

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **REAPPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, MAY 7, 2002, **6:00 P.M.**

PRESENT: Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Stier, Such, Woiwode
ABSENT: Supervisor McGillicuddy
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development
Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief
Gary Gibbons, EMS/Fire Chief Fred Cowper, Attorney Mike Woodworth

1. CALL MEETING TO ORDER

Clerk Helmbrecht called the meeting to order at 6:03 P.M.

A. Appointment of Supervisor Pro Tem.

Treasurer Hunting nominated Trustee Stier to serve as Supervisor Pro Tem. Seconded by Trustee Such.

VOICE VOTE: Motion carried 6-0.

B. Citizen Recognition and Award Presentation (None)

C. Introduction of New EMS/Fire Fighter - Jason Hillard
Chief Cowper introduced New EMS/Fire Fighter Jason Hillard.

2. PLEDGE OF ALLEGIANCE

EMS/Fire Fighter Jason Hillard led the pledge of allegiance.

3. ROLL CALL

Supervisor Pro Tem Stier called the roll of the Board.

4. PUBLIC REMARKS*

Supervisor Pro Tem Stier opened Public Remarks.

Hugh Clark, 109 W. Michigan Ave, Suite 1025, Lansing, introduced himself as a candidate for Circuit Court Judge.

Pete Woiwode, 5088 Powell Road, Okemos, spoke in opposition to the paving of Powell Road.

Nate Woiwode, 5088 Powell Road, Okemos, spoke in opposition to the paving of Powell Road.

John Anderson, 215 W. Newman Road, Okemos, spoke in opposition to Rezoning #02010 (Township Board).

David Woltz, 2418 Graystone Drive, Okemos, spoke in opposition to Rezoning #02010 (Township Board).

Supervisor Pro Tem Stier closed Public Remarks.

5. REPORTS/BOARD COMMENT (See Agenda Item #13 (Public Remarks))

Trustee Such reported the next Library Task Force Meeting is scheduled for Wednesday, May 15, 2002 in the Town Hall Room at 5:30 P.M.

Trustee Such reported he intends to file as a candidate to run for the 11th District County Commission seat.

Treasurer Hunting stated for the record that the new water rates went into effect January 1, 2002; and anything billed after the effective date included the new rates, which by practical necessity would have included meter readings done in December.

6. APPROVAL OF AGENDA — OR CHANGES

Trustee Brixie moved to add Agenda Item #10D (Request for Planning Commission Action on Rezoning #02020 (Township Board)). Seconded by Treasurer Hunting.

VOICE VOTE: Motion carried 6-0.

Trustee Such moved to amend the agenda by moving Agenda Item #7G (Resolution to Authorize a Petition to the ICDC^Δ for Watershed Management Plan) to #11F. Seconded by Trustee Woiwode.

VOICE VOTE: Motion carried 6-0.

Trustee Such moved to approve the agenda as amended. Seconded by Clerk Helmbrecht.

Trustee Woiwode offered an amendment to the motion to further amend the agenda by moving Agenda Item #7E (Support for Bridge Replacements on Van Atta and Hagadorn Roads) to #10E. Amendment accepted by the maker and seconder.

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA

Supervisor Pro Tem Stier reviewed the proposed consent agenda:

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

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor Pro Tem Stier
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Deliberation (**)

- 10A-1 Thomas C. Hacker, Vice President, BriarWood Realty, 3695 Okemos Road, Okemos; RE: Support for Rezoning #02010 (Township Board)
- 10A-2 William R. Wahl, 2123 University Place Drive, Suite 100, Okemos; RE: Support for Rezoning #02010 (Township Board)
- 10A-3 Dan C. Wertz, Superintendent, Okemos Public Schools, 4406 N. Okemos Road, Okemos; RE: Support for Rezoning #02010 (Township Board)
- 10A-4 Eleanor V. Luecke, President, L.I.N.C.; RE: Support for Postponement of Rezoning #02010 (Township Board)
- 10A-5 William R. Wahl, 2123 University Place Drive, Suite 100, Okemos; RE: Support for Rezoning #02010 (Township Board)
- 10B-1 Christine Goodrick Beavers, 5125 E. Brookfield Dr., East Lansing; RE: Support for Zoning Amendment #02030 (Township Board)
- 10B-2 Molly Wingrove, 2649 Melville Drive, East Lansing; RE: Support for Zoning Amendment #02030 (Township Board)
- 10C-1 Cindy Edwards, 5533 Earliglow Lane, Haslett; RE: Support for Preliminary Plat #02012 (DDSG)

^Δ Ingham County Drain Commissioner

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, MAY 7, 2002 *REAPPROVED*

- 10C-2 David Vietti, 5566 Strawberry Lane, Haslett; RE: Support for Preliminary Plat #02012 (DDSG)
- 10C-3 Joyce Van Coevering, 5530 Strawberry Lane, Haslett; RE: Support for Preliminary Plat #02012 (DDSG)
- 10C-4 Mike & Jennifer Gardner, 375 Piper Road, Haslett; RE: Opposition to Preliminary Plat #02012 (DDSG)
- 10C-5 Mark & Nancy Twichell, 5548 Strawberry Lane, Haslett; RE: Support for Preliminary Plat #02012 (DDSG)
- 10C-6 Eleanor V. Luecke, President, L.I.N.C.; RE: Support for Planning Commission Recommendation for Preliminary Plat #02012 (DDSG)
- 10C-7 Nancy Twichell, 5548 Strawberry Lane, Haslett; RE: Support for Preliminary Plat #02012 (DDSG)
- 10C-8 Bruce & Cindy Edwards, 5533 Earliglow Lane, Haslett; Nancy Twichell, 5548 Strawberry Lane, Haslett; RE: Support for Preliminary Plat #02012 (DDSG)
- 10C-9 Susan K. Wright & Michelle Kopcha, 460 Piper Road, Haslett; RE: Opposition to Preliminary Plat #02012 (DDSG)
- 11C-1 Eleanor V. Luecke, President, L.I.N.C.; RE: Support for PUD Ordinance Amendment to Allow a PUD in RAAA & RRA zoning

(2). Board Information (BI)

- BI-1 Environmental Commission; RE: Recommendation for Appointment to the Environmental Commission
- BI-2 Eleanor V. Luecke, President, L.I.N.C.; RE: Opposition to Rezoning #02040 (Rysberg)
- BI-3 James G. Coyle, 2205 Raby Road, East Lansing; RE: Protestation of Increase in Rental Registration Fees
- BI-4 Robert Wasserman, 2796 Buglers Way, East Lansing; RE: Appreciation to Board
- BI-5 William N. Roeser, 3839 Windy Heights Drive, Okemos; RE: Intent to Represent the Taxpayers' Interest
- BI-6 Juan Arellano, 2170 Seminole Drive, Okemos; RE: April 24, 2002 New York Times Article "Property Rights Movement Dealt Blow by Justices" by Linda Greenhouse
- BI-7 Robert Bunker, 2348 Sapphire Lane, East Lansing; RE: Opposition to Rezoning #02040 (Rysberg)
- BI-8 2001 Annual Report for Haslett Branch Library
- BI-9 Thomas Page, Chair, Lake Lansing Advisory Committee; RE: Minimization of Chemical Herbicides in Lake Lansing
- BI-10 Friends of Historic Meridian Spring 2002 Newsletter "The Gatekeeper"
- BI-11 Claudia Doolen, 2420 Emerald Forest Circle, East Lansing; RE: Opposition to Rezoning #02040 (Rysberg)

(3) Regional Linkage (RL)

- RL-1 John W. Midgley, P.E., Managing Director, Ingham County Road Commission; RE: Summer Hours of Operation
- RL-2 Eric Schertzing, Ingham County Treasurer; RE: Statement of County Treasurer in Compliance with MCLA 211.203(3), MSA 7.63(3)

(4). Staff Communication/Referral (SC)

- SC-1 Michigan Townships Association Legislative Fax, April 12, 2002 Edition
- SC-2 Michigan Townships Association Legislative Fax, April 19, 2002 Edition
- SC-3 Michigan Townships Association Legislative Fax, April 26, 2002 Edition

Trustee Such 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 Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor Pro Tem Stier
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

B. Minutes - April 16, 2002, Regular Meeting

Trustee Such moved to approve and ratify the minutes of the April 16, 2002 Regular Meeting as submitted. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor Pro Tem Stier
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

C. Bills

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

| | |
|---------------------------------|-----------------------|
| General Fund/Special Revenue | \$ 844,450.83 |
| Public Works | \$ 195,722.08 |
| <u>Total Checks</u> | <u>\$1,040,172.91</u> |
| | |
| <u>Credit Card Transactions</u> | <u>\$ 20,868.05</u> |
| Total Purchases | <u>\$1,061,040.96</u> |

Seconded by Trustee Brixie.

[Bill list in Official Minute Book]

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor Pro Tem Stier
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

D. Outdoor Gathering Permit - Burcham Hills Midway Carnival

Trustee Such moved that the Township Board approve the outdoor assembly license for the Burcham Hills Retirement Community for Children's Carnival Rides and Games on June 4 to June 9, 2002. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor Pro Tem Stier
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

F. Independence Day Fireworks Sponsorship

Trustee Such moved to commit financially for one year only, to provide back-up funding for the 2002 Meridian Fireworks Celebration, to cover costs not supported by corporate contributions. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor Pro Tem Stier
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

H. Resolution Authorizing a Petition for Locating, Establishing & Constructing a Drain (Snell)

Trustee Such moved to approve the Resolution authorizing the Township Supervisor and the Township Clerk to execute and submit a petition to the Ingham County Drain Commissioner

to locate, establish and construct the Snell Drain. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor Pro Tem Stier
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

- I. Resolution Authorizing a Petition for the Maintenance & Improvement of a County Drain (Towar)
Trustee Such moved to approve the Resolution authorizing the Township Supervisor and the Township Clerk to execute and submit a petition to the Ingham County Drain Commissioner to consolidate and provide maintenance and improvements to the Towar drains. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor Pro Tem Stier
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

8. QUESTIONS FOR THE ATTORNEY (See Agenda Items #10A., 11A., &11F.)
9. HEARINGS (None)
10. ACTION ITEMS

Supervisor Pro Tem Stier opened public comment.

David Martell, Director of Finance, Haslett Public Schools, and Resident at 5577 Canoga Lane, Haslett, spoke in support of Preliminary Plat #02012 (DDSG).

Joan Guy, 1083 Woodside Drive, Haslett, spoke in opposition to Rezoning #02010 (Township Board).

John Anderson, 215 W. Newman Road, Okemos, spoke in opposition to Rezoning #02010 (Township Board)

Sam Bird, 630 Piper Road, Haslett, spoke as the applicant in support preliminary plat # (DDSG)

Eleanor V. Luecke, President, L.I.N.C., spoke in opposition to Rezoning #02010 (Township Board)

Dan Medrano, 5536 Strawberry Lane, Haslett, spoke in support of Preliminary Plat #02012 (DDSG).

Michelle Kopcha, 460 Piper Road, Haslett, spoke in opposition to Preliminary Plat #02012 (DDSG).

Supervisor Pro Tem Stier closed public comment.

- A. Rezoning #02010 (Township Board), Request to rezone Approximately 126 Acres from RR (Rural Residential) to RA (Single Family-Medium Density) - **Introduction**

Director Kieselbach introduced the proposed rezoning.

Board Members discussed the following:

- Traffic calculations at the Jolly and Okemos Roads intersection
- Traffic calculations at the Hagadorn and Jolly Roads intersection
- Completed and proposed improvements to Jolly Road
- Proposed Hulett and Bennett Roads roundabout
- Provision under the PUD Ordinance for three percent (3%) of total land area for C-1 (Commercial, Retail and Business) use
- The current PUD Ordinance has never been used for commercial development ~~of~~ or apartments

Communication 10A-5 (Wahl): (Agenda Item #8 (Questions for the Attorney))

Q. What is the significance of Addendum No. 1 as provided in the communication?

- A. Although the Addendum is provided, the actual agreement is not provided. Although the Addendum purports to impose restrictions to only residential development of the subject site, the Board can not rely on this agreement, as it is one between private individuals. Anyone who purchased property in the area may have a right to enforce the deed restriction, but there are no documents or offers of any covenant to the Township to permit Township enforcement of any deed restrictions.

Board Members discussed the following:

- Potential for 3000 additional vehicle trips per day in the area
- Need for assurance of residential development
- Rezoning done out of context with no offsetting decrease in density elsewhere
- Potential for development under the PUD Ordinance
- Redevelopment as a greater opportunity for affordable housing than new development
- Need for resolution of existing traffic problems in the area before adding more traffic
- C-1 (Commercial, Retail and Business) use possible under the PUD approval process rather than a use by right.

Trustee Brixie moved to take the resolution to approve off the table [See April 16, 2002 Agenda Item #10B]. Seconded by Trustee Such.

VOICE VOTE: Motion carried 5-1 (Woiwode)

Board Members discussed the following:

- Need for single-family housing rather than multiple-family housing
- Deed restriction to single-family housing as a good-faith effort
- Board control of zoning vs. housing prices
- Potential increase in traffic and development from a new interchange off I-96
- Concern related to commercial development exists for all residential categories except RR (Rural Residential)
- Need for balanced consideration of costs and benefits
- Relative definition of "traffic congestion"
- Relative definition of "affordable housing"
- Value of adjacent schools, recreation facilities, and existing infrastructure
- Inappropriateness of RR (Rural Residential) zoning
- Inappropriateness of previous rezoning subsequently reversed through referendum
- Value of consideration of the proposed rezoning

ADOPTION OF RESOLUTION FOR INTRODUCTION

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

NAYS: Supervisor Pro Tem Stier

Motion carried 5-1.

Trustee Woiwode stated her intent to reconsider the matter at the next meeting.

- B. Zoning Amendment #02030 (Township Board), Occupancy of One and Two Family Dwelling Units - **Final Adoption**

Trustee Woiwode declared an interest in the proposed amendments as the owner of a rental unit.

Trustee Brixie moved to recuse Trustee Woiwode. Seconded by Trustee Such.

VOICE VOTE: Motion carried 6-0.

[Trustee Woiwode left the room at 7:37 P.M.]

Director Kieselbach introduced the proposed zoning amendment.

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. 2002-05, entitled “Ordinance Amending the Code of Meridian Township, Michigan, by Amending Section 81-1.8 Definitions of Family and Functional Family and Adding Definition of Unrelated Persons and Amending Section 82-2.2a.12, Section 82-6.4i, Section 82-7.2b, Section 82-8A.4 and Section 82-8D, and Deleting Section 82-2.3n.”** Seconded by Clerk Helmbrecht.

VOICE VOTE: Motion carried 5-0.

[Trustee Woiwode entered the room at 7:34 P.M.]

- C. Preliminary Plat #02012 (DDSG, LLC) - Strawberry Farms Phase III
Director Kieselbach introduced the preliminary plat for consideration.

Clerk Helmbrecht moved [and read the resolution into the record] **THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, that the request for preliminary plat approval for a single-family subdivision of 33 lots commonly known as Bird Strawberry Farm Estates No. 3, located north of Piper Road and east of Van Atta Road, is hereby granted with the following conditions.**

1. Approval is granted in accordance with the revised Preliminary Plat dated March 22, 2002, prepared by Stephens Consulting Services, P.C., indicating thirty-three (33) single-family lots, subject to revisions as required.
2. Final utility plans shall be subject to the approval of the Director of Public Works & Engineering and shall be completed in accordance with Township Engineering Design and Construction Standards.
3. An overall grading plan for the subdivision shall be required with detailed construction plans, prior to issuance of any building permits. The elevation of each lot corner shall be indicated on the plan.
4. Storm sewer leads shall be provided to each lot in the subdivision. The final location of the lead shall be subject to the approval of the Director of Public Works & Engineering. All residences constructed in the subdivision shall be connected to the leads.
5. Street trees shall be required throughout the subdivision. Species and location of the trees shall be subject to the approval of the Director of Community Planning & Development and the Ingham County Road Commission.
6. Final street names shall be subject to the review and approval of the Ingham County Road Commission and the Township.
7. A five- (5) foot wide concrete sidewalk shall be constructed along both sides of all streets within the subdivision.
8. The Planning Commission hereby grants a variance from Section 101-4.52 of the Township’s Subdivision Regulations for the minimum block length of Emily Lane between Strawberry Lane and Earliglow Lane to be less than 500 feet because the road was designed to be consistent with the existing portions of these roads.
9. 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 & Development. Should a permit be required from the Michigan Department of Environmental Quality, no grading or construction work shall be conducted until the permit is final and un-appealable at the MDEQ.
10. Prior to construction activities, including grading, erosion control fencing shall be installed along the perimeter at the upland edge of the required water features setback,

subject to the review approval of the Ingham County Drain Commissioner's office and the Township.

11. Prior to issuance of a grading permit for Lots 79 through 82 and Lots 90 through 95 written certification shall be provided to the Township that no grading or construction work will take place in the regulated wetland(s) as well as the required setbacks. Upon completion of the dwellings on Lots 79 through 82 and Lots 90 through 95, a similar as-built certification shall be provided to the Township.
12. If determined necessary by the Director of Public Works & Engineering and the Ingham County Road Commission, edge drains shall be installed along streets within the subdivision.
13. To limit vehicle conflicts and wear and tear on internal subdivision streets, construction traffic related to the installation of the infrastructure shall ingress and egress the site only from Piper Road, unless otherwise approved by the Department of Community Planning & Development.
14. A copy of the information that exists on computer for the plat and construction plans shall be provided to the Township Engineering staff in an Auto Cad compatible format.
15. Any wellhead shall be properly closed and abandoned per the requirements of the Ingham County Health Department and the Township, prior to the issuance of any permit for construction activity, including grading permits.
16. The subdivision covenants and restrictions shall be corrected to indicate correct authority over the regulated wetlands and ownership/maintenance of the private park.

Seconded by Trustee Brixie.

Board Members discussed the following:

- Appropriateness of Environmental Commission Recommendations for conditions on a preliminary plat
- Possible restriction on when road construction may occur to protect Blanding's Turtles during migration
- Construction timeline through Final Plat approval

Trustee Woiwode offered an amendment to add condition number 17 "Allow the Environmental Commission to continue studying the population of turtles on site including ongoing impacts that have not been anticipated herein, but may need accommodation as construction proceeds."

Amendment not accepted by the maker or seconder.

Board Members discussed the following:

- Condition preliminary plat approval on the presentment of further reports and recommendations from the Environmental Commission prior to final plat approval.
- Potential transformation of the Environmental Commission from an advisory body to a regulatory body

Trustee Brixie as the seconder amended the motion to add condition number 17 "Submit plat to the Environmental Commission for a report prior to final plat approval."

Amendment accepted by the seconder maker.

Board Members discussed the following:

- Condition number 17 as a declaration of a community interest in protecting Blanding's Turtles
- Likelihood of Blanding's Turtles on the subject site
- Timeline for construction of irrigation ponds

Trustee Brixie as the seconder amended the motion to add condition number 18 "Slope the banks on the 'irrigation ponds' to create a greater littoral zone/shelf to increase habitat

diversity for the benefit of more species. Work on the banks should be timed for the period between October-April when the turtles are more likely to be in their dormant state."

Amendment not accepted by the seconder maker.

Board Members discussed the following:

- Township reviews after preliminary approval

Trustee Brixie as the seconder amended the motion to amend condition number 17 "Submit plat to the Environmental Commission for a report prior to final plat approval, and ask that the Departments of Public Works and Engineering and Community Planning and Development to work with the developer to incorporate the recommendations of the Environmental Commission's Report dated May 2, 2002 into the plat."

Amendment accepted by the seconder maker.

Attorney Woodworth called a point of information to request the applicant or the applicant's representative to affirm on the record the acceptability of the amended condition.

Robert A. Homan, 2176 Hamilton Road, Okemos, representing the applicant, affirmed the acceptability of condition number 17.

Board Members discussed the following:

- Construction of traffic calming measures in the plat to address cut-through concerns
- Jurisdiction and processes for installation of traffic calming measures

Trustee Woiwode stated for the record that traffic calming measures would be desirable in an area with lots of children and the potential for cut-through traffic.

Board Members discussed the following:

- Traffic calming measures as a neighborhood matter
- Traffic-calming measures in existing vs. new subdivisions
- Difficulty in anticipating problems and the appropriate traffic control measures
- Potential consideration of inclusion of the subdivision into the Piper Road Paving Special Assessment District

ADOPTION OF AMENDED RESOLUTION TO APPROVE

VOICE VOTE: Motion carried 6-0.

- D. Request for Planning Commission Action on Rezoning #02020 (Township Board)
Trustee Brixie summarized the Planning Commission's deliberation and tabling of the proposed rezoning.

Trustee Brixie moved that the Township Board formally request that the Planning Commission make a decision on this rezoning . Seconded by Treasurer Hunting.

Board Members discussed the following:

- Need for a resolution to send to the Planning Commission.
- Significant reduction in zoning from Industrial to low-density residential
- Consideration of the owner's wishes in deliberation on the rezoning
- Previous consideration of rezoning pending surrounding development
- Concerns related to the conversion of the currently conforming industrial use into a non-conforming use through rezoning
- Need to avoid an indefinite delay
- Inappropriateness of I (Industrial) zoning of site
- Significant changes to area from construction of Bennett Woods School
- Potential for Board discussion with property owner

Trustee Brixie called the question.

VOICE VOTE: Motion carried 4-2 (Such, Helmbrecht).

- E. Support for Bridge Replacements on Van Atta and Hagadorn Roads
Manager Richards introduced the proposed bridge projects.

Board Members discussed the following:

- Need for preliminary plans before stating support for the project
- Need for protection of Van Atta Road cottonwood trees
- Timeline for the Ingham County Road Commission's grant application
- Impact of the Van Atta Road Bridge project on the Van Atta Task Force's deliberations

Trustee Such moved to postpone the matter until the next Regular Meeting of the Township Board; and urge all Board Members to provide any input to the Township Manager to provide a draft letter for Board consideration. Seconded by Trustee Brixie.

Trustee Such amended the motion to direct staff to provide information on the requirements for bridge design before Board Action. Amendment accepted by the seconder.

VOICE VOTE: Motion carried 6-0.

Supervisor Pro Tem Stier recessed the meeting at 8:27 P.M.
Supervisor Pro Tem Stier reconvened the meeting at 8:43 P.M.

11. DISCUSSION ITEMS

Supervisor Pro Tem Stier opened public comment.

Tom Woiwode, 5088 Powell Road, Okemos, spoke in opposition to the paving of Powell Road.

Commissioner Carole Wilcox, representing the Planning Commission, spoke in support of an editor for the Comprehensive Development Plan.

Eleanor V. Luecke, President, L.I.N.C., spoke in support of amending the proposed Planned Unit Development Ordinance Amendments.

Jo Anderson, 215 W. Newman, Okemos, spoke in opposition to the paving of Powell Road.

Supervisor Pro Tem Stier closed public comment.

- A. Street Paving Special Assessment Districts
- (1) Michael Street - Public Road Improvement District #33
 - (2) Montrose - Public Road Improvement District #34
 - (3) Powell Road - Public Road Improvement District #35

Trustee Woiwode declared an interest in the paving of Powell Road as a resident.

Trustee Brixie moved to recuse Trustee Woiwode. Seconded by Clerk Helmbrecht.

VOICE VOTE: Motion carried 6-0.

[Trustee Woiwode left the room at 8:51 P.M.]

Manager Richards introduced the discussion as a matter of policy and procedure rather than consideration of the individual petitions.

Director Severy summarized the process and possible criteria for the resurfacing of paved streets, and the paving of unpaved roads.

Board Members discussed the following:

- Staff recommendations for consideration of petitions
- Weighting of the different criteria
- Previous paving financial incentive to leverage road funds

Board Involvement in Determining Paving of Roads: (Agenda Item #8 (Questions for the Attorney))

Q. Does the Board have input in determining whether to pave a road, regardless of who is paying for the paving of the road?

A. There are two approaches under the statute:

- 1) Bypass the Township and file a petition with the Road Commission. Under this process, the Road Commission can make a determination as to whether or not to do the road improvements; and can determine whether a portion of those improvements would be assessed against the Township. There is a twenty-five percent (25%) limit in the assessment to the Township under this process. It is possible the twenty-five percent (25%) past practice originated through this statutory provision?
- 2) File a petition through the Township for a determination, as has been done for the three (3) petitions to be considered. Given the statute the petitions were filed under, it is stated several times: "if the Township desires to proceed with those improvements." The standards to apply are not specified in determining whether there is a desire to pursue the requested project. Staff is developing the standards for consideration of such requests.

Board Members discussed the following:

- Assumption of Township consultation if a petition is filed at the Ingham County Road Commission
- Previous consideration of a Road Millage Proposal in 2000 to address a significant road work backlog

Ability to Consider Numbers of Property Owners: (Agenda Item #8 (Questions for the Attorney))

Q. Why is the Board permitted to consider the percent of property owners signing the petition in addition to the percentage of street frontage represented?

A. There is no prohibition on any factor for consideration. One thing the Board could consider is the relative demand by the users of that road. It would be possible to weight this item differently than public safety considerations such as the presence of line-of-sight restrictions. This is unlike plat approvals and review with specific statutory criteria.

Board Members discussed the following:

- Value of considering policies and processes before addressing specific projects
- Need for more appropriate descriptions of agenda items

[Trustee Woiwode entered the room at 9:09 P.M.]

- B. Lake Lansing Watershed Special Assessment District, Request to Extend Time
Tom Paige, Chair, Lake Lansing Advisory Committee, summarized the need for the renewal of the Lake Lansing Watershed Special Assessment District and possible future and continuing roles for the Advisory Committee to play.

Board Members discussed the following:

- Participation and support level of residents within the district
- Process for renewal of the special assessment district
- Success of the Advisory Committee
- Concern related to long term continuity of effort

- C. Planned Unit Development (PUD) Ordinance Amendment to Allow a PUD in RAAA & RRA Zoning Districts

Director Kieselbach introduced the proposed ordinance amendment.

Board Members discussed the following:

- Amendment to address an oversight in the ordinance
- Consideration of statutory requirements for clustered development
- Advisability of proposed density bonuses
- Need for consideration of PUD's in RR (Rural Residential) zoning
- Need for an attorney's opinion providing guidance on how to handle an application under the current ordinances for such zoning

Need for Clarity in the Code of Ordinances: (Agenda Item #8 (Questions for the Attorney))

Q. What is the necessity of the proposed ordinance?

A. It is recommended that the ordinance be amended to clarify the language. The Planned Residential Development (PRD) Ordinance is a model for clarity in comparison to the PUD Ordinance. The conflict between the text statement that a PUD is "allowed in all residential districts except RR (Rural Residential)" and the absence of the new zoning categories in the density chart, provides an opening to a legal challenge. It is advisable to clarify the language to make it more easily defensible.

Board Members discussed the following:

- Need for special consideration or requirements for a possible RR (Rural Residential) clustered development ordinance
- Need for action on this amendment

D. Rental Housing Code Amendments

Trustee Woiwode declared an interest in the proposed amendments as the owner of a rental unit.

Trustee Brixie moved to recuse Trustee Woiwode. Seconded by Treasurer Hunting.

VOICE VOTE: Motion carried 6-0.

[Trustee Woiwode left the room at 9:34 P.M.]

Director Kieselbach introduced the proposed amendments.

Board Members discussed the following:

- Incorporation of the rental codes from East Lansing and other municipalities'
- Need for a public hearing on the proposed amendments
- Value of single-family residents and quality rental facilities
- Number of owners of rental housing
- Notification process
- Value of provisions for exceptions

[Trustee Woiwode entered the room at 9:47 P.M.]

E. Comprehensive Development Plan Editing

Director Kieselbach introduced the proposal for Comprehensive Development Plan editing.

Board Members discussed the following:

- Cost estimates and available funds
- Use of the FOG Index
- Consistency with Board policies
- Unavailability of a cost estimate for contracted editing as distinct from complete development of the Comprehensive Development Plan
- Importance of readability of the Comprehensive Development Plan

F. Resolution to Authorize a Petition to the ICDC for Watershed Management Plan

Manager Richards introduced the proposed resolution and the concern related to the potential for the creation of and undetermined financial commitment.

Potential Undetermined Financial Commitment: (Agenda Item #8 (Questions for the Attorney))

Q. What are the potential financial risks of the proposed resolution and petition?

- A. The Drain Code is a confusing area of law. The previous actions tonight establish a "Snell Drainage District" and the consolidation of portions of Towar area drains through the Ingham County Drain Commissioner. The Remy-Chandler Drain is an inter-county drain involving the Michigan Department of Agriculture, the Clinton County Drain Commissioner, and the Ingham County Drain Commissioner. The "Charter Township of Meridian Petition to Maintain and Improve an Intercounty Drain" does two (2) things:
- 1) In Paragraph 2, it petitions for an improvement project as necessary for the public health, safety and welfare to the Remy-Chandler Inter-County Drainage Board.
 - 2) In Paragraph 3, it petitions for a watershed management study. The Township can not just petition for a watershed management study unless it is connected to an improvement project.

The combination of these two (2) things creates a potential problem if the project is determined to be "necessary." If the project were determined to be necessary, the Drainage Board would determine the extent and scope of the project. There is almost no recourse to limit the discretion of the Drainage Board and accordingly the potential expense. The Director of Engineering advised that it would be the intent of the Township to pay for this as an at-large expense. The intent of the Manager is to pay for the watershed management study as an at-large expense but not an improvement project of indeterminate scope and cost.

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

Q. What are the available options?

- A. Not very many. The Township is moving toward establishing, improving and consolidating drains in the Towar area. The Remy-Chandler is a critical part of these projects as the Remy-Chandler is the outlet for these drains. If the intent does not include the acceptance of the assessment for the entire project as an at-large expense for the watershed, it is necessary to be careful about what is included in the resolution and petition.

Options for a Watershed Management Study: (Agenda Item #8 (Questions for the Attorney))

Q. Are there other options available under state law for the development of a watershed management study?

- A. A watershed management study could be developed independently of the Drain Code. The intent of the proposed resolution and petition was to have the study performed under the auspices of the code.

Board Members discussed the following:

- Provision for multiple units of government to cooperate on the development of a single watershed management plan
- Availability of federal funds for the implementation of the completed watershed management plan
- Consideration of implementation as a separate step by the Greater Lansing Regional NPDES Phase II Storm Water Regulations Committee
- Rescission of other municipalities' approvals of similar petitions to provide for payment through a special assessment
- Deletion of the Grand River and Red Cedar River from the watershed management plan
- Need for additional research before proceeding
- Parallel to problems with the establishment or improvement of a county drain

12. VISION SESSION: (None)

13. PUBLIC REMARKS

Supervisor Pro Tem Stier opened Public Remarks.

John Anderson, 215 W. Newman Road, Okemos, spoke in opposition to Rezoning #02010 (Township Board).

Supervisor Pro Tem Stier closed Public Remarks.

Supervisor Pro Tem Stier opened Board Comment.

Trustee Such stated his appreciation to the members of the Environmental Commission for their service and apologized if any offense was taken by his earlier comments.

Clerk Helmbrecht stated her appreciation to the members of the Environmental Commission for their service and apologized if any offense was taken by her earlier comments.

Supervisor Pro Tem Stier thanked the residents who offered comment, Township staff, and the Members of the Board.

Supervisor Pro Tem Stier closed Board Comment.

14 ADJOURNMENT

Supervisor Pro Tem Stier adjourned the meeting at 10:08 P.M.

STEVE STIER
SUPERVISOR PRO TEM.

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Paul J. Cassidy, Secretary