

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, SEPTEMBER 3, 2002, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Stier, Such, Woiwode (6:05 P.M.)
ABSENT: None
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief Gary Gibbons, Director of Finance Diana Hasse, Director of Parks & Recreation LuAnn Maisner, Attorney Mike Woodworth

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:03 P.M.

2. PLEDGE OF ALLEGIANCE

Supervisor McGillicuddy introduced William Rieske to lead the Pledge of Allegiance.

William Rieske, 2130 Belding Court, Okemos, led the Pledge of Allegiance.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

[Trustee Woiwode entered 6:05 P.M.]

4. PUBLIC REMARKS

A. Meridian Senior Center Update

Supervisor McGillicuddy opened the floor to William Rieske, Meridian Senior Center.

William Rieske, Vice President, Meridian Senior Center Advisory Board, introduced Meridian Senior Center Board Member Sam Cryderman.

Sam Cryderman, 2190 Seminole Dr, Okemos, discussed Meridian Senior Center Tuesday and Thursday nights' event schedule.

Karen Hertel, 3896 Hemmingway, Okemos, discussed the importance of the Meridian Senior Center exercise and health programs.

Mr. Rieske discussed the volunteer services provided by members of the Meridian Senior Center and steps taken to increase revenue.

B. Other

Supervisor McGillicuddy opened Public Remarks.

Katherine Guins, 4496 Dobie Road, Okemos, spoke in support of the staff of the Meridian Senior Center.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Treasurer Hunting reported the summer tax deadline is Monday, September 16, 2002 at 5:00 P.M.

Treasurer Hunting thanked those in attendance for supporting the millage proposal.

6. APPROVAL OF AGENDA — OR CHANGES

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

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

Board Members discussed the following:

- Process for Township acquisition of property

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

NAYS: None

Motion carried unanimously.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Information (BI)

- BI-1 Eleanor V. Luecke, President, L.I.N.C.; RE: Importance of Amending the Planned Unit Development (PUD) Ordinance
- BI-2 Eleanor V. Luecke, President, L.I.N.C.; RE: Request for Amendment to July 16, 2002 Approved Board Minutes
- BI-3 David Molenaar, 1520 Ramblewood Drive, Suite 102, East Lansing; RE: Internet PAL System
- BI-4 Michael Reynolds, 4095 Wharf, Okemos; RE: Request for Traffic Signal at Dobie and Hatch Road Intersection
- BI-5 Eleanor V. Luecke, President, L.I.N.C.; RE: Rezoning #02080 (Eyde)
- BI-6 Tony Schmidt Rentals, 7220 E. Saginaw, East Lansing; RE: Request for Waiver of Rental Registration Fee
- BI-7 Clark Berry, 2066 Lac Du Mont, Haslett; RE: Article: "Restoration Drama:, The Economist, August 10, 2002 Edition, Page 65-66
- BI-8 Julie A. Wendt, Director, Licensing Division, MI Liquor Control Commission; RE: Rescission of May 1, 2002 Denial Order For Request ID # 170389 (Rite Aid of MI, Inc.)
- BI-9 Charles Louis Willems, 1387 Hickory Island, Haslett; RE: Deed(s) with Apparent Failure of Description to Close

(2) Regional Linkage (RL)

- RL-1 Notice of Public Meetings to Review the Regional Transportation Planning Process

(3). Staff Communication/Referral (SC)

- SC-1 James K. Delaney, VP, Human Resources, Jacobson Stores Inc., 3333 Sargent Rd, Jackson; RE: Meridian Store Closing
- SC-2 Michigan Townships Association Legislative Fax, August 23, 2002 Edition
- SC-3 Governor's Collection Information

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, Stier, Such, Woiwode,
Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

B. Minutes - August 20, 2002

Trustee Brixie moved to approve and ratify the minutes of the August 20, 2002 Regular Meeting as submitted. 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. Bills

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

General Fund/Special Revenue	\$ 277,726.19
Public Works	\$180,143.52
Total Checks	\$ 457,869.71
Credit Card Transactions	\$ 11,234.94
Total Purchases	<u>\$ 469,104.65</u>

Seconded by Clerk Helmbrecht.

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. MERS Representative

Trustee Brixie moved to designate the Personnel Director/Assistant Township Manager as the Officer Delegate and the Personnel Specialist as the Alternate Delegate to the MERS Annual Conference. Seconded by Clerk Helmbrecht.

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

E. Appointment to the East Lansing-Meridian Water & Sewer Authority

Trustee Brixie moved to appoint Bradley B. Brogren, P.E., as a Representative to the East Lansing-Meridian Water & Sewer Authority to fill the remainder of a three- (3) year term ending June 30, 2003. Seconded by Clerk Helmbrecht.

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

F. Appeal of CR #02013 (Jakovac) - Appellant Request for Postponement

Trustee Brixie moved with respect to the Appeal of Commission Review #02013 (Jakovac), that the Applicant's second request to reschedule this matter be granted subject to the following conditions: (1) that the Applicant will submit any additional materials he has to support his approval request by not later than September 17, 2002, and; (2) that this matter will not be scheduled for public hearing prior to the Board's regular meeting of October 15, 2002. Seconded by Clerk Helmbrecht.

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

- G. Purchase of Park Property (See Agenda Item #11)
Trustee Brixie moved to approve the purchase of Lot 102 in Cedar Bend Heights for the purpose of a park in the amount of \$40,000 funded by Park Millage. Seconded by Clerk Helmbrecht.

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

- H. Budget Amendment - Capital Item Purchase
Trustee Brixie moved to approve the purchase of a large vibratory plate compactor in lieu of an asphalt hot mix box, and to reduce the 2002 Public Works Capital Outlay Budget by \$2,000. Seconded by Clerk Helmbrecht.

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 (See Agenda Item #11)

- Draft Lighting Ordinance (Agenda Item #11C)

Lighting Ordinance Requirement for Installation of Lower Wattage Bulbs

- Q. May the Township require or encourage the replacement of burned out bulbs with a more conforming wattage bulb without requiring the replacement of the non-conforming fixtures?
- A. Section 129-9b. has been specifically reviewed according to the previous Board discussion. The section has no prohibition on the replacement of equivalent non-conforming lamps. An amendment to 129-9a. could include a provision such that: "nothing contained in this section shall prohibit the replacement of lamps with lamps of lower wattage and lumen output." It is not simply a matter of lower wattage, the interest is in the lumen output. The important understanding for the user, is that once a lower wattage bulb is installed, strict enforcement of the ordinance would prohibit reversion to the higher wattage/lumen bulb.

Provision for Lighting Experimentation: (Agenda Item #8 (Questions for the Attorney))

- Q. If the interest is to encourage voluntary conformance, should there be a provision to permit the return to the original non-conforming lighting.
- A. One difficulty, is in the enforcement. It is unlikely Township staff has the time and resources to inspect lamps for lower lumens. If a property owner desired to experiment with lower lumens it is unlikely the Township would know, provided the lighting does not cross the base line. The other concern is, that at some point it almost becomes practically unenforceable unless full time staff is added to enforce the lighting ordinance.

Primary Enforcement:

- Q. Would the primary enforcement of the ordinance be on a complaint basis?
- A. Yes.

Inducements to Voluntary Compliance:

- Q. Would there be an appropriate place in the ordinance to initiate some benefit to encourage voluntary compliance?
- A. The Township may want to initiate a process to provide consultation on how a legally non-conforming lighting use may be reduced to conserve energy and cost. It is not recommended to add such a provision to the enforcement section of the ordinance as it may weaken enforceability.

Time Period for Discontinuance of Use:

- Q. Does Section 129-9c. provide for the experimentation with lower lighting for a period not to exceed six (6) months?
- A. The intent of this subsection is to address a lighting system for a defunct business, which is not returned to service by a new user within six (6) months. After the time frame for discontinuance, a new user would be required to become conforming. The intent of the subsection was not to permit the experimentation with lighting for a continuing operational system. This provision may be subject to challenge in terms of whether six (6) months could be viewed as a reasonable time for a system to be out of service before losing its non-conforming status. However, it could be successfully defended.

9. HEARINGS

A. Local Law Enforcement Block Grant (LLEBG)

Supervisor McGillicuddy opened the public hearing at 6:37 P.M.

Chief Gibbons introduced the proposed expenditures for the Local Law Enforcement Block Grant Fund.

Treasurer Hunting detailed the grant amount for the public.

Supervisor McGillicuddy closed the public hearing at 6:38 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

- A. Rezoning #02020 (Township Board), Proposed Rezoning of Approximately 115 Acres North of Bennett Road and South of the CSX Railroad Tracks from I (Industrial) to RAAA (Single Family-Low Density) - **Final Adoption**

Treasurer Hunting 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 Finally Adopts Ordinance No. 2002-10, entitled “Ordinance Amending the Code of Zoning District Map of Meridian Township Pursuant to Rezoning Petition #02020” rezoning from I (Industrial) to RAAA (Single Family-Low Density). Seconded by Trustee Brixie.

Board Members discussed the following:

- Appropriateness of rezoning to area
- Input of property owner on rezoning

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

NAYS: None

Motion carried unanimously.

- B. Limitation on Rezoning Requests - Initiate Zoning Amendment

Director Kieselbach introduced the proposed zoning amendment.

Trustee Brixie moved to initiate an amendment to Section 81-3.1 of the Code of Ordinances of the Charter Township of Meridian to limit the number of rezoning requests on a parcel to no more than one (1) rezoning request within a one- (1) year time period. Staff is instructed to prepare the necessary language for the amendment and to present the amendment to the Planning Commission for a public hearing. Seconded by Trustee Woiwode.

Board Members discussed the following:

- Improvements to draft language
- Need for amendment
- Proactive approach
- Protection from potential drain on staff time

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

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

• Purchase of Park Property (Agenda Item #7G.):

Attorney Woodworth noted the Board would need to reconsider Agenda Item #7G. (Purchase of Park Property) to provide for a Planning Commission Section 9 review in accordance with the Municipal Planning Act. He noted the Board might need to grant Section 9 approval if the Planning Commission disapproves the purchase of the property. He proposed the following motion: "Motion to approve the purchase of Lot 102 in Cedar Bend Heights for the purpose of a park in the amount of \$40,000 funded by Park Millage, conditioned upon the approval of the location, character and extent of that property pursuant to Section 9 of the Municipal Planning Act."

Trustee Woiwode moved to reconsider Board Action approving the purchase of Lot 102 in Cedar Bend Heights. Seconded by Trustee Such.

Schedule for Consideration of the Purchase of Property: (Agenda Item #8 (Questions for the Attorney))

- Q. Is there a time limit for the Planning Commission to act before the Board may act, and may the Board ask the Commission to act sooner.
- A. The Planning Commission would be acting under the a sixty- (60) day "Must Act Provision." The matter would be submitted to the Planning Commission as a result of the proposed motion. The Board may ask the Planning Commission to act sooner, with a minimum of fifteen (15) days to provide for proper notice.

Further Board Action on the Purchase of Property: (Agenda Item #8 (Questions for the Attorney))

- Q. Would the Board need to approve the purchase following the Planning Commission's approval?
- A. No. The only reason the matter would return to the Board is if the Planning Commission disapproves the purchase. The Board's motion, once approved, would already provide authorization for the purchase of the property.

Section 9 Review: (Agenda Item #8 (Questions for the Attorney))

- Q. Does the Planning Commission need to approve the purchase as an amendment to the Comprehensive Development Plan; and how does the Board's approval authority fit into this process?
- A. Yes. The purchase of property falls under Section 9 of the Municipal Planning Act as is written, which calls for those decisions to go through the Planning Commission first.

Motion to Reconsider:

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

Trustee Brixie moved to approve the purchase of Lot 102 in Cedar Bend Heights for the purpose of a park in the amount of \$40,000 funded by Park Millage, conditioned upon the approval of the location, character and extent of that property pursuant to Section 9 of the Municipal Planning Act. Seconded by Trustee Woiwode.

Specification of Response Time: (Agenda Item #8 (Questions for the Attorney))

- Q. May the Board specify a time for the Planning Commission to act?
- A. Yes. The Planning Commission must act within sixty (60) days by statute. The Board may ask the Commission to act at the first possible meeting.

Board Members discussed the following:

- Ability of the Planning Commission to act the same night as the public hearing

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

NAYS: None

Motion carried unanimously.

A. 2003 Budget (Draft) - Introduction

Manager Richards requested the Board consider the time required for consideration of the budget (See following Agenda Item 11C.). He introduced the proposed 2003 budget and Director Hasse.

Director Hasse summarized the proposed 2003 Budget.

Board Members discussed the following:

- Improved organization of budget
- Budget meeting schedule
- Staff reductions through attrition
- Reduction of vehicle fleet
- Encapsulation of budget data through charts and graphs
- Incentives for cost controls and operational efficiencies

B. Millage Request for November 2002 Ballot - (Revisit August 20th Action)

Supervisor McGillicuddy opened discussion on possible reconsideration of the millage language on the November 2002 ballot.

The Board concurred to keep the ballot proposal as originally approved.¹

C. Draft Lighting Ordinance (See Agenda Item #8 (Questions for the Attorney))

Director Kieselbach introduced the draft Lighting Ordinance.

Board Members discussed the following:

- Impact of lumen restrictions on type and number of lights used
 - Current site plan review restrictions on lighting
 - Balance of area lighting
 - Meridian Mall lighting
 - Identification of examples of conforming lighting
 - Requirements for timer-limited lighting of signs and parking lots
 - Exclusion of temporary seasonal decorative lighting
 - Function of Non-zoning ordinances in controlling activities vs. land use
 - Determination of "whenever practicable"
 - Clarity of language to simplify determination of conforming lighting
 - Use of motion detectors for off-hour lighting
 - Public safety lighting considerations
- Amendment to Board Meeting Schedule
Trustee Such moved to delete September 10, 2002 from the Regular Township Board Meeting Schedule. Seconded by Trustee Woiwode.

VOICE VOTE: Motion carried unanimously.

Supervisor McGillicuddy recessed the meeting at 7:55 P.M.

Supervisor McGillicuddy reconvened the meeting at 8:13 P.M.

¹ See August 20, 2002 Regular Meeting Minutes Agenda Item #10F. (Millage Request for November 2002 Ballot)

12. VISION SESSION/ENDS: Steve Hayward: Township-Wide Traffic Impact Analysis
Supervisor McGillicuddy introduced Steve Hayward and Tamara Czewski from HNTB.

Tamara Czewski, Traffic Engineer, HNTB, presented information on corridor studies.

Board Members discussed the following:

- Potential study of Okemos Road corridor
- Public involvement in corridor studies
- Impact of curb-cuts on traffic flow
- Need for proactive vs. reactive tools and concepts
- Efficient travel within vs. through the community
- Impact of land use in traffic volumes and flow
- Regional cooperation in traffic studies and controls
- Measurement of emergency response times
- Jurisdictional authority over Jackson National site
- MDOT access management study

13. PUBLIC REMARKS (None)

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 8:52 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Paul J. Cassidy, Secretary