

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, JULY 1, 2008, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Treasurer Hunting, Trustees Brixie, Such, Veenstra, Woiwode
ABSENT: Clerk Helmbrecht
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development
Mark Kieselbach, Attorney Andria Ditschman

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 and closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES
By unanimous consent, the Board appointed Anne Woiwode as Clerk Pro Tem.

Supervisor McGillicuddy announced the name of several organizations supporting Meridian Township's legal defense fund in its lawsuit against Comcast.

Trustee Brixie attended the fundraising efforts of the Preserve Lake Lansing Trails organization held on June 22, 2008.

Treasurer Hunting announced the summer tax bills were mailed June 30th and are due by September 14, 2008.

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 Brixie moved to adopt the Consent Agenda. Seconded by Trustee Woiwode.

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

NAYS: None
Motion carried 6-0.

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 Woiwode.

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

B. Minutes

Trustee Brixie moved to approve and ratify the minutes of the June 17, 2008 Regular Meeting as submitted. Seconded by Trustee Woiwode.

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

C. Motion to Rescind June 17, 2008 Resolution Objecting to the Transfer of Property and Resolution Agreeing to Purchase Tax Foreclosed Property

Trustee Brixie moved the Township Board of the Charter Township of Meridian rescind the Resolution passed during its June 17, 2008 Township Board Meeting Objecting to the Transfer of Property as identified in the accompanying staff memorandum dated June 13, 2008. Seconded by Trustee Woiwode.

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

Trustee Brixie moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED the Township Manager is authorized to make application to the Ingham County Land Bank, for conveyance of said land to the Charter Township of Meridian; and

BE IT FURTHER RESOLVED the Township Board of the Charter Township of Meridian shall set up necessary procedures and controls to provide for the proper distribution for funds arising from the subsequent sale of the acquired property in conformity with the above mentioned act.

Seconded by Trustee Woiwode.

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

D. Bills

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

Common Cash	\$ 353,046.26
Public Works	\$ 57,818.84
Total Checks	\$ 410,865.10
Credit Card Transactions	\$ 9,338.00
Total Purchases	<u>\$ 420,203.10</u>
ACH Payments	<u>\$ 517,238.20</u>

Seconded by Trustee Woiwode.

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

[Bill list in Official Minute Book]

E. Outdoor Gathering Permit, Towar Community Days

Trustee Brixie moved that the Township Board approve the Outdoor Assembly License for the Towar Community Day on July 26, 2008, as described in the staff memorandum dated June 27, 2008. Seconded by Trustee Woiwode.

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

F. Whitehills Lakes #7 Streetlighting Special Assessment District, Resolution #2

Trustee Brixie moved to approve Whitehills Lakes #7 Streetlighting Special Assessment District Resolution #2, which confirms the plans and estimate of costs for the Whitehills Lakes #7 Streetlighting Special Assessment District; directs the Supervisor to make a special assessment according to the roll submitted to the public hearing and confirms the assessment amount of \$506.47 for the first year, and \$250.00 annually thereafter, and directs that amount to be assessed against the lands on that roll; orders the special assessment roll filed with the Township Assessor for spreading annually on the tax roll; authorizes Consumers Energy to proceed with the installation of the two streetlights, with cut-off fixtures; and authorizes the Township Supervisor and Clerk to sign the Authorization for Change in Streetlighting Contract. Seconded by Trustee Woiwode.

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

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

9. HEARINGS

A. Appeal of Outdoor Lighting Waiver Decision (McDonald's USA)

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

Director Kieselbach summarized the appeal as outlined in staff memorandum dated June 27, 2008.

APPELLANT

Scott Steiner, attorney for McDonald's USA, Rhoades McKee, 161 Ottawa Avenue, NW, Suite 600, Grand Rapids, stated the well lights are a unique design feature incorporated into all new restaurants constructed by McDonald's and are considered as architectural lights. He indicated the lights are flush with the ground approximately one foot away from the exterior wall of the building and aimed directly at the building to target a specific section of the wall. Mr. Steiner believed the lights to be a functional part of the building and do not cause light pollution. In addition, he indicated the lights could easily be placed on a timer so they do not waste energy when not needed. Mr. Steiner believed the lights to be consistent with the purpose of the Township's lighting ordinance.

Supervisor McGillicuddy closed the public hearing at 6:18 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

A. Planning Commission Review of Newton Road Property for Park Purposes

Trustee Woiwode moved to refer to the Planning Commission for a Section 9 Review the designation of parcel #33-02-02-04-400-003, located at the NE corner of Newton Road and Lake Lansing Road, as park land. Seconded by Trustee Brixie.

Board members discussed the following:

- Township ownership now has clear use potential as a park

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

- B. Zoning Amendment #08090 (Township Board), request to amend two sections of the Code of Ordinances (Sections 86-473(2) and 86-758(1) c.1) regarding the minimum required size for a street tree or interior canopy tree, **Final Adoption**

Trustee Veenstra moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, hereby FINALLY ADOPTS Ordinance No. 2008-10 entitled “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 86, Article V, Division 1, Section 86-473 by amending Section 86-473(2), and Chapter 86, Article VIII, Division 2, Section 86-758 by amending Section 86-758(1)c.1.”

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 Woiwode.

Board members discussed the following:

- Recommendation made by Environmental Commission member and tree “expert” Professor James Kielbaso
- Smaller trees are less expensive and survive transplant better than larger trees

ROLL CALL VOTE: YEAS: Trustees Such, Veenstra, Woiwode, Supervisor McGillicuddy
 NAYS: Trustee Brixie, Treasurer Hunting
 Motion carried 4-2.

- C. 2006 International Property Maintenance Code, **Final Adoption**

Trustee Brixie 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. 2008-11, entitled Ordinance Amending the Code of the Charter Township of Meridian, Michigan, by Amending Chapter 14 Buildings and Building Regulations, Article III Property Maintenance Code; Division 1, Section 14-56, Section 14-58; and Division 2, Section 14-81.

BE IT FURTHER RESOLVED that the Clerk of the Charter Township of Meridian is directed to publish the Ordinance in the form in which it is finally adopted at least once prior to the next regular meeting of the Township Board. Seconded by Treasurer Hunting.

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

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Joe Sheahan, President, Lake Lansing Property Owners Association, 6150 Columbia, Haslett, spoke in opposition to Zoning Amendment #07050 (outdoor storage of a trailer or recreational vehicle) as proposed. He believed the Lake Lansing Overlay District should be exempt from the trailer standards of this amendment.

Marvin Johansen, 6236 W. Reynolds, Haslett, urged the Board to exempt the Lake Lansing Overlay District from the proposed regulations as it relates to trailers and recreational vehicles contained in Zoning Amendment #07050. He added that lots on the lake are such that the “back” lot is really the lake frontage and many of the “back” lots are not accessible to store trailers.

Bob Hollenshead, 6068 Columbia Street, Haslett, requested boat trailers be excluded from Zoning Amendment #07050, especially for those who live in the Lake Lansing Special Assessment District.

Tim McCarthy, 6076 Columbia Street, Haslett, spoke to the uniqueness of Lake Lansing and the property on the lake. He requested Lake Lansing Overlay District residents be exempted from Zoning Amendment #07050.

Michael Harvey, 6216 Columbia Street, Haslett, addressed the lack of support for the proposed zoning amendment and spoke to “differential enforcement issues” regarding Zoning Amendment #07050.

Supervisor McGillicuddy closed public comment.

A. Appeal of Outdoor Lighting Waiver Decision (McDonald’s USA), 2040 W. Grand River Avenue

Board members discussed the following:

- Appeal does not meet the merits of a variance
- Opportunity exists under the Ordinance to achieve the same effect with lighting which would not point upward
- One purpose of the lighting ordinance was to prevent overall light pollution
- Inaccurate assumptions made by the applicant prior to completion of construction
- Applicant willingness to reduce number of lumens to 1,500 which would satisfy energy conservation concern
- Address energy conservation concern by reducing number of hours lights are used
- Possible letter from McDonald’s lighting engineer which states these lights would not contribute to cumulative light pollution
- Request for applicant to provide angle at which lights are aimed toward the building
- Township ordinance states decorative and architectural lighting shall be fully shielded and directed downward, not exceeding 1,500 lumens
- Concern with McDonald’s corporate decision to have upward lighting on all new restaurants which is in direct contradiction to the dark sky philosophy

The consensus of the Board was to place this item on for action at its July 15, 2008 Board Meeting.

B. Special Use Permit #08-08041 (Delta Dental), a request to amend an existing Special Use Permit to construct buildings greater than 25,000 square feet in size on 56 acres addressed as 4100 Okemos Road

Director Kieselbach summarized the proposed special use permit as outlined in staff memorandum dated June 26, 2008.

Brian McCarthy, Facilities Manager, Delta Dental of Michigan, 4100 Okemos Road, Okemos, stated this special use permit would be used for Phase 2 to address renovations of the existing thirty (30) year old facility and new construction. He indicated Delta Dental would be seeking Gold Leadership in Energy and Environmental Design (LEED) certification for both facilities when completed. The construction will include a two-story atrium lobby, day lighting, some green roof areas, low water use for bathroom facilities and bio swales on the property.

Julie Sinnot, Project Manager, Albert Kahn Associates, 7430 Second Avenue, Detroit, stated Delta Dental is in desperate need of additional efficient space. She added the applicant is attempting to receive certification from the Wildlife Habitat Council for the site.

Board members discussed the following:

- Rapid growth of Delta Dental's work force
- Design is projected for a ten year growth
- Staff has already commenced Site Plan Review
- Construction slated to begin later in 2008
- Bike path to be incorporated into the site plan
- Inclusion of bicycle storage on the property behind a screen wall
- Addition of fifth lane on Okemos Road significantly reduced the number of traffic accidents in front of the Delta Dental property
- Preferential parking spots near the building for employees who car pool or drive a hybrid car
- Parking variance requested as applicant based number of parking spaces on building occupancy, not building size
- Lower level of building will be an employee public area containing locker room, fitness room, cafeteria, etc.

The consensus of the Board was to place this item on for action at its July 15, 2008 Board Meeting.

- C. Rezoning 5120, 5130, 5448, and 5458 Okemos Road from RAAA (Single Family-Low Density) to RR (Rural Residential)

Director Kieselbach summarized the proposed rezonings as outlined in staff memorandum dated June 27, 2008.

Janet Allen, 5458 Okemos Road, East Lansing, requested her property be rezoned to RR so that she can keep a horse on her land. She indicated a horse has been kept on her property since 1989 until it passed away last September. Ms. Allen indicated she is unaware of any complaints by neighbors regarding housing a horse on her property. She indicated her property borders the new walking path.

Stephen May, 5120 Okemos Road, East Lansing, stated his property and the adjacent property to the north have both housed horses for over 50 years until four (4) years ago. He indicated there is a stable on his land. Mr. May noted the property at 5130 Okemos Road is not conducive to development due to its low land and the adjoining low lands of the park. He indicated neither his neighbor nor he wish to develop their properties for housing.

Board members discussed the following:

- Concern with unintended impacts on other RAAA zoned properties within the Township
- Possible initiation of a zoning amendment to allow the keeping of horses in other districts
- Previous rezoning to RAAA done to maintain large lots to environmentally protect the floodplains and wetlands in the area

Concern with Right to Farm Act: (See Agenda Item #8 (Questions for the Attorney))

Q. Would the horses be considered pets as opposed to livestock?

A. That's correct.

Q. Can you guarantee that? I would like to make sure that's thoroughly researched.

A. I can do some more research. Basically, we have done the research to look at what is defined as farming under the Farming Act, and this type of use is not protected as farming under the Farming Act. We need to be careful if any of these changes are made, how it is defined and the numbers, making sure we are careful in the language that we use. What we are talking about today isn't protected under the Right to Farm Act.

Q. Why wouldn't we allow someone to use the horses for a business? I don't understand that. Why wouldn't we allow someone to give lessons for riding out of their home? What could be wrong with that?

- A. When we expand the use of the horses or any other animal that falls under the Right to Farm Act, we then have no ability to regulate where it occurs.
- Q. So, if you are using them for lessons, it is considered a horse farm, then?
- A. Yes, there is a whole definition in the Right to Farm Act and cases that have interpreted that as to what is farming and what is not. I haven't looked recently at equestrians, if that is the right term, but I believe it would fall under the Right to Farm. If it did, if you were making money and producing these horses for a commercial reason (and again, there are definitions for that), then the Township has a very limited right, if any at all, to regulate where that will occur. You have to be careful that you don't expand what you are allowing by the definition so that then you can't regulate it at all

Board members continued discussion on the following:

- Allowing horses within RAAA district contributes to the rural character of the area
- Concern with limitation of one horse per three acres
- Amend the ordinance to allow horses for personal use in the RAAA district and then require a special use permit only if parcels do not meet the minimum lot area requirements
- Concern with spot zoning if rezoned to RR
- Right to Farm Act applies to any zoning district which allows for agriculture (RR, AG)

The consensus of the Board was to allow the designated properties to have a horse housed on them, which was the reason for consideration of the rezonings. Further discussion will take place at the July 15, 2008 Board meeting on how this can best be accomplished.

- D. Off-Street Parking Standards for Commercial and Office Uses
 Director Kieselbach summarized the proposed standards as outlined in staff memorandum dated June 27, 2008.

Board members discussed the following:

- Gross v. useable floor area in terms of parking requirements
- Reduction of parking spaces may lead to an increase in building size
- Option of a reserve to be used as greenspace unless it was required to accommodate higher occupancy
- Staff to research possible architectural standard for occupancy level
- Subtraction of square footage for public areas within a building when computing parking standards
- Information provided by staff show parking standards are regionally based
- Inclusion of pervious parking spaces in areas only where cars will park
- Increase in landscaping proportionate to reduction in parking spaces
- Use of a parking deferral by Delta Dental
- Innovative approach to request applicant provide transportation plan to achieve best layout for a specific location
- Follow the ordinance or provide transportation plan based on need

Calculation of parking spaces based on need: (See Agenda Item #8 (Questions for the Attorney))

- Q. This is kind of a novel concept. Do you see any glaring error by doing something like this or looking at it at this point?
- A. Not necessarily. I think if you come up with some very specific criteria as to how staff and the Board can make a decision so that you are treating similarly situated properties the same. I think it's fine; it will just be a task that staff has to work on to come up with something that you can apply in that manner.

The consensus of the Board was to direct staff to research the suggestion for a transportation plan to determine the number of parking spaces.

- E. Zoning Amendment #07050 (Planning Commission), request to amend Section 86-2 Definitions, Section 86-368(b)(9) Outdoor Storage of a trailer or recreational vehicle, and Section 86-503 Outdoor Storage of commercial vehicles and trailers, to facilitate regulation of recreational and utility trailer storage in single-family residential districts

Director Kieselbach summarized the proposed zoning amendment as outlined in staff memorandum dated June 27, 2008.

Board members and staff discussed the following:

- Need to make allowances for landowners on Lake Lansing
- Concern with inequity dependent upon geographic location in the Township
- Parking on paved surface limits number of trailers on a lot
- Concern with increased impervious surface in order to store trailers or recreational vehicles on paved surfaces
- Possible lawn maintenance concerns with parking on grass
- Amend the nuisance ordinance to include inoperable, unlicensed and dismantled trailers or recreational vehicles
- Possible exclusion of RR zoning
- Staff challenges to enforcement of the current code
- Separate out Lake Lansing Overlay District with possible expansion to achieve equity

The consensus of the Board was to amend the nuisance ordinance to address trailers in disrepair and to continue discussion on outdoor storage at the July 15, 2008 Board meeting.

- F. Ingham County Proposal to Submit Grant for Property Adjacent to Lake Lansing North Park
Manager Richards summarized the proposal currently under review by the Land Preservation Advisory Board.

Board members and staff discussed the following:

- Residents fundraising group has increased its fundraising goal to \$150,000
- Ingham County will pursue grant with a 25% minimum local match
- Legal details currently being worked out with regards to financial support from the Township
- Need for written guarantee to protect Township contribution
- Grant application needs to be to the state by August 1st
- Purchase will be conditioned upon recent appraised land value

The consensus of the Board was to support the proposal, pending the recommendation from the Land Preservation Advisory Board and to continue discussion with possible action at the July 15, 2008 Board meeting.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Tim McCarthy, 6076 Columbia Street, Haslett, urged the Board to consider the Lake Lansing Overlay District when considering Zoning Amendment #07050.

Bob Hollenshead, 6068 Columbia Street, Haslett, stated trailers and boats add to the value of properties on Lake Lansing. He urged the Board to give boat trailers on the lake different consideration than other areas of the Township.

Will White, 2142-1/2 Hamilton Road, Okemos, expressed appreciation for Board consideration of amendments to the parking ordinance. He urged the Board to factor flexibility into its discussions.

Ganesh Reddy, 3614 Ponderosa, Okemos, announced his candidacy for Township Supervisor. He stated government should stay out of people's lives. He offered his views on trailer and boat storage, and expressed appreciation for Board consideration of the parking ordinance.

Supervisor McGillicuddy closed Public Remarks.

13. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 8:54 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

ANNE WOIWODE
TOWNSHIP CLERK PRO TEM

Sandra K. Otto, Secretary