

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
349-1200, Town Hall Room  
TUESDAY, AUGUST 17, 2004, **6:00 P.M.**

PRESENT: Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Stier, Such  
ABSENT: Supervisor McGillicuddy, Trustee Woiwode  
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development  
Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Acting Police  
Chief Dave Hall, EMS/Fire Chief Fred Cowper, Attorney Andria Ditschman

1. CALL MEETING TO ORDER

Clerk Helmbrecht called the meeting to order at 6:03 P.M.

**Treasurer Hunting moved to appoint Trustee Stier as Supervisor Pro Tem for this evening.  
Seconded by Trustee Such.**

VOICE VOTE: Motion carried 5-0.

2. PLEDGE OF ALLEGIANCE

Supervisor Pro Tem Stier led the Pledge of Allegiance.

3. ROLL CALL

Supervisor Pro Tem Stier called the roll of the Board.

4. PUBLIC REMARKS

Supervisor Pro Tem Stier opened Public Remarks.

Billie Jo Berry, 1195 Clayton Court, Mason, spoke of her primary win and cited qualifications for her bid for the 55<sup>th</sup> District Court Judge race in the general election on November 2, 2004.

Tim Potter, 4632 Van Atta Road, Okemos, spoke in support of SUP #04051 (Township Board).

Nick Wierzba, 351 Oakhill Avenue, Apartment 306, East Lansing, spoke in support of interurban pathways and SUP #04051 (Township Board).

John Veenstra, 320 Piper, Haslett, spoke in support of the renewals for the Park Millage and the Pedestrian/Bicycle Pathway Millage to be on the November 2<sup>nd</sup> ballot.

John Anderson, 215 W. Newman Road, Okemos, spoke regarding the upcoming November 2<sup>nd</sup> General Election.

Connie Detjen, 2173 Belding Court, Okemos, spoke in support of inter-urban pathways.

Annette Barton, 2380 N. Wild Blossom Court, East Lansing, spoke against the close proximity of SUP #04051 (Township Board) to her and her neighbors' property.

Supervisor Pro Tem Stier closed Public Remarks.

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

6. APPROVAL OF AGENDA — OR CHANGES

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

- **Add Agenda Item #13. CLOSED SESSION**

**Seconded by Trustee Such.**

VOICE VOTE: Motion carried 5-0.

7. CONSENT AGENDA

Supervisor Pro Tem Stier reviewed the consent agenda.

**Trustee Brixie moved to adopt the Consent Agenda amended as follows:**

- **Move Agenda Item #7E to Agenda Item #10D**

**Seconded by Trustee Such.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Supervisor Pro Tem Stier,  
Clerk Helmbrecht, Treasurer Hunting

NAYS: None  
Motion carried 5-0.

The adopted Consent Agenda items are as follow:

A. Communications

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

(1). Board Information (BI)

- BI-1 Carolyn Damstra, 204 Maplewood, East Lansing; RE: Support for Special Use Permit #04051 (Township Board)
- BI-2 Roland Harmes, 5120 Cornell Road, Okemos; RE: Letter to Mark Clouse concerning proposed Cornell Road exit for Rezoning #02080 (Eyde).
- BI-3 W. Dale Crites, 1633 Dobie Circle, Okemos; RE: Support for improvement of pathways & greenspace
- BI-4 Peter McPherson, President, Michigan State University, 450 Administration Building, East Lansing; RE: Focus of issues during remainder of his presidency
- BI-5 The Michigan Townships Association, 512 Westshire Drive, Lansing; RE: August, 2004 Issue of *Capital Currents*

(2) Regional Linkage (RL)

- RL-1 Paul J. Steinman, Manager, Lansing Transportation Service Center, Michigan Department of Transportation, 1019 Trowbridge Road, Lansing; RE: Response to Township request for MDOT's assistance on the proposed reconstruction of Okemos Road from Jolly Road to Mount Hope Road
- RL-2 Supervisor Pro Tem Stier, Township Supervisor; RE: Letter to John Midgley, Ingham County Road Commission, concerning request to MDOT for AASHTO exceptions so that median and bicycle lanes can be designed and constructed for the Okemos Road project
- RL-3 June Pallottini, Chair, Ingham County Road Commission, 301 Bush Street, Mason; RE: E-mail to Supervisor Pro Tem Stier on Okemos Road AASHTO exceptions

(3). Staff Communication/Referral (SC)

- SC-1 Memorandum from Cindy Cummings, Police Records Supervisor; RE: Current list of licensed vendors and non-licensed persons or nonprofit organization engaged in soliciting or canvassing
- SC-2 Memorandum from Acting Chief Dave Hall; RE: Meridian Township Police Department Citizens' Academy
- SC-3 Michigan Townships Association Legislative Fax July 30, 2004 Edition
- SC-4 Michigan Townships Association Legislative Fax August 6, 2004 Edition

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Supervisor Pro Tem Stier,  
Clerk Helmbrecht, Treasurer Hunting

NAYS: None  
Motion carried 5-0.

B. Minutes

**Trustee Brixie moved to approve and ratify the minutes of the August 5, 2004 Regular Meeting as submitted. Seconded by Trustee Such.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Supervisor Pro Tem Stier,  
Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

C. Bills

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

Common Cash	\$ 250,042.00
Public Works	\$ 37,869.27
Total Checks	\$ 287,911.27
Credit Card Transactions	\$ 10,579.51
Total Purchases	<u>\$ 298,490.78</u>
 ACH Payments	 <u>\$ 257,849.07</u>

**Seconded by Trustee Such.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Supervisor Pro Tem Stier,  
Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

[Bill list in Official Minute Book]

D. Approve Employer Representative to Attend MERS Annual Conference

**Trustee Brixie moved to designate the Assistant Manager/Personnel Director as the Officer Delegate to the MERS Annual Conference. Seconded by Trustee Such.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Supervisor Pro Tem Stier,  
Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item # 9B, #10D, #11C)

9. HEARINGS

A. Ember Oaks Subdivision Streetlighting District

Supervisor Pro Tem Stier opened the public hearing at 6:25 P.M.

Director Severy summarized the proposed streetlighting district as outlined in staff memorandum dated August 13, 2004.

PUBLIC

Anil Jain, 3580 Otsego Drive, Okemos, offered support of the streetlighting district for the following reasons:

- Resident of Ember Oaks for 15 months and waiting for the lights
- Small children within the subdivision scared of the dark

Supervisor Pro Tem Stier closed the public hearing at 6:30P.M.

- B. Appeal of Special Use Permit #04011 (South Whitehills LTD Partnership), request to construct a 16-unit condominium (White Birch Condominiums) on a 1.55 acre RC (Multiple Family-Medium Density) zoned site on the south side of Birch Row Drive, west of Hagadorn Road

Supervisor Pro Tem Stier opened the public hearing at 6:30 P.M.

Director Kieselbach summarized the appeal as outlined in staff memorandum dated August 12, 2004.

APPELLANT & APPLICANT

Gil White, 6005 E. Lake Drive, Haslett, President of Whitehills Development Corporation, offered the following reasons for the appeal:

- Downzoning request passed by the Board earlier this year
- Planning Commission reduced the number of dwelling units to be built during approval of the SUP
- The project encompasses at least six (6) of the ten (10) smart growth tenets adopted by the Michigan Land Use Leadership Council
- Bus line directly in front of the proposed development
- Development is an infill project with infrastructure already in place
- Site zoned RC and could be built with 21 units
- Contractor and partner, Michael Bone, met with the neighborhood associations to address their specific concerns
- Incorporation of all revisions recommended by staff
- Tabling of the matter twice by the Planning Commission
- Expense incurred by the developer due to the time delay
- No rationale given by the Planning Commission for the reduction in units to 14

Michael Bone, 2970 Lake Lansing Road, East Lansing, co-applicant with Mr. White, offered additional reasons for the appeal:

- Request for 16 units is thirty percent (30%) less than current zoning allows
- Numerous amenities within 150 feet of the project
- Planning Commission concern with small size of the units
- Three (3) single family homes which abut the subject property have similar square footage
- Directly across the street from Carriage Hills Condominium Units
- Unfounded concern over units becoming rentals

PLANNING COMMISSION REPRESENTATIVE

Tom Deits, 4045 Van Atta Road, and Planning Commission Representative, offered the following comments:

- Willingness by developer to work with the Planning Commission and staff
- Planning Commission consensus to reduce the number of units was a sensitivity to the harmoniousness of the development with the surrounding single family neighborhood
- Need for tangible information to support viewpoints for Planning Commission consideration (e.g., letters of support from neighboring homeowner associations)
- Various Planning Commission concerns by several members (i.e., multiple family development on the site, conformity of RC adjacent to C-2)
- Reduction in units was the vehicle to gather sufficient votes for approval

PUBLIC

Jean Nicholas, 6232 Brookline Court, East Lansing, offered the following comments:

- Carriage Hills North Condominium Association was not consulted by the developer for input
- Township notified the management company during the appeal stage
- Management company notified the Carriage Hills North Condominium Association Board of Directors
- Feels that the important decisions on the rezoning and SUP have already been made
- Requested the Township renote the zoning and SUP hearings so that the Carriage Hills North Condominium Association has fair and equitable treatment

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John Anderson, 215 W. Newman Road, Okemos, offered the following comments:

- Alleged example of a developer overriding the desires of the citizens
- Lack of infrastructure to support further “upzonings” and SUPs
- Continued traffic problems within Meridian Township

John Veenstra, 320 Piper Road, Haslett, offered the following comment:

- Alleged contradiction of facts regarding number of units per acre

APPELLANT’S REBUTTAL

Gil White, 6005 E. Lake Drive, Haslett, President of Whitehills Development Corporation, offered the following comments in rebuttal:

- Clarified that this request was a voluntary downzoning request, not an upzoning as stated earlier by a member of the public
- Density allows for 14 units per acre, and a 1.55 acre site would allow for 21 units on site

Supervisor Pro Tem Stier closed the public hearing at 7:05P.M.

Approval of the Appeal: (Questions for the attorney (See Agenda Item #8))

Q. Our memo suggested that we have several options available to us tonight. The first option that we have listed here for us is to affirm the decision of the Planning Commission with or without modification. If this Board was to affirm the decision of the Planning Commission with the modification of changing the number of units from 14 to 16, would that come under this particular option that is outlined for us? As a follow up then, would this be something that would stand as decided and would not need to be returned to the Planning Commission?

A. The matter is here today on an appeal from the applicant. The Board could approve the appeal which is for 16 instead of 14 units. The Board can approve that and decide that 16 units is appropriate. Does that answer your question?

Q. That would be the end of it?

A. Correct.

Trustee Brixie asked Director Kieselbach to comment on the rezoning notification process and if the list was scrutinized during the notification process.

Director Kieselbach stated rezoning requests require notification to property owners within 300 feet from the property boundary. Owners of record on the assessment roll were notified.

Trustee Brixie asked if the Carriage Hills Condominium Association was not within 300 feet.

Director Kieselbach responded that portions of the property are within 300 feet of the site, and the owners of record on the assessment roll were notified.

Trustee Brixie stated there were a variety of suggestions for uses of this property and asked if mini storage was one of the suggestions for this site.

Director Kieselbach responded a request for mini storage was for this site.

10. ACTION ITEMS/ENDS

Supervisor Pro Tem Stier opened public comment.

Elizabeth Evangelista, 5275 East Hidden Lake Drive, East Lansing, spoke in support of SUP #04051 (Meridian Township) and a network of bike paths.

Annette Barton, 2380 N. Wild Blossom Court, East Lansing, spoke in opposition to SUP #04051 (Township Board).

Leonard Provencher, 5824 Buena Parkway, Haslett, spoke in favor of SUP #04051 (Township Board).

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Nancy Krupiarz, 880 Moss Glen Circle, Haslett and member of the Planning Commission, reaffirmed the Planning Commission's vote of 8-1 in support of SUP #04051 (Township Board), as it is an important link in the non-motorized system for the Township.

Soon Pak, 2378 N. Wild Blossom Drive, East Lansing, spoke to refute remarks from proponents of SUP #04051 (Township Board).

Daria Schlega, 2446 Burcham, East Lansing, spoke in opposition to SUP #04051 (Township Board).

Michael Unsworth, 5948 Village Drive, Haslett, spoke in support of SUP #04051 (Township Board).

Edward Bartolo, 2374 N. Wild Blossom Court, East Lansing,, spoke in opposition to SUP #04051 (Township Board).

John Veenstra, 320 Piper Road, Haslett, spoke in support of denial of the Appeal of SUP #04051 (Township Board).

Thomas Deits, 4045 Van Atta Road, Okemos, stated he believed the Planning Commission restricted its considerations to the issue of whether the infill of the roadbed required to level the pathway was an appropriate action under a special use permit.

Ann Graham, 2458 Burcham Drive, East Lansing, spoke in opposition to SUP #04051 (Township Board).

Supervisor Pro Tem Stier closed public comment.

A. VanAcker Land Acquisition

Clerk Helmbrecht introduced the proposed land acquisition as outlined in staff memorandum dated August 12, 2004.

**Treasurer Hunting moved [and read into the record] NOW, THEREFORE BE IT RESOLVED that the Township Board of the Charter Township of Meridian, Ingham County, Michigan, does hereby approve and forward to the Planning Commission for Section 9 Review at its September 13<sup>th</sup> meeting for approval as to its location, character and extent as a public ground or open space effective this date August 17, 2004.**

**BE IT FURTHER RESOLVED that the Township Board authorizes the Township Supervisor, Township Clerk and Township Manager to ratify an agreement entered into with Bryan and Teresa VanAcker and to take all further actions deemed necessary to close such transaction for acceptance of this parcel as defined by the attached legal description.**

**Seconded by Clerk Helmbrecht.**

Board Members discussed the following:

- Location of adjacent property the Township purchased at tax sale
- Property is a combination of upland and wetland
- Property attached to previously attained property
- Furthers the Greenspace Plan concept
- Heavily wooded upland property put into the Land Preservation Program

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Supervisor Pro Tem Stier,

Clerk Helmbrecht, Treasurer Hunting

NAYS: None

Motion carried 5-0.

B. Appeal of Special Use Permit #04051 (Meridian Township), request to work in the floodplain to construct a pathway between Burcham Drive and Okemos Road along the Consumer's Energy right-of-way

Director Kieselbach summarized the appeal as outlined in staff memorandum dated August 12, 2004.

**Trustee Such moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby denies the appeal and affirms the Planning Commission's approval of Special Use Permit #04051 to place 374 cubic yards of fill in the 100 year floodplain of the Eberly Drain with the following conditions:**

- 1. Approval is granted in accordance with the revised pathway plans prepared by the Department of Public Works and Engineering, dated July 15, 2004, and subject to revisions as required.**
- 2. The applicant shall obtain any necessary permits, licenses, and approvals from the Federal Emergency Management Agency (FEMA), Ingham County Drain Commissioner's office, and the Township. Copies of all permits, licenses, and approval letters shall be submitted to the Department of Community Planning and Development.**
- 3. Prior to any grading and/or construction of the pathway, the applicant shall provide to the Department of Community Planning and Development a copy of the license agreement with Consumers Energy.**
- 4. Any additional work or extensions proposed to take place in the floodway and/or floodway fringe shall be subject to the review and approval of the Planning Commission.**
- 5. No grading, fill or construction shall begin until the final plans have been reviewed and approved by the Director of Community Planning and Development.**
- 6. Erosion control fencing shall be installed prior to construction and shall be removed after construction once the area is stabilized.**
- 7. Prior to any construction or grading on the site, the applicant shall install silt fencing at the upland edge of the water features setback. The silt fencing shall be removed after construction once the area is stabilized and vegetation has been established.**
- 8. The applicant shall obtain the necessary variances from the Zoning Board of Appeals for the proposed work within the water feature setback of the wetlands and open county drain.**

**Seconded by Trustee Brixie.**

Board members discussed the following:

- Pathway will cross the Wolverine Pipeline
- Pathway will be built on top of the existing gravel roadway
- No excavation will be performed in the pipeline
- Pathways are good for a walkable community
- Only issue before the Board is placing fill in the floodplain
- Similar issues when there was a proposed pathway behind Briarwood and a proposed pathway on Van Atta Road
- Amenity for the entire Township

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Supervisor Pro Tem Stier,  
Clerk Helmbrecht, Treasurer Hunting

NAYS: None

Motion carried 5-0.

- C. Planned Unit Development #04-80201 (Evangelista), amendment to Emerald Lakes to construct a deck at 5275 East Hidden Lake Drive  
Director Kieselbach summarized the PUD as outlined in staff memorandum dated August 12, 2004.

**Treasurer Hunting moved [and read into the record], NOW THEREFORE BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby grants the amendment for Planned Unit Development #04-80201, with the following conditions:**

- 1. Approval is granted in accordance with the site plans dated July 13, 2004.**
- 2. Approval is subject to the applicant receiving all required permits, licenses, and approvals, from the Ingham County Drain Commissioner's office and the Township. A copy of each shall be forwarded to the Department of Community Planning and Development.**

**Seconded by Clerk Helmbrecht.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Supervisor Pro Tem Stier,  
Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

- D. General Election Ballot Language

Possible revisions from the attorney: (Questions for the attorney (See Agenda Item #8))

- Q. I believe the memo said the language was subject to review or being reviewed by the Township attorney. I was just wondering if there had been any changes and, if there had been, I was hoping they would be the same suggestions I had. If there weren't any changes, then I wanted to see if my suggestion would be appropriate.
- A. I was not asked to review this before the meeting today, but I have just reviewed it and I would not make any recommended changes. I am not sure if it has also been reviewed by Mr. Woodworth.

Board members, staff and the attorney discussed the following:

- Attorney Woodworth's review did not produce any changes
- Amend the language to remove "as" before the word "approved" and "as" before the word "reduced" in both Proposal I and Proposal II
- Amend the language for the Pedestrian/Bicycle Pathway Millage Renewal Proposition for a period of twelve (12) years, 2005 through 2016 inclusive
- Amend the language for the Meridian Park System Millage Renewal Proposition for a period of thirteen (13) years, 2004 through 2016 inclusive
- Informal intent during initial Board discussion on the millage proposals was to have the renewals run for a period of sixteen (16) years and be on a four (4) year cycle so each would fall during a presidential election
- Recollection of discussion that the proposals not fall on the same year to preclude placing them on a primary election but could be the year of a gubernatorial election
- Recollection that objective was to separate the proposals so that voters would not renew four (4) in one year and to place them on the ballot in regular election years
- Previous two (2) millages will run for 16 years and will recur during a presidential election cycle after the two being discussed today
- Pedestrian/Bicycle Pathway Millage Ballot Language  
**Treasurer Hunting moved to approve the Bicycle-Pedestrian Pathway Millage renewal language to appear on the November 2, 2004 Election Ballot as amended by the Township Board subject to final approval of the Township attorney. Seconded by Trustee Brixie.**

VOICE VOTE: Motion carried 5-0.

- Park Millage Ballot Language  
**Treasurer Hunting moved to approve the Park Millage renewal language to appear on the November 2, 2004 Election Ballot as amended by the Township Board subject to final approval of the Township attorney. Seconded by Trustee Brixie.**

VOICE VOTE: Motion carried 5-0.

Roll Call Vote: (Questions for the attorney (See Agenda Item #8))

Q. Do we need a roll call vote because money is involved?

A. No.

#### 11. DISCUSSION ITEMS/ENDS

Supervisor Pro Tem Stier opened public comment.

Jean Nicholas, 6232 Brookline Court, East Lansing, expressed concern over the entire notification process for SUP #04011 (South Whitehills Ltd. Partnership).

Tim Hovey, Hovey Co., 124 E. Washington Street, DeWitt, spoke in support of Rezoning #04030 (Hovey) and requested the Board offer some guidance as to the best use of this property if it is not RC zoning. He requested a formal change in his zoning application to RD in the event he cannot have a discussion with the Board.

Gil White, PO Box 477, Haslett, addressed the “injustice” issue alleged by a previous speaker relative to the notification process for SUP #04011 (South Whitehills Ltd. Partnership).

Supervisor Pro Tem Stier closed public comment.

#### A. Ember Oaks Subdivision Streetlighting District

Board members discussed the following:

- Revised resolution will reflect the reduction in the number of streetlights requested by the developer

**There was a consensus of the Board to have this item on for action at the next Board meeting.**

#### B. Appeal of SUP #04011 (South Whitehills Ltd. Partnership), request to construct a 16-unit condominium (White Birch Condominiums) on a 1.55 acre RC (Multiple Family-Medium Density) zoned site on the south side of Birch Row Drive, west of Hagadorn Road

Board members discussed the following:

- Benefit to the Township that this location was downzoned and the proposed use is much less intense
- Consistency with the special use permit review criteria
- Need for affordable housing accomplished through smaller square footage of the condominiums
- Walkability assets of this site
- Planning Commission approval of the use during its deliberations

**There was a consensus of the Board to have the Department of Community Planning and Development and the Township Attorney draw up the appropriate resolution to grant the appeal with modifications and place this item on for action at the next Board meeting.**

#### C. Zoning Amendment #04080 (Township Board), request to amend the C-2 District to Allow a Hotel as a Use Permitted by Special Use Permit Director Kieselbach summarized the zoning amendment as outlined in staff memorandum dated August 13, 2004.

Board members discussed the following:

- C-2 zoning adjacent to residential neighborhoods is problematic
- Hotels are large and create traffic

- Long-term view of the use needs to be considered
- Need for use to be compatible with surrounding areas
- C-3 as an appropriate location for hotels
- Limit use to specific areas of C-2 designations near freeway exits
- Language change would need referral back to the Planning Commission for consideration
- No undeveloped C-3 property in the Township
- Property rezoned to C-2 from CS
- SUP process will consider effect on surrounding areas due to the nature of its use
- Concern that extended stay hotels meet definition
- Hotels later use as a college apartment complex not unique to our community
- Tighten definition(s) to take extended stay hotels into consideration

College Apartment Complex: (Questions for the attorney (See Agenda Item #8))

- Q. Under the standards applying to the hotels and motels in the C-3 district, number three (3) says, "None of the guest rooms or suites shall be occupied as an apartment or primary residence with an exception for the resident manager or owner, who may reside in a dwelling located within the hotel or motel." Immediately, what comes to mind is the college apartments on Grand River Avenue which use to be a Super 8, which was operating under a variety of different names and had been an apartment building and now is back as a hotel. How do we enforce that? We have not been able to enforce this in the past, so I am wondering what is the point of putting it in there?
- A. One way would be to have proof of checking in and checking out. But I think that is a little confusing, because when you look at the definition of hotel, you can have an extended stay. It doesn't say how long of an extended stay. Longer guest stays may be allowed extended stay. I don't know what that is, is that seven (7) days, two (2) weeks, or a month? You could have proof when someone checks out and checks in. I think all they would need to do, legally, is to check out and check in. That's a hotel.

**There was a consensus of the Board to have the Department of Community Planning and Development work with the Township Attorney and write suggested changes and bring this item back for discussion at the next Board Meeting.**

- D. Rezoning #04030 (Hovey), request to rezone approximately 6.9 acres at 5177 and 5241 Marsh Road from RR (Rural Residential) and RA (Single Family-Medium Density) to RC (Multiple Family-Medium Density)  
Director Kieselbach summarized the rezoning request as outlined in staff memorandum dated August 13, 2004.

Board members discussed the following:

- Planning Commission denial of RC zoning on a 4-3 vote
- Consideration of different zoning would require Planning Commission approval
- Community Planning and Development recommendation for changes and adjustments
- 1993 Master Plan designates this land as public
- Draft Future Land Use Map designates this property at a density range of 3.5-5 dwelling units/acre
- Property immediately across the street and Montgomery Court at 8 dwelling units/acre, but portions of each are unbuildable
- RD zoning not inconsistent with surrounding properties
- Department of Community Planning and Development to outline the difference(s) between RDD and RD and what options are available to the Board to address this issue

**There was a consensus of the Board to postpone action on this item to allow the Department of Community Planning and Development to work with the applicant.**

## 12. PUBLIC REMARKS

Supervisor Pro Tem Stier opened Public Remarks.

Joan Guy, 1083 Woodside Drive, Haslett, spoke to the continual misunderstanding by the public when pathway issues come before the Board due to the 1993 configuration of the Master Plan. She also suggested strengthening the criteria for granting a SUP so that it can easily be distinguished from zoning criteria.

Tim Hovey, 124 E. Washington Street, DeWitt, asked for the name of the owner for the property immediately to the north which is vacant and zoned RA. He also inquired if the property could ever be developed.

Jean Nicholas, 1232 E. Brookline Court, East Lansing, spoke again to the alleged injustice of the notification process.

Supervisor Pro Tem Stier closed Public Remarks.

**13. CLOSED SESSION**

**Treasurer Hunting moved that the Township Board go into a closed session to:**

- 1. Consider the purchase of real property**
- 2. Consult with the Township Attorney on settlement strategy for pending litigation**

**Seconded by Clerk Helmbrecht.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Supervisor Pro Tem Stier,  
Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

Supervisor Pro Tem Stier recessed the meeting at 9:15 P.M.

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

**Trustee Such moved to return to open session. Seconded by Trustee Brixie.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Supervisor Pro Tem Stier,  
Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

Supervisor Pro Tem Stier reconvened the meeting at 10:03 P.M.

**Trustee Such moved to go forward as discussed in closed session. Seconded by Trustee Brixie.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Supervisor Pro Tem Stier,  
Clerk Helmbrecht, Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

**14. ADJOURNMENT**

Supervisor Pro Tem Stier adjourned the meeting at 10:07 P.M.

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SUSAN McGILLICUDDY  
TOWNSHIP SUPERVISOR

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MARY M. G. HELMBRECHT  
TOWNSHIP CLERK

Sandra K. Otto, Secretary