

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING – APPROVED AS AMENDED
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
THURSDAY, JANUARY 17, 2008, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Trustees Brixie, Such (6:05 PM), Veenstra
ABSENT: Trustee Woiwode, Clerk Helmbrecht, Treasurer Hunting
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development
Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief
Dave Hall, Assistant Manager/ Personnel Director Paul Brake, Director of Finance Diana
Hasse, Attorney Andria Ditschman

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:05 P.M.

2. PLEDGE OF ALLEGIANCE

A. Introduction of New Police Officer

Chief Dave Hall introduced Peter Menge for presentation to the Board as a new police officer.

Officer Menge led the Pledge of Allegiance.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

Trustee Veenstra moved to nominate Trustee Brixie as Clerk Pro Tem. Seconded by Trustee Such.

VOICE VOTE: Motion carried 4-0.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Mike Wata, Kitch Attorneys & Counselors, One Woodward Avenue, Suite 2400, Detroit, summarized legal action to date on behalf of the Township relative to Comcast's decision to move PEG channels in its lineup.

Trustee Such added that Mr. Wata spoke before the Michigan Senate Energy and Public Utilities Committee today pertaining to its consideration of several pieces of cable legislation, one of which is the process for complaints. Trustee Such added it was clear from the proceedings that the committee wanted to do something about the situation.

Mr. Wata noted that Congressman Dingell has also scheduled a congressional hearing this month as a result of Comcast's response to Congressman Dingell's letter to them.

Joan Smith, Head Librarian, Hope Borbas Okemos Library, 4321 Okemos Road, Okemos, gave an update on the Capital Area District Library's (CADL) 2007 use. CADL's Capital Improvement Plan's primary goal was to have modern library buildings which support excellent patron service. The architects hired to assess library needs recommended, in part, a new library building in Meridian Township and all other buildings to be expanded or renovated. She also spoke to the need for a property tax referendum to be approved by voters in August of 2008 in order to fund most of the currently estimated \$94 million project.

Joan Smith outlined library use and the need for additional space at the Hope Borbas Okemos Library.

Ann Chapman, Librarian, Haslett Library, 5670 School Street, Haslett, gave a Powerpoint presentation which summarized space needs at the Haslett Library.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

A. Election Report

Manager Richards reported Election results. He indicated a voter turnout of 24.62%, slightly less than 7,400 voters. Manager Richards added that approximately 2,800 were Democratic voters while 4,500 were Republican voters. He stated approximately 28% of the ballots were absentee.

Supervisor McGillicuddy stated the Downtown Development Authority has a new chair, vice-chair and secretary/treasurer, Renee Korrey, Will White and Sherry Fisher respectively. She polled the Board regarding its interest in addressing the issue contained in a letter within the Board packet from Pastor Rick Stacy at Meridian Christian Church. The issue centered around required tree caliper size for landscaping.

6. APPROVAL OF AGENDA — OR CHANGES

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

VOICE VOTE: Motion carried 4-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy

NAYS: None

Motion carried 4-0.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Information (BI)

BI-1 Nancy Williams, 4383 Elmwood Drive, Okemos; RE: Zoning Amendment #07050, amendment for outdoor storage of a trailer or recreational vehicle

BI-2 Juan Otero, Vice President of Government and Regulatory Affairs, Michigan Region, Comcast, 29777 Telegraph Road, Suite 4400, Southfield; RE: Comcast's Response to Charter Township of Meridian's Notice and Opportunity to Cure Non-Compliance

BI-3 Juan Otero, Vice President of Government and Regulatory Affairs, Michigan Region, Comcast, 29777 Telegraph Road, Suite 4400, Southfield; RE: Comcast's Response to Charter Township of Meridian's Notice and Opportunity to Cure Non-Compliance

BI-4 Rick Stacy, Senior Pastor, Meridian Christian Church, PO Box 655, Okemos; RE: Amendment to Section 86.758. Landscaping (1) c. 1.

(2) Regional Linkage (RL)

RL-1 Sandra L. Draggoo, CEO/Executive Director, Capital Area Transportation Authority, 4615 Tranter Street, Lansing; RE: Public hearings on proposed fare increase for service

(3). Staff Communication/Referral (SC)

SC-1 Michigan Townships Association Legislative E-Report, December 28, 2007 Edition

SC-2 Michigan Townships Association Legislative E-Report, January 4, 2008 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, Such, Veenstra, Supervisor McGillicuddy
NAYS: None
Motion carried 4-0 .

B. Minutes

(1) Trustee Brixie moved to approve and ratify the minutes of the December 18, 2007 Regular Meeting as submitted. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy
NAYS: None
Motion carried 4-0 .

(2) Trustee Brixie moved to approve and ratify the minutes of the January 3, 2008 Regular Meeting as submitted. Seconded by

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy
NAYS: None
Motion carried 4-0 .

(3) Trustee Brixie moved to approve and ratify the minutes of the January 5, 2008 Policy Governance Review Meeting as submitted. Seconded by

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy
NAYS: None
Motion carried 4-0 .

C. Bills

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

Common Cash	\$ 325,437.94
Public Works	\$ 176,499.39
Total Checks	\$ 501,937.33
Credit Card Transactions	\$ 12,899.02
Total Purchases	<u>\$ 514,836.35</u>
 ACH Payments	 <u>\$ 140,917.39</u>

Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy
NAYS: None
Motion carried 4-0 .

[Bill list in Official Minute Book]

D. Beginning of Year Budget Amendments

Trustee Brixie moved that the Township Board approve the 2007 amended budget as reflected on Page 2 of the memorandum to the Township Board from the Finance Director, dated January 11, 2008. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy
NAYS: None
Motion carried 4-0 .

- E. Purchase of MERS Service Credit by Employee
Trustee Brixie moved approval of Scott P. Baldwin's request to purchase generic service credit of 0 years, 6 months, under the MERS Pension System and authorize the Township Clerk to execute the authorizing resolution. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy
NAYS: None
Motion carried 4-0 .

- F. Assessing Stipulation
Trustee Brixie moved that the Township Assessor be authorized to sign a stipulation with Capital Foot & Ankle Centers, PC, on the following property:

YEAR	DOCKET NO.	ADDRESS OF PROPERTY
2006	0324458	2321 Club Meridian Drive, Okemos
<u>Assessment</u>	2006	<u>AV/TV</u> \$25,000/25,000
<u>Proposed Assessment</u>	2006	<u>AV/TV</u> \$0/0

Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy
NAYS: None
Motion carried 4-0 .

- G. Appointments to Boards and Commissions
Trustee Brixie moved that Sharon Gillette be appointed to the Economic Development Corporation for a six-year term ending December 31, 2013. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy
NAYS: None
Motion carried 4-0 .

- H. Saginaw Street Sanitary Sewer Special Assessment District #51, **Resolution #4**, Set Public Hearing Date (February 19, 2008)
Trustee Brixie moved to approve Saginaw Street Sanitary Sewer Special Assessment District #51 – Resolution #4, which files the proposed final special assessment roll with the Township Clerk and sets the date for a public hearing on February 19, 2008. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy
NAYS: None
Motion carried 4-0 .

- I. 2007 Order to Maintain Sidewalks, **Resolution #4**, Set Public Hearing Date (February 19, 2008)
Trustee Brixie moved to approve the 2007 Order to Maintain Sidewalk Special Assessment District #9 – Resolution #4, which files the proposed final special assessment roll with the Township Clerk and sets the date for a public hearing on February 19, 2008. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy
NAYS: None
Motion carried 4-0 .

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item #10A, #10D, #11B)

9. HEARINGS

- A. Lake Lansing Estates Streetlighting Special Assessment District
Supervisor McGillicuddy opened the public hearing at 6:51 P.M.

Director Severy summarized the proposed special assessment district as outlined in staff memorandum dated January 9, 2008.

Supervisor McGillicuddy closed the public hearing at 6:52 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Joe Sheahan, President, Lake Lansing Property Owners Association, 6150 Columbia, Haslett, expressed support for the Lake Lansing Watershed Management SAD. He stated he felt lake residents who have spoken to the Board on numerous occasions relative to the Lake Overlay Ordinance have not been heard. Mr. Sheahan noted several concerns with the Lake Access Ordinance.

Teri Banas, 5606 Creekwood, Haslett, spoke in support of improved library services within Meridian Township but does not support the plan represented in the resolution of agreement to participate in CADL's Capital Improvement Plan.

Supervisor McGillicuddy closed public comment.

- A. Resolution of Agreement to Participate in CADL's Capital Improvement Plan
Trustee Brixie moved [and read into the record] NOW, THEREFORE BE IT RESOLVED that the Charter Township of Meridian, Ingham County, Michigan, agrees to participate in CADL's Capital Improvement Plan and hereby commits to:

- 1. Donating real property within Charter Township of Meridian that is construction ready and acceptable to CADL for the construction and operation of a new CADL library for as long as the property is used as a public library.**
- 2. Leasing the existing Haslett Library and adjacent property to CADL for a period of 20 years for \$1.00 per year and to the for construction of an addition and the remodeling of the Haslett Library.**

Seconded by Trustee Such.

Board members discussed the following:

- Research and polling indicate Meridian Township residents are ardent library users and supporters
- Confusion by the citizenry regarding who provides the library buildings
- Additional public forums to be held throughout the township later in the process
- Costs for the plan estimated by the architect
- Suggestion for CADL to rethink its current proposal
- Concern with short time frame to garner support for the proposal

Trustee Such offered the following friendly amendments:

- **Amend the fourth WHEREAS clause after "Haslett Library" by inserting "to assure it remains open and an active part of the CADL system"**
- **Amend the sixth WHEREAS clause by deleting the words "that facility" and inserting the words "these facilities"**

The maker accepted the friendly amendments.

Proposed amendments to the resolution: (See Agenda Item #8 (Questions for the Attorney))

Q. I would like to ask our attorney and Sue Hill if that is acceptable?

A. Yes, it is acceptable.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy
NAYS: None
Motion carried 4-0 .

- B. Lake Lansing Watershed Management Special Assessment District 2008-2017, **Resolution #5**
Trustee Such moved to approve Lake Lansing Watershed Management Special Assessment District (2008-2017) Resolution No. 5: determining that special assessments are in proportion to the benefits to be derived from project; to designate the project as "Lake Lansing Watershed Management Special Assessment District (2008-2017); to designate the assessment roll as "Lake Lansing Watershed Management Special Assessment Roll (2008-2017); to designate the district as "Lake Lansing Watershed Management Special Assessment District (2008-2017); to adopt and confirm the final amount of \$800,000 (\$80,000 per year for a period of ten years); that the special assessment roll equal \$80,000 per year and the special assessment roll be reduced by the annual total contributions received; and the special assessment roll be divided into ten annual installments, with the first installment on July 1, 2008; stating any unpaid special assessment balance may be paid in full at any time; and to order and direct the special assessments be collected.

Seconded by Trustee Brixie.

Board members discussed the following:

- Request for budget details on how the money is spent

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy
NAYS: None
Motion carried 4-0 .

- C. Zoning Amendment #07140 (Township Board), request to amend the zoning ordinance to add a Lake Overlay Ordinance, **Final Adoption**
Trustee Brixie moved [and read into the record] NOW THEREFORE BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby FINALLY ADOPTS Ordinance No. 2008-01 entitled "Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 86, Article I by amending Section 86-2, and Article IV, Division 4 by adding Section 86-442."

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

Seconded by Trustee Such.

Board members discussed the following:

- Concern with message sent to the Zoning Board of Appeals (ZBA) that variances not be granted to the remaining 19% of the parcels which are non-conforming
- No prejudicial approach to variance requests from around the lake which are brought before the ZBA
- Citizens who live in the overlay district will retain their right to request a variance

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy
NAYS: None
Motion carried 4-0 .

- D. Zoning Amendment #07150 (Township Board), request to amend the zoning ordinance to add a Lake Access Ordinance, **Introduction**
Trustee Brixie 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 Code of the Charter Township of Meridian, Michigan, Chapter 86, Article I by amending Section 86-2, and Chapter 86, Article V, Division 1 by adding Section 86-475.”

BE IT FURTHER RESOLVED 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 Trustee Such.

Sufficiency of the zoning amendment: (See Agenda Item #8 (Questions for the Attorney))

- Q. Andria, earlier this evening, a member of the public thought that we still had a lot of “holes” open in this Lake Access Ordinance. You had given a lot more comments trying to tighten it up. Do you feel that they’re sufficient?
- A. Based on what I understand is the Board’s intent, I think it’s sufficient at this time.

Board members discussed the following:

- Lake Lansing is a unique area due to its irregular lot and parcel sizes
- Intent to prevent keyhole abuses is evident in the resolution
- 65 feet of continuous shoreline for each dwelling is reasonable to prevent keyholing
- Concern that frontage requirement will prevent future development with lake access on the lake
- Data on lake usage could be acquired
- Heavy usage of the lake with the boat launch usually full on the weekend
- Ordinance is a measure to prevent overuse which would result in an ecological imbalance

Trustee Brixie moved to table the motion. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy
NAYS: None
Motion carried 4-0 .

- E. Zoning Amendment #07160 (Township Board), amendment to allow “new car dealerships” by Special Use Permit in the C-2 (Commercial) zoning district, **Introduction**
Trustee Brixie 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 Code of the Charter Township of Meridian, Michigan, Chapter 86, Article IV, Division 3, Section 86-404(e) by adding Section 86-404(e)(16).”

BE IT FURTHER RESOLVED 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 Trustee Such.

Board members discussed the following:

- Zoning amendment as a better approach than “spot” rezoning this parcel to the C-3 district
- Zoning amendment a more compatible way of dealing with the surrounding residential neighborhoods

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy
NAYS: None
Motion carried 4-0 .

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

A. Lake Lansing Estates Streetlighting SAD, **Resolution #1**

The consensus of the Board was to place this item on the consent agenda for February 5, 2008.

B. Zoning Amendment #07170 (Township Board), request to allow appropriate commercial uses by SUP in PO (Professional and Office) zoned MUPUD (Mixed Use Planned Unit Development) Director Kieselbach summarized the proposed zoning amendment as outlined in staff memorandum dated January 11, 2008.

Board members and staff discussed the following:

- Planning Commission recommendation not to amend the ordinance
- Granting the most flexibility for this type of development without too much commercial
- Suggestion that one-half should be PO to grant developer as much freedom as possible
- Banks not an allowed use in the PO district
- Language to specify no drive-through uses allowed in the PO district
- Current ordinance does not specify a limit of commercial or office
- SUP for each specific case may be the way to dictate the percentage of PO
- Concern over incompatibility of nearby single family residential units with proposed allowed uses
- PO district used as transitional zoning from heavy commercial areas to single family residential areas
- Concern with suburban nature of a neighborhood surrounded by PO
- Concern with effect restaurants would have on nearby suburban neighborhoods
- Possible limit on hours of operation contained in the ordinance
- Specific setback language defeats the purpose of a MUPUD
- Walkability in neighborhood service is desirable, although neighborhood service is C-1 commercial zoning
- Language regarding normal yard setbacks is contrary to the mixed use concept of no setbacks
- Possible incorporation of setback if there are certain residential districts within a specific distance who want to use these uses
- Possibility of terminology in SUP standards which specifically addresses sensitivity to single family suburban residential areas nearby
- Modification to the definition of restaurant to ensure it is a “food servicing” establishment
- Board control over where liquor licenses are placed

Incorporation of appropriate commercial uses by SUP in PO zoned MUPUD: (See Agenda Item #8 (Questions for the Attorney))

Q. Are we creating a “mess” by allowing this in our office MUPUD by incorporating a little bit more commercial than what we traditionally have in our traditional office?

A. I don’t think necessarily. The concern is that each time you’re looking at it, you are going to base the decision as to whether it is appropriate for that site or not. That’s what I hear you talking about, that you’re going to look at each one separately. You want some basis for the rationale; we think this is appropriate for this site, isn’t appropriate for this site, we want setbacks included or not, hours limitation and you want something in the ordinance that gives you the basis to say that. I think that’s an intelligent way to go.

Q. You don’t think we are opening ourselves up for more lawsuits if we don’t include certain...The only reason I bring that up is that we wouldn’t even be looking at this if it hadn’t been for a certain planned unit development going in who wanted commercial use and it isn’t; it’s an office. And with the threat of annexation, I just want to make sure we are just not making ourselves even more vulnerable by including these additional commercial uses in our office.

A. Well, I think the easy answer to that is any time you add another option or another layer, you do add potential for someone to question whether your decision was appropriate or not. As opposed to should this be commercial, here’s the criteria, this is what we used to make this

legislative decision, yes or no, you can't do it here, move on. Now you are adding another layer. I don't see it as different than the mixed use in general or a PUD. Something that the Board has to decide is if it works in with the goals you want as far as the Master Plan and where you want to go. If so, potentially, it could allow for more litigation, but any of the decisions could.

The consensus of the Board was to allow further staff work and bring this item back for discussion at the February 5, 2008 Board Meeting.

- C. Wetland Use Permit, Shaw's Landing, Essential Wetland Determination
Director Kieselbach summarized the essential wetland determination for Township Wetlands #04-11 and #04-15 as outlined in staff memorandum dated January 11, 2008.

Board members discussed the following:

- Applicant intent to fill in approximately 20,000 square feet (one-half acre)
- Removal of two (2) existing single family homes
- Single family home to the north on RR zoned property
- Determination as essential will aid in the protection of the wetlands

The consensus of the Board was to place this item on for action at its February 5, 2008 meeting.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened and closed Public Remarks.

13. ADJOURNMENT

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

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

JULIE M. BRIKIE
CLERK PRO TEM

Sandra K. Otto, Secretary