

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, JANUARY 18, 2005, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie,
Veenstra, Woiwode
ABSENT: Trustee Such
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development
Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief
Dave Hall, EMS/Fire Chief Fred Cowper, Assistant Township Manager/Personnel
Director Paul Brake, Director of Parks & Recreation LuAnn Maisner

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:06 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.

Eleanor Luecke, President, LINC, PO Box 40, Okemos, voiced interest in the Ingham County Road Commission and the Township holding a joint public hearing on the proposed widening of Okemos Road.

Lynne Page, President of Briarwood Home Owners Association, 3912 Raleigh Drive, Okemos, expressed interest in having a meeting with the Ingham County Road Commission, Meridian Township and its residents relative to the planned Okemos Road improvements. She also spoke in opposition to Rezoning #04080 (Township Board).

Vance Kincaid, 4530 Nakoma Drive, Okemos, asked the Board for an informational session with the Ingham County Road Commission, the Okemos School District and Consumers Energy regarding several concerns with the Okemos Road Widening Project.

Will Tyler White, 4695 Okemos Road, Okemos, pointed out the Design Meridian scale models on display in the Township Hall and funded through the Michigan State University Urban Planning Landscape/Architecture Department by the downtown Okemos Village merchants and the Economic Development Corporation. He urged citizens to view the models and requested written public input on the three (3) different designs.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

A. Introduction of new Police Officer

Police Chief David Hall introduced Aaron Hubbard for presentation to the Board as a new police officer.

B. Report on I-96 Emergency Response by Township Fire/EMS and Police Personnel

Fire Chief Cowper reported on the I-96 traffic disaster, labeled the worst traffic accident in Ingham County history. Fire response included personnel, fire truck and two (2) ambulances. Five (5) of the thirty-seven (37) transports were made by Meridian ambulance. Meridian Township fire

personnel served as EMS command center coordinator, sector commanders in charge of fire and manpower and EMS and fire resources coordinator at the Emergency Operation Center.

Police Chief Hall stated six (6) officers responded to a reported 80 vehicles involved in accidents on westbound I-96 between Williamston and Webberville exits at accident scene 5 to facilitate ambulances, medics and wreckers to the scene.

Supervisor McGillicuddy thanked the Police and Fire Chiefs on behalf of the Board for their efforts in hazard planning which were utilized during the tragic 200-car accident.

Trustee Veenstra voiced support of the citizens' request to hold a public forum with the Ingham County Road Commission and Meridian Township on the Okemos Road Widening Project to allow an opportunity for questions and answers.

Trustee Woiwode expressed concern about the lack of favorable response by Michigan State University relative to pollution problems in the Herron Creek and Red Cedar River caused by livestock facilities on the campus.

Trustee Woiwode also voiced appreciation to staff for meeting the difficult original deadlines for the Okemos Road Widening Project.

Supervisor McGillicuddy noted that she would ask the Ingham County Road Commission (ICRC) if they would be willing to hold a joint meeting, since the ICRC has jurisdiction of the roads and held a hearing earlier in the year regarding the road expansion.

Treasurer Hunting reminded citizens that 2004 winter taxes are due by February 14, 2005 at 5:00 P.M.

6. APPROVAL OF AGENDA — OR CHANGES

Trustee Brixie moved to approve the agenda amended as follows:

- **Remove Agenda Item #11A – Rezoning #04030 (Hovey)**

Seconded by Clerk Helmbrecht.

Trustee Veenstra offered the following friendly amendment

- **Move Agenda Items #7C, 7D, 7F and 7J to Agenda Items #10D, 10E, 10F and 10G respectively**

The maker accepted the amendment.

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

Trustee Woiwode moved to adopt the Consent Agenda. Seconded by Clerk Helmbrecht.

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

NAYS: None

Motion carried 6-0.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Deliberation (BD)

10B-1 Judy Barton and A. Scott MacGuidwin, 4317 Manitou Drive, Okemos; RE: Opposition to Zoning Amendment #04080 (Township Board).

10B-2 Barbara C. Schmidt, 3980 East Sunwind Drive, Okemos; RE: Opposition to Zoning Amendment #04080 (Township Board)

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- 10B-3 Lynne S. Page, President, Briarwood Home Owners Association, PO Box 210, Okemos; RE: Opposition to Zoning Amendment #04080 (Township Board)
- 10B-4 Muffy Sinclair, 2060 Tamarack Drive, Okemos; RE: Opposition to Zoning Amendment #04080 (Township Board)
- 10B-5 Eleanor V. Luecke, President, LINC, PO Box 40, Okemos; RE: Opposition to Zoning Amendment #04080 (Township Board)
- 10C Eleanor V. Luecke, President, LINC, PO Box 40, Okemos; RE: Opposition to Zoning Amendment #04090 (Planning Commission)

(2). Board Information (BI)

- BI-1 Phil Hegge, 4266 Manitou Drive, Okemos; RE: Support for ordinance prohibiting on-street parking after snow storms
- BI-2 The Michigan Townships Association, 512 Westshire Drive, Lansing; RE: January, 2005 Issue of *Capital Currents*

Trustee Woiwode 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 Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Woiwode, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

B. Minutes

(1) Trustee Woiwode moved to approve and ratify the minutes of the December 21, 2004 Regular Meeting as submitted. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Woiwode, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

(2) Trustee Woiwode moved to approve and ratify the minutes of the January 4, 2005 Regular Meeting as submitted. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Woiwode, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

E. Beginning of the Year Budget Amendments

Trustee Woiwode moved that the Township Board approve the 2005 Amended Budget as reflected on Page 3 of the memorandum to the Township Board from the Finance Director dated January 14, 2005. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Woiwode, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

G. Reappointment to the Pension Board

Trustee Woiwode moved to reappoint Susan Elder to the Pension Board for a three (3) year term ending December 31, 2007. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

H. Restructuring of Police Department Command Positions

Trustee Woiwode moved the Township Board approve the re-alignment of the Police Command Staff as proposed in a memorandum to the Board dated January 14, 2005. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

I. Planning Commission Representative to the Zoning Board of Appeals

Trustee Woiwode moved to support the Planning Commission's recommendation to appoint Carole Wilcox to serve as the Planning Commission representative on the Zoning Board of Appeals for the year 2005. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

K. Amendments to the Pathway Master Plan, set Public Hearing Date (February 1, 2005)

Trustee Woiwode moved to set the date for a public hearing on February 1, 2005 to hear comments regarding revisions to the Pedestrian/Bicycle Pathway Master Plan. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

L. Johnson's Indian Island Sanitary Sewer District #48, **Resolution #4**, set Public Hearing Date (February 15, 2005)

Trustee Woiwode moved to approve Johnson's Indian Island Sanitary Sewer Special Assessment District #48, Resolution #4, which files the proposed final special assessment roll with the Township Clerk and sets the date for a public hearing on February 15, 2005. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

M. 2004 Order to Maintain Sidewalks SAD #6, **Resolution #4**, set Public Hearing Date (February 15, 2005)

Trustee Woiwode moved to approve the 2004 Order to Maintain Sidewalk Special Assessment District #6, Resolution #4, which files the proposed final special assessment roll with the Township Clerk and sets the date for a public hearing on February 15, 2005. Seconded by Clerk Helmbrecht.

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

NAYS: None
Motion carried 6-0.

- N. 2004 Order to Construct SAD #2, **Resolution #4**, set Public Hearing Date (February 15, 2005)
Trustee Woiwode moved to approve the 2004 Order to Construct Sidewalk Special Assessment District #2, Resolution #4, which files the proposed final special assessment roll with the Township Clerk and sets the date for a public hearing on February 15, 2005. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

- O. Raby Road Sewer District, Establish Payback District
Trustee Woiwode moved to approve the attached resolution establishing sanitary sewer system benefit charges for the following sanitary system:

**Raby Road (from Okemos Road to approximately 1,000' to the west) establishing
A benefit charge of \$6,398.96 per parcel, plus 5% annual increase, for the 14 parcels included
in the Raby Road sanitary sewer payback district, as shown on the attached drawing.**

Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

- P. Authorize Homeowner to Establish Payback Plan
Trustee Woiwode moved to approve payment of the sewer payback, connection fee, and inspection fee, total of \$8,508.96, for 2167 Raby Road, over a 20 year period, with interest at 6% per annum, with the first payment due July 1, 2005. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item #10B, #11C)

9. HEARINGS (None)

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Steven VandenBossche, Talon Development, 550 Hulet Drive, Suite 103, Bloomfield Hills, availed himself for questions on Zoning Amendment #04090 (Planning Commission).

Dorothy Kunisada, 2149 Quarry, East Lansing, spoke in opposition to Rezoning #04080 (Township Board).

John Anderson, 215 W. Newman, Okemos, spoke in opposition to Zoning Amendment #04080 (Township Board).

Eleanor Luecke, President, LINC, PO Box 40, Okemos, spoke in opposition to Zoning Amendment #04080 (Township Board) and Zoning Amendment #04090 (Planning Commission).

Supervisor McGillicuddy closed public comment.

- A. Ingham County Drain Commissioner Easements and Property Purchase
Manager Richards summarized the proposed easement and property purchase as outlined in staff memorandum dated January 14, 2005.

Clerk Helmbrecht moved to authorize the Township Manager to execute an agreement with the Ingham County Drain Commissioner addressing the concerns of the Meridian Township Parks Commission relative to granting easements on portions of the three park parcels (33-02-02-06-328-069, 33-02-02-06-401-051, and 33-02-02-06-402-036), and authorize the Township Supervisor and the Township Clerk to sign drainage easements for the three aforementioned parcels, and to sign a deed transferring title to parcel 33-02-02-06-378-036 to the Ingham County Drain Commissioner.

Seconded by Trustee Brixie.

Board members discussed the following:

- Possible return for proposed transfer of property to the Ingham County Drain Commissioner (ICDC)
- Placing a dollar value on the non-park parcel proposed to be transferred to the ICDC would increase assessments for the Township and the Towar Gardens' residents
- Transfer of proposed property will reduce the assessment for taxpayers in the area
- District must pay itself for each property obtained, so desire is not to purchase
- Project will address numerous water problems in the Towar Gardens area
- Possibility of commencing construction this year

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

NAYS: None

Motion carried 6-0.

- B. Zoning Amendment #04080 (Township Board), request to amend the C-2 District to allow a hotel as a Use Permitted by Special Use Permit, add a definition of "hotels and motels" and revise the C-3 (Commercial) and RP (Research Park) districts for consistency, **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 denies Zoning Amendment #04080 (Township Board).

Seconded by Trustee Brixie.

Board members and staff discussed the following:

- Strong citizen opposition
- If approved, zoning amendment would allow hotels/motels anywhere in the Township in a C-2 district where SUP requirements were met
- C-2 zoning has smaller buffer requirements than C-3
- The concern can be addressed by granting a variance for specific requests
- Erroneous citizens' comments that the zoning amendment is a "revenue fix"
- Possibility of hotels being renovated for apartment use if it fails as a hotel/motel
- Hotel use creates a higher intensity use which is often on a 24-hour basis
- View that C-3 was not originally intended to have hotels/motels as a use
- Walkable community concept should be considered when making decisions
- Bed and breakfast option
- Issues/concerns discussed and addressed over the last several meetings
- Traffic problems encountered in the commercial core with only C-3 zoning for hotel/motel use
- Minimum lot area in C-2 zoned property is 4,000 sq. feet
- Minimum lot area in the zoning amendment for hotel/motel use is 2.5 acres (over 100,000 square feet)
- Seven (7) areas in the Township currently zoned C-2 which would meet the minimum lot size of the

proposed amendment

- Four (4) of the seven (7) areas border on residential property
- Proposed amendment would require a 150 foot setback with a reduction to 100 feet with adequate screening
- Uses allowed by right in C-2 could generate approximately 2.5 times more traffic than a hotel/motel use
- No information regarding potential for residential property values to be degraded
- SUP approval could require conditions for property maintenance
- Structure of 25,000 square feet or less can be built by right

Variance request for hotel/motel use in C-2: (Questions for the attorney (See Agenda Item #8))

Q. Several people have said that a variance would allow for a hotel use in C-2. My understanding is that would be a different use and that it could not be authorized by the ZBA. Is that correct? Am I correct?

A. That is correct. There is no use variance in the ordinance at this time.

Q. So, the analogies are not correct. Variances can be basically to size, shape and things like setbacks, but not to use?

A. That is right. You can only get a dimensional variance right now, not a variance to use a hotel in that district that we are talking about today.

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Woiwode

NAYS: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
Motion failed 3-3.

Clerk Helmbrecht moved to table this item until February 1, 2005. Seconded by Treasurer Hunting.

Board members discussed the following:

- Motion needs to be made to untable the item and bring it back before the Board
- Delay of item until there is a full complement of the Board

VOICE VOTE: Motion carried 5-1 (Veenstra).

C. Zoning Amendment #04090 (Planning Commission), request to amend the C-2 (Commercial) District to allow climate controlled storage facilities, **Final Adoption**

Clerk Helmbrecht 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. 2005-01, entitled "Ordinance Amending the Code of the Charter Township of Meridian, Michigan, by amending Section 86-2, Section 86-404(e), Section 86-405(e)(4), and Section 86-755".

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 Treasurer Hunting.

Board members and staff discussed the following:

- Good addition to the Township
- Approval by the Planning Commission

ROLL CALL VOTE: YEAS: Trustees Veenstra, Woiwode, Supervisor McGillicuddy,

Clerk Helmbrecht, Treasurer Hunting
NAYS: Trustee Brixie
Motion carried 5-1.

- D. Amendment to the 2005 Amended Township Board Meeting Schedule
Treasurer Hunting moved to amend the 2005 Board Meeting Schedule to change the May 3, 2005 Regular Meeting to Thursday, May 5, 2005 to reflect the School Board Election conflict. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

E. Bills

Trustee Veenstra expressed concern over the legal expense for Township representation during the election recount.

Clerk Helmbrecht explained that as the election was held in the Township, the Township was responsible. Trustee Veenstra had legal representation, the candidate who requested the recount had legal representation and the county had legal representation; therefore, it was necessary for the Township to be represented as well.

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

Common Cash	\$ 214,557.44
Public Works	\$ 152,949.98
Total Checks	\$ 367,507.42
Credit Card Transactions	\$ 11,882.93
Total Purchases	<u>\$ 379,390.35</u>
ACH Payments	<u>\$ 398,455.04</u>

Seconded by Julie Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

[Bill list in Official Minute Book]

F. Employee Pension Plan Amendments

Trustee Veenstra expressed concern over the expense of pension plans and the allowance of police and fire personnel to retire at age 50. He also noted that while the federal government starts social security benefits several months after age 65, the general age of retirement for the Township remains at age 65.

Manager Richards added that two (2) of the three (3) proposed amendments were relative to the Money Purchase Plan, which is a defined contribution plan.

Assistant Township Manager/Personnel Director Brake summarized the amendments as outlined in staff memorandum dated January 14, 2005.

1. Amend and Update Meridian Township Employee Pension Plan and Trust
Treasurer Hunting moved approval of the Pension Board's recommendation of the Meridian Township Employee Pension Plan and Trust, as amended and restated effective January 1, 2004.

Further, the law firm of Stevenson Keppelman Associates is authorized to proceed as a legal representative with respect to necessary filings before the Internal Revenue Service. Seconded by Trustee Brixie.

Board members discussed the following:

- Amendments are to comply with change(s) in IRS regulations
- Date of January 1, 2004 is date of amended document by comply with the IRS

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

2. Resumption of Pension Plan Participant

Trustee Brixie moved approval of the Memorandum of Agreement of the Resumption of Pension Plan for Patricia Hilliard and authorize the Township Manager to sign the same. Seconded by Trustee Veenstra.

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

3. Amend ICMA Retirement Corporation Money Purchase Plan

Trustee Brixie moved approval of the Meridian Charter Township Money Purchase Plan in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan and Trust as in memo dated January 14, 2005. Seconded by Trustee Woiwode.

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Woiwode Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

G. Sander Property Open Space Lease and Easement Renewal

Trustee Woiwode moved the Board approve extending the existing Open Space Development Easement and Lease Agreement with Dr. Maureen Sander for 31.9 acres of natural area from February 5, 2005 through February 5, 2015 for parcel #33-02-02-27-177-007 and authorize the Supervisor and Clerk to sign on behalf of the Township. Seconded by Trustee Brixie.

Board members discussed the following:

- Cost to the Township of \$1.00 per year
- Recognition of the contribution of Dr. Sander to the Township

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

John Anderson, 215 W. Newman, Okemos, spoke to Public Act 577 of 2004, Conditional Rezoning.

Supervisor McGillicuddy closed public comment.

B. Land Division Ordinance, Article VI, Administration and Enforcement

Director Kieselbach summarized the draft Land Division Ordinance as outlined in staff memorandum dated January 14, 2005.

Board members discussed the following:

- Change the word variance to “waiver” in Section 6.4
- Submission of questions and suggestions to staff via e-mail
- First in a series of chapters to be presented to the Board

C. Conditional Rezoning – Public Act 577 of 2004

Manager Richards noted it would be beneficial to have a process in place when a request is made.

Board members and staff discussed the following:

- Process in the form of an ordinance or guideline(s)
- Need for Board discussion on implementation
- Interest expressed by applicant of a current rezoning project to use conditional rezoning
- Encourage local legislators to make a request for an Attorney General’s opinion
- Owner would voluntarily specify use and/or development of the land as a condition
- Stratford Place project used a deed restriction naming the Township as a third party
- Time frame can be placed on the condition
- Changed conditions or additional conditions cannot be made during the time specified
- Question as to what standards will be used if the request is for a use not currently allowed in a particular district
- Possibility of district standards to be used
- Potential implications of a failure to perform by a subsequent owner
- Question over length of time to give an applicant after approval
- Clarification as to whether this public act restricts what the Township can do
- Definition of the word “development”
- Clarification as to whether this gives authority to certain boards and commissions which they currently do not have
- Investigation of the history of prohibition on contract zoning
- Concern over effect on the Township when the property owner volunteers the conditions relative to sanitary, safety and protective measures as stated in the preamble
- Condition approval upon conformance with the Master Plan
- Streamline conditional rezoning with already established procedures and requirements
- Use for projects which do not fit into the Master Plan
- Concern with expansion of parameters of zoning districts over restricting the parameters
- Consideration of land splits

Request for an Attorney General opinion: (Questions for the attorney (See Agenda Item #8))

Q. Do we anticipate an Attorney General’s opinion on this because you have raised some issues I had not anticipated being interpretations of the statute. I am sort of raising the question whether it would make sense because this is such a potentially problematic statute on its face.

Narrowing of the interpretations might help everybody in the state to deal with this rather than each of us make a mistake and, basically, create a case law instead. Are you aware? Is anybody asking for one?

A. I am not aware of anything at this time. I would assume that will happen and we can find out if a request has been made.

Q. Would we have the option to say no, that we are not going to look at these?

- A. The statute is open. I see that you have the option to say no. What is doesn't say is what that is based on and that is one of the areas that you need to look at; how will you say yes or no to a condition.
- Q. I would like to know process; how you envision this coming through our process. It sounds like they would be able to just come to the Board and not to the Planning Commission to start the review?
- A. There are different ways, as Trustee Woiwode said, to view this. It can be that this was meant to cover a use variance that hasn't been authorized by statute. Right now there is case law, but no statute, that says yes, you can give a use variance at the ZBA. Is that what this means, or does this mean, as Clerk Helmbrecht said, when you are looking at a rezoning, you can make it very specific and narrow it down. One thing we might want to do is look at the legislative history, if there is anything there. My guess is there is probably not a whole lot, but we can look at that too. My suggestion would be that someone looks at it before it gets to the Board level, so that it doesn't come before you without any input. That is why we are doing this and continue to talk about it; how do we set the process up, how you want to view this and how board or narrow do you want to apply it.

The consensus of the Board was to carry this item on discussion for several meetings as answers are obtained. Additional Board questions/concerns should be sent on to staff.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Carl Harmon, 1924 Birchwood, Okemos, spoke to the visual impact in neighborhoods if Zoning Amendment #04080 is passed.

John Anderson, 215 W. Newman, spoke to the public's right to know how money is being spent in the Township.

Supervisor McGillicuddy closed Public Remarks.

13. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 8:21 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary