

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, AUGUST 16, 2005, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such, 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, Assistant Fire Chief Dale Monnier, Director of Parks & Recreation LuAnn Maisner, Attorney Andria Ditschman

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.

Jean McDonald, Ingham County Road Commission (ICRC) Chair, introduced John Midgley, ICRC Managing Director, and, ICRC Construction Engineer. Mr. Phillips suggested Okemos Road residents contact him on the job site if they have questions regarding the project. He suggested residents access www.ingham.crc.org for the status of work on the Okemos Road Widening Project. Mr. Phillips also gave a brief synopsis of the completed construction work on Okemos Road to date.

David Pierson, McClelland and Anderson, 1305 S. Washington Avenue, Suite 102, Lansing asked that Board consideration of Rezoning #05010 and PUD #05034 (Capstone Development) application be postponed. Mr. Pierson indicated the applicant is working with the Michigan Department of Transportation (MDOT) to combine access, close the current Mobile Home Manor driveway plus one other, and create a shared driveway for Capstone, the Cottage Grove Development and several other developments along Grand River. He gave a brief overview of the problems the applicant is encountering in its attempt to achieve this goal.

Deb Nolan, Ingham County Commissioner, PO Box 319, Mason, stated she is working with Supervisor McGillicuddy and Jean McDonald to create a charette process for the Okemos Road Median project for summer, 2006. She noted there will be a meeting on Wednesday, October 5, 2005, at 7:00 P.M. in the Meridian Senior Center large group room to allow input from the public, Meridian Township, the Ingham County Road Commission as well as Commissioners Nolan and Holman on the road design.

Prakash Kapoor, 1295 Hatch Road, Okemos, spoke regarding his appeal to the Board regarding the condition of his neighbor's yard that has been dug up for a sewer connection.

Leonard Provenchur, 5824 Buena Parkway, Haslett, expressed an alleged right of the public to have internet access to all information relative to the Board agenda.

Ora Henslee, 1289 Hatch Road, stated the property in front of his yard has not been returned to the condition which existed before a sewer connection was installed. He stated he has been working with the Engineering Department and the Township for over a year on this complaint.

Cheryl Fritze, President, Riverwood Park Neighborhood Association, 2207 White Owl Way, Okemos, expressed appreciation for Commissioner Nolan's willingness to have a three-way meeting on the proposed Okemos Road boulevard project.

John Anderson, 215 W. Newman Road, requested an invoice to be approved under Agenda Item #7C be pulled off the consent agenda for explanation. He believed this item was for land purchase.

LuAnn Maisner, Director of Parks and Recreation, stated the draft of the 5 Year Parks and Recreation Master Plan is available for review and comment. She noted a public hearing will be held at the Meridian Service Center on Tuesday, September 13, 2005 and will be before the Board for consideration in early October.

Supervisor McGillicuddy announced Board consideration of Rezoning #05010 (Capstone Development) and Planned Unit Development #05034 (Capstone Development) will be postponed until September 6, 2005.

David Finet, 5007 W. Columbia Road, Mason, spoke in opposition to Rezoning #05010 (Capstone Development).

Michael Hupp, 5177 Wardcliff Drive, East Lansing, spoke in opposition to Rezoning #05010 (Capstone Development).

Barbara Curtis, 5248 Park Lake Road, East Lansing, spoke in opposition to Rezoning #05010 (Capstone Development).

Dave Bath, 6975 Foster, Haslett, spoke in support of Rezoning #05010 (Capstone Development).

Denise Sancrainte, 2677 Blue Haven Court, East Lansing, spoke in support of Rezoning #05010 (Capstone Development).

John Scott-Craig, 5244 Wardcliff Drive, East Lansing, spoke in opposition to Rezoning #05010 (Capstone Development).

Molly Wingrove, 2649 Melville Drive, East Lansing, spoke in opposition to Rezoning #05010 (Capstone Development).

Louis Shelburg, 2825 Roseland Avenue, East Lansing, spoke in opposition to Rezoning #05010 (Capstone Development).

Nancy Hill, 2719 Cahill Drive, East Lansing, spoke in opposition to Rezoning #05010 (Capstone Development).

Lynn Ochberg, Meridian Township Planning Commission Chair, offered specific rationale for Planning Commission denial of Rezoning #05010 (Capstone Development).

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Manager Richards responded to earlier public comment by explaining that the Township, through the Board, entered into a contract to purchase the former bank building in 2003-2004. At the time property purchase was investigated, the potential of building a new fire station at an existing site was considered. He stated a layout which included the new property, the old library and existing fire station was determined to be of sufficient size for the facility under consideration. At that time, there was no certainty it would be used as part of a new fire station. It was determined that it was prudent to have one owner for the two (2) parcels so that when they are redeveloped, there was a significant site for development with required parking. Manager Richards believed the expenditure has been budgeted as a ten (10) year obligation.

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Director Severy responded to earlier public comments regarding property restoration after installation of a sewer connection. A property owner on the north side of Hatch received a sewer permit to connect into a sewer on the south side of Hatch Road. In doing so, the owner's private contractor disturbed the property between the road and the sidewalk on the property owned by the two (2) speakers. Work was done in the winter last year and partial restoration this spring was washed out by heavy rains. Director Severy has spoken with the owner to restore the property and is working with the property owner to complete the restoration in a more timely manner.

Manager Richard explained the property is in the road right-of-way and the Township does not take a bond to see that restoration is complete. The owner is responsible for maintenance of the property. He asked Director Severy if, in the future, there could be a bond to ensure restoration was done in a public right of way as part of the permitting process for private contractors to access a Township sewer.

Supervisor McGillicuddy expressed congratulations to the Fire Department for receiving the Homeland Security Grant from the Governor.

Trustee Brixie attended the East Lansing Planning Commission meeting on August 10, 2005 where it considered a proposed change to a special use permit for the former Four Winds Golf Course Development that is under a 108 Agreement with East Lansing and Meridian Township. The property owner is proposing additional buildings on the site that are taller than those previously approved. One of the Planning Commissioners suggested a moratorium be placed on approval of all projects which are wetland impacted. She requested Board approval to write the East Lansing Planning Commission expressing Township Board support for the moratorium on all its wetland impacted projects and in opposition to the intrusive nature of the proposed change to the former Four Winds Golf Course Project on the neighboring subdivisions.

Clerk Helmbrecht responded to recurring public comment about timely internet accessibility to the current Board agendas. She indicated citizens who have problems accessing the Township Board agenda on the weekend before a Board meeting may need to refresh the page in order to view the current agenda.

Trustee Veenstra inquired about Board consideration of the 2006-2011 Public Improvement Program (PIP) recommendation from the Planning Commission and urged either Board adoption or rejection. He also requested the Township Manager follow up and advise the Board as to what type of payment the \$39,000 mentioned earlier by Manager Richards was, how long the payment is scheduled for the purchase price and size of the parcel.

Supervisor McGillicuddy explained that the PIP is used by the Township Board as a recommendation from the Planning Commission.

Trustee Veenstra stated the City of East Lansing had planned for several years to tear down the Cedar Village apartments and replace it with multi-story buildings. He believed this action would have a significant impact on Meridian Township and believed the Township needs to seriously consider this proposal.

Treasurer Hunting attended a legislative forum on conditional zoning, as well as road financing. Treasurer Hunting made available handouts from the forum for anyone interested in viewing the materials.

Trustee Woiwode inquired as to Board procedure regarding an applicant's request to postpone item(s) on the agenda. She would like staff to develop a consistent procedure in this regard.

Supervisor McGillicuddy noted the applicant for the Capstone Development project spoke to her earlier in the day when it became apparent that written agreements could not be obtained for the Board meeting. Clerk Helmbrecht added the Board has always allowed an applicant to withdraw their agenda item.

6. APPROVAL OF AGENDA — OR CHANGES

Trustee Brixie moved to approve the agenda amended as follows:

- **Remove Agenda Items #10C and #11 E**

Seconded by Trustee Such.

VOICE VOTE: Motion carried 6-1 (Veenstra).

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

Board discussion ensued on the removal of items from the consent agenda.

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

NAYS: Trustees Veenstra, Woiwode
Motion carried 5-2.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Deliberation (BD)

9A-1 Lorne Zalesin, CEO, Bruce Building Company, 35980 Woodward Avenue, Suite 200, Bloomfield Hills; RE: Recommendation for pathway along the Smith Drain from Jolly Road to Sower Boulevard

10C-1 Christine Goodrick Beavers, 5125 Brookfield, East Lansing; RE: Opposition to Rezoning #05010 (Capstone Development)

10C-2 Don McMann, 2790 Sirhal Drive, #112, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)

10C-3 Amy Cavin, 2790 Sirhal Drive, #216, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)

10C-4 Diane B. Riffel, 2790 Sirhal Drive, #104, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)

10C-5 Melva Tomlin, 2790 Sirhal Drive, #109, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)

10C-6 William Dale Kennedy, 2790 Sirhal Drive, #302, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)

10C-7 Cheryl Mireles, 2790 Sirhal Drive, #219, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)

10C-8 Beverly Dolph, 2790 Sirhal Drive, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)

10C-9 Elena Tejeda, 205 Oakland Drive, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)

10C-10 Joe Maceroni, 1272 Scott Drive, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)

10C-11 Richard J. McCarius, 4586 Herron, Okemos; RE: Support for Rezoning #05010 (Capstone Development)

10C-12 Kathleen Parks, 2790 Sirhal Drive, #202, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)

10C-13 Joan M. McMann, 2790 Sirhal Drive, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)

10C-14 Ruth Pecic, 5099 Wardcliff Drive, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)

10C-15 Martha Harte, 2790 Sirhal Drive, East Lansing; RE: Support for Rezoning #05010

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- (Capstone Development)
10C-16 L. Lynn Hayes, 1272 Scott Drive, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)
10C-17 Jamie Bender, 3100 Staten Avenue, Apt. 10, Lansing; RE: Support for Rezoning #05010 (Capstone Development)
10C-18 Kapil S. LoKave, 5097 Wardscliff, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)
10C-19 Rodney Colby, 2790 Sirhal Drive, #309, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)
10C-20 Jane Walsh, 5636 Hallendale, Haslett; RE: Support for Rezoning #05010 (Capstone Development)
10C-21 Francisco Delgado, 2900 Northwind Drive, Apt. 105, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)
10C-22 Igor Guru, 4487 Seneca Drive, Okemos; RE: Support for Rezoning #05010 (Capstone Development)
10C-23 Charles J. and Nancie M. Stahl, 2663 Mansfield Drive, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)
10C-24 Kalifar Bofaris, 4296 Manitou, Okemos; RE: Support for Rezoning #05010 (Capstone Development)
10C-25 Janet Feldpausch, 2683 Mansfield Drive, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)
10C-26 Juanita and Robert Rentschler, 2687 Teri Terrace, East Lansing; RE: Opposition to Rezoning #05010 (Capstone Development)
10C-27 LINC, PO Box 40, Okemos; RE: Opposition to Rezoning #05010 (Capstone Development)
10C-28 Bernice Brandon, 5099 Wardcliff, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)
10C-29 Mark and Kathy Colby, 5140 E. Brookfield, East Lansing; RE: Support for Rezoning #05010 (Capstone Development)
10C-30 Molly Wingrove, 2649 Melville Drive, East Lansing; RE: Opposition to Rezoning #05010 (Capstone Development)
10C-31 Molly Wingrove, 2649 Melville Drive, East Lansing; RE: Information from the June 13, 2005 Okemos School Board meeting regarding the Capstone Development
10C-32 Christine Beavers, 5125 Brookfield, East Lansing; RE: Opposition to Rezoning #05010 (Capstone Development)
10C-33 Louis M. Shelburg, 2825 Roseland, East Lansing; RE: Opposition to Rezoning #05010 (Capstone Development)
- (2). Board Information (BI)
BI-1 Brock and Debi Walker, 4095 Hulett Road, Okemos; RE: Concerns with Planned Unit Development #05044 (Nilson/Fairmont)
BI-2 LINC, PO Box 40, Okemos; RE: Suggestion for a maintenance ordinance
BI-3 Eckhart Dersch, 2203 Butternut Drive, Okemos; RE: Pedestrian Crossing at Science Parkway and Okemos Road
- (3) Regional Linkage (RL)
RL-1 Governor Jennifer M. Granholm, George W. Romney Building, 111 South Capitol Avenue, Lansing; Congratulatory letter to Fire Chief Fred Cowper on the *Assistance to Firefighters Grant Program* Award
- (4). Staff Communication/Referral (SC)
SC-1 Memorandum from Mark Kieselbach, Director of Community Planning and Development; RE: Commission Review #05033, 2006-2011 Public Improvements

- Program (PIP)
- SC-2 Letter from Mark Kieselbach, Director of Community Planning and Development to Mr. Daniel Troia, Ingham County Road Commission; RE: Westland Use Permit #05-06
- SC-3 E-mail from Mark Kieselbach, Director of Community Planning and Development to Christine Beavers; RE: Number of unrelated persons allowed in the RC zoning district
- SC-4 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 August 1, 2005
- SC-5 Michigan Townships Association Legislative E-Report July 29, 2005 Edition
- SC-6 Michigan Townships Association Legislative E-Report August 5, 2005 Edition

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 Treasurer Hunting.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: Trustees Veenstra, Woivode
Motion carried 5-2.

B. Minutes

Trustee Brixie moved to approve and ratify the minutes of the August 4, 2005 Regular Meeting as submitted. Seconded by Treasurer Hunting.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: Trustees Veenstra, Woivode
Motion carried 5-2.

C. Bills

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

Common Cash	\$ 170,426.39
Public Works	\$ 130,284.60
Total Checks	\$ 300,710.99
Credit Card Transactions	\$ 8,846.81
Total Purchases	<u>\$ 309,557.80</u>
ACH Payments	<u>\$ 270,357.94</u>

Seconded by Treasurer Hunting.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: Trustees Veenstra, Woivode
Motion carried 5-2.

[Bill list in Official Minute Book]

D. Assessing Stipulations

Trustee Brixie moved that the Township Assessor be authorized to sign a stipulation with Shiv Ram Corporation on the following property:

YEAR	DOCKET NO.	ADDRESS OF PROPERTY
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2004	0310519	2736 Grand River		
Assessment		2004	AV/TV	\$720,600/711,577
Proposed Assessment		2004	AV/TV	\$600,000/600,000

Seconded by Treasurer Hunting.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: Trustees Veenstra, Woiwode
Motion carried 5-2.

Trustee Brixie moved that the Township Assessor be authorized to sign a stipulation with Shiv Ram Corporation on the following property:

YEAR	DOCKET NO.	ADDRESS OF PROPERTY		
2005	0310519	2736 Grand River		
Assessment		2005	AV/TV	\$727,500/727,500
Proposed Assessment		2005	AV/TV	\$600,000/600,000

Seconded by Treasurer Hunting.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: Trustees Veenstra, Woiwode
Motion carried 5-2.

- E. Resolution to Set School Street Water Main Special Benefit Charge
Trustee Brixie moved to approve the resolution establishing water system benefit charges for School Street (from Haslett Road to 350 feet south) establishing a cost of \$49.55 per linear foot of frontage, plus 5% annual increase, with a minimum of \$4,500.00, plus 5% annual increase. Seconded by Treasurer Hunting.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: Trustees Veenstra, Woiwode
Motion carried 5-2.

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item # 11A, #11D, #11G)

9. HEARINGS

- A. Addition of Off-Road Pathways in the Hulett Road/Bennett Road/Jolly Road area to the Pedestrian/Bicycle Pathway Master Plan
Supervisor McGillicuddy opened the public hearing at 7:18 P.M.

Director Severy summarized the proposed addition of off-road pathways in the Hulett Road/Bennett Road/Jolly Road area to the Pedestrian/Bicycle Pathway Master Plan as outlined in staff memorandum dated August 11, 2005.

Trustee Veenstra felt it would be desirable to get access to the south end of the cul de sac on Sun Rapids so that the pathways would allow access to the subdivision without going to Bennett Road and an east-west access from the Okemos Preserve.

Trustee Such asked the width of the Ingham County Drain Commissioner's right-of-way on the Smith Drain.

Director Severy responded it was 100 feet wide, generally fifty (50) on each side.

Manager Richards stated some of the suggestions mentioned are the result of the Drain Commissioner's input at the workshop which was held on the off-road pathways in this area.

PUBLIC

Robert Hopp, 3918 East Sunwind Drive, Okemos, lives on the lot just west of the Zephyr easement. He voiced support for the pathway and noted the construction company who is installing the water and sewer mains has been very considerate and supportive of the neighbors. Mr. Hopp encouraged connection of the sidewalks across the Zephyr easement between lots 15 and 16.

Mark Wisniewski, 2414 Kansas Road, Okemos, spoke in opposition to the pathways on Kansas Road, citing wetlands and wildlife concerns.

Steven Freemire, 3622 Kansas Road, Okemos, expressed concern over the layout of the bike path on Kansas Road, citing devaluation of property, traffic, noise and intrusiveness. He stated Jolly Oak does not currently have any sidewalks and proposed a pathway up Jolly Oak in place of Kansas Road.

Gwen Wyatt, 3918 E. Sunwind Drive, asked if the bike pathway could be placed as far to the east as possible from the Zephyr easement and away from her side lot as she hopes to add a room on that side of her home one day. She inquired as who would be responsible for the maintenance of the Zephyr easement once the bike path is constructed and stated that she and her husband have maintained the property for several years.

Lynn Rollins, 3932 Sun Rapids Drive, Okemos, questioned whether the proposed bike path would be paved or dirt and requested more information on the proposal.

Leonard Provenchur, 5824 Buena Parkway, Haslett, conditionally supported this pathway and expressed no objection to placing the off-road pathways in the Hulett Road/Bennett Road/Jolly Road area to the Pedestrian/Bicycle Pathway Master Plan. He spoke to the "deplorable" conditions of existing pathways, especially on Raby Road. He noted that he found nothing in the Township's ordinances which specifies who is responsible for maintenance and there is potential liability to the Township for its condition.

Jack Rick, 3908 Sun Rapids, Okemos, expressed support for the proposed pathway, and requested that the bike paths not be placed too close to nearby homes. He felt the proposed pathway would be a good addition.

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

[Supervisor McGillicuddy recessed the meeting at 7:46 P.M.]

[Supervisor McGillicuddy reconvened the meeting at 7:59 P.M.]

B. Spring Lake and Hiawatha Lakes Streetlighting District Consolidation

Supervisor McGillicuddy opened the public hearing at 7:59 P.M.

Director Severy summarized the proposed Spring Lake and Hiawatha Lakes Consolidated Streetlighting District as outlined in staff memorandum dated August 11, 2005.

Supervisor McGillicuddy closed the public hearing at 8:03 P.M.

C. Bird Strawberry Farm Estates #3, Streetlighting District

Supervisor McGillicuddy opened the public hearing at 8:03 P.M.

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Director Severy summarized the proposed Bird Strawberry Farm Estates #3 Streetlighting District as outlined in staff memorandum dated August 11, 2005.

Dan Medrano, 5536 Strawberry Lane, Haslett, circulated a petition to add floodlights on Haslett Road at the entrance of Canoga and indicated there was some support for additional streetlights to make Phase I more consistent with Phase II and III.

Craig Thiel, 676 Emily Lane, Haslett, stated a light post currently exists on his property and, as a new property owner currently having a home built, he would like some say in the placement of the streetlight. He inquired why the Township placed a light post prior to construction of the home and would like feedback from the Township on this issue.

Sanjeev Shah, 629 Emily Lane, Haslett, spoke in support of the proposed streetlighting project.

Sulbah Srivastava, 635 Emily Lane, Haslett, spoke in support of the proposed streetlighting district. He has spoken with several residents who also support the project, as there are several young children in the subdivision.

Supervisor McGillicuddy closed the public hearing at 8:12 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Steven Fremire, 3622 Kansas Road, Okemos, alleged he did not receive notification of Rezoning #05040 (Hooker/Haynes) and spoke in opposition to the rezoning.

Bud Nilson, 3695 Okemos Road, stated a tree survey was conducted and laid out a proposal for five (5) lots on the site. In order to accommodate the proposed pedestrian walkway, the developer is proposing to deed to the Township 50 feet of the west portion of the site north of the proposed road and grant a fifteen (15) foot easement on the east side of the site for the pedestrian walkway.

Mark Wisniewski, 2414 Kansas Road, Okemos, spoke in opposition to Rezoning #05040 Hook/Haynes).

Supervisor McGillicuddy closed public comment.

A. Park Project Budget Reallocation

Director Maisner summarized the Parks Project Budget Reallocation as outlined in staff memorandum dated August 9, 2005.

Treasurer Hunting moved to approve the Park Commission's request to reallocate the existing budgeted General Fund amount of \$30,000 from Wonch Park soccer field renovation to the following capital projects:

- **Wonch Park Site Plan - \$15,000**
- **Snell-Towar Recreation center basketball court renovation – \$10,000**
- **Orlando Park Site Plan - \$5,000**

Seconded by Trustee Such.

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

NAYS: None

Motion carried unanimously.

B. Mayberry Homes/Hartrick Park Drain Easement Request

Director Maisner summarized the Mayberry Homes/Hartrick Park Drain Easement Request as outlined in staff memorandum dated August 10, 2005.

Trustee Such moved [and read into the record], THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN supports approval of the drainage/flowage easement request from Mayberry Homes and accepts the terms of a bulldozer and operator for one day and \$1,000 cash for future improvements to the wetland pond in Hartrick Park, and that the easement be given to the Okemos Preserve Drain Drainage District to support future maintenance and improvements.

Seconded by Trustee Brixie.

Board members and staff discussed the following:

- Environmental Commission review resulted in no objections
- Drain Commissioner estimate of sufficient funds for additional plantings
- Current design does not need a wetland use permit
- Question of sufficient compensation for the granting of a 25 foot easement
- Additional flow of water beneficial to the wetlands which is a benefit to the Township
- Not a Board objective to turn easements into a profit

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

- D. Rezoning #05040 (Hooker/Haynes), request to rezone an approximately 6.77 acre parcel located north of 3681 Kansas Road from RR (Rural Residential) to RAA (Single Family-Low Density)
- Trustee Such 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 Zoning District Map of Meridian Township Pursuant to Rezoning Petition #05040” RR (Rural Residential) to RAAA (Single Family-Low Density) conditioned on the site being developed with a maximum of six lots which meet the minimum standards of the RAAA (Single Family-Low Density) zoning district.**

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 introduced at least once prior to the next regular meeting of the Township Board.

Seconded by Trustee Veenstra.

Board members and staff discussed the following:

- Land will not connect to Kansas Road
- Land will not end in a cul-de-sac
- Provides an easement for a pathway with no motor connection
- Tree survey indicates there will be only five (5) lots
- Amended proposal allows for less than one (1) residence per acre
- Staff received new information shortly before commencement of the Board meeting
- Reference to letter submitted by the applicant tonight and addition of the site plan showing tree location as a condition of approval need to be added as WHEREAS clauses and into final statement as a condition on the rezoning

Trustee Veenstra offered the following friendly amendment:

- **Change the fourth and sixth WHEREAS clauses from six lots to five lots and the RESOLVED clause from six to five lots**

The amendment was accepted by the maker.

ATTORNEY COMMENT: It appears that this resolution, as written, has not taken into consideration anything that was submitted to you as far as the conditions added to this rezoning as well as the site plan. Those things needed to be added into this resolution; you need to add a WHEREAS the applicant has submitted conditions on their rezoning that would include limiting the development to five lots, and if the Board is moving in this direction, you would also want to add and is consistent with the site plan submitted. I don't know if this has been reviewed by the Planning Director or not. If you want to make it conditional on this letter and this site plan, you need to add that to the resolution as well as to the NOW THEREFORE.

Trustee Such moved to table the motion. Seconded by Trustee Woiwode.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode,
Supervisor McGillicuddy
NAYS: Clerk Helmbrecht, Treasurer Hunting
Motion carried 5-2.

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Craig Thiel, 676 Emily Lane, Haslett, believed the posts shown in the diagram are not correct and Consumers Energy was premature in the placement of posts.

A. Addition of Off-Road Pathways in the Hulett Road/Bennett Road/Jolly Road area to the Pedestrian/Bicycle Pathway Master Plan

Board members and staff discussed the following:

- Modification to the Master Plan to accommodate moving the pathway over to Jolly Oak up to the cul-de-sac and over to the drainage property
- Locate pathway from Sunwind Estates into the development area as far from existing homes as possible
- Drain Commissioner statement during a charette that he would support off-road pathways in the right-of-way
- Type of, schedule of and funding for maintenance of the pathways
- Funds designated in the pathway millage for maintenance
- Township review for a more systematic approach of pathway maintenance
- Pathways not intended for excessive speed (20 mph)
- Staff to investigate possible Adopt-a-Pathway program
- Article in next issue of parks brochure encouraging residents to maintain pathways near their homes
- Paving of Raby Road path to Marsh Road
- Possible required connection to the Meadows
- Easement in the Meadows is problematic
- Increase of property values when pathways are added next to homes
- Significant section of pathway through a wetland in the Sanctuary development
- Pathway through the Sanctuary will be out of the wetlands if moved east
- Pursue condemnation of property for Meadow easement between homes
- Condemnation of property to build pathways not an option
- Indication on the Master Plan as an alternative pathway to designate that it is not entirely paved
- Need for drawing to be defined as a concept plan as exact location has not yet been determined
- Need for a more detailed map at a future meeting for additional discussion
- Site plans of the three developments (Meadows, Sanctuary and Preserve) already approved and in place
- Easements from the Meadows and Sanctuary would require modifications to the approved site plans
- Drain Commissioner easement needs to allow public traverse along the Smith Drain

Condemnation of property to build pathways: (Questions for the Attorney (See Agenda Item #8))

Q. Is there any precedent for condemnation for pathways for public good?

A. I can't answer that for you tonight. I know there is a procedure for condemnation and I can research that to see if it has been used for pathways, but I can't answer that tonight.

It was the consensus of the Board to place the Addition of Off-Road Pathways in the Hulett Road/Bennett Road/Jolly Road area to the Pedestrian/Bicycle Pathway Master Plan on for discussion at the September 6th meeting.

B. Spring Lake and Hiawatha Lakes Street Lighting District (Consolidation)

Board members discussed the following:

- Inequities would be rectified through the consolidation

It was the consensus of the Board to place this item on for action at the September 6th meeting.

C. Bird Strawberry Farm Estates #3, Street Lighting District

Board members discussed the following:

- Capped lights to prevent light from projecting above horizontal
- Possible provision for changes to an existing streetlight pole erroneously placed by Consumers
- Piper Road resident concern that no light travel in his direction
- Expansion of the Township lighting ordinance to include residential in order to maintain dark skies
- Staff to pursue additional choices of lighting from Consumers or others (down shielded lights)

It was the consensus of the Board to place this item on for action at the September 6th meeting.

D. Piper Road Paving Reassessment to Include Blueberry/Strawberry Farms

Trustee Veenstra requested that he be recused from this discussion.

Trustee Woiwode moved that Trustee Veenstra be recused from the discussion of the Piper Road Paving Reassessment. Seconded by Trustee Such.

VOICE VOTE: Motion carried 6-0.

Board members and staff discussed the following:

- Need for all the previous minutes to obtain a complete history of this assessment
- Clear that residents will gain a benefit from driving down a paved road
- Capeside assessment for the paving of Hulett Road came from Capeside property owners
- Question as to how you would place value as you near Piper Road
- Assessment only for the last phase of Strawberry Farms and Blueberry Farms
- Engineering Department and the attorney to specifically establish a benefit
- Only residents of Piper Road had input into requesting that Piper Road be paved
- Many of the houses in these subdivisions were built after Piper Road was paved
- Need to establish and prove clear benefit for the assessments
- Research of minutes to review the discussions regarding Bird Strawberry Farms and Blueberry Hills subdivisions to determine the expectation
- Clerk's office to provide minutes of previous discussion in order to reconstruct a record

Addition of non-abutting property to a special assessment district: (Questions for the Attorney (See Agenda Item #8))

Q. I think the last time we discussed this, we had asked our attorney to check into whether we can even do this, to find out if we even need to have this discussion. My question would be have we looked into this?

- A. There were two (2) questions the last time; one had to do with the issue of amending the assessment district. I think I had alluded to the fact that you could and, more specifically, the answer is that you can amend it, but you need to go through the public hearing process and any other notice requirement(s). There is a section in the state act that allows for amendment, and I have also done some legal research that supports that. More of a concern to me is the issue of the abutting property. There is not, at this time, a decision by the State of Michigan Courts that directly prohibits or allows adding non-abutting property owners to a special assessment district involving roads. So, there is a case out there where a similar situation was overruled as illegal and unconstitutional; however, in that case it wasn't based on the issue of non-abutting property owners. The reason it was overruled had to do with the fact that those non-abutting property owners weren't getting a special benefit. My recommendation at this point is to say that we don't have a definitive answer as to whether a non-abutting property owner can be specially assessed, but if the Board chooses to go in that direction, it needs to be sure that those property owners that are non-abutting have an increased value to their property as a result of the paving or resurfacing or the constructing of that roadway. It needs to be a direct benefit and you need to be able to show that it exists; that the value before and the value after is different and that it has increased.
- Q. If Piper Road was paved before any of those lots were developed, you would have to prove that even though it was paved prior to development that there was yet another increase in the value of the property?
- A. Again, there is no non-abutting case to look at. My response to that would be you need to be able to show that the property will increase in value due to the paving of the road.
- Q. If the road was already paved when the person bought the property, how could there be an increase?
- A. What you are comparing is what was that property worth before it was paved and what is that property worth now. It doesn't depend specifically on what they bought it for, but there must be some valuation of what that property was worth before the road was paved; what was the non-abutting property worth and what is it worth now. What is difficult here is that it wasn't even developed, so you need to be able to relate the increase in the property value to the paving, not just to the development of the lot. Again, there is not a case to look at to say this is how this was valued, because there is not one that has to do with non-abutting property owners and the increase in value. In order to add them to a special assessment district, you need to be able to show that increase in value is due to the paving of the road.

It was the consensus of the Board to place this item on for discussion at the September 6th meeting.

F. Sign Ordinance

Director Kieselbach summarized the draft sign ordinance as outlined in staff memorandum dated August 12, 2005.

Board members discussed the following:

- Size of the signs are approximately half the size of those in the commercial district
- Multi-tenant office buildings currently can have only one sign regardless of the number of tenants
- Explanation of a "canopy" sign
- Staff verification of the definition of "tenant"
- Three to four (3-4) remaining sections of the draft ordinance
- Clarify wording in Section 86-a(a) (3)
- Language in Section 86-(a) (3) does not address canopy signs
- Language for common means of public access

It was the consensus of the Board to move forward on the next sections of the sign ordinance.

- G. Zoning Amendment #04110 (Planning Commission), an amendment to Section 86-94(5)b.2 to create consistency between the zoning ordinance amendment process and the Township Zoning Act

Director Kieselbach summarized the proposed zoning amendment as outlined in staff memorandum dated August 12, 2005.

Board members discussed the following:

- Degree of change which would warrant referral back to the Planning Commission
- Inefficient for all changes or modifications to be referred back to the Planning Commission
- Planning Commission as the body to review a total proposal
- Current process allows for a Board motion to refer back to the Planning Commission
- Current Board more responsive to citizen input than in the past
- Differentiation between the applicant and the Board requesting a change
- Suggestions to the zoning ordinance to align with the state act
- Include definition of “applicant request” and “Board request”
- Cumbersome to refer everything back to the Planning Commission for a public hearing

Applicant vs. Board request for modification: (Questions for the Attorney (See Agenda Item #8))

- Q. Anybody right now, on any Planning Commission report that comes to the Board any citizen can request a public hearing?
- A. The state act says that if the Board considers a proposed text or zoning amendment advisable to a zoning request, and it goes back to the Planning Commission, and they make a report; after that report comes back to the Board level, a citizen may request a public hearing and the Board must allow that public hearing. We are making suggestions to this zoning ordinance, so that it is more in line with the state act, so that it is clear if the applicant makes changes and a citizen comes back and asks for a public hearing at the Board level, that’s not required. If the Board makes an amendment to someone’s request and it goes to the Planning Commission, pursuant to the state act, they are required to provide a public hearing.
- Q. Then that requires really focusing on what Trustee Brixie just asked, which is when does the Board make a suggestion and when does the applicant make the suggestion. I have always been under the impression that the Board can make suggestions to the applicant but we do not dictate that they do this. Would we have to lay it out what needs to be changed; is that what you are suggesting?
- A. In the past, there have been times when the Board would refer it back to the Planning Commission and say, “Consider these multiple categories; we want you to look at this category, this category and this category.” The applicant has not come in and said, “Would you look at all these three categories and consider what is best for us.” I would say in that situation, without any input from the applicant, that it is a Board referral back to the Planning Commission. If the applicant comes in and says they have changes and now wants the Board to look at RAA or something, that is an applicant request. In the prior ordinance, it was not as clear as to how it was to be handled if there was a request form the applicant vs. an amendment or modification suggested by the Board.

Attorney review of the proposed zoning amendment: (Questions for the Attorney (See Agenda Item #8))

- Q. Andria, have you reviewed any of this yet?
- A. Mr. Woodworth and I have spent extensive time rewording this months ago. The recommendation was sent over and, for some reason, there was miscommunication and it didn’t come in front of the Board the first time. Although I checked the prior one and not this one, I believe this is exactly as recommended by our office.

I will say that (5) c. was mirroring what was already in your ordinance. If you don’t want it that specific; if you want to leave it open so that everything is referred back if an applicant requests it, we were only mirroring what was already in the ordinance, which says, “If you consider any amendment changes, additions or departures, it is referred to the Planning Commission for a report.” If that isn’t what you want to do, and you want to make it more flexible, maybe only something that hasn’t been considered or contemplated by the Planning Commission has to go back to the Planning Commission.

- Q. We did not previously send things back a second time, and now we are saying we are going to send it back every time there is a significant change?
- A. If the issue that has been changed has not been contemplated by the Planning Commission, you would have sent it back in the past. If you believe the Planning Commission has contemplated that change based on their minutes, you would not send it back again.

If you want, we can add language which states, “that has not been contemplated by the Planning Commission at a prior hearing” after the word “modification” in subsection (c). If the Planning Commission has not contemplated that change in some way, it should go back to the Planning Commission for them to give their recommendation to the Board.

The consensus of the Board was to place this item on for discussion at the September 16th meeting.

H. Zoning Amendment #04120 (Planning Commission), an amendment to Section 86-439 Planned Unit Development of the zoning ordinance
Director Kieselbach summarized the proposed zoning amendment as outlined in staff memorandum dated August 12, 2005.

Board members discussed the following:

- PUD applications currently have two public hearings
- Final approval does not require a public hearing
- Process similar to the mixed use PUD process

The consensus of the Board was to place this item on for discussion at the September 16th meeting.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Leonard Provenchur, 5824 Buena Parkway, Haslett, expressed concern over the condition of the pathway which goes from the end of Benson Drive through the park on the east side of the Pine Lake Drain as it relates to the students who live in Benson Hills Apartments who are required to walk to school. He also addressed uncompleted park work where wood chips have not been distributed on the pathway.

Carl Harmon, 1924 Birchwood, voiced appreciation to the Board for the Adopt-a-Path concept. He also commended the Board for its deliberations on the Piper Road Paving Reassessment to include Blueberry/Strawberry Farms.

John Anderson, 215 W. Newman, Okemos, spoke in opposition to Rezoning #05010 (Capstone Development).

Supervisor McGillicuddy closed Public Remarks.

13. POSSIBLE CLOSED SESSION

Treasurer Hunting moved that the Township Board go into a closed session to discuss strategy related to ongoing litigation. Seconded by Trustee Brixie.

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 10:46 P.M.

The Board adjourned to the Upstairs Conference Room for a closed session.

Trustee Such moved to return to open session. Seconded by Trustee Veenstra.

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

Trustee Such moved to go forward as discussed in closed session. Seconded by Trustee Woiwode.

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

14 ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 11:26 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary