

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
853-4000, Town Hall Room  
TUESDAY, February 6, 2007, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such (7:55 P.M.), Veenstra  
ABSENT: Trustee Woiwode  
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief Dave Hall, EMS/Fire Chief Fred Cowper, Attorney Andria Ditschman

1. CALL MEETING TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Supervisor McGillicuddy led the Pledge of Allegiance.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Joe Sheahan, 6150 Columbia, Haslett, spoke in opposition to Rezoning #06040 (Wolenburg/Lawrence).

Tim McCarthy, 6076 Columbia, Haslett, suggested the Board address a keyhole development ordinance to eliminate a recurring issue which "threatens" Lake Lansing.

Charles Henderson, 6349 E. Reynolds Road, Haslett, spoke in opposition to Rezoning #06040 (Wolenburg/Lawrence).

Robert Fishel, Consumers Energy, 530 West Willow Street, Lansing, spoke in opposition to the Outdoor Lighting Ordinance as currently drafted. He offered assistance on the technical explanation language contained in the draft.

Fred Buehler, 1448 W. Grand River, Okemos, spoke to the proposed development of approximately 100 acres in the northeast corner of the Township and problems associated with the Red Cedar River.

Ghulam Sumbal, 2143 White Owl Way, spoke in support of the Appeal of SUP #06021 (Sumbal).

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Treasurer Hunting reminded citizens that taxes are due February 14, 2007 at 5:00 P.M. There will be a one percent (1%) interest charge from February 15, 2007 until February 28, 2007.

Manager Richards announced the Elected Officials Compensation Commission (EOCC) public hearing scheduled for February 7<sup>th</sup> at 6:00 P.M. has been cancelled.

6. APPROVAL OF AGENDA — OR CHANGES

**Trustee Brixie moved to approve the agenda amended as follows:**

- **Add Agenda Item #10G: Resolution Appointing Applicable Elected Representative for Burcham Hills Retirement Center II EDC Project Series 2007 Bonds**

**Seconded by Clerk Helmbrecht.**

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ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Supervisor McGillicuddy, Clerk  
Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

**Trustee Brixie moved to adopt the Consent Agenda as amended. Seconded by Clerk Helmbrecht.**

The adopted Consent Agenda items are as follow:

A. Communications

1). Board Determination (BD)

- 10C-1 Patricia York, 4622 Okemos Road, Okemos; RE: Denial of Appeal of SUP #06021 (Sumbal)
- 10C-2 Leslie Adams, 2337 Hamilton Road, Okemos; RE: Denial of Appeal of SUP #06021 (Sumbal)
- 10C-3 Patrick Lindemann, Ingham County Drain Commissioner, PO Box 220, Mason; RE: SUP #06021 (Sumbal)
- 10C-4 Mike and Kris Garrette, Sr., 2032 Lagoon Drive, Okemos; RE: Appeal of SUP #06021 (Sumbal)
- 10D-1 Robert E. Hollenshead, President, Lake Lansing Property Owners Association, 6068 Columbia Street, Haslett; RE: Opposition to Rezoning #06040 (Wolenberg/Lawrence)
- 10D-2 Walter Degriuyter, 6170 Columbia Street, Haslett; RE: Opposition to Rezoning #06040 (Wolenberg/Lawrence)
- 10D-3 Robert Pozel, 109 Lugar de Oro, Santa Fe, NM; RE: Opposition to Rezoning #06040 (Wolenberg/Lawrence)
- 10D-4 Pamela Tynning, Water Resources Department, Progressive AE, 1811 4 Mile Road, NE, Grand Rapids; RE: Opposition to Rezoning #06040 (Wolenberg/Lawrence)
- 10D-5 Form letter in opposition to Rezoning #06040 (Wolenberg/Lawrence) from the following residents:
  - Jayne and David Henderson, 6295 Quail Street, Haslett
  - Helen Shipley, 6369 W. Reynolds Road, Haslett
  - Ronald and Patricia Farhat, 6308 Lake Drive, Haslett
  - Tim McCarthy, 6076 Columbia, Haslett
  - Stephen and Cynthia Glover, 6322 Lake Drive, Haslett
  - George and Nancy Petroff, 6393 W. Reynolds, Haslett
  - Ronald and Cathleen Rowe, 6247 E. Lake Drive, Haslett
  - Eric and Carolyn Eggenberger, 6036 E. Lake Drive, Haslett
  - Susan Russick, 6265 E. Lake Drive, Haslett
  - Karen Reiff and Mark Strolle, 6174 Columbia, Haslett
  - Ed and Carolyn Tobin, 6117 Cottage Drive, Haslett
  - Sandra Draggoo, 6154 Columbia Street, Haslett
  - Frank and Nancy Kelley, 6354 Lake Drive, Haslett
  - Charles Steinfield, 6265 E. Lake Drive, Haslett
  - Annette and Richard Dille, 6329 Milenz Street, Haslett
  - Sue and Mike Johnston, 6325 Quail Street, Haslett
  - Angela Rojas-Dedenbach, 6343 Quail Street, Haslett
  - Andrew and Summer Ferreri, 6363 E. Reynolds Road, Haslett
  - Mark and Rebecca Davis, 6138 Columbia Street, Haslett
  - Christopher Recktenwald, 6074 Columbia, Haslett
  - Thomas and Diane Wanagat, 6297 W. Reynolds Road, Haslett
  - Otto and Marcia Stockmeyer, 1352 Hickory Island Drive, Haslett

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Howard Soldan II, 6309 Quail Street, Haslett  
James and Christine Pollack, 1380 Hickory Island Drive, Haslett  
Randal and Fumiyo Young, 6338 Lake Drive, Haslett  
C. Robert Moore, 6129 Cottage Drive, Haslett  
Charles and Jean Wallin, 6225 East Lake Drive, Haslett  
Barbara Knutson and Laurence Simson, 6304 Lake Drive, Haslett  
Barbara Bursian, 6157 Oak Park Trail, Haslett  
Randy and Cheryl Riemer, 6321 Quail Street, Haslett  
Yvonne S. Brown, 6300 Lake Drive, Haslett  
Martin and Jayne Johnson, 6126 Columbia Street, Haslett  
Ernest Pasteur, 6215 E. Lake Drive, Haslett  
Charles and Mary Henderson, 6349 E. Reynolds Road, Haslett

- 10D-6 Joseph W. Sheahan, 6150 Columbia Street, Haslett; RE: Opposition to Rezoning #06040 (Wolenberg/Lawrence)
- 10E-1 Tim Hill, 2695 Taos Circle, Okemos; RE: Opposition to Rezoning #99020 (Forsberg)
- 11B-1 Walt Goff, 2347 Sapphire Lane, East Lansing; RE: Opposition to the Tree Protection Ordinance
- 11B-2 Frank J. Hatfield, 1578 Sylvan Glen Road, Okemos; RE: Tree Protection Ordinance
- 11B-3 Donald and Dolores Baron, 1156 Tihart Road, Okemos; RE: Opposition to the Tree Protection Ordinance
- 11B-4 Winifred Olds, 2041 Osage Drive, Okemos; RE: Opposition to the Tree Protection Ordinance

(2). Board Information (BI)

- BI-1 Rita Peffers, 4932 Sioux Way, Okemos; RE: Traffic concerns on Grand River Avenue
- BI-2 Douglas O. Showers, HDI Builders, 4217 Okemos Road, Okemos; RE: Quit Claim Deed for Public Walkway in Woodside Estates
- BI-3 Michael Brewster, 1639 Lake Drive, Apt. 84, Haslett; RE: Sidewalk snow removal

(3). Regional Linkage (RL)

- RL-1 Ingham County Road Commission, 301 Bush Street, Mason; RE: Dead Animal Disposal Policy Draft

(4). Staff Communication/Referral (SC)

- SC-1 Michigan Townships Association Legislative E-Report, January 12, 2007 Edition
- SC-2 Michigan Townships Association Legislative E-Report, January 19, 2007 Edition

(5). On File in the Clerk's Office (OF)

Materials received at the January 16, 2007 Board Meeting  
Kenneth B. Stockwell, President, Stockwell Real Estate Group, 4277 Okemos Road, Okemos; RE: Rezoning #99020 (Forsberg)  
Dennis Forsberg, TA Forsberg, Inc., 2422 Jolly Road, Okemos; Signed petitions from residents on Kansas Street in support of Rezoning #99020

**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 Clerk Helmbrecht.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

B. Minutes

**Trustee Brixie moved to approve and ratify the minutes of the January 13, 2007 Regular Meeting as **submitted**. Seconded by Clerk Helmbrecht.**

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

NAYS: None

Motion carried 5-0.

**Trustee Brixie moved to approve and ratify the minutes of the January 16, 2007 Regular Meeting as **amended**. Seconded by Clerk Helmbrecht.**

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

NAYS: None

Motion carried 5-0.

C. Bills

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

Common Cash	\$ 403,455.88
Public Works	\$ 41,302.61
Total Checks	\$ 444,758.49
Credit Card Transactions	\$ 31,951.56
Total Purchases	<u>\$ 476,710.05</u>
ACH Payments	<u>\$ 466,466.24</u>

**Seconded by Clerk Helmbrecht.**

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

NAYS: None

Motion carried 5-0.

[Bill list in Official Minute Book]

D. Amendments to the Board Policy Manual

**Trustee Brixie moved approval of amendments to the Board Policy Manual, discussed and developed at the Board Policy Governance Workshop held on January 13, 2007, as described in a memorandum from the Township Manager dated February 2, 2007. Seconded by Clerk Helmbrecht.**

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

NAYS: None

Motion carried 5-0.

E. Appointments to Board/Commissions

**Trustee Brixie moved that the Township Board approve the appointment of Christine M. Hammond to the Board of Review for a term to expire December 31, 2008, and Lynn Ochberg as the Planning Commission representative to the Zoning Board of Appeals for a term to expire December 31, 2007. Seconded by Clerk Helmbrecht.**

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

NAYS: None

Motion carried 5-0.

- F. City of East Lansing Request to Acquire Road Right-of-Way for Widening of Abbott Road  
**Trustee Brixie moved that the west fifty (50) feet of parcel number 33-02-02-06-151-017 be conveyed by Quit Claim Deed to the City of East Lansing for road right-of-way purposes and that township officials be authorized to sign the deed. Seconded by Clerk Helmbrecht.**

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

NAYS: None

Motion carried 5-0.

- G. Okemos Preserve Streetlighting SAD, **Resolution #1** (Set Public Hearing Date, March 6, 2007)  
**Trustee Brixie moved to approve the Okemos Preserve Streetlighting Special Assessment District-Resolution #1, tentatively declaring its intention to install and maintain thirty (30) streetlights and defray the cost of installation, operation and maintenance by special assessment against the 100 benefiting lots and setting a public hearing for March 6, 2007. Seconded by Clerk Helmbrecht.**

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

NAYS: None

Motion carried 5-0.

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item # 10C)

- Q. Several of the homeowners here are addressing possible keyhole problems on Lake Lansing and, though our ordinance doesn't make any specifications to keyhole developments, what could we do about..... you and I had talked about private marinas not being defined in the ordinance. Do you have any suggestions on what we might do regarding preventing a keyhole type development that could have multiple docks or a huge dock with many, many boats attached to it?

- A. If I understand you correctly, you are saying that without an ordinance being enacted, correct? You could enact an anti-funneling or keyhole ordinance. Without an ordinance, there are all kinds of cases out there dealing with these issues. There are several cases that deal with the issue of the use being inconsistent with other uses in that area, so really relying on the zoning ordinance and what is an allowed use in that zoning ordinance. If the type of use you are talking about is not consistent with the other uses there, that may be another way to limit or prohibit some type of use that would be inappropriate. It would depend upon the facts of the situation, though.

- Q. So whether or not the individual would be able to go and just put a dock in, we would need to find out if they need permits for that; to put in a huge dock or anything like that?

- A. My understanding is that permits are required from MDEQ to put in a dock; however, as far as leaving a boat there, I don't know.

COMMENT BY DIRECTOR KIESELBACH: If it's the dock issue, if it serves a condominium project, or a multiple family project where there is going to be more than one or two boats, then they require a permit and the MDEQ says that, in their terminology, it establishes a marina. Under our ordinance, the only place we address or allow for marinas is commercial recreation zoning.

- Q. So it would be prohibited, otherwise?

- A. Correct.

9. HEARINGS (None)

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Larry Schneider, Knaggs, Harter, Brake and Schneider, 6295 Skyline Drive, East Lansing and representative for TA Forsberg, Inc., spoke in support of Rezoning #99020 (Forsberg).

Dennis Forsberg, 1126 Bonanza Drive, Okemos, spoke in support of Rezoning #99020 (Forsberg).

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Ann Alchin, 2227 Hamilton Road, Okemos, showed photographs of the “power” of the Red Cedar River.

John Anderson, 215 W. Newman, Okemos, urged the Board to deny SUP #06021 (Sumbal) and Rezoning #06040 (Wolenburg/Lawrence).

Ghulam Sumbal, 2143 White Owl Way, Okemos, spoke to his proposed project for SUP #06021 as a domestic project.

Supervisor McGillicuddy closed public comment.

- A. 2006 Order to Maintain Sidewalks, **Resolution #5**  
**Trustee Brixie moved to approve the 2006 Order to Maintain Sidewalk Special Assessment District No. 8-Resolution No. 5, which approves the special assessment roll, designates the project as “2006 Order to Maintain Sidewalk Special Assessment District No. 8 Special Assessment Roll”, and the district as the “2006 Order to Maintain Sidewalk Special Assessment District No. 8”; adopts the amount of \$9,051.06 as the final amount for the assessment roll; and orders and directs the assessment roll to be paid and collected. Seconded by Clerk Helmbrecht.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

- B. Saginaw Street Sanitary Sewer SAD #51, **Resolution #3**  
**Trustee Brixie moved to approve Saginaw Street Sanitary Sewer Special Assessment District #51, Resolution #3, which approves the construction of 8” sanitary sewer from existing main northeast of Pine Hollow Drive across Saginaw Street (BL I-69 or M-78) approximately 160’ and then approximately 390’ southwest, in Section 4, Meridian Township; and to defray the cost thereof by special assessment against the properties specially benefited thereby; approves the plans and estimate of cost in the amount of \$70,000; declares the petition sufficient; determines the special assessment district; and directs the Supervisor to make a special assessment roll and affix a certificate to the completed special assessment roll. Seconded by Clerk Helmbrecht.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

- C. Appeal of SUP #06021 (Sumbal), a request to excavate 7,026 cubic yards of fill from the floodplain of the Red Cedar River and place approximately 4,559 cubic yards of fill within the floodway fringe of the Red Cedar River to develop Gulburg Estates subdivision

Board members and staff discussed the following:

- Standard SUP review criteria may not have been used by the Planning Commission in this case
- Review by the Township’s consultant contained in Wetland and Coastal Resources letter
- Review by Spicer Engineering Group
- Additional standards for land in the conservancy district which is an overlay district

Special Use Permit Criteria: (Questions for the Attorney (See Agenda Item #8)

Q. Isn’t it a requirement for the Planning Commission to use our standard SUP language? I did see the conservancy items, but not the standard SUP items being addressed. Is that a problem that we don’t have that information, Andria?

A. What the Board needs to do in making its decision on this appeal is make sure that there’s an answer to the criteria, that the criteria have been addressed and either the request meets the criteria or it doesn’t. So, if the Board determines that it needs more information in order to make that decision, it can request whatever consultant or whomever you have information from

that it be submitted, or if they feel that the Planning Commission is in the best position to address specific criteria, they can ask the Planning Commission to do that. But, one way or another, the Board has to have some indication as to whether the criteria is met or not met in order to make a decision.

**Trustee Brixie moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby denies the appeal and affirms the Planning Commission's denial of Special Use Permit #06021. Seconded by Trustee Such.**

Continued Board and staff discussion:

- Denial of the SUP is consistent with review criteria
- Public belief that the project will be economically detrimental to nearby residents if flooding occurs
- No precedent for cut in the floodway and fill in the floodway fringe
- Property can be developed without the cut and corresponding fill
- Water level of the 1975 flood covered the back portion of this property
- Necessity of a legally defensible position to affirm the Planning Commission denial
- Deference to expert opinion that this proposal would not exacerbate the problems of the water flow
- Alternate site design could eliminate need for fill
- Applicant's engineers studied the watershed immediately upstream of the proposed development and determined the one hundred year flood elevation upstream would drop slightly
- Correction to the FEMA map due to updated technology
- Development would have no impact on the flood elevation
- Change in the flood elevation the result of a correction in the map
- Approval of the cut without the fill would have no impact
- Cut compared to the storage volume of the river upstream of the Okemos Road Bridge is negligible
- Land Division Act allows no platted lot(s) in the floodplain
- Common area and open space could be part of the floodplain
- Deadline for the tentative preliminary plat which accompanies the SUP
- Proposal is "wholesale" abuse of the floodplain
- Project is not consistent with the Township's land use policy
- Project will have an adverse impact on the natural resources of the Township
- Project will be detrimental to the economic welfare of the properties

Required Votes for Passage: (Questions for the Attorney (See Agenda Item #8)

Q. The vote on this resolution to affirm would require four (4) votes, is that correct? So, we have to have a majority of the Board.

A. That is correct, to deny or affirm.

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Supervisor McGillicuddy,  
Clerk Helmbrecht

NAYS: Trustee Such, Treasurer Hunting  
Motion carried 4-2.

- D. Rezoning #06040 (Wolenberg/Lawrence), request to rezone approximately 3.25 acres located on the north side of East Lake Drive and north and west of Milenz Street in Section 2 of the Township from RA (Single Family-Medium Density) to RD (Multiple Family-Low Density) from RDD (Multiple Family-Medium Density)

**Trustee Such moved to table this item until the issue of keyhole development is resolved.**

**The motion died for lack of support.**

**Treasurer Hunting 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. 2007-01, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #06040” RA (Single Family-Medium Density) to RB (Single Family-High Density) conditioned on: the site being developed as a planned unit development, submittal of a planned unit development application within one year after the rezoning, commencement of construction within one year after the planned unit development is approved, and reversion to RA (Single Family-Medium Density) zoning if the planned unit development is not approved within one year after the rezoning is approved.**

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

Board members discussed the following:

- Property as zoned would allow for four (4) access points onto Lake Drive
- More pervious surface is preserved through this project than if developed as currently zoned
- This proposal is the best choice for preservation of the environment
- Planning Commission denial
- Property could be developed as a PUD under current zoning
- More pervious surface if developed as currently zoned with a PUD
- Possible pathway linkage of this development to the adjacent park system
- Neighborhood participation in the remainder of the project
- RB PUD will provide greater flexibility for protection of the natural features
- Request for developer to meet with neighbors during the PUD process

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

- E. Rezoning #99020 (Forsberg), a request to rezone approximately 4.24 acres from RR (Rural Residential) to PO (Professional and Office) north of Jolly Road and west of Jolly Oak Road  
**Trustee Such moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION Ordinance No. \_\_\_\_\_, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #99020 from RR (Rural Residential) to PO (Professional Office).”**

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

**Treasurer Hunting moved to strike “conditioned on no future access to Kansas Street from the subject site” in the second WHEREAS clause.**

**Seconded by Trustee Veenstra.**

**Treasurer Hunting withdrew his motion.**

Board members discussed the following:

- Desire not to tie the hands of a future Board regarding access to Kansas Street
- No community need demonstrated by the applicant
- Rezoning criteria has not been met
- The pond as an attractive water feature

- Applicant interest in tying his project into the pathway system to the north
- Applicant willingness to work with Coyote Creek residents regarding drainage problems
- Subject property designated as PO on the Township's Master Plan for many years
- Kansas Street and Indiana not built to Ingham County Road Commission (ICRC) standards

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

F. Emerald Lakes, Units in the Floodplain

**Trustee Brixie moved [and read into the record] NOW, THEREFORE, THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN RESOLVES as follows:**

1. **The buildings located upon the properties shown in the attached Exhibit A and described in attached Exhibit B are hereby declared to be nonconforming uses and nonconforming structures, subject to the requirements of Section 16 of the Township Zoning Act, as amended, MCLA 125.286, as well as the provisions of Sections 86-616, 86-617, 86-618, 86-619, 86-620, and 86-621 of the Code of Ordinances of the Charter Township of Meridian, pertaining to the use, alteration, expansion, enlargement, extension, reconstruction, change of use, or modernization of nonconforming uses and nonconforming structures.**
2. **The Township Clerk and the Director of Community Planning and Development are hereby directed to file this Resolution in their offices in such a manner as to achieve compliance with all requirements pertaining to nonconforming uses and structures.**
3. **All prior resolutions or parts of resolutions are repealed to the extent that they are inconsistent herewith.**

**Seconded by Trustee Such.**

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

G. Resolution Appointing Applicable Elected Representative for Burcham Hills Retirement Center II EDC Project Series 2007 Bonds

**Clerk Helmbrecht moved that the Township Board approve the Resolution Appointing Applicable Elected Representative for Burcham Hills Retirement Center II EDC Project Series 2007 Bonds. Seconded by Trustee Brixie.**

Board members discussed the following:

- Burcham Hills Retirement Corporation's bonds issued through the Meridian EDC
- Refinancing of Burcham Hills current bond debt and improvements to the existing facility require this Board action, similar to Township Board action in 1996
- Fee associated with this action provides revenue to the Meridian EDC
- Majority of the new bonds will be to refinance the existing debt

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

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Bill Rumsey, 6361 E. Reynolds, Haslett, spoke in opposition to the Tree Protection Ordinance.

Dennis Forsberg, 1126 Bonanza Drive, Okemos, expressed concern regarding landowners whose trees are stricken with disease relative to the Tree Protection Ordinance.

Supervisor McGillicuddy closed public comment.

A. Outdoor Lighting Ordinance

Director Kieselbach summarized the draft Outdoor Lighting Ordinance as outlined in staff memorandum dated February 2, 2007.

Board members and staff discussed the following:

- Consumers Energy concern with technical definition of cutoff
- Increase in lumens/per acre by the consultant contained in Table I
- Initial total lumens/per acre calculated by staff
- Section 6(f) – remove language “if requested by the Township Board”
- Request for consultant to address Board questions and concerns at the next Board meeting
- Request for written or verbal comments from Consumers Energy
- Staff calculations of sites previously measured with old lumens/per acre to ascertain compliance under the current draft ordinance

**The consensus of the Board was to place this item on for action at the February 20, 2007 Board meeting.**

B. Tree Protection Ordinance

Director Kieselbach summarized the draft Tree Protection Ordinance as outlined in staff memorandum dated February 2, 2007.

Board members discussed the following:

- Original intent of the Board with this ordinance was to protect large woodlots from being clear cut prior to construction
- Township staff determination of a nuisance tree
- Suggestion for residential dwelling exemption of 200 feet in place of 100 feet
- Clarification of “digging in the root zone”
- Infringement on citizens’ property rights
- Obtain Environmental Commission and Planning Commission comment on the draft ordinance
- Possible exemption of residents’ homes from this ordinance
- One hundred foot measurement from the home will exempt most residences within the Township
- Application of the ordinance only to areas that are consistent with the Township’s Greenspace Plan

**The consensus of the Board was to place this item on for discussion at the March 6, 2007 Board meeting.**

12. PUBLIC REMARKS

Supervisor McGillicuddy opened and closed Public Remarks.

13. POSSIBLE CLOSED SESSION

**Trustee Brixie moved that the Township Board go into closed session to discuss the purchase of real property. Seconded by Trustee Such.**

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

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

**Trustee Such moved to return to open session. Seconded by Trustee Brixie.**

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

**Trustee Such moved to go forward as discussed in closed session. Seconded by Trustee Brixie.**

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

14 ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:31P.M.

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SUSAN MCGILLICUDDY  
TOWNSHIP SUPERVISOR

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MARY M. G. HELMBRECHT  
TOWNSHIP CLERK

Sandra K. Otto, Secretary