

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED**-
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, MARCH 16, 2004, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Stier, Such, Woiwode (6:04 P.M.)
ABSENT: None
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief Gary Gibbons, EMS/Fire Chief Fred Cowper, Personnel Director/Assistant Manager Paul Brake, Attorney Andria Ditschman

1. CALL MEETING TO ORDER

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

James S. O'Leary, 867 Audubon, East Lansing, introduced himself as a candidate for the open seat on the Ingham County Circuit Court.

Billie Jo O'Berry, 1195 Clayton Court, Mason, introduced herself as a candidate for district judge in the 55th District Court.

Ronn Reed, 2444 M-78, Haslett, spoke in opposition to Rezoning #03060 (Fedewa).

Dan Putman, 1750 Hamilton, Okemos, spoke in support of SUP #04-87071 (Potterpin).

John Anderson, 215 W. Newman, Okemos, encouraged residents to view the website and contribute to preservemeridian.org.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Trustee Brixie introduced Michigan Safe Communities, a program which invites community leaders, organizations and citizens to work with the Michigan Office of Highway Safety Planning to prevent traffic crashes, violence and substance abuse within the local community. Local communities may apply for grants to conduct a survey through an Assessing Community Traffic Safety (ACTS) Program, funded by the Michigan State Police.

Clerk Helmbrecht reported that both the Haslett and Okemos School Districts had record voter participation in the March 15th Special School Election, with 16.76% turnout in Haslett and over 20 % in Okemos. The proposal was defeated in Haslett by just over 100 votes and passed in Okemos.

Clerk Helmbrecht added that the average voter turnout over the last few years was between three and one-half (3-1/2) and twelve percent (12%), dependent upon if there was a millage vote or not.

Trustee Stier summarized the Zoning Board of Appeals meeting of March 10, 2004.

6. APPROVAL OF AGENDA — OR CHANGES

Trustee Brixie moved to approve the agenda amended as follows:

- **Move Agenda Item #10D to Item #7.1A**

Seconded by Clerk Helmbrecht.

VOICE VOTE: Motion carried 7-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

Trustee Brixie moved to adopt the Consent Agenda. Seconded by Clerk Helmbrecht.

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

NAYS: None

Motion carried 7-0.

The adopted Consent Agenda items are as follow:

A. Communications

(1) Board Deliberation (BD)

7-H Kirk and Kathryn Riley, 6321 Sunhollow Lane, Haslett; RE: Protest of sidewalk repairs on their property

7-H Donald Rochford and Zena Cummings, 1822 Sunhollow Court, Haslett; RE: Protest of sidewalk repairs on their property

(2) Board Information (BI)

BI-1 Lynne S. Page, P.O. Box 210, Okemos; RE: Objecting to sale of Okemos School Property

BI-2 Michigan Townships Association Legislative Fax: 3/1/04

BI-3 Townships Association Legislative Fax: 3/8/04

BI-4 Judy Ratkos, 5970 East Sleepy Hollow, East Lansing; RE: Objection to ZBA postponement of Fedewa Builders decision.

BI-5 Ben Schwender, Jr., 4084 Van Atta Road, Okemos; RE: Donation to the Parks Department.

(3) Commission Linkage (CL)

CL-1 Lynn Ochberg, Planning Commission Chairman; RE: Need for liaison efforts with MSU officials

(4) Regional Linkage (RL)

10-B Ingham County Road Commission, 301 Bush Street, Mason; RE: Abandonment of Liverance Street between Water Street and Clinton Street

(5) Staff Communication/Referral (SC)

SC-1 Manager Gerald Richards to Representative Whitmer; RE: Impact of House Bill #4234 for Meridian Township

SC-2 Manager Gerald Richards to Senator Bernero; RE: Impact of House Bill #4234 for Meridian Township

SC-3 Supervisor McGillicuddy to Small Town Design Director Rauhe; RE: Township Board endorsement support for EDC application to fund design initiative under MSU Landscape Architecture Program.

SC-4 Director Maisner to Ben Schwendener acknowledging donation

(6) On File in Clerk's Office (OF)

OF-1 Michigan Historic Preservation Network – April Conference Brochure

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 Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 7-0.

B. Minutes

Trustee Brixie moved to approve and ratify the minutes of the March 2, 2004 Regular Meeting as submitted. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 7-0.

C. Bills

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

| | |
|--------------------------|----------------|
| Common Cash | \$ 121,895.71 |
| Public Works | \$ 299,733.65 |
| Total Checks | \$ 421,629.36 |
| Credit Card Transactions | \$ 15,235.39 |
| Total Purchases | \$ 436,864.75 |
| ACH Payments | \$5,499,812.18 |

Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 7-0.

[Bill list in Official Minute Book]

D. Purchase of Copy Machine and Disposal of Copy Machine

Trustee Brixie moved that the Township Manager be authorized to purchase a copier at a cost of \$10,000 for the Parks and Recreation Department and to dispose of the copier in the Assessing Office. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 7-0.

E. Extension of Meridian Township's Cable Franchise Agreement

Trustee Brixie moved to authorize the Township Manager to enter into an agreement with the United Cable Television of Mid-Michigan, Inc., now Comcast of Michigan III, Inc. to extend the current cable franchise agreement until an agreement has been reached. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 7-0.

F. Fire Grant Application Request

Trustee Brixie moved to authorize the Fire Department to apply for and accept a Fire Investment and Response Enhancement Act (F.I.R.E.) Grant through the Department of Homeland Security in the amount of \$47,000.00 with the Township's share coming from the Township's Fund Balance. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 7-0.

G. LLEBG Fund Expenditure Request

Trustee Brixie moved to authorize the Township Manager to expend Local Law Enforcement Block Grant funds and Township funds for the purchase and implementation of the proposed digital in-car video system. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 7-0.

H. 2004 Order to Maintain Sidewalks Special Assessment District #6, **Resolution #3**

Trustee Brixie moved to approve 2004 Order to Maintain Sidewalks Special Assessment District #6, Resolution #3, approving the public improvement to repair the sidewalks in portions of the following subdivisions: Crestwood Subdivision #1, Crestwood Subdivision #2, Crestwood Subdivision #3, Crestwood Subdivision #4, Crestwood Subdivision #5, Keystone, Keystone #2, The Shoals, The Shoals #2, The Shoals #3, The Shoals #4, The Shoals #5, The Shoals #6, Stonebrook, Stonebrook #2, and Sunwind Estates; defray the cost by special assessment; approving the estimate of cost of \$28,562.93; determining the special assessment district; and authorizing notices be sent to the property owners giving 20 days notice to replace defective sidewalk. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 7-0.

[Signed and sealed resolution in Official Minute Book]

I. MDOT Resolution for Performance and Indemnification for Work in the Right of Way

Trustee Brixie moved to approve the attached Michigan Department of Transportation Performance and Indemnification Resolution for Governmental Bodies indemnifying the State of Michigan from claims resulting from Township work in state trunkline right of way, and authorizing the Director of Public Works & Engineering to apply for the necessary permit to work within state trunkline right of way. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 7-0.

[Signed and sealed resolution in Official Minute Book]

J. Newman Equities Land Donation to Planning Commission for Section 9 Review

Trustee Brixie moved to accept and forward the Newman Equities Land Donation, located on Central Park Drive between the MSU Credit Union and the proposed Kohl's, to the Planning Commission for review and approval as to its location, character and extent as a public ground or open space effective this date, March 16, 2004. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 7-0.

7.1 QUESTIONS FOR THE ATTORNEY

A. Commission Review #04023 (Convenience Depot and Okemos J/2) Water/Sewer Extension along Grand River Avenue
Supervisor McGillicuddy requested that questions be kept geared toward the commission review process only.

Q. Could you give us an overview about what kind of questions?

A. Let me just start by talking a little bit about Section 9. We are talking about Section 9 of the Municipal Planning Act. We also refer to it as a Section 9 or Section 9 Commission Review. Section 9 in the Municipal Planning Act refers to review of a project's location, character and extent. I am just going to read the type of projects that we're talking about. What it requires is that any project such as street, square, park, public way, ground, open space, public building, or structure is not constructed or authorized without a review of its location, character and extent.

The way our firm interprets Section 9 is that if the Board refers the issue of location, character and extent to the Planning Commission, the way the statute is written, by doing so, the Board has approved that project's location, character and extent. I say that because this statute allows the Board to only overrule the Planning Commission's determination on location, character and extent if the Planning Commission has disapproved of that location, character and extent. I want to start with that idea, that if the Board looks at location, character and extent, and refers it to the Planning Commission to look at it in more depth to determine if it's appropriate in the overall future planning of the community, that by doing so, you have said that you approve of these three (3) things.

As far as the location, it is pretty obvious that it is where something will be located. If we are talking about an open space, it is where will that open space be; next to commercial, is it in the south end of the Township, etc. Extent is how long, what kind of capacity something will have, how large is the area; one (1) acre, ten (10) acres. Character is what type of project we are talking about; sewer extension, open space, zoo, etc. Those are your three (3) areas; character, location and extent.

The way our firm interprets Section 9 is that any project which falls into the categories I just stated must be submitted to the Planning Commission through the Board. If it is a street, it comes from the County Road Commission. There needs to be an official submission because the time in which the decision has to be made by the Planning Commission is sixty (60) days. That starts after what the statute calls "official submission." Our firm has interpreted that to mean that an applicant requests the Board to look at it first, the Board looks at location, character and extent, makes a determination if they think that would fall into community planning for the Township and, if so, refers it down to the Planning Commission. The sixty (60) days start to run from that point.

If the Planning Commission determines that they recommend approval of location, character and extent, the matter is done. It does not come back to the Board. If they disapprove of it, then you can override that disapproval by a two-thirds vote. That is how our firm views this. I know there has been lots of questions on how the procedure is handled. It is something that is somewhat new. I think this may be one of the first times that you will be looking at this as a basic overview.

Q. Andria, how do we accomplish our decision? Do we do it just like any other item; we have it as a discussion item and then the next meeting we put it on action and we act to do what? To either approve it or to deny it? What is the action that we take?

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, MARCH 16, 2004 *APPROVED*

A. You are correct. You would start with a discussion, and then set it on for action. What you are approving, as it states here, is just the location, character and extent of this proposed project.

Q. And referring it to the Planning Commission?

A. And then referring it to the Planning Commission so they then can review it. It is possible that you could, as a Board, say this project cannot ever be contemplated to be a part of our development community planning and we are not even going to refer it to the Planning Commission. But that would have to be a project that was just so out of your realm of planning; otherwise, you would want to refer it to collect more information

I want to say one more thing. You could also place, as you have today, on the consent agenda. There is an issue today on your consent agenda which was already passed as to location, character and extent.

Q. I guess I asked two (2) questions. One: if we wanted to approve it and send it on we would do that under action? If we didn't want to approve it; if we wanted to deny it, would we need to make a denial motion, or does not approving it suffice? What do we do for the other situation?

A. If you made a motion to approve and it failed, then someone else would make the motion to deny. If that failed, then based on that, it wouldn't get referred to the Planning Commission.

Q. If we didn't want to approve it, we would want to take action and deny it?

A. Right. Correct. If I could just finish on the issue of the consent agenda, you also could put it on the consent agenda. In this case, the reason this issue with open space was put on the consent agenda is because the location, character and extent is generally already known. You already know the Township wants open space throughout the Township, any size is pretty much acceptable, location almost anywhere is acceptable, so it wasn't set on in front of you as a discussion and then next time as action because it was almost a given that it would be approved. That is why it was on as consent. Usually, you would probably go through the discussion-action process.

Q. Why did this come to the Board? The letters are all addressed to the Township Staff and they are calling it Commission Review. I guess I am not clear why it is coming to the Board first with the referral then potentially implying that there is approval.

A. Basically, the question was asked of your legal staff as to how to read Section 9. We read Section 9 in that an official submission to the Planning Commission is required. Official usually means some kind of Board or Commission. Without that, the sixty (60) days does not begin to run. So we have interpreted this as meaning that it comes to the Board for a review first and the Board refers it to the Planning Commission. That is one reason. The second reason is if the Board only has the right under this section to overrule a disapproval, then the Board should have the chance to look at it in the first place and decide if they want to refer it or not. Otherwise, if the Planning Commission approves it, and the Board does not get another chance to look at it, the Board will never get to approve this situation. Is that clear?

Q. It sounds like it is parallel to our arguments to the Road Commission regarding their authority of roads?

A. It is exactly.

Q. Another way this same issue could be addressed would be in the revisions to the Master Plan? If we deny the referral to the Planning Commission, the Planning Commission could bring it up itself as part of its Master Plan review and make a recommendation to us as well, correct?

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, MARCH 16, 2004 *APPROVED*

- A. No, and that's because this is not an amendment to the Master Plan. The earlier sections in the Municipal Planning Act, which were amended, I believe, a year-and-a-half (1-½) to two (2) years ago, refer to amendments and the broader issue of where do we want the planning in the Township. As far as Section 9, it has to do with more specifics. It is a project that some applicant has, in their mind, coming up and they want to know is the location, character and extent acceptable to the Board. It is more specific than a general amendment of the Plan. The way we interpret that is that Section 9 is not an amendment to the Plan and, therefore, does not require all the notice requirements that go to the County Commission, all the other public hearing requirements. We read it that way because when the Legislature amended the Municipal Planning Act, they did not amend Section 9 at all. So this issue of going back and forth between the Planning Commission and the Board is a different procedure than what we are talking about under a Section 9 Review, based on our interpretation.
- Q. Does that mean that the only way to amend the Master Plan with regard to where sewer and water would run is through a request from an applicant? I thought that was part of the overall authority of the Master Plan process?
- A. It is. I may not be clear. Again, it is not written clearly. This is based upon interpretation. There is not case law on this. We have taken polls of other Townships and there are only two (2) or three (3) Townships that use the Municipal Planning Act. There is not much to base this upon except legal interpretation. Because the Legislature did not amend Section 9, but amended all the other sections, we are interpreting Section 9 as not being an amendment. We are interpreting that as dealing with a project that has already been previously contemplated by the Township in its Master Plan. Section 9 is more of a specific review of where the location, character and extent will be. When the Planning Commission looks at the Master Plan, they are not looking at specifics like, "We want an eight inch (8") pipe and we want it to run down this road and turn this corner and hook into this other pump." That is what a Section 9 review is; it is much more specific. Does that help?
- Q. What I just heard you say in answer to one of Anne's questions is the Planning Commission cannot initiate anything. As part of the Master Plan, they can initiate nothing?
- A. That's not what I meant to say. Under a Section 9 Commissioner Review, the Planning Commission does not initiate that process. I did not mean to say that they cannot initiate changes to the Master Plan. When an applicant comes in and asks for a Commission Review under Section 9, which is only location, character and extent, that is not initiated by the Planning Commission and, in our interpretation, does not go to the Planning Commission before it comes to the Board.
- Q. Maybe I am a weird Board member here, but I actually watch the Planning Commission meetings, listen to what the public says and I listen to their discussions back and forth. They dig quite deeply into these things and I always thought the purpose of the Planning Commission was to dig deeper into it to try to bring out all the issues so that when it came to the Board level, we had a greater understanding of what we were looking at. I don't mind the concept of forwarding something to the Planning Commission, but to say our forwarding it to the Planning Commission is the equivalent of our approval before we have ever had the opportunity for the Planning Commission to do what I think is their job, seems backwards. I don't understand why referral equals approval?
- A. I don't disagree with you. Let me just read a section of the statute and, again, I don't think the Municipal Planning Act is very clear now. Portions were amended and not other portions. I don't disagree with what you just said; however, that is not how this provision is written. Let me tell you why. It states here that, "In the case of disapproval, the Commission shall communicate its reasons to the Council, and the Council shall have power to overrule a disapproval by a recorded vote of not less than two-thirds (2/3) of its entire membership."

It doesn't give you any right to overrule an approval. They are very specific in talking about overruling a disapproval. If it didn't say anything, then it would be easier for us to interpret it in a different way. When this statute specifically only gives you the right to overrule a disapproval, if we don't put the Board in a position in the first instance, you don't have the opportunity to be a part of this decision. Because it refers to "official submission," we are interpreting this as saying the Legislature was giving you the opportunity to be part of this decision by giving the Board the right to make that submission first. Again, there is not much legislative history to look at either, so that we cannot base our interpretation on that, either.

Q. I think I have a clearer picture here. So, in effect, our job, in order to decide if this should be referred to the Planning Commission, we have to conclude that, in fact, this project was anticipated in the Master Plan. Correct? We are not amending the Master Plan, but merely making a decision based on location, character and extent. If we conclude that this was not anticipated in the Master Plan, then we should not send it to the Planning Commission. Would that be an accurate characterization?

A. I would state that a little bit differently. I would say if it is not in the overall...I don't want to say Comprehensive Plan or Master Plan, but in planning of this future community, then you shouldn't approve location, character and extent, because it is not always clear what's anticipated in the Master Plan. There may be times when you can't clearly say if this was anticipated in the Master Plan or not. What you can look at is through the location, character and extent; is this a project that makes sense as far as planning?

That is why we are talking today, because I know it is a difficult statute to interpret and we want to make sure that you are deciding how to do it as a group in following that procedure, whatever it is.

Q. So at our next meeting we can have this on as discussion or action?

A. Discussion, and you would want to ask specific questions having to do with what you interpret as location, character and extent of the project that is being brought before you.

Q. And the following meeting after that, then to make our decision?

A. Unless you need more information.

Q. I have one more question. So when this comes to us, we are approving the concept or we are approving the project?

A. You are approving the location, character and extent of the project; you are not approving that the project goes forward with construction and you are not authorizing expenditures for that project. You are just saying the location, character and extent make sense with our overall plan for the Township.

If it requires any other permits, any other approvals--state approvals, township approvals--authorizations for dollars; those still have to take place.

Q. I would like to add that the Board is also, at that time, asking the Planning Commission to look at it and ask their opinion on it so we are not approving the project. We are simply approving this as to location, character and extent and asking the Planning Commission for their opinion on the project, giving them the opportunity to go forward with their investigation, their fact finding, etc. and then they can bring it back to us. Is that correct?

A. Correct. You are asking them for their opinion, as well, but you want to have the information. Unlike many other situations you refer to, you need the information up front, because by referring it to the Planning Commission for their opinion, as a Board you have said that we think this requires approval.

Supervisor McGillicuddy added that in other words, if the Board doesn't agree with it, it doesn't send it.

Trustee Brixie stated that the Board is approving it so far as it is allowing the Planning Commission to make the decision, unless the Planning Commission decides not to, in which case the Board can overrule them. She just wanted to clarify for the public then that the Board will be removing it from the discussion and will not be discussing it tonight.

Supervisor McGillicuddy reiterated that this item will be on the next agenda as discussion.

8. HEARINGS

A. Special Use Permit #04-87071 (Potterpin), request to construct an addition to the offices at 1784 Hamilton Road, Okemos

Supervisor McGillicuddy opened the public hearing at 6:45 P.M.

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, MARCH 16, 2004 *APPROVED*

Director Kieselbach summarized the applicant's request for a special use permit as outlined in staff memorandum dated March 12, 2004.

David VanderKlok, architect for Mr. Potterpin, stated the Potterpin's currently each have a business "office" at the subject site. He explained that since the existing site is being used as office and is in a PO district, an option was available to tear down the existing building and not pursue the SUP modification process. The applicant felt it was a waste of natural resources and a functional building. He availed himself for questions.

Clerk Helmbrecht asked if 29 parking spaces were the number needed to function or is that the required number to meet ordinance requirements.

Mr. VanderKlok responded the applicant believes that 29 parking spaces are sufficient. Mr. Potterpin desires to leave as much green space as possible, and if the 35 parking spaces as recommended by Township staff are not needed, the applicant would prefer to have the green space.

Mr. VanderKlok added the existing 1,900 square foot basement is used primarily for storage of business files for both Mr. and Mrs. Potterpin's businesses, leaving only 400 square feet of the current 1,900 as useable square footage. The applicant deducted 1,400+ square footage out of the useable area to arrive at 29 parking spaces. Township staff used direct gross numbers, not including the proposed garage, to calculate the 35 parking spaces. The applicant is willing to work with staff to arrive at an acceptable number.

Trustee Such inquired if the Ingham County Road Commission's approval was contingent upon the applicant's consent to the Road Commission's request for increased right-of-way.

Director Kieselbach stated that in the Road Commission's letter, they simply requested the additional right-of-way.

Trustee Such voiced concern that someday someone would widen Hamilton Road and was wondering if the applicant was planning to give the property to the Road Commission as requested.

Mr. VanderKlok responded that the applicant was more than willing to work with Township staff and the Ingham County Road Commission but that he had not yet consulted with his client on this issue.

Supervisor McGillicuddy inquired of Director Kieselbach what would happen to the project if the applicant did not give the right-of-way to the Road Commission.

Director Kieselbach answered that the Road Commission's only requirement was the improvement to the driveway. The long range plan for the Road Commission's right-of-way acquisition is if Hamilton Road was to ever be widened.

Trustee Brixie stated that the map indicates if the right-of-way is acquired, the whole row of significant-sized trees would belong to the Road Commission. She indicated her trip to the site revealed that the driveway seemed narrow. She felt that before a final decision was made, the row of trees should be discussed with the Road Commission in an effort to find out if anything was to be done with them to improve line of sight.

Trustee Woiwode asked if the "L" shaped space to the northwest was occupied or owned by someone else.

Director Kieselbach responded that the little piece does not belong to the applicant and is part of the parking lot for Henderson Glass.

Trustee Woiwode wondered if it was zoned office or C-2.
Director Kieselbach answered that it is Professional Office (PO).

Trustee Woiwode asked if there was consideration given to consolidating driveways or parking lots in an effort to keep Hamilton Road less traveled.

Director Kieselbach stated that he did not know if the applicant had looked at that possibility or not.

Trustee Woiwode stated she was surprised by the number of increased parking spots, which implied a significant increase in traffic, even though it was not a large addition. She inquired as to the applicant's thoughts on this issue.

Mr. VanderKlok clarified the "L" shaped space Trustee Woiwode referred to in an earlier question. He believed the parking lot for Henderson Glass extends approximately to the dark line on the chart; south of the dark line which distinguishes between PO and the C-2 district is a wooded area.

He offered that the applicant has not pursued consolidation of the two parking lots in question because his client's parking lot is more adjacent to Pizza Hut's parking lot. What Mr. VanderKlok's client did not want was to create a safety issue with the consolidation being used as a cut through from Grand River to Hamilton.

Trustee Woiwode further inquired if there was an opportunity to join with the neighbor to the east to have one ingress and one egress for the two parcels next to one another.

The applicant's representative indicated that although the land to the east is currently zoned PO, it is currently used as a single family residence, and Mr. Potterpin would not want to impose any additional traffic on the adjacent property.

Mr. Potterpin offered that he currently employs six (6) other staff people, who work from 8:00 a.m. to 5:00 p.m. He indicated that there is minimal traffic in and out of the subject site; it is basically employees who enter in the morning and exit in the evening.

Trustee Such asked the applicant if he felt he needed all 29 spaces.

Mr. Potterpin responded that he felt it was a generous amount of parking and would not need that much. The number of spaces were calculated according to the provisions of the ordinance, and thought he could "get by" with less.

Supervisor McGillicuddy inquired as to an approximate amount that would be sufficient, as the Board would prefer to see less parking if it was not needed.

Mr. Potterpin answered that a specific figure had not yet been calculated, not anticipating any need to do so.

Trustee Such asked the architect if he could design some pervious surface parking in the event of overflow and then pave just the ones needed. As a Board member, he is looking for areas where there is innovative thinking.

Mr VanderKlok answered that option would be something his client would be willing to explore with staff.

Trustee Such also expressed concern about deeding property to the Road Commission as it would allow for future expansion of the road.

Trustee Brixie asked if an applicant believes they need less parking and the Board believes more green space is better for the water quality of the Township, is the Board forcing the applicant to request a variance for the parking.

Director Kieselbach answered that until there is a definitive floor plan, staff considers eighty percent (80%) of the building useable space, based on gross square footage. If the applicant showed less useable space because the rest is set aside for storage or other non-useable activity (such as a mechanical room), then the parking could be reduced. This would be finalized at Site Plan Review. There is also an option in the parking ordinance for deferred parking which would be approved at the Board level as an agreement along with the special use permit.

Trustee Stier inquired if the deferred parking is figured on a percentage basis.

Director Kieselbach responded that the applicant needs to show the site can be adequately served by a specific number of spaces. Part of the agreement is that if there is a demonstrated problem, the Township has the ability to require additional spaces be constructed. There would be a specific number of deferred parking spaces.

Trustee Brixie asked Mr. Potterpin if he would be interested in working with the Township to determine the amount of parking spaces he believed would be adequate to serve the site.

Mr. Potterpin responded that he would be willing to do so.

Treasurer Hunting inquired if Bruce Look, owner of the single-family home to the west, had been asked if he supported this SUP.

Director Kieselbach responded that Mr. Look wrote a letter, in which he stated his property (zoned RC), should be reviewed for rezoning to either PO or commercial. Director Kieselbach replied in writing that one of Mr. Look's options as the owner of the property was to initiate a rezoning. The Board could also, if it felt it was appropriate through this review, initiate that rezoning. Director Kieselbach also forwarded in the Planning Commission's next packet a copy of Mr. Look's letter for possible interest at that level.

Treasurer Hunting asked if there was communication from any residents across the street.

Mr. Kieselbach answered that the only communication was what Mr. Putman submitted tonight, even though neighbors within 300 feet of the site were notified.

Trustee Woiwode thanked the applicant for working within the existing SUP.

Supervisor McGillicuddy closed the public hearing at 7:12 P.M.

9. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Lynn Ochberg, 4383 Maumee, Okemos, and Planning Commission Chair, availed herself for questions regarding Planning Commission recommendations for Agenda Item #9A, #9B or #10C.

Gerald Fedewa, 5570 Okemos Road, East Lansing, spoke in support of his request (Rezoning #03060) to rezone three (3) acres of approximately 5.2 acres on the south side of BL-69 from RR (Rural Residential) to PO (Professional Office).

Ronn Reed, 2444 M-78, Haslett, spoke in opposition to Rezoning #03060 (Fedewa).

John Anderson, 215 W. Newman Road, Okemos, spoke in opposition to Rezoning #03060 (Fedewa) and Rezoning #04010 (Fedewa).

Supervisor McGillicuddy closed public comment.

A. Rezoning #03060 (Fedewa), request to rezone approximately 5.2 acres on the south side of BL-69 from RR (Rural Residential) to PO (Professional Office)

Trustee Such 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 #03060" RR (Rural Residential) to PO (Professional Office). Seconded by Clerk Helmbrecht.

Board members discussed the following:

- Adequate property to house office building

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, MARCH 16, 2004 *APPROVED*

- Subject property abuts church property
- Office building as a buffer to BL-69
- Newton Center Study adopted as an amendment to the 1993 Comprehensive Development Plan by the Planning Commission in 1998
- Requested rezoning incompatible with the surrounding residential uses which exist today
- Lack of proven community need
- Lack of logical and orderly development of the Township through the requested rezoning
- Current zoning inconsistent with the current Comprehensive Development Plan
- Three (3) acre rezoning would not have a significant adverse impact on the natural environment
- “Community need” as an expression which is difficult to legally justify
- Corridor will not likely remain single-family residential in the future

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

Trustee Stier moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, hereby denies Rezoning Petition #03060 RR (Rural Residential) to PO (Professional Office). Seconded by Trustee Brixie.

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

[Signed and sealed resolution in Official Minute Book]

- B. Rezoning #04010 (Fedewa), request to rezone approximately .93 acre of land at 5842 Okemos Road from RR (Rural Residential) to RC (Multiple Family-Medium Density)
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. 2004-03, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #04010 RR (Rural Residential) to RC (Multiple Family-Medium Density). Seconded by Trustee Woiwode.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Woiwode, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 7-0.

[Signed and sealed resolution in Official Minute Book]

- C. Miscellaneous Amendment to the Code of Ordinances
Trustee Stier moved to authorize the re-insertion of the following March, 2001 Code of Ordinances provisions which were inadvertently omitted during the recodification process, from the January, 2003 Code of Ordinances:

- (1) Re-insert March, 2001 Code of Ordinance section 99A-7(c) to the January, 2003 Code of Ordinances as section 58-32(c);
- (2) Renumber January, 2003 Code of Ordinances section 58-32(c)(d) as 58(d)(e)

Seconded by Trustee Woiwode.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Woiwode, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 7-0.

10. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

John Anderson, 215 W. Newman, Okemos, spoke in opposition to Commission Review #04023 (Convenience Depot and Okemos J/2) Water/Sewer Extension along Grand River Avenue.

Lynn Ochberg, 4383 Maumee, Okemos, availed herself for questions regarding the Economic Chapter of the Master Plan.

Township Manager Richards indicated there were some questions regarding numbers prepared by staff which were used in at least one (1) section of the Economic Chapter. He indicated staff may go back to ensure that the numbers being used are consistent with the most recent information.

Supervisor McGillicuddy closed public comment.

- A. Special Use Permit #04-87071 (Potterpin), request to construct an addition to the offices at 1784 Hamilton Road, Okemos

Board members discussed the following:

- Size of building which could be constructed going through Site Plan Review not taking existing SUP into consideration
- Board preference to not have the applicant deed an additional 12 feet of right-of-way to the Road Commission
- Disappointment in the 1987 decision to convert the single family home to PO use through a SUP
- Office designation prior to 1987
- Preservation of significant trees on site as a condition of the SUP
- Applicant amenable to the placement of bicycle hoop(s) on site
- Setback of existing parking spaces not adequate
- Discuss with staff of upgrade of curb cut to commercial standards

The consensus of the Board was to have this on as action at the next Board meeting, limiting the parking only to what was needed at this time and deferring future parking if necessary.

- B. Abandonment of Liverance Street

Director Kieselbach summarized the petitioned abandonment as outlined in staff memorandum dated March 12, 2004.

Board members discussed the following:

- Combination of the two (2) parcels
- Abandonment would reduce frontage on the right-of-way
- No possibility of anyone being landlocked

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

- C. Master Plan, Economic Chapter

Director Kieselbach stated staff will verify accuracy of the numbers before the next Board meeting due to numbers contained in other chapters. Board members who have grammatical changes or issues which need to be clarified can contact Director Kieselbach or Ms. Oranchak.

Board members discussed the following:

- Chart X-2 numbers on top of the pie are not readable
- Colors in Chart X-3 do not line up with the names

The consensus of the Board was to place this on for discussion at the next Board meeting.

[Supervisor McGillicuddy recessed the meeting at 8:12 P.M.]

[Supervisor McGillicuddy reconvened the meeting at 8:33 P.M.]

11. VISION SESSION/ENDS: Lake Lansing discussion with John Midgley, Bob Peterson and Larry Smith, Ingham County Road Commission

Supervisor McGillicuddy asked representatives of the Ingham County Road Commission what the Board should take into consideration relative to roads as redevelopment occurs around Lake Lansing.

Ingham County Road Commission representatives offered the following comments and/or concerns:

- Encroachments in the right-of-way around the lake taken out if redevelopment occurs
- Roads are narrow
- Most roads are posted for no parking
- No parking allowed on the travel portion of roads which are not posted
- Road right-of-way for primary roads is sixty-six (66) feet
- No Road Commission concern over emergency vehicle access
- Only control by the Road Commission is over the right-of-way

Board members discussed the following:

- Alter road design to divert surface water runoff away from the lake towards the wetland(s)
- No area of Lake Drive drains directly into the lake
- Success of use of geo grid to rebuild portions of the road “floating” on peat bog near the Transfer Station
- Potential Road Commission concern over split lots
- Possible Road Commission concern over potential zero front yard setback
- Road Commission experience with “permeable” concrete

12. POSSIBLE CLOSED SESSION

Treasurer Hunting moved that the Township Board go into a closed session to consult with the Township Attorney regarding settlement strategy in connection with pending litigation. Seconded by Trustee Stier.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Woiwode, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 7-0.

Supervisor McGillicuddy recessed the meeting at 8:45 P.M.

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

Trustee Woiwode moved to return to open session. Seconded by Trustee Stier.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Woiwode, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 7-0.

13. PUBLIC REMARKS

Supervisor McGillicuddy opened and closed Public Remarks.

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:10 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary