

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
853-4000, Town Hall Room  
TUESDAY JULY 3, 2012 **6:00 P.M.**

PRESENT: Clerk Helmbrecht, Treasurer Brixie, Trustees Dreyfus, LeGoff, Ochberg, Veenstra (6:01 P.M.)  
ABSENT: Supervisor McGillicuddy  
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development  
Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief  
Dave Hall, Fire Chief Fred Cowper

1. CALL MEETING TO ORDER

Clerk Mary Helmbrecht called the meeting to order at 6:01P.M.

**Trustee Ochberg moved to appoint Trustee Brett Dreyfus as Supervisor Pro Tem for the meeting of July 3, 2012. Seconded by Clerk Helmbrecht.**

VOICE VOTE: Motion carried 6-0.

2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS

Supervisor Pro Tem Dreyfus led the Pledge of Allegiance.

3. ROLL CALL

The secretary called the roll of the Board.

4. PUBLIC REMARKS

Supervisor Pro Tem Dreyfus opened Public Remarks.

Shrikumar Poddar 2601 Cochise Lane, Okemos, expressed concern with Board procedures relative to the Capstone project.

Elaine Mickelson, 4845 Arapaho Trail, Okemos, believed the Capstone project will compromise the quality of life for Indian Lakes Estates residents.

Shane Goodale, 1223 Tihart Road, Okemos, clarified the rationale for his vote of approval for the Capstone Project when it came before the Planning Commission.

Tom Deits, 4045 Van Atta Road, Okemos, introduced himself as a candidate for the position of Meridian Township Trustee.

Phil Deschaine, 1383 Silverwood Drive, Okemos, introduced himself as a Democratic candidate for the position of Township Clerk.

John Acken, Capstone Collegiate Communities, LLC, 431 Office Park Drive, Birmingham, Alabama, recapped changes made to the Capstone project over the last few meetings, noting many of the amenities. He again announced his intention to pay for one-third of the cost to remove the major logjam in the Red Cedar River. He stressed the importance of his company working with the neighbors to address their concerns.

Neil Bowlby, 6020 Beechwood Drive, announced LINC meetings are held at 6:45 P.M. on the third Thursdays of each month in the Haslett Community Room at the Haslett Library. He addressed the principles of good governance.

Bud Chapman, 4825 Mohican Lane, Okemos, read the vision of the Township's Master Plan and spoke in opposition to the Capstone project.

Carol Chapman, 4825 Mohican Lane, Okemos, expressed opposition to the density of the Capstone project and indicated there is a parking spinoff from Capstone visitors within Indian Lakes Estates.

Kathy Pavona, 4726 Arapaho Trail, Okemos, express continued opposition to the Capstone project and Board reconsideration of Special Use Permit #12011.

Kay Holekamp, 2570 Saranac Lane, Okemos, recently moved into Indian Lakes Estates and expressed concern with student use of a fire ring down at the river.

Greg Humbert, 4835 Mohican Lane, Okemos, spoke in opposition to the Capstone project, indicating a large student housing project should not be so close to a residential neighborhood. He suggested opening the Hannah Drain to the Red Cedar River as a means to address the high water table.

Linda Stober, 4835 Mohican Lane, Okemos, believed Indian Lakes Estates residents are being "attacked" in their own homes. She spoke in opposition to the Capstone project.

Vance Kincaid, 4530 Nakoma Drive, Okemos, spoke to several issues surrounding replacement of the central fire station.

Jonathan White, 4830 Mohican Lane, Okemos, spoke to speed traps being placed on the service road near the Michigan Athletic Club to stop the student population from the Lodges of East Lansing. He expressed concern with vehicle traffic from the Lodges cutting through Indian Lakes Estates.

Joe Pavona, 4726 Arapaho Trail, Okemos, spoke to the damaged trust between Board members and residents of Indian Lakes Estates over Phase 2 of the Lodges of East Lansing.

Supervisor Pro Tem Dreyfus closed Public Remarks.

#### 5. REPORTS/BOARD COMMENT/NEW WORRIES

Trustee Ochberg asked the Board to consider adding to its list of future desired ordinance amendments an amendment to the Nuisance Ordinance prohibiting dumping yard waste into designated wetlands.

Trustee LeGoff spoke to the vastly improved amended plans for Phase 2 of the Lodges of East Lansing.

Treasurer Brixie announced tax bills were sent out over the weekend. She spoke to new methods of payment: a recurring automatic ACH payment and an online VISA debit card option with a \$3.95 fee.

Clerk Helmbrecht announced absentee voter ballots for the August Primary election will be mailed Monday, July 9<sup>th</sup>. Ballots are currently available in the Clerk's office.

Trustee Veenstra attended the regular meeting of the Tri County Regional Planning Commission (TCRPC) on June 27<sup>th</sup> where a presentation on broadband in Michigan was given. Based on earlier public comment, he urged the Board to review the Master Plan vision statement as he believed some statements to be untrue. Trustee Veenstra called the public's attention to cancellation of the July 4<sup>th</sup> fireworks due to dry weather conditions. He also expressed a continued desire for the Board packet to be placed online on Friday before a Board meeting for citizen access over the weekend.

Trustee Dreyfus reported residents concerns with fireworks going off in neighborhoods over the last two weeks, since the new state law went into effect

Township Manager Richards clarified that his understanding of the new law limits the detonation of fireworks to the day before, the day of and the day after major state holidays. He indicated Police Chief Hall is reviewing the Code of Ordinance for possible future amendments regarding the use of fireworks.

Trustee Ochberg reported several calls from local attorneys who informed her that the Board's motion to table the Capstone project four (4) weeks ago would have been appropriate, as well as a motion to reconsider the tabling motion.

Trustee Veenstra believed the Township already has ordinances in place which makes dumping yard waste into wetlands illegal and shooting off loud fireworks a violation of the Township's noise ordinance.

#### 6. APPROVAL OF AGENDA

**Treasurer Brixie moved to approve the agenda as submitted. Seconded by Trustee Ochberg.**

VOICE VOTE: Motion carried 6-0.

#### 7. CONSENT AGENDA

Supervisor Pro Tem Dreyfus reviewed the consent agenda.

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

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Clerk Helmbrecht,  
Treasurer Brixie  
NAYS: None  
Motion carried 6-0.

The adopted Consent Agenda items are as follows:

#### A. Communications

##### (1) Board Deliberations (BD)

- BD10A-1 Noel S. Walker, 4411 Wausau, Okemos; RE: Denial of Special Use Permit #12011 (Capstone)
- BD10A-2 Mike and Hillie Cox, 4756 Mohican Lane, Okemos; RE: Special Use Permit #12011 (Capstone)
- BD10A-3 Louis Porter, 2587 Woodhill Drive, Okemos; RE: Rescission of Special Use permit #12011 (Capstone)

##### (2) Board Information (BI)

- BI-1 Neil Bowlby, 6020 Beechwood Drive, Haslett; RE: Concerns with approval of MUPUD #12014 (Capstone)
- BI-2 Nancy Hanson, 4100 Leeward Drive, Okemos; RE: Above ground fire pits
- BI-3 Patricia Killam, 2411 Burcham Drive, East Lansing; RE: Taxes

(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 June 26, 2012

(4) On File in the Clerk’s Office (OF)

OF-1 Trustee Elizabeth LeGoff; RE: Notice of intent to make a motion at the July 3, 2012 Board Meeting to rescind the Board’s June 19, 2012 motion to deny Special Use Permit #12011 (Capstone), Lodges of East Lansing Phase 2

Material received at the June 19, 2012 Board Meeting

Mary Ann Martin, 2504 Arrowhead Road, Okemos; RE: Opposition to Phase 2 of the Lodges of East Lansing

Kristin Beltzer, Senior Vice President of Governmental Relations & Public Affairs, Lansing Regional Chamber of Commerce, 500 E. Michigan Ave, #200, Lansing; RE: Support for Phase 2 of the Lodges of East Lansing

**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 Clerk Helmbrecht.**

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Clerk Helmbrecht, Treasurer Brixie  
 NAYS: None  
 Motion carried 6-0.

B. Minutes

**Treasurer Brixie moved to approve and ratify the minutes of the June 19, 2012 Regular Meeting as submitted. Seconded by Clerk Helmbrecht.**

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Clerk Helmbrecht, Treasurer Brixie  
 NAYS: None  
 Motion carried 6-0.

C. Bills

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

Common Cash	\$ 522,036.60
Public Works	\$ 68,611.06
Retainage	
Check #1051 – Laux Construction	\$ 1,002.12
Fishing Dock Contract	
 Total Checks	 \$ 591,649.78
 Credit Card Transactions	 \$ 11,419.29
Total Purchases	<u>\$ 603,069.07</u>
 ACH Payments	 <u>\$ 405,538.50</u>

**Seconded by Clerk Helmbrecht.**

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Clerk Helmbrecht,  
 Treasurer Brixie  
 NAYS: None  
 Motion carried 6-0.

[Bill list in Official Minute Book]

D. Assessing Stipulation

**Treasurer Brixie moved that the Township Attorney be authorized to sign a stipulation with American Multi-Cinema, Inc. in accordance with the revised assessed and taxable values stated as follows:**

**MICHIGAN TAX TRIBUNAL DOCKET NUMBER 370634  
 AMERICAN MULTI-CINEMA, INC.  
 PROPOSED STIPULATION FIGURES  
 Original Values**

Parcel Number	Address	Year	Original Assessed Value	Original Taxable Value
33-02-02-15-300-027	1999 Central Park	2009	\$1,336,900	\$1,336,900

**Proposed Revised Values**

Parcel Number	Address	Year	Revised Assessed Value	Revised Taxable Value
33-02-02-15-300-027	1999 Central Park	2009	\$850,000	\$850,000

**Seconded by Clerk Helmbrecht.**

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Clerk Helmbrecht,  
 Treasurer Brixie  
 NAYS: None  
 Motion carried 6-0.

E. Liquor License Transfer, Tri-City Foods, Inc.

**Treasurer Brixie moved to approve Tri-City Foods, Inc.’s application to transfer ownership of a Class C licensed business issued under MCL 436.1531(2), from Pizza Hut, located at 1753 W. Grand River Avenue, Okemos, MI 48874, Ingham County, to Celebration Banquets, L.L.C., and further authorize the Township Clerk to execute the resolution for local government approval of this transfer. Seconded by Clerk Helmbrecht.**

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Clerk Helmbrecht,  
 Treasurer Brixie  
 NAYS: None  
 Motion carried 6-0.

8. QUESTIONS FOR THE ATTORNEY

Trustee Ochberg inquired if an answer has been obtained to her question for the Township Attorney at the last meeting concerning whether rationales for votes that must be in the minutes for the Zoning Board of Appeals and the Planning Commission should also be in the Board minutes.

Township Manager Richards responded he will acquire the opinion from the Township Attorney.

9. HEARINGS (None)10. ACTIONS ITEMS/ENDS

Supervisor Pro Tem Dreyfus opened Public Remarks.

Neil Bowlby, 6020 Beechwood Drive, Okemos, offered several concerns regarding Board procedure in the passage of MUPUD #12014 (Capstone).

Bill Lee, President, Indian Lakes Estates Homeowners Association, 4795 Arapaho Trail, Okemos, expressed concern with the miscarriage of trust and honesty surrounding Board action on procedures relative to the Capstone project.

John Acken, Capstone Collegiate Communities, 431 Office Park Drive, Birmingham, Alabama, spoke to the developer's continued attempts to address Board and neighbors' concerns relative to Phase 2 of the Lodges of East Lansing

Greg Velting, President, Velco Plumbing, 5622 S Division Avenue, Grand Rapids, spoke to the need for jobs in Michigan. He reminded both the Board and the audience that this project will employ many local residents as well as allow for the purchase of supplies from local business owners.

Mark Clouse, Chief Financial Officer and General Counsel, Eyde Company, 4660 S. Hagadorn Road, Suite 600, East Lansing, spoke to the contentious nature of the audience when individuals with a differing viewpoint are speaking before the Board. He expressed disappointment with personal attacks and belittling from the residents of Indian Lakes Estates. Mr. Clouse spoke to Capstone's continued interest in being good neighbors to the adjacent neighbors.

Jane Scherzer, 4777 Mohican Lane, Okemos, spoke to the Board's lack of transparency in its action surrounding approval of Phase 2 of the Lodges of East Lansing.

Scott Ehrhardt, Columbo's Floors to Go, 7033 Rosewood Court, Hudsonville, spoke to the financial dependence of small Michigan business owners on projects such as Capstone. He addressed the issue of significant revenue this project will bring to the Township and the State of Michigan.

Curt Mulder, Vice-President, Wolverine Building Group, 4045 Barden Street, SE, Grand Rapids, spoke to Capstone's good business ethics and the need for construction in Michigan. He urged the Board to approve Phase 2 of the Lodges of East Lansing.

Jeff Menn, Menn Drilling, 19691 Cherry Street, Conklin, spoke to the revenue generated for Township businesses from construction workers employed for Phase 2 of the Capstone project.

John Kammers, Michigan Ornamental Iron, 8229 E. 104<sup>th</sup> Street, Howard City, spoke to the need for Michigan's construction workers to be gainfully employed.

Damian Melizer, 4597 Turrington Dr, SE, Grand Rapids, spoke to the Capstone project bringing jobs into Michigan and tax revenue to the Township. He spoke to Phase 1 of the Lodges of East Lansing contributing less than one percent (1%) of the watershed's total amount of water. He believed opening the drain to the Red Cedar River will significantly help the flooding situation in the Indian Lakes Estates subdivision.

Dave Hovingh, Hovingh Concrete, 10226 76<sup>th</sup> Avenue, Allendale, worked on Phase 1 of the Capstone project. He encouraged the Board to support the Capstone project, a high end development. Mr. Hovingh spoke to the developer's willingness to help fix the pre-existing flooding problem in the Indian Lakes Estates subdivision.

Linda Stober, 4835 Mohican Lane, Okemos, continued her earlier public comment in opposition to Phase 2 of the Lodges of East Lansing. She believed the law has broken down relative to the Capstone project, and the Board is here to protect the rights of citizens.

Brian Dykstra, Owner, Dykstra Cement Contractors, 4038 Van Buren, Hudsonville, spoke to the quality of Phase 1 of the Capstone project. He stated approval of this Phase 2 would provide many jobs for Michigan residents.

Sharon Dimmer, 4583 Sequoia Trail, Okemos, indicated she is not in opposition to building something on the property, just not the Capstone project as proposed.

Jonathan White, 4830 Mohican Lane, Okemos, spoke to the Board doing the right thing v. doing it the right way relative to the Capstone project.

Harry Iwasko, 4562 Sequoia Trail, Okemos, expressed concern with the size of the Capstone project. He believed it is the duty of Michigan State University to construct housing for its students. Mr. Iwasko indicated it is the duty of the Township Board to take care of its citizens and "do no harm."

Joe Pavona, 4726 Arapaho Trail, Okemos, expressed appreciation to Director Kieselbach for his professionalism regarding the Capstone project. He indicated the only people who are emotionally invested in this issue are the adjacent neighbors to the Capstone project and urged the Board to slow down the process.

David Pierson, McClelland Anderson, 1305 S. Washington Avenue, Lansing, spoke in support of the Capstone project stating staff, the Planning Commission and the Township Board have acted in accordance with the Township's ordinances and state law relative to MUPUD #12014.

Daria Schlega, 2446 Burcham Drive, East Lansing, addressed the decision making which precipitated the proposed millage language for replacement of the central fire station. She believed there has been no study to objectively determine the deficiencies which exist at the current central fire station.

Vance Kincaid, 4530 Nakoma Drive, Okemos, requested the Board provide residents with the Township's best plan for replacement of the central fire station. He spoke to the necessity of Board consideration on several alternative sites.

Supervisor Pro Tem Dreyfus closed Public Remarks.

**Trustee Ochberg moved to add agenda item #10I: Rescission of the motion to approve MUPUD #12014 (Capstone).**

**Seconded by Supervisor Pro Tem Dreyfus.**

Board members discussed the following:

- Desire for more of the contractors who worked on Phase 1 of the Lodges of East Lansing to have been Township residents
- Board member belief that residents who live near the old Hannah Farm know that logjams may not be the major contributor to flooding problems in the area
- Rationale for rescission of MUPUD #12014 is in regards to the flooding observed by those who live in the area
- Board member belief sheet drainage off of the Hannah Drain is causing the flooding problem in Indian Lakes Estates, Indian Hills, Woodhill Condominiums, Chippewa Hills, Heartwood subdivision and individual homes on Mount Hope Road

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Clerk Helmbrecht  
 NAYS: Treasurer Brixie  
 Motion carried 5-1.

- A. Rescission of Denial of Special Use Permit #12011 (Capstone), Lodges of East Lansing Phase II, request to construct a group of buildings greater than 25,000 square feet in size  
**Trustee LeGoff moved to rescind the Board action taken on June 19, 2012 regarding Special Use Permit #12011 (Capstone), Lodges of East Lansing Phase 2, a request to construct a group of buildings greater than 25,000 square feet in size. Seconded by Clerk Helmbrecht.**

Board members discussed the following:

- The Township will receive significant taxes from this project at a time of declining revenues
- Proposed revisions have reduced the project from the original plan
- Major issues regarding this project have not yet been discussed
- Concern with “delusional thinking” and “deceptive behavior” relative to this project
- More development raises the risk of problems with additional flooding
- Board member belief that other members are losing common sense regarding this project
- Clarification on the number of students within the development
- Board members have the right to change their vote on an issue
- Reasons why votes are changed, how votes are changed and the timing of those changes are what causes concern for the residents
- Board member belief that the arguments given in the past seem to be different than the rationale given for rescission
- Planning Commission recommendation to the Township Board on this project was 8-0
- Board member statement that three (3) of the eight (8) Planning Commissioners communicated to her they did not believe they had the power to cast a “no” vote on this project

ROLL CALL VOTE: YEAS: Trustees LeGoff, Veenstra, Clerk Helmbrecht, Treasurer Brixie  
 NAYS: Trustees Dreyfus, Ochberg  
 Motion carried 4-2.

- B. Special Use Permit #12011 (Capstone), Lodges of East Lansing Phase II, request to construct a group of buildings greater than 25,000 square feet in size  
**Treasurer Brixie 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 #12011 (Capstone) to construct four buildings totaling more than 25,000 square feet in gross floor area subject to the following conditions:**

1. Approval of the special use permit is in accordance with the site plan titled “Cover Sheet” prepared by KEBS, Inc. dated June 14, 2012 subject to revisions as necessary. All previously received plans are subject to revision for consistency: site plans prepared by KEBS, Inc. dated March 6, 2012; conceptual Landscape Plan, Signage Plan, and Site Lighting Plan prepared by Cottage Builders, Inc., dated March 6, 2012; and building elevations and floor plans prepared by Dungan Nequette Architects dated February 24, 2012. All plans are subject to revisions as required.
2. Special Use Permit #12011 is subject to all conditions placed on Mixed Use Planned Unit Development #12014 (Capstone) by the Township and Wetland Use Permit #12-01.

**Seconded by Clerk Helmbrecht.**

Board members and staff discussed the following:

- SUP meets the Township's standards in the special use permitting process
- Belief the project does not increase diversity as given in the rationale for approval
- Belief the SUP does not meet the requirements in the MUPUD ordinance to preserve natural resources (i.e., destruction of mature trees)
- Motion is contradictory to logic and good sense
- Township attorney assurance that the entire 81 acre site contains mixed use
- Capstone returned with an improved proposal on June 19<sup>th</sup> as requested
- More trees will be preserved with additional greenspace shown on the revised plan
- Significantly more covered bicycle parking in the revised plan
- Improved proposal did not cause one Board member to change his mind, but did cause him to change his vote
- Inevitability of students living in Meridian Township given its proximity to MSU
- Phase 2, as well as Phase 1, will have on-site management
- Addition of a "graduate student L" adjacent to Indian Lakes Estates
- According to the Ingham County Drain Commissioner (ICDC), the amount of stormwater runoff from Capstone will be minor
- Removal of logjams in the Red Cedar River will significantly lower the water table
- Wetland use permit will allow water to be discharged into a wetland designed to receive water discharge
- Students next to the university is a logical fit
- Revenues from the project will exceed the cost of Township services to the project
- Township has no plans to add additional police officers or firefighters
- Housing for 2,000 to 3,000 students is a myth if you look at the number of beds for Phase 1 and Phase 2
- Need for the Hannah Drain to the Red Cedar River opened
- No street connection proposed into Indian Lakes Estates
- Belief changes in the improved proposal are minor and "window dressing"
- Concern with the issue of runoff and that the work will affect the adjacent floodplain
- Concern with a change in Board rationale "after the fact"
- MUPUD is not the same as the concept plan presented in 2008
- List of six (6) procedural errors presented by a member of the public need full explanation by the Township Attorney
- On-line renter comments of Phase 1 showed an 8-1 negative view
- Board member statement that residents in Phase 1 are prohibited from free use of the balconies when balconies are listed as an amenity

**Trustee Ochberg moved that the motion to approve SUP #12011 be conditioned upon the Michigan Department of Environmental Quality (MDEQ) agreeing to open the Hannah Drain to the Red Cedar River.**

**Seconded by Supervisor Pro Tem Dreyfus.**

Continued Board member discussion:

- Recent change in the topography of nearby land which receives the drainage from Hannah Farms has made the problem occur
- Proposed condition out of the scope of Board authority
- MUPUD contains several protections regarding drainage of this project
- Discharge into the wetland has applicable pieces of legislation and conditions to protect it

- Drainage from Phase 2 will go through an Aqua Swirl which will clean run off from the parking lot
- Balconies and sidewalks should not be considered an amenity, but several other amenities were included
- Existence of high water problems for many years

ROLL CALL VOTE: YEAS: Trustees Dreyfus, Ochberg  
 NAYS: Trustees LeGoff, Veenstra, Clerk Helmbrecht, Treasurer Brixie  
 Motion failed 2-4.

**Supervisor Pro Tem Dreyfus moved that construction on Capstone Phase 2 not begin until the Ingham County Drain Commissioner provides the Meridian Township Board with a hydrological report detailing the effect of the removal of logs in the Red Cedar River and its effect on the water table in Indian Hills Estates and nearby neighborhoods.**

**Seconded by Trustee Ochberg.**

Continued Board member discussion:

- Motion will restore trust between the Board and the community at large
- Board reliance on the ICDC to do the necessary research
- ICDC would provide unbiased objective data
- Motion will help protect the public health, safety and welfare of local residents

ROLL CALL VOTE: YEAS: Trustees Dreyfus, Ochberg  
 NAYS: Trustees LeGoff, Veenstra, Clerk Helmbrecht, Treasurer Brixie  
 Motion failed 2-4.

ROLL CALL VOTE ON THE MAIN YEAS: Trustees LeGoff, Veenstra, Clerk Helmbrecht, Treasurer Brixie  
 NAYS: Trustees Dreyfus, Ochberg  
 MOTION: Motion carried 4-2.

[Supervisor Pro Tem Dreyfus recessed the meeting at 9:08 P.M.]

[Supervisor Pro Tem Dreyfus reconvened the meeting at 9:20 P.M.]

C. Replacement of Central Fire Station Bond Resolution

**Treasurer Brixie moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED THAT:**

- 1. The bond proposal attached hereto as Exhibit A is hereby certified to the Township Clerk and the County Clerk for submission to the Township’s electors on the Election Date. The Township Clerk is hereby authorized and directed to file this Resolution and/or complete any such forms, certificates or documents as may be required by the County Clerk to evidence the foregoing certification and/or submission by no later than Tuesday, August 28, 2012.**
- 2. The Township Clerk and the County Clerk are hereby directed to (a) post and publish notice of last day of registration and notice of election for the Election Date in the manner required by the Michigan Election Law; and (b) have prepared and printed, as provided by the Michigan Election Law, ballots for submitting the bond proposal on the Election Date, which ballots shall be in the form appearing in Exhibit A, or the proposition shall be stated as a proposal on the voting machines, which ballots may include other matters presented to the electorate on the same date.**

- 3. This Township Board has reviewed Exhibit B of this resolution regarding the estimated millage required to service the bonds, and hereby finds that the assumptions regarding the estimated millage are reasonable.**
- 4. The Township makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:**
  - (a) The Township reasonably expects to reimburse itself with proceeds of the bonds for certain costs of the Central Fire Station which will be paid from the general funds of the Township.**
  - (b) The maximum principal amount of debt expected to be issued for the Central Fire Station, including issuance costs, is \$3,500,000.**
  - (c) A reimbursement allocation of the capital expenditures described above with the proceeds of the bonds will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Central Fire Station is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the Township's use of the proceeds of the bonds to reimburse the Township for a capital expenditure made pursuant to this resolution.**
- 5. All resolutions and parts of resolutions, insofar as they conflict with the provisions of this resolution, are hereby repealed.**

**Seconded by Trustee Veenstra.**

Board members discussed the following:

- Replacement of the central fire station was in the Capital Improvement Plan (CIP) in 1989
- Township population is aging and in need of first class paramedic services
- Aging population necessitates three (3) fire stations
- Study of the existing central fire station resulted in Board determination it should not be renovated
- Well on the south side of Gaylord C. Smith just east of Okemos Road precludes recommendation made by a member of the public for location of a new central fire station
- Opposition to one of the sketches provided which depicted a drive from the fire station located immediately west of the post office out to Okemos Road as it wastes land
- Preference for the drive from the fire station to only exit onto Central Park Drive
- Remainder of the site located on the corner of Okemos Road and Central Park Drive can be reserved for other uses
- Request to secure bonds which do not have a penalty for early prepayment
- Selling the remainder of the site at the corner of Okemos Road and Central Park Drive would allow the Township to use the money from the sale to "pay down" the bonds
- Cost to service the bonds on a \$200,000 market value home with a \$100,000 taxable value would be approximately \$20 per year
- Belief that \$20 per year is a reasonable investment in a fire station which will serve the community for the next 50-75 years
- Board decision the best course of action was to build on property the Township already owned, not purchase additional property

- Layouts provided by staff were meant for illustration purposes only to show options to the Board
- Creation of a new Haslett Library for “not much less” than proposed to be spent on a new central fire station
- The new Haslett Library did not need to go before the voters, but was financed through the good will of the people and the efforts of various groups
- Premature to move ahead with a new central fire station before a thorough Board discussion of the analysis of fire services by Plante & Moran regarding a fire consortium
- Need for cooperative agreements to be in place before deciding on the need for a central fire station replacement
- Belief there is a need to replace the capacity the central fire station has to respond, but not convinced it is appropriate to assign a specific location at this time
- Belief the Township owned land consisting of nine (9) acres at the southeast corner of Okemos Road and Central Park Drive should serve several functions; e.g., expanded Farmers Market
- New fire station could be financed out of the Township’s rainy day fund and the sale of the current central fire station property
- Reminder that the amount to remodel the quarters in the former Meridian High School for the Haslett Library was \$100,000, significantly less than \$3.5 million for the central fire station replacement
- Total millage rate dropped when the Land Preservation millage was reduced and the Public Safety Building millage expired
- Millage rate would still be less with the requested .2 mills increase than the Township “peak” total millage
- Ballot language regarding the central fire station could be silent as to its location
- Previous experience of not including locations on a ballot proposal resulted in failure
- Previous Board discussion resulted in a consensus for the language to be as specific as possible
- Township previously paid \$1.5 million for the property
- Suggestion to build a new Okemos library adjacent to the proposed fire station location
- Cost of the entire property cannot be incorporated into the cost of the central fire station replacement
- Financial consultant will offer ramifications of prepayment penalty at the time of the bond sale’s composition
- Concern the Board does not have a “Plan B” if voters turn down the millage in November
- Board discussed the option of having two (2) stations during last year’s budget process

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Veenstra, Clerk Helmbrecht, Treasurer Brixie  
 NAYS: Trustee Ochberg  
 Motion carried 5-1.

D. Second Quarter Budget Amendments

**Treasurer Brixie moved that the Township Board approve the 2012 amended budget as reflected on page 2 of the memorandum to the Township Board from the Finance Director, dated June 29, 2012. Seconded by Trustee LeGoff.**

Board members discussed the following:

- Total Revenues on page 2 include the grant revenues for the South Okemos Road lighting project
- \$276,500 increase in the water supply expense will need to be dealt with by the Board in the near future

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Clerk Helmbrecht,  
Treasurer Brixie  
NAYS: None  
Motion carried 6-0.

E. Application for Fire Fighters Grant Program

**Trustee Ochberg moved to authorize the Fire Department to apply for and accept an Assistance to Fire Fighters Grant through the Department of Homeland Security in the amount of \$264,000.00 with the Township's 10% share, \$26,400.00, coming from the Township's Fund Balance of the General Fund. Seconded by Trustee Veenstra.**

Board members discussed the following:

- Appreciation for the opportunity to receive grant money
- 40 voice amplifiers are a safety issue in order for firefighters to communicate with one another
- Chest compression machines will save lives
- Replacement of the oldest ambulance for \$185,000 as it is eight (8) years old and has 123,000 miles
- Sale of the old ambulance will aid the Township's budget

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Clerk Helmbrecht,  
Treasurer Brixie  
NAYS: None  
Motion carried 6-0.

F. Contract Renewal and Amendments to Prosecution Services Contract

**Treasurer Brixie moved that the retainer agreement for Uniform Traffic Code prosecution services with the Law Firm of Bodwin & Associates, P.C. be extended for a period of one year for the amount of \$65,000 with the option to extend the agreement an additional two years.**

**Further, that the retainer agreement for prosecution of Charter Township of Meridian's Retail Fraud Third Ordinance and Diversion Program be continued with Bodwin & Associates, P.C. for the amount of \$15,000 with the option to extend the agreement an additional two years.**

**Further, the new Minor in Possession Diversion Program will be administered by Bodwin & Associates, P.C. under the same contract at no additional cost.**

**Seconded by Clerk Helmbrecht.**

Board members discussed the following:

- Appreciation for the attorney's involvement with the Citizens Police Academy
- Concern with the collective cost of legal expenses

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Clerk Helmbrecht,  
Treasurer Brixie  
NAYS: None  
Motion carried 6-0.

G. Amendments to Police Command Collective Bargaining Agreement

**Trustee Ochberg moved approval of the amendments to the Fraternal Order of Police Capitol Lodge 2012-2013. As tentatively agreed to by the Fraternal Order of Police members as described in the June 29, 2012 staff memorandum, and authorize the Supervisor and Clerk to sign the same at the appropriate time. Seconded by Treasurer Brixie.**

Board members discussed the following:

- Membership has not yet ratified the agreement; therefore the terms should be confidential
- Benefits to the General Fund by implementing changes to the Township’s health care plan which is part of the tentative agreement
- Significant accomplishment when progress can be made to contract negotiations

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

- **Insert the word “contract” after 2012-2013”**

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

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Clerk Helmbrecht,  
 Treasurer Brixie  
 NAYS: None  
 Motion carried 6-0.

H. Foreclosed Property Acquisition

**Trustee Veenstra moved to approve the resolution authorizing the Township Manager to make application to the Ingham County Treasurer for conveyance of Parcel 33-02-02-10-354-007 to the Charter Township of Meridian. Seconded by Clerk Helmbrecht.**

Board members discussed the following:

- Parcel description as a 30 foot walkway between lots 54 & 55 of Wildflower Estates No. 3, north of the Canadian National railroad tracks
- Pathway travels south from Starflower Drive which will connect with the existing Township pathway system
- Unpaid drainage assessment on a parcel not connected with the neighborhood association
- Suggestion for the ICDC to work to assure the appropriate parcels receive the assessments
- Pathway connection is a stipulated part of the plat
- Concern with maintenance of the parcel
- Request for staff to place this parcel on the list to receive snowplowing during the winter

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Clerk Helmbrecht,  
 Treasurer Brixie  
 NAYS: None  
 Motion carried 6-0.

I. Rescission of MUPUD #12014 (Capstone)

**Trustee Ochberg moved to rescind the motion to approve MUPUD #12014 (Capstone), Lodges of East Lansing Phase 2, request for 144 multiple-family (student) apartments on approximately nine acres south of Hannah Boulevard, made and carried on June 19, 2012, regular meeting for the following reasons:**

1. **The application is grossly inconsistent with the concept plan the Board approved in June, 2008.**

2. **Section 86-440, Article IV, Division 4 (a) requires that a proposal promote “traditional land use concepts to enhance and preserve natural resources.” Destroying 984 out of 1,000 mature trees in a diverse, albeit second growth forest violates that specifically stated intent and purpose of the MUPUD ordinance.**
3. **Section 86-440, Article IV, Division 4 (c) (1) (b) requires that the project “increase prosperity with appreciated property values.” According to the testimony of Joseph Pavona and several other residents representing Indian Lakes Estates, costs of repairing the Indian Lakes Estates damage due to flooding caused by the Hannah Drain sheet overflow subsequent to the building of Lodges 1 exceeds the expected property tax revenue the Lodges 2 project can generate.**
4. **Section 86-440, Article IV, Division 4 (c) (1) (b) requires that the project actualize the cultural heritage of Meridian Township history. Nothing in either Phase 1 or Phase 2 is remotely sensitive to Meridian Township’s history.**
5. **Section 86-440, Article IV, Division 4 (c) (1) (d) requires that the project increase diversity in the township. Lodges 1 and 2 are solely intended for MSU students and they do not increase our township diversity.**
6. **Section 86-440, Article IV, Division 4 (c) (1) (e) requires that open spaces be designed to complement green space plans. This project fails to complement our official green space plan because one third of the proposed footprint overlaps a designated green space sensitive corridor.**
7. **Section 86-440, Article IV, Division 4 (c) (3) authorizes the Board to place conditions on an approval to guarantee consistency with the purpose and intent of the ordinance, including, specifically, (#ix), requiring landscaping that enhances and preserves natural resources. This means that since there is a site to the southwest of the proposed site without mature trees and closer to the MSU campus, the board could condition approval of a plan with only slightly less density for that alternative site. To be prudent, the board should explicitly require a land clearing permit on the currently proposed site to prevent destruction of its natural resource, its mature forest.**

**Seconded by Trustee Dreyfus.**

Board members discussed the following:

- Importance of informing residents of the nearby communities (Indian Lakes Estates, Indian Hills Estates, Chippewa Hills, Heartwood subdivision, Woodhill Condominiums, Radnor Montessori School, etc.) regarding the parts of the Township’s MUPUD ordinance which have not been met by this MUPUD permit application
- Belief the underlying ordinance requiring Board action within 30 days is defective and should be corrected
- Project has been discussed for nearly three (3) months
- Board member belief the project was flawed from the beginning

ROLL CALL VOTE: YEAS: Trustees Dreyfus, Ochberg

NAYS: Trustees LeGoff, Veenstra, Clerk Helmbrecht, Treasurer Brixie  
Motion failed 2-4.

#### 11. DISCUSSION ITEMS/ENDS

Supervisor Pro Tem Dreyfus opened Public Remarks.

Neil Bowlby, 6020 Beechwood Drive, Haslett, spoke in support of the Douglas J Concept Plan.

Supervisor Pro Tem Dreyfus closed Public Remarks.

#### B. Douglas J Concept Plan

T. J. Weaver, Vice President and co-owner, Douglas J, 4663 Ardmore, Okemos, indicated the current location has run out of space and needs to expand in order to offer enhanced services to its existing clientele and enhanced work environment for its employees. He offered a brief synopsis of changes to be made, indicating some corporate offices will move into the current spa on Ardmore.

Ryan Henry, Kincaid Henry Building Group and the applicant's representative, 934 Clark Street, Lansing, gave an extensive overview of the Douglas J concept plan using revised renderings than those contained in the Board packet.

Jamerson Ries, Kebs, Inc., 2116 Haslett Road, Haslett, discussed parking from a global perspective, indicating the applicant is slightly under the number of required parking spaces. He offered the rationale for the number of parking spaces outlined in the plan and asked the Board for its input on the parking tabulation. Mr. Ries gave a brief synopsis of the streetscape, requesting an open discussion with the Board regarding its look. He noted amenities include two (2) electrical car charging stations, Society of Responsible Facilities (SERF) certification, rainwater harvesting, permeable concrete, green roof, planters along the streetscape, LED lighting, and consolidation of multiple parcels.

Board members, the applicant, and the applicant's representatives discussed the following:

- Fate of the Smiley House
- Possibility of moving the Smiley House to the Meridian Historical Village
- Old Clark station previously on the property received a "clean bill of health"
- Existence of an old underground heating oil tank behind the Traveler's Club which will be removed during demolition
- Appreciation for Douglas J's proposed investment in downtown Okemos
- Contemporary style of the buildings are aesthetically pleasing
- Building setback from Okemos Road would be approximately the same as the Traveler's Club (ten feet)
- Current pathway easement in place due to overhead utility lines on Okemos Road
- Sidewalk is on the west side of the electrical pole
- Concern with visibility when making a left hand turn
- Overhead lines are an impediment to a walkable community
- Current discussions between the applicant and Township staff regarding the overall vision for the downtown Okemos area
- Project will set the tone for downtown Okemos
- Bicycle parking spaces should be located close to the door
- Bicycle parking can be in the right of way if there is adequate width in the sidewalk to accommodate other modes of transportation
- Need for more depth of sidewalk along Okemos Road
- Appreciation for planters with trees and other greenery on the roof
- Valet parking and use of the existing Douglas J for parking is a reasonable approach
- Preference for more greenery to shield the cars from Okemos Road
- New Douglas J Building is on the northwest corner of Okemos and Hamilton Roads
- Mixed used building is located on the northeast corner of Ardmore and Hamilton
- Preference for a green buffer strip between the curb and sidewalk along Okemos Road

- Desire for a designated space to display Township supported art
- Board member preference for covered bicycle parking at each entrance of the buildings
- Bicycles do not need to be stored for clients frequenting the Douglas J Building as the bicycle parking spaces will be used for a short period of time
- Appreciation for elevators in each building
- Roundabout at the intersection of Okemos and Hamilton Roads was withdrawn from Tri-County's Long Range Transportation Plan
- Necessity of a seven (7) foot shared pedestrian/bicycle pathway on the Okemos Road side of this project, preferably without utility poles
- Some loss of trees may be unavoidable
- Preference for at least a three (3) foot green strip along the actual roadway which would be consistent with Township plans for the north-south corridor of Okemos Road
- Douglas J building is 25 feet off the curb line of Hamilton Road and ten (10) feet off the curb line of Okemos Road
- Estimate of ten percent (10%) pervious surface, exclusive of the greenspace planters
- No known plans for the property in the northwest corner owned by Crites, Tidey & Associates
- Project is a good example of revitalization and meets the intent of the MUPUD ordinance
- Preference to reduce or eliminate parking along the Okemos Road side of the development
- Suggestion for a small public park to address the impervious/pervious ratio
- Applicant's intent, wherever possible, to create a canopy effect throughout the development
- Feel of concrete is much different than an asphalt parking lot
- Applicant's belief there is a radical difference between parking spaces needed v. what is required
- Need to receive feedback from Downtown Development Authority
- Applicant is sensitive to the fact this project will dramatically change the look of the downtown Okemos area
- Suggestion for the applicant to setback the buildings to allow for a possible future roundabout
- Ten feet off the Okemos Road curb line is too close for a three (3) story building
- Preference for the green strip between the curb and sidewalk to be at least five (5) feet as Okemos Road is four lanes and at least two (2) lanes of snow will be plowed onto the green strip
- Applicant has included tree islands to "break up" the parking lots
- Board has the option to determine the number of parking spaces within a MUPUD proposal
- Suggestion for the applicant to provide the Board with the amount of parking it actually needs
- Need for the plans to designate greenspace next to the road and the sidewalk next to the building due, in part, to the depth of the building

**Without objection, Supervisor Pro Tem Dreyfus postponed Agenda Item #11C: Sign Ordinance, Changing Messages for Churches, until the next Board meeting.**

12. PUBLIC REMARKS

Supervisor Pro Tem Dreyfus opened Public Remarks.

Pat Lindemann, ICDC, gave an update on the process for removal of the logjams. He noted the bid for the major logjam was let and awarded, with work scheduled to commence the week of July 16, 2012. The ICDC stated the work must be completed by September 20, 2012, but anticipated to be completed much earlier. Drain Commissioner Lindemann indicated his intention to work with the MDEQ regarding reversal of the eight inch (8") orifice so that the Hannah Drain will discharge directly into the

Red Cedar River. He noted eight (8) monitoring units were installed to measure the depth of surface water as it rises during flooding and the ground water as it recedes into the ground, adding that a reading is taken every 15 minutes, with data downloaded to acquire information regarding the drift aquifer/shallow water table.

ICDC Lindemann spoke to an earlier action item, stating that those orphaned properties are abandoned by property owners who do not want the responsibility. He stated he is required by the Drain Code to tax the benefit derived to that property, adding that consideration is currently taking place at the state level to amend the Condominium Act and Land Division Act to address how the drain assessments can be taken care of properly.

Neil Bowlby, 6020 Beechwood Drive, Okemos, expressed continued concern with the Township process surrounding the Capstone project.

Vance Kincaid, 4530 Nakoma Drive, Okemos, spoke to a second site in the Meridian Service Center area as a possible location for the central fire station replacement. He expressed concern the Board did not discuss long range future plans, stating his belief the north fire station will not be open in ten years. Mr. Kincaid noted there has been no Board discussion regarding the fate of the Meridian Activity Center.

Supervisor Pro Tem Dreyfus closed Public Remarks.

13. FINAL BOARD MEMBER COMMENT

Trustee Veenstra urged voters to cast an affirmative vote for the rezoning issue on the August 7<sup>th</sup> Primary ballot, as he believed defeat would cost the Township significant legal fees in the event the property owner would take the matter to court.

14. ADJOURNMENT

Supervisor Pro Tem Dreyfus adjourned the meeting at 11:34 P.M.

---

BRETT DREYFUS  
TOWNSHIP SUPERVISOR PRO TEM

---

MARY M. G. HELMBRECHT, CMC  
TOWNSHIP CLERK

Sandra K. Otto, Secretary