

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, SEPTEMBER 18, 2001, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Stier, Such, Woiwode
ABSENT: None
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief Gary Gibbons, EMS/Fire Chief Fred Cowper, Personnel Director/Assistant Manager Paul Brake, Attorney Mike Woodworth

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:03 p.m.

2. PLEDGE OF ALLEGIANCE - Eagle Scout Nicholas Tolly

Supervisor McGillicuddy introduced Eagle Scout Nicholas Tolly.

Nicholas Tolly led the pledge of allegiance.

Supervisor McGillicuddy asked Nicholas Tolly to explain the requirements to attain the rank of Eagle Scout and describe his project.

Nicholas Tolly explained the requirements to attain the rank of Eagle Scout and describe his project to establish wildflower gardens.

Supervisor McGillicuddy awarded Nicholas Tolly a Meridian Township pin in appreciation for his work.

A. Employee Introduction - Lynn Anderson, Cable TV Coordinator
Director Brake introduced Lynn Anderson as the new Cable TV Coordinator.

The Board welcomed Coordinator Anderson to the Township.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS*

Supervisor McGillicuddy opened Public Remarks.

Jacqueline Foss, 4731 Nakoma Drive, Okemos, read from a prepared statement in opposition to the proposal to close the west end of Hamilton Road at Grand River Avenue. [See October 2, 2001 Board Communication 10A-1 for Submitted Statement]

Mike Sternik, President, Tacoma Hills Homeowners Association, 2018 Tomahawk Road, Okemos, spoke in opposition to the proposal to close the west end of Hamilton Road at Grand River Avenue.

William J. Cleary, 1896 Danbury East, Okemos, requested clarification as to whether Trustee Brixie has a conflict of interest regarding the proposal to close the west end of Hamilton Road at Grand River Avenue.

Allan Russell, 1690 Mack Avenue, Haslett, spoke in opposition to the appeal of SUP #01-75041 (Brogan LLC)

Richard Bailey, 4702 Huron Hill, Okemos, spoke in opposition to the proposal to close the west end of Hamilton Road at Grand River Avenue.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT

Clerk Helmbrecht moved that it be it resolved by the Meridian Charter Township Board, representing the people of this Township, that the ...

Meridian Charter Township Board extends its deepest condolences and sympathy to the victims of these attacks in Pennsylvania, Washington, D.C., and New York City, especially the families, friends, and loved ones of those lost;

Meridian Charter Township Board expresses its heartfelt gratitude to the police, fire, emergency crews, and public employees who were first to respond to the danger, many of whom lost their lives or were injured as a result of their selfless assistance;

Meridian Charter Township Board affirms its steadfast support for the President and Congress in their defense of innocent life, our free nation, and the liberties embodied in our Constitution, Bill of Rights, and rule of law;

Meridian Charter Township Board thanks all Township personnel for their daily service to our community and country, especially those police, firefighters, and emergency personnel who protect peace and go to the danger on a daily basis;

Meridian Charter Township Board encourages all people in the Township, of all walks-of-life, creeds, and backgrounds to embrace the diversity and liberties we cherish as a free people, and to apply all their wisdom and courage to defend peace and freedom in these most difficult times.

Seconded by Trustees Brixie, Stier, Such, Woiwode, Supervisor McGillicuddy, Treasurer Hunting

VOICE VOTE: Motion carried unanimously.

[Signed and Sealed Resolution in Official Minute Book]

Trustee Brixie reported the next meeting of the Van Atta Task Force would be held Saturday, September 29, 2001 at 9:30 a.m. at the Harris Nature Center.

Clerk Helmbrecht reported the Haslett School Election is Monday, September 24, 2001 at the Haslett High School North Gym. She reported the Clerk's Office would be open Saturday, September 22, 2001 from 8:00 a.m. until 2:00 p.m. She noted there would be limited parking available Saturday because of the Heritage Festival and Farmer's Market.

Clerk Helmbrecht reported the Park Commission received a \$488,000 grant for the development of Hartrick Park.

Supervisor McGillicuddy reported the Okemos Library Grand Opening would be Sunday, September 23, 2001 at 1:00 p.m.

Treasurer Hunting reported the summer tax deadline passed last Friday, September 14, 2001. He reported the Treasurer's Office has collected over \$118,000 to date ~~in~~ for multi-year and pre-2000¹ delinquent personal property taxes.

¹ Approved and Amended October 2, 2001 Item #7B.

Trustee Brixie reported the Okemos Public Library is now open for service.

Trustee Stier highlighted Board Communication SC-6 and recent awards received by the Township.

Trustee Stier reported his attendance at the Red Cedar Watershed Management Short Course and noted the attendance of representatives from the Community Planning & Development Department, Planning Commission, and residents.

6. APPROVAL OF AGENDA — OR CHANGES

Board Members discussed the following amendments to the agenda:

- Delete Item #7B (Minutes)
- Delete Item #7F (Adoption of the Amended 2001 International Fire Codes)
- Move Item #7H (Rezoning #01030 (Planning Commission)) to #10.E
- Add Item #14 (Possible Closed Session) and renumber Item #14 (Adjournment)

Trustee Such moved to approve the agenda as amended in discussion. Seconded by Trustee Brixie.

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the Consent Agenda.

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

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 Deliberation

- 11A-1 Donna Hawley, 5419 Blue Haven Drive, East Lansing; RE: Opposition to Proposal to Close West End of Hamilton Road at Grand River Ave
- 11A-2 J. Wesley Olds, 2041 Osage Drive, Okemos; RE: Opposition to Proposal to Close West End of Hamilton Road at Grand River Ave
- 11A-3 Joan Kollins, 2002 Osage Drive, Okemos; RE: Opposition to Proposal to Close West End of Hamilton Road at Grand River Ave
- 11A-4 Elizabeth Goodman, 1917 Tahoe Circle, Okemos; RE: Opposition to Proposal to Close West End of Hamilton Road at Grand River Ave
- 11A-5 Jim & Mary Peters, 2501 Arrowhead Drive, Okemos; RE: Opposition to Proposal to Close West End of Hamilton Road at Grand River Ave
- 11A-6 Molly Wingrove, 2649 Melville Drive, East Lansing; RE: Opposition to Proposal to Close West End of Hamilton Road at Grand River Ave
- 11A-7 Wilford E. & Birdie Jean Maples, 4304 Manitou Drive, Okemos; RE: Opposition to Proposal to Close West End of Hamilton Road at Grand River Ave
- 11A-8 Mary A. Martin, 2504 Arrowhead Rd, Okemos; RE: Opposition to Proposal to Close West End of Hamilton Road at Grand River Ave
- 11A-9 Winifred Olds, 2041 Osage Drive, Okemos; RE: Opposition to Proposal to Close West End of Hamilton Road at Grand River Ave
- 11A-10 Karen Sanders, 4595 Arrowhead Drive, Okemos; 2041 Osage Drive, Okemos; RE: Opposition to Proposal to Close West End of Hamilton Road at Grand River Ave

- 11A-11 Keith E. & Ann Forster Lyon, 4745 Nakoma Drive, Okemos; 2041 Osage Drive, Okemos; RE: Opposition to Proposal to Close West End of Hamilton Road at Grand River Ave
- 11A-12 Charles A. Blackman, 4409 Dobie Road, Okemos; RE: Opposition to Proposal to Close West End of Hamilton Road at Grand River Ave
- 11A-13 Margaret Hutchinson, 5652 DeVille Court, East Lansing; RE: Opposition to Proposal to Close West End of Hamilton Road at Grand River Ave
- 11A-14 Drs Richard & Beverly Collier, 1843 Mirabeau Drive, Okemos; RE: Opposition to Proposal to Close West End of Hamilton Road at Grand River Ave
- 11A-15 Lucy Maillette, 2418 Indian Hills Drive, Okemos; RE: Opposition to Proposal to Close West End of Hamilton Road at Grand River Ave
- 11A-16 Elaine Davis, 4611 Arrowhead Drive, Okemos; RE: Opposition to Proposal to Close West End of Hamilton Road at Grand River Ave
- 11A-17 Kay & Charles Smith, 4353 Marsh Road, Okemos; RE: Opposition to Proposal to Close West End of Hamilton Road at Grand River Ave
- 11A-18 Dick Dunlap, 4648 Nakoma Drive, Okemos; RE: Opposition to Proposal to Close West End of Hamilton Road at Grand River Ave
- 11A-19 William J. Cleary, 1896 Danbury East, Okemos; RE: Forwarded Communication from Tom Lovik, 4347 Stoneycroft Dr, Okemos, Opposing the Proposal to Close the West End of Hamilton Road at Grand River Ave
- 11A-20 William J. Cleary, 1896 Danbury East, Okemos; RE: Forwarded Communication from Gary A. Climes, 4367 Satinwood Drive, Okemos, Opposing the Proposal to Close the West End of Hamilton Road at Grand River Ave
- 11A-21 William J. Cleary, 1896 Danbury East, Okemos; RE: Forwarded Communication from Loy & Joanne Whitehead, 6445 Oakencliffe, Okemos, Opposing the Proposal to Close the West End of Hamilton Road at Grand River Ave
- 11A-22 William J. Cleary, 1896 Danbury East, Okemos; RE: Forwarded Communication from Jim Huber, 2215 Woodfield Road, Okemos, Opposing the Proposal to Close the West End of Hamilton Road at Grand River Ave
- 11A-23 William J. Cleary, 1896 Danbury East, Okemos; RE: Forwarded Communication from Margaret J. Sherman, 4419 Comanche Drive, Okemos, Opposing the Proposal to Close the West End of Hamilton Road at Grand River Ave
- 11A-24 James Kielbaso, 4696 Huron Hill, Okemos; RE: Opposition to Proposal to Close West End of Hamilton Road at Grand River Ave
- 11A-25 Sharon Ruggles, 2221 Kenmore Drive, Okemos; RE: Support for Proposal to Close West End of Hamilton Road at Grand River Ave
- 11A-26 Robert Welch, 2223 Hamilton Road, Okemos; RE: Support for Proposal to Close West End of Hamilton Road at Grand River Ave
- 11A-27 Julie Becker, 1817 Hamilton Road, Okemos; RE: Support for Proposal to Close West End of Hamilton Road at Grand River Ave
- 11A-28 Margaret W. Plagge, 2248 Kent Street, Okemos; RE: Support for Proposal to Close West End of Hamilton Road at Grand River Ave
- 11A-29 Frank Webster, 3845 Roxbury Avenue, Okemos; RE: Opposition to Proposal to Close West End of Hamilton Road at Grand River Ave

(2). Board Information (BI)

- BI-1 Leanor & Maurice Reizen, 1915 Tomahawk Road, Okemos; RE: Appreciation for Sunsets with Shakespeare
- BI-2 Paul D. Weisberger, Richard Connor Riley & Associates, LLC, 30150 Telegraph Road, Ste 420, Bingham Farms, MI; RE: Notice of Appeal SUP #01011 (Richard Connor Riley/AT&T)

- BI-3 Gary Shoup, 2449 Graystone Drive, Okemos; RE: Code of Conduct for Township Officials
- BI-4 Charles Louis Willems, 1387 Hickory Island, Haslett; RE: FOI-2001-32 (Willems)
- BI-5 Ingham County Road Commission; RE: Invitation for Open House for New Managing Director
- BI-6 David Y. Hahn, MD, 4129 Okemos Road, Okemos; RE: Building Permit #00-0954 at 4127 Okemos Road
- BI-7 Nathan Estep, 2349 Seminole, Okemos; RE: Handgun Permit Delay
- BI-8 Frank Webster, 3845 Roxbury Avenue, Okemos; RE: Opposition to Cell Tower

(3). Staff Communication/Referral (SC)

- SC-1 Press Release: Nature Art Program for Elementary Students Begins
- SC-2 Press Release: Nature Art Program for Preschoolers Registration Begins
- SC-3 Press Release: Fall Flower Exchange
- SC-4 Press Release: Photography Workshop at the Harris Nature Center
- SC-5 Press Release: Moonlight Stroll at the Harris Nature Center
- SC-6 Article: "Townships Awarded for Promoting Active Communities" Michigan Township News, September 2001 Edition, page 25
- SC-7 State Representative, Paul DeWeese, M.D.; RE: Congratulations on Receipt of Silver Healthy Workplace and Level 4 Promoting Active Communities Awards
- SC-8 John C. Heckaman, Chief Building Inspector; RE: Response to Communication from Dr. David Y. Hahn (See BI-6)
- SC-9 Michigan Townships Association Legislative Fax, August 31, 2001 Edition
- SC-10 Michigan Townships Association Legislative Fax, September 7, 2001 Edition
- SC-11 Michigan Townships Association Capitol Currents September 2001 Edition
- SC-12 B. Sue Cochran, 2517 Bently Court, East Lansing; RE: Appreciation for EMS/Fire Personnel

Trustee Such 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 Brixie.

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

C. Bills

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

General Fund/Special Revenue	\$ 468,435.41
Public Works	\$ 876,357.04
Public Safety Bldg Debt Fund	
CK #1076 - Bank One	
1990&1993 PS Bldg Debt Interest	\$ 40,688.75
<u>Total Checks</u>	<u>\$1,385,481.20</u>
<u>Credit Card Transactions</u>	<u>\$ 12,687.89</u>
Total Purchases	<u>\$1,398,169.09</u>

Seconded by Trustee Brixie.

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. Reopen Employee Computer Purchase Program

Trustee Such moved to reopen the Employee Computer Purchase Program until December 31, 2002. Seconded by Trustee Brixie.

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

E. Set Hearing for Water & Sewer Ordinance Revisions and Discussion of Rates & Charges

Trustee Such moved to set a public hearing to receive comments on the attached draft amendments to the Water & Sewer Ordinances and for discussion of proposed new Water and Sewer Rates and Charges, to be held on Tuesday, October 16, 2001 at 6:00 p.m. Seconded by Trustee Brixie.

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

G. Rezoning #01100 (Consumers Energy) Mall Substation - **Final Adoption**

Trustee Such moved that the Township Board hereby finally adopts Ordinance No. 2001-10, entitled "Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #01100 rezoning from RA (Single Family-Medium Density) to CS (Community Service). Seconded by Trustee Brixie.

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

[Signed and Sealed Resolution in Official Minute Book]

8. QUESTIONS FOR THE ATTORNEY (See Item #9B)

9. HEARINGS

A. Wildflower Estates #3 Streetlighting District

Supervisor McGillicuddy opened the public hearing 6:30 p.m.

Director Severy introduced the streetlighting district. He noted the developer has already paid the installation costs with the annual maintenance cost to be assessed against the residents.

No one spoke.

Supervisor McGillicuddy closed the public hearing at 6:32 p.m.

B. Land Preservation Program Ordinance

Supervisor McGillicuddy opened the public hearing 6:32 p.m.

John Hoehn, Member, Land Preservation Advisory Board, introduced the Land Preservation Program Ordinance.

Trustee Woiwode asked if the Advisory Board is intended to continue beyond the termination of the Land Preservation millage.

Member Hoehn stated the intent is that the Land Preservation Advisory Board would continue at the pleasure of the Township Board to manage this program. If the Advisory Board should be dissolved, responsibility for management of the program would pass to the Park Commission.

Trustee Woiwode asked what revisions to the Comprehensive Development Plan are intended under the provisions of Section V.d.

Director Kieselbach stated under the Municipal Planning Act, which establishes the authorities of the Planning Commission; the Planning Commission must review land acquired for public purposes.

Treasurer Hunting asked for clarifications of the provisions for appeal to the Township Board under MCL 125.39 as stated in Section V.d.

Director Kieselbach stated under MCL 125.39 and the Municipal Planning Act, the Planning Commission has the requirement to review property under consideration for purchase for a public purpose. He stated the Township Board under the same act has the right to overrule the Planning Commission by two-thirds (2/3) vote of the Board. He stated it is not technically an "appeal", but a right of the Board to overrule the Planning Commission's decision.

Treasurer Hunting asked if the citation of the statute should more specifically list the subsection specifying the Board's right to overrule the Planning Commission's decision.

Attorney Woodworth stated there is no specific subsection of the statute addressing the Board's ability to review and overturn the Planning Commission's decision. He stated it is all part of the same very long statutory provision.

Trustee Woiwode stated the Advisory Board's duties include: the initiation of appraisals, title work, surveys, and the conduct of negotiations and all other actions necessary to acquire property. She asked if it is the intent that the Advisory Board itself to perform all these actions, or is there a provision to delegate authority to Township staff to perform any or all these actions.

Member Hoehn stated there is no delegation of authority to staff. He stated there is a delegation of authority from the Township Board to the Land Preservation Advisory Board to perform functions in the acquisition of property.

Trustee Woiwode stated according to Section V.g. there is no delegation of authority to staff to perform the execution of documentation and payment of funds.

Clerk Helmbrecht stated the purchase process is more explicitly described in the Rules and Procedures of the Advisory Board. She stated the Advisory Board could perform all functions involved in the purchase of property except the actual authorization to buy. She stated the expenditure of funds would be performed under Board authorization rather than the Advisory Board.

Trustee Woiwode stated she is looking at the mechanics of the process and wants to have the option available to involve staff in the process if necessary or advisable. She asked if the Rules and Procedures discuss the use of "fair market value" as the benchmark for acquisition.

Member Hoehn stated the Rules and Procedures includes the use of such a benchmark. He stated the Advisory Board is developing its Rules and Procedures including such items as how Township Staff, the Township Attorney and Professional Service Providers are involved in the process. He stated the Advisory Board believed that such procedures should be spelled out in the Rules and Procedures rather than the ordinance to provide for easier revisions and fine-tuning.

Trustee Woiwode stated it may be advisable to add a statement such that the Advisory Board may authorize the Township Manager to carry out all or part of the duties. She stated if this is only discussed in the Rules and Procedures, it is questionable as to whether staff ever had such authority to carry out these duties.

Trustee Brixie stated Section IV.c. does not state the specific terms for the Park Commission, Environmental Commission and Township Board Representatives. She asked if it is to be assumed that these terms are one year, or is the term at the discretion of the appointing bodies.

Director Kieselbach stated the elected representatives would serve on the Advisory Board for the term of their elected office.

Supervisor McGillicuddy stated she believed it would be important for the elected officials to serve the length of their term of elected office to provide continuity.

Treasurer Hunting stated he would support specifically stating the terms of office such that they shall serve during the time of their elected or appointed membership of the appointing body; or shall serve for renewable one-year terms.

Member Hoehn stated it would be expected that the same person would be reappointed from the respective bodies.

Trustee Such stated suggested two (2)-year terms as a minimum with an eight-year limitation.

Clerk Helmbrecht stated the Township Board originally approved four (4)-year terms in January 2001. She stated she would be uncomfortable with one-year terms as this could result in significant turnover every year.

Trustee Brixie asked Clerk Helmbrecht the term of her appointment.

Clerk Helmbrecht stated the Park Commission and Township Board Representatives were appointed to four (4)- year terms.

Trustee Stier asked for clarification of the intent of Section X.

Member Hoehn stated he would need to defer to the attorney on this question.

Trustee Stier asked if Section I.c.iv. was not too restrictive in the use of the terms "islands" and "corridors."

Member Hoehn stated he believes the language of this section is more illustrative of what could be done than restrictive to those specific techniques.

Trustee Stier asked if the granting of a conservation easement effects the assessment of a property.

Member Hoehn stated it is the expectation of the Advisory Board that the Assessor would account for the existence of such an easement.

Treasurer Hunting commended the work of the original Land Preservation Task Force and the current Land Preservation Advisory Board. Treasurer Hunting stated in reference to Section III.e.ii., that there is insufficient differentiation between improved and unimproved properties.

Member Hoehn stated this is an important distinction.

Treasurer Hunting suggested the procedures for disposal of improved property and unimproved property be more explicitly stated. He stated the procedure for appointment of members under Section IV.b. is not consistent with the procedure for the filling of vacancies under Section IV.h. He recommended Section IV.b.iv. be amended to incorporate the language of Section IV.h.ii. to

remove the inconsistency. He asked the intent of Section IV.e.iv. regarding conflicts of interest.

Member Hoehn stated the Advisory Board did not discuss this issue in any great depth, but his understanding is that as resident members of the Advisory Board, the consideration of a neighbor's property could be impacted by personal relationships.

Treasurer Hunting asked if Section IV.e.iv should be incorporated in each of the first three (3) named conflicts.

Attorney Woodworth stated he understands the potential confusion regarding this section and suggested iv. could be eliminated by incorporating it in i. or ii. as follows:

- i. Direct or indirect financial or personal interest in the property. An adjacent property owner will be deemed to have a direct or indirect financial or personal interest under this section.
- ii. Relative or close personal friend of the property owner or a relative or close personal friend of an adjacent property owner.

Treasurer Hunting suggested under the provisions for removal in Section IV.f., language should be added to provide for the removal of a member who fails to declare a conflict of interest prior to the review, discussion and vote on a property. He stated under the current provisions a member could declare a conflict of interest at any point and meet the requirement. Treasurer Hunting suggested further that under the same paragraph, the words "failure to attend" be changed to "absence for..." He asked if it is the intent of the Advisory Board that three (3) consecutive absences be automatic grounds for dismissal regardless of the circumstances, or should there be a clause to state "without a reasonable explanation."

Member Hoehn stated he is concerned that the addition of the last clause may remove the meaning of the clause.

Clerk Helmbrecht stated it is not an automatic removal as it is subject to a public hearing.

Treasurer Hunting stated he would like a provision as suggested, such that it would not be an automatic removal based on political interests.

Treasurer Hunting stated Section V.e. the term "compensation amount" should be just "compensation." He asked for confirmation of his understanding that twenty-five percent (25%) of the annual millage funds are designated for the Land Preservation Reserve Fund with interest to be used for maintenance of property.

Member Hoehn confirmed the Treasurer's understanding of the reserve fund.

Treasurer Hunting discussed the revision of Section XI in the Draft Ordinance and the language in the ordinance presented for introduction. He suggested the revision of the final sentence of Section XII to: "It is the intent of this ordinance that should the Advisory Board be dissolved, the Park Commission shall be responsible for the continuing oversight of the Land Preservation Program."

Trustee Woiwode stated in response to Trustee Stier's earlier question that "islands" and "corridors" are ecological terms and are meaningful to biologists.

Trustee Such asked for confirmation the Township Attorney has reviewed the ordinance.

Attorney Woodworth stated Stacy Hissong has been working with the Advisory Board in the development of the Ordinance.

Trustee Such asked if there has been any discussion regarding the use of acquired properties. He asked if properties adjacent to a parkland could have pedestrian/bicycle pathways or trails built.

Member Hoehn stated the Advisory Board sees the purpose of the millage to protect open space, natural features and ecosystems. He stated without additional input, it would be difficult for the

Advisory Board to address such issues.

Clerk Helmbrecht stated the criteria provides guidance on potential uses, as properties adjacent to existing park land receive additional points. She stated the Advisory Board has not discussed the issue of land use. She stated conservation easements would not permit such public uses as the property owner retains ownership rights to the property. She stated the discussion of individual properties would include the potential uses appropriate for the particular parcel.

Trustee Such suggested the Advisory Board develop a policy on the use of properties acquired under this program. He stated this program should not be considered a method to acquire additional parkland, but there should be provisions for pathways on adjacent properties. He asked for an explanation for how the 75/25 split was arrived at in the use of millage funds, and what expectation there is for a renewal.

Member Hoehn stated the Advisory Board believes the eventual renewal of the millage is directly related to the success of the program. He stated there is a need to pursue aggressively the acquisition of open space while there is open space to be acquired. He stated there are opportunities to pursue immediately, and the Advisory Board needs access to sufficient funds.

Trustee Such asked if the expenses associated with evaluating and purchasing properties would all come from the acquisition fund.

Member Hoehn stated this is his understanding.

Trustee Such asked for more specificity as to the use of the two (2) funds in meeting the expenses of the program. He suggested the inclusion of a statement in Section VII as to the preservation of the principal. He asked the attorney whether changes in state law are necessary to permit a revision of assessments based on the acquisition of conservation easements.

Attorney Woodworth stated a legal review needs to be completed on this topic. He stated it could be argued the "highest and best use of the land" could be considered in light of the surrender of development rights. He stated the property assessment might then reflect the "highest and best use of the land" less the development rights.

Trustee Such stated the strength of this ordinance is that it involves the acquisition of conservation easements rather than development rights. He asked the Township Attorney to pursue informal discussions with members of the Michigan Tax Tribunal (MTT) to see how such easements would be considered.

Attorney Woodworth stated he would pursue such discussions with the MTT.

Manager Richards asked the intent of Section III.f.

Member Hoehn stated it is important that the Township care for these properties and make an effort to monitor the properties for improper encroachments and code enforcement.

Manager Richards asked for clarification on the maintenance costs and the removal of dangerous trees.

Clerk Helmbrecht stated the intent of the monitoring is not to include any of the maintenance. She stated the objective is to oversee the properties on an annual basis.

Supervisor McGillicuddy asked if the properties would be labeled or signs emplaced to record the status of the properties.

Clerk Helmbrecht stated there would be no such markers for a conservation easement.

Trustee Such asked why the monitoring function less overhead, should not come from the

maintenance fund.

Member Hoehn stated the intent of the monitoring process is to involve the Township Board in the process. He stated each property would have a stewardship plan. He stated the plan would include specific measures to maintain the open space and natural features of this property in the long term. He stated the maintenance fund would cover the measures specified in the stewardship plan.

Trustee Such stated the program could potentially require several people in monitoring after twenty (20) years. He suggested the maintenance fund cover the expense of all or part of the personnel costs. He suggested Section III.f. specify the department or the Township Manager as responsible for the monitoring.

Clerk Helmbrecht stated the intent is not to cost the General Fund any significant expense. She stated the intent is to keep the Board cognizant of this program years from now.

Trustee Woiwode asked for confirmation that the Land Preservation Reserve Fund would still require appropriation by the Board.

Manager Richards stated this would be a restricted fund to be expended only for the purposes for which they were raised. He stated for as long as there are funds available in the fund, allocations would continue to be annually approved by the Board.

Supervisor McGillicuddy recommended the Board conclude discussions at this time to continue with the remainder of the agenda, and permit the Advisory Board an opportunity to review the Board's comments and questions thus far.

Supervisor McGillicuddy closed the public hearing at 7:40 p.m.

10. ACTION ITEMS

Supervisor McGillicuddy opened public comment.

Judith Hurst, 3418 Lake Lansing Road, East Lansing, spoke in support of the appeal of SUP #01-75041 (Brogan LLC).

Supervisor McGillicuddy closed public comment.

A. Land Preservation Program Ordinance - **Introduction**

Without objection, this item was postponed to permit a review of Board questions and concerns.

B. Rezoning #01040 (Planning Commission), C-3 Zoning Districts

Director Kieselbach introduced the proposed rezoning options for discussion.

Board Members discussed the following items:

- The proposed zoning categories for properties in the commercial core
- Square-footage limits for the commercial zoning districts
- Avoiding the creation of zoning district islands
- Maintaining diversity of commercial businesses

The consensus of the Board was that staff present the following two (2) options at the next Board meeting:

- 1) Retain zoning for Lots #49, 48, 47, 46, 29 & 28; rezone lots # 50 & 51 to C-2 and all other lots to C-3 on the submitted map.
- 2) Retain all zonings on the submitted map with the exception that lots #40, 21 & 5 be rezoned to C-3.

C. Zoning Amendment #01110 (Township Board), Water Features Setback - **Introduction**

Director Kieselbach introduced the proposed zoning amendment.

Board Members tabled action by unanimous consent pending receipt of the second page of the adopting resolution. (See Following Agenda Item #10D)

D. Appeal of SUP #01-75041 (Brogan LLC)

Director Kieselbach introduced the special use permit and appeal requirements.

Treasurer Hunting moved that the Township Board hereby affirms the Planning Commission decision and denies the appeal. Special Use Permit #01-715041 is approved with the following conditions:

- 1. Approval is granted for the expansion of the Olde Farm Apartment complex in the area east of Gossard Street and north of Lake Lansing Road limited to 24 dwelling units.**
- 2. The final site plan shall be subject to the approval of the Director of Community Planning and Development.**
- 3. The structures shall be setback as far as possible from the site's east and south property lines but still meet all other multiple family district requirements.**
- 4. The structures shall be placed on the site so that balconies are angled away from the site's south property line.**
- 5. The applicant shall provide a stormwater management plan which includes stormwater calculations and design details for the detention areas subject to the review and approval of the Ingham County Drain Commissioner.**
- 6. All stormwater easements shall be dedicated to the Ingham County Drain Commissioner.**
- 7. The applicant shall obtain and/or maintain the necessary permits, licenses, and approvals from the Ingham County Road Commission, Ingham County Drain Commissioner's office, the Michigan Department of Environmental Quality, and the Township prior to any grading and/or construction taking place on the subject site. Copies of all permits, licenses, and approval letters shall be submitted to the Department of Community Planning and Development.**
- 8. Final grading and utility plans shall be designed and constructed in accordance with the Township Engineering Design & Construction Standards.**
- 9. The applicant shall utilize and maintain as much of the viable existing landscaping on the site as practical, subject to the review and approval of the Department of Community Planning and Development.**
- 10. The applicant shall replace dead trees within the existing tree lines along the south and east property boundaries with an interlocking double row of evergreen trees a minimum of ten feet in height, subject to the review and approval of the Department of Community Planning & Development.**

Seconded by Trustee Brixie.

Board Members discussed the following items:

- The additional conditions provide a compromise of conflicting interests
- The resolution does not specifically address resident concerns of setbacks and landscaping
- Notification of interested parties for site plan review

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

[Signed and Sealed Resolution in Official Minute Book]

- Zoning Amendment #01110 (Township Board), Water Features Setback - **Introduction** (Agenda Item #10C)
Trustee Woiwode moved that the Township Board hereby introduces for publication and subsequent adoption Ordinance No. _____, entitled “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, by Amending Section 83-1.11c.10.” Seconded by Trustee Brixie.

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

[Signed and Sealed Resolution in Official Minute Book]

- E. Rezoning #01030 (Planning Commission) - **Final Adoption**
Director Kieselbach introduced the request to rezone property located at 5774 Okemos Road from NS (Neighborhood Service) to PO (Professional Office).

Trustee Such moved that the Township Board hereby finally adopts Ordinance No. 2001-11, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #01030 from NS (Neighborhood Service) to PO (Professional Office). Seconded by Trustee Woiwode.

Trustee Woiwode as secondor, offered an amendment to the resolution to correct the postal district of the subject property from Okemos to Haslett. Amendment accepted by the maker of the motion.

Board Members discussed the following items:

- Preference for residential zoning
- Opposition to upzoning
- Downzoning of parcel

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

[Signed and Sealed Resolution in Official Minute Book]

Supervisor McGillicuddy recessed the meeting at 8:37 p.m.
Supervisor McGillicuddy reconvened the meeting at 8:42 p.m.

11. DISCUSSION ITEMS

Supervisor McGillicuddy opened public comment.

William J. Cleary, 1896 Danbury East, Okemos, spoke in opposition to the proposal to close the west end of Hamilton Road at Grand River Ave.

Jinger Andrews, 4767 Nakoma Drive, Okemos, Okemos, spoke in opposition to the proposal to close the west end of Hamilton Road at Grand River Ave.

Brennan Andrews, 4730 Ottawa Drive, Okemos, spoke in opposition to the proposal to close the west end of Hamilton Road at Grand River Ave.

Jim Wessinger, 4624 Nakoma Drive, Okemos, spoke in opposition to the proposal to close the west end of Hamilton Road at Grand River Ave. He submitted a communication expressing his views.
[See October 2, 2001 Board Communication 10A-2]

Stephen Taylor, 1863 Birchwood, Okemos, spoke in opposition to the proposal to close the west end of Hamilton Road at Grand River Ave. He submitted several communications from area residents. [See October 2, 2001 Board Communications 10A-3 through 10A-11]

Ann L. Alchin, 2227 Hamilton Road, Okemos, spoke in support of the proposal to close the west end of Hamilton Road at Grand River Ave.

Alex Vanis, 4690 Huron Hill, Okemos, spoke in opposition to the proposal to close the west end of Hamilton Road at Grand River Ave.

Carlene Webster-Maier, 2247 Kenmore Drive, Okemos, read from a prepared statement in support of the proposal to close the west end of Hamilton Road at Grand River Ave. [See October 2, 2001 Board Communication 10A-12]

Margaret W. Plagge, 2248 Kent Street, Okemos, spoke in support of the proposal to close the west end of Hamilton Road at Grand River Ave.

Ken Hagberg, 2247 Hamilton Road, Okemos, spoke in support of the proposal to close the west end of Hamilton Road at Grand River Ave.

Barbara V. White, 2252 Hamilton Road, Okemos, spoke in support of the proposal to close the west end of Hamilton Road at Grand River Ave.

Arnie Cisneros, 2231 Hamilton Road, Okemos, spoke in opposition to the proposal to close the west end of Hamilton Road at Grand River Ave.

Cindy Welch, 2223 Hamilton Road, Okemos, spoke in support of the proposal to close the west end of Hamilton Road at Grand River Ave.

Dick Dunlap, 4648 Nakoma Drive, Okemos, spoke in opposition to the proposal to close the west end of Hamilton Road at Grand River Ave.

Vance Kincaid, 4530 Nakoma Drive, Okemos, spoke in opposition to the proposal to close the west end of Hamilton Road at Grand River Ave.

Doug Willingham, 4685 Woodcraft, Okemos, spoke in opposition to the proposal to close the west end of Hamilton Road at Grand River Ave.

Supervisor McGillicuddy closed public comment.

A. Proposal to Close West End of Hamilton Road at Grand River Ave

Board Members discussed the following items

- Traffic calming or control measures
 - 25 mph speed limit
 - Use of four-way stops along Hamilton Road
 - Increased police traffic enforcement
 - Narrowing of traffic lanes
 - Brick pavement through Cedar Bend Heights
 - Use of brick pots in intersections
 - Use of rubber posts
 - Use of speed humps
- Validity of the safety concerns expressed by both sides
- Traffic flow is not a zero-sum calculation
- Perception of Hamilton Road as a highway “off-ramp”
- Necessity to involve external authorities
- Use of a charrette to involve citizens in designing a solution
- Consideration of a traffic speed study to identify specific problem areas
- Relation to the greater Grand River Avenue traffic problems

- Immediacy of need to address the problem on Hamilton Road
- Design process
- Budgeting of funds for a traffic study
- The need for formalized action stating commitments to action

The consensus of the Board was to instruct the Manager to write and send a letter to the Ingham County Road Commission requesting a review and recommendations to address traffic concerns on Hamilton Road.

B. Zoning Amendment #01090 (Planning Commission), New Planned Unit Development (PUD) Standards

Board Members discussed the following items:

- Desirability of a quicker process
- Desirability of the proposed elimination of the initial Board review and addition of an appeal process
- Concern regarding significant increase in commercial use allowed by right
- Encouragement of clustered development
- Inclusion of open water in the calculation of open space
- Consideration of different standards based on the size of the development
- Recommendation to seek input from developers in improving the PUD procedure
- Notification of property owners within 500 feet
- Recommendation to provide a two (2)-year time limit without extensions
- Considerations of a minimum area
- Mixed use better served by residential uses in commercial zoning rather than vice versa
- Concern regarding the use of the term “dwelling high-rise”
- Desirability of Board final approval
- Concern related to elimination of minimum performance objectives
- Concerns related to the addition of low density residential zoning and provisions for the extension of public utilities
- The need for extensive consideration in respect to the significance of changes to the ordinance
- Review of successful PUD processes in other communities
- Damage to a watershed from impervious surface
- Incorporation of Land Preservation Task Force recommendations
- Intended replacement of the PRD
- Excessive Ingham County Road Commission road right-of-ways in a PUD
- Encouragement of mixed uses through a zoning amendment adding residential uses to commercial zoning

12. PUBLIC COMMENT (None)

13. VISION SESSION: Urban Service/Growth Boundary

14. POSSIBLE CLOSED SESSION

Treasurer Hunting moved to go into closed session to consult with our attorney regarding pending litigation and settlement strategy, which if discussed in open session would have a detrimental financial effect on the litigating or settlement strategy of the Township. Seconded by Trustee Woiwode.

Supervisor McGillicuddy recessed the meeting at 10:30 p.m.

The Board adjourned to the Administrative Conference Room.

Supervisor McGillicuddy reconvened the meeting at 11:40 p.m.

Treasurer Hunting moved to return to open session. Seconded by Clerk Helmbrecht.

VOICE VOTE: Motion carried unanimously.

Treasurer Hunting moved to direct the Township attorney to act in accordance with discussion in

closed session. Seconded by Clerk Helmbrecht.

VOICE VOTE: Motion carried unanimously.

15 ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 11:41 p.m.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Paul J. Cassidy, Secretary