

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, JULY 18, 2006, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such, Veenstra, Woiwode
ABSENT: None
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief Dave Hall, EMS/Fire Chief Fred Cowper, Personnel Director/Assistant Manager Paul Brake, Attorney 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
Supervisor McGillicuddy announced 2007 is Meridian Township's 165th anniversary and asked the other Board members to consider future media events to commemorate the occasion.

Trustee Veenstra reminded citizens that renewal and a slight increase of the library operating millage will be on the August 8th ballot.

Township Manager Richards stated that despite good representation, the Reconvened Board of Review for the Briarwood Drain indicated the Township's share of the Briarwood drain assessment increased from 3% to 9% (\$70,000 to \$210,000).

6. APPROVAL OF AGENDA — OR CHANGES
Trustee Brixie moved to approve the agenda as submitted. Seconded by Clerk Helmbrecht.

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA
Supervisor McGillicuddy reviewed the consent agenda.

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

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

The adopted Consent Agenda items are as follow:

- A. Communications
 - (1). Board Determination (BD)

- 10B-1 Ronn E. Reed, R.E. Reed & Co., Inc., 2444 M-78, East Lansing; RE: Opposition to Wetland Use Permit #06-06 (South Whitehills)
- 10B-2 Jane Smalley, 6180 Whitehills Lake Drive, East Lansing; RE: Wetland Use Permit #06-06 (South Whitehills)
- 11A-1 Marilyn Aronoff, Vice President, Cedar Bend Heights Neighborhood Association, 2248 Kent Street, Okemos; RE: Downzoning of 2164, 2168 and 2176 Hamilton Road properties from commercial to RA (single family residential)

(2). Board Information (BI)

- BI-1 Tim Potter, 4632 Van Atta Road, Okemos; RE: Previous request for accident data and a date for repaving of Hamilton Road
- BI-2 Dave Card, 6045 E. Lake Drive, Haslett; RE: Vegetation on the Township's pedestrian/bicycle pathway system

(3). Staff Communication/Referral (SC)

- SC-1 Michigan Townships Association Legislative E-Report, June 30, 2006 Edition
- SC-2 Michigan Townships Association Legislative E-Report, July 7, 2006 Edition

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

Materials received at the July 6, 2006 Meeting

- Kurt Boegner, Value Tire Center, 2360 Jolly Road, Okemos; RE: Opposition to Jolly Oak Road Paving SAD #36
- Tom Bissonnette, Executive Director, Michigan Nurses Association, 2310 Jolly Oak Road, Okemos; RE: Rescission of its signature on the special assessment petition for paving of Jolly Oak Road
- Dennis Forsberg, TA Forsberg, Inc., 2422 Jolly Road, Suite 200, Okemos; RE: Copy of Meridian Township's letter to Bud Nilson, Land Equities, relative to Site Plan Review #98-8 (Meridian Crossing Layout)

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

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

B. Minutes

Trustee Such moved to approve and ratify the minutes of the July 6, 2006 Regular Meeting as **submitted. Seconded by Trustee Brixie.**

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

C. Bills

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

Common Cash	\$ 931,387.57
Public Works	\$ 67,994.28
Total Checks	\$ 999,381.85
Credit Card Transactions	\$ 14,551.22
Total Purchases	<u>\$1,013,933.07</u>

ACH Payments

\$ 275,861.45

Seconded by Trustee Brixie.

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

[Bill list in Official Minute Book]

D. 2nd Quarter Budget Amendments

Trustee Such moved that the Township Board approve the 2006 amended budget as reflected on page 2 of the memorandum to the Township Board from the Finance Director dated July 14, 2006. Seconded by Trustee Brixie.

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

E. Resignation on Community Resources Commission

Trustee Such moved that the Township Board accept the resignation of Eric Golke, as stated in a memorandum to the Board dated July 14, 2006. Seconded by Trustee Brixie.

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

F. Appointments to the Community Resources Commission

Trustee Such moved that the Township Board appoint Suzanne H. Brouse, Arlene L. Friedland, and Katherine N. Lincoln to fill the vacant positions on the Community Resources Commission for terms to expire December 31, 2007 as stated in a memorandum to the Board dated July 14, 2006. Seconded by Trustee Brixie.

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

G. Resolution of Appreciation to Rob Striker for 4th of July Fireworks

Trustee Such moved [and read into the record] NOW, THEREFORE BE IT RESOLVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY, MICHIGAN, recognizes and thanks Mr. Rob Striker, General Manager of Citadel Broadcasting, and his staff for outstanding efforts in fundraising and promotion, encouraging many Meridian area businesses and organizations to participate, which ultimately saved the 2006 Meridian Community Fireworks Celebration.

BE IT FURTHER RESOLVED, that a framed copy of this resolution be presented to Mr. Striker as a symbol of Meridian Township's appreciation for his successful campaign to save the 2006 Meridian Community Fireworks Celebration.

Seconded by Trustee Brixie.

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

- H. Outdoor Gathering Permit, Towar Community Day
Trustee Such moved that the Township Board approve the outdoor assembly license for the Towar Community Day on July 22, 2006, as described in the staff memorandum dated July 13, 2006. Seconded by Trustee Brixie.

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

- I. Police Sergeant Promotion
Trustee Such moved to ratify the promotion of Andrew McCready to the position of Police Sergeant. Seconded by Trustee Brixie.

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

- J. Fire Department Promotions
Trustee Such moved to ratify the promotions of Scott Baldwin to Battalion Chief, William Janson to Captain, and Paul Cullimore to the rank of Lieutenant. Seconded by Trustee Brixie.

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

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item # 11A)

9. HEARINGS (None)

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Jon Smalley, 6180 Whitehills Lake Drive, East Lansing, spoke in opposition to Board action tonight on Wetland Use Permit #06-06 (South Whitehills).

Supervisor McGillicuddy closed public comment.

- A. Wetland Use Permit #06-06, South Whitehills
Directors Kieselbach and Severy summarized the proposed wetland use permit as outlined in staff memorandum dated July 14, 2006.

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

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

2. **The applicant shall obtain all necessary permits, licenses, and approvals from the Michigan Department of Environmental Quality (MDEQ) and the Ingham County Drain Commissioner's office prior to any work beginning on the stormwater basins and rain garden. Copies of all permits, licenses, and approvals shall be forwarded to the Department of Community Planning and Development.**
3. **The wetland boundary for Wetland #05-06 shall be flagged in those areas adjacent to the proposed work. The flagging shall be clearly evident throughout construction.**
4. **The applicant shall ensure the appropriate soil erosion and sedimentation control best management practices are implemented and maintained throughout the duration of the project.**
5. **Prior to construction, erosion control fencing shall be installed at the wetland edge. The installation and location of the erosion control fencing shall be subject to the approval of the Director of Community Planning and Development. The erosion control fencing shall be removed after construction is completed and the area is stabilized.**
6. **No straw bales shall be used for erosion control, unless in conjunction with sediment erosion control fencing.**
7. **The proposed first flush basin to be located on Lot #13 shall be redesigned as a rain garden, subject to the review and approval of the Director of Community Planning and Development.**
8. **The construction of the rain garden in the water feature setback shall be subject to a variance being granted by the Zoning Board of Appeals.**
9. **The construction of the rain garden and the curb cut in the road right-of-way shall be subject to the approval of the Ingham County Road Commission.**
10. **The discharge from the detention basin adjacent to Lot 1 shall be redesigned subject to the review and approval of the Director of Community Planning and Development.**
11. **The erosion control measures used at the outlet shall be subject to the review and approval of the Director of Community Planning and Development.**
12. **A copy of the approved wetland use permit containing the conditions of issuance shall be posted on the site in a conspicuous manner such that the wording of the permit is available for public inspection. Posting of the site shall be done prior to commencement of work on the site and continue throughout the duration of the project.**
13. **Prior to work beginning on the site, the applicant shall provide to the Department of Community Planning and Development written notice of commencement.**
14. **The applicant shall notify the Department of Community Planning and Development when construction has been completed so the site can be inspected to ensure compliance.**
15. **The applicant shall monitor areas impacted by the basins and stormwater discharges for one year following the completion of construction and shall remediate any problems which develop to the satisfaction of the Director of Community Planning and Development.**

Seconded by Trustee Brixie.

Board members discussed the following:

- Drainage pattern is through the culvert under the road and to the northeast
- Wetland capable of adequately buffering a significant amount of water
- Receipt of Michigan Department of Environmental Quality (MDEQ) approval of the 2 basins with the overflow
- Appropriate design based on the planned development
- Appreciation for citizen expression of concern early in the process
- Citizen concern that public common area will be jeopardized
- Common area is regulated wetland and needs to remain hydrated

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

NAYS: Trustees Such, Veenstra
Motion carried 5-2.

B. Land Preservation Purchase

Clerk Helmbrecht summarized the land preservation purchase as outlined in staff memorandum dated July 18, 2006.

Clerk Helmbrecht moved [and read into the record] NOW THEREFORE BE IT RESOLVED that the Township Board of the Charter Township of Meridian, Ingham County, Michigan, does hereby agree to acquire 7.19 ± acres of land on Green Road for the purchase price of \$73,000.00 agreed upon in written agreement.

BE IT FURTHER RESOLVED that the Township Board forwards to the Planning Commission for Section 9 Review at its first possible meeting opportunity for approval as to its location, character and extent as a public ground or open space effective this date, July 18, 2006.

BE IT FURTHER RESOLVED that the Township Board authorizes the Township Supervisor, Township Clerk and Township Manager to ratify an agreement entered into with Mr. Richard Sheldon and to take all further actions deemed necessary to close such transaction for acceptance of this parcel as defined by the attached legal description.

Seconded by Trustee Brixie.

Trustee Veenstra offered the following amendment:

- **Insert “taken from the Land Preservation Acquisition Fund” after “agreement” at the end of the first Resolved clause**

The amendment was accepted by the maker and seconder.

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

NAYS: None
Motion carried unanimously.

C. Special Use Permit #06-70141 (Meijer), request to construct a 444 square foot addition to the existing building

Treasurer Hunting moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves Special Use Permit #06-70141 to allow for the construction of a 444 square foot addition to the Meijer’s store at 2055 Grand River Avenue with the following conditions:

- 1. Approval is granted in accordance with the site plan and other materials submitted**

by Progressive AE, subject to revisions as required.

2. **A concrete sidewalk, six (6) feet in width and decorative bollards shall be installed along the front of the addition, subject to the review and approval of the Director Community Planning and Development.**

Seconded by Trustee Veenstra.

Board members discussed the following:

- Decorative bollards as a safety measure for pedestrians and to keep vehicles away from the building
- Originally approved as a shopping center (defined in the 1970's as any building over 25,000 square feet)
- Each amendment to the square footage requires an amendment to the existing SUP

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

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Ann Alchin, 2227 Hamilton Road, spoke in support of rezoning four (4) properties located on Hamilton Road west of Okemos Road. She expressed shock at alleged development plans for four (4) properties located on Hamilton Road west of Okemos Road.

Marilyn Aronoff, 2248 Kent Street, Okemos, expressed disappointment and surprise at alleged development plans for four (4) properties located on Hamilton Road west of Okemos Road.

Supervisor McGillicuddy clarified that in response to a Board request regarding information on the neighborhood, staff included copies of a communication sent to the Board in November, 2005 regarding the potential for development if the buildings were torn down and turned into commercial. The communication had been prepared to aid the Board in discussion of the Downtown Development Authority ordinance.

Supervisor McGillicuddy closed public comment.

- A. Adding C1 to the Mixed Use Ordinance and Bed and Breakfast Operations to Commercial Districts
 Director Kieselbach summarized these topics as outlined in staff memorandum dated July 14, 2006.

Board members discussed the following regarding adding C1 to the mixed use ordinance:

- Current C-1 areas are very walkable and mixed use would encourage redevelopment
- Removal of barriers for developers looking at creatively using mixed use
- Restriction of uses with regard to square footage in C-1 currently necessitate variance requests at the ZBA
- Restriction of uses with regard to square footage in C-1 impedes the commerce of renting
- Inappropriate square footage restrictions should be changed to allow prosperous businesses to remain in the Township
- Flexibility on the square footage restrictions for existing buildings should be examined on a case by case basis
- Mixed use in C-1 would follow the same procedure for the special use permit process as C-2 and C-3 districts
- C-1 currently more likely to border residences
- Addition of minimum setbacks in the mixed use ordinance for safety reasons

Board members discussed the following regarding the addition of bed and breakfast operations by special use permit to C-1, C-2 and C-3:

- Current prohibition of lodging establishments in C-1
- Include size in a clear definition of a bed and breakfast
- Allowance of a bed and breakfast in a residential district under a special use permit
- Possibility of a higher standard of regulation for a bed and breakfast in a residential district
- Bed and breakfast category distinct from hotel and motel
- Bed and breakfast may be primary residence which will operate as a business
- Different categories of bed and breakfast
- Bed and breakfast as a non-residential use in a residential district
- Need to examine issues of safety, access, egress and adherence to the American Disabilities Act

Board members discussed the following regarding the Hamilton Road Zonings:

- Current C-2 zonings of the four (4) properties
- Potential for use as a bed and breakfast
- Definition of historic building
- Road easement to the adjoining neighborhood could make a future connection to the Township's pathway system
- Send the four (4) properties to the Planning Commission to initiate rezoning to residential and include PO parcels which are not within the DDA
- Four (4) properties zoned commercial since 1960, but always used as residential
- Parcel #2 is vacant and could not be developed unless combined with another parcel
- Non-conforming buildings on Parcel #4
- Non-conforming houses in RA on Parcels #1 and #3 because of setbacks

Potential for change in property value if rezoned: (Questions for the Attorney (See Agenda Item #8))

Q. I always have a huge issue with taking someone who owns a commercial property and changing the zoning to a residential zoning which is, acre by acre, far less valuable. What happens when you take that value away? Are we allowed to just take that value away, or do we leave ourselves open for problems? How does that actually work?

A. The decision to rezone made by the Board has nothing to do with what it's worth now and what it's worth if it's rezoned. That decision is based on the criteria that you always look at as to whether the area should be rezoned e.g., because it is more consistent with the surrounding area or circumstances have changed in the area so it is currently zoned inappropriately. You are looking at should it be rezoned based on what's going on right here; what's the appropriate zoning category, not what is it worth before and what is it worth now. If it can be used for anything, in most cases you haven't taken away all of the use and you are not open to a takings issue. I think that is really your question. It is not something that you take into consideration when you're looking at criteria to rezone. What you would want to make sure is that there's some use left on that property. That, I think, would be of interest to the Board when they are looking at rezoning. Again, the issue of what it is worth now and what it would be worth if rezoned is not really part of the criteria when you are discussing rezoning.

The consensus of the board was to place adding C1 to the Mixed Use Ordinance and bed and breakfast operations to both residential and commercial zoning categories as separate consent agenda items for the August 1, 2006 Board meeting. Further, staff will provide alternate motions for rezoning of the four (4) properties on Hamilton Road to be considered as an action item at the August 15, 2006 Board meeting.

B. 2006 Citizen Survey Results

Township Manager Richards summarized the results of the survey as outlined in staff memorandum dated July 14, 2006.

Board members discussed the following:

- Survey aids in benchmarking
- Response supports achievement of Board goals
- Effectiveness of implementation of Board goals over time

- Placement of comparative crime rate information on the Township website
- Need to dispense statistic information for perceptual purposes

12. PUBLIC REMARKS

Supervisor McGillicuddy opened and closed Public Remarks.

13. POSSIBLE CLOSED SESSION (None)

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 8:29 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary