

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
853-4000, Town Hall Room  
TUESDAY, JULY 15, 2008, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such (6:11 PM), Veenstra (6:01 pm), Woiwode  
ABSENT: None  
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief Dave Hall, Assistant Manager/ Personnel Director Paul Brake, Director of Finance Diana Hasse, Attorney Michael Woodworth

1. CALL MEETING TO ORDER  
Supervisor McGillicuddy called the meeting to order at 6:01 P.M.
2. PLEDGE OF ALLEGIANCE  
Supervisor McGillicuddy led the Pledge of Allegiance.
3. ROLL CALL  
Supervisor McGillicuddy called the roll of the Board.

Supervisor McGillicuddy announced that more than 20% of the noticed residents submitted a written protest of the Burcham Drive Resurfacing Special Assessment District and, because of that, she will be removing this item from the agenda and it will not be discussed tonight.

Sufficient percentage of written protest to the special assessment: (See Agenda Item #8 (Questions for the Attorney))

Q. Mike, would you please, for the record?

A. Yes, I will confirm, the Township has received opposition in excess of 20% of the [lineal foot frontage owned by] residents in that area. According to state law, we are not to proceed until an adequate petition, which would require 50% of those people along the lineal footage, comes forward. Absent that development and certainly for tonight's purposes, the law seems to be pretty clear that we are not to proceed on that project.

4. PUBLIC REMARKS  
Supervisor McGillicuddy opened Public Remarks.

Bruce Walker, 5940 Shaw Street, Haslett, spoke in opposition to Zoning Amendment #07050 as proposed.

Ganesh Reddy, 3614 Ponderosa Drive, Okemos, spoke in opposition to the Township initiated special assessments for road resurfacing and suggested allowing residents up to one week after the public hearing to voice their support or opposition. He also spoke in opposition to Zoning Amendment #07050, stating the Board should only fix the problem at hand and not interfere with personal property owners' rights.

Steve Schmidt, 1021 Wild Ginger Trail, Haslett, expressed appreciation for the Township's participation in the financial support of Ingham County's Lake Lansing North Park Grant.

Supervisor McGillicuddy reiterated that the Burcham Drive Resurfacing Special Assessment District #39 agenda item will be removed from tonight's agenda

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Clerk Helmbrecht announced absentee ballots were mailed out last week. She reminded residents that August 5<sup>th</sup> is a primary election and, as such, the option exists to vote either in the Republican or Democrat Primary, but not to cross party lines for a vote to be valid.

A. Presentation by Friends of Historic Meridian

Jane Rose, Executive Director, Meridian Historical Village, outlined a project the Friends of Historic Meridian are undertaking. The mission of the Friends is to rescue, relocate and restore historic buildings from the Meridian Township area. The one building the historical village is missing is a village church in which to conduct weddings. She indicated any village from the 19<sup>th</sup> century would have included a church building, and the Friends of Historic Meridian have been searching for thirty four (34) years to procure one.

Ms. Rose indicated the “Friends” recently found plans and descriptions of the original Okemos Methodist Episcopal Church constructed in 1870 which was located at the corner of Okemos Road and Methodist Street. She indicated a replica of the old white church will cost approximately \$250,000 and, while considerable money has been raised, there is a need for additional funding to meet the goal.

Ms. Rose noted that a church building in the village would increase the ability to attract more weddings, raise more revenues and allow future generations to enjoy and learn from the past.

6. APPROVAL OF AGENDA — OR CHANGES

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

- **Delete Agenda Item #9A(3): Burcham Drive Resurfacing Special Assessment District #39**
- **Rename Agenda Item #11A(2). General Resurfacing Discussion**

**Seconded by Trustee Such.**

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

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

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Determination (BD)

- BD 9A(2)/11A(1) – 1 Craig James Gunn, 4375 Okemos Road, Okemos; RE: Opposition to Hulett Road Resurfacing, SAD #38
- BD 9A(2)/11A(1) – 2 Julie Roelle, 2283 Hulett Road, Okemos; RE: Opposition to Hulett Road Resurfacing, SAD #38
- BD 9A(2)/11A(1) – 3 Camala A. Riessinger and Nancy Ridley, 4355 Hulett Road, Okemos; RE: Opposition to Hulett Road Resurfacing, SAD #38
- BD 9A(2)/11A(1) – 4 Dan and Heidi Lyons, 2371 Hulett Road, Okemos; RE: Opposition to Hulett Road Resurfacing, SAD #38
- BD 9A(3)/11A(2) – 1 Rona Landfield, 2433 S. Wild Blossom Drive, East Lansing; RE: Support for Burcham Drive Resurfacing, Special Assessment District # 39
- BD 9A(3)/11A(2) – 2 Ed and Lori DeBartolo, 2374 N. Wild Blossom Drive, East Lansing; RE: Opposition to Burcham Drive Resurfacing, Special Assessment

- District # 39
- BD 9A(3)/11A(2) – 3 Janet Howes, 5429 Wild Oak, East Lansing; RE: Opposition to Burcham Drive Resurfacing, Special Assessment District # 39
- BD 9A(3)/11A(2) – 4 Soon-Yong Pak and Kyung Eun Lo, 2378 N. Wild Blossom Court, East Lansing; RE: Opposition to Burcham Drive Resurfacing, Special Assessment District # 39
- BD 9A(3)/11A(2) – 5 Sheila Mullin, 2252 Burcham, East Lansing; RE: Opposition to Burcham Drive Resurfacing, Special Assessment District # 39
- BD 9A(3)/11A(2) – 6 Susan and David Walsworth, 2197 Burcham Drive, East Lansing; RE: Opposition to Burcham Drive Resurfacing, Special Assessment District # 39
- BD 9A(3)/11A(2) – 7 Kathleen Donahue, 2221 Burcham Drive, East Lansing; RE: Opposition to Burcham Drive Resurfacing, Special Assessment District # 39
- BD 9A(3)/11A(2) – 8 Peter and Rebecca Holz, 2215 Burcham Drive, East Lansing; RE: Opposition to Burcham Drive Resurfacing, Special Assessment District # 39
- BD 9A(3)/11A(2) – 9 Krishnamurthy and Vijaya Jayaraman, 2227 Burcham Drive, East Lansing; RE: Opposition to Burcham Drive Resurfacing, Special Assessment District # 39
- BD 9A(3)/11A(2) – 10 Lee and Mary Colony, 2256 Burcham Drive, East Lansing; RE: Opposition to Burcham Drive Resurfacing, Special Assessment District # 39
- BD 9A(3)/11A(2) – 11 Beth E. Trombley-Wojan, 2241 Burcham Drive, East Lansing; RE: Opposition to Burcham Drive Resurfacing, Special Assessment District # 39
- BD 9A(3)/11A(2) – 12 Dennis and Nancy Schwartz, 2244 Burcham Drive, East Lansing; RE: Opposition to Burcham Drive Resurfacing, Special Assessment District # 39
- BD 9A(3)/11A(2) – 13 Chung Kim, 2224 Burcham Drive, East Lansing; RE: Opposition to Burcham Drive Resurfacing, Special Assessment District # 39
- BD 9A(3)/11A(2) – 14 Michael and Cynthia Estes, 2248 Burcham Drive, East Lansing; RE: Opposition to Burcham Drive Resurfacing, Special Assessment District # 39
- BD 9A(3)/11A(2) – 15 John and Carol Molloy, 2230 Burcham Drive, East Lansing; RE: Opposition to Burcham Drive Resurfacing, Special Assessment District # 39
- BD 9A(3)/11A(2) – 16 Darcy and Gregg Howe, 2255 Burcham Drive, East Lansing; RE: Opposition to Burcham Drive Resurfacing, Special Assessment District # 39
- BD 9A(3)/11A(2) – 17 Cynthia and John Sarver, 2218 Burcham Drive, East Lansing; RE: Opposition to Burcham Drive Resurfacing, Special Assessment District # 39
- BD 9A(3)/11A(2) – 18 Brenda Zynda, 5403 Jo Pass, East Lansing; RE: Opposition to Burcham Drive Resurfacing, Special Assessment District # 39
- BD 9A(3)/11A(2) – 19 Daniel and Barb Tranberg, 2209 Burcham Drive, East Lansing; RE: Opposition to Burcham Drive Resurfacing, Special Assessment District # 39
- BD 9A(3)/11A(2) – 20 Edwin and Nancee Fitzpatrick, 2437 S. Wild Blossom, East Lansing; RE: Opposition to Burcham Drive Resurfacing, Special Assessment District # 39

(2). Board Information (BI)

BI-1 John and Carol Reilly, 1311 Silverwood Drive, Okemos; RE: Appreciation of Parks and Recreation staff member Mike Devlin

(3). Staff Communication/Referral (SC)

SC-1 Memorandum from Director Kieselbach, Community Planning and Development; RE: Commission Review #08013, 2009-2014 Public Improvements Program (PIP)

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

Material received at the July 1, 2008 Board Meeting  
Joseph W. Sheahan, President, Lake Lansing Property Owners Association, 6150 Columbia Street, Haslett; RE: Zoning Amendment #07050

**Trustee Brixie moved that the communications be received and placed on file, and any communications not already assigned for disposition be referred to the Township Manager or Supervisor for follow-up. Seconded by Trustee Such.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, 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 July 1, 2008 Regular Meeting as submitted. Seconded by Trustee Such.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, 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:**

Common Cash	\$ 213,078.58
Public Works	\$ 240,329.71
Total Checks	\$ 453,408.29
Credit Card Transactions	\$ 10,677.63
Total Purchases	<u>\$ 464,085.92</u>
ACH Payments	<u>\$ 312,069.69</u>

**Seconded by Trustee Such.**

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

[Bill list in Official Minute Book]

D. Second Quarter Budget Amendments

**Trustee Brixie moved that the Township Board approve the 2008 Amended Budget as reflected on Page 2 of the memorandum to the Township Board from the Finance Director dated July 11, 2008. Seconded by Trustee Such.**

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

E. Paramedic/Fire Department Promotions

**Trustee Brixie moved to authorize the Fire Department to promote Lori Shafer to the rank of Battalion Chief and Paul McGarry to the rank of Fire Captain. Seconded by Trustee Such.**

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

F. Paramedic/Fire Fighter Appointments

**Trustee Brixie moved the ratification of David McClain and Steven Goliday to the positions of Paramedic/Firefighter contingent upon successful completion of those items stipulated in the conditional offer of employment. Seconded by Trustee Such.**

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

G. Acceptance of Michigan Safe Communities Grant Funds from the Office of Highway Safety Planning

**Trustee Brixie moved to approve the Township's acceptance of additional grant funds through the Office of Highway Safety Planning Michigan Safe Communities Grant valued at \$10,000. Seconded by Trustee Such.**

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

H. Liquor License Transfer, Fiesta Charra

**Trustee Brixie moved to approve Fiesta Charra of East Lansing, LLC's application to transfer ownership and location (governmental unit)(MCL 436.1531(1)) of a 2006 Class C liquor license from owner JOSAB Corp.; Kelly M. Hagan, Interim Trustee to Fiesta Charra of East Lansing, LLC, whose license is being held in escrow at 3411 E. Michigan, Lansing, MI 48912, Ingham County, Michigan, to Fiesta Charra of East Lansing, LLC, located at 2800 E. Grand River, Suite D, East Lansing, Michigan 38823, Ingham County, Michigan, and further, authorize the Township Clerk to execute the resolution for local approval of this transfer. Seconded by Trustee Such.**

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

I. Whitehills Public Road Improvement SAD #41, Resolutions #1 and 2 (Set Public Hearing Date, August 7, 2008)

**Trustee Brixie moved to approve Whitehills Lakes Public Road Improvements Special Assessment District No. 41 Resolution No. 1, ordering the Township Engineer to prepare the plans showing the improvement, location and estimate of cost; and move to approve Whitehills Public Road Improvements Special Assessment District No. 41 Resolution No. 2, stating the plans and estimate of cost are filed with the Township Clerk; tentatively declaring**

**the Township Board's intention to make the public road improvements to resurface Whitehills Lakes Drive and Pine Hollow Drive; setting the Public Hearing for August 7, 2008 for the purpose of hearing objections to the improvement and the special assessment district of Whitehills Public Road Improvements Special Assessment District No. 41; and ordering the notice of hearing to be published in a newspaper of general circulation and mailing the notice to the property owners in the district. Seconded by Trustee Such.**

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

- J. Champion Woods Streetlighting SAD #322, Resolutions #1 and 2 (Set Public Hearing Date, August 19, 2008)

**Trustee Brixie moved to approve the Champion Woods Streetlighting Special Assessment District - Resolution #1, ordering plans to be prepared showing the streetlighting improvement, location, and estimate of cost; and Resolution #2, filing the plans showing the improvement, location and estimate of cost with the Clerk's Office, tentatively declaring intention to install and maintain 24 dark sky streetlights and defray the cost of operation and maintenance by special assessment against the 53 benefiting lots, and setting a public hearing for August 19, 2008. Seconded by Trustee Such.**

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

- 8. QUESTIONS FOR THE ATTORNEY (See Agenda Item #3, #9A(2), #11A)

- 9. HEARINGS

- A. 2008 Paving Program, Special Assessment Districts

- 1. Jolly Oak Road Paving, Special Assessment District #36  
 Supervisor McGillicuddy opened the public hearing at 6:23 P.M.  
 Director Severy summarized the proposed paving program as outlined in staff memorandum dated July 11, 2008.

Public

Shane Bolley, attorney for Kurt Boegner, owner of the Value Tire Center site, stated the owner has frontage on Jolly Road, the main business entrance is on Jolly Road, and the property is distinguishable from the needs of the other property owners as the business does not rely on access onto Jolly Oak for its business. He voiced objection to the amount of the special assessment attributable to this property.

Supervisor McGillicuddy closed the public hearing at 6:28 P.M.

- 2. Hulett Road Resurfacing, Special Assessment District # 38  
 Supervisor McGillicuddy opened the public hearing at 6:28 P.M.  
 Director Severy summarized the proposed resurfacing project. He indicated the total cost is approximately \$52,000 and the assessment will vary dependent upon the frontage. Director Severy stated the Township will only assess 50% to the property owners as it is a collector road, and the Township will pay the other 50%.

Manager Richards offered background information on the governmental body responsible for road maintenance within Meridian Township, i.e., Ingham County Road Commission (ICRC). He indicated state law outlines the limitations and funding authority for the ICRC.

Manager Richards stated the roads are characterized into three (3) types: state trunk lines (primary responsibility held by the Michigan Department of Transportation), primary roads such as Okemos Road, Haslett Road, Lake Lansing, etc., and county local roads, some of which

are local connector roads (e.g., Cornell). He indicated state law limits the ICRC's participation in maintenance projects on local roads to a maximum of 50% of the cost to maintain the road. Manager Richards noted state law does not indicate where the rest of the money is obtained. He stated there are approximately 150 miles of local roads within the Township and, due to budget constraints, the ICRC has budgeted only \$115,000 each year for the last few years toward our local road resurfacing projects. Consequently, Meridian Township roads are not in good condition.

Manager Richards added that the Board placed on the ballot last year a request for road maintenance millage which was defeated. He noted staff subsequently looked at available options and concluded the only viable option was to special assess for the improvements. Staff stated they could not justify property owners paying 100% of the cost for the connector roads as many use these roads daily but do not live on them. It was decided that they property owners would pay 50% and the Township would pay the other 50%.

Director Severy stated the Township has received six (6) letters of objection to date, which represents approximately 10% of the road frontage.

#### Public

Tassi Miller, 2326 Hulett Road, Okemos, read from a prepared statement in objection to Hulett Road Resurfacing SAD #38.

Susan Conrad, 4311 Hulett Road, Okemos, stated the residents who live on Hulett Road account for approximately 5% of the traffic and voiced her objection to the Hulett Road Resurfacing SAD #38.

Jim Carter, 2296 Hulett Road, Okemos, read from a prepared statement in objection to Hulett Road Resurfacing SAD #38. He requested speed humps be placed on Hulett Road to calm speeding traffic.

Craig Gunn, 4375 Hulett, Road, Okemos, read from a prepared statement in objection to Hulett Road Resurfacing SAD #38.

Jean Doss, 2276 Hulett Road, Okemos, voiced her objection to the Hulett Road Resurfacing SAD #38, even assessed at 50% of the paving cost. She supports letting the road go back to gravel and requested speed humps be constructed on Hulett Road.

Ellen Cushman, 2402 Hulett Road, Okemos, spoke in opposition to the Hulett Road Resurfacing SAD #38. She suggested Hulett Road be recategorized due to increased traffic volume from other than property owners along the road. Ms. Cushman also suggested all property owners along Hulett Road, including those who live in the new subdivisions being constructed, should share in the cost of the resurfacing.

Julia Roelle, 2283 Hulett Road, Okemos, spoke in opposition to the Hulett Road Resurfacing SAD #38. She voiced her continued request speed humps be installed on Hulett Road.

Mary Elizabeth Lowe, 4646 Ottawa Drive, Okemos, spoke in opposition to the Hulett Road Resurfacing SAD #38 stating the scope of the proposal is too broad and the resurfacing should focus only on the area of needed repair. She believed the property owners should not be responsible for 50% of the assessment and any repairs should be borne by all of the users of the road. She clarified that she owns two (2) parcels which front on Hulett Road.

Calculation to determine sufficiency of written objections for proposed assessment: (See Agenda Item #8 (Questions for the Attorney))

Q. I've counted eight (8) residents from Hulett Road who spoke tonight at the hearing. I counted a few new letters here which takes it up to ten (10), which is 20% of the residents of Hulett Road objecting to the assessment.

- A. The test is the lineal frontage and I don't know if Ray has been able to make those calculations with any new notifications we have received or not. It is not simply the product of the number of residents; it's the road frontage.

Supervisor McGillicuddy closed the public hearing at 7:00 P.M.

~~3. Burcham Drive Resurfacing, Special Assessment District # 39~~

4. East End Drive and Circle Resurfacing, Special Assessment District # 40

Supervisor McGillicuddy opened the public hearing at 7:01 P.M.

Director Severy summarized the proposed resurfacing as outlined in staff memorandum dated July 11, 2008.

Virginia Hutcheson, 2500 Royce Court, East Lansing, spoke in support of the proposed assessment and requested speed bumps be installed as the road is a thoroughfare between Haslett and Park Lake Roads.

Sally Vanek, 5722 Le Baron Court, spoke in support of the proposed assessment, but inquired as to the rationale for condominium owners paying 100% of the assessment. She inquired if East End was a connector road.

Supervisor McGillicuddy responded East End Drive is a residential street.

Supervisor McGillicuddy closed the public hearing at 7:06 P.M.

Supervisor McGillicuddy reopened the public hearing at 7:45 P.M.

Jim Artabasy, President, East End Condominium Association, 5607 Maxwell, East Lansing, stated East End Drive and Circle are disintegrating and needs to be resurfaced. He spoke in support of the special assessment while noting the rising cost of oil related products (e.g., asphalt).

Ray Hopper, 2526 Marmon Court, East Lansing, had left the public hearing, but both supported and opposed the East End Drive and Circle resurfacing project special assessment.

Ellen Knickerbocker 5640 DeVille Court, East Lansing, had left the public hearing, but did submit a form in support of the East End Drive and Circle resurfacing project special assessment..

Supervisor McGillicuddy closed the public hearing at 7:47 P.M.

- B. Appeal of SUP #08-99071 (Tim Hortons) - Planning Commission decision to relocate drive-through window

Supervisor McGillicuddy opened the public hearing at 7:06 P.M.

Director Kieselbach summarized the appeal as outlined in staff memorandum dated July 10, 2008.

#### PLANNING COMMISSION

Commissioner Reicosky summarized the role of the Planning Commission in its review of the modification of the existing SUP from 1999. He added the original SUP was also modified in 2000. The Planning Commission considered the issue of the thirty (30) foot setback for screening of the drive-through as the proposal did not meet the township's ordinance. He added the proposal has the stacking lanes and the order board on the road frontage and is not the preferred design according to the ordinance.

Trustee Woiwode inquired if the proposed 30 foot setback would require a variance from the Zoning Board of Appeals.

Commissioner Reicosky responded it was his understanding that the variance would need to be requested and approved for the project to move forward. He added that the Ingham County Road Commission intends to expand Jolly Road, which would affect the setback.

Trustee Brixie noted the last page of the Board's packet contained the Meridian Crossing greater site plan, and asked if the Planning Commission viewed the application for the modification of the special use permit for buildings over 25,000 square feet.

Commissioner Reicosky responded they evaluated both the modification for buildings over 25,000 square feet and the modification for the drive-through window, but considered them separately. He added the Planning Commission suggested the applicant turn the building on the property which would eliminate 90% of the variances which would need to be requested. The applicant responded to the Planning Commission by stating the owner of the land would not sell additional land as it would reduce the value of the remaining parcel.

Trustee Veenstra asked why the Planning Commission would not allow stacking closer to Jolly Road.

Commissioner Reicosky stated the Planning Commission was only following the ordinances already in place.

Director Kieselbach indicated the ordinance does require screening when it is adjacent to a public street. He added the Planning Commission uses nine (9) criteria in its deliberation, and because it is an allowed use by special use permit, it is the uniqueness of the design and the character of the use that makes the judgment call of the Planning Commission.

Trustee Veenstra inquired why the Planning Commission interpreted that the proposed project is not harmonious with the existing neighborhood and what was the advantage to not stacking cars in the front.

Commissioner Reicosky responded it would be the consistency of frontage of the buildings as a viewscape.

Clerk Helmbrecht inquired if the Planning Commission looked at the possibility of locating the order board after the curve instead of before the curve.

Commissioner Reicosky stated the Planning Commission asked that question of the applicant and they were not amenable to that configuration.

#### APPLICANT'S REBUTTAL

Scott Knapp, Dickinson Wright, 215 S. Washington Square, Lansing and the property owner's representative, pointed to where the applicant is requesting the drive-through window. He believed the issue concerning stacking is what happens when there are four to eight cars waiting as that is when traffic would run parallel to Jolly Road. He requested condition #8 be stricken from the approval of SUP #08-99071, as there is no ordinance prohibition to stacking along a public road. Mr. Knapp indicated that placing the stacking along the west side of the building would interfere with the means of ingress/egress to the north. He stated the ordinance requires the Planning Commission to look at vehicular circulation patterns and the stacking, as proposed, does not interfere with those traffic patterns. Mr. Knapp also noted that dense landscaping along Jolly Road would be an effective buffer for passing motorists who could potentially view waiting cars.

Mr. Knapp addressed a Commissioner comment made at the Planning Commission meeting that the solution to this development would be to purchase more land. He indicated doing so would make the parcel to the west unusable and it would not be saleable. Mr. Knapp noted the Starbucks drive-through window and stacking on the north end of Meridian Crossing works precisely as requested for Tim Hortons.

Trustee Woiwode clarified she believed the question addressed by the Planning Commissioner was the location of the order board, not the drive-through window location. She noted the order board for Starbuck is at the edge of the building with the pickup window farther down.

June Machala, Real Estate Director, Tim Hortons, 565 E. Grand River, Suite 101, Brighton, showed a drawing on the overhead pointing to the drive-through window on the right hand side of the building. She also pointed to the menu board, indicating the cars would be lined up on Meridian Crossings when ordering. Ms. Machala stressed that with the layout of the building as requested, the stacking accommodates 17 cars before spilling over into the drive between the hotel and off Meridian Crossings. She noted there are approximately 3,000 Tim Horton restaurants in Canada with many of them using drive-through windows. Ms. Machala pointed to their experience with layout of drive-through windows on various sites and believed this layout to be the best with the amount of drive-through proposed. She also showed a rendering of the site with landscaping which would block the visibility of cars from Jolly Road.

Clerk Helmbrecht inquired if cars would stack at both the menu board and the pick-up window.

Ms. Machala responded that the drawing should have included cars in both places.

Trustee Woiwode inquired if Tim Hortons would seek a variance from the 30 foot setback from Jolly Road.

Ms. Machala responded Tim Hortons was first working to achieve approval of the site layout in order to move forward. She indicated they will meet the landscape requirements, but if they cannot meet all requirements, they would seek variance(s).

Trustee Woiwode inquired of staff if Tim Hortons is required to have a thirty (30) foot setback if there is screening.

Director Kieselbach responded the ordinance states screening starts thirty (30) feet back of the road right-of-way. He indicated there is approximately 18 feet between the Jolly Road right-of-way and the leading edge of the drive-through on the proposed plan.

Trustee Woiwode noted the overhead does not show the correct configuration on the site plan to be consistent with the provisions of the approved SUP.

Ms. Machala responded in the affirmative. She stated the changes would be made for the site plan approval process.

Director Kieselbach clarified the Planning Commission approved the SUP subject to the site being redesigned. The applicant is asking for the originally submitted concept to be approved through this appeal subject to the site plan review process. He indicated any variances would need to be sought from the Zoning Board of Appeals.

Trustee Brixie inquired why the applicant does not use the alternate plan where it stacks in the rear, since the applicant had indicated it would accommodate seven (7) to nine (9) vehicles without interfering with road traffic and the most cars she had seen stacked at one time was five (5) to six (6) vehicles.

Ms. Machala responded the alternate plan presents difficulty for the customer as it relates to the turn radius. She added each location will determine the amount of stacking depending upon business.

Supervisor McGillicuddy closed the public hearing at 7:45 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Ganesh Reddy, 3614 Ponderosa Drive, Okemos, spoke in support of the Land Preservation request to provide financial support for Ingham County’s Lake Lansing North Park Grant.

Leonard Provenchur, 5824 Buena Parkway, Haslett, spoke in favor of Board support of the Land Preservation request to provide financial support for Ingham County’s Lake Lansing North Park Grant.

Dick Baker, 4329 Heartwood Road, Okemos, spoke in support of the Land Preservation request to provide financial support for Ingham County’s Lake Lansing North Park Grant.

Ron Rowe, 6247 East Lake Drive, Haslett, spoke in support of the Land Preservation request to provide financial support for Ingham County’s Lake Lansing North Park Grant.

Supervisor McGillicuddy closed public comment.

- A. Jolly Oak Road Paving, Special Assessment District #36, Resolution #3  
**Trustee Veenstra moved to approve Jolly Oak Road Public Road Improvements Special Assessment District #36 Resolution #3, approving the improvements to grade, gravel, construct storm drainage facilities and curb & gutter, and pave Jolly Oak Road; defraying the estimated cost by special assessment; approving the total estimated cost of \$417,000, and determining the special assessment district. Seconded by Trustee Brixie.**

Board members and staff discussed the following:

- Possibility of lowering the assessment for Value Tire Center property owner as he does not receive the same benefit as the petitioners
- Resolution before the Board is to approve the project and its cost

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

- B. Appeal of Lighting Waiver Denial, McDonalds USA  
**Trustee Brixie moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED, the Township Board of the Charter Township of Meridian denies the appeal and upholds the decision of the Director of Community Planning and Development.**

**BE IT FURTHER RESOLVED, the appellant/applicant shall be required to bring the well lights into compliance with the Township Outdoor Lighting Ordinance within 90 days of this decision.**

**Seconded by Treasurer Hunting.**

Board members discussed the following:

- Existing well lights do not meet the Township’s lighting ordinance
- Existing well lights were not on the approved plan
- No contact with staff by applicant after the hearing

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

- C. Special Use Permit #08-08041 (Delta Dental), a request to amend an existing Special Use Permit to construct buildings greater than 25,000 square feet in size on 56 acres addressed as 4100 Okemos Road  
**Clerk Helmbrecht moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF**

**MERIDIAN hereby approves Special Use Permit #08-08041, to construct a group of buildings over 25,000 square feet in total size, subject to the following conditions:**

- 1. Approval is granted in accordance with the site plan prepared by Albert Kahn Associates, Inc. and Spicer Group, dated May 16, 2008, subject to revisions as required.**
- 2. The total square feet of all buildings on the site shall not exceed 298,643 square feet unless the applicant applies for and receives an amendment to the special use permit.**
- 3. The applicant shall receive a variance from the Zoning Board of Appeals for the reduction in the number of required parking spaces or the parking lot shall be redesigned to conform to the requirements of Section 86-755 of the Code of Ordinances.**
- 4. The applicant shall receive wetland use permits from the Township and Michigan Department of Environmental Quality (MDEQ) to fill a regulated wetland for the construction of the parking lot or the parking lot shall be redesigned to preserve the wetland.**
- 5. Erosion control fencing shall be installed prior to construction at the water features setback and shall be removed after construction once the area is stabilized.**
- 6. The final site plan shall be subject to the approval of the Director of Community Planning and Development.**
- 7. The applicant shall obtain all necessary permits, licenses, 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 and Development.**
- 8. The final utility plans, and final grading and storm drainage plans for the site shall be subject to the approval of the Director of Public Works and Engineering and shall be completed in accordance with the Township Engineering Design and Construction Standards.**
- 9. Outdoor lighting for the site and the buildings shall be subject to requirements of Chapter 38, Article VII of the Code of Ordinances.**
- 10. All mechanical, heating, ventilation, air conditioning and similar systems shall be screened from view by an opaque structure or landscape material (if at street level) selected to complement the building. Such screening is subject to the approval of the Director of Community Planning and Development.**
- 11. A copy of the site plan and construction plans that exist in a computer format for the development shall be provided to the Township Engineering staff in an Auto Cad compatible format.**

**Seconded by Trustee Brixie.**

Board members discussed the following:

- Applicant intent to delay construction of additional parking which would require filling in the wetland
- Reminder to applicants regarding necessity of removing transplanted tree guy wires

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

D. Land Preservation request to provide financial support for Ingham County's Lake Lansing North Park Grant

**Trustee Woiwode moved [and read into the record] NOW THEREFORE, BE IT RESOLVED the Township Board of the Charter Township of Meridian, Ingham County, Michigan hereby approves a grant of \$675,000 to the Lake Lansing Park-North Project conditioned on \$150,000 in private funds from the community, a \$25,000 commitment by Ingham County, and upon its purchase Ingham County conveying a conservation easement over the entire 120 acre project to Meridian Township's Land Preservation Program.**

**BE IT FURTHER RESOLVED the Township Board authorizes the Township Supervisor, Township Clerk, Township Attorney and Township Manager to take further actions deemed necessary.**

**Seconded by Clerk Helmbrecht.**

Board members discussed the following:

- Creative solution by the Land Preservation Board
- Highest ranked property to date using Land Preservation criteria
- Large benefit of the site is its proximity to the permanently preserved land to the north
- Appreciation to the citizens for their willingness to tax themselves for the 2000 Land Preservation Program

**Trustee Veenstra offered the following friendly amendment:**

- **Amend the NOW THEREFORE clause after \$675,000 by inserting "from the Land Preservation Millage Acquisition Fund"**

**The amendment was accepted by the maker and seconder.**

Continued Board discussion:

- Appreciation to Land Preservation Chairman Tom Woiwode
- Appreciation to Playmakers for its grass roots efforts
- This project will bring the total of Land Preservation property to approximately 620 acres

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

Supervisor McGillicuddy announced that residents who own 28% of the lineal frontage in the proposed Hulett Road Resurfacing special assessment district have expressed opposition to the project so it will not be discussed further.

[Supervisor McGillicuddy recessed the meeting at 8:25 P.M.]

[Supervisor McGillicuddy reconvened the meeting at 8:38 P.M.]

#### 11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Leonard Provenchur, 5824 Buena Parkway, Haslett, requested the Board continue with special assessments to repair the roads in Meridian Township.

Michael Harvey, 6216 Columbia, Haslett, offered changes needed to several provisions of Zoning Amendment #07050.

Les Manderscheid, 2372 Burcham Drive, Haslett, requested the Board explore financing options for the Dream Lakes Condominium Association to pursue having part of Burcham Drive resurfaced.

Tim McCarthy, 6076 Columbia, Haslett, inquired as to the Board's rationale for its and the staff's time spent on Zoning Amendment #07050 and spoke in opposition to its passage.

Robert Hollenshead, 6068 Columbia, Haslett, spoke in opposition to Zoning Amendment #07050 as it relates to boat trailers around Lake Lansing.

Richard Kerbawy, 1398 Hickory Island Drive, Haslett, expressed concern that the Board was not representing him, questioned the Board as to who they do represent and spoke in opposition to Zoning Amendment #07050.

Shawn O'Brien, 16948 Pine Hollow Drive, East Lansing, spoke in opposition to Zoning Amendment #07050.

Ganesh Reddy, 3614 Ponderosa Drive, Okemos, believed the Board needed to have additional discussions with the Township residents regarding resurfacing of roads, and stated if the residents do not want their roads repaved, they should not be forced to do so. Mr. Reddy suggested amendments to the process regarding special assessments to clarify several issues for the public. He also spoke in opposition to Zoning Amendment #07050.

Richard Harrington, 820 Piper Road, Haslett, spoke in opposition to Zoning Amendment #07050.

Scott Knapp, 952 Roxbury, East Lansing, addressed the amendment to SUP #08-99071 as it relates to multiple buildings over 25,000 square feet in floor area for the Tim Hortons project. He noted the modification requested is a significant reduction from the total square footage to be developed on the site contained in the original SUP approved.

Kevin Duff, 2418 Mt. Hope Road, Okemos, inquired what prompted Zoning Amendment #07050 and requested the amendment be dropped by the Board.

Ron Rowe, 6247 East Lake Drive, Haslett, noted life within the Lake Overlay District includes the "toys" and trailers to transport them. He spoke in opposition to Zoning Amendment #07050.

Supervisor McGillicuddy closed public comment.

A. 2008 Paving Program, Special Assessment Districts

1. ~~Hulett Road Resurfacing, Special Assessment District # 38~~
2. ~~Burcham Drive Resurfacing, Special Assessment District # 39~~ General Resurfacing Discussion

Manager Richards indicated the Director of Public Works and Engineering and he had previously discussed the development of recommendations as it relates to connector roads. He noted the arguments regarding the amount of traffic and the cost to be borne by property owners in proportion to the general public is a question to be considered. Manager Richards added that each road would be different dependent upon location, the amount of traffic and the number of property owners on the road. He spoke to Board options of lowering the percentage of the cost to be borne by the property owners or having the total cost funded by the Township and ICRC monies, while noting there would be no guarantee that the Road Commission would continue its funding. With eighteen (18) miles of local county connector roads, Manager Richards estimated fifteen (15) to twenty (20) years to resurface connector roads if calculated using the current amount of available money. He added it would be difficult to generate support for special assessment districts on the connector roads because of the local residents' view that many others use these roads.

Manager Richards summarized the three options: lowering the percentage, perform a small amount of maintenance each year using available money or present another millage request. Board members discussed the following:

- Road designations by the county determine ICRC funding
- Upgrade to category of primary road requires MDOT approval
- Local connector roads designated by the county
- Geography of a road defines its designation
- Possibility of a two tiered assessment for Burcham Drive and Hulett Road

Special assessment petition process: (See Agenda Item #8 (Questions for the Attorney))

Q. Am I correct that people signing a petition who own 51% of the lineal frontage can get a special assessment on its way to being approved by the Board, but it only takes 25% to stop one?

A. It depends on how the process is initiated, whether it is public or Township initiated.

Q. If it's done by petition, then owners of 51% of the lineal frontage would be required to stop it?

A. Right.

Q. If it's done by the Township, then it's only 25%?

A. Twenty percent.

Road assessment benefit districts: (See Agenda Item #8 (Questions for the Attorney))

Q. Can't we have different values of benefits for an assessment district?

A. The difficulty that we have is the language in the state law that tells us what we are to consider and that is the lineal road frontage. Typically, we assess just on the basis of benefit, and you would like to be able to say there is a benefit to these people who live in this other section; clearly, they are using those roads. But, when we look at the way the legislation is drafted, it tells us we are to be focusing on those people who have road frontage or reside along the road frontage that is to be improved.

Q. So, we're precluded from having a second tier?

A. There's certainly a good argument that we are with regard to doing road improvements. You can do second tier benefits in other projects, but given the language of the statute when it's talking about roads, bicycle path improvement, things of that nature, you cannot.

Q. I thought we already had a second tier benefit for paving of roads where a neighborhood had to drive through a gravel road to get to their subdivision and we assessed the subdivision.

A. That was building an original road.

Continued Board discussion:

- Subdivision residents previously petitioned to have Hulett Road paved south of the railroad tracks
- Some Hulett Road residents objected to the paving of Hulett Road
- Second tier assessments for paving in the past (e.g., Shoemith off Green Road)
- Barring a safety concern, road repair should not proceed if residents do not want them
- Rationale for treating local connector roads differently than residential subdivision streets
- Consideration of a millage request
- Residents along primary roads (taken care of by the ICRC) probably would vote no on a millage request
- Isolated subdivision roads treated differently than local connectors
- Solution may require more education for the public as to its options
- Available county funds need to be used on a timely basis for other local roads
- Use of available money for pavement preservation
- Need for consistency with percentages applied to specific road designations

- Direction to staff regarding prioritization of road projects (resurfacing, crack filling, etc.)
- Crack filling substantially less costly than resurfacing
- Possible reduction of percentage of costs to residents on local connector roads

Methods for road assessment: (See Agenda Item #8 (Questions for the Attorney))

Q. Don't we have a choice to assess by either parcel or lineal front footage?

A. When we are talking about the road provisions, the statute addresses the lineal frontage.

Q. I want some money back, because when Piper Road was special assessed, it was special assessed with all parcels equal, and I have less road frontage. If it's not legal to assess parcels equally, the Township owes me some money.

A. Trustee Veenstra, the assessments are based on benefit. However, what I responded to Trustee Brixie is that the way the statute is written, it speaks in terms of lineal frontage. I am aware of situations where we have assessed on the basis of benefit without lineal frontage, but I am telling you the language contained in the statute.

**The consensus of the Board was to continue with the special assessment hearings, recognizing funds need to be used while available.**

3. East End Drive and Circle Resurfacing, Special Assessment District # 40

**The consensus of the Board was to place this item on the consent agenda for the August 7, 2008 Board meeting.**

**It was also the consensus of the Board to remove Agenda Items #11D and #11F from the agenda.**

B. Appeal of SUP #08-99071 (Tim Hortons) - Planning Commission decision to relocate drive-through window

Board members discussed the following:

- Preference for drive-through with stacking in the rear similar to most other drive through windows throughout the Township
- Need to have a consistent look with the rest of the Meridian Crossing shopping area
- Maximum use will take place in the morning
- Change condition #8 to require landscaping and fencing which will obstruct the view of stacked cars in the morning
- Shops in other parts of Meridian Crossings which back onto Jolly Road have two entrances so complex currently is not harmonious
- Picture shown by the applicant this evening not viewed by the Planning Commission
- No prohibition in our ordinance regarding stacking in the front of the building
- Stacking occurs on the east side at the pick-up window
- Setback for parking at the Grand Traverse Pie Co. is twenty (20) feet from the right-of-way
- Alternate plan contains significantly less paving
- Three existing buildings within the development contain multiple tenants
- Difference between Tim Hortons stand alone structure and Starbucks in a multiple use building
- Possible referral back to the Planning Commission

**The consensus of the Board was to place this item on for action at its August 19, 2008 meeting.**

C. Special Use Permit #08-99071 (Tim Hortons), request to amend Meridian Crossing's Special Use Permit for multiple buildings exceeding 25,000 square feet in floor area  
Director Kieselbach summarized the proposed special use permit amendment as outlined in staff memorandum dated July 10, 2008.

Board members discussed the following:

- Applicant did not appeal Planning Commission condition to align driveways
- Upholding the appeal would eliminate stacking in the front and keep the project harmonious and appropriate in design with the existing retail and hotel buildings

**The consensus of the Board was to place this item on for action at the August 19, 2008 Board meeting.**

~~D. Rezoning 5120, 5130, 5448, and 5485 Okemos Road from RAAA (Single Family Low Density) to RR (Rural Residential)~~

E. Zoning Amendment #07050 (Planning Commission), request to amend Section 96-2 Definitions, Section 86-368(b)(9) Outdoor Storage of a trailer or recreational vehicle, and Section 86-503 Outdoor Storage of commercial vehicles and trailers, to facilitate regulation of recreational and utility trailer storage in single-family residential districts

**Trustee Such moved to table this item and it would only be removed from the table with a majority vote of the Board. Seconded by Trustee Veenstra.**

ROLL CALL VOTE: YEAS: Trustees Such, Veenstra, Woiwode, Clerk Helmbrecht  
NAYS: Trustee Brixie, Supervisor McGillicuddy, Treasurer Hunting  
Motion carried 4-3.

~~F. Off street parking standards for commercial and office use~~

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Leonard Provenchur, 5824 Buena Parkway, Haslett, expressed appreciation to the Board for its discussion on road special assessments.

Supervisor McGillicuddy closed Public Remarks.

13. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:16 P.M.

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SUSAN MCGILLICUDDY  
TOWNSHIP SUPERVISOR

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MARY M. G. HELMBRECHT, CMC  
TOWNSHIP CLERK

Sandra K. Otto, Secretary