

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
853-4000, Town Hall Room  
TUESDAY, DECEMBER 5, 2006, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such, Veenstra  
ABSENT: Trustee Woiwode  
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.

Dennis Forsberg, T A Forsberg, Inc., 2360 Jolly Road, Okemos, read from a prepared statement in opposition to the Tree Protection Ordinance.

Doug Carr, Greater Lansing Home Builders Association, 6240 W. Mt. Hope Highway, Lansing, spoke in opposition to the Tree Protection Ordinance.

John Anderson, 215 W. Newman, Okemos, offered a list of alleged concerns from residents in Meridian Township, including tax increases, decline in the Township's fund balance and annexation by the City of East Lansing.

Richard Harrington, 820 Piper Road, Haslett, read from a prepared statement regarding renaming Columbus Day to American Indian Day. He urged the Township Board to adopt a resolution recognizing American Indian Day as a national holiday.

[Prepared statement in Official Minute Book].

Jerry Fedewa, 5570 Okemos Road, East Lansing, spoke in opposition to the Tree Protection Ordinance.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

A. Treasurer's Report

Treasurer Hunting summarized current fixed maturity investments by fund and non-fixed investments as of October 31, 2006; delinquent personal property tax collections and 2006 summer distributions as of November 28, 2006.

Supervisor McGillicuddy acknowledged the recent passing of Sam Cryderman and Ray Kley, both of whom contributed much of their time to volunteer efforts in Meridian Township. She also noted Eleanor Luecke is in the Burcham Hills extended care facility.

6. APPROVAL OF AGENDA — OR CHANGES

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

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

**Trustee Such moved to adopt the Consent Agenda as amended. Seconded by Trustee Brixie.**

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

NAYS: None

Motion carried 6-0.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Determination (BD)

BD 10A-1 Meridian Futures Coalition, 2080 Hamilton Road, Okemos; RE: Opposition to  
SUP#06-99091 (Wal-Mart)

BD 10A-2 Tyler D. Tennent, Dawda, Mann, Mulcahy & Sadler, 39533 Woodward Avenue,  
Suite 200, Bloomfield Hills, MI; RE: Postponement of Board action on SUP  
#06-99091 (Wal-Mart)

2). Staff Communication/Referral (SC)

SC-1 Michigan Townships Association Legislative E-Report, November 17, 2006  
Edition

(3). On File in the Clerk's Office (OF)

Materials received at the November 21, 2006 Board Meeting

Nikki Hart, 2712 E. Grand River Avenue, Lansing; RE: Opposition to Special Use Permit  
#06-99091 (Wal-Mart) and postcards from residents in opposition to Special Use Permit #06-  
99091 (Wal-Mart)

Carolyn Baumgart, 425 Iriquois, Prudenville; RE: Questions regarding information  
contained in the Carlson & Associates Study; letters from Don Davis and Sandy Chapman,  
Bob Anderson, and Dennis Vandecar in opposition to Special Use Permit #06-99091 (Wal-  
Mart)

Jean Nicholas, 6232 Brookline Court, East Lansing; RE: Opposition to Special Use Permit  
#06-99091 (Wal-Mart)

Jeff Persico, 4451 Satinwood, Okemos; RE: Opposition to Special Use Permit #06-99091  
(Wal-Mart)

**Trustee Such 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 Brixie.**

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

NAYS: None

Motion carried 6-0.

B. Minutes

**Trustee Such moved to approve and ratify the minutes of the November 19, 2006 Regular  
Meeting as submitted. Seconded by Trustee Brixie.**

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

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

C. Bills

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

Common Cash	\$ 295,468.28
Public Works	\$ 163,190.01
Total Checks	\$ 458,658.29
Credit Card Transactions	\$ 7,047.05
Total Purchases	<u>\$ 465,705.34</u>
ACH Payments	<u>\$ 491,985.52</u>

**Seconded by Trustee Brixie.**

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

[Bill list in Official Minute Book]

D. Recommendation for Appointment of Auditors

**Trustee Such moved that the audit contract for the years ended December 31, 2006 through 2008 be awarded to Plante & Moran LLP for an amount not to exceed \$38,400 each year; with the option to extend the contract annually for two additional years. Seconded by Trustee Brixie.**

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

E. Creating Entrepreneurial Communities Grant Application

**Trustee Such moved approval of the letter of support for the Meridian Township Entrepreneurial Advancement Model's (M-TEAM) application to creating an Entrepreneurial Community Pilot Program, as described in the staff memorandum dated December 1, 2006. Seconded by Trustee Brixie.**

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

F. Initial Liquor License Allocation, Golden Wok

**Trustee Such moved that the request for the Class C license business for Golden Wok (Sing Yui Cheung and Gin Soo Cheung), 2755 Grand River, East Lansing, MI, Ingham County be approved as "above all others" and the Township Clerk be authorized to execute the authorized resolution. Seconded by Trustee Brixie.**

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

[NOTE: The liquor license in the name of Golden Wok was rescinded through Board action on September 18, 2007 and approved in the name of Danny and Ginny, Inc. under Agenda Item #7E]

- G. Adding Financial Institution, JP Morgan Chase Bank  
**Trustee Such moved to adopt a resolution entitled “Authority to Open an Investment Account” at JP Morgan Chase Bank. Seconded by Trustee Brixie.**

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

- H. Herron Creek Sanitary Sewer Special Assessment District #50, **Resolution #3**  
**Trustee Such moved to approve Herron Creek Sanitary Sewer Special Assessment District #50, Resolution #3, which approves the construction of 350 feet of sanitary sewer, construction of a new sanitary sewage lift station, and construction of 2,540 feet of force main to serve the Sturk and the Champion Woods properties west of Hulett Road; and elimination of the existing lift station at the Bennett Woods Elementary School in Section 29, Meridian Township; and to defray the cost thereof by special assessment against the properties specially benefited thereby; approves the plans and estimate of cost in the amount of \$485,000; declares the petition sufficient’ determines the special assessment district; and directs the Supervisor to make a special assessment roll and affix a certificate to the completed special assessment roll. Seconded by Trustee Brixie.**

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

- I. Order to Maintain Sidewalks, Resolution #4, Set Public Hearing Date (January 16, 2007)  
**Trustee Such moved to approve the 2006 Order to Maintain Sidewalk Special Assessment District #8 – Resolution #4, which files the proposed final special assessment roll with the Township Clerk and sets the date for a public hearing on January 16, 20067. Seconded by Trustee Brixie.**

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

- J. Reallocation of Funds for Indian Lakes Lift Station Replacement  
**Trustee Such moved to authorize the reallocation of \$140,000 from the Main Lift Station budget to the Indian Lakes Lift Station budget to allow replacement rather than rehabilitation of the Indian Lakes Lift Station. Seconded by Trustee Brixie.**

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

8. QUESTIONS FOR THE ATTORNEY (None)

9. HEARINGS (None)

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Joan Guy, 1083 Woodside Drive, Haslett, spoke in opposition to SUP #06-99091 (Wal-Mart).

Shane Goodale, 1223 Tihart Road, Okemos, spoke in opposition to SUP #06-99091 (Wal-Mart).

Richard Baumgartner, 1064 Cliffdale, Haslett, spoke in opposition to SUP #06-99091 (Wal-Mart).

John Anderson, 215 W. Newman, Okemos, urged the Board to deny SUP #06-99091 (Wal-Mart).

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

Raymond Allen, 5071 Madison Avenue, Apt. C3, Okemos, spoke in opposition to SUP #06-99091 (Wal-Mart).

Tyler Tennent, Dawda, Mann, Mulcahy & Sadler, 39533 Woodward Avenue, Suite 200, Bloomfield Hills and a Wal-Mart representative, spoke in support of SUP #06-99091 (Wal-Mart) .

Celeste Schraft, 4306 Oakwood, Okemos, spoke in opposition to SUP #06-99091 (Wal-Mart).

Supervisor McGillicuddy closed public comment.

A. SUP #06-99091 (Wal-Mart, Inc.), request to add 49,427 sq. ft. and a drive-through pharmacy to existing building located at 5110 Times Square Drive

Board members, staff and the applicant discussed the following:

- Page 8, item #6 of Wal-Mart's third supplement regarding current SUP violations the day after Thanksgiving
- Central Park apartments constructed in three phases (units north of the Mud Lake Drain 1995-96, south of the Mud Lake Drain 1997-98, east of Wal-Mart store completed in 1998) prior to Wal-Mart occupancy in 2003

**Treasurer Hunting moved [and read into the record], NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Charter Township of Meridian that the request to amend Special Use Permit #99091 to increase the Applicant's hours of operation to twenty-four hours per day is denied for the reasons set forth in this Resolution.**

**IT IS FURTHER RESOLVED, that the Township Board of the Charter Township of Meridian makes no findings or determination regarding the Applicant's request to expand the square footage of its store, with its related request for a drive-through window for a pharmacy and no such findings or determinations are necessary or appropriate, except to deny these requests because they have been made dependent upon the request to increase the Applicant's hours of operation, which request is hereby denied.**

**Seconded by Trustee Veenstra.**

Continued Board discussion:

- Residents who live in multiple family buildings should not be treated differently than those who live in single family homes
- Lack of evidence by the applicant that the requested 24 hour operation will not adversely affect nearby residents

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

NAYS: None

Motion carried 6-0.

[Supervisor McGillicuddy recessed the meeting at 7:06 P.M.]

[Supervisor McGillicuddy reconvened the meeting at 7:18 P.M.]

B. 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)

**Treasurer Hunting moved [and read into the record], NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION Ordinance No. \_\_\_\_\_, entitled "Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #06040" RA (Single Family-Medium Density) to RB**

**(Single Family-High Density) conditioned on: the site being developed as a planned unit development, submittal of a planned unit development application within one year after the rezoning, commencement of construction within one year after the planned unit development is approved, and reversion to RA (Single Family-Medium Density) zoning if the planned unit development is not approved within one year after the rezoning is approved.**

**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 regular meeting of the Township Board. Seconded by Trustee Such.**

Board members discussed the following:

- PUD is environmentally sensitive by having fewer access points onto Lake Drive
- Increased safety with fewer access points
- Board promotion of a PUD to provide more open space on the development
- RB will provide greater design flexibility
- Possibility of the applicant requesting a land use clearing permit prior to PUD approval
- Planning Commission recommendation of denial with RB zoning
- Maximum buildouts would necessitate requests for variance
- Applicant assertion is to minimize the number of units on the site

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Clerk Helmbrecht, Treasurer Hunting  
NAYS: Supervisor McGillicuddy  
Motion carried 5-1.

- C. Special Use Permit #06051 (Giguere), request to construct a five-building commercial complex with total square feet measuring greater than 25,000 at 6200 Pine Hollow Drive

**Trustee Such moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves Special Use Permit #06051 for a shopping center of approximately 36,288 square feet in gross floor area with the following conditions:**

1. **Approval is granted in accordance with the plans prepared by Weir Engineering, received by the Township on October 5, 2006, indicating five buildings totaling approximately 36,288 square feet in floor area, and accompanying materials provided by the applicant, subject to revisions as required.**

**Seconded by Trustee Veenstra.**

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

- D. Wetland Use Permit #06-11 (White Family), 6200 Pine Hollow Drive

**Trustee Such moved [and read into the record] NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, pursuant to Article 4 of Section 22 of the Township Code of Ordinances, the Township Board hereby approves Wetland Use Permit #06-11 with the following conditions:**

1. **Approval is based on the plans, documents, and materials prepared by Weir Engineering, Inc., submitted in conjunction with Wetland Use Permit #06-11, subject to revisions as required.**

2. **The boundary of the wetlands shall be re-flagged in the areas adjacent to the proposed work. The flagging shall be clearly evident throughout construction.**
3. **The applicant shall obtain all necessary permits, licenses, and approvals from the Michigan Department of Environmental Quality (MDEQ) and the Ingham County Drain Commissioner's office prior to any work beginning on the stormwater basin and outlet. Copies of all permits, licenses, and approvals shall be forwarded to the Department of Community Planning and Development.**
4. **The applicant shall ensure the appropriate soil erosion and sedimentation control best management practices are implemented and maintained throughout the duration of the project.**
5. **Prior to construction, erosion control fencing shall be installed at the upland edge of the water features setback. The installation and location of the erosion control fencing shall be subject to the approval of the Director of Community Planning and Development. The erosion control fencing shall be removed after construction is completed and the area is stabilized.**
6. **No straw bales shall be used for erosion control, unless in conjunction with sediment erosion control fencing.**
7. **A copy of the approved wetland use permit containing the conditions of issuance shall be posted on the site in a conspicuous manner such that the wording of the permit is available for public inspection. Posting of the site shall be done prior to commencement of work and shall remain through the duration of the project.**
8. **Prior to work beginning on the site, the applicant shall provide to the Department of Community Planning and Development written notice of commencement.**
9. **The applicant shall notify the Department of Community Planning and Development when construction has been completed so the site can be inspected to ensure compliance.**
10. **The applicant shall monitor the area of stormwater discharge for one year following the completion of construction and shall remediate any problems which develop to the satisfaction of the Director of Community Planning and Development.**

**Seconded by Trustee Brixie.**

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

- E. Zoning Amendment #06100 to allow Mixed Use PUD in the C-1 District  
**Trustee Brixie moved [and read into the record] NOW THEREFORE BE IT RESOLVED THAT 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, Chapter 86, Article IV, Division 4, Section 86-440 by amending Section 86-440(c)(1)b."**

**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 regular meeting of the Township Board.**

**Seconded by Trustee Veenstra.**

Board members and staff discussed the following:

- Building height restriction adjacent to residential
- Aid in redevelopment of older areas of the Township
- Greater flexibility in permitting mixed use in the C-1 district

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

NAYS: None

Motion carried 6-0.

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

- A. Sanctuary Plat #04052 (Giguere), request to amend a condition of the plat so sidewalks do not need to be constructed in all locations  
Director Kieselbach summarized the modification to the condition as outlined in staff memorandum dated November 30, 2006.

David Pierson, the applicant's representative, 1305 S. Washington Avenue, Lansing, synopsised the series of events which led up to the request for this plat.

Board members discussed the following;

- Drain Commissioner request for detention area to be built on the lots in the northern area of the plat
- Concern there would be no sidewalk on a curve, forcing children to walk into the road creating a safety concern
- Possibility of moving first flush basin onto lot #14 so sidewalk could continue
- No signs designating wetlands or protection of wetlands in this plat
- Staff to explore alternatives (e.g., moving the first flush, building boardwalk)
- Possibility of specialized crosswalk with signage to direct walkers to the other side of the street
- Possibility of installing a three (3) foot sidewalk with fence on the "flat" land next to the road
- First flush area is taking water off the road and cleaning it prior to flowing into the wetland
- Any expansion will place sidewalk into the setback area
- Snow removal problem as Ingham County Road Commission plow would push snow onto the three foot sidewalk
- Individual responsible for snow removal on the sidewalk would then have no place to put snow with a fence on the water side
- Snow removal solution would then become physical removal of the snow
- Snow removal for common areas within the subdivision would need to be handled by the association
- Viable option of a wooden walkway across impoundment area

**The consensus of the Board was to place this item on for further discussion at the December 19, 2006 Board meeting.**

- B. Tree Protection Ordinance

Director Kieselbach highlighted the Tree Protection Ordinance as outlined in staff memorandum dated December 1, 2006.

Board members discussed the following;

- Consideration of a tree protection ordinance to achieve Board goals
- Possible elimination of regulated tree classification ( 2.5" DBH)
- Cost estimate of tree survey for medium to heavily wooded areas is \$1,000 per acre
- Overcomplicated, costly and unenforceable ordinance
- Sufficiency of land clearing ordinance
- Possible elimination of small tree genus
- Preference for receiving public input prior to the public hearing

**The consensus of the Board was to direct staff to address Board comments/concerns and place this item on for further discussion at the December 19, 2006 Board meeting.**

12. PUBLIC REMARKS

Supervisor McGillicuddy opened and closed Public Remarks.

13. CLOSED SESSION

**Treasurer Hunting moved that the Township Board go into closed session to discuss the personnel evaluation of the Township Manager. Seconded by Trustee Brixie.**

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

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

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

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

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

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

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:30 P.M.

---

SUSAN McGILLICUDDY  
TOWNSHIP SUPERVISOR

---

MARY M. G. HELMBRECHT  
TOWNSHIP CLERK

Sandra K. Otto, Secretary