

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, OCTOBER 7, 2008, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such (6:10 P.M.), Veenstra, 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, EMS/Fire Chief Fred Cowper, Assistant Manager/ Personnel Director Paul Brake, Director of Finance Diana Hasse, Cable T.V. Coordinator Deborah Guthrie.

1. CALL MEETING TO ORDER
Supervisor McGillicuddy called the meeting to order at 6:00 P.M.
2. PLEDGE OF ALLEGIANCE
Supervisor McGillicuddy led the Pledge of Allegiance.
3. ROLL CALL
Supervisor McGillicuddy called the roll of the Board.
4. PUBLIC REMARKS
Supervisor McGillicuddy opened Public Remarks.

Deborah Guthrie, Meridian Township Cable T.V. Coordinator, gave an update on the pending lawsuit against Comcast. Comcast attempted to have the lawsuit dismissed, and the judge ruled the Township had the right to bring the lawsuit against Comcast's digitization of PEG channels. Ms. Guthrie noted the judged announced part of the case will be sent to the Federal Communications Commission (FCC) with a list of questions after discussion of the questions with the plaintiffs and defendant. She noted since the court stayed the lawsuit, the preliminary injunction remains in place. Ms. Guthrie indicated resolution of these issues by the FCC could affect national cable policy.

Ken Achterberg, 5696 Shaw Street, Unit 9, Haslett, spoke to the "exorbitant" rental housing registration fees charged by the Township when an individual is forced to rent their home due to today's housing market crisis.

Robert Hollenshead, 6068 Columbia, Haslett, spoke in opposition to Zoning Amendment #07050.

Tom Wanagat, 6297 W. Reynolds Road, Haslett, spoke in opposition to Zoning Amendment #07050.

Ganesh Reddy, 3614 Ponderosa Drive, Okemos, noted Township government should work for the people, spoke in opposition to Zoning Amendment #07050 and addressed the alleged deficit in the 2009 Budget. He believed there is a need for long-term strategy in Township planning.

Allen Russell, DTN Management, 1690 Mack Avenue, Haslett, spoke in support of Rezoning #08100 (Johnson), noting the applicant's offer of expanded voluntary conditions.

Brett Dreyfus, 6386 Towar Avenue, East Lansing, introduced himself as a candidate for Township Trustee. He spoke to the importance of maintaining the Township's infrastructure through various methods.

Nancy J. Hill, 2719 Cahill Drive, spoke to restrictions which should be placed in Zoning Amendment #07050.

Joe Sheahan, President, Lake Lansing Property Owners Association, 6150 Columbia, Haslett, spoke in opposition to Zoning Amendment #07050.

Judge Tom Boyd, Chief Judge of the 55th District Court, 700 Buhl Avenue, Mason, addressed the month of October as Domestic Violence Awareness Month.

Charles Steinfield, 6265 E. Lake Drive, Haslett, spoke in opposition to Zoning Amendment #07050.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

A. John Zappala, Senior Center Update

John Zappala, Director, Meridian Senior Center, introduced Don Ebert, Computer Club President, 6030 Skyline Drive, who spoke to the use of his computer technology expertise in teaching computer classes at the Meridian Senior Center. He expressed appreciation for Township support of the Senior Center.

Kit Frey, Coordinator, Meridian Senior Center, gave a Powerpoint presentation on activities held at the Meridian Senior Center with the help of many volunteers.

Clerk Helmbrecht announced the need for additional poll workers for the November 4th General Election.

Treasurer Hunting acknowledged the generosity of Meridian Township taxpayers who have agreed to tax themselves to provide funding for the Meridian Senior Center

Supervisor McGillicuddy attended the Michigan Municipal League meeting and solicited financial assistance with funding the lawsuit against Comcast's digitization of PEG channels. She also spoke of a possible addition to the Township code which would prohibit placement of large green AT&T utility boxes in front of a resident's home.

Trustee Brixie attended the Tri County Groundwater Management Board meeting last week. She indicated Tri County would like to give a 30 minute presentation to the Board on how the groundwater model can be used. She suggested the presentation be given at the Joint Meeting of Boards and Commissions for maximum benefit.

Trustee Veenstra urged removal of the "Public Remarks maximum one hour" statement printed on Township Board meeting agendas to fully comply with the Open Meetings Act.

Manager Richards announced the Township's recycling event to be held on Saturday, October 11, 2008 at the Meridian Service Center from 9:00 a.m. until 2:00 p.m. He listed accepted items as all plastics #1-7, paper and hardback books, telephone books, colored glass and polystyrene. Manager Richards added the rental housing registration fee collection process was modified over the last several years to either a semi-annual or quarterly basis to account for residents who rent their home pending sale.

6. APPROVAL OF AGENDA — OR CHANGES

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

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.

Trustee Veenstra offered the following friendly amendment:

- **Move Agenda Item #7D to Agenda Item #10C**

The amendment was accepted by the maker and seconder.

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/11A-1 Lynne S. Page, President, Briarwood Home Owners Association, PO Box 226, Okemos; RE: 2009 Budget Revision – Elimination of Code Enforcement Officer
- BD 10A-1 Matt and Jenifer Fenton, 2961 Briarcliff Drive, East Lansing; Opposition to Rezoning #08100 (Johnson)
- BD 11E-1 Lynne S. Page, President, Briarwood Home Owners Association, PO Box 226, Okemos; RE: Comments on Zoning Amendment #07050
- BD 11E-2 Carolyn Tobin, 6117 Cottage Drive, Haslett; RE: Opposition to Zoning Amendment #07050

(2). Board Information (BI)

- BI-1 Lynn Rich, 2460 Burcham Drive, East Lansing; RE: Request to have a non-motorized sign posted on the old interurban bicycle pathway
- BI-2 Mark S. Ritzenhein, 4359 Heartwood Road, Okemos; RE: Okemos Road Enhancement Project
- BI-3 Ganesh Reddy, 3614 Ponderosa Drive, Okemos; RE: Freedom of Information Request
- BI-4 Ganesh Reddy, 3614 Ponderosa Drive, Okemos; RE: Synopsis of Open Meetings Act
- BI-5 Paula Johnson, 3758 Chippendale, Okemos; RE: Alleged violation of campaign finance law
- BI-6 James T. Artabasy, President, East End Condominium Association, 5607 Maxwell Court, East Lansing; RE: Bid to pave East End Drive/Circle
- BI-7 Letter from Supervisor Susan McGillicuddy to Elizabeth LeGoff; RE: Appointed Board and Commission members speaking at Township Board meetings

(3) Regional Linkage (RL)

- RL-1 Christine V. Spitzley, Environmental Programs Planner, Tri-County Regional Planning Commission, 913 West Holmes Road, Suite 201, Lansing; RE: Request to make a presentation to explain the Regional Aquifer Model

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

Materials received at the September 16, 2008 Board Meeting

- Lanny Johnson, PO Box 975, Okemos; RE: Modification to Rezoning #08100
- David and Gail Imig, 2990 Briarcliff Drive, East Lansing; RE: Opposition to Rezoning #08100 (Johnson)
- William D. and Linda E. Dansby, 2972 Briarcliff Drive, East Lansing; RE: Opposition to Rezoning #08100 (Johnson)
- Mike and Anita Peters, 2989 Briarcliff Drive, East Lansing; RE: Suggested conditions to Rezoning #08100 (Johnson)

Laura Cottrell, Chateau Condominium, 2926 Mt. Hope Road, #203, Okemos; RE:
Opposition to Rezoning #08100 (Johnson)

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 September 16, 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	\$ 431,396.85
Public Works	\$ 378,933.99
Total Checks	\$ 810,330.84
Credit Card Transactions	\$ 9,196.71
Total Purchases	<u>\$ 819,527.55</u>
ACH Payments	<u>\$ 597,281.34</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]

E. Fire Fighter Appointment

Trustee Brixie moved the ratification of John McDermott to the position 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.

F. Liquor License Transfer, Bennigan's Restaurant

Trustee Brixie moved to approve Fast Casual, LLC's application to transfer ownership of 2008 Resort Class C licensed business (MCL 436.1531(2) with Dance-Entertainment Permit, from Sweet Onion, Inc. to Fast Casual, LLC for a business located at 2085 W. Grand River, Okemos, MI 48864, Meridian Township, Ingham County and authorize the Township Clerk to execute the resolution for local approval of the above described 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.

G. Assessing Stipulation

Trustee Brixie moved that the Township Assessor be authorized to sign a stipulation with Thomas and Nancy Klug on the following property:

YEAR	DOCKET NO.	ADDRESS OF PROPERTY
2008	0353699	3779 Yosemite Drive, Okemos, MI
<u>Assessment</u>	2008	<u>AV/TV</u> \$225,600/181,767
<u>Proposed Assessment</u>	2008	<u>AV/TV</u> \$195,700/181,767

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. Resignation and Appointment to the Cable Communications Commission

Trustee Brixie moved the Township Board accept the resignation of Adam Candueb, effective September 3, 2008, and approve the appointment of Nancy B. Freeman to the Cable Communications Commission for a term ending December 31, 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.

I. Appointment to the Cable Communications Commission

Trustee Brixie moved that the Township Board approve the appointment of Patrick J. Crowley to the Cable Communications Commission for a term ending December 31, 2010. 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. Resolution to Open Investment Accounts - PFM Asset Management and MILAF Michigan Liquid Asset Fund

Trustee Brixie moved to adopt a resolution entitled "Authority to Open an Investment Account" at PFM Asset Management & Michigan Liquid Asset Fund (MILAF). Seconded by Trustee Such.

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

- K. Planning Commission Review of New Sanitary Sewer and Water Main on Indiana Road
Trustee Brixie moved to refer to the Planning Commission for a Section 61 Review the construction of a new sanitary sewer and a new water main in Indiana Road. Seconded by Trustee Such.

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

- L. Planning Commission Review of New Sanitary Sewage Lift Station and Force Main
Trustee Brixie moved to refer to the Planning Commission for a Section 61 Review the construction of a new sanitary sewage lift station at 2100 Gaylord C. Smith Court and 6,000 feet of force main running southwest to Small Acres Lane. 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 # 9C, #11B)

- Q. There was an assertion made that if we limit our public comment session to one hour that we are breaching the Open Meetings Act. Is that a breach of the Open Meetings Act?
- A. What the Open Meetings Act requires is that you allow anyone that is here to give their remarks. Limiting them to three (3) minutes is okay, but limiting to one hour would then stop someone from giving their remarks, so it's something I wouldn't recommend that you do. I don't think I have ever seen it happen, but it is something that I wouldn't recommend you ever place on the citizens that they stop at an hour.
- Q. I generally ask to see if there are others who have not spoken yet before I close the remarks. Would that be in compliance?
- A. Yes, as long as if you hit the hour you see if there is anyone else who wants to speak. That's fine as long as you let everyone speak. I would agree inferring to the citizens that they can only take an hour would not be in compliance with the Open Meetings Act.

9. HEARINGS

- A. 2009 Budget
Supervisor McGillicuddy opened the public hearing at 6:58 P.M.
Director Hasse summarized the timeline for the budget approval process, spoke to the post employee retirement benefit liability and offered an overview of budget considerations.

PUBLIC

Cecilia Kramer, President, Forest Hills Homeowners Association, 4560 Oakwood, Okemos, spoke of the need to retain the Code Enforcement Officer position within the 2009 Budget.

Ganesh Reddy, 3614 Ponderosa Drive, Okemos, expressed appreciation for clarification regarding the 2009 fund balance and movement of the 3rd Quarter Budget Amendments from the consent agenda to an action item.

Supervisor McGillicuddy closed the public hearing at 7:16 P.M.

- B. Michigan Planning Enabling Act
Supervisor McGillicuddy opened the public hearing at 7:16 P.M.

Director Kieselbach summarized the Michigan Planning Enabling Act as outlined in staff memorandum dated October 2, 2008

PUBLIC

Carole Wilcox, Planning Commission Chair, 6245 E. Reynolds, Haslett, spoke to the cost savings which will occur with the reduction in the number of Planning Commission meetings which may be held under the Michigan Planning Enabling Act. She addressed the need for the Planning Commission to have geographical representation for the entire Township by retaining nine (9) members on the Commission.

Ganesh Reddy, 3614 Ponderosa Drive, Okemos, spoke in opposition to a reduction in the number of Planning Commission members from nine (9) to seven (7) and in opposition to Board representation on the Planning Commission.

Supervisor McGillicuddy closed the public hearing at 7:27 P.M.

- C. Mixed Use Planned Unit Development # 08034 (Eyde Company), request to develop a Mixed Use Planned Unit Development on the east side of Central Park Drive
Supervisor McGillicuddy opened the public hearing at 7:27 P.M.
Director Kieselbach summarized the proposed mixed use planned unit development (MUPUD) as outlined in staff memorandum dated October 2, 2008.

Procedure for applicant presentation at a MUPUD public hearing: (See Agenda Item #8 (Questions for the Attorney))

- Q. During the public hearing, when we have discussion of this item as well as the special use permit later on, I would like to keep the Board focused and to, procedurally, limit this to residents' concerns about the project if the applicant would be willing to speak later under discussion so we don't have confusion between both the hearing and the discussion. I would like to have everything happen at one time if we can rather than have confusion between the hearing and the discussion item. Is it more appropriate to go ahead and do it all now or is it all right procedurally to just hear from our residents that are here for the hearing and wait and have the presentation from the developer and so forth later under our discussion as we normally do.
- A. I would recommend that if the developer wants to speak under public remarks, they can do so like everyone else for three (3) minutes. Then, during discussion, if the developer wants to present their project, they can do that as well. If the developer wants to make remarks like anybody else, I don't think they're prohibited from speaking for three (3) minutes. But, they should present their project during discussion.

Mark Clouse, the applicant's representative, stated he would accommodate the Supervisor's request as long as comments made during the discussion would be considered part of the public hearing for this project.

ATTORNEY COMMENT: I would agree that everything, whether it is public hearing or it's discussion, is going to be a part of the public record.

Mr. Clouse added that part of the public hearing process set up for a project with a mixed use PUD requires a public hearing at both the Planning Commission and the Township Board level. He indicated that was the ordinance adopted by the Township Board, understanding there would be discussion of the project also.

SUPERVISOR COMMENT: I just want to have it condensed to one spot on our agenda so we don't get confused with Board comments in two (2) different places and make it very cumbersome and lengthy.

ATTORNEY REPOSENSE: I guess I'm not clear on your question then. I thought your question was simply if the applicant can speak during public remarks and can the applicant speak during discussion if we have questions.

SUPERVISOR COMMENT: Give his presentation as we normally do. Normally we have the presentation under discussion and I allow them as much time as they need and the Board is free to comment and ask questions back and forth. The problem with the hearing is keeping it in one spot.

I wouldn't want to go through the whole discussion and presentation at the hearing and then have to do the whole thing over again under discussion. That's fragmented; I would like to keep all of our discussion in one place if we can.

ATTORNEY RESPONSE: You shouldn't do it any differently than you normally do. You should continue with what you normally do; however, if the normal procedure is that the applicant speaks and gives their full presentation during the hearing, then you should do that.

APPLICANT

Mark Clouse, General Counsel and Chief Financial Officer, Eyde Co., 4660 S. Hagadorn Road, East Lansing, gave a history of the proposed development to date.

Supervisor McGillicuddy closed the public hearing at 7:46 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

- A. Rezoning #08100 (Johnson), request to rezone 4.92 acres addressed at 2946 Mt. Hope Road, 2950 Mt. Hope Road, and 4528 Hagadorn Road from PO (Professional and Office) to RC (Multiple Family-Medium Density)

Trustee Brixie moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby denies Rezoning Petition #08100 PO (Professional and Office) to RC (Multiple Family-Medium Density) conditioned on a maximum density of 11 units per acre and an increased building setback from the single-family residential zoning district line of 100 feet. Seconded by Trustee Woiwode.

Board members discussed the following:

- RC zoning choice not as favorable to surrounding areas as the current zoning
- Many of the objectives can be reached with a MUPUD development on the site
- Applicant condition of a 100 foot setback adequate protection for adjacent residential
- Development proposal reflects one of the challenges of conditional rezoning
- Conditions offered by the applicant in response to concerns expressed by adjacent residents
- Proposal would preserve the viability of the neighborhood
- Possible referral back to the Planning Commission for further refinement
- Residential development would be less intrusive for the adjacent neighborhood than the "commercial mix"

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor McGillicuddy

NAYS: Clerk Helmbrecht, Treasurer Hunting

Motion carried 5-2.

- B. Initiate Zoning Amendment for PO (Professional and Office) Parking Standards

Trustee Woiwode moved to initiate an amendment to the Charter Township of Meridian Zoning Ordinance to modify the required number of off-street parking spaces required for office uses in the Township. 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 Brixie.

Board members discussed the following:

- Benefit to reducing the required number of parking spaces in certain areas
- Reduction may facilitate the use of bicycles within Meridian Township

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

C. 3rd Quarter Budget Amendments

Clerk Helmbrecht 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 October 3, 2008. Seconded by Trustee Such

Board members discussed the following:

- Amendment to create a trust fund for post employee retirement benefits
- Local match expense for Okemos Road Enhancement Project funds will be placed in the 2009 Budget

Clerk Helmbrecht called the question.

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

Supervisor McGillicuddy recessed the meeting at 8:15 P.M.

Supervisor McGillicuddy reconvened the meeting at 8:26 P.M.

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Richard Kerbawy, 1398 Hickory Island Drive, Haslett, spoke to Zoning Amendment #07050. He suggested a subcommittee be created to discuss this issue.

Marvin Johannsen, 6236 W. Reynolds, Haslett, urged the Board to consider a recreational vehicle storage exemption for the Lake Lansing Overlay District residents as it relates to Zoning Amendment #07050.

Michael Harvey, 6216 Columbia, Haslett, spoke to Zoning Amendment #07050.

Ron Rowe, 6247 E. Lake Drive, Haslett, spoke in opposition to Zoning Amendment #07050 as proposed.

Tim McCarthy, 6076 Columbia, Haslett, spoke in opposition to Zoning Amendment #07050 as proposed.

Charles Steinfield, 6265 E. Lake Drive, Haslett, spoke in opposition to Zoning Amendment #07050 as proposed.

Ganesh Reddy, 3614 Ponderosa Drive, Okemos, spoke in opposition to Zoning Amendment #07050 as proposed.

Supervisor McGillicuddy closed public comment.

A. 2009 Budget

Board members discussed the following:

- Support for expenditures from the fund balance contained in the proposed 2009 budget
- Foresight to commit to financial obligation for funding post retirement benefit liability
- Need for establishment of a trust fund for funding post retirement benefit liability
- Possible improvement in bond ratings by establishment of the trust fund
- Regular updates next year from the Manager on effects of the elimination of the Code Enforcement Offer position

- Cost savings for each of the seven (7) employee positions to be eliminated
- Request to provide 2009 wage increase contained in three (3) union contracts which do not expire in 2008
- Employee reaction to proposed wage freeze
- Board member role is not to “micro manage” the budget
- Finance Director and Manager responsibility to “fine tune” the budget
- Concern with use of police officers for code enforcement issues

The consensus of the Board was to place this item on for action at the October 21, 2008 Board meeting.

B. Michigan Planning Enabling Act

Board members discussed the following:

- Fiscal prudence for changing the number of Planning Commission meetings to not less than four (4) meetings per year
- Incorporate language contained in the conflict of interest statement signed by appointees which was written by the present Township Attorney’s firm
- Nine (9) member Planning Commission offers a broader geographical representation
- Public Improvement Program should be an administrative function with Board approval
- Definition of conflict of interest should be well defined and appropriately applied
- Inclusion of a conflict of interest definition in the Code of Ordinances
- Exclude language which states “The capital improvements program shall be part of the annual budget”

Conflict of interest definition: (See Agenda Item #8 (Questions for the Attorney))

Q. Can Planning Commission members disqualify themselves or do they have to be recused by the Planning Commission the way the Board requires it to happen? I want to make sure we are consistent with what the requirements are.

A. I can’t answer your question specifically. I remember the discussion about how that’s to take place at the Board; I don’t necessarily know where all this information came from for this original definition. I would agree it needs to be refined. I’m not necessarily sure I’m comfortable with the five percent (5%) and also just the limitation of financial interest in property. It could be something else. So, I think it needs to be worked on, whether that’s done by staff with our review; however that’s done. I can’t, at this time, answer if they need a vote to disqualify. We can certainly look into that. I don’t know where that language came from; maybe Mark can recall where that last sentence came from, “Failure of a member to disqualify himself or herself shall constitute misconduct in office.” I know they are supposed to bring the issue up; I don’t know the answer if they are required to do it by vote of the full Commission or if they can actually just disqualify themselves.

DIRECTOR KIESELBACH COMMENT: This definition was written by the previous Township Attorney.

ATTORNEY COMMENT: May I answer Trustee Woiwode’s question? I have the answer; it is in the new statute. It specially says that the member is disqualified if provided in the bylaws or by the majority vote of the remaining members. It doesn’t specifically say what those disqualifications are that arise to a conflict; they would have to vote as they discussed before.

The consensus of the Board was to include a definition of “conflict of interest” and continue discussion at the October 21, 2008 Board meeting.

C. Mixed Use Planned Unit Development # 08034 (Eyde Company), request to develop a Mixed Use Planned Unit Development on the east side of Central Park Drive

Board members and the applicant discussed the following:

- Appreciation for bicycle parking for residents
- Need to incorporate customer bicycle parking at the front of the building

- Concern with material used for the dumpster gate
- Façade materials contained in the elevation drawings
- Preference for use of brick on the garages rather than cement board
- Placement of bicycle racks under a carport for use by residents
- Placement of a bicycle rack in front for use by customers
- Concern with “step down” transition to single family housing to the east
- Some parking in front of the project with the majority in the rear
- Need for integration of amenities into the project to be more user friendly
- Remote location of the public art
- Possible integration of art into the development
- Concern with garages and dumpsters adjacent to greenspace
- Drop in elevation a factor in building placement on the property
- Possible placement of garages between the two developments
- Disappointment with inclusion of a drive-through window
- Possibility of removing one row of parking in the front as buildings are too far from the road
- Use of one (1) of the four (4) dumpster pads for recycling
- Use of LED lights for the parking lot areas
- Reduction of parking lot lights in the early morning
- Proper removal and disposal of debris on site
- Concern with removal of significant trees
- Move building to the south and west to leave wooded area intact
- Request for property to be staked
- Tree inventory report previously provided by the applicant as required by the ordinance
- Relocation of the bistro to the north end of the building
- Access to single drive-through window is a reasonable use which requires traversing through the property
- Suggestion of underground parking
- Cost of at least \$25-30,000 per parking space for underground parking
- Cost at \$20,000-\$25,000 per space for a parking structure
- Cost of single-bay parking doubles as there is infrastructure for only one side of the parking
- Appreciation for the use of pervious pavement

The consensus of the Board was to place this item on for discussion at the October 21, 2008 Board meeting.

- D. Special Use Permit #08101(Eyde Company), request to develop a Mixed use Planned Unit Development with total building size greater than 25,000 square feet on the east side of Central Park Drive

The consensus of the Board was to place this item on for discussion at the October 21, 2008 Board meeting.

- E. Zoning Amendment #07050 (Planning Commission), request to amend Section 86-2 Definitions, Section 86-368(b)(9) Outdoor Storage of a trailer or recreational vehicle, and Section 86-506 Outdoor Storage of commercial vehicles and trailers, to facilitate regulation of recreational and utility trailer storage in single-family residential districts
Director Kieselbach summarized the proposed zoning amendment as outlined in staff memorandum dated October 2, 2008.

Board members discussed the following:

- Development of a subcommittee to examine this issue
- Separate boats and personal watercraft out of the discussion to resolve all other issues first
- After other issues are resolved, invite Lake Lansing residents back into the discussion of boats
- Possible discrimination to renters
- Concern over trailer storage on a public street
- Concern that definition of vehicle is different than state law
- Lake residents generally own more recreational vehicles than the average homeowner

- Separate out the Lake Lansing Overlay District for discussion
- Existence of an “intimidation factor” within a neighborhood
- Importance of having a balanced approach by including residents whose primary concern is other than recreational vehicles

The consensus of the Board was to have a committee of township officials and interested Lake Lansing area residents work with staff in developing an ordinance that is enforceable and addresses concerns raised by residents about boats. Discussion will continue at the October 21, 2008 Board meeting.

- F. Discussion of November 6, 2008 Board meeting date
Board members discussed the following:

- Postpone intergovernmental Board meeting until after the first of the year

The consensus of the Board was to hold a regular Board meeting on November 6th and postpone the intergovernmental meeting normally scheduled at the first meeting in November until early 2009.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Ganesh Reddy, 3614 Ponderosa Drive, Okemos, requested the Township Attorney provide a written opinion on what legal basis she determined that Supervisor McGillicuddy did not violate the Michigan Campaign Finance Act and the Federal Hatch Act when she listed the address and phone number of her office in the Municipal Building for campaign purposes on her campaign website.

Supervisor McGillicuddy closed Public Remarks.

13. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:42 P.M.

SUSAN McGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT, CMC
TOWNSHIP CLERK

Sandra K. Otto, Secretary