

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
349-1200, Town Hall Room  
TUESDAY, NOVEMBER 19, 2002, **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, Director of Engineering & Public Works Ray Severy, EMS/Fire Chief Fred Cowper, Attorney Mike Woodworth

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.

Carol Webster, Executive Director, Potter Park Zoological Society, discussed the Society's Wonderland of Lights and the November 30, 2002 Meridian Township Night.

Mark K. Clouse, Financial & Legal Counsel, Eyde Company, 4660 S. Hagadorn Rd, Ste 660, East Lansing, spoke in support of the request to extend the plat for Preliminary Plat #96022 Central Park Estates.

Richard Harrington, 820 Piper Road, Haslett, spoke in support of the Nokomis Learning Center.

Bob Homan, 2176 Hamilton Road, Okemos, representing the applicant, made himself available for questions related to Rezoning #02090 (Wells).

William Jakovac, 2441 South Wild Blossom, Okemos, stated he has no objection to SUP #02-97041 (American Tower).

William T. White, 2142 Hamilton Road, Okemos, spoke in support of mixed-use zoning districts.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

A. Possible Closed Session (None)

Clerk Helmbrecht announced the American Art Market at the Nokomis Learning Center would be held December 6 through 7, 2002.

Supervisor McGillicuddy announced the Capital Area District Library would be hosting Sarah Redman at the Hope Borbas Library for a presentation of holiday gift books.

Trustee Brixie reported receipt of a thank you from the Central Elementary School classes for a field trip on elections and local government.

6. APPROVAL OF AGENDA — OR CHANGES

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

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

Treasurer Hunting noted typographical errors in the proposed motion for Agenda Item #7D (Additions to the 2002 Winter Tax Bills).

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

NAYS: None

Motion carried unanimously.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Information (BI)

BI-1 Robert & Ruth Lee, 4695 Kingswood Drive, Okemos; RE: Request for Board Initiation of Rezoning for 1954 Hamilton Road

BI-2 William Onisko, 19770 Silver Spring, Southfield, MI; RE: Appeal of Handicapped Parking Ticket

BI-3 Wonderland of Lights, Meridian Township Night Flier

BI-4 Friends of Historic Meridian Fall 2002 Publication "The Gatekeeper"

BI-5 Nokomis Learning Center Fall 2002 Publication "The Nokomis News"

(2). Staff Communication/Referral (SC)

SC-1 Jacqueline Shinn, Administrator, Transportation Economic Development and Enhancement, MDOT; RE: Correspondence to Ingham County Road Commission awarding 2003 Transportation Enhancement Activity Program (TEA) Funding for the Old Interurban Trail

SC-2 Jacqueline Shinn, Administrator, Transportation Economic Development and Enhancement, MDOT; RE: Denial of 2003 Transportation Enhancement Activity Program (TEA) Funding to the Township for the Okemos Road Pedestrian Bridge

SC-3 Correspondence from Manager Richards to Beverly Johnson, President, Meridian Garden Club; RE: Appreciation for Eagle and Maintenance of Entry Garden

SC-4 Michigan Townships Association Legislative Fax November 1, 2002 Edition

SC-5 Michigan Townships Association Legislative Fax November 8, 2002 Edition

**Trustee Brixie 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 Brixie, Stier, Such, Woiwode,  
Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting

NAYS: None

Motion carried unanimously.

B. Bills

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

Common Cash	\$ 335,377.46
Public Works	\$ 60,345.10
Total Checks	\$ 395,722.56
Credit Card Transactions	\$ 10,214.72
Total Purchases	<u>\$ 405,937.28</u>

**Seconded by Trustee Such.**

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

[Bill list in Official Minute Book]

C. Liquor License Transfer - NOMAD

**Trustee Brixie moved that the request from NOMAD Hospitality Group - Okemos, LLC to transfer ownership of 2002 Class C Licensed business, located in escrow at 1115 S. Washington, Lansing, MI 48910, Ingham County, from Lynnes Management Co. LLC: and transfer location (Governmental Unit) to 3554 Okemos, Unit 1, Okemos, MI 48864, Meridian Township, Ingham County and the Township Clerk be authorized to execute the appropriate resolution. Seconded by Trustee Such.**

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

D. Additions to the 2002 Winter Tax Bills

**Trustee Brixie moved to assess the charges for delinquent Special Assessments, Utility Bills, False Alarms and Lawn Mowing as a tax lien against the subject properties, as authorized by Code of Ordinance Sections 51-5, 98-2, 111A-4.7, and MCLA 41.728. Seconded by Trustee Such.**

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

E. Spring Lake #9 Streetlighting District - **Resolution #1**

**Trustee Brixie moved to approve Spring Lake #9 Streetlighting District (Revised) - Resolution #1 tentatively declaring its intention to install and maintain two (2) additional streetlights and defray the cost of operation and maintenance by special assessment against the eleven (11) benefiting parcels and setting a public hearing for December 17, 2002. Seconded by Trustee Such.**

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

[Resolution in Official Resolution Book]

F. Assessing Stipulation

**Trustee Brixie moved that the Township Assessor or Township Attorney be authorized to sign a stipulation with Timothy M. Krzys on the proposed stipulated values for Parcel Number 33-02-02-11-377-012:**

**2002 Assessed Value: \$85,000 (-2,500)**

**2002 Taxable Value: \$85,000 (2,500)**

**Seconded by Trustee Such.**

8. QUESTIONS FOR THE ATTORNEY (See Agenda Items #10A., 11D., 11E. & 11G.)

9. HEARINGS

A. SUP #02-97041 (American Tower) Modification

Supervisor McGillicuddy opened the public hearing at 6:17 P.M.

Director Kieselbach introduced the special use permit modification request as outlined in the staff memorandum.

APPLICANT

Stephen Baker, Zoning Representative, American Tower Corp, 29585 Costello Drive, New Hudson, MI 48165, stated the reasons for the special use permit modification request as follows:

- The existing facility serves a single carrier
- Other carriers have requested to co-locate on this facility
- The modification would serve to minimize the proliferation of wireless communications towers
- The existing facility predates the current ordinance and is considered legally non-conforming
- Variances from the setback to the west property boundary would be required to modify the facility
- The proposal meets the intent of the ordinance through co-location, improved landscaping, added parking, and a permanent access drive to the facility

PUBLIC

Supervisor McGillicuddy opened and closed the floor to interested members of the public.

BOARD DISCUSSION

Clerk Helmbrecht asked how many carriers could be added to the facility.

Mr. Baker stated that there are variables related to the individual load placed on the tower. He stated towers are generally designed to serve four to five (4-5) carriers.

Clerk Helmbrecht asked if the original design of the tower intended to serve multiple carriers.

Mr. Baker answered that this is correct.

Trustee Woiwode commented the applicant was willing to construct a gravel access drive to preserve permeable surface on the site. She asked for confirmation that Township staff asked that the access drive be paved.

Director Kieselbach stated the ordinance requires a paved surface.

Trustee Woiwode asked why the ordinance requires a paved access drive.

Director Kieselbach answered the requirement is related to the issue of maintenance. He commented that in the event the Township needs to gain access to the facility, a poorly maintained gravel drive may deny such access. He noted the ordinance also requires curb and gutter, which could be waived by staff if requested by the applicant.

Trustee Brixie asked how often the drive would be used.

Director Kieselbach answered the applicant information states the drive is used two to four (2-4) times per month.

Trustee Woiwode asked how the facility was currently accessed.

Mr. Baker stated there is no legal vehicular access to the site now. He stated Verizon's equipment is located in the Minor Creations building. He stated the legal access to the site is a footpath.

Trustee Woiwode asked if the access drive provides access from a public road.

Director Kieselbach stated the applicant has foot access to the site. He stated the vehicles would access the site from the existing parking lot.

Trustee Woiwode stated the subject site is a separate leased parcel that requires access to a public road.

Director Kieselbach stated this is correct. He noted the two (2) parcels are owned by the same entity.

Supervisor McGillicuddy closed the public hearing at 6:28 P.M.

10. ACTION ITEMS/ENDS

- A. PP #00012 Ember Oaks - Request to Extend Plat  
Supervisor McGillicuddy opened public comment.

Director Kieselbach introduced the revised resolution for approval of the extension of Preliminary Plat #00012 (Ember Oaks).

David E. Pierson, McClelland & Anderson, L.L.P., 1305 South Washington Avenue, Suite 102, Lansing, spoke on behalf of the applicant in support of PP #00012 (Preliminary Plat) with revisions.

Supervisor McGillicuddy closed public comment.

Board Members discussed the following:

- Concerns related to a pedestrian/bicycle pathway through the Consumers Energy easement
- Connection of Jasmine Lane sidewalk to the pathway
- Provision in PRD approval for the negotiation of a pedestrian/bicycle pathway through the plat
- Provision of flexibility in the location and material of a pedestrian/bicycle pathway

Amending the Period of Extension: (Agenda Item #8 (Questions for the Attorney))

- Q. May the Board grant approval for a one-year extension from the date of approval rather than the date of application?
- A. There is a concern in creating a gap between the date of expiration and that for approval of an extension. The Board has the discretion to extend approval for longer than one year, and it would be advisable to adjust the date for expiration rather than that for the start date.

Amendment to Pathway Provisions: (Agenda Item #8 (Questions for the Attorney))

- Q. What is the best approach to amend the resolution to provide flexibility in the location and construction materials for the required pedestrian/bicycle pathway?
- A. Revision to the language could be arrived at through consultation with the applicant within the confines of the current agenda.

Board Members discussed the following:

- Possible language amendments to consider
- Implications of the construction of the lift station to the location of a pathway

**Without objection, the Board postponed consideration of the matter until later in the agenda; provided acceptable language could be negotiated in relation to the pedestrian/bicycle pathway requirements.**

(See following Agenda Item #11D (Appeal of SUP #01021 (Hunsaker)))

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

A. SUP #02-97041 (American Tower) Modification

Board Members discussed the following:

- Paving requirements for the access road
- Desirability of co-location of wireless facilities
- Concern related to an addition to a non-conforming site
- Accommodation of the setback from the property line
- Issue of the expansion of area used
- Impact of additional weight load on potential hazard
- Tower setbacks from other structures
- Type of fencing proposed

B. Subdivision Control Ordinance

Director Kieselbach introduced the draft Subdivision Control Ordinance for discussion and noted there were still corrections and updates to be made.

Board Members discussed the following:

- Summary of matters under Board discretion rather than those mandated by statute
- Revision extent and timeframe

C. Rezoning #02090 (Wells)

Director Kieselbach introduced the rezoning request as outlined in the staff memorandum.

Board Members discussed the following:

- Consideration of PUD on the site
- Staff vs. Applicant calculations and considerations
- Consistency with the Comprehensive Development Plan
- Availability of public utilities
- Environmental Commission review of the site
- Desirability of a development sensitive to the adjacent park

D. Appeal of SUP #01021 (Hunsaker)

Director Kieselbach introduced the special use permit appeal for discussion.

Board Members discussed the following:

- Desirability of the development of the high ground
- Concerns related to the proposed road
- Clarification of the mitigation proposal
- Inappropriateness of the proposed use
- Wetland regulation by MDEQ
- Proposed fill related to the roadway
- Sequencing of considerations for the fill and the road

Board Options: (Agenda Item #8 (Questions for the Attorney))

Q. What are the available options for the Board?

- A. The appeal is complicated by Section 9 of the Act. The matter before the Board is necessarily unrelated to the road or its approval. It is clear the Board may not authorize the activity to construct the road until such time as that road is approved pursuant to the Municipal Planning Act ("Act"). Considerations related to the process are as follow:

- As the Ingham County Road Commission has jurisdiction over the public roads within the Township rather than the Township, it is the Ingham County Road Commission that must decide the appeal of the Planning Commission's failure to approve the road.
- Section 9 of the Act provides that there may be no construction or authorization of a road until such time as it is approved pursuant to that act. It would be possible for the Board to grant an SUP in relation to this appeal conditioned on a future road approval by the Ingham County Road Commission. The concern related to such an SUP approval is the potential for changing conditions. It would be recommended that if the Board were to grant the appeal and approve the SUP, it place a sunset provision on the approval to ensure it is approved in light of existing conditions.

The Board has the following options in considering this appeal:

- Affirm the Planning Commission's decision - Recognizing the determination that the Planning Commission could not authorize the construction of the road pursuant to this SUP.
- Reverse the Planning Commission's decision - Recognizing the equivalent authority of the Board with the Planning Commission in hearing the request. Such approval could be granted conditioned on future road approval; preferably with a time limit. The Board would also be able to impose additional conditions as appropriate to protect the environment or provide for mitigation.
- Remand the decision to the Planning Commission to answer questions and clarify matters related to the basis for the denial. This option is not recommended as this decision is driven by the provisions of the Act and the first two (2) options are the most viable.

Interpretation of SUP Approval: (Agenda Item #8 (Questions for the Attorney))

- Q. Could SUP approval conditioned on future road approval be interpreted by the Ingham County Road Commission as Board approval of the road.
- A. The hope would be the understanding by the Ingham County Road Commission of the different focus of each procedure. The approval of the road is only related to the location, character and extent of the proposed new public road. The SUP provisions for work in the floodplain have entirely different considerations; primarily protective measures for environmental features and the floodplain. It is possible that SUP approval could be misunderstood as the Township's approval of the road based on the location, character and extent of the proposed road. This is neither within the jurisdiction of the Board nor the focus of this appeal. There is a complication in the Act stating that no authorization or construction may occur until there is such road approval. The second option as stated above meets this statutory prohibition.

Board Members discussed the following:

- Compensating cut in excess of minimum standards of the Code of Ordinances
- General effectiveness of natural topography vs. compensating cuts

Compensating Cut Standards as Basis for Denial: (Agenda Item #8 (Questions for the Attorney))

- Q. What position is the Township in if the one-to-one ratio (1:1) compensating cut is the only basis for denial of a proposal?
- A. The ordinance establishes the one-to-one ratio (1:1) as an acceptable level. In this particular case, the applicant proposes to exceed the minimum level of compensating cut. It would be significantly difficult to defend a decision of the Board denying the request based on a determination of an insufficient compensating cut.

Next Step on Road Approval: (Agenda Item #8 (Questions for the Attorney))

- Q. What is the next step for the applicant following the Planning Commission's denial of the addition of the proposed road to the Comprehensive Development Plan.
- A. The applicant may request the Ingham County Road Commission to overturn the decision of the Planning Commission and approve the location, character and extent of the road. If the applicant were to receive the approval, and assuming a Board denial of this appeal, the applicant could be expected to resubmit the application for the special use permit.

Postponement of Appeal Decision Awaiting Other Action: (Agenda Item #8 (Questions for the Attorney))

- Q. Is there a time limit on the consideration of this appeal, and could such a decision be postponed pending a decision by the Ingham County Road Commission?
- A. There is no time limit on Board action; however there is nothing gained by such a postponement. A component of this appeal is that clearly there was a determination that road approval had not yet been obtained along with additional issues. In the case the Ingham County Road Commission approves the road, the issue becomes whether this approval makes any difference in the determinations of the Planning Commission. In a scenario such that the Ingham County Road Commission approves the road, the Board resumes the appeal and remands the matter to the Planning Commission for additional deliberation -- it may be better to have the applicant resubmit since the Planning Commission would hear the matter in either case.

Establishment of Clear Procedural Steps: (Agenda Item #8 (Questions for the Attorney))

- Q. Is there a common understanding between Township counsel and Ingham County Road Commission counsel as to the steps for this process?
- A. There is an existing dilemma presented to applicants by information from the Ingham County Road Commission. The Ingham County Road Commission informs such applicants that no determination would be made until the Township acts. The language of Section 9 of the Act is clear that the Ingham County Road Commission must be the first to act and refer the matter to the Planning Commission. A letter is prepared to communicate to the Ingham County Road Commission the procedure from Section 9 and the intent of the Township to refer all future applications for new roads to the Road Commission. The statutory procedure for road applications is as follows:
- The Ingham County Road Commission as the jurisdictional authority makes its first determination as to the appropriateness of the location, character and extent.
  - The matter is referred to the Planning Commission for determination
  - If the Planning Commission also approves the location, character and extent of the public road the process is complete
  - If the Planning Commission denies the road based on location, character and extent, the matter automatically returns to the Ingham County Road Commission for appeal as the jurisdictional body. In this case there is a likelihood the decision would be overturned. This process would not involve the Township Board at any point

Coordination of Procedure: (Agenda Item #8 (Questions for the Attorney))

- Q. Has this change in policy been coordinated or discussed with the Ingham County Road Commission?
- A. The Ingham County Road Commission counsel has been advised as to this concern, and the intent is not to damage the working relationship between the two bodies. It is not practical to advise the Director of Community Planning & Development to accept applications and then attempt to determine: the official submission date; the start of the ninety- (90) day approval period; when statutory approval is granted; when the Ingham County Road Commission has fulfilled its function under the Act. Current and previous difficulties with Section 9 of the Act derive from the literal language not being followed.

Implications of Section 9 Procedure on Board Authority Over the Comprehensive Development Plan: (Agenda Item #8 (Questions for the Attorney))

- Q. Does the Board cede authority to the Ingham County Road Commission over the Comprehensive Development Plan regarding roads determined to be inconsistent with the plan.
- A. The legislation governing planning matters has been amended in component parts rather than with respect to the whole. Recent amendments have given authority to the Township Board over the content of the Comprehensive Development Plan. This provision of Section 9 of the Act removes the issue of road approvals from the Board as it does not have jurisdiction over the roads or the location, character and extent of such roads. The input of the Planning Commission is required by the Act. Once the Ingham County Road Commission approves a road, and refers it to the Planning Commission, it is quite likely the Ingham County Road Commission upon appeal would overturn any adverse decision of the Planning Commission.

Board Members discussed the following:

- Appropriate development process of Comprehensive Development Plan
- Deletion of Comprehensive Development Plan references to location, character and extent of roads
- Ingham County Road Commission deferment to desires of Township residents

Affirmation vs. Reapplication: (Agenda Item #8 (Questions for the Attorney))

- Q. Would the reapplication for an SUP as discussed previously indicate Board affirmation of the Planning Commission's decision
- A. The Board would affirm the Planning Commission's decision in that regard, predicated only on the language in the first basis for denial. This would leave the Planning Commission with the option to consider the application with respect to floodplain issues and criteria apart from the road approval.

Communication of Road Objections to Ingham County Road Commission: (Agenda Item #8 (Questions for the Attorney))

- Q. How would the Board clearly state to the Ingham County Road Commission that the Board objects to the termination of the road in a wetland and the associated impacts on that wetland?
- A. The focus of Section 9 is location, character and extent of the road system and does not supersede the Township's Wetland Ordinance. It is possible to make a determination that a proposed road meets planning standards related to the location, character and extent; whereas from an environmental standpoint it would be impossible to build. It is important to compartmentalize the process. The Ingham County Road Commission would be considering the approval of the location, character and extent of a public road rather than a wetland or floodplain construction issue.

Board Members discussed the following:

- 1975 flood boundaries
  - Existing process as a reflection of the Ingham County Road Commission deferment to the Township
  - Request for Ingham County Road Commission consideration of zoning, Comprehensive Development Plan, wetlands and floodplains during road considerations
  - Board consideration of draft letter to Ingham County Road Commission counsel
- PP #00012 Ember Oaks - Request to Extend Plat (Agenda Item #10A)  
Supervisor McGillicuddy reopened PP #00012 Ember Oaks for consideration.

Attorney Woodworth introduced Attorney Pierson to present a revised Condition 26.

Attorney Pierson presented Condition 26 as negotiated and acceptable to applicant.

**Trustee Brixie moved [and read the amended resolution into the record] THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, the extension of Preliminary Plat #00012, Ember Oaks, for a period from July 18, 2002 to July 18, 2003, is hereby granted and all previous conditions (1-24) shall remain in effect and the following new conditions shall be required:**

- 25. Prior to final plat approval for any phase of Ember Oaks, the applicant shall include a subdivision restriction that limits the removal of trees within the plat in a form as submitted to the Township on November 13, 2002.**
- 26. Prior to final plat approval for the applicable phase north of the Consumers Energy easement, a ten (10) foot wide easement for a pathway shall be provided to ensure there is a connection between the subdivision sidewalk on Jasmine Lane, Celesk Point, or Vineyard Trail and the future pathway between Dobie and Van Atta Roads, as established by the Township Bicycle/Pedestrian Pathway Plan.**

**Seconded by Treasurer Hunting.**

Board Members discussed the following:

- Appreciation for the applicant's cooperation with the Township

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

- E. ZBA Request for Revision of Section 84-5.3 Commercial Wall Signs  
Director Kieselbach introduced the recommendation from the ZBA as outlined in the staff memorandum.

Procedure for Consideration: (Agenda Item #8 (Questions for the Attorney))

Q. What is the best procedure to follow in considering this request?

- A. The recommendation is to pursue an amendment to the sign ordinance to address the issue requested by the ZBA, as well as issues related to distances between signs and the meaning of extra road frontage. This is a section that needs clarification and amendment. It is suggested to direct staff to review the ordinance and ensure the language is consistent with the intent of the ordinance and reflect new development styles.

The consensus of the Board was to direct staff to prepare draft language for Board consideration

Board Members discussed the following:

- Representative of cooperative effort of Township Boards and Commissions
- Clarification of the definition of a roofline
- Amendment to incorporate changes in locations for parking and service entrances

- F. Mixed Use Zoning Categories  
Director Kieselbach introduced the options for mixed uses as outlined in the staff memorandum.

Board Members discussed the following:

- Graphic examples of mixed use districts
- Focus on key geographic areas for mixed use concepts
- Consideration of Haslett and Okemos downtown areas
- Consideration of parking restrictions
- Mixed uses through development of overlay districts
- Residential dwellings in upper stories of select commercial or office districts
- Consideration of residential uses in homes converted to offices
- Development of a commercial PUD vs. incorporation of mixed uses in the existing PUD Ordinance
- Mixed use in the commercial core
- Mixed use tools used by Lansing and East Lansing
- Facilitation of telecommuting
- Compatibility with walkable communities concepts

- G. PP #96022 Central Park Estates - Request to Extend Plat  
Director Kieselbach introduced PP #96022 Central Park Estates as outlined in the staff memorandum.

Impact of Litigation Related to Adjacent Property: (Agenda Item #8 (Questions for the Attorney))

Q. What is the nature of impact from litigation over the zoning of property adjacent to the subject site?

- A. The Central Park Estates plat was part of the larger property including the Wal-Mart site, which was involved in previous litigation. November 2001 the applicant reaffirmed the settlement agreement providing for residential development at this location. This reaffirmed agreement controls the conditions, terms and limits of the development of this property. The plat is consistent with the use agreed to and should be approved. There is a provision in the agreement that prohibits access to Powell Road unless subsequent development indicates access to be

appropriate, which is perhaps the tie in to the status of the adjacent property. These were all known quantities at the time the agreement was reaffirmed.

Board Members discussed the following:

- Benefit to Township from the development of affordable housing on the plat
- Availability of public utilities to the subject site
- Inappropriateness of residential properties adjacent to commercial
- Potential commercial development based on CS (Community Services) zoning at the time of such agreed zoning
- Comparison to the Shoals subdivision
- Significance of applicant control over adjacent properties
- Potential deterioration of property value from inactivity
- Provisions of the settlement agreement setting the zoning of the subject site

H. NPDES Phase II Permit Application

Director Severy introduced the NPDES Phase II Permit Application as outlined in the staff memorandum.

Board Members discussed the following:

- Role of the Board in the process
- Red Cedar E. coli levels
- Process for determination of the source of Red Cedar River contamination
- Parking lot storm water filtration systems
- Voluntary water testing
- Awareness of grant opportunities
- Success of the Ingham County Drain Commissioner in securing Clean Michigan Initiative (CMI) grants

12. PUBLIC REMARKS

Supervisor McGillicuddy opened and closed Public Remarks.

13. POSSIBLE CLOSED SESSION - Multiple Items

**Treasurer Hunting moved that the Township Board go into a closed session to discuss: 1) a possible land purchase under MSA 4.1800(18)(d); 2) the personnel evaluation of the Township Manager as requested by the Township Manager under MSA 4.1800(18)(a); 3) the strategy and negotiation sessions connected with the negotiation of collective bargaining agreements under MSA 4.1800(18)(c); and 4) consideration of written legal opinions within the attorney-client privilege pursuant to MSA 4.1800(18)(h). Seconded by Trustee Such.**

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

NAYS: None

Motion carried unanimously.

Supervisor McGillicuddy recessed the meeting at 8:22 P.M.

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

**Clerk Helmbrecht moved to return to open session. Seconded by Treasurer Hunting.**

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

NAYS: None

Motion carried unanimously.

Supervisor McGillicuddy reconvened the meeting at 10:23 P.M.

**Treasurer Hunting moved to direct the Township Manager and Township Attorney to proceed as discussed in closed session and to approve the successor employment agreement with the Township Manager. Seconded by Trustee Such.**

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

14 ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:25 P.M.

---

SUSAN MCGILLICUDDY  
TOWNSHIP SUPERVISOR

---

MARY M. G. HELMBRECHT  
TOWNSHIP CLERK

Paul J. Cassidy, Secretary