

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED**  
5151 Marsh Road, Okemos, MI 48864-1198  
349-1200, Town Hall Room  
TUESDAY, SEPTEMBER 5, 2006, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such, Veenstra, Woiwode  
ABSENT: None  
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, Personnel Director/Assistant Manager Paul Brake, Attorney Michael Woodworth

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:00 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.

Virginia White, 1641 Birchwood, Okemos, spoke in support of Constitution Week, September 17-23, 2006, urging all citizens to rededicate themselves to our country, in support and defense of our Constitution and to greater involvement in responsible citizenship.

Martin Colburn, Mason City Administrator, 201 Ash Street, Mason, spoke in support of the City of Mason's request to become a participating municipality of the Capital Area District Library (CADL).

Supervisor McGillicuddy 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 #10B titled Resolution for Constitution Week (September 17-23, 2006)**
- **Move Agenda Item #7F titled Resolution Supporting the City of Mason's Request to Join CADL to Agenda Item #10C**

**Seconded by Trustee Such.**

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

NAYS: None

Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

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 Information (BI)

- BI-1 Carl Harmon, LINC, PO Box 40, Okemos; RE: Development of a North Ingham Environmental Center
- BI-2 Michael Karagoulis, 2177 Heritage Avenue, Okemos; RE: Opposition to Rezoning #06060
- BI-3 Charles Willems, PO Box 184, Haslett; RE: Land Division Act

(2) Commission Linkage (CL)

- CL-1 Chair Robert Homan, Cable Communications Commission; RE: Request for action on Comcast service in Meridian Township

(3). Staff Communication/Referral (SC)

- SC-1 Mark Kieselbach, Director of Community Planning and Development; RE: Commission Review #06143, Sheldon Property, east of Green Road, north of the CN Railroad
- 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 August 30, 2006
- SC-3 Michigan Townships Association Legislative E-Report, August 11, 2006 Edition
- SC-4 Michigan Townships Association Legislative E-Report, August 18, 2006 Edition
- SC-5 Michigan Townships Association Legislative E-Report, August 25, 2006 Edition
- SC-6 Michigan Townships Association Legislative E-Report, September 1, 2006 Edition

**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 Veenstra.**

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 August 15, 2006 Regular Meeting as submitted. Seconded by Trustee Veenstra.**

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

C. Bills

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

Common Cash	\$ 273,145.71
Public Works	\$ 376,071.11
Total Checks	\$ 649,216.82
Credit Card Transactions	\$ 17,190.73
Total Purchases	<u>\$ 666,407.55</u>
ACH Payments	<u>\$ 460,405.13</u>

**Seconded by Trustee Veenstra.**

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]

D. Liquor License Transfer, MAC Restaurant

**Trustee Brixie moved to approve East Lansing Athletic Club, Inc.'s application to transfer ownership of escrowed 2006 Class C licensed business, located at 2900 Hannah Blvd., East Lansing, Michigan, Meridian Township, Ingham County, Michigan from AMSP Enterprises, Inc. (Step 1).**

**Further, moved to approve MAC Restaurant, LLC's application to transfer ownership of escrowed 2006 Class C licensed business, located at 2900 Hannah Blvd., East Lansing, Michigan, Meridian Township, Ingham County, Michigan from East Lansing Athletic Club, Inc. (Step 2).**

**Be it further resolved that the Township Clerk is authorized to execute the resolutions for local approval of the above described transfers.**

**Seconded by Trustee Veenstra.**

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

[ Clarification for future reference: License transferred from AMSP Enterprises, Inc. to East Lansing Athletic Club, Inc. to MAC Restaurant, LLC]

E. Resignation and Appointment to the Planning Commission

**Trustee Brixie moved to accept Chris Savage's letter of resignation from the Planning Commission and appoint Daniel Smith to the Planning Commission to fill the remainder of Chris Savage's term ending December 31, 2007. Seconded by Trustee Veenstra.**

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 #11B, #11D, #13)

9. HEARINGS

A. Wetland Use Permit #06-09, Whitehills Lakes #8

Supervisor McGillicuddy opened the public hearing at 6:06 P.M.

Director Kieselbach summarized the wetland use permit request as outlined in staff memorandum dated August 31, 2006.

APPLICANT

Douglas Weir, 1640 Taft Road, St. Johns, consultant for the applicant, stated the plan was initiated based on the Township's general wetland maps. Once the applicant met with a wetland biologist, the layout was changed slightly to minimize the impact as much as possible.

Mr. Weir indicated a second look at the drain crossing, the area from the water surface “downward” was not initially included. Inclusion of the water surface and the wetland fringe along each side of the bank would now be 2,450 square feet. He believed the Township’s wetland consultant concurs with the square footage.

Supervisor McGillicuddy closed the public hearing at 6:16 P.M.

- B. Wetland Use Permit #06-04-03, amendment to Ember Oaks  
Supervisor McGillicuddy opened the public hearing at 6:16 P.M.  
Director Kieselbach summarized the wetland use permit request as outlined in staff memorandum dated August 31, 2006.

APPLICANT

Keith Schroeder, 4665 Dobie, Okemos, developer of Ember Oaks, stated there was not sufficient time to respond to the wetland consultant’s report and suggestions. He indicated there is confusion between the Michigan Department of Environmental Quality’s (MDEQ) requirement that the water spill out onto undisturbed upland prior to entrance into the wetlands and the Township wetland consultant’s suggestion. Mr. Schroeder indicated first flush basin G would be eliminated, and first flush basin B would be moved across the road to take it out of the buffer or forty (40) foot setback.

PUBLIC

Mark Hooper, 3653 Stagecoach Drive, Okemos, expressed concern with the wetland area contiguous to the Ponderosa Subdivision, identified as Wetland Number 35-13. The wetland contains a number of mature trees and was concerned with the health of the trees. He also expressed concern with protection for landowners whose properties abut the wetland where a significant amount of water would be discharged into unprotected soil.

Lloyd Bingman, 1425 Ambassador Drive, Okemos, requested clarification if any of the basins would be close to lot #1 in Ember Oaks, where his property is located.

Supervisor McGillicuddy closed the public hearing at 6:32 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

- A. Amendment to the Wetland Protection Ordinance for the size of the notification sign  
**Trustee Brixie moved [and read into the record] NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, hereby INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION Ordinance No. \_\_\_\_\_, entitled “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, by Amending Chapter 22, Environment, Article IV Wetland Protection, Division 2 Permit, Section 22-155(b)(3) and Section 22-155(f)(3).”**

**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 introduced at least once prior to the next meeting of the Township Board.**

**Seconded by Trustee Such.**

Board members and staff discussed the following:

- Concern that lack of minimum size for the signs will contribute to lack of notice by the public
- Rationale is to post readable signs taking cost effectiveness into consideration
- Size to be similar to size contained in the other ordinances
- Proposed ordinance allows flexibility
- Consistency of red and white signs which would be recognized by the residents
- Three square feet too small for passing motorists

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

B. Constitution Week Resolution

**Clerk Helmbrecht moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, hereby declares the week of September 17-23, 2006, as Constitution Week in the Charter Township of Meridian and urges all citizens to rededicate themselves to our country, to the support and defense of our Constitution and to a greater involvement in responsible citizenship.**

**Seconded by Trustee Brixie.**

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

C. Resolution Supporting the City of Mason's Request to Join CADL

**Trustee Such moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED the Township Board of the Charter Township of Meridian, Ingham County, Michigan states its support for the City of Mason's participation in the Capital Area District Library as a Participating Municipality. Seconded by Clerk Helmbrecht.**

Board members discussed the following:

- Seat on the Board would allow Mason to offer input and directly influence the process
- Opposition from Meridian Township's representative on CADL to the resolution contained in the Board packet
- Opposition to the City of Mason (6,417 residents) having equal representation with Meridian Township (39,125 residents)

**Trustee Veenstra moved to table the motion. Seconded by Trustee Brixie.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Woiwode, Treasurer Hunting  
NAYS: Trustee Such, Supervisor McGillicuddy, Clerk Helmbrecht  
Motion carried 4-3 .

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

A. 2007 Budget Schedule

Township Manager Richards acknowledged Board member receipt of the 2007 recommended budget, the budget message and outlined the budget process timeline.

Board members discussed the following:

- Promotional efforts of the budget process to the public
- Budget summary on the Township's website, copies available at the public libraries and the Township Clerk's office
- Availability of the current agenda on the Township's website

**The consensus of the Board was that ample publicity be given to the upcoming Budget Deliberations to be held on September 12, 2006.**

B. Wetland Use Permit #06-09, Whitehills Lakes #8

Board members, staff and the applicant discussed the following:

- Concern that most of Fenwick Court lies within wetlands
- Intent of the general wetland map is to be used only as a guide to show wetlands exist in the areas of development
- Square feet measurements vs. cubic yards
- Location for the proposed spoils area not included in the Township's ordinance
- Whitehills Lakes #8 is part of the proposed annexation to East Lansing
- Fenwick Court is a public road approved by the Ingham County Road Commission (ICRC) in August
- Proposed private road to the north in the future
- Private vs. public easements
- Private easements along the road right of way are set aside for utilities such as cable television, telephone, gas, electric, etc.
- Ten foot private easement is required by the State Land Division Act on all public roads for new developments
- Proposed public easements for storm sewer only will be dedicated to the Ingham County Drain Commissioner (ICDC) for the conveyance of storm water
- Applicant to recalculate the square footage of area where Fenwick Court crosses the county drain to include water surface area
- Use of a cylindrical culvert with tapered ends approximately 36" in diameter
- Three-to-one slope on each side of the 60 foot right-of-way for road stability
- Applicant exploration of open bottom box culvert
- Timeframe would require action at the next regular Board meeting

Jurisdiction of wetlands on annexed property: (Questions for the Attorney (See Agenda Item #8))

- Q. Just as a hypothetical, if this property turned out to be annexed to East Lansing, and we had already approved or placed limitations on the use and special uses of wetlands, who would then have the jurisdiction over the wetlands? Would they remain as they were annexed or would East Lansing then have jurisdiction?
- A. The state statute doesn't address that issue, but the presumption would be that East Lansing would assume jurisdiction over any enforcement issues regarding the permit.
- Q. If our actions placed certain conditions and restrictions on the wetland uses, that certainly then would not necessarily guarantee (or not assume) they would continue to be enforced?
- A. No, East Lansing has its own wetlands protection ordinance now which differs from the Township's in various regards. If, for example, there was an amendment sought to the wetland permit after annexation, assuming the property was transferred, that would go to East Lansing.

**The consensus of the Board was to direct staff to work with the applicant's consultant to address the recommendations of the Township's environmental consultant and to provide motions for approval and denial at the September 19<sup>th</sup> Board meeting.**

- C. Wetland Use Permit #06-04-03, amendment to Ember Oaks  
Supervisor McGillicuddy announced discussion would be delayed until the applicant provides necessary information after meeting with staff and the applicant's consultant.
- D. Rezoning #06040 (Wolenberg/Lawrence), request to rezone approximately 3.25 acres located on the north side of East Lake Drive and north and west of Milenz Street in Section 2 of the Township from RA (Single Family-Medium Density) to RD (Multiple Family-Low Density) or RDD (Multiple Family-Medium Density)  
Director Kieselbach summarized the proposed rezoning as outlined in staff memorandum dated August 10, 2006.

Mr. Wolenberg submitted a copy of the tree survey done on the site for Board consideration. He reiterated his belief that the site should be developed as a PUD, due, in part, to the fact this site is environmentally sensitive. Mr. Wolenberg believed a PUD would allow more flexibility on the site. He indicated many residents assumed this parcel was part of Lake Lansing Park North.

Board members and the applicant discussed the following:

- Possible consideration of a condition which would limit the number of units
- Applicant target of six (6) to eight (8) units on the site
- Number of allowable residences within each zoning category
- Current request is a conditional RB
- Concern with an open ended conditional rezoning request which does not contain specifics
- Current request before the Board does not meet the Township's rezoning criteria

Conditional rezoning application process: (Questions for the Attorney (See Agenda Item #8))

Q. Typically, when somebody wants a conditional zoning, they apply with a site plan and the site plan goes with the conditional rezoning, right?

A. That's certainly one way it can be done. I mean, there is nothing that would prohibit it from being done in the fashion it's proposed. One of the questions that immediately arises is for how long does the period stay open to submit an acceptable PUD before the reversion back to the old zoning. So, that would be an issue that would have to be discussed and decided, I would think. This conditional zoning, as Trustee Brixie has said, is really new territory and in terms of just exactly what format that must take, the statute doesn't proscribe that.

Q. If he wanted to do a conditional PUD, he'd have to come in with a site plan and start the process all over, correct? We'd remand it back to the Planning Commission?

A. If that is the nature of his conditional request, yes.

**The consensus of the Board was to direct staff to provide motions for the October 3<sup>rd</sup> meeting for approval and denial of the current request.**

E. C1 and C2 Expanded Uses

Director Kieselbach summarized the C-1 and C-2 standards comparison as outlined in staff memorandum dated August 30, 2006.

Board members discussed the following:

- Various restrictions on specific uses in C-1
- Ability of a business to grow where it is currently located versus need to move to accommodate growth
- History on need for this request
- Concern this action would eliminate the neighborhood store concept
- Purpose of what the C-1 category provides
- Economical impact on the Township
- New construction vs. existing construction
- Identify C-1 areas which should be C-2 zoning
- Number of C-1 properties which have non-conforming uses
- Possible "sliding scale" for each zoning district
- Categories which do not belong in C-1 if larger use is allowed
- Consideration of built in provisions to allow businesses to take advantage of existing empty structures

**The consensus of the Board was to direct staff to meet with legal counsel to develop language, taking Board comments into consideration.**

F. Okemos Road Enhancement Recommendation

Township Manager Richards summarized the consultant's recommendations as outlined in staff memorandum dated September 1, 2006.

Board members discussed the following:

- Public input prior to concept development made process better than previous time
- Lack of public support for a median
- MDOT willingness to consider modification to the Township's Enhancement Grant
- Roadside enhancements from Jolly to Hamilton Road given MDOT consideration to adjust the limits of the project

- Need for expertise on landscaping, streetlighting, etc. from the engineering firm in writing enhancement grant amendment
- Need for county to resubmit modified grant
- Possible pedestrian crossings along long stretches between major intersections
- Mid-block crossings not generally recognized by motorists
- Engineering of enhancements will not proceed without Board approval
- Road Commissioner suggestion for mid-block crosswalks
- Context sensitive design standards of 24 feet in width made median unfeasible
- Enhancement ideas may take traffic calming measures into consideration
- Need for “pedestrian refuge” islands as traffic speed is increasing
- Ideal road for pedestrian bridges
- No discussion regarding lowering the speed limit to 35 m.p.h. for consistency
- Selection of key “nodes” by the consultant for enhancements at this time

**The consensus of the Board was to place this item on for action at the next regular Board meeting.**

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Mr. Lloyd Bingman, 1425 Ambassador Drive, Okemos, requested an answer to his question asked earlier under public remarks concerning the impact of wetland drainage on his property in the Ember Oaks subdivision.

Township Manager Richards explained that staff may need to confer with the Ingham County Drain Commissioner’s office as some questions may relate to the stormwater drainage plan.

Supervisor McGillicuddy closed Public Remarks.

13. POSSIBLE CLOSED SESSION

**Trustee Such moved that the Township Board go into closed session to consider material exempt from discussion or disclosure by state or federal statute. Seconded by Trustee Brixie.**

Discussion of motion to go into closed session: (Questions for the Attorney (See Agenda Item #8))

Q. Can’t the motion be discussed?

A. There’s no reason to discuss it; just vote on it.

Q. Mike, I have a request from a trustee to amend the motion?

A. Typically, there would be nothing other than a succinct motion to go into a closed session as Trustee Such has posited. I don’t know that there would be any further need or wisdom in discussing it.

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

NAYS: Trustee Veenstra

Motion carried 6-1.

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

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

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

NAYS: None

Motion carried unanimously.

**Trustee Woiwode moved to proceed as discussed in closed session. Seconded by Trustee Veenstra.**

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, SEPTEMBER 5, 2006 \*APPROVED\*

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Woiwode, Supervisor McGillicuddy,  
Treasurer Hunting  
NAYS: None  
Motion carried 5-0.

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:51 P.M.

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SUSAN MCGILLICUDDY  
TOWNSHIP SUPERVISOR

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MARY M. G. HELMBRECHT  
TOWNSHIP CLERK

Sandra K. Otto, Secretary