

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, JULY 19, 2005, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Such,
Veenstra, Woiwode
ABSENT: Trustee Brixie
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development
Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief
Dave Hall, EMS/Fire Chief Fred Cowper, Personnel Director/Assistant Manager Paul
Brake, Attorney Andria Ditschman

1. CALL MEETING TO ORDER

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

Will Tyler White, 4695 Okemos Road, Okemos, spoke in support of the proposed Downtown
Development Authority for Okemos.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

A. Treasurer's Report

Treasurer Hunting summarized current fixed maturity investments by fund and non-fixed
investments as of June 30, 2005.

Trustee Such summarized the Zoning Board of Appeals meeting of July 13, 2005.

Manager Richards gave an update on the Okemos Road Widening Project. The project has been
awarded to a contractor and is waiting for a start date. The Township has relocated four (4) fire
hydrants and awarded a contract to lower the water main under the Smith Drain. The township has also
employed an outside firm to create designs which will facilitate business accesses once the median is
constructed.

Part of the Okemos Road Widening Project will require a right turn lane on Kinawa Drive heading west
to Okemos Road. This will impact the existing bicycle pathway along Kinawa Drive and require the
bicycle pathway being moved.

Trustee Veenstra attended a public hearing conducted by the Michigan Department of Environmental
Quality (MDEQ) on the Hannah Boulevard extension east over the Hannah Drain. Approximately fifty
(50) Indian Lake Estates residents were in attendance and expressed concern about adding to their water
problem and opposed the permit request by the Eyde Company.

Supervisor McGillicuddy thanked Haslett residents for the addition of flowers to enhance the
beautification of Haslett.

6. APPROVAL OF AGENDA — OR CHANGES

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

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 #7D to Agenda Item #10F**

Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Such, Veenstra, 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)

- 10D-1 Christina Banwell, 5117 Park Lake Road, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)
- 10D-2 Yong Padgett, 2852 E. Grand River, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)
- 10D-3 Bill Kennedy 2790 Dirhal, Apt. 302, East Lansing; RE: Petition in support of Rezoning #05010 (Capstone Development)
- 10D-4 Cheryl Mireles, 2790 Sirhal Drive, Apt. 219, East Lansing; RE: Petition in support of Rezoning #05010 (Capstone Development)
- 10D-5 Lowell F. Robert, 3730 Sandhill Road, Lansing; RE: Petition in support of Rezoning #05010 (Capstone Development)
- 10D-6 Joe Petrarca, 2790 Sirhal Drive, #308, East Lansing; RE: Petition in support of Rezoning #05010 (Capstone Development)
- 10D-7 Diane Saghy, 5117 Wardcliff, East Lansing, RE: Support for Rezoning #05010 (Capstone Development)
- 10D-8 Lindsey Badgley, 2653 Mansfield Rive, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)
- 10D-9 Gloria Duffy, 2790 Sirhal Drive, #204, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)
- 10D-10 Kathleen Parks, 2790 Sirhal Drive, #202, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)
- 10D-11 Tom Morrison, 329 Cambridge Drive, Dimondale; RE: Support for Rezoning #05010 (Capstone Development)
- 10D-12 Kevin Kildea, 2649 E. Grand River, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)
- 10D-13 Gregory Spiridakos, 2700 E. Grand River, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)
- 10D-14 Scott May, 533 Stoddard Avenue, East Lansing; RE:Support for Rezoning #05010 (Capstone Development)
- 10D-15 Nick Zinkiewicz, 4465 Janice Lee Drive, Apt. F101, Okemos; RE: Support for Rezoning #05010 (Capstone Development)
- 10D-16 John Madden, Contemporary Audio, 2650 E. Grand River, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)
- 10D-17 Deborah Keyworth, 2684 Mansfield Drive, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)
- 10D-18 Bernice Brandon, 5099 Wardcliff, East Lansing; RE: Support for Rezoning

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, JULY 19, 2005 *APPROVED*

- #05010 (Capstone Development)
- 10D-19 Frank Loforese, 2684 Mansfield Drive, East Lansing; RE: Petition in support of Rezoning #05010 (Capstone Development)
- 10D-20 Ruth Pecic, 5099 Wardcliff Drive, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)
- 10D-21 Barney Fenn, 2767 Brentwood Avenue, East Lansing; RE: Opposition to Rezoning #05010 (Capstone Development) and PUD #05034 (Capstone Development)
- 10D-22 Christine Beavers, 5125 Brookfield, East Lansing; RE: Opposition to Rezoning #05010 (Capstone Development)
- 10D-23 Molly Wingrove, 2649 Melville Drive, East Lansing; RE: Opposition to Rezoning #05010 (Capstone Development)
- 10D-24 Jeraldine Lewis, 5214 Blue Haven Drive, East Lansing; RE: Opposition to Rezoning #05010 (Capstone Development)
- 10D-25 James L. and Angeline R. Dye, 2698 Roseland Avenue, East Lansing; RE: Opposition to Rezoning #05010 (Capstone Development)
- 10D-26 Jean and Les Smith, 2768 Brentwood, East Lansing; RE: Opposition to Rezoning #05010 (Capstone Development)
- 10D-27 James D. and Karen L. Carlson, 2672 Rockwood Drive, East Lansing; RE: Opposition to Rezoning #05010 (Capstone Development)
- 11E-1 Joel J. Buczkowski, 564 Piper Road, Haslett; RE: Support for the Piper Road Paving Reassessment to include Blueberry./Strawberry Farms
- 11E-2 Michael D. Miller, 526 Piper Road, Haslett.; Support for the Piper Road Paving Reassessment to include Blueberry./Strawberry Farms

(2). Board Information (BI)

- BI-1 Robert Phipps, 1331 E. Grand River Avenue, Suite 200, East Lansing; RE: Policing of July 4th fireworks celebration
- BI-2 Robert Phipps, 1331 E. Grand River Avenue, Suite 200, East Lansing; RE: Thank you for cleanup of July 4th fireworks celebration
- BI-3 Robert J. and Joycelyn B. Deans, 2191 Clinton, Okemos; RE: Support for closing the west end of Hamilton Road
- BI-4 Karen M. Forton, 2825 Mt. Hope Road, Okemos; RE: Positioning of park sign erected at Dobie Road and Birchwood

(3). Staff Communication/Referral (SC)

- SC-1 Memorandum from Cindy Cummings, Police Records Supervisor; RE: Current list of licensed vendors and non-licensed persons or nonprofit organizations engaged in soliciting or canvassing
- SC-2 Michigan Townships Association Legislative E-Report July 8, 2005 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 Such.

ROLL CALL VOTE: YEAS: Trustees Such, Veenstra, 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 July 5, 2005 Regular Meeting as submitted. Seconded by Trustee Such.

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

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, JULY 19, 2005 *APPROVED*

Michael Hupp, 5177 Wardcliff Drive, East Lansing, spoke in opposition to Rezoning #05010 (Capstone Development).

Barney Fenn, 2767 Brentwood, East Lansing, spoke in opposition to Rezoning #05010 (Capstone Development).

Bernice Brandon, 5099 Wardcliff, East Lansing and Manager, Xcell Wireless Cellular store at 2758 E. Grand River, East Lansing, spoke in support of Rezoning #05010 (Capstone Development).

Christine Beavers, 5125 Brookfield, East Lansing, spoke in opposition to Rezoning #05010 (Capstone Development).

Molly Wingrove, 2649 Melville, East Lansing, spoke in opposition to Rezoning #05010 (Capstone Development).

Robert Benko, 1503 Jolly Road, Okemos, spoke in support of Rezoning #05010 (Capstone Development).

John Scott-Craig, 5244 Wardcliff Drive, East Lansing, spoke in opposition to Rezoning #05010 (Capstone Development).

David Finet, 5007 W. Columbia Road, Mason, spoke in opposition to Rezoning #05010 (Capstone Development).

Denise Sancrainte, 2677 Blue Haven Court, East Lansing, spoke in support of Rezoning #05010 (Capstone Development).

Fred Zvoboda, 2761 Roseland Avenue, East Lansing, spoke in opposition to Rezoning #05010 (Capstone Development).

John Vawter, Chief Operating Officer, Capstone Development, 431 Office Park Drive, Birmingham, AL, spoke in support of Rezoning #05010 (Capstone Development).

David Pierson, McClelland Anderson, 1305 S. Washington Avenue, Lansing, spoke in support of Rezoning #05010 (Capstone Development), noting that the owner will place an owner-occupancy condition within the approval.

John Anderson, 215 W. Newman Road, Okemos, spoke in opposition to Rezoning #05010 (Capstone Development).

Ann Alchin, 2227 Hamilton Road, Okemos, expressed concern with the establishment of a Downtown Development Authority within Okemos.

Robert Homan, 2176 Hamilton Road, Okemos, spoke in support of PUD #05-03014 (Cider Mill Place).

Bob Schroeder, 644 Aquila Drive, East Lansing, spoke in support of Planned Unit Development #05014 (Mayberry Homes).

Supervisor McGillicuddy closed public comment.

- A. Final Plat #04042 (White Family Properties, LLC), request to plat Whitehills Lakes #7, a 6-lot single family home subdivision north of Pine Hollow Drive, west of BL-69
Trustee Veenstra moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN approves the Final Plat of Whitehills Lakes No. 7. Seconded by Trustee Such.

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

NAYS: None
Motion carried 6-0.

- B. PUD #05-03014 (Cider Mill Place/Homan), request to amend the Cider Mill Place PUD by changing the building lot sizes for two units, and the rear setback on two other units

Treasurer Hunting moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby grants the amendment for Planned Unit Development #05-03014, with the following conditions:

1. **Approval is granted in accordance with the revised plan prepared by Fitzgerald Henne & Associates, Inc., dated June 6, 2005, depicting the changes to Units 1, 2, 23 and 24 subject to revisions as required.**
2. **The applicant shall submit a revised site plan for the planned unit development showing the approved changes.**
3. **The required side setback adjacent to Brattin Woods Park for Unit 23 shall be 15 feet.**
4. **The required rear setback for Unit 24 shall be 15 feet.**
5. **All other applicable conditions of the preliminary, secondary and final planned unit development approvals shall remain in effect.**

Seconded by Trustee Such.

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

- C. Planned Unit Development #05014 (Mayberry Homes), final approval for the Okemos Preserve
Trustee Woiwode moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby grants final planned unit development approval for Planned Unit Development #05014, subject to the following conditions:

1. **Approval is granted in accordance with the final plans prepared by KEBS, Inc. and Enviroscape, dated June 17, 2005, June 21, 2005 and June 23, 2005 indicating 100 detached single family condominium dwelling units and accompanying materials provided by the applicant, subject to revisions as required.**
2. **The applicant shall obtain all necessary permits and approvals from the Ingham County Drain Commissioner, Ingham County Road Commission, Michigan Department of Environmental Quality (MDEQ), and the Township. Copies of all permits and approval letters shall be submitted to the Department of Community Planning and Development. Should a permit be required from the MDEQ, no grading or construction work shall be conducted until the permit is final and unappealable at the MDEQ.**
3. **Revised plans shall be submitted to the Director of Community Planning and Development if any changes are required by other reviewing agencies to the plans approved by the Township.**
4. **Final grading plans for the site are subject to the approval of the Director of Public Works and Engineering. Prior to issuance of each building permit, a grading plan showing the**

- elevations of the structure and the elevation of each lot corner of the unit shall be submitted to the Township.
5. Final utility plans for the site are subject to the approval of the Director of Public Works and Engineering and shall be in accordance with the Township Engineering Design and Construction Standards.
 6. Final road construction plans for the site are subject to the approval of the Director of Public Works and Engineering and shall be in accordance with the Township Engineering Design and Construction Standards.
 7. Prior to the issuance of a building permit, the applicant shall submit a revised landscape plan for review and approval by the Director of Community Planning and Development.
 8. North of the east-west pathway in the southern portion of the site, the water feature setback shall be waived. South of the east-west pathway, the water feature setback shall remain in place.
 9. The natural vegetation strip shall be clearly identified with permanent markers. The size, number and location of markers, and the language on the markers shall be subject to the approval of the Director of Community Planning and Development.
 10. A seven foot wide concrete pathway shall be constructed along the east side of Hulett Road. The design and location of the pathway shall be subject to the approval of the Director of Public Works and Engineering. The pathway shall be built in accordance with Township's Engineering Design and Construction Standards.
 11. Five foot wide concrete sidewalks shall be constructed along both sides of all internal roads. The sidewalks shall be designed and constructed in accordance with Township Engineering Design and Construction Standards.
 12. The applicant shall construct a paved eight foot wide off-road pathway in the eastern portion of the site. The pathway shall connect the existing southern off-road pathway to Zephyr Street. The design and location of the pathway shall be subject to the approval of the Director of Public Works and Engineering. The pathway shall be built in accordance with Township's Engineering Design and Construction Standards.
 13. The design of the development entry sign shall be revised to meet the Township's Code of Ordinances, or the applicant shall apply for and receive a variance from the Zoning Board of Appeals.
 14. Tree #7 (Burr Oak) and #14 (Sugar Maple), as shown on the revised Cover Sheet of the June 23, 2005 plans, shall be preserved. All trees to be preserved, shall be protected during construction using the standards outlined in Section 22-179 of the Code of Ordinances. No construction shall occur until tree protection has been installed and approved by the Director of Community Planning and Development.
 15. Street trees shall be required along Hulett Road and all internal roads. The species, size and location of the trees shall be subject to the approval of the Director of Community Planning and Development.
 16. The common open space areas shall be reserved or dedicated by lease or conveyance of title, including beneficial ownership, to a corporation, association, or other legal entity or by reservation by means of a restrictive covenant.
 17. Other than those areas subject to a wetland use permit, no buildings, accessory structures, structural appurtenances, or grading shall be permitted in the regulated wetlands.
 18. Prior to any construction or grading on the site, the applicant shall install silt fencing at the upland edge of the water features setback. After construction, the fencing shall be

removed once the area is stabilized.

19. All wellhead(s) located on the site shall be properly closed and abandoned per the requirements of the Ingham County Health Department and the Township prior to any construction or grading activities. In no case shall new wells be constructed for the purposes of irrigation or water supply.
20. A copy of the information that exists on computer for the planned unit development and construction plans shall be provided to the Township Engineering staff in an Auto Cad compatible format.
21. All applicable conditions of the preliminary and secondary planned unit development approval shall remain in effect.

Seconded by Trustee Such.

Trustee Such offered the following friendly amendment:

- Remove the word “paved” in the first sentence of condition #12 and add the words “subject to the approval of the Director of Community Planning and Development” at the end of the first sentence in condition #12

The amendment was accepted by the maker.

Board members and staff discussed the following:

- Opportunity over a year ago to add off-road pathways that were not paved to the Pathway Master Plan
- Possibility of a pathway connection on the south-central or southwest corner at the south end of Veranda Place between either lots 4 and 5 or lots 11 and 12
- Applicant’s belief there is adequate access through the park area along Hulett Road
- Addition of a pathway connection between lots 7 and 17 would require shifting the lots “down” and taking space out of the current park which backs up to Hulett Road
- Right-of-way between lots 3 and 4
- Park between lots 2 and 3 includes an emergency access walkway
- Residents of lots 1 through 17 and lots 39 through 48 served by the walkway in the park
- Contained natural pathway could be followed within the subdivision if access could be obtained near the southwest end

Trustee Veenstra offered the following amendment:

- Include a pathway connection between the interior streets and the pathway along the south edge of either the south central or southwest location somewhere between lots 7 and 17 if possible and practical.

The amendment was accepted by the maker and seconder.

Trustee Such called the question on the amendment.

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

Board members discussed the following:

- Questionable sufficient parking space in the driveway without blocking the sidewalk

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, JULY 19, 2005 *APPROVED*

- Planning Commission condition that garages on lane oriented lots have a minimum 20 foot setback from the edge of the lane
- Building toward the front of the lot would allow decks and patios without the home opening up directly onto the wetland setback
- Hawk Nest as an example of the garages back at least behind the front corner of the house with the porch forward
- Parking allowed for twenty feet of driveway

ROLL CALL VOTE: YEAS: Trustees Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: Trustee Veenstra
Motion carried 5-1.

- D. Rezoning #05010 (Capstone Development), request to rezone approximately 9.94 acres from C-2 (Commercial) and RX (One and Two-Family Residential) to RC (Multiple Family Medium-Density) at 2756 Grand River Avenue

Trustee Woiwode moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby denies Rezoning Petition #05010 C-2 (Commercial) and RX (One and Two Family Residential) to RC (Multiple Family-Medium Density) conditioned on the site being developed as a planned unit development.

Seconded by Trustee Veenstra.

The Board discussed the following:

- Criterion for rezoning of an error in the ordinance has not been met
- Incompatible with residential neighborhoods to the east and north
- Opposition by the Okemos School District
- Proposal is too dense
- Traffic and parking problems would spill over into surrounding neighborhoods
- Denial of the request by the Planning Commission
- Developers willingness to have an owner occupied condition through a deed restriction
- Lack of proof that the proposed development will create traffic problems within Wardcliff neighborhood
- Planning Commission denial prior to owner occupied provision through a deed restriction
- Okemos School Board opposition based on initial lack of owner occupancy restriction
- What could be placed on this property by right
- Neighbors expressed concerns influenced the proposed changes to the rezoning
- Current zoning would reduce the potential of school aged children by one-half
- Proposal is a creative reuse of the property
- Rezoning request would create setback problems for neighboring businesses if they wished to increase their building envelopes
- Problem with access to the site by traffic on Grand River Avenue
- Problematic location of the light at Northwind
- Possibility of relocating the light at Northwind down to East Brookfield Drive
- Strange shape of some of the lots
- Lack of visibility of commercial development behind properties already along Grand River (e.g., Tom's Party Store, Velocipeddler)

ROLL CALL VOTE: YEAS: Trustees Veenstra, Woiwode, Supervisor McGillicuddy
NAYS: Trustee Such, Clerk Helmbrecht, Treasurer Hunting
Motion failed 3-3.

Trustee Such moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION Ordinance No. _____, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #05010” C-2 (Commercial) and RX (One and Two Family Residential) to RC (Multiple Family-Medium Density) conditioned on the site being developed as a planned unit development.

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

Seconded by Clerk Helmbrecht.

Trustee Such moved to table the motion until there is a full complement of the Board.

Seconded by Trustee Woiwode.

ROLL CALL VOTE: YEAS: Trustees Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: Trustee Veenstra
Motion carried 5-1.

- E. Resolution of Intent to Establish A Downtown Development Authority and Downtown Development Authority District, Set Public Hearing Date (September 6)
Trustee Such moved that the resolution of intent to establish a Downtown Development Authority and Downtown Development Authority District be approved.

Seconded by Clerk Helmbrecht.

Clarification on intent of the motion: (Questions for the Attorney (See Agenda Item #8))

- Q. I am a little uncomfortable voting for a motion that says we’re approving something when, in fact, what we are doing is setting a process in motion that allows us to get public input. I want to make sure that that is what we’re doing here?
- A. What you are actually doing today is moving to approve the resolution that you have an intent to go forward to establish a Downtown Development Authority and Authority District; but you are not establishing either tonight. I think that the motion is sufficient the way it is written.

Board members and staff discussed the following:

- Recognition that the Downtown Okemos businesses worked hard over the last two (2) years to redevelop the area
- Following the process laid out in state law
- Resolution sets a public hearing with subsequent Board action in two additional meetings
- Pros and cons regarding inclusion/prohibition of the two-mill tax increase to DDA participants

Clerk Helmbrecht offered the following amendment:

- **Add “and set a public hearing for September 6, 2005”at the end of the motion.**

The amendment was accepted by the maker.

Trustee Woiwode called the question to close debate.

ROLL CALL VOTE: YEAS: Trustees Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: Trustee Veenstra

Motion carried 5-1.

ROLL CALL VOTE: YEAS: Trustees Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: Trustee Veenstra
Motion carried 5-1.

F. 2nd Quarter Budget Amendments

Treasurer Hunting moved that the Township Board approve the 2005 amended budget as reflected on page 3 of the memorandum to the Township Board from the Finance Director dated July 15, 2005. Seconded by Trustee Such.

Board members and staff discussed the following

- Quarter budget amendments are current projections through the end of the year
- Explanation of how the budget changes throughout the year
- Small amount of unplanned increase to the amount which would be deducted from the general fund
- Class action suit on the \$17,000 expenditure for defective police vests

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

[Supervisor McGillicuddy recessed the meeting at 8:36 P.M.]

[Supervisor McGillicuddy reconvened the meeting at 8:45 P.M.]

11. DISCUSSION ITEMS/ENDS

Without objection, the Supervisor removed Agenda Item #11C, Planned Unit Development #05034 (Capstone Development), as the vote for the rezoning did not pass.

Supervisor McGillicuddy opened public comment.

John Anderson, 215 W. Newman, Okemos, spoke to the alleged Board commitment to conduct a Comprehensive Traffic Study and in opposition to any upzonings until the study is complete.

Supervisor McGillicuddy closed public comment.

- A. Mixed Use PUD #05024 (Russell), request for a mixed use planned unit development containing 5,000 square feet on non-residential space and 12 residential units on a .75 acre site located in the Village of Okemos

Director Kieselbach summarized the mixed use PUD request as outlined in staff memorandum dated July 15, 2005.

Board members, staff and the applicant discussed the following:

- Possible substitution of additional outdoor eating area for grey water amenity
- Suggestion that developer work with green-building groups (e.g. Urban Options)
- Amenities noted to be used in Phase 1
- Give the Director of Community Planning and Development the discretion to explore the feasibility of keeping grey water as an amenity and provide an appropriate alternative if it is not
- Next step in the process is final site plan approval by staff

- B. Rezoning #05040 (Hooker/Haynes), request to rezone approximately 6.77 acre parcel located north of 3681 Kansas Road from RR (Rural Residential) to RAA (Single Family-Low Density)

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, JULY 19, 2005 *APPROVED*

Director Kieselbach summarized the proposed rezoning as outlined in staff memorandum dated July 14, 2005.

Board members, staff and the applicant discussed the following:

- Approval of a six-lot site
- Road extension from The Sanctuary subdivision is acceptable to the Ingham County Road Commission
- Fear of a Ingham County Road Commission requirement for a connection between Kansas and Robins Way to provide emergency access as a reason for Planning Commission denial
- Pathway right-of-way to start at northwest corner, come down to Robins Way, go to east end where T is located then south to Kansas
- Barrier for walkway to prevent vehicle access for all but emergencies
- Requested rezoning would allow only two (2) additional homes from current RR zoning
- Need for protection of wetlands
- Deeds for easements for pathways connections to the neighboring subdivisions
- Map provided by the applicant shows RAAA zoning as a good blend with neighboring parcels
- Agreement on the rezoning to RAAA conditioned on the language that it is an appropriate fit
- Perfect opportunity to use contract zoning
- One of the few remaining wood lots in the area with beech maple forest
- Rural residential designation with proposed road extension of Robins Way would not meet the lot width requirement for four (4) lots
- Neighbors' request not to have a connection to Kansas Street
- Possibility of lots without lawns to save the trees
- Developer request for flexibility to have easement "snake" around to preserve trees in the upland area
- Request for staff to calculate a possible PUD on this site
- Current sanitary sewer and force main follows the road and follows the proposed road on the new site

Incorporation of zoning conditions: (Questions for the Attorney (See Agenda Item #8))

- Q. How is it that the conditions on zoning, which are now legal, actually get incorporated into an action by the Township? As far as I can tell, there is no reference in the motions for the Planning Commission nor in their action, to the fact that there is a condition that is being offered that would have restricted the number to be consistent with the Future Land Use Map for this.
- A. If a condition is proposed by the applicant post the Planning Commission having looked at it at all, it comes to the Board. Most likely, it will be referred back to the Planning Commission to look at that issue. It doesn't necessarily mean the Planning Commission has to address that issue in their motion or generally in their discussion. They may still send it back and say we recommend denial with the condition or without. So as far as the procedure, if it has not been addressed by the Planning Commission in some way in some discussion, then it needs to go back for a report, and then come back to the Board.
- Q. If the Township decides to accept a condition, how does it get put in place?
- A. In the "whereas" of the resolution. You can approve the rezoning with our without the condition. It's included as a whereas, and that's included in the "Now, therefore" that the condition is a part of the rezoning.
- Q. If they were denying, they didn't have to say anything about the condition, because they can deny it based on the original application?
- A. Correct.
- Q. Would the wording of the resolution, so that we are in compliance with the state law, indicate that, the wording "as suggested by the applicant"?
- A. What I have seen so far from staff is a resolution which states, "Whereas, the applicant has submitted in

writing a condition....” and that would take care of it.

The consensus of the Board was to place this item on for action at the August 16th Board meeting with motions prepared by staff for approval and denial.

D. Residential Signs

Director Kieselbach summarized the draft residential zoning district update to the sign ordinance as outlined in staff memorandum dated July 13, 2005.

Board members discussed the following:

- Restrictiveness of home occupation signs
- Provision for larger signs in residential districts handled in subsection (d)
- Size of two (2) square feet for home occupation signs in the current ordinance
- Special use permit not needed for a day care of less than seven (7) children
- Public hearing at the Planning Commission level upon completion of the sign ordinance

The consensus of the Board was to have staff move ahead on this item.

E. Piper Road Paving Reassessment to Include Blueberry/Strawberry Farms

Trustee Veenstra requested that he be excused from voting and participating in the discussion on broadening the Piper Road Assessment District.

Trustee Such moved that Trustee Veenstra be recused from the discussion of the Piper Road Paving Reassessment. Seconded by Trustee Woivode.

VOICE VOTE: 5-0.

Director Severy summarized the proposed assessment district expansion as outlined in staff memorandum dated June 30, 2005.

Expansion of the special assessment district: (Questions for the Attorney (See Agenda Item #8))

- Q. When I was rereading the minutes and reading some of the minutes before the ones provided in our packet, there was always discussion when we talked about Piper Road that it might be expanded. I thought that at the time we did the special assessment that was before us, we had to wait and incorporate the new properties. I have always been under the impression once you set a special assessment district, it is set, and you don't go in and tinker with it. I thought our previous advice had been that yes, you can add new area, but you need to wait and do the special assessment district all in one piece. In other words, we wouldn't have assessed for Piper Road, until we were ready to do this or until the lots were laid out. I question going back in and changing it at this point in time?
- A. My understanding is that you can amend an assessment district and add property to an assessment district. You need to go back through the hearing process and, if you choose to add property, reassess it. You need to modify all the amounts that have been paid and figure out who actually owes what in the end. My understanding is that you can add property to an assessment district by going through the process as it is outlined in the statute.
- Q. As we did Lake Lansing, tiers were created. A number of letters we received supporting the suggestion of changing this district kept talking about the extra money. It is my understanding that if you created a second tier, you would be reducing what those residents on Piper Road pay, but there is no "new found" funds, are there?
- A. My understanding is that if you add property to an assessment district, then you need to reassess what everyone pays. The parcels fronting Piper Road that have already been assessed a certain amount have their assessment reduced if someone else is being added to that assessment district. We are talking at this point about abutting and non-abutting properties. That is a whole different issue that has not been talked about yet. Whether you can amend and add non-abutting property is a separate issue. The question of adding, you can do that. The question of money that is left over...if you have new properties added in and, therefore, the people who are fronting do not have to pay as much, then their assessment needs to be reduced.

Q. So there is still a question out there whether you can add non-abutting properties?

A. There is.

Q. What do you do in a situation where someone has paid the assessment, sold their home and then moved? Does that “refund” of the assessment go with the property or go to the person that paid?

A. I believe it would go with the property but I would have to look into that. I don’t have an answer for you on this tonight.

Q. Do you have any concern about the precedence this might set? I can see a bunch of subdivisions coming in and making a mess out of this.

A. About adding property at a later time?

Q. Right. They could say “well, it worked over there, so let’s see what we can do over here. It’s only been fifteen (15) years since they paved that road.” Do you see any precedent problems for this?

A. I would assume that if somebody is paying attention, they might think this is a good idea and want the same thing. However, it is state law, so they have a right to petition it or a Board has the right to bring it up and add that issue. I would think if somebody is paying attention, they would find this interesting and might want to ask for one. It is state law; there is no prohibition against asking for it. Whether you go forward today or not, someone else could ask for this in another area and ask to amend their district.

Board members and staff discussed the following:

- Original assessment district included forty (40) equal assessments
- Each time the issue came before the Board, it was the Board’s intent to spread the assessment out
- Need to follow the statute
- Issue of abutting vs. non-abutting property
- Recollection that each time amending an assessment district was discussed, it was the intent of the Board to spread the assessment out
- Following state law does not set a precedent
- Two-tiered system for paving Hulett Road from the railroad tracks to Bennett Road
- Process which gives each property owner which could be assessed a notice of the public hearing which would allow residents to voice their opinion
- Recollection that the concern with moving ahead with the paving of Piper Road in 2001 may preclude capturing the assessment from the additional developments
- Need for Attorney response to the legality of adding non-abutting parcels
- Need for Attorney response as to the reasonable expectations of Blueberry and Strawberry Farms developer(s)
- If appropriate to proceed with the public hearing, need for information on the distribution of abutting and non-abutting parcels given the fact that Strawberry Farms has another outlet
- Additional minutes where topic was discussed
- Piper Road residents petitioned for the amendment
- Concern with “double” assessment for people who do not live on Piper Road but live on an intersecting road
- Reflection of additional costs to adding to the infrastructure

The consensus of the Board was to place this item on for discussion at the August 16th meeting after questions to the Township Attorney have been answered.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Rx Harrington, 820 Piper Road, Haslett, spoke to Township compliance with the Open Meetings Act.

Supervisor McGillicuddy closed Public Remarks.

13. POSSIBLE CLOSED SESSION

Treasurer Hunting moved that the Township Board go into closed session to consult with the Township Attorney on pending litigation. Seconded by Trustee Such.

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

Supervisor McGillicuddy recessed the meeting at 10:05 P.M.

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

Trustee Such moved to return to open session. Seconded by Trustee Woiwode.

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

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

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

14 ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:43 P.M.

SUSAN McGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary