

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - APPROVED -  
5151 Marsh Road, Okemos, MI 48864-1198  
349-1200, Town Hall Room  
TUESDAY, APRIL 6, 2004, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Stier, Such, Woiwode (6:05 P.M.)  
ABSENT: None  
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Assistant Fire Chief Dale Monnier, Finance Director Diana Hasse, Personnel Specialist Julie Hanson, Attorney Mike Woodworth

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:01 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.

Calvin Lynch, Ingham County Commissioner, 4815 Wainwright, Lansing, introduced himself as a candidate for Ingham County Circuit Judge.

Joyce Draganchuk, Chief Assistant Prosecuting Attorney for Ingham County, 421 West Street, Lansing, introduced herself as a candidate for Ingham County Circuit Judge.

Richard Foster, 4990 Country Drive, Okemos, offered comments on Commission Review #04023 (Convenience Depot and Okemos J/2) Water/Sewer Extension, Rezoning #02080 (Eyde) and the proposed Mixed Use Ordinance.

Will White, 4695 Okemos Road, Okemos, noted the Economic Development Corporation (EDC) has submitted an application with the MSU Small Town Design Initiative. Since this will be a long-term project, meetings will be announced in the future. He also showed overhead photographs of a project in Howell, a model he would like to replicate for Meridian Township, using the Mixed Use Ordinance.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES (None)

6. APPROVAL OF AGENDA — OR CHANGES

**Trustee Brixie moved to approve the agenda amended as follows:**

- **Add SC-7 to Staff Communications (Memorandum from Director Kieselbach; RE: Eyde Central Park Property Zoning Change)**

**Seconded by Trustee Such.**

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

**Trustee Brixie moved to adopt the Consent Agenda. Seconded by Trustee Such.**

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

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Information (BI)

- BI-1 Dominic Luberto, 4002 Shoals Drive, Okemos; RE: Rezoning #04020 (Okemos Public Schools)
- BI-2 Pat Calore, 1323 Spicewood Drive, Okemos; RE: Rezoning #04020 (Okemos Public Schools)
- BI-3 Eleanor V. Luecke, President, LINC, PO Box 40, Okemos; RE: Copy of letter to the Planning Commission Chair concerning the Amendment to the Eyde Stipulated Court Agreement
- BI-4 Eleanor V. Luecke, President, LINC, PO Box 40, Okemos; RE: Copy of letter to the Planning Commission Chair concerning Zoning Amendment #03090 (Township Board) and Newton Center Study Area Amendment
- BI-5 Eleanor V. Luecke, President, LINC, PO Box 40, Okemos; RE: Copy of letter to the Planning Commission Chair concerning Rezoning #04020 (Okemos Public Schools)
- BI-6 Mark A. Bush, ~~Fraser Trebilcock Davis & Dunlap, P.C., 1000 Michigan National Tower, 124 West Allegan Street, Lansing~~ 3912 Hazy Lane, Okemos; RE: Rezoning #04020 (Okemos Public Schools)
- BI-7 Cindy L. Joncas, 3918 Hazy Lane, Okemos; RE: Rezoning #04020 (Okemos Public Schools)
- BI-8 The Michigan Townships Association, 512 Westshire Drive, Lansing; RE: Articles from *Capital Currents* February, 2004 issue, entitled, "State Revenues Still Look Bleak", "PILT Payments in Jeopardy" and "New Laws Make Transfer of Development Rights a Possibility"
- BI-9 The Michigan Townships Association, 512 Westshire Drive, Lansing; RE: Articles from *Capital Currents* March, 2004 issue, entitled, "Revenue Sharing and PILT Impacted by Proposed 2005 Budget"

(2). Staff Communication (SC)

- SC-1 Correspondence to Township Manager Richards from James K. Rundquist, Director of Development, College Fields Golf Club Neighborhood, 4036 Hagadorn, Okemos; RE: Request for Establishment of Payback District, Hulett Road Watermain Extension
- SC-2 Correspondence from Township Manager Richards to Mr. Gerald Fedewa, G.S. Fedewa Builders, Inc., 5570 Okemos Road; RE: Granting of a use variance by the Township Zoning Board of Appeals
- SC-3 Michigan Townships Association Legislative Fax March 12, 2004 Edition
- SC-4 Michigan Townships Association Legislative Fax March 19, 2004 Edition
- SC-5 Michigan Townships Association Legislative Fax March 26, 2004 Edition
- SC-6 Memorandum from Director Kieselbach; RE: Special Use Permit #04041 (Stockwell Development Company)
- SC-7 Memorandum from Director Kieselbach to the Board; RE: Eyde Central Park Property

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

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

B. Minutes

**Trustee Brixie moved to approve and ratify the minutes of the March 16, 2004 Regular Meeting as submitted. Seconded by Trustee Such.**

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

C. Bills

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

Common Cash	\$ 291,180.31
Public Works	\$ 508,150.37
Public Safety Bldg Debt	
Check #1089-Bank One	<u>\$ 183,602.50</u>
Total Checks	\$ 982,933.18
Credit Card Transactions	<u>\$ 21,400.37</u>
Total Purchases	<u>\$1,004,333.55</u>
ACH Payments	<u>\$ 590,064.11</u>

**Seconded by Trustee Such.**

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

[Bill list in Official Minute Book]

D. First Quarter Budget Amendments

**Trustee Brixie moved that the 2004 Amended Budget as reflected on page 2 of the memorandum to the Township Board from the Finance Director, dated April 2, 2004 be approved. Seconded by Trustee Such.**

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

E. Amendments to the Teamsters Collective Bargaining Agreement

**Trustee Such moved approval of the amendments to the Teamsters Collective Bargaining Agreement for 2003-2006 and authorized the Supervisor and Clerk to sign the same. Seconded by Trustee Such.**

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

F. Outdoor Gathering Permit, Burcham Hills Midway Carnival and Games

**Trustee Brixie moved approval of the outdoor assembly license for the Burcham Hills**

**Retirement Community for Children's Midway Carnival Rides and Games on May 31 to June 13, 2004. Seconded by Trustee Such.**

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

G. Pine Lake Drain Agreement

**Trustee Brixie moved to authorize the Township Manager to sign an agreement with the Pine Lake Intercounty Drain Drainage Board authorizing construction of the pathway across the Pine Lake Intercounty Drain, and indemnifying the Drainage District and the Drainage Board against claims related to construction and use of the pathway. Seconded by Trustee Such.**

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

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item # 11B, #11C)

9. HEARINGS (None)

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

A. Special Use Permit #04-87071 (Potterpin), request to construct an addition to the offices at 1784 Hamilton

**Trustee 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 #04-87071 with the following conditions:**

- 1. Approval is granted in accordance with the revised preliminary site plan dated March 25, 2004 and the preliminary building elevations dated February 6, 2004 prepared by Studio Intrigue Architects.**
- 2. The final site plan, landscaping plan, and building elevations shall be subject to the approval of the Director of Community Planning and Development.**
- 3. The existing parking area shall be brought into compliance with current zoning regulations.**
- 4. Existing trees on the site proposed to be preserved shall be protected during construction as determined by the Director of Community Planning and Development.**
- 5. All applicable conditions of Special Use Permit #87071 shall remain in effect.**

**Seconded by Treasurer Hunting.**

Board members and staff discussed the following:

- Reduction of parking spaces to 25
- Maintenance of residential character during renovation to blend with the existing neighborhood
- Philosophical opposition to enhancing existing conversion from residential to office space
- Appreciation to the applicant for reducing parking without applying for a variance and adding bicycle hoops

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

NAYS: Trustee Stier  
Motion carried 6-1.

- B. Abandonment of a Portion of Liverance Street  
**Trustee Woiwode moved to recommend approval of the proposed abandonment of Liverance Street between Clinton Street and Water Street and that the Township Manager inform the Ingham County Road Commission in writing of the Township Board's opinion on the abandonment. Seconded by Trustee Such.**

Board members discussed the following:

- Abandonment as a benefit to the community as a whole

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

NAYS: None

Motion carried unanimously.

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Eleanor Luecke, President, LINC, PO Box 40, Okemos, expressed concern over several provisions contained in the proposed Mixed Use Ordinance.

Supervisor McGillicuddy closed public comment.

A. Millage Renewal

Township Manager Richards summarized the proposed 2004 Millage Renewal Election Schedule as outlined in staff memorandum dated April 2, 2004.

Board members discussed the following:

- Wisdom in asking for only renewals during difficult economic times
- Adequacy of money generated by renewals to cover services in light of further projected budget cuts by the state
- Confusion for voters over multiple proposals with multiple options
- Public safety renewals for the primary election to allow another opportunity during the general election if proposals do not pass
- Increasing the length and staggering the terms of renewals
- Look at terms of renewals to correspond with general election schedule
- Timeline for renewal language adoption

**The consensus of the Board was to have the language for the millage renewals as an action item by the second meeting in May.**

B. Commission Review #04023 (Convenience Depot and Okemos J/2 LLC), Water/Sewer Extension along Grand River Avenue

Township Manager Richards presented a sewer district map and capacity analysis of the Grand River Sanitary Sewer System. He spoke to the lift station flow process and numbers contained in the capacity analysis.

Director Kieselbach summarized the proposed request to add infrastructure improvements as outlined in staff memorandum dated April 1, 2004.

Statutory Consideration: (Questions for the Attorney (See Agenda Item #8))

Q. Is there anything else the Board should keep in mind?

- A. There are copies of what I consider to be the two (2) most important statutes that the Board needs to consider in making its determination. As Mark has indicated, the question is approval of location, character and extent. But the further question is against what statutory standards are you to consider location, character and extent. Those are found in Section 7 of the Municipal Planning Act which is included in your packet. Just by way of example, and you can

read the statute for yourself; some of the arguments that are listed there include coordinated, adjusted and harmonious development of the municipality, best promoting public health, efficiency and economy in the process of development, promotion of adequate provision for public utilities and healthful and convenient distribution of population. I'll commend your own reading to those statutes, but when you consider this issue, of location, character and extent approval as against what standards, those are found in Section 7 and that is why you have that in your packet.

The applicant's representative, Scott Knapp, attorney with Dickinson Wright, 215 S. Washington Square, Lansing, stated his reading of the statute leads him to believe the matter is not properly before the Board. Mr. Knapp indicated he believes the statute which states that septic systems are a health hazard is also important. It indicates that municipalities should, at their earliest possible convenience, convert septic systems to municipal sewer and water lines. He believes the state statute encourages the provision of municipal sewer and water to properties as soon as it is practical.

Mr. Knapp stated the Board's earlier reservation concerning hook-up to St. Martha's has been alleviated. He reminded the Board that his client has been, and continues to be willing to commit to paying for the entire cost of the system.

Board members discussed the following:

- Definition of the borders of the service area for the Dobie Road/Grand River Lift Station
- Water line not looped, but ends approximately at Wellington Estates
- Nearest location where water line is looped
- Cost for the project greater than cost of installation of the sewer line
- Aging of the existing infrastructure
- Two-(2) mile extension not consistent with a coordinated and harmonious development of the municipality
- Surrounding properties not served by water and sewer
- Too many unknowns to be a fiscally responsible approval
- Sewer vs. septic debate relative to clean water
- Potential regular review of septic systems
- Not an orderly development
- Viewed as a two-(2) mile hookup
- Need to take water and sewer down Grand River Avenue to Meridian Road
- Concern over managing development by allowing lengthy hook-ups
- Another water line extension not good planning as water line is not looped
- Lack of gravity feed for lengthy distance of sewer line
- Issue properly before the Board as the fiduciary responsible party for the Township
- Plan for a gravity fed system already in existence

"Private" sewer: (Questions for the Attorney (See Agenda Item #8))

Q. The word "private" sewer gets mentioned sometimes and not other times. What would a private sewer be?

A. What is being suggested here, I think, would qualify as a private sewer. We are talking about limiting its use only to those two (2) parcels. By the same token, we are talking about extending those lines so that they can serve those. The Municipal Planning Act does make reference to private sewers in earlier provisions before Section 9. But still, you are to apply the same criteria in your Section 9 reviews even as to those, the underlying idea being for the harmonious coordinated growth and development of the Township.

Q. Who is responsible for the maintenance of a private sewer?

A. Well, if it's part of our line, we are going to maintain it.

Q. Does a private sewer become a part of our line?

A. Right. If it is connected to our lines, we are going to be responsible to see to it that it is maintained. The integrity of our entire system depends on the maintenance of the system as a whole.

- Q. I thought when sewer was extended, those who were along the way had to connect to it?  
A. If it is available, they are to connect, according to our ordinance.

- Q. So how do you put those two in line with each other? It is a private one that's only for two (2) properties, but its going to pass fifty (50) other places; we have to maintain it, but we can't allow the people along with way to use it?  
A. That's one of the difficulties I have with the proposal before the Board. I don't know, frankly, how you can control that. There is this proposal to make a contractual agreement that would only serve this property. Frankly, I have trouble with that in terms of its enforceability. If we have a sewer line that we have cooperated in the installation, and we have people in the intersecting areas who are seeking to tap into that sewer line, it would suggest it would present some problems for us if we refused hookup.

**The consensus of the Board was to have this as an action item with accompanying motions for the next Board meeting.**

- C. Rezoning #02080 (Eyde), request to rezone approximately 110 acres located east of Powell Road, west of Cornell Road and south of Tihart Road from RR to RAAA, RA and RB

Director Kieselbach summarized the rezoning request as outlined in staff memorandum dated April 2, 2004.

Mark Clouse, Chief Financial Officer and General Counsel, Eyde Co., 4660 S. Hagadorn, Suite 660, East Lansing, explained the preliminary lot layout (RA zoning with PRD overlay) contained in the Board packet.

Board members and staff discussed the following:

- Timeline for building homes in Central Park Estates
- Incorporation of suggestions by both the Township's tree and environmental consultant
- With the exception of twelve (12) lots, every lot looks out onto open space from the back of the property
- Layout as a tangential benefit to the Okemos School District
- Increase of density to RA for entire parcel greater than currently contained in the Master Plan
- Reservation with entire parcel zoned RA unless Cornell Road outlet is removed
- Minimum lot size requirements for a PRD
- Parcel along Cornell Road has least impact on both wetlands and wildlife corridor
- Concern over Cornell Road connection going through the wetland
- Current zoning designation and density
- Sanitary sewer capacity and peak flow
- Zoning map designation of RA would specify inclusion of PRD
- Density calculation less than the maximum allowed by the Master Plan
- Based on the actual Master Plan, the number of lots to be expected would be 125

Procedure: (Questions for the Attorney (See Agenda Item #8))

- Q. Process wise, do we send this back to the Planning Commission for their agreement?  
A. The next action item on this particular project would be to send this back to the Planning Commission for consideration and recommendation on the rezoning tied to the PRD Plan.
- Q. Are there any other ideas that you have how to constrain this so that it would stay in this configuration?  
A. I did have a question of Mr. Clouse; maybe he could clarify this.

Attorney Woodworth stated that it struck him that the Eyde Company still looks at this as a fluid concept, given the fact he discussed expanding the wildlife corridor in areas. He asked Mr. Clouse if he intended between now and the next Board meeting to develop the plan further, so that it would be a different plan which would come before the Board.

Mr. Clouse responded that they would like to leave it as it currently stands.

Attorney Woodworth stated it appeared there were twelve (12) lots which have areas of protected wetlands or wetland buffers. He asked Mr. Clouse if it was his company's intent to have those areas surveyed in as part of the recorded deed in order for the purchasers to know that their property was regulated and subject to existing state wetland laws and Township ordinance(s).

Mr. Clouse responded that he was unsure whether the Eyde Company has platted any subdivisions since the buffer requirement. He stated his company would certainly meet the ordinance requirements. Mr. Clouse indicated that although the Eyde Company has not discussed this issue, he felt Attorney Woodworth's request was reasonable and the purchaser of one of these lots should be aware.

Timeline for rezoning request: (Questions for the Attorney (See Agenda Item #8))

Q. How do we deal with time constraints, making it clear to the Planning Commission that it is no longer the original plan so they can have a hearing on this and look at it?

A. As far as the time constraint, they simply need to conduct a public hearing and then get it back to the Board. The Board could impose, it is not obligated to impose, some response time deadline. But, I think with sufficient direction to the PC, simply giving adequate time for public notice, they ought to be able to conduct their meeting and get it back here timely.

Q. So we shouldn't worry about them not looking at this plan at this time?

A. By way of example, one of the things we discussed today is the sixty (60) day time limit on Commission Reviews and Section 9. That does not apply here.

**The consensus of the Board was to have this as an action item at the next Board meeting.**

D. Master Plan, Economic Chapter

Board members and staff discussed the following:

- Necessity of some statistical information which is rapidly outdated
- Importance of looking at statistics for the entire region relative to land use decisions
- Industry in which teachers are counted on Table X-2
- More reader friendly format for written statistical data
- Need for format consistency in each paragraph of the summary
- Future Land Use Chapter and Implementation Chapter still to be received from the Planning Commission

**The consensus of the Board was to have this on as a discussion item at the next Board meeting.**

[Supervisor McGillicuddy recessed the meeting at 8:21 P.M.]

[Supervisor McGillicuddy reconvened the meeting at 8:34 P.M.]

E. Mixed Use Ordinance

Supervisor McGillicuddy welcomed Planning Commission members Lynn Ochberg, Al Wolfe, and Eldon Clark.

Planning Commission Chair Ochberg gave an overview of the Planning Commission's action on the mixed use ordinance and offered the following comments/concerns:

- Unit is the symbol of an integrated redevelopment plan
- Business concern that density was too small while residents felt that density was too great
- Compromise reached was relatively low density with an incentive for developers consisting of an extra 25% density in exchange for an amenity package
- Redevelopment as a goal of the Board in the design of the mixed use ordinance
- Rewrote the purpose and intent section
- Conditional approval process

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- Inclusion of PO as underlying zoning must still meet transitional concept
- Encouragement of more creativity in the development community by not specifying exact building style, materials, etc
- Consideration of a new category with commercial on main floor and housing above
- Mixed use ordinance must meet the transitional zoning concept of the Township

Commissioner Wolfe offered the following comments/concerns:

- Need for an ordinance which is economically viable
- No geographical limitation placed on the proposal(s)
- Units per acre relied on the Township's existing maximum density
- Mixed use ordinance based on existing ordinance(s) and then offer variations based on amenities
- List of amenities to be used only as a suggested guide

Commissioner Clark offered the following comments/concerns:

- A better design will dictate the density
- No intrusion on residential development(s)
- Difficulty in requiring underground utilities for redevelopment

Board members discussed the following:

- More definitions needed to avoid conflict with existing ordinance(s)
- Potential link to dedicated open space
- Need for more discussion regarding intent without specific designated areas
- Examples of cultural venue
- Pervious surface above twenty-five percent (25%)
- Concern over some of the listed amenities (e.g., parking)
- Allowance of mixed use ordinance in PO
- Existence of suburban development with office as a buffer
- Flexibility allowed for creativity vs. fixed list of amenities
- Place definitions of improvement and substantial improvement together
- Coordination of list of amenities on page 3 and pages 6-7
- Difficult balance between concept and enforcement/practical use
- Caution in defining coupling of amenity with reward
- Example(s) of the intersection of the mixed use ordinance with industrial and C-3 zoning
- Reuse of a site may require owner to request rezoning in order to use the overlay
- Use of a PUD requires stipulations as conditions
- Procedural process of the proposed ordinance
- Direct staff to circulate the draft to the development community for critique

**It was the consensus of the Board to bring its specific written comments/concerns to the next Board meeting.**

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks

Will White, 4695 Okemos Road, Okemos, spoke in support of the flexibility concept of a Mixed Use Ordinance.

Eleanor Luecke, President, LINC, PO Box 40, Okemos, spoke regarding urban reserve and zoning designations for a PRD relative to Georgetown.

John Veenstra, 320 Piper Road, Haslett, spoke in opposition to Commission Review #04023 (Convenience Depot and Okemos J/2), Water/Sewer Extension along Grand River Avenue.

Supervisor McGillicuddy closed Public Remarks.

13 ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:32 P.M.

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SUSAN MCGILlicUDDY  
TOWNSHIP SUPERVISOR

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MARY M. G. HELMBRECHT  
TOWNSHIP CLERK

Sandra K. Otto, Secretary