

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
THURSDAY, NOVEMBER 4, 2010 **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Treasurer Brixie, Trustees Dreyfus, LeGoff, Ochberg,
Veenstra (6:05 P.M.)
ABSENT: Clerk Helmbrecht
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development
Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Assistant
Manager/Human Resources Director Paul Brake, Director of Parks & Recreation LuAnn
Maisner, Director of Information Technology Stephen Gebes

1. CALL MEETING TO ORDER

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

2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS

Supervisor McGillicuddy led the Pledge of Allegiance.

3. ROLL CALL

The secretary called the roll of the Board.

Without objection, Supervisor McGillicuddy appointed Trustee LeGoff as Clerk Pro Tem.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, expressed disappointment the Headlee override millage proposal failed and believed passage of the Land Preservation millage was for an issue he described as a nicety and non-essential.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

A. Election Report

Clerk Pro Tem LeGoff announced the unofficial election results as follows:

- 16,076 of the 27,558 registered voters cast ballots in the November 2, 2010 General Election (57.91%)
- Headlee Override Millage Proposal failed: 7,333 to 7,727
- Land Preservation Reduce and Renew Millage Proposal passed: 9,815 to 5,392

B. Treasurer's Quarterly Report

Treasurer Brixie gave an update on delinquent personal property tax collections for 2008-2010, distributions as of October 15, 2010 and fixed and non-fixed investments as of September 30, 2010. Treasurer Brixie indicated as of October 28, 2010 total tax collections were approximately \$40,704,000.

C. End of Year Reports

Zoning Board of Appeals (ZBA)

Jim Hershiser, Chair, reported there were few cases before the ZBA this year due, in part, to the current economic climate and improved staff communication with applicants: four (4) for commercial office signs, five (5) commercial and office (two of which were for new development) 11 residential cases (of which 80% were approved) and two (2) cases from the Township.

Planning Commission

David Reicosky, Chair, offered a written synopsis of Planning Commission activities for 2010: eight (8) zoning amendments, one rezoning, 14 special use permits, four (4) commission reviews, five (5) wetland use permits, one (1) mixed use planned unit development and discussions on a commercial planned unit development (C-PUD). He pointed out two (2) special use permits were denied and the Board did not follow the recommendation of the Planning Commission on one (1) special use permit. Chair Reicosky stated the Planning Commission still recommends the Park Commission look into providing a canoe or kayak livery at the Dobie Road Bridge.

Chair Reicosky addressed the workability of the mixed use planned unit development process for the development at the corner of Mt. Hope and Hagadorn Roads. He explained progress to date on the proposed commercial planned unit development ordinance. Chair Reicosky requested the Planning Commission agenda and documentation be posted on the Township's website one week prior to a Planning Commission meeting.

Economic Development Corporation (EDC)

Marsha Madle, Chair, reported the creation of a Business Advisory Group Subcommittee which will discuss issues brought by the business community and the Township in a two-way communication forum. She noted the implementation of a Business Welcome Program which will include the creation of a new Business Welcome Kit.

Chair Madle added the EDC maintains its collaborative relationships with the Meridian Area Business Association (MABA) and the Okemos DDA while continuing its annual sponsorship of the MABA Expo, its financial contribution to the Okemos DDA Integrated Plan and sponsorship of the Okemos Art Walk. She spoke to the 2010 eCities Outstanding Communities Award which was presented to the Township by the University of Michigan's Dearborn iLabs and indicated this award was the result of efforts by several community entities including the Meridian Asset Resource Center (MARC), MABA, EDC and HOM-TV.

Downtown Development Authority

William White, Chair, thanked staff for its hard work and reiterated DDA's mission statement. He believed the most important accomplishment was the installation of 21 LED streetlights which creates a pedestrian friendly downtown Okemos with a more defined sense of place. He spoke to the \$50,000 demonstration grant received from the Department of Energy, Labor and Economic Growth. Mr. White noted the DDA is making downtown Okemos more of an arts and culture community, partly through hosting the Second Annual Celebrate Downtown Okemos Art Walk. He added the DDA is being promoted through a Facebook page. He indicated aesthetic improvements this year included day lilies being planted along Okemos and Hamilton Roads as well as the Marsh Road roundabout, street banners and holiday decorations which will be installed as soon as the new streetlights are finished. Mr. White added the DDA welcomes citizens who wish to purchase a sculpture and leave it on permanent display in the downtown Okemos area. Mr. White indicated there are several in-fill development opportunities within the DDA which would improve the walkability of the village.

Land Preservation Advisory Board

Tom Woiwode, Chair, reported voter passage of the Land Preservation reduction and renewal millage. He added 700+ acres have been preserved and protected, while approximately six of the transactions have been gifted to the Township. Chair Woiwode added the program provides property owners who are committed to the protection of their land with a repository to ensure their legacy will remain protected. He added Land Preservation Advisory Board (LPAB)'s focus over the last four (4) years and now for the next ten (10) will be to develop the appropriate management plans to ensure the legacy included in the original acquisition continues indefinitely. Chair Woiwode thanked the Park Commission, its staff as well as the Environmental Commission for the close working relationship with the LPAB. Chair Woiwode gave special thanks to Treasurer Brixie for her tireless efforts on behalf of the Land Preservation ballot measure.

Treasurer Brixie conveyed, at Clerk Helmbrecht's request, thanks for all the get well wishes. She relayed that the Clerk has a positive diagnosis of her medical condition and is on the road to recovery with no long-term physical effects. The treasurer reported her attendance at the Chamber of

Commerce's intergovernmental meeting last month as well as a Pension Board meeting where a very minor change was made to the allocation of the plan.

Trustee Veenstra reported his attendance at Tri County Regional Planning Commission's October 27th meeting. The commission continues the process of hiring a replacement for retiring Executive Director Jon Coleman. A report on the Clean Commute Program was presented noting the number of ozone action days is down significantly.

Trustee Ochberg requested staff assurance that in balancing the 2011 budget, public safety needs will be properly prioritized above other expenses now that the Headlee Override millage proposal did not pass.

Supervisor McGillicuddy reported her attendance at the DDA meeting on November 1st. She announced CATA's Transportation Steering Committee will hold an open house on November 11, 2010 from 5:00 P.M. to 7:00 P.M. in the Township Hall Room to view its recommendation from the Michigan/Grand River Avenue Transportation Study.

Trustee Dreyfus reported a second Meridian Time Bank meeting was held and one more foundation meeting will take place, probably the first week of December. This meeting will be held at the Meridian Activity Center in downtown Okemos.

Trustee Veenstra noted the message he received from voters is that the Board needs to be more frugal and he has \$210,000 in proposed budget cuts which would allow hiring of firefighter/paramedics and/or police officers. He indicated it takes \$210,000 in cuts to hire three (3) beginning patrolman or firefighter/paramedics.

6. APPROVAL OF AGENDA

Treasurer Brixie moved to approve the agenda amended as follows:

- **Add Agenda Item #7H: Budget Amendment – Ambulance Laptop Computers**
- **Move Agenda Item #7G to Agenda Item #10A**
- **Reletter Agenda Item #7H to Agenda Item #7G**

Seconded by Trustee Ochberg.

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

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

NAYS: None

Motion carried 6-0.

The adopted Consent Agenda items are as follows:

A. Communications

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

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

NAYS: None

Motion carried 6-0.

B. Minutes

Treasurer Brixie moved to approve and ratify the minutes of the October 19, 2010 Regular

Meeting as submitted. Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
McGillicuddy, 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 | \$ 529,530.00 |
| Public Works | \$ 63,782.93 |
| Total Checks | \$ 593,312.93 |
| Credit Card Transactions | \$ 7,699.18 |
| Total Purchases | <u>\$ 601,012.11</u> |
| ACH Payments | <u>\$ 481,701.85</u> |

Seconded by Trustee Ochberg.

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

[Bill list in Official Minute Book]

D. Gaming Permit, National Association for Children’s Cancer

Treasurer Brixie moved approval of a request from the National Association for Children’s Cancer of Meridian Township, Ingham County, asking they be recognized as a non-profit organization operating in the community for purposes of obtaining a gaming license or registration and further, that the Township Clerk be authorized to execute the resolution from the State of Michigan. Seconded by Trustee Ochberg.

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

E. Acceptance of Resignation from and Appointment to the Economic Development Corporation

Treasurer Brixie moved to accept the resignation of Sharon Gillette from the Meridian Economic Development Board and to appoint Craig Allen to the open board position with a term to expire December, 2013. Seconded by Trustee Ochberg.

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

F. Additions to Tax Roll

Treasurer Brixie moved to assess the charges identified in the staff memorandum with parcel identification available in the Treasurer’s Office dated October 29, 2010 for Delinquent Special Assessments, Utility Bills, Nuisance, Lot Mowing, and False Alarms as a tax lien against the subject properties as authorized by Michigan Compiled Laws (MCL) 41.727 41.728 and Meridian Township Ordinance Code Sections 58-32, 780-98, 78-155, 46-5, 82-27, 18-1 and 18.15. Seconded by Trustee Ochberg.

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

G. Budget Amendment – Ambulance Laptop Computers

Treasurer Brixie moved to authorize the Township Manager to reallocate \$16,000 from the 2010 Fire Line Items for the purchase and installation of upgraded laptop computers in the Township ambulances. Seconded by Trustee Ochberg.

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

8. QUESTIONS FOR THE ATTORNEY (None)

9. HEARINGS (None)

10. ACTION ITEMS/ENDS

A. Georgetown Estates Streetlighting District, **Resolutions #1 and #2**

Director Severy summarized the streetlighting district as outlined in staff memorandum dated October 29, 2010.

Treasurer Brixie moved to approve the Georgetown Amended Streetlighting Special Assessment District Resolution #1, ordering plans to be prepared showing the streetlighting improvement, location and estimate of cost thereof; and Resolution #2, filing the plans showing the improvement, location and estimate of cost with the Clerk's Office, tentatively declaring the intention to install and maintain 12 additional dark sky streetlights and defray the cost of installation against the 39 benefiting lots, and defray the cost of operation and maintenance of the 28 streetlights against the 81 benefiting lots by special assessment, and setting a public hearing for December 7, 2010. Seconded by Supervisor McGillicuddy.

Board members and staff discussed the following:

- Streetlights are not LED
- Consumers Energy does not have LED streetlights for purchase
- Suggestion to use the same LED streetlights as is being placed in the Okemos Downtown Development Authority
- Different approach used by the DDA was to assume ownership of the streetlights (i.e., install electrical usage meter and provide maintenance)
- Complicated process to follow DDA's approach
- LED streetlights are far more expensive than the dark sky streetlights
- Most of the streetlights in Michigan are owned by utility companies, not by the governmental jurisdiction
- New rates are per the current Consumers Energy invoice
- First year cost for the 39 lots in Phase 2 includes the installation cost of \$300 per streetlight
- Cost of streetlights are assessed in advance and the amount includes an estimate of the first ten months of 2011 and all of 2012
- First bill will not be sent until November 11, 2011
- Request for a reduction in the number of streetlights in this area where there is traditionally a dark sky as one streetlight for every two lots is excessive
- Dark sky lights used to illuminate the streets and sidewalks
- No globe in these dark sky streetlights; bulb is up in the head of the light
- Streetlighting district designed by Consumers Energy based on lighting levels
- Board member reminder that Consumers Energy is in the business of selling electricity
- Board member statement that Consumers Energy has a bias in favor of selling electricity and is likely to design a streetlighting district that has an excessive amount of streetlights
- Suggestion for the Township to find "somebody else" to design the Township's streetlighting districts which would have a conservation ethic in mind

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

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Sabrina Jenkins, 654 Emily Lane, Haslett, thanked the Park Commission for working with the public to create an off-leash dog park for the residents in Meridian Township. She spoke in support of the Park Commission recommendation for placement of a dog park in the township

John Brewster, 4379 Wausau, Okemos, and a member of the Citizens Advisory Committee for a Dog Park, noted the committee is not concerned with the specific location of a dog park, but expressed trust in the Park Commission as the experts on this issue.

Supervisor McGillicuddy closed public comment.

A. Use of Township Property for a Dog Park at Okemos Road/Central Park Drive

Director of Parks and Recreation LuAnn Maisner summarized the Park Commission's research and plans toward building a dog park in Meridian Township over the past several years. She requested Board clarification as to the availability of the Okemos Road/Central Park Drive site for park purposes.

Teri Banas, Park Commission Chair, 5606 Creekwood Lane, Haslett, offered rationale as to why the Park Commission chose Legg Park as the site for a dog park. She also requested Board clarification as to its intent for use of a portion of the Okemos Road/Central Park Drive location as a dog park.

Marilyn Aronoff, Park Commission Vice-Chair, 2248 Kent Street, Okemos, spoke to the comfort and security of the open field area in Legg Park. She noted residents have a real need for a space to exercise with their dogs off leash. Ms. Aronoff indicated approximately 70 residents have expressed interest in helping to fundraise and construct a dog park.

Board members discussed the following:

- Property on Okemos Road/Central Park Drive was purchased for a future public use
- No interest in giving this valuable land to the Park Commission for its permanent use
- Temporary use of this land as a dog park would be problematic for any other future use
- Concern with environmental sensitivity at the Okemos Road/Central Park Drive location
- Insufficient parking at the Okemos Road/Central Park Drive location
- Possible use of a portion of the Okemos Road/Central Park Drive location as a temporary dog park
- Possible arrangement with Meridian Mall for parking
- Fencing an area of the Okemos Road/Central Park Drive location for use as a dog park
- Central location of a dog park as a public safety issue
- Okemos Road/Central Park Drive property is in close proximity to pet supply businesses
- Okemos Road/Central Park Drive location would be contiguous to Meridian Mall which has its own security personnel
- Central Park Drive/Okemos Road location would be near the Township's Public Safety Building
- Possibility of negotiating a lease at \$1/year with a fenced in area
- Research conducted by one Board member indicated materials for a double entry fence on ten (10) acres would be \$35,000
- Park Commission only looked at park land when it considered the location of a dog park
- History of Legg Park did not indicate it was to remain pristine

The consensus of the Board was not to give the Park Commission the Okemos Road/Central Park Drive property and to allow the Park Commission to make the determination on the location of a dog park.

- B. Expansion of Economic Development Corporation Board Members
Marsha Madle, Chair, spoke to the rationale for expansion of EDC Board membership.

Board members and staff discussed the following:

- Current membership at nine(9)
- Recommendation to the Board for inclusion of a one-year position to accommodate a young adult entrepreneur/student as it would give the EDC insight of that age group
- Growing number of students and MSU graduates have ideas for starting businesses
- Availability of a college student to attend the EDC at its specified 7:30 AM time
- Potential issue of a quorum with an eleven (11) member Board
- Recommendation of Malinda Barr as an additional EDC member is a good choice as she is committed to Meridian Township
- Increasing membership will lessen the influence of the Board representative to the EDC
- Concern with the age limit of 18 as there are many high school students who would be an asset
- Member must be a qualified elector
- Clarification of a potential concern with two business partners sitting on the same Board; however, they are no longer in business together

It was the consensus of the Board to place this item on for action at the November 16, 2010 Board meeting.

- C. Mixed Use Planned Unit Development (MUPUD) Ordinance Amendments
Director Kieselbach summarized the three topics for further consideration as outlined in staff memorandum dated October 28, 2010.

Board members and staff discussed the following:

- Consideration of a 5% surety bond
- Surety bond will give some assurance the phased in approach will come to fruition
- Suggestion for a 24 month time limit on each phase similar to other Township processes
- Township Board could make the final decision as to how and when a project is phased in
- According to the Michigan Zoning Enabling Act (MZEA), a surety bond would be used to complete the improvements (e.g., utilities, sidewalks, curb and gutter, streetlights, etc.) in the event the developer does not
- Uncertainty over what the Township would do with the 5% surety bond money in the case of a \$10 million phased mixed use project (\$500,000) where it would not be sufficient to complete the project
- Once Phase I is finished, the Board has no method to “compel” Phase 2 to begin
- Suggestion for the clock to begin when the Phase I occupancy permit is given
- Current situation regarding phasing cuts short opportunities for the development community to increase the Township’s tax base
- Possible elimination of phasing
- Staff could develop language regarding phasing such that certain components of the entire mixed use development must be incorporated in each phase
- Concern the Township Board cannot “make” a property owner develop land
- Concern if the Township Board “makes” a property owner develop land, the end result of a proposed MUPUD large enough to necessitate phasing will be not to have it brought to the Township as they will not be able to obtain financing for the entire project at one time
- Suggestion to have each phase outlined and the Board feel “comfortable” with what phase is brought forth first
- Suggestion for an option to apply a performance guarantee
- Suggestion for a five-year time limit for a MUPUD
- “Shorter” time limit gives the Board more control of the environment and landscape in Meridian Township
- Substantial sized MUPUD would make a two-year time limit unrealistic
- Needed assurance that all phases of the project will be completed
- Institute some type of “penalty” for the developer not following through in the later phases of the MUPUD

- Possible requirement in the original MUPUD submission of an estimate on the total project cost as of that date
- Preference to follow the Planning Commission recommendation that a proportion of uses within the MUPUD be achieved in Phase 1
- 24 month time limit for each phase of a multi-phase MUPUD
- Developer would have the ability to ask for an extension of each phase of the MUPUD
- Ordinance currently does not have a time limit on the MUPUD; staff would need to provide language regarding extensions on each phase
- Railroad setbacks of 175 feet would preclude the Haslett downtown area
- Possible language for the developer to provide precautions if closer than 175 feet (i.e., berms)
- Reminder that the MUPUD language was created to allow the Board to look at each site on an individual basis and impose setbacks appropriate for that particular site
- Board flexibility is diminished by the reality that a developer already has a plan drafted by architects when it comes to the Board and it is economically unfeasible for them to make significant changes
- Request for staff to provide language which “guides” the developer in protecting the residential units from potential railway accidents
- No clear statement from the National Safety Board on a specific safety distance
- Current railroad setbacks in communities vary from three (3) feet up to 175 feet
- If a specific distance is written into the MUPUD, it allows the applicant to go to the Zoning Board of Appeals for a variance
- Request for staff to research federal regulations regarding the minimum distance from a railroad track in order for a residential property to be eligible for a federally insured mortgage
- Setting a specific distance from a railroad track could allow the developer to “move up” the residential component than originally planned

The consensus of the Board was to allow staff to make the changes on the remaining items as discussed.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Vance Kincaid, 4530 Nakoma Drive, Okemos, spoke in support of a dog park. Relative to the MUPUD, He noted setbacks and berms are not the only safety requirements which can be used and suggested the Board look at deep crash ditches and crash barrier walls. Mr. Kincaid spoke to the issue of medical marijuana home dispensaries and caregivers, noting the difficulty in enforcing the 25% gross square footage limit on home based businesses in the event a husband, wife and two adult children were involved as caregivers. He believed there would be an increase in vehicle trips, deliveries and vendors coming to the home. Mr. Kincaid also noted security, safety, fire and parking issues, as well as no limit on the hours of operation. He believed the character of residential neighborhoods is going to change without the Board entertaining thoughtful discussion on appropriate limitations for medical marijuana dispensaries in a residential area.

Supervisor McGillicuddy closed Public Remarks.

13. FINAL BOARD MEMBER COMMENT

Trustee Ochberg pointed to the code enforcement process in the event the ordinance on home based businesses is being violated.

Trustee Veenstra noted the electorate, through the results of the November 2, 2010 General Election, indicated the Board needs to be more frugal. He stated he found it difficult to believe the majority of residents want the Township to continue, through payment of its \$15,000 annual dues to Lansing Economic Area Partnership (LEAP), paying the CEO an annual salary of \$140,000. Trustee Veenstra indicated the Board should send LEAP a message that it has too much staff and is paying salaries which are excessive. He requested input from the public on this issue.

Relative to medical marihuana dispensaries, Trustee Veenstra stated any dispensary would be a commercial operation and the Township has existing ordinances which prohibit commercial operations in residentially zoned districts. He noted the Township's home occupation ordinance has language which restricts the size so as not to "threaten" the residential character of the neighborhood.

Trustee LeGoff agreed existing Township regulations are sufficient to prohibit the concerns expressed during earlier public comment.

Treasurer Brixie asked if Mr. Kincaid's "theory" of a husband, wife and two adult children being caregivers for five (5) patients each would be allowed under the Township's current ordinances. She believed medical marihuana would not be "sold", but dispensed.

Director Kieselbach clarified that without seeing the scale of operation of a medical marihuana dispensary as a home based business, it would be difficult to ascertain if it met the ordinance. He stated it is a possibility.

Trustee Dreyfus reminded fellow Board members that the scenario under discussion could be taking place currently, and if it is, there have not been any complaints that he is aware of. He stated The Herbal Center dispensary, located at the corner of Towar Avenue and Lake Lansing Road, has been in operation for approximately two (2) weeks and is producing less traffic than when the building housed a laundromat.

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:07 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR
Sandra K. Otto, Secretary

ELIZABETH LEGOFF
CLERK PRO TEM