

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, December 1, 2009 **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie, Trustees Dreyfus,
LeGoff, Ochberg, Veenstra (6:02 PM)
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, EMS/Fire Chief Fred Cowper

1. CALL MEETING TO ORDER

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

2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS

Supervisor McGillicuddy led the Pledge of Allegiance.

3. ROLL CALL

The secretary called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Ann Wood, 3921 Van Atta Road, Okemos, expressed concern with the proposed dog park in Legg Park.

Ganesh Reddy, 3614 Ponderosa Drive, Okemos, requested the Township Manager's employment contract be moved to a discussion item. He suggested the Board have a training session on Robert's Rules of Order and eliminate two department head positions and the Assistant Township Manager position.

William White, 2142-½ Hamilton Road, Okemos, read from a previously submitted prepared statement regarding proposed changes to the mixed use planned unit development ordinance.

Jamerson Reis, KEBS, Inc, 2116 Haslett Road, Haslett, availed himself for questions on the Essential Wetland Determination located on the south side of Hannah Boulevard.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

A. Treasurer's Quarterly Report

Treasurer Brixie reported winter tax bills, due February 15, 2010, were mailed out today and are available on the Township's website for viewing. She reminded those residents who wish to pay winter taxes prior to year end that they must do so by Wednesday, December 30, 2009 at 5:00 PM.

Treasurer Brixie gave an update on delinquent personal property tax collections for 2004-2008, total 2009 collections and distributions, fixed investments and liquid investments as of October 31, 2009.

Trustee Dreyfus inquired as to the feasibility of paying taxes on line.

Treasurer Brixie responded there are significant fees associated with on-line payments (currently at 3% for water bills) and that fee would make on-line tax payments cost prohibitive.

Treasurer Brixie toured the proposed alternate location for the Haslett Branch Library in the former Meridian High School building on November 30, 2009. She indicated if residents of the public are interested in donating or creating a legacy, the library renovation presents a unique opportunity to partner with the Township to make the new branch location a reality. She also attended the Chamber of Commerce's Government Relations Meeting with East Lansing and state representatives.

Trustee Dreyfus inquired as to why Meridian Township is not listed in the 2009 Greater Lansing Visitor's Guide and encouraged the Economic Development Corporation to contact the Lansing Convention Bureau to ensure Meridian Township is specifically listed in the community section of the 2010 Visitors Guide.

Trustee Dreyfus reported on his participation in the Time Banks webinar. He added the essential concept is that people trade time instead of dollars to receive services through credits. Trustee Dreyfus stated the number one observation is the two to one ratio of those offering services to those asking for services in the United States. He indicated he will continue to investigate time banks for possible implementation in Meridian Township.

Supervisor McGillicuddy announced the Tri-County "group" was awarded the urban service boundary grant.

Trustee Ochberg reported that although Sprint was denied a sign variance at the November 18, 2009 Zoning Board of Appeals meeting, they continue to display their illegal sign. She requested code enforcement staff look into this issue. Trustee Ochberg handed out the Meridian Area Business Directory for those who are interested.

6. APPROVAL OF AGENDA

Treasurer Brixie moved to approve the agenda as submitted. Seconded by Clerk Helmbrecht.

Trustee Veenstra offered the following friendly amendments:

- **Move Agenda Item #7D to Agenda Item #10F**
- **Move Agenda Item #7E to Agenda Item #10G**

The amendments were accepted by the maker.

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

Treasurer Brixie moved to adopt the Consent Agenda. Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie

NAYS: None

Motion carried unanimously.

The adopted Consent Agenda items are as follows:

A. Communications

(1). Board Information (BI)

- BI-1 Chris M. Olson, 2416 Shawnee Trail, Okemos; RE: Paving of roads within the Township
- BI-2 Helen and Howard Tanner, 5755 Green Road, Haslett; RE: Support for the alternate location of the Haslett Branch library to the site of the Meridian High School
- BI-3 Stephen Boyd, 2567 Heather Circle, East Lansing; RE: Compliance with Section 14-149 (Display of Street Numbers) of the Code of Ordinances
- BI-4 Treasurer Julie Brixie; RE: Information on pedestrian traffic and complete streets

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BI-5 Beth Bechtel, 1165 Cliffdale Drive, Haslett; RE: Support for implementation of a Phosphorous Fertilizer Ordinance

(2). Regional Linkage (RL)

RL-1 Michigan Townships Association, 512 Westshire Drive, Lansing; RE: Weekly Legislative Report – Item on Lawn Fertilizer Legislation

RL-2 Michigan Municipal League, 1675 Green Road, Ann Arbor; RE: Legislative Link dated November 17, 2009

(3). Staff Communications (SC)

SC-1 Memorandum from Cindy Cummings, Police Records Supervisor; RE: Current list of licensed vendors and non-licensed persons or nonprofit organizations engaged in soliciting or canvassing dated November 23, 2009

SC-2 Memorandum from LuAnn Maisner, Parks and Recreation Director; RE: Proposed Off Leash Dog Park Position Paper

Treasurer 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 Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
NAYS: None
Motion carried unanimously.

B. Minutes

Treasurer Brixie moved to approve and ratify the minutes of the November 17, 2009 Regular Meeting as submitted. Seconded by Trustee Ochberg.

[NOTE: Trustee Veenstra requested information be included in these minutes that the state house bill banning phosphorous fertilizer statewide was reported out of committee by November 13, 2009.]

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
NAYS: None
Motion carried unanimously.

C. Bills

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

| | | |
|--------------------------|--------|----------------------|
| Common Cash | | \$ 366,846.16 |
| Public Works | | \$ 47,706.10 |
| Flexible Spending Acct. | | |
| - Check #1018 Meritain | 909.03 | |
| - Check #1019 Meritain | 311.00 | \$ 1,200.03 |
| Total Checks | | \$ 415,772.29 |
| Credit Card Transactions | | \$ 6,308.90 |
| Total Purchases | | <u>\$ 422,081.19</u> |
| ACH Payments | | <u>\$ 543,739.56</u> |

Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie

NAYS: None
Motion carried unanimously.

[Bill list in Official Minute Book]

F. Assessing Stipulation

Treasurer Brixie moved that the Township Assessor be authorized to sign a stipulation with Jerome and Suzanne Hull on the following property:

| <u>YEAR</u> | <u>DOCKET NO.</u> | <u>ADDRESS OF PROPERTY</u> |
|----------------------------|-------------------|----------------------------------|
| 2008 | 0357328 | 3972 Dayspring, Okemos, MI 48864 |
| 2009 | | |
| | | |
| <u>Assessment</u> | 2008 | <u>AV/TV</u> \$158,100/122,980 |
| | 2008 | \$129,000/128,391 |
| | | |
| <u>Proposed Assessment</u> | 2008 | <u>AV/TV</u> \$137,700/122,980 |
| | 2009 | \$120,000/120,000 |

Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
NAYS: None
Motion carried unanimously.

8. QUESTIONS FOR THE ATTORNEY (None)

9. HEARINGS (None)

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Ganesh Reddy, 3614 Ponderosa Drive, Okemos, spoke in opposition to a Township soil erosion sedimentation control ordinance. He suggested the Township Manager's employment contract include a pay cut and remove the car allowance. Mr. Reddy expressed support for the revised fee agreement for legal services.

Supervisor McGillicuddy closed public comment.

A. Black Property Purchase Agreement

Trustee Veenstra moved to approve acquisition of the Black property located at 4714 Van Atta Road in the amount not to exceed \$45,000 (including closing costs and pro-rated taxes) from the Fund Balance of the General Fund contingent on Planning Commission Section 61 Review for determination of location, character and extent. The Black property will be added to the adjacent Van Atta Woods Park. Seconded by Treasurer Brixie.

Board members discussed the following:

- Important acquisition which will give access to Van Atta Park from Van Atta Road
- Family donation of two-thirds of the property's value
- Numerous accomplishments of Ted Black
- Purchase will memorialize the native area in the Black family's name

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
NAYS: None

Motion carried unanimously.

- B. Soil Erosion Sedimentation Control Ordinance, **Introduction**
Treasurer Brixie 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 “Soil Erosion and Sedimentation Control Ordinance” amending the Code of the Charter Township of Meridian, Michigan, Chapter 22, by adding Article VI Sections 22-200 through 22-218. Seconded by Supervisor McGillicuddy.

Board members discussed the following:

- Ordinance will help streamline the permitting process for some businesses
- Reduces the carbon footprint that government is currently using
- Capture of revenue available to the Township
- Assists some Township employees in maintaining employment
- Belief the Drain Commissioner’s office is doing an excellent job in enforcing soil erosion sedimentation control regulations
- Concern with significant costs of civil infractions
- Belief that the draft ordinance is modeled after the state code
- Option to revert the process back to the Drain Commissioner’s office
- Suggested reevaluation after one year of tracking
- Potential for penalties on an applicant outweighs the savings for an applicant to drive to the Drain Commissioner’s office
- Belief the program will cost more to administer than the Township will acquire in revenue through fees

ROLL CALL VOTE: YEAS: Trustees Dreyfus, Supervisor McGillicuddy, Clerk Helmbrecht,
Treasurer Brixie
NAYS: Trustees LeGoff, Ochberg, Veenstra
Motion carried 4-3.

- C. Essential Wetland Determination (Eyde) located on the South side of Hannah Boulevard
Trustee Ochberg moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, pursuant to Section 22-156 of the Township Code of Ordinances, hereby identifies Township Wetland #20-8, located south of Hannah Boulevard and west of the Hannah Farms Drain as essential to the preservation of the natural resources of the Charter Township of Meridian. Seconded by Treasurer Brixie.

Trustee Veenstra offered the following friendly amendment:

- Amend the sixth WHEREAS clause by removing the word “one”

The amendment was accepted by the maker.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
NAYS: None
Motion carried unanimously.

- D. Zoning Amendment #09040 (Township Board), an amendment to permit extensions of Special Use Permits and Site Plan Reviews, **Introduction**
Treasurer Brixie 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 Code of the Charter Township of Meridian, Michigan, Chapter 86, Article II, Division 4 and Division 5, by amending Section 86-128 and Section 86-158. Seconded by Clerk Helmbrecht.

Board members discussed the following:

- Given the significant freeze in current commercial lending, this action is an important step for applicants who have paid money to go through the approval process
- Economic cycles change
- Concern with associated costs if sunset legislation is included
- Suggested inclusion of a five-year sunset
- Concern that decisions of a previous Board carry over to a subsequent Board
- Details of the ordinance amendment do not explicitly permit the Board to deny an extension
- Belief the ordinance amendment does not represent the current residents of the Township who elected this Board
- Possible evaluation of this ordinance amendment in 2011
- Vast majority of SUP and rezoning Board votes follow Planning Commission recommendations
- History of Board action on special use permit extensions since 2007
- Legal jeopardy if the Board turns down extension requests
- Perceived problem if an applicant has not started the project within two (2) years and then only has one (1) year to complete construction
- The three (3) year time period commences as of the date the special use permit is approved unless approved as a phased development
- Larger projects usually have a phased approach to the plan
- Question if contradiction of the Master Plan is a sufficient reason to deny
- Attorney's opinion if Board denial of an extension request would likely result in a lawsuit

Trustee Ochberg moved to delay action until an opinion is received from the Township attorney on what basis the Board may turn down an extension request. Seconded by Trustee Veenstra.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra
NAYS: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
Motion carried 4-3.

E. Building Construction Code Amendment, **Introduction**

Trustee Ochberg 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 "Chapter 14, Article II, by amending Section 14-26, Section 14-28 and Section 14-29."

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 Treasurer Brixie.

Board members discussed the following:

- Township oversight will help streamline the permitting process for applicants

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
NAYS: None
Motion carried unanimously.

F Extension of Township Manager's Employment Contract

Treasurer Brixie moved the employment agreement between the Charter Township of Meridian and Gerald J. Richards be amended to extend until December 31, 2011, with no salary change for 2010. Seconded by Supervisor McGillicuddy.

Board members discussed the following:

- Second consecutive year the Township Manager has received no pay increase
- Appreciation for the example set by the top level employee

- Concern that the salary amount is not part of the motion or agreement
- Unsure disclosure of the Township Manager's salary enhances the Board goal of transparency

Trustee Veenstra offered the following amendment:

- **Amend the motion after 2010 by adding “, said salary for 2010 is \$105,374”**

Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Brixie
NAYS: Trustee Dreyfus
Motion carried 6-1.

ROLL CALL VOTE ON THE MAIN YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
MOTION: NAYS: None
Motion carried unanimously.

G. Revised Fee Agreement for Legal Services

Treasurer Brixie moved that the Supervisor and Clerk be authorized to sign a revised fee agreement for legal services with The Hubbard Law Firm which reduces the retainer from \$12,000 to \$10,000 per month for 800 hours of service per year and broadens the services covered under the retainer. Seconded by Trustee Ochberg.

Board members discussed the following:

- Higher stipend for appellate court work
- Cable legal counsel covered under the clause “and as otherwise agreed between the parties”
- Addition of cable matters to the list of exceptions agreeable to The Hubbard Law Firm
- Exclusivity language in the current agreement
- Agreement is for three (3) year period

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
NAYS: None
Motion carried unanimously.

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment

A. Amendments to the Mixed Use Planned Unit Development Ordinance

Director Kieselbach summarized the proposed ordinance as outlined in staff memorandum dated November 24, 2009.

Board members and staff discussed the following:

- Definition of complete streets
- Sample of density calculation for Portland, Oregon
- Description of density for business/commercial uses is done by square feet
- Suggestion to use square footage for residential density bonus configurations
- Minimum standard for residential or multiple family living area
- Recommendation to create a maximum standard living area for configuration of density bonuses
- Concern with deviation from the nationally accepted definition of residential density
- Concern with proscribing how many square feet a bedroom may have
- Suggestion to stay with the “traditional” planning definitions for ease in understanding
- Suggestion for Board to specifically designate what it does and does not like about the MUPUD ordinance in an effort to move forward
- Flexibility contained in the MUPUD ordinance as a benefit

- Extreme specificity in the MUPUD ordinance makes it difficult to understand and interpret
- Board ability to turn down projects
- Separate floor area ratio for residential and non-residential
- The key for commercial profitability is measured in square feet
- Difficulty for the Board to turn down a project due to an applicant's financial and emotional appeal
- Meaning of an existing developed area
- Suggestion for an amendment to the second sentence of the redevelopment definition to state: A site may contain an existing building(s) to be removed with the approval of the mixed use planned unit development
- Some developers have used the redevelopment qualifier and received a density bonus for a MUPUD
- Density bonus for redevelopment gives the Township's most "undesirable" properties an added incentive to go through the MUPUD process
- Questionable appropriateness of a density bonus for redevelopment on "undeveloped" land
- Philosophical belief of one Board member that downtown Okemos, downtown Haslett and the Grand River Corridor are the three areas which "fit" the definition of redevelopment
- Belief there must be a trade off of undeveloped land earmarked as green space to receive the density bonus
- Trade off of undeveloped land earmarked as green space to receive the density bonus not required for small non-conforming properties
- Preference for language which requires concept plans to initially be presented, even if it is built in phases (e.g., Shaw's Landing)
- Language that phased developments must include time frames and a mechanism for enforcement of those time frames
- Limiting a project to one owner has nothing to do with the MUPUD approval process and may be viewed as discriminatory
- Preference for an amendment to page 8, line 312, by deleting the words "parking and" as the proposed bicycle parking ordinance will require structures for bicycle parking and it can be removed as an amenity
- Planning Commission currently considering a redevelopment overlay
- Concern with language that redevelopment means a site which contains an existing building, as some property owners previously tore down dilapidated buildings
- Confidence with staff interpretation of redevelopment definition
- Suggestion that if land has been cleared for seven years it is considered undeveloped property
- Planning Commission and Board control over how the project is developed
- Purpose of a MUPUD is to prevent further sprawl in the Township
- Concept of the Land Preservation program was borne out of residents wanting to ensure there was ample open space and green space in the Township thereby promoting thoughtful co-existence of development and permanent preservation
- PUD ordinance was passed with required 50% open space
- PUD requirements were subsequently changed to make it "easier" to create a PUD
- Board wanted to look at a different type of development which incorporated commercial, residential and business all in one
- Need for Board members to understand that mixed use is a new kind of development, is dense and contains all types of land uses
- Need to construct the MUPUD ordinance so that this type of development is encouraged and is not so restrictive that it discourages development
- Possible adoption of standards where the property that is small (e.g., on Haslett Road near the railroad tracks and the Grand River Corridor) could go through staff review and not the Board
- Encouraging a green roof adds green space in a downtown area which has an abundance of impervious surface
- Questionable truth in the assumption that density means something will not be built elsewhere within a project
- Belief that increased traffic, increased enforcement, greater infrastructure costs and increased crime and pollution are costs associated with higher density
- Various viewpoints on the length of time a building has or has not been on the site as part of the redevelopment definition

- Suggestion for an amendment to Page 2, line 68, by inserting after the word removed “, or environmental contamination to be cleaned up”
- MUPUD ordinance where the Board sets the requirements in a site specific manner
- Two groups of amenities: one to procure the density bonus and one required because of the size of the buildings
- Staff statement that density is not the issue, but what the Board wants the outcome to be
- Design determines the density
- What the Board would like to see on the site governs the use on the site
- Possible introduction of form based codes, although the Township does not have jurisdiction over the roads
- Much of form based codes is based on street design and street type
- Use of form based codes for smaller projects could allow for staff review which conforms to the Board’s goals
- Board could look at larger projects and impose complete street concepts
- Board should allow staff to provide exact wording of Board concepts
- Suggestion that language be included to require site plans for the total project, showing the phases
- Belief that a requirement for site plans of the total project may place an unreasonable burden on the developer and may be economically unfeasible for large sites
- Concern with the significant costs involved with providing site plans for a total project, especially if the site is large
- Site plan requirement for a total large project may work against the purpose of a MUPUD
- Each phase of a project gives the Board the opportunity to ascertain what does and doesn’t work for subsequent phases
- Cost of providing a total development plan v. a concept plan
- Staff to provide the concept plan on the Shaw’s Landing project
- Total development plan (final plan) only comes before the Board one time
- Developer typically starts with ideas and may show staff more than one plan, asking for staff opinion on what the Board is looking for
- Conceptualized site plan is what is originally brought to the Department of Community Planning and Development
- Staff to provide a definition of complete streets
- Difficulty in relating dwelling units to bedrooms
- Suggestion for Board to move onto specifics and come back to the difficult concept definitions

It was the consensus of the Board to allow staff to rework the definition of redevelopment, provide a definition of complete streets and continue discussion at future meetings.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened and closed Public Remarks.

13. FINAL BOARD MEMBER COMMENT

Treasurer Brixie requested the Township Manager provide a written report to the Board of an incident where a Board member interjected himself into a formal legal proceeding of the Township.

Trustee Ochberg noted extensive listings of Meridian Township programs, parks and businesses in the 2009 Greater Lansing Visitor’s Guide.

Trustee Ochberg visited the proposed alternate location for the Haslett Library and requested the Township Manager contact a security expert in an effort to further reduce remodeling costs and allow occupancy sooner.

Trustee Ochberg suggested Central Park as an alternative site for the proposed dog park in Legg Park, which would model the success of the Soldan Dog Park in Hawk Island.

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:25 PM.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT, CMC
TOWNSHIP CLERK

Sandra K. Otto, Secretary