

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
853-4000, Town Hall Room  
TUESDAY, APRIL 15, 2008, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such (6:02 PM), Veenstra, Woiwode  
ABSENT: None  
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Attorney Andria Ditschman

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:00 P.M. and welcomed Girl Scout Troop 155 from Haslett Middle School.

2. PLEDGE OF ALLEGIANCE

Girl Scout Troop 155 led the Pledge of Allegiance.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Eric Schertzing, Chair, Ingham County Land Bank Authority, The Courthouse, Mason, acquired a mortgage foreclosed home at 5987 Cyprus, Haslett. He indicated the property has been completely renovated and will be listed for sale through a realtor by the Land Bank.

Lynne Page, President, Briarwood Homeowners Association, 3912 Raleigh Drive, Okemos, expressed continued concern regarding executed plans of SUP #05011 (Eby Bickord Cottage).

Vance Kincaid, representing LINC, 4530 Nakoma Drive, Okemos, spoke in opposition to the proposed 425 Agreement in the Johnson Property Boundary matter. He suggested the Board of Water and Light retain the utility franchise agreement for water, sewer, and electrical services and Meridian Township acquire back the land.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Township Manager Richards stated staff is in the process of finalizing its written response regarding concerns expressed by the public on the Eby-Bickford Cottage project, SUP #05011.

Trustee Woiwode stated the public concerns expressed regarding the Eby-Bickford Cottage highlight that decisions by other bodies can undermine the Board's intent when it premises specific site plan decisions.

Assurance that Board conditions stay with the project: (See Agenda Item #8 (Questions for the Attorney))

Q. One of the comments made was that a lot of the vegetation that we had approved, or the screening, was removed at the Zoning Board of Appeals. All that screening that we purposely put into a plan was to protect the residential area from the enormity of this building. They do have a right to go before the Zoning Board of Appeals to get a variance, but is there anything else we can do to ensure that those type of things stay in place?

A. You are correct that you don't have control over variances or whether those are given or not. I am not sure in this situation if the request for variances came in front of the Zoning Board of Appeals before the plan came to the Board. The Board is to review specifically what's in front of them

pursuant to the statute and pursuant to your ordinance. The right to give any kind of leniency from the ordinance is held with the Zoning Board of Appeals (ZBA). So you can't control if they want a specific variance to a dimensional or other requirement of the zoning ordinance.

Q. Adding landscaping, though, would that have fallen under our zoning code?

A. I can't tell you right now if the specific requirement for landscaping would have been under your control or under the ZBA. If there was a specific requirement in the zoning ordinance that said this landscaping is required with this many feet or is not required, that is something that the Zoning Board of Appeals can waive.

Q. Is there anything we can do with regard to public safety on these changes? I am concerned about the steepness of the slope in the back. This is clearly, as I see it, some unintended consequences. For instance, can we go back and require a fence to protect people from falling, etc.?

A. I think what staff needs to do, and it is my understanding they have been doing this, is look at the plan, look at what was approved at the time, and then look at the site. If there is some danger, then we can go back and look at that and determine how we can get involved in reducing that. That is something that, I believe, staff needs to look at. My understanding is that they have been.

Township Manager Richards gave several updates that affect the Township as follows: 1) The Ingham County Road Commission (ICRC) will be at the Township on May 1<sup>st</sup>, between 4:00 P.M. and 7:00 P.M. with plans for work to be performed at the corner of Okemos and Haslett Roads, adding left turn lanes from Haslett Road onto Okemos Road. The ICRC will be closing access to Okemos Road from Haslett Road as part of this process; 2) Notice was received from Capital Area District Librarian Sue Hill that there will be two (2) workshops planned to look at future facilities for both the Okemos and Haslett branch libraries. One will be held on Wednesday, April 23<sup>rd</sup> at 6:30 P.M. at the Hope Borbas Okemos Library and another on Thursday, April 24<sup>th</sup> at the Haslett Public Library; 3) The Township is holding another recycling event on Saturday, April 26<sup>th</sup> from 9:00 A.M. until 3:00 P.M. on the Township grounds. New to the recycling effort will be a collection point for colored glass; 4) The Meridian Monitor was mailed to residents, and 5) The Recycling Center on Lake Drive will begin receiving boxboard on May 1, 2008.

Trustee Brixie reported she attended the Tri County Groundwater Management Board meeting and announced a pharmaceutical collection by Ingham County on April 18<sup>th</sup>. She urged the Township's recycling committee to consider expanding its efforts to include pharmaceuticals in its collection program.

Trustee Brixie noted the Meridian Township Entrepreneurial Asset Movement (MTEAM) will unveil its Meridian Asset Resource Center (MARC) Program on Friday, April 18<sup>th</sup> at the Okemos Public Library. She indicated the panel discussion will begin at 8:30 A.M.

Clerk Helmbrecht announced the May 6<sup>th</sup> Annual Election for both Haslett and Okemos Schools. She noted East Lansing Schools will not hold its Annual Election until November so Township residents who live in Precincts 18 and 19 will not be voting May 6<sup>th</sup>. Clerk Helmbrecht stated initial absentee ballots have been mailed and the Clerk's office will continue to take requests for absentee ballots.

Treasurer Hunting announced Stillwater Grill has made a decision to become a smoke free eating establishment and urged more Township restaurants and businesses to follow suit.

Pat Lindemann, Ingham County Drain Commissioner, 707 Buhl Avenue, Mason, gave an update on the Towar Garden Raingarden Project. He stated there is still a need for a cooperative effort with the Township to disconnect sump pumps from the sanitary sewer system and connect to the positive outlet plus a few small items in order to complete the project. He presented the Township with two (2) plaques for its partnership in the Towar Garden Raingarden Project.

6. APPROVAL OF AGENDA — OR CHANGES

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

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

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

NAYS: None

Motion carried unanimously.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Determination (BD)

BD 11C-1 David E. Pierson, McClelland & Anderson, 1305 S. Washington Avenue, Suite 102, Lansing; RE: Johnson Property Boundary

(2) Regional Linkage (RL)

RL-1 Joe Benzie, Chairman, Bath Township Planning Commission, 14480 Webster Road, Bath; RE: Notification of Bath Township Comprehensive Plan Update

(3). Staff Communication/Referral (SC)

SC-1 Letter from Director Kieselbach to Charles Willems, 1381 Hickory Island Drive, Haslett; RE: Response concerning Building Permit Application #08-0044

SC-2 Memorandum from Cindy Cummings, Police Records Supervisor; RE: Current list of licensed vendors and non-licensed persons or nonprofit organizations engaged in soliciting or canvassing dated March 25, 2008

**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 Woiwode.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, 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 April 1, 2008 Regular Meeting as submitted. Seconded by Trustee Woiwode.**

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

NAYS: None

Motion carried unanimously.

C. Establish Elections Receiving Board

**Trustee Brixie moved that the Township Board of the Charter Township of Meridian hereby authorizes the appointment of receiving Boards for each election conducted in the Township beginning May 1, 2008 through May 1, 2009. Seconded by Trustee Woiwode.**

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

NAYS: None

Motion carried unanimously.

D. Bills

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

Common Cash	\$ 193,763.03
Public Works	\$ 411,227.39
Total Checks	\$ 604,990.42
Credit Card Transactions	\$ 6,995.64
Total Purchases	<u>\$ 611,986.06</u>
 ACH Payments	 <u>\$ 355,674.59</u>

**Seconded by Trustee Woiwode.**

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

[Bill list in Official Minute Book]

E. Disposal of Surplus Equipment

**Trustee Brixie moved to approve the sale of surplus Township equipment listed below at public auction or by sealed bid, or if no bids are received, to dispose of the equipment appropriately:**

<b>Product</b>	<b>Model Number</b>	<b>Serial Number</b>
Sony CD player	CDP-CX53	8187111
Sony dual cassette deck	TC-WR520	812629
 Altel Amplifier	 1593B	 391144 #2943
Altel Mixer Amplifier	1592A	391127 #4424
Altel Mixer Amplifier	1592A	391127 #4433
Altel Mixer Amplifier	1592A	291142 #4735
 Telos 100 Auxillary pwr Commodore 2002		 70427182
Panasonic VHS Reporter kit	AG-HT4	C1HB00538
Videotec Waveform Vectroscope	TVM-621	A03970221
SV micro-100 light cig plug in		
AVID computer systemPC powermac	9600/300	XB8060HWACQ
Commodore Amiga keyboard		
power supply and mouse	A500	30624
Spitfire SCSI controller for amiga	4221 Drive for SCSI	
Video Imager	WE-159	48Z00227

**Seconded by Trustee Woiwode.**

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

F. Appointments to the Lake Lansing Watershed Advisory Committee

**Trustee Brixie moved that the following property owners be appointed to the Lake Lansing Watershed Advisory Committee for terms expiring April 30, 2010: Marvin Johansen, 6236**

**W. Reynolds; Joseph Sheahan, 6150 Columbia; and Steven Culling, 6193 Columbia.  
Seconded by Trustee Woiwode.**

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

NAYS: None

Motion carried unanimously.

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item #5, #11A, #11C)

9. HEARINGS (None)

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Mark Clouse, Chief Financial Officer and General Counsel, Eyde Co., 4660 S. Hagadorn Road, Suite 660, East Lansing, spoke in support of Final Plat #05012, Georgetown.

Supervisor McGillicuddy closed public comment.

- A. Rezoning #08070 (API Park Lake Properties, LLC), request to rezone approximately 1.8 acres addressed at 5900 Park Lake Road from RR (Rural Residential) to C-2 (Commercial), **Final Adoption**

**Trustee Brixie moved [and read into the record], NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby FINALLY ADOPTS Ordinance No. 2008-05, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #08070” from RR (Rural Residential) to C-2 (Commercial).**

**BE IT FURTHER RESOLVED, that the Clerk of the Charter Township of Meridian is directed to publish the Ordinance in the form in which it is finally adopted at least once prior to the next regular meeting of the Township Board. Seconded by Trustee Veenstra.**

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

NAYS: None

Motion carried unanimously.

- B. Ordinance Amendment to Section 62-64 (2)(b), to amend the minimum size of a street tree in a platted subdivision to a two (2) inch caliper, **Final Adoption**

**Trustee Veenstra moved [and read into the record], NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby FINALLY ADOPTS Ordinance No. 2008-06, entitled “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 62, Article III, Section 62-64(2) by amending Section 62-64(2)(b).”**

**BE IT FURTHER RESOLVED the Clerk of the Charter Township of Meridian is directed to publish the Ordinance in the form in which it is finally adopted at least once prior to the next regular meeting of the Township Board.**

**Seconded by Trustee Woiwode.**

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

NAYS: Trustee Brixie, Treasurer Hunting

Motion carried 5-2.

- C. Final Plat #05012 (George F. Eyde Limited Family Partnership and Louis J. Eyde Limited Family Partnership), Georgetown Phase I, 42 single family lots

**Treasurer Hunting moved [and read into the record] NOW THEREFORE BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves the Final Plat of Georgetown. Seconded by Trustee Brixie.**

Board members discussed the following:

- Notice to developer that 2 inch caliper trees must be 2 inches
- Need to address erosion issues at Tihart and Powell Roads directly associated with the development
- Applicant should construct all pathways connected with the development

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

NAYS: None

Motion carried unanimously.

#### 11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

- A. Rezoning #02060 (Eyde), request to rezone 5.4 acres located at 5155 Marsh Road from RAAA (Single Family-Low Density) to PO (Professional and Office)  
Director Kieselbach summarized the rezoning request as outlined in staff memorandum dated April 10, 2008.

Mark Clouse, Chief Financial Officer and General Counsel, Eyde Co., 4660 S. Hagadorn Road, Suite 660, East Lansing, gave a history of this proposed rezoning since the Board last discussed the request on July 6, 2006.

Referral back to the Planning Commission: (See Agenda Item #8 (Questions for the Attorney))

Q. It's been two (2) years since the Planning Commission has seen this. We have the ability to send this back to the Planning Commission, correct?

A. You have the ability to send it back or you could choose to go forward without sending it back; that is correct.

Board members, staff and the applicant discussed the following:

- Unrealistic that property will remain at its current zoning
- Location of adjacent Township park makes it a good choice for multiple family use
- Site should be upzoned to PO, anticipating a MUPUD
- Restrictions for C-1 uses
- Applicant does not see the need for office use within the Township's commercial corridor
- Significant cost to applicant of going through the mixed use application process
- Board discretion as to the amount of commercial as part of a request for a MUPUD
- Design has front and rear entrances to accommodate parking in front and rear of the building
- Commercial type uses on the first floor with residential on the second and third floor
- Cost prohibitive to go through the PO MUPUD process
- Preference for Planning Commission review
- Concern with rezoning to commercial as there is empty commercial space across Marsh Road
- Inappropriate area to place a MUPUD
- MUPUD appropriate to create an infusion of people into the commercial core area
- Use of building heights would help slow down traffic flow on Marsh Road

**The consensus of the Board was to place this item on for action at the May 8, 2008 Board meeting.**

- B. Community Farms/Gardens

Manager Richards reported that the Ann Arbor Community Gardens is located in Chelsea and does not have any affiliation with a governmental entity.

Board members discussed the following:

- Supervisor to research if there is any community in Michigan which has community supported agricultural program
- Supervisor would like focus to be on community gardens
- Community Resources Commission (CRC) will host a presentation by The Garden Project on April 19<sup>th</sup>
- Supervisor to communicate with The Garden Project to ascertain how to get residents involved
- Board to look into providing water to the Toward Garden community garden even though it is in East Lansing.
- Possible involvement by State Representative Mark Meadows to investigate funding sources
- Determination of the Board's mission and objective relative to community gardens
- Possible partnership with churches who could use their property for an outreach program
- Township facilitation of community gardens
- Concern with implications of use of public land for private purpose
- Need for input from the Park Commission and Land Preservation Advisory Board on use of public land for private purpose
- Consideration of rain harvest during discussion of water delivery
- Possible Board member as chair of an ad hoc group similar to recycling efforts
- Each Board member to define vision and purpose regarding community gardens within Meridian Township in an effort to prepare a mission statement

**The consensus of the Board was to concentrate on gardens and draft a Vision Statement with objectives for review at a future Board meeting.**

C. Johnson Property Boundary Matter

Director Kieselbach summarized the Johnson property boundary situation as outlined in staff memorandum dated April 11, 2008.

David Pierson, McClelland and Anderson, 1305 South Washington, Suite 102, Lansing, attorney for Lanny and Mary Ann Johnson, reiterated the existing zoning is RP. He indicated Lansing's Deputy City Attorney Jack Roberts was agreeable to a new 425 Agreement which covered only the subject property and amended the existing 425 Agreement just to that extent.

Board members and the applicant's representative discussed the following:

- Board need to understand the original cause of the subject problem in order to have an effective remedy
- Impression there was intent in the original 425 Agreement to provide access to Hagadorn Road
- Surveyor error in drawing the descriptions
- Tax parcels were incorrect and the Johnson's were receiving tax bills for property owned by the developer

Exploration of creating a new 425 Agreement: (See Agenda Item #8 (Questions for the Attorney))

- Q. Just because the City of Lansing doesn't necessarily want to reopen it isn't cause for us to create a new 425. Would we be within our realm to either say no to creating a new one and, if it gets modified, to pursue opening the old one?
- A. Definitely. I think Trustee Woiwode has a good question to begin with which was, "Is this intentional or not?" I know it has been said that it was not, and that may be. I wasn't here; our firm wasn't involved at that time. Clearly, there were people involved that know what was intended and what legal descriptions were meant to be there. There is somebody that should be able to say they meant to go around this area or they did not and they did it for this reason. If there wasn't a clear intent and a purpose for it and the Board chooses to make a change, you can agree to open the 425 or you can agree to do nothing. I would have to look into this issue of making a new 425 without agreeing to open the old 425. I'm not aware that is an option, although I hear the City of Lansing is potentially suggesting that. I think it is something you definitely legally want to have looked at before you go forward. But, I think the first question is was there a reason to do this in the first place? I don't know if we have that answer yet from the people who put it together when it was written.

Continued Board discussion:

- Planning Commission has not looked at the zoning on the property for years when considering the Master Plan due to the 425 Agreement
- No need for office zoning at this location
- Each meeting during creation of the 425 Agreement had different conditions and different maps
- Potential cost(s) to the Township
- No provision to fix errors and omissions within 425 Agreements
- Possible legislative history on this parcel to determine if the boundary was intentional to provide a setback from the substations

**It was the consensus of the Board to continue this item for discussion at a future Board meeting.**

D. Okemos Road Enhancement Project Update

Director Severy gave an update on the three intersections which would be improved as part of the Okemos Road Enhancement Project; Bennett/Kinawa Roads, Science Parkway and Mt. Hope Avenue.

Board members discussed the following:

- Need for mid-block pedestrian crossings
- Possible button command to stop traffic which would ensure pedestrian safety
- Appreciation for selection of dark sky acorn fixture on green fluted poles
- Logical location of benches near CATA bus stops
- Need for colored photographs of colored concrete contained in the plan
- Purpose of colored concrete is to slow traffic and assist pedestrian safety
- Breakdown of cost for each enhancement
- Cost of colored concrete including treatment of concrete surface is approximately \$165,000
- Median or refuge stations for pedestrians should be part of the plan
- Estimate of reapplying sealer every two (2) to four (4) years
- Agreement with the Ingham County Road Commission (ICRC) to state Township will maintain colored crossings
- Need to complete project this year irrespective of the desire for mid-block crossings
- Impact of street trees on how the road feels to the driver, cyclist, and pedestrian
- Provide data on increased safety through colored crosswalks and added safety through colored square in the center
- Placement of street trees in the right of way

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Carl Harmon, 1924 Birchwood, Okemos, suggested the Board obtain pictures of five year old colored concrete and believed islands would reduce speed on Okemos Road. He encouraged the Board to do nothing on the Johnson Property Boundary matter. Mr. Harmon proposed a metropolitan form of government and urged tax based sharing with older communities within the region.

Richard Harrington, 820 Piper Road, Haslett, spoke in opposition to rezoning the property contained in Rezoning #02060 (Eyde) to commercial. He also expressed concern with the condition of the property where the nursing home facility is being constructed on Marsh Road.

Supervisor McGillicuddy closed Public Remarks.

13. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:00 P.M.

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SUSAN MCGILlicUDDY  
TOWNSHIP SUPERVISOR

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MARY M. G. HELMBRECHT, CMC  
TOWNSHIP CLERK

Sandra K. Otto, Secretary