to the discussion.

Q. Does the legal description accurately reflect the land subject to the special annexation election

A. The proposed resolutions and agreement would not incorporate any more or less land than what is subject to the annexation election.

Board Members discussed the following items:

- Contiguous status of the parcel at 5900 Park Lake Road
- Adoption of the revised legal description by the City of East Lansing in Work Session
- Total area of annexed property
- City of East Lansing's statement of principles regarding regionalism and land use
- Need for confirmation of any contracted annexation incentives

The consensus of the Board was to use the revised legal description as "Exhibit A" in the proposed resolutions and agreement.

Trustee Brixie moved adoption of a Resolution such that the Board of Trustees of the Charter Township of Meridian, Ingham County, Michigan, does hereby approve and consent to the annexation of the parcel of land described in the attached Exhibit A to the City of East Lansing, as provided and permitted by Section 34(4) of the Charter Township Act, 1947 PA 359; MCL 42.34(4), as amended, and be subject to conditions. Seconded by Treasurer Hunting.

Board Members discussed the following:

- Lack of discussions with the property owner
- Need to investigate the reason(s) the property owner took the steps to annexation
- Adoption of the agreement makes the Board an accomplice in the zoning densities
- Limits on amendments to the agreement
- Adoption of the agreement partially mitigates the loss
- Significance of litigation costs and break-even period

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Woiwode, Supervisor McGillicuddy,
Treasurer Hunting
NAYS: Trustee Such, Clerk Helmbrecht
Motion carried 5-2.

[Signed and Sealed Resolution in Official Minute Book]

Trustee Woiwode moved adoption of a Resolution such that the Board of Trustees of the Charter Township of Meridian, Ingham County, Michigan, does hereby approve the Urban Cooperation Agreement between the City of East Lansing and the Charter Township of Meridian, a copy of which is attached to and incorporated in this resolution. Seconded by Trustee Brixie.

Board Members discussed the following:

- Agreement provides hope for future regional cooperation
- Assurances of Township resident notification and participation in the development of the property
- Amendments to the East Lansing Comprehensive Development Plan

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Woiwode, Supervisor McGillicuddy,
Treasurer Hunting
NAYS: Trustee Such, Clerk Helmbrecht
Motion carried 5-2.

[Signed and Sealed Resolution in Official Minute Book]

Treasurer Hunting moved a proposal to invite East Lansing to amend the approved Act 108 Agreement as follows:

- 1. For purposes of site plan review for lands under the Act 108 Agreement, storm water drainage shall meet the standards and requirements and receive site plan approval of the Ingham County Drain Commissioner before discharge to a county drain.**
- 2. Wetlands and wetland setbacks currently under the jurisdiction of the Meridian Township Wetland Ordinance and Meridian Township natural Water Feature Ordinance respectively, shall be preserved in any approved site plan for lands under the Act 108 Agreement.**

Seconded by Trustee Woiwode.

Trustee Woiwode as seconder, offered an amendment to forward this request to the City of East Lansing for consideration. Amendment accepted by the maker.

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

Clerk Helmbrecht moved to authorize and direct the Township Attorney to settle the litigation involving Robert Mannausa, Jr., and the Ingham County Clerk by entering into the stipulation and obtaining the order of dismissal, copies of which have been provided to the Board. In addition, I move to authorize the Township Supervisor and Manager to execute, on behalf of the Township, the Mutual Waiver and Release as a part of the settlement of this case. Seconded by Trustee Such.

Board Members discussed the following:

- Usefulness of summary of events at the October 16, 2001 meeting
- Legal jeopardy of petitioner

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

7. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 7:25

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Paul J. Cassidy, Secretary