

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, APRIL 2, 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, Chief Engineer Younes Ishraidi, EMS/Fire Chief Fred Cowper, Personnel Director/Assistant Manager Paul Brake, Director of Finance Diana Hasse, 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.

Charles Louis Willems, 1387 Hickory Island, Haslett; stated concerns regarding the failure of the Assessment Notice for his parcel to be logically understood.

Larry J. Ward, 4175 Vanneter Road, Williamston, introduced himself as a candidate for the 69th District State House of Representatives.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES
Trustee Woiwode reported the completion of the work of the Briarwood/Van Atta Task Force with a final report to be submitted to the Board.

Clerk Helmbrecht reported new Voter ID Cards would be mailed on or about April 12, 2002 to reflect the changes from reprecincting. She reported Okemos School District voters would receive a letter to explain the changes in polling locations for all future school elections.

Clerk Helmbrecht reported Township staff met with the Municipal Code representative to discuss recommendations for recodification. She reported the Code of Ordinances in its revised form is expected for Board review in three (3) months.

Supervisor McGillicuddy discussed the invitation from the Ingham County Road Commission (See RL-2) to a joint meeting to be held on May 23, 2002. [Four (4) Board Members qualifying a quorum indicated they could attend such a meeting.]

Supervisor McGillicuddy reported the Tri-County Regional Planning Commission continues to progress toward a September completion of its Growth Study. She reported there would be more workshops in May and June of this year.

Treasurer Hunting reported: in response to Mr. Willems comments regarding his assessment notice, that the "Prior Amount" incorporates the amount after the assessment reduction from the Board of

Review appeal and the "Change" amount includes the assessment reduction from 2001.

Manager Richards reported on the discussions with and subsequent response from the Ingham County Road Commission regarding the Haslett Road improvement project. He reported the Ingham County Road Commission requested that the Township participate in the funding for the completion of enhancements to this project.

Trustee Brixie stated her belief that discussions of ongoing litigation with news media are not in the best interest of the Township.

Trustee Such asked for an opportunity to discuss the Haslett Road improvement Project at the appropriate time on the agenda.

6. APPROVAL OF AGENDA — OR CHANGES

Trustee Such moved to approve the agenda as amended by adding Agenda Item #11D (Haslett Road Improvement Project). Seconded by Trustee Brixie.

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

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

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 Deliberation (BD)

9A-1 David Woltz, 2418 Graystone Drive, Okemos; RE: Objection to Assessment for the 2002 Order to Maintain Sidewalk Special Assessment District #4

11C-1 Molly Wingrove, Wardcliff Neighborhood Association, 2649 Melville Drive, East Lansing; RE: Recommended Amendments to Zoning Amendment #02030 (Township Board)

(2). Board Information (BI)

BI-1 Betty & Arnie Johnson, 3887 Crooked Creek, Okemos; RE: Appreciation for work of Trustee Woiwode and the Briarwood/Van Atta Task Force

BI-2 Joseph N. McCall, 2385 Emerald Forest Circle, East Lansing; RE: Appreciation for work of Supervisor McGillicuddy

BI-3 Stanley Levandowski II, President, L&L Food Centers, 4924 S. M.L. King Blvd, Lansing; RE: Letter to MDOT Regarding Grand River Avenue Construction Work

BI-4 Robert H. Olson, LTC (Ret), 6108 Skyline Drive, East Lansing; RE: December 5, 2001 Lansing State Journal Letter to the Editor by Kirk Squiers

BI-5 Donald J. Willis, 2315 Sapphire Lane, East Lansing; RE: Response to February 7, 2002 Lansing State Journal Editorial Regarding Meridian Township "Ethics Statement"

BI-6 Frank Webster, 3845 Roxbury Ave, Okemos; RE: Written Statement from March 19, 2002 Township Board Meeting Public Remarks

BI-7 R. Bruce Wheaton, 1804 Baker Street, Haslett; RE: Application of Green and Sustainable Strategies to Projects and Policies

BI-8 Scott Fairmont, 4429 Apache Drive, Okemos; RE: Clarification of Lansing State Journal Letter to the Editor Submitted by Self

- BI-9 Charles Louis Willems, 1387 Hickory Island, Haslett; RE: Apparent Error in Assessment Statement
 - BI-10 Charles Louis Willems, 1387 Hickory Island, Haslett; RE: Removal of Trespass and Repair of Damage at 1381 Hickory Island Drive
 - BI-11 Thomas & Jane Kamlay, 81 Chalmers Drive, Rochester Hills, MI; RE: Request for Relief from Rental Registration Fee in Response to Township Correspondence (See SC-6)
 - BI-12 William I. Jakovac, 2441 S. Wild Blossom Ct., East Lansing; William J. Jakovac, 4554 Spicewood Drive, Okemos; Sam Spagnuolo, 4601 Nakoma Drive, Okemos, Duane Russell, 12125 Raelyn Hills, Perry, owner of the Shell Station at Grand River and Van Atta Road, Jim & Leslie Genova, 589 W. Grand River, Okemos; RE: Section 9 Appeal of the Planning Commission's March 11, 2002 Denial of Commission Review #02013 (Jakovac)
- (3) Regional Linkage (RL)
- RL-1 Proposed Minutes for January 17, 2002 East Lansing-Meridian Water & Sewer Authority Meeting
 - RL-2 John W. Midgley, P.E., Managing Director, Ingham County Road Commission; RE: Invitation to May 23, 2002 Joint Meeting
- (4). Staff Communication/Referral (SC)
- SC-1 Michigan Townships Association Legislative Fax, March 22, 2002 Edition
 - SC-2 Michigan Townships Association Legislative Fax, March 18, 2002 Edition
 - SC-3 Olga Arellano, 2170 Seminole Drive, Okemos; RE: Appreciation to Township EMS Personnel
 - SC-4 Erin Burns, 2628 Whistler Drive, East Lansing; RE: Appreciation to Township Fire Personnel
 - SC-5 Manager Richards' Response to Charles Willems' Correspondence (See BI-10)
 - SC-6 Chief Building Inspector Heckaman's Response to Attached Correspondence from Thomas & Jane Kamlay, 81 Chalmers Drive, Rochester Hills, MI; Requesting Relief from Rental Registration Fee

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 Woiwode.

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

B. Minutes

Trustee Brixie moved to approve and ratify the minutes of the [March 19, 2002 Regular Meeting](#) as [submitted](#). Seconded by Trustee Woiwode.

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

C. Bills

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

General Fund/Special Revenue	\$ 236,795.18
Public Works	\$ 138,352.27
Manual Checks	\$ 110,878.19
<u>Total Checks</u>	<u>\$ 486,025.64</u>
<u>Credit Card Transactions</u>	<u>\$ 10,058.37</u>
Total Purchases	<u>\$ 496,084.01</u>

Seconded by Trustee Woiwode.

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]

D. 1st Quarter Budget Amendments

Trustee Brixie moved that the 2002 Amended Budget as reflected on Page 2 of the memorandum to the Township Board from the Finance Director, dated April 2, 2002 be approved. Seconded by Trustee Woiwode.

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

E. Chapter 115 Cable Communications System Ordinance Amendment Resolution - **Final Adoption**

Trustee Brixie moved THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, the Township Board hereby Finally Adopts Ordinance No. 2002-03, entitled "Ordinance Amending the Code of the Charter Township of Meridian, Michigan, by amending Section 115-4(b)." Seconded by Trustee Woiwode.

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

F. Addition to the Central Fire Station's Exhaust Removal System

Trustee Brixie moved to authorize the Township Manger to expend up to \$5,600.00 from the Fund Balance of the General Fund to retrofit the current vehicle exhaust removal system at the Central Fire Station per Michigan Occupational and Safety Health Act (OSHA) requirements. Seconded by Trustee Woiwode.

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

8. QUESTIONS FOR THE ATTORNEY

Governor's Collection Lawsuit:

Q. Please discuss and clarify the issues related to the Governor's Collection Lawsuit.

A. (See March 12, 2002 Court Filing as read into the record by the Township Attorney). The plaintiff's lawsuit is very specific in the determinations requested of the Judge: Does the Act 425 Agreement comply with the statute controlling this agreement; and does it comply with the Constitution. Everything the Township did with respect to the Act 425 agreement with the city of Lansing is and has been a matter of the public record available for public and judicial review. The

Township is prepared to accept the Judge's determination and any necessary remedy as to whether the agreement has statutory and constitutional compliance. This litigation is not comparable to the highly publicized litigation involving the city of Novi based on the following significant differences: 1) The Township in this case is not seeking to revise any of the provisions of the agreement; 2) The Township does not dispute approval of the agreement; and 3) The Township has not sought to stop the developer in this project and has requested no injunction. The amount (\$10,000,000) of the North American Equities lawsuit against the Township is what draws media attention rather than the merits of the allegations. A basic principle of law is that no one can recover damages for breach of contract unless they can establish that those damages flow from the breach. The Township never entered any contract with North American Equities. The Township disputes North American Equities' claim that it has any rights under the Act 425 agreement. North American Equities claims the agreement requires the Township to defend litigation brought by the citizens. The agreement has no such provisions. North American Equities claims that the Township's lack of defense to the initial lawsuit would cause it to experience damages. North American Equities can not experience damages from the Township's lack of defense, because the Judge's determinations regarding the validity of the agreement do not hinge on the Township's defense of litigation.

Clarification of Litigation at Issue:

- Q. Does the March 12, 2002 Court Filing refer to the litigation filed by the citizens rather than North American Equities?
- A. Correct. The plaintiffs of the initial suit are Meridian Township residents¹ and city of Lansing residents. The residents initiated the lawsuit and complaint. It is this complaint that the Township has not answered.

Clarification of Township Position:

- Q. Is the essential element of the Township position that because the full record of the consideration and approval of the Act 425 agreement is in the public record, there is no reason to incur additional expense in attempting to add to the record?
- A. Correct. This is the most economical position to take in regard to litigation: this is what we have; what we did; and why we did it. The Judge is able to take this record and make a determination as to the validity of the agreement.

Declaratory v Monetary:

- Q: Is the issue of the litigation how the law applies as opposed to a dispute over money?
- A. Correct. The Act 425 statute requires that these agreements contain certain provisions. One of the allegations of the plaintiffs is that these mandatory provisions are not contained in the agreement.

9. HEARINGS

- A. 2002 Order to Maintain Sidewalk Special Assessment District #4
Supervisor McGillicuddy opened the public hearing at 6:26 P.M.

Chief Engineer Ishraidi summarized the proposed public improvement district and informational brochure.

Brad Meteyer, 1147 Cliffdale Drive, Haslett, spoke from a prepared statement objecting to the inclusion of the section of sidewalk before his home in the special assessment district. [Prepared statement in Official Minute Book]

Chief Engineer Ishraidi stated the Project Engineer has met with residents to discuss particular sections of sidewalk and the criteria for replacement, and could do so in this case as well.

Jim Westerlund, 1019 Cliffdale, Haslett, stated his objection to the criteria applied to determine which sections of sidewalk should be replaced.

Chief Engineer Ishraidi stated the criteria for replacement are listed in the Sidewalk Replacement

¹ Amended at the April 16, 2002 Regular Meeting (See Agenda Item #7 (Consent Agenda))

Program brochure. He stated this year, one engineer is evaluating sidewalk damage to ensure greater consistency.

Trustee Woiwode suggested posting the criteria for sidewalk replacement on the Township website.

Clerk Helmbrecht acknowledged receipt of written objections from property owners.
[Communications from Roberta Diebolt, 1010 Cliffdale Drive, Haslett & David Woltz (Board Communication 9A-1)]

Supervisor McGillicuddy closed the public hearing at 6:32 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

A. Zoning Amendment #01080 (Township Board)

Director Kieselbach introduced the zoning amendment for special use permits for drive throughs in C-2 (Commercial, Retail and Business) & C-3 (Commercial, Retail and Business) districts.

Trustee Woiwode moved [and read the resolution into the record] THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, the Township Board hereby Introduces for Publication and Subsequent Adoption Ordinance No. ____, entitled “Ordinance Amending the Code of Meridian Township, Michigan, by Amending Section 82-11.4C.2 and Section 82-11.4C.10; and Deleting Section 82-11.4D.3; and Adding Section 82-11.4E.11, Section 82-11.4E.12, Section 82-11.4E.13, Section 82-11.5E.10, Section 82-11.5E.11, and Section 82-11.5E.12; and Deleting Section 86-8.” Seconded by Trustee Such.

Board Members discussed the following:

- Deleting section 82-11.4D.3 moves it into another section of code to place under special use permit section
- Covers any use requiring drive-in for service including: gas stations, car washes, oil change, etc.
- The zoning amendment raises the level and scope of review for such uses
- Process for adoption of zoning amendment
- Resolution of previously discussed Board concerns
- Planning Commission approval of these special use permits

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

B. Greenway Planning Assistance (See Agenda Item #11B)

Treasurer Hunting moved that the proposal submitted by the Planning and Zoning Center for preparation of a Greenways Plan Work Program be accepted. Seconded by Trustee Brixie.

Board Members discussed the following:

- Development of short- and long-term plans
- Furthers goals of Board

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

Manager Richards reported Mark Wyckoff, President, Planning & Zoning Center, would discuss the creation of a Greenways Advisory Committee, but had yet to arrive as the Board was ahead of

schedule.

Trustee Such moved to postpone discussion of this item until Mark Wyckoff arrives.

VOICE VOTE: Motion carried unanimously.

(See Agenda Item #11B)

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

- A. 2002 Order to Maintain Sidewalk Special Assessment District #4
Manager Richards provided a general overview of the Sidewalk Replacement Program.

Board Members discussed the following:

- Staff attention to resident questions and concerns throughout the process
- Importance of including the "2002 Sidewalk Replacement Program" brochure in the initial notice
- Establishment of neighborhood assessment priorities
- Importance of program in liability management

- B. Rezoning #02010 (Township Board)

Director Kieselbach introduced the request to rezone Approximately 126 Acres from RR (Rural Residential) to RA (Single Family-Medium Density).

Board Members discussed the following:

- May 2000 amendment to the 1993 Comprehensive Development Plan
 - Current zoning categories of subject site and surrounding parcels
 - Uncertainty as to whether the Board's intent was communicated to the Planning Commission
 - Need for consideration of merits for various residential categories
 - Inappropriateness of PO (Professional Office) zoning district for southern portion of site
 - Proposed RA (Single Family-Medium Density) zoning in relation to the Comprehensive Development Plan
 - Smaller lot sizes to provide affordable housing
 - Suitability of residential community in this area
 - Traffic implications of neighborhoods within walking distance to public schools and parks
 - Landscape buffers between Jolly Road and residential
 - Right or ability of eventual developer to vary lot sizes
 - Availability of public utilities
 - Potential developments under a planned unit development (PUD) or planned residential development (PRD)
 - Difficulty of reducing density in comparison to increasing density
 - Resident opposition to PO (Professional Office) uses at this site
 - Need for amendment to Comprehensive Development Plan for this site
 - Impact of PO (Professional Office) on residential properties
 - Consideration of RAA (Single Family-Low Density) zoning
 - Historical zoning of site
 - Division of zoning categories based on 1999 zoning boundaries
 - Consideration of guarantees for development of affordable housing
 - Promotion of single-family and diverse housing
 - Consideration of zoning classification of neighboring properties in Alaiedon Township
- Greenway Planning Assistance (Agenda Item #10B)
Mark Wyckoff, President, Planning & Zoning Center, discussed the two (2) options available for a

Greenways Advisory Committee: 1) A staff composed committee, or 2) An appointed representative composed committee.

Board Members discussed the following:

- Involvement of Boards and Commissions through staff representatives
- Staff participation in expediting process
- Interaction between the Greenways Advisory Committee and the Planning & Zoning Center
- Expected product(s) from the committee
- Manager's role in ensuring communication between staff and appointed bodies
- Importance of imposing Open Meetings Act requirements
- Maintenance of committee meeting minutes

Trustee Such moved that a Greenways Advisory Committee be formed to include the Staff of the various Boards and Commissions involved in the Greenways Project as established by the Township Manager; and that the Advisory Committee conduct regular meetings subject to the Open Meetings Act. Seconded by Clerk Helmbrecht.

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

C. Zoning Amendment #02030 (Township Board)

Director Kieselbach introduced the zoning amendment for occupancy of one- and two-family dwelling units.

Board Members discussed the following:

- Provision of clear enforcement measures
- Joint enforcement with city of East Lansing
- Consideration of city of East Lansing Rental Housing Ordinance
- Possible adoption of property management standards from international codes

Trustee Woiwode declared herself to be a landlord and requested the Board determine whether she should recuse herself out of a potential conflict of interest; despite seeing no benefit to herself from this zoning amendment. She requested to have an opinion from the Township Attorney before the Board votes on the zoning amendment.

The Board consensus was that Trustee Woiwode had no conflict of interest in consideration of this zoning amendment. [There were no assertions of a conflict of interest.]

Board Members discussed the following:

- Enforcement of family/occupancy standards v behavioral standards
- Definition of "functional family"

D. Haslett Road Improvement Project

Manager Richards summarized discussions with and response from the Ingham County Road Commission Design Engineer regarding the project and incorporation of features from the 1998 charrette.

Board Members discussed the following:

- No guarantee of project completion
- Federal funding dictated construction standards
- Incorporation of bike lanes
- Parking on both sides of the road
- Potential installation of median(s) at Township expense
- High maintenance associated with brick walkways

- Streetscape improvements on Cedar Street south of Holt Road
- Exploration of increasing the right-of-way at the northwest corner of School Street & Haslett Road to accommodate a median
- Safety issue of maintenance of median plantings
- Failure of Ingham County Road Commission charrette participants to cite federal construction standards in project design
- Opportunity for public comment at the Ingham County Road Commission's public hearing
- Breakdown of project costs to better consider Township participation options
- Safety improvements through traffic control measures and aesthetic design

12. VISION SESSION/ENDS: Amendments to the Board Policy Manual
Supervisor McGillicuddy opened discussion on proposed amendments to Section 3.3 Board Members Code of Conduct.

Board Members discussed the following:

- Consideration of amendment at March 23, 2002 Board meeting
- Potential harm associated with comments made regarding pending litigation

Supervisor McGillicuddy opened discussion on revised agenda format.

Board Members discussed the following

- Need for a word with less ominous connotations than the word "worries"
- Notice of posting of full Board Policy Manual on the Township website

13. PUBLIC REMARKS
Supervisor McGillicuddy opened Public Remarks.

Jerry Swartz, 335 Chimney Oaks Drive, Okemos, spoke in opposition to Zoning Amendment #02030 (Township Board).

Supervisor McGillicuddy closed Public Remarks.

14. POSSIBLE CLOSED SESSION
Trustee Brixie moved that the Township Board go into closed session for the purpose of discussing strategy related to negotiation of collective bargaining agreements. Seconded by Trustee Woiwode.

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 8:25 P.M.

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

Treasurer Hunting moved to return to open session. Seconded by Trustee Woiwode.

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 9:10 P.M.

15 ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:10 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Paul J. Cassidy, Secretary