

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, MARCH 15, 2011 **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Treasurer Brixie, Trustees Dreyfus, LeGoff, Ochberg,
Veenstra (6:07 P.M.)
ABSENT: Clerk Helmbrecht
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development
Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief
Dave Hall, Assistant Manager/Human Resources Director Paul Brake, Director of Parks
& Recreation LuAnn Maisner

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:02 P.M.

2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS

Officer Kevin Harvey led the Pledge of Allegiance.

3. ROLL CALL

The secretary called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

A. Introduction of new Police Officer, Kevin Harvey

Police Chief David Hall introduced Kevin Harvey as Meridian Township's newest police officer. He gave a brief outline of the process which led to the hiring of Officer Harvey, who was a laid-off Deputy from the Ingham County Sheriff's Department.

B. Boy Scout Troop #109, Suzanne King, 2718 Loon Lane, Okemos, and activity coordinator for Okemos Boy Scout Troop #109, noted several scouts in attendance who are working on their Citizenship in the Community Merit Badge. She added the scouts are attending tonight's Board meeting to learn what it takes to be a good citizen in their community. Ms. King added each of the scouts in attendance completed a project which benefited Meridian Township in some manner; i.e., renovation of the cross country track at Kinawa Middle School, repair of the foot bridge at Legg Park, path at Van Atta Woods Park, update of landscaping at Edgewood School, new benches and fire pit landscaping adjacent to the Harris Nature Center and establishment of a bone marrow registry within the community.

Lynn Hildebrandt, 4890 Chipping Camden Lane, Okemos, spoke in support of the appeal of Special Use Permit #10-09081 (Grand Petro Mart).

Michael Leon, 4890 Chipping Camden Lane, Okemos, spoke in opposition to Commission Review #10133 (Grand Petro Mart) and addressed his petition as an aggrieved party relative to Special Use Permit #10-09081 (Grand Petro Mart).

Les Puret, 3901 Van Atta Road, Okemos, read from a prepared statement which expressed concern with several components of the Five-Year Parks and Recreation Master Plan. He urged the Board to vote in opposition to the plan.

[Prepared statement in Official Minute Book]

James Kenyon, 3586 Van Atta Road, Okemos, spoke to the results of the community survey for the Five-Year Parks and Recreation Master Plan and opposed a dog park in Legg Park. He requested the Board vote in opposition to the Five-Year Parks and Recreation Master Plan.

Ganesh Reddy, 3614 Ponderosa Drive, Okemos, requested the positions of Township Treasurer and Township Clerk be made part-time. He requested all Board members support his position on this issue, even if that is not the recommendation of the Elected Officials Compensation Commission. Mr. Reddy asked the Board to exercise caution in its spending. He also addressed his support for property owners rights which align with the Master Plan relative to Commission Review #10133 (Grand Petro Mart).

Bill Fahey, partner in Fahey, Schultz, Burzych and Rhodes, 4151 Okemos Road, Okemos, spoke to Rezoning #10070 (Wiggins), and a petition circulating to take this rezoning to the voters. He indicated petitions are available at his office or by calling him at 381-3150.

Karen Mirras, 3901 Van Atta Road, stated the priorities of residents as revealed in the community survey are not reflected in the Five Year Parks and Recreation Master Plan. She spoke in opposition to passage of the plan as currently written.

Leonard Provencher, 5824 Buena Parkway, Okemos, spoke to the high cost of the Okemos Road Boardwalk. He expressed concern with safety of residents in inclement weather as the boardwalk is made out of wood and requested the Township not go forward with the grant application.

Ann Wood, 3921 Van Atta Road, Okemos, spoke to the results of the community survey not being reflected in the Five Year Parks and Recreation Master Plan. She expressed opposition to the location of a dog park in Legg Park. She requested the Board approve the Five Year Parks and Recreation Master Plan only if it is modified to reflect township priorities.

Tim Potter, Friends of Meridian Township Pathways, 4632 Van Atta Road, Okemos, spoke in support of completion of the interurban pathway as well as other pathway projects. He voiced concern with the Okemos Road Boardwalk being made out of wood and requested the boardwalk be built with a surface which is not slippery. He also spoke to the excessive fourteen foot width requirement in order to take advantage of a possible grant.

Jon Chester, 383 Shoemsmith Road, Haslett, spoke to the cost noted on his tax bill for the CATA millage in relation to benefit received by him and in opposition to the Okemos Road Pathway if it costs taxpayers additional money.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

A. Wolverine Pipeline Update by Michelle Rahl

Michelle Rahl, Wolverine Pipeline contractor, introduced John Gurrola, Vice President and Operations Manager who gave a brief overview of the pipeline in Meridian Township.

Mr. Gurrola offered background information on the company, based in Portage, Michigan. He also presented information on the pipeline and its operations and to let staff know where Wolverine will be clearing the rights-of-way and making repairs.

Fred Hipshear, Right of Way and Claims Specialist, gave a presentation on the One Call Program (811), a Federal Communications Commission sanctioned number which is a nationwide free call system for residents. He also addressed rights-of-way where Wolverine's pipelines are installed. Mr. Hipshear added most of the easements are perpetual, which gives Wolverine the rights to perform the necessary maintenance. He added Wolverine will be clearing some rights-of-way in Meridian Township and stated he will be happy to take any calls from residents.

Board members and Wolverine's representative discussed the following:

- Several years ago, Wolverine placed repair sleeves around the pipeline
- Request for Wolverine to send a report to staff on the repairs which will be made to the pipeline
- Pipeline runs through two school yards, several commercial areas and neighborhoods
- When trees are on the right-of-way line, Wolverine can side trim the trees

- Inquiry if the Wolverine Pipeline has ever had an accident as the result of an earth movement such as an earthquake
- Emergency response plan for any fuel release is immediate shut down of the pipeline and then notification to first responders and public officials
- Control center can determine a major leak within 3-5 seconds, turn off the pumps electronically and close the incoming and outgoing valves to the pipeline
- Block valves located every 10-20 miles along the pipeline is an industry standard
- Valves along the pipeline must be manually closed
- Pipeline was installed in 1936, and valves have been added in the area since then
- Attempt to move the pipeline along the I-96 right-of-way several years ago resulted in a lawsuit filed by the City of Lansing
- Concern over structures which are within the 50 foot right-of-way
- Wolverine purchased the pipeline in 1999 and there were existing encroachments when purchased
- Suggestion that the Township place restrictions on how close structures can be built to the pipeline
- Board member request for Wolverine to have valves along the pipeline be remotely controlled electronically
- Board member suggestion to check the pipeline using the smart pig on an annual basis
- Reassessment every five (5) years to ensure compliance with federal regulations

Supervisor McGillicuddy noted the Board, at its last meeting, voted to extend the Township Manager's contract for another two years. She reported the Urban Service Boundary (USB) and the Implementation Steering Committee met today and approved a motion to send the urban service boundary resolution to the full Tri-County Regional Planning Commission for adoption. Supervisor McGillicuddy announced the Board of Review is currently meeting and residents who wish to protest their assessment may do so by making an appointment through the Assessing Department.

Trustee Ochberg announced the passing of Earl Threadgould, vendor at the Farmers Market since its inception in 1978 and Market Manager for many years.

Treasurer Brixie announced Meridian Township turned over fewer delinquent real property taxes to Ingham County on March 1st than last year (down by more than \$500,000). She reported her attendance at the Meridian Area Business Association (MABA) Expo last weekend, March 11th MABA meeting, and the March 10th Economic Development Corporation meeting.

Trustee Dreyfus reported the final meeting and official launch of the Meridian Time Bank will take place the second week in April, where the exchange of services will commence. He added the final meeting will take place either on a Tuesday evening or late Saturday morning at the Meridian Activity Center. Trustee Dreyfus suggested residents desiring more information should contact him at meridiantimebank@gmail.com. He encouraged Meridian Township property owners who have Wolverine Pipeline running through their property to take inventory of their trees and/or vegetation and anything on the border of the right-of-way should be marked prior to calling Wolverine Pipeline to ensure they are preserved.

6. APPROVAL OF AGENDA

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

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

Treasurer Brixie moved to adopt the Consent Agenda amended as follows:

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

Seconded by Trustee LeGoff.

Trustee Veenstra offered the following friendly amendment:

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

The maker did not accept the amendment.

Trustee Veenstra offered the following amendment:

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

Seconded by Trustee Dreyfus.

VOICE VOTE: Motion failed 2-4 (Brixie, LeGoff, McGillicuddy, Ochberg)

Trustee Veenstra asked for a roll call vote on the amendment.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, Veenstra

NAYS: Trustees LeGoff, Ochberg, Supervisor McGillicuddy, Treasurer Brixie
Motion failed 2-4.

Board members discussed the following:

- February 22, 2011 Minutes: Page 6, 4th bullet: Board member belief the costs go to the county and the fines go to the county library system
- February 22, 2011 Minutes: Page 6, 7th bullet: Board member recollection that the school listed should state Murphy Elementary School
- Confirmation by the Director of Parks and Recreation that the correct school was Murphy Elementary School
- Suggestion to place Murphy in parenthesis after the listed school

Trustee Veenstra offered the following amendment:

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

Seconded by Trustee Dreyfus.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, Veenstra, LeGoff

NAYS: Trustee Ochberg, Supervisor McGillicuddy, Treasurer Brixie
Motion failed 3-3.

The adopted Consent Agenda items are as follows:

A. Communications

(1). Board Deliberation (BD)

BD 10B-1 Planning Commission Chair Thomas Deits; RE: Rationale for his opposition to Commission Review #10133 (Grand Petro Mart)

BD 10C-1 Ann M. Wood, 3921 Van Atta Road, Okemos; RE: Draft Meridian Township Parks and Recreation Master Plan 2011-2015

BD 10C-2 James B. Wood, 3921 Van Atta Road, Okemos; RE: Draft Meridian Township Parks and Recreation Master Plan 2011-2015

(2). Board Information (BI)

BI-1 Eckhart Dersch, 328 Newman Road, Okemos; RE: Urban Service Boundary Policy

BI-2 Vincent Lyon-Callo, 4112 Hulett Road, Okemos; RE: Urban Service Boundary

BI-3 Chalouy Shoup, 2449 Graystone, Okemos; RE: Regional Plan for an Urban Service Boundary

BI-4 Monica Goble, 4875 Buttercup Lane, Okemos; RE: Urban Services Boundary

BI-5 Betsy Hull, Head Librarian, Hope Borbas Library, 4321 Okemos Road, Okemos; RE: Appreciation to Facilities Superintendent Antone and his staff for expeditious parking lot and sidewalk snow removal as well as building maintenance at the Okemos Library

- BI-6 Alfred C. Goodson, 2487 Small Acres Lane, Okemos; RE: Foreclosure proceedings on Ruth Moore Park
- BI-7 Tara Lulich, 5213 Blue Have Drive, East Lansing; RE: Meridian Township Medical Marihuana Concerns and Referendum Petition

(3). Commission Linkage (CL)

- CL-1 Marsha Madle, Chair, Meridian Economic Development Corporation (EDC); RE: Transmittal of recommended changes from the EDC's Business Advisory Committee for the Mixed Use Planned Unit Development and the Commercial Planned Unit Development ordinances
- CL-2 Marsha Madle, Chair, Meridian EDC; RE: Transmittal of EDC's recommended changes to Zoning Amendment #10010 (Home Occupations)

(4). Staff Communications (SC)

- SC-1 Deborah Guthrie, Cable Coordinator; RE: Transmittal of Price Change notice from John P. Gardner, Government Affairs Manager, Comcast, Michigan Region

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

Material received at the March 1, 2011 Board Meeting

- Will Tyler White, 4695 Okemos Road, Okemos; RE: Opposition to Zoning Amendment #10010, request to update the allowed uses and standards for home occupations

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

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

B. Minutes

(2) Treasurer Brixie moved to approve and ratify the minutes of the March 1, 2011 Regular Meeting as amended. Seconded by Trustee LeGoff.

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

C. Bills

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

Common Cash	\$ 1,494,447.46
Public Works	\$ 606,045.35
Total Checks	\$ 2,100,492.81
Credit Card Transactions	\$ 10,529.95
Total Purchases	<u>\$ 2,111,022.76</u>
ACH Payments	<u>\$ 331,252.22</u>

Seconded by LeGoff.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
McGillicuddy, Treasurer Brixie

NAYS: None
 Motion carried 6-0.

[Bill list in Official Minute Book]

D. Assessing Stipulation

Treasurer Brixie moved that the Township Assessor be authorized to sign a stipulation with Lawrence D. Cianciosi on the following property:

<u>YEAR</u>	<u>DOCKET NO.</u>	<u>ADDRESS OF PROPERTY</u>
2009	0380228	6243 Pine Hollow, East Lansing, MI 48823
2010		
<u>Assessment</u>		
	2009	<u>AV/TV</u> \$289,600/289,600
	2010	\$249,900/249,900
<u>Proposed Assessment</u>		
	2009	<u>AV/TV</u> \$262,500/262,500
	2010	\$249,900/249,900

Seconded by LeGoff.

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

E. Authorization for Change in Standard Lighting Contract – Removal of Four Street Lights in Downtown Okemos

Treasurer Brixie moved approval authorizing the Township Manager to execute the authorization for change in standard lighting contract between Consumers Energy and Meridian Township for the removal of four high pressure sodium and mercury vapor lights, as detailed in the memorandum dated March 11, 2011. Seconded by Trustee LeGoff.

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

- 8. QUESTIONS FOR THE ATTORNEY (None)
- 9. HEARINGS (None)
- 10. ACTION ITEMS/ENDS
 Supervisor McGillicuddy opened public comment.

Mike McDonald, 5616 Wood Valley Drive, Haslett, spoke in support of the Five-Year Parks and Recreation Master Plan and expressed appreciation for the Township’s very competent park staff. He also expressed appreciation to the Land Preservation Advisory Board for its efforts in obtaining the land added to the Ingham County Parks system at Lake Lansing North. As a Department of Natural Resources & Environment (DNRE) retiree, he clarified statements made during earlier public comment.

Will Tyler White, 2142-1/2 Hamilton Road, Okemos, spoke in support of the water line extension to 743 Grand River Avenue (Grand Petro Mart).

[Prepared statement in Official Minute Book]

Supervisor McGillicuddy closed public comment.

- A. Amendment to the Wetland Protection Ordinance for compliance with State law, **Final Adoption Trustee Dreyfus 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. 2011-04, entitled “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 22, by Amending Article IV, Wetland Protection.”**

BE IT FURTHER RESOLVED 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 Trustee Ochberg.

Board members discussed the following:

- Amendment makes the Township consistent with state law while maintaining regulation and enforcement of wetlands smaller than mandated by state requirements
- Amendment helps the Environmental Commission improve its focus on educating citizens on the value of wetlands to the community
- Amendment preserves the 500 foot “appeal”

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Treasurer Brixie

NAYS: None

Motion carried 6-0.

- B. Commission Review #10133 (Grand Petro Mart), Section 61 review of character, location and extent for a water main extension with the road right-of-way of Grand River Avenue, from Wellington Drive eastward to 743 Grand River Avenue

Trustee Veenstra moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN overrules the Planning Commission’s denial of Commission Review #10133 and approves the proposed water main extension along Grand River Avenue. Seconded by Treasurer Brixie.

Board members and staff discussed the following:

- Staff position that state law requires public utilities to be referred to the Planning Commission
- Extension of the water main would be a positive safety measure
- Second well would have been required for the original proposed size of the convenience store
- Second well would not be required for the current proposed size of the convenience store
- Concern that denying an applicant who wants to spend \$100,000 to extend a water main to his property is an action unfriendly to business
- Township’s desire to be friendly to business
- Water main extension would be an improvement to fire protection for trailer park across the street
- Importance of retaining an urban service boundary
- Township’s desire to encourage redevelopment in downtown Haslett, along sections of Grand River Avenue, downtown Okemos and a number of other areas
- This property is not an ideal location for redevelopment as it is along the edge of the Township’s rural area
- Numerous fast food opportunities “right down the road”
- Applicant has the right to redevelop the property using the natural resources and the land
- Fire suppression is not an issue
- Difficulty for the Board to see the long term results of environmental protection
- Board only sees the short term results of environmental protection
- Easier to see the loss than the gain, the loss being an applicant is not going to have fresh water that offers a consistent quality to a fast food products

- Variety of sources for potential contamination exist within the Township
- The business can develop, rebuild without an extension and use the existing water infrastructure to achieve some of the goals desired by the business owner
- Concern with the accuracy of the statement that the entire area is completely developed
- Redevelopment is desired only in the core where utilities improvements already exist and are under utilized
- Cities have boundaries (city limits)
- Townships were not initially given the same privilege in statute
- Parallel right given to Townships, villages and cities through a regional urban service boundary now allowed under state law
- The last time the Board considered the site at 743 Grand River, an extension of both sewer and water was requested and the urban service boundary was also discussed, even though it did not then exist
- An urban service boundary is not currently in place for Meridian Township
- Township Board already agreed, through court settlement, that it would extend water to this address
- Not extending water to this site has unpleasant policy connotations associated with it
- No cost to the Township associated with the extension
- Township would pay for the fire hydrant which would be provided for the trailer park across the street
- Concern with earlier Board statement that redevelopment is appropriate only in certain geographical areas
- Request that the Township attorney render an opinion on the “reach” of the Planning Commission in this case
- This business was in existence before the urban service boundary and has every right to update itself
- Business is located on both a main road and a residential street
- Van Atta is listed as a residential street
- Approval would cause future expansion, e.g., future loops for water pressure
- Loops would allow for future development in an area where the Board desires to protect the rural area
- Water is not contaminated
- Additional expenses for the Township would come in the form of upgrades to the water treatment plant
- Reminder that water extension was first granted to the area to “get rid” of the XXX Cinema housed where St. Martha Parish is currently located
- Fire hydrant in front of Wellington Estates is perfectly adequate to use for fire suppression in the event of a fire in that area
- Board needs to consider the future land use plan and where it wants to direct development
- Reminder that the Township Board settled a 2007 lawsuit with an agreement that it would allow a water main to be extended to this property and the settlement agreement ran with the property
- Validity of a statement by the public that if the Township chose to loop the water main in the future, the Township would cut down trees along Van Atta Road to install the looping
- Township would not need to cut down trees along Van Atta Road to install the looping
- Township Board would approve the water main looping

ROLL CALL VOTE: YEAS: Trustees LeGoff, Veenstra, Treasurer Brixie
NAYS: Trustees Dreyfus, Ochberg, Supervisor McGillicuddy
Motion failed 3-3.

C. Parks & Recreation 5-Year Master Plan

Director Maisner summarized the Parks & Recreation Five-Year Master Plan as outlined in staff memorandum dated March 11, 2011.

Treasurer Brixie moved to approve the resolution of support for the 2011-2015 Five-Year Parks and Recreation Master Plan. Seconded by Trustee Ochberg.

Board members discussed the following:

- Appreciation for outreach to the Township's neighboring communities
- Significant increase in volunteerism from 2009 to 2010
- Appreciation for all the staff work which went into the Five-Year Master Plan
- Increased parking for the Farmers Market as a safety goal
- Tally of athletic fields did not include fields from the City of Williamston and three (3) other townships where Meridian Township administers a limited number of their athletic programs
- Staff clarification that the agreement to assist the City of Williamston with recreation was for administrative services on three (3) specific programs; it remained Williamston's recreation program on its fields so those fields were not included in the count
- Possibility of finding a more central location for a dog park as the Township awaits funds for its development
- Suggestion to rethink the hard surface of the pathway along the south side of the Red Cedar River to keep it natural
- Concern with public comment that several bridges are "out" in Legg Park
- Two boardwalks were previous Eagle Scout projects
- Two boardwalks in Legg Park require a reset every Spring due to heaving from ice
- Staff will take inventory in the Spring and consideration will be given to having those boardwalks reconstructed using today's construction standards
- Current process is to have Eagle Scouts meet with staff to adhere to a specific construction code
- Staff contact with the Legg Park Users Group regarding the boardwalks
- Five-Year Parks and Recreation Master Plan is an optimistic document
- Better signage on Marsh Road for the Historical Village
- Recent changes in the Township's sign ordinance allows for new signage on Marsh Road for the Historical Village

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
McGillicuddy, Treasurer Brixie

NAYS: None

Motion carried 6-0.

- D. Application for Natural Resources Trust Fund Grant for North Okemos Road Pathway
Treasurer Brixie moved to approve the resolution affirming Township Board support for application for a Natural Resources Trust Fund Grant and for construction of a pedestrian boardwalk along the east side of Okemos Road across the wetland south of Gaylord C. Smith Court. Seconded by Supervisor McGillicuddy.

Board members discussed the following:

- Necessity for a boardwalk as the land consists of wetlands
- Fiscal benefit to the Township to build the pathway to standards required by the granting agencies
- Use of an aftermarket product to address the slippery surface which may result from wet weather conditions
- Possibility of using cement board
- Preference for a causeway when the Ingham County Road Commission inquired as to the future for that portion of Okemos Road to keep the road from flooding frequently
- 14 foot width allows people to easily pass each other
- Pathway is located on the east side of Okemos Road from Central Park Drive north to Gaylord C. Smith Court
- Boardwalks are "normally" built eight (8) feet in width
- Cost of a boardwalk is several times the cost of a concrete pathway at grade level
- 14 foot width necessary to comply with American Association of State Highway and Transportation Officials (AASHTO) standards in order to be eligible for transportation enhancement grant funds
- Preference for 1,400 feet of ten (10) foot wide pathway rather than 1,000 feet of 14 foot wide pathway

- Design requirements are the same for both the federal transportation enhancement grant and the DNRE trust fund grant
- Important “gap” in the pathway which, when completed, will go from Jolly Road to Lake Lansing Road
- Building this section of pathway without grant funding would require three (3) years of Township funding
- Staff will research materials which can be used to address the issue of a slippery surface when wet

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Veenstra, Supervisor McGillicuddy,
Treasurer Brixie
NAYS: Trustee Ochberg
Motion carried 5-1.

Without objection, the Supervisor delayed discussion items #11B and #11C until the Board’s next meeting.

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

Supervisor McGillicuddy reconvened the meeting at 9:40 P.M.

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Michael Leon, 4890 Chipping Camden Lane, Okemos, stated neither the original or modified Special Use Permit #10-09081 would have been approved by the Planning Commission if it had been given all the facts or the project had been presented to the Planning Commission at one time. He added the additional traffic will affect him and three other properties in Meridian Township as they will lose some enjoyment of the use of their property. Mr. Leon spoke to Township adoption of the process used to evaluate traffic impact studies and alleged the developer submitted false information on the land use.

Leonard Provencher, 5824 Buena Parkway, Okemos, expressed concern that the conceptual drawing of the Okemos Road Pathway showed a portion of the pathway on the eastern edge of the road will be below the road and subject to flooding when the road floods. Mr. Provencher spoke in support of the pathway construction priorities for 2011. He suggested now is an opportune time for consideration of creating a natural connector between Sylvan Glen and Legg Park, and offered several other suggestions for connections within the Township.

Supervisor McGillicuddy closed public comment.

- A. Determination of Aggrieved Status Related to Special Use Permit #10-09081 (Grand Petro Mart), request to add a drive through window to the proposed gasoline/convenience store at 743 Grand River Avenue

Director Kieselbach summarized the determination of aggrieved status related to Special Use Permit #10-09081 as outlined in staff memorandum dated March 10, 2011.

Board members discussed the following:

- Mr. Leon must demonstrate he will suffer loss of beneficial use or enjoyment to his property that is not shared in common with other properties
- Adjacent property is defined as sharing a common property line
- Staff interpretation that properties across the street may not meet that definition
- First test in determining if a resident has aggrieved status is if the resident is an adjacent property owner
- If a resident is not an adjacent property owner, then the individual must demonstrate that he/she will suffer loss of beneficial use or enjoyment of his/her property to meet the test
- The fact that four (4) properties out of 13,000 would be effected in the same way makes it “special”

- Validity of special damages due to traffic, noise, pollution, etc. which will occur on Newman Road
- Detours last summer when Grand River Avenue was resurfaced sent many vehicles down Newman Road
- Since this is a corner property, only adjacent properties would be one parcel to the east and one to the south
- If the owner of the corner property also owned the parcel to the east and the parcel to the south, there would be no one who could appeal the issuance of the special use permit except someone with special damages
- Resident seeking aggrieved status lives approximately one mile from the subject site
- Apology to the applicant that the Township did not effectively communicate the reason the Planning Commission was unable to rescind or reconsider the action item
- Planning Commission actions cannot be reconsidered, but must be appealed to the Board
- Reminder that the Board focus is to determine Mr. Leon's status as an aggrieved person
- Township attorney statement to a Board member that an increase in traffic does not constitute special damages is supported by case law
- Mr. Leon's complaints and testimony for standing as an aggrieved party is all traffic related
- Concern that hearing Mr. Leon's appeal would open the Township up for future litigation
- Parliamentary procedure for reconsideration of an action
- Concern with the statement in Mr. Leon's letter that staff indicated, once his appeal was filed, the Planning Commission could not reconsider its action
- Concern that Mr. Leon was denied redress at the Planning Commission because he filed the appeal and a Board determination that he is not aggrieved would preclude the Board hearing his appeal
- Concern that the Township's ordinance which allows only adjacent property owners the right to appeal (unless special damages can be proven) is "absurdly" narrow
- Virtually no defense to use special damages as a right to appeal
- Type of decision to base special damages on is difficult to work with
- Location of property belonging to the person requesting aggrieved status approximately one mile from the subject property is stretching the definition of proximity
- Uniqueness of the road and traffic flow modifies the initial one mile proximity
- Appellant is in a "catch-22" position
- Difficulty in calling the appellant an aggrieved party but the appeal should be heard
- Definition of aggrieved person parallels language used by the State Court of Appeals
- Definition of aggrieved person has meaning beyond the Township's ordinance
- If Board consensus is that Mr. Leon should have the right to appeal, the Board needs to amend Township ordinances for the future
- Board charge to follow established procedures, rules and definitions when making a decision
- Several other homes between Mr. Leon's property and the gas station
- Request for the Township attorney to attend the next Board meeting
- Impact on Mr. Leon's ability to use his property to enjoy outdoor living as a special damage
- Township attorney's statement in a confidential legal opinion that she would not to make this determination administratively at this time clearly indicates the Board has to take responsibility for its own interpretation
- Discrepancies in this case as it has moved along through the system "beg" to be reexamined
- Zoning Board of Appeals based its approval for the variance requests for the first SUP which did not include the drive-through window
- Redevelopment of this property has changed dramatically since originally proposed
- "Piece-meal" fashion in which the proposed project has been brought to the various approving bodies allows the Board to use this last chance opportunity to look at the entire picture
- Township attorney can answer Board member inquiries without attending the Board meeting
- Mr. Leon's front, back and side yards are exposed to Newman Road
- Concern for children's safety when walking along Newman Road
- No stop signs to slow traffic along Newman Road

Without objection, Supervisor McGillicuddy announced a majority of the Board wished to hear the appeal.

D. Pathway Construction Priorities

Director Severy summarized his department's consideration for pathway construction in 2011 as outlined in staff memorandum dated March 11, 2011.

Board members and staff discussed the following:

- Number of requests from the Board and various members of the public to construct different segments of the pathway more than what can be constructed in one (1) or two (2) years
- Several "gaps" in the pathway system are not easy to build
- Staff suggestion to establish priorities for a five-year pathway construction program
- Language in Board policy indicates filling in the "gaps" on major roads first
- Suggestion to fill in "gaps" on major roads (Grand River Avenue, Mount Hope and Lake Lansing) and place a lien on the properties
- Question for the attorney regarding placing a lien on the properties and requiring the owner to pay for the pathway if the property is developed
- Act 188 requires a public hearing to assess a property owner
- Board initiated petition would require only 20% of the landowners to decline and the Township would be unable to proceed with the pathway on that property
- Wisdom to waiting for property to be developed so the developer pays for the pathway
- Fill in "gaps" on the north side of Grand River Avenue from Cornell almost to Hamilton
- Fill in "gaps" on the south side of Grand River Avenue
- "Gap" on Park Lake Road will need to be a section of boardwalk
- Chippewa Woods Homeowners Association passed a resolution requesting one side of Cornell Road north of Grand River have a bike path
- Connection to the north edge of Kansas as an important one
- Priority to fill in the gap on Lake Lansing Road next to Murphy School this summer
- Raby Road pathway should connect through to Marsh Road
- Recollection that when the Ingham County Road Commission (ICRC) abandoned a portion of Raby Road which connects eastward to Marsh Road, it reserved the right to install utilities
- Question whether the ICRC's reservation of the right to install utilities includes the right for the Township to install a pathway
- Suggestion to fill in the short gap on the north side of Lake Lansing west from Gossard Avenue
- Residents who live in the subdivision south of Mount Hope Road between Glendale Cemetery and Okemos Road would like to see the long gap on the south side of Mount Hope constructed
- Danger in traveling Maumee Drive, crossing Mount Hope to access the pathway on the north side of Mount Hope Road
- Possibility of moving the existing detention pond on the south side of Mount Hope Road
- Inquiry on the footage required between the road and the sidewalk
- Staff indicated the ideal footage between the road and the sidewalk is ten (10) feet
- Ten (10) feet is desired due to the fact the county plows snow off the road onto the pathway if it is closer
- Sidewalk on the bridge over the Red Cedar River on the west side of Okemos Road has been closed all winter
- Township has applied twice for transportation enhancement grant funds, but has been turned down both times
- Staff estimate of the cost would be in excess of \$500,000
- Suggestion to place a pathway south of the Dart property on the north side of Mt. Hope Road
- Concern there is not sufficient right-of-way to build a pathway south of the Dart property on the north side of Mt. Hope Road
- Suggestion to obtain an easement from Dart to move their fence back; there is also a wetland concern
- Possibility of placing a pathway right behind the curb; however the elevation of the pathway would be within three (3) feet of the top of the fence on the Dart property
- Request for staff to develop a plan of filling in the "gaps" with available funding to construct some of the lower priority pathways, which extends the actual number of miles completed in a season
- Accomplishment to the Township that many of the pathways have been completed so the gaps remaining are the difficult ones
- Filling in the Kansas Street gap as an important link to connect several neighborhoods

- Section of the Township which contains the Kansas Street gap has some of the most highly walkable homes
- Shared belief with the Friends of Meridian Township Pathways that there needs to be some way to connect Dobie to Van Atta in the area bordered by Van Atta, Grand River, Jolly and Dobie Roads
- Need for staff to find a way to preserve the large spruce or fir tree on Gossard Avenue when completing the pathway on the north side of Lake Lansing Road
- Preference to give the gap on Lake Lansing Road near Murphy Elementary School a higher priority than the Mount Hope Road gap as it is shorter, immediately adjacent to a school and connects various neighborhoods to different destinations where there is no alternative route
- Southern Mount Hope Road allows pedestrians and bicyclists to take a small detour, traveling down Shawnee Trail to access south Okemos Road
- Unpleasant for pedestrians to walk Mount Hope Road
- Merit of filling in the wetland and placing a paved shoulder on the north side of Mount Hope Road
- Curb and gutter exists in that section along the north side of Mount Hope Road
- Staff belief it would be better to place a sidewalk right behind the curb, but a retaining wall would be necessary
- MSU Economic Geography class which looks at land use and creates mixed use projects is looking at the southwest corner of Haslett and Marsh Roads, and some of the proposed plans includes connections to the Township's off road pathway
- Commercial properties at or near the Haslett and Marsh Road intersection would benefit from a connection to the pathway as it provides another way for residents to access those businesses
- Higher priority for the gap on the south side of Grand River between Oak Pointe Court and Van Atta Road than the northern piece as the existing signalized intersection allows pedestrians safe crossing
- Completion of the gap on the south side of Grand River would provide a large recreation loop for residents in Forest Hills, Cornell Woods and the Shoals to access
- Possibility of obtaining easements along the south property line south of the former Haslett L & L Store to complete the Raby Road connector
- Suggestion to follow Board principles to fill the highest impact gaps on the pathway system first
- Suggestion to pursue grants available through Safe Routes to School for funding near Murphy Elementary School, possibly the southern part of Mount Hope Road and the gap on the north side of Grand River Avenue

E. Proposed Four-Day Work Week, Trial Period

Board members discussed the following:

- Suggestion to have a thorough discussion of this topic at the next Board meeting due to the lateness of the hour
- Trial four-day work week has been approved by the Township's employee groups
- Mechanics of moving to a four-day work week will take a great deal of planning
- Suggestion for the Board to take its time looking at the issue as it will have a significant impact on the public

It was the consensus of the Board to allow the Manager to move ahead with planning for the four-day work week trial period.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened and closed Public Remarks.

13. FINAL BOARD MEMBER COMMENT

Trustee Veenstra expressed concern that the process used to extend the Manager's contract at the end of the March 1, 2011 Board meeting violated the spirit, if not the letter, of the Open Meetings Act. He also expressed his displeasure there was not more discussion on the trial period for the proposed four-day work week.

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 11:26 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

BRETT DREYFUS
CLERK PRO TEM

Sandra K. Otto, Secretary