

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
853-4000, Town Hall Room  
TUESDAY, FEBRUARY 17, 2015 **6:00 P.M.**

PRESENT: Supervisor LeGoff, Clerk Dreyfus, Treasurer Brixie, Trustees Scales, Styka, Veenstra  
ABSENT: Trustee Wilson  
STAFF: Acting Township Manager David Hall, Director of Community Planning &  
Development Mark Kieselbach, Director of Public Works and Engineering Ray Severy,  
Communications Director Deborah Guthrie, Director of Parks and Recreation LuAnn  
Maisner

1. CALL MEETING TO ORDER

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

2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS

Supervisor LeGoff led the Pledge of Allegiance.

3. ROLL CALL

The secretary called the roll of the Board.

4. SPECIAL PRESENTATION

A. Cynthia Stump, Area Manager Local Government and Luba Sitar, Customer Relations Manager for ITC Holdings – Awarding of a Tree Grant

Director Kieselbach introduced Cynthia Stump and Luba Sitar from ITC Holdings.

Cynthia Stump offered an explanation of ITC Holdings as owner and operator of the high voltage transmission towers throughout most of the Lower Peninsula. Luba Sitar explained Right Tree, Right Place, a vegetation management program. She presented the Township with a \$5,000 check for urban tree canopy planting. She expounded on ITC's partnership with several organizations in the 2014 Go Green Youth Challenge which allows, through a grant application process, opportunity to procure funds for tree planting.

5. PUBLIC REMARKS

Supervisor LeGoff opened and closed Public Remarks.

6. TOWNSHIP MANAGER REPORT

Township Manager Walsh is currently on vacation.

7. BOARD COMMENTS & REPORTS

Clerk Dreyfus responded to a Board member's inquiry at the last Board meeting regarding the processing of applications for public service which is handled through the Clerk's office. He reported his attendance as Board Liaison at the last Economic Development Corporation (EDC) meeting where seed money (\$120,000) is available from a program called Fund Lansing was discussed. Clerk Dreyfus announced his attendance at the grand opening of a Flagstar Bank branch office in Okemos. He noted the availability of a grant program through Flagstar Bank for "rehabbing" projects. Clerk Dreyfus reported the EDC donated \$1,000 to the Chinese New Year Program. He indicated the EDC discussed a Meridian Township asset inventory to provide information to Lansing Economic Area Partnership (LEAP) and other business development groups to direct new business opportunities to Meridian Township. Clerk Dreyfus stated several aspects of the sale of the Meridian Area Resource Center (MARC) was also vetted.

Trustee Scales announced a Chinese New Year celebration will be held at Meridian Mall February 21<sup>th</sup> from 1:30 P.M. until 6:00 P.M. He thanked Peter Menser for the article he wrote for the February edition of the *Greater Lansing Business Monthly* regarding Meridian Township rolling out the red carpet to Move Meridian Forward. Trustee Scales reported Zeta Phi Beta sorority hosted a training session for Black History Month which included high school students from Lansing, East Lansing and Haslett Public Schools, noting HOMTV interviewed the three (3) officers of the Haslett High School Black Student Union. He also announced the Phi Beta Sigma fraternity hosted a youth workshop for young men in the greater Lansing area the next day, where a Haslett High School officer was also interviewed by HOMTV.

Trustee Styka announced HOMTV received an award for its series on Sustaining the Future. He announced Parks and Recreation is hosting a Snowman Snow Sculpture contest, with photograph submissions due by March 6, 2015. Trustee Styka reported his attendance at the swearing in ceremony for the new Fire Battalion Chief Ken Phinney.

Treasurer Brixie reported the Ingham County Board of Commissioners granted Meridian Township its variance request for retention of the oak tree on Cornell Road. She reminded residents that late tax payments will be accepted in the Treasurer's office until the close of business on March 1<sup>st</sup> and, after that date, they will be turned over to Ingham County for collection, with additional penalties assessed. Treasurer Brixie also reported her attendance, as well as Trustee Wilson and staff, at the grand opening of the Flagstar Bank branch in Okemos.

Trustee Veenstra delineated the schedule of events for the Chinese New Year celebration to be held at Meridian Mall February 21<sup>th</sup> from 1:30 P.M. until 6:00 P.M.

8. APPROVAL OF AGENDA

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

**VOICE VOTE: Motion carried 6-0.**

9. CONSENT AGENDA

Supervisor LeGoff reviewed the consent agenda.

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

ROLL CALLVOTE: YEAS: Trustees Scales, Styka, Veenstra, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus

NAYS: None

Motion carried 6-0.

A. Communications

Commission Linkage (CL)

CL-1 John Scherbarth, Environmental Commission; RE: Notice of resignation effective August 1, 2015

On File in the Clerk's Office (OF)

Material handed out at the February 3, 2015 Board Meeting

Neil Bowlby, 6020 Beechwood Drive, Okemos; RE: Proposed Consumers Energy Solar Farm

Leslie Kuhn, 6162 Oakpark Trail, Haslett; RE: Support to Deny the Appeal of Special Use Permit #14111-2049 Grand River Avenue

Planning Commissioner Patricia Herring Jackson, 2512 Capeside Drive, Okemos; RE: Synopsis of rationale for Planning Commission denial of Special Use Permit #14111

Gil White, 6005 Lake Drive, Haslett; RE: Notice of resignation from the Economic Development Corporation

Board discussion:

- Inquiry as to the process for including communications in the Board packet

- Clarification that the subject communication was addressed to an individual Board member, not the entire Board
- Communication was included in the packet to inform the community and give the Board an opportunity to find prospective candidates over the next five (5) months

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

ROLL CALLVOTE: YEAS: Trustees Scales, Styka, Veenstra, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried 6-0.

B. Minutes

**Treasurer Brixie moved to approve and ratify the minutes of the February 3, 2015 Regular Meeting. Seconded by Trustee Veenstra.**

ROLL CALLVOTE: YEAS: Trustees Scales, Styka, Veenstra, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried 6-0.

C. Bills

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

Common Cash	\$ 407,966.61
Public Works	\$ 220,386.43
Total Checks	\$ 628,353.04
Credit Card Transactions	\$ 9,533.07
Total Purchases	<u>\$ 637,886.11</u>
ACH Payments	<u>\$ 581,890.31</u>

**Seconded by Trustee Veenstra.**

ROLL CALLVOTE: YEAS: Trustees Scales, Styka, Veenstra, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried 6-0.

(Bill list in Official Minute Book)

D. Approval of Polling Location Change

**Treasurer Brixie moved to adopt the resolution "Change Location of Precinct #11 Polling Place in Meridian Township". Seconded by Trustee Veenstra.**

Board discussion:

- Board member concern with transportation to the new polling location for students who do not have automobiles
- When locating polling locations, there is a need for sensitivity to the minority of registered voters who must walk to polling locations

ROLL CALLVOTE: YEAS: Trustees Scales, Styka, Veenstra, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried 6-0.

- E. Perry Road, Special Assessment District No. 42 – **Resolution #4** (Set Public Hearing Date for March 17, 2015)  
**Treasurer Brixie moved to approve the Perry Road Special Assessment District No. 42 – Resolution #4, which files the proposed final special assessment roll with the Township Clerk and sets the date for a public hearing on March 17, 2015. Seconded by Trustee Veenstra.**

ROLL CALLVOTE: YEAS: Trustees Scales, Styka, Veenstra, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried 6-0.

10. QUESTIONS FOR THE ATTORNEY (See Agenda Item #13A)

11. HEARINGS (None)

12. ACTION ITEMS

Supervisor LeGoff opened Public Remarks.

John Gardner, Senior Manager, External Affairs, Comcast, 1401 E. Miller Road, Lansing addressed changes to the over 400 communities throughout Michigan, including Meridian Township, when the Comcast/Time Warner merger takes place. He requested the Board approve the transfer of control on tonight's agenda.

Supervisor LeGoff closed Public Remarks.

- A. 2014 Order to Maintain Sidewalks, Special Assessment District No. 15 – **Resolution #5**  
**Trustee Veenstra moved to approve the 2014 Order to Maintain Sidewalk Special Assessment District No. 15 - Resolution No. 5, which approves the special assessment roll; designates the project as “2014 Order to Maintain Sidewalk Special Assessment District No. 15”, the assessment roll as the “2014 Order to Maintain Sidewalk Special Assessment District No. 15 Special Assessment Roll”, and the district as the “2014 Order to Maintain Sidewalk Special Assessment District No. 15”; adopts the amount of \$13,853.08 as the final amount for the assessment roll; and orders and directs the assessment roll to be paid and collected.**

**Seconded by Treasurer Brixie.**

Board discussion:

- Work was performed in 2014

ROLL CALLVOTE: YEAS: Trustees Scales, Styka, Veenstra, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried 6-0.

- B. Transfer of Comcast Control

Director Guthrie summarized Comcast's Transfer of Control Application as outlined in staff memorandum dated February 13, 2015.

Michael Watz, Kitch Drutchas Wagner Valitutti and Sherbrook, One Woodward Avenue, Suite 2400, Detroit, suggested the Board go into closed session to discuss the details of the transfer agreement.

Board discussion:

- Preference to go into closed session at the end of the meeting to address the remaining agenda items
- Inquiry if a motion has been prepared for the Board to consider
- Section of the law in the Open Meetings Act under which the closed session is permitted

ATTORNEY COMMENT: The section I would recommend you go into the closed session is (h): To consider material exempt from discussion or disclosure by state or federal statute, unless your counsel here wants to counter that. I don't think there is litigation right now, so I think you would want to use (h) to go into the closed session. If you want to postpone this action item until later, then you still have to vote to go into closed session or take other action on it. Or you can go into closed session now, but you need a motion to go into closed session.

Continued Board discussion:

- Inappropriateness of the Board discussing strategy in open session on how to deal with an adversarial entity
- Board member preference to deal with this issue now and not wait until the end of the meeting

**Trustee Styka moved to go into closed session under MCL 15.268 (h) to consider material exempt from discussion or disclosure by state or federal statute. Seconded by Trustee Scales.**

Continued Board discussion:

- Courtesy to other members of the public to complete the remaining action items now

**Trustee Veenstra moved to table the motion. Seconded by Supervisor LeGoff.**

VOICE VOTE: Motion carried 4-2 (Trustees Scales, Styka)

**Treasurer Brixie moved to take up Agenda Item #12B after Agenda Item #13B. Seconded by Trustee Veenstra.**

VOICE VOTE: Motion carried 6-0.

C. Renewal of Open Space Easement/Lease Agreement – 4275 Dobie Road

**Trustee Veenstra moved to approve extension of the existing Open Space Development Rights Easement and Lease Agreement with Dr. Maureen Sander for 31.9 acres of natural area through February 5, 2025 for Parcel #33-02-02-27-177-007 and to authorize the Supervisor and Clerk to sign on behalf of the Township. Seconded by Trustee Styka.**

Board discussion:

- Appreciation to Dr. Sander for allowing the Township to lease the 32 acres of property for \$1.00
- Natural area is in the “middle” of a residential area

ROLL CALLVOTE: YEAS: Trustees Scales, Styka, Veenstra, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus

NAYS: None

Motion carried 6-0.

D. Township Legal Services – Request for Proposals

**Treasurer Brixie moved to direct the Township Manager to seek request for proposals for legal services. Seconded by Trustee Styka.**

Board and staff discussion:

- Hubbard Law Firm has ably represented the Township for the last 14 years
- Board member belief the motion is premature
- Board member belief the Township should take the opportunity to perform an in-depth review of all attorney services
- Board member suggestion to investigate the option of an in-house attorney

- Township need for separate expertise in specific areas
- Board member preference to first determine what is needed for the Township overall in the area of legal services (labor law, general law, prosecutorial services, etc.)
- Noted interest of five (5) Board members to serve on the three-member interview subcommittee
- Board member preference to have the Committee of the Whole vet this issue
- Key to a successful discussion on this issue is to request the “right” information from staff
- Single in-house attorney cannot offer the skill set necessary to provide adequate representation on all Township issues
- Manager will evaluate all the legal services needed and present the information to the Board
- Board member belief having the Committee of the Whole vet this issue would “clog up” Board meetings
- Board does not have to take a monolithic approach to this issue
- Board member preference for all Board members to be involved in the needs assessment and determine the direction the Board wants to move in
- Law firms are structured to provide expertise in a broad range of services
- Board determination as to what is needed prior to sending out request for proposals
- Board member comment that Board members are not the best individuals to determine what goes into a request for proposals
- Township Manager is the best person to investigate the needed legal services and prepare what is included in the request for proposals
- Concern that “time is of the essence” as the Township will be without counsel effective tomorrow
  - Township Manager has had experience in this area
  - Proposal could contain options from the individuals submitting request for proposals
  - Township is not currently engaged in litigation
  - \$10,000 per month is currently available for external contractual services if necessary
- Board member preference for more Board input early in the process as it results in better “buy in” as a group and greater transparency among Board members

**Trustee Scales offered the following amendment:**

- **Insert “after review of our legal need in conjunction with the Township Board” after “services”.**

**Seconded by Clerk Dreyfus.**

ROLL CALLVOTE: YEAS: Trustees Scales, Styka, Veenstra, Supervisor LeGoff, Clerk Dreyfus  
NAYS: Treasurer Brixie  
Motion carried 5-1.

ROLL CALLVOTE ON THE MAIN YEAS: Trustees Scales, Styka, Veenstra, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus  
MAIN MOTION: NAYS: None  
Motion carried 6-0.

**13. BOARD DISCUSSION ITEMS**

Supervisor LeGoff opened Public Remarks.

David Pierson, 1305 W. Washington Avenue, Lansing, attorney for Keith Schroeder and Schroeder Homes, gave an overview of a possible zoning amendment to the Planned Residential Development (PRD) Overlay District. He requested the Township Board consider looking at an amendment to the ordinance relative to site condominiums.

Brent Forsberg, 2422 Jolly Road, Okemos, offered several updates to the concept plan based on previous Board discussion. He reported several meetings have been scheduled to take place with the neighboring community and those areas which will be affected through the tie-in to the pathway system.

Supervisor LeGoff closed Public Remarks.

A. Possible Zoning Amendment to the PRD Overlay District

Director Kieselbach summarized a possible zoning amendment to the Planned Residential Development (PRD) Overlay District as outlined in staff memorandum dated February 12, 2015.

Board, staff and applicant's representative discussion:

- Zoning amendment request is not from staff, but is being presented by staff from another individual
- PRD ordinance amendment request would allow site condominiums for the next phase of Ember Oaks and any future PRDs
- In order to change lot sizes, road configurations, etc. in a plat if any lots had been sold, a suit would need to be filed in Circuit Court to vacate the plat and to replace it with the changed plat
- Amendment would shorten the time for the overall process from the conventional standard platting process to a site condominium
- Possibility of using the PUD process in an effort to avoid the PRD process
- PUD requires 50% of the developable land (exclusive of wetlands and floodplain) to be designated as open space and is a concern as the overall amount of developable land diminishes
- PRD requires 20% of the developable land to be designated as open space (exclusive of wetlands and floodplain)
- PRDs are currently being handled under the standard plat process
- Ordinance amendment request would shorten the time of the process
- Change in a recorded plat would require going before Circuit Court
- Benefits of PRD v. PUD
- Standard plat does not require open space
- Clustering of housing saves infrastructure
- This request last came before the Board in 2007
- Michigan law states a person cannot be prohibited from owning property as a condominium v. fee ownership
- Mr. Pierson's belief the PRD language mandates use of only the standard plat process and is prohibited by the Michigan Condominium Act
- Amendment would allow site condominiums for an already approved PRD
- One option would be to leave "everything" in place until the final plat step and then allow as either a final plat or a site condominium
- Only other way to address the problem is to start over using the PUD process
- Ember Oaks was approved as a PRD with a subdivision plat

Compliance of Meridian Township's PUD ordinance with the State Condominium Act:

(Questions for the Attorney (See Agenda Item #10))

- Q. Given Mr. Pierson's comments, wouldn't our PUD (which allows site condos) comply with the Condominium Act in the state. It isn't like we're not allowing site condominiums.
- A. Questionably. I think, as he said, it's unlikely that you are going to get sued. There is a question there if what's offered is consistent with the law because you can choose the PRD for one type, but not another type of ownership. That's why he raised the issue. It's not clear how a court would come out on that issue. I don't think the PUD necessarily resolves that because it is a different type; it's not a PRD. As he said, it is unlikely you are going to get sued for that, but that seems to follow the ruling you have to allow site condo ownership for the other types of housing that's offered. There's an argument there; that's the best I can provide for you.

Continued Board and staff discussion:

- Concern with the fairness of making this ordinance amendment “retroactive” for individuals who purchased lots in the subdivision thinking they were of a certain size
- Amendment cannot happen without Board approval
- Enforcement of property rights through restrictions
- Board member request for staff to supply a side by side comparison between the PUD and PRD (focusing on open space) and place this on for discussion at a future date
- Request for staff to research this issue when it was before a different Board and provide a summary of those responses

**It was the consensus of the Board to direct staff to provide additional information at a future Board meeting.**

B. Okemos Pointe Mixed Use Planned Unit Development (MUPUD) Concept Plan

Board discussion:

- Concern with sufficient on-site recreation
- Appreciation for the applicant’s desire to have a portion of the project contain affordable housing
- Need for proper screening for residents on Kansas Street
- Pond should not be included in the density for 44 acres as it is not buildable
- Request for the applicant to minimize the energy consumption of the buildings
- Appreciation for the applicant’s utilization of the concept plan process
- Board member request to be apprised of the meetings to take place with both the nearby residents and business owners
- Some of the site “works well” for high density development
- Importance of the green space preservation component in smart growth as a trade-off for clustered development
- Portion of the apartment complex adjacent to Kansas Street is problematic
- Number of apartments proposed is too dense for the site
- Placement of single family homes on land zoned RR can serve as a buffer to Kansas Street residents
- Questionability of having a C-2 rezoning on the subject parcel
- Board member belief that 92% of the project is residential
- Board member preference for the applicant to request a rezoning to multi-family with portion west of the pond remaining RR
- Area is in need of a facelift
- Appreciation for the significant connectivity to the adjacent areas
- Residential component of the MUPUD ordinance is not limited to multi-family
- Suggestion for the applicant to consider placing duplexes or a loop of single family homes on the western portion of the property which abuts Kansas Street
- Master Plan designated the subject land as PO as it was the transitional zoning from the residential neighborhood (Indiana and Kansas Streets) to commercial land to the east
- Applicant will need to request “exceptions” as there are more units being requested than allowed under the MUPUD ordinance

14. FINAL PUBLIC REMARKS

Supervisor LeGoff opened and closed Public Remarks.

15. FINAL BOARD MEMBER COMMENT

Trustee Styka expressed a desire to go on a site tour of the Okemos Pointe MUPUD property.

16. POSSIBLE CLOSED SESSION

**Treasurer Brixie moved to remove from the table Trustee Styka’s motion to go into closed session under MCL 15.268 (h) to consider material exempt from discussion or disclosure by state or federal statute. Seconded by Trustee Styka.**

VOICE VOTE: Motion carried 6-0.

ROLL CALL VOTE YEAS: Trustees Scales, Styka, Veenstra, Treasurer Brixie, Clerk Dreyfus  
ON THE MAIN NAYS: Supervisor LeGoff  
MAIN MOTION: Motion carried 5-1.

Supervisor LeGoff recessed the meeting at 8:07 P.M.

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

**Treasurer Brixie moved to return to open session. Seconded by Trustee Scales.**

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

Supervisor LeGoff reconvened the meeting at 8:49 P.M.

**Treasurer Brixie moved to adopt the resolution conditionally granting the consent of the Charter Township of Meridian, Michigan, to the transfer of control of the cable television franchise and cable television system from Comcast Corporation to Greatland Connections, subject to execution of the attached agreement by the Township, Comcast and Midwest Cable and subject to correction of typos and grammar in said agreement and resolution. Seconded by Trustee Styka.**

VOICE VOTE: Motion carried 6-0.

17. ADJOURNMENT

Supervisor LeGoff adjourned the meeting at 8:58 P.M.

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ELIZABETH LEGOFF  
TOWNSHIP SUPERVISOR

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BRETT DREYFUS  
TOWNSHIP CLERK

Sandra K. Otto, Secretary