

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING – **APPROVED AS AMENDED**
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, SEPTEMBER 19, 2006, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such (6:03 P.M.), Veenstra (6:02 P.M.), 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, Finance Director Diana Hasse, Attorney Andria Ditschman

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:01 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.

John Scott Craig, 5244 Wardcliff Drive, East Lansing, spoke in support of Rezoning #06060 (Planning Commission).

John Knowles, 158 Milford Street, East Lansing, introduced himself as a candidate for the 69th District Michigan House of Representatives seat and expressed desire to change the current annexation process if elected.

Deb Nolan, Ingham County Commissioner for District #12, expressed appreciation for the community forums held for Township residents on the Okemos Road Enhancement Project.

Molly Wingrove, 2649 Melville Drive, East Lansing, read from a prepared statement in support of Rezoning #06060 (Planning Commission).

[Prepared statement in Official Minute Book]

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Chief Dave Hall showed a photograph of the 2006 Chevy Impala replacement vehicle in the Township's Police fleet. This vehicle represents a new initiative for the fall and winter weather, which has unique light placement for a "stealthy" look. The Impala will be primarily used for traffic and during the night to aid in the apprehension of suspects breaking into parked vehicles.

6. APPROVAL OF AGENDA — OR CHANGES

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

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 Woiwode.

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 Information (BI)

- BI-1 William Seck, 5717 Carlton, Haslett; RE: Establishment of a "Quite Zone" in Meridian Township pursuant to Federal Railroad Administration guidelines
- BI-2 William Morgan, 2757 Del Mar Drive, Okemos; RE: Artwork on the building of Tom's Party Store at 2778 East Grand River Avenue
- BI-3 David E. Pierson, McClelland and Anderson, 1305 South Washington Avenue, Suite 102, Lansing; RE: Proposed amendment for planned residential developments

(2). Commission Linkage (CL)

- CL-1 Larry A. Williamson, AVP, Comcast Cable, Western Michigan Area, 3500 Patterson Ave, SE, Grand Rapids; RE: Response to Cable Communication Commission Chair Robert Homan relative to customer service issues in Meridian Township

(3). Staff Communication/Referral (SC)

- SC-1 Memorandum from Cindy Cummings, Police Records Supervisor; RE: Current list of licensed vendors and non-licensed persons or nonprofit organizations engaged in soliciting or canvassing dated September 12, 2006
- SC-2 Michigan Townships Association Legislative E-Report, September 8, 2006 Edition

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 Woiwode.

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 September 5, 2006 Regular Meeting as submitted. Seconded by Trustee Woiwode.

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

Trustee Such moved to approve and ratify the minutes of the September 12, 2006 Budget Deliberation Meeting as submitted. Seconded by Trustee Woiwode.

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 \$ 136,046.68

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, SEPTEMBER 19, 2006 *Approved*

Public Works	\$ 335,677.13
Total Checks	\$ 471,723.81
Credit Card Transactions	\$ 13,249.93
Total Purchases	<u>\$ 484,973.74</u>
 ACH Payments	 <u>\$ 277,541.41</u>

Seconded by Trustee Woiwode.

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. Assessing Stipulations

Trustee Such moved that the Township Assessor be authorized to sign a stipulation with Eyde Limited Partnership, on the following property:

YEAR	DOCKET NO.	ADDRESS OF PROPERTY
2006	0327949	2321 Club Meridian, Okemos
<u>Assessment</u>	2006	AV/TV \$939,000/642,526
<u>Proposed Assessment</u>	2006	AV/TV \$600,000/600,000

Seconded by Trustee Woiwode.

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

Trustee Such moved that the Township Assessor be authorized to sign a stipulation with Eyde Limited Partnership, on the following property:

YEAR	DOCKET NO.	ADDRESS OF PROPERTY
2006	0327948	2859 Eyde Parkway, East Lansing
<u>Assessment</u>	2006	AV/TV \$4,906,800/3,496,752
<u>Proposed Assessment</u>	2006	AV/TV \$3,866,500/2,456,400

Seconded by Trustee Woiwode.

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

Trustee Such moved that the Township Assessor be authorized to sign a stipulation with Eyde Limited Partnership, on the following property:

<u>YEAR</u>	<u>DOCKET NO.</u>	<u>ADDRESS OF PROPERTY</u>
2006	0327945	2947 Eyde Parkway, East Lansing
<u>Assessment</u>	2006	AV/TV \$3,018,000/2,434,778
<u>Proposed Assessment</u>	2006	AV/TV \$2,375,000/2,375,000

Seconded by Trustee Woiwode.

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

Trustee Such moved that the Township Assessor be authorized to sign a stipulation with DMD Towers, LLC, on the following property:

<u>YEAR</u>	<u>DOCKET NO.</u>	<u>ADDRESS OF PROPERTY</u>
2006	0324142	5151 Marsh, Okemos
<u>Assessment</u>	2006	AV/TV \$500,000/500,000
<u>Proposed Assessment</u>	2006	AV/TV \$200,000/200,000

Seconded by Trustee Woiwode.

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

E. Police Department Promotions

Trustee Such moved to ratify the promotion of Alan Spencer to the position of Police Lieutenant and Brad Bach to the position of Police Sergeant as described in the memorandum dated September 13, 2006. Seconded by Trustee Woiwode.

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

F. Homeland Security Grant Application

Trustee Such moved to authorize the Fire Department to apply for and accept a Commercial Equipment Direct Assistance Program (C.E.D.A.P.) Grant, which does not require Township matching funds, through the Department of Homeland Security in the amount of \$14,000. Seconded by Trustee Woiwode.

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

Motion carried unanimously.

- G. Outdoor Gathering Permit, Heritage Festival
Trustee Such moved approval of the Outdoor Assembly license permit for the Heritage Festival on October 7, 2006, in Central Park, Historical Village and Nokomis Learning Center areas as described in the memorandum dated September 13, 2006. Seconded by Trustee Woiwode.

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

- H. Appointment to the Zoning Board of Appeals
Trustee Such moved that Doug Nyberg be appointed to fill the vacant position on the Zoning Board of Appeals for the term to expire December 31, 2008. Seconded by Trustee Woiwode.

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

- I. Appointment to the Community Resources Commission
Trustee Such moved that Jason Jorkasky be appointed to fill the vacant position on the Community Resources Commission for the term to expire December 31, 2006. Seconded by Trustee Woiwode.

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

- J. Appointment to the Assessing Board of Review
Trustee Such moved that Suzanne R. Rebeck be appointed to fill the vacant position on the Assessing Board of Review for the term to expire December 31, 2008. Seconded by Trustee Woiwode.

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 # 10B, #11C)

9. HEARINGS (None)

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Martin Colburn, Mason City Administrator, 201 W. Ash Street, Mason, spoke in support of the City of Mason becoming a participating municipality in the Capital Area District Library (CADL).

Quenda Story, Chair, Capital Area District Library Board, 4526 Marlborough Drive, Okemos, expressed concern that Mason would have an equal vote with Meridian Township, despite the vast difference in population and number of libraries. She also expressed concern that Mason opposed the library millage in the August 8, 2006 election that would have benefited all 13 members of CADL. Ms. Story noted Mason provides a building that the surrounding Townships do not help with financially.

Carl Harmon, 1924 Birchwood, Okemos, spoke in support of extending the scope of the Okemos Road Enhancement Project to include the Ferguson Park area. He suggested some competition for a matching grant for enhancements of parcels with significant frontage along Okemos Road, such as the Okemos Public Schools and Delta Dental Property. He expressed continued interest in an archway overpass and gateway arch near the school property.

Supervisor McGillicuddy closed public comment.

A. Wetland Use Permit #06-09, Whitehills Lakes #8

Trustee Veenstra 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, hereby denies Wetland Use Permit #06-09. Seconded by Treasurer Hunting.

Board members discussed the following:

- Three (3) unresolved issues expressed in the Township wetland consultant's September 14th letter
- Belief the application is currently incomplete so legally required to deny the permit
- Ingham County Road Commission (ICRC) letter approving the location of the road contained in last Board packet
- Concerns expressed by the maker as rationale for denial are each specifically addressed as part of the prepared motion to approve
- Wetland and Coastal Resources' concern that the road could be moved without specific justification that the current location of the road is the only one
- If this property is annexed to the City of East Lansing, the city would have the authority to change the wetland conditions
- Denial by the Board would necessitate a new public hearing with proper notice
- Vertical walls next to the road instead of flared end section on either side of the culvert
- Questionable value of placing the Township's conditions on the wetland use permit given a possible annexation, although it would make a statement of the Township's concern for the wetlands
- If the subject property is annexed, not all of the wetlands qualify to be protected by East Lansing's wetland ordinance

ROLL CALL VOTE: YEAS: Trustee Veenstra
NAYS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
Motion failed 1-6.

Trustee Such moved [and read into the record] NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, pursuant to Article 4 of Section 22 of the Township Code of Ordinances, hereby approves Wetland Use Permit #06-09 with the following conditions:

1. **Approval is based upon the plans, documents, and materials prepared by Weir Engineering and KEBS, Inc., submitted in conjunction with the wetland use permit, 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 prior to any construction on the site.**
3. **If acceptable to the Ingham County Road Commission, vertical walls shall be installed at Crossing #1 to limit the amount of fill necessary.**

4. **The applicant shall provide a detailed mitigation plan which shall be subject to the review and approval of the Director of Community Planning and Development. Mitigation shall be at a ratio of no less than 2.0 to 1.0.**
5. **The mitigation area shall be constructed and completed prior to the completion of the subdivision.**
6. **Construction of the mitigation area shall be overseen by the applicant's wetland consultant. Deviations from the approved mitigation plan shall be first reviewed and approved by the Director of Community Planning and Development.**
7. **Should the mitigation area fail to establish wetland vegetation after one (1) growing season, or fails to progress satisfactorily to a self-sustaining wetland as designed, the applicant shall conduct corrective measures as directed by the Township's Consultant to ensure successful wetland establishment.**
8. **The wetland mitigation shall be monitored annually by the applicant's wetland consultant for five (5) years with a status report provided to the Township each year.**
9. **A performance guarantee in the amount of \$10,000 shall be provided in an acceptable form to the Township to ensure completion of the wetland mitigation.**
10. **The applicant shall ensure all appropriate soil erosion and sedimentation control best management practices are installed and maintained until natural stabilizing vegetation has been established.**
11. **Prior to construction, erosion control fencing shall be installed to prevent sedimentation from infiltrating into the wetlands. 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.**
12. **No straw bales shall be used for erosion control, unless in conjunction with sediment erosion control fencing.**
13. **Prior to construction on the site related to the wetland use permit, 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 related to the wetland use permit has been completed so the site can be inspected to ensure compliance.**
15. **The applicant shall obtain a variance from the Zoning Board of Appeals for work proposed within the water features setback and natural vegetation strip or revise the plans so a variance is not necessary.**
16. **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.**

Seconded by Trustee Brixie.

Supervisor McGillicuddy offered the following friendly amendments:

- **Amend condition #3 by inserting the word “concrete” before “vertical walls”**
- **Add condition #17 to read: A concrete open bottom box culvert shall be installed if approved by the Ingham County Road Commission and the Ingham County Drain Commissioner at Crossing #1.**

The amendments were accepted by the maker and seconder.

Trustee Veenstra offered the following motion:

- **Amend condition #3 by inserting “, Crossing #2 and Crossing #3” after “Crossing #1”**

Supported by Treasurer Hunting.

VOICE VOTE ON THE MOTION TO AMEND: Motion carried 5-2 (Such, Helmbrecht)

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

B. Amendment to the Wetland Protection Ordinance for the Size of the Notification Sign, Final Adoption

Treasurer Hunting moved [and read into the record] NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, hereby FINALLY ADOPTS Ordinance No. 2006-04 entitled “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, by Amending Chapter 22, Environment, Article IV Wetland Protection, Division 2 Permit, Section 22-155(b)(3) and Section 22-155(f)(3).”

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

Board members discussed the following:

- Assurance that sign size and color are noticeable so the public is aware of a proposal

Trustee Veenstra offered the following amendment:

- **In the second whereas clause, delete the word “change” and insert the word “reduce”**
- **In the third, fourth and fifth whereas clauses, delete the word “change” and insert the word “reduction”**

Change of language for final adoption: (Questions for the Attorney (See Agenda Item #8))

Q. Isn't this our second time that we are adopting this, and therefore, should we really be changing the language of this after we have already done our first adoption of it?

A. This is your final adoption.

Q. So we can change it?

A. You are changing the resolution; I don't believe you are changing the ordinance today. So, yes, you can change the resolution.

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. Okemos Road Enhancement Recommendation

Trustee Woiwode moved to authorize Fleis and Vandenbrink Engineering, Inc. to amend the MDOT Enhancement Grant application, including preparation of necessary conceptual plans and construction cost opinions, to include more traditional roadside enhancement elements (without a center median) and extending the project limits to Jolly Road on the south and to Methodist Street on the north. Seconded by Trustee Such.

Board members discussed the following:

- Revise/amend current agreement for engineering services to reflect reduction in costs
- Look at underground utilities as a possible enhancement under the grant program
- Inclusion of Engineering firm recommendation to look as possible placements of pedestrian crossings discussed at the last Board meeting
- Few areas to place small islands in lower speed areas on Okemos Road
- Pedestrian crossings as part of the roadway enhancement
- Median vs. pedestrian refuges
- Possible elimination of the utility pole at Mt. Hope Road

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

D. Resolution Supporting the City of Mason to Become a Participating Municipality in the Capital Area District Library

Trustee Such moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED the Township Board of the Charter Township of Meridian, Ingham County, Michigan, states its support for the City of Mason's participation in the Capital Area District Library as a Participating Municipality. Seconded by Clerk Helmbrecht.

Board members discussed the following:

- Other municipalities who are participating members and do not fully cover their costs
- Resolution of support not in the best interest of Meridian Township residents, especially if a primary purpose is to withdraw without placing on the ballot
- Use of Mason library by citizens of surrounding Townships without commensurate support for the building which houses the library
- Objection to Mason's equal voice regarding amendments to CADL's "charter" if resolution passes
- Operating millage for the library system expired at the end of 2005
- Belief that Mason tried to "shut down" the library by attempting to defeat the millage in August, 2006
- Challenge is to adequately provide libraries for the entire County of Ingham

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

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Judy Linn, 5435 Van Atta Road, Okemos, expressed her belief that paving Powell Road would be a poor use of public funds.

Carl Harmon, 1924 Birchwood, Okemos, expressed concern with a major land use change by paving Powell Road. He also noted Zoning Amendment #06070 does not take the berms surrounding the building into consideration.

Supervisor McGillicuddy closed public comment.

- A. Rezoning #06060 (Planning Commission), request to rezone 27 platted lots in the Wardcliff neighborhood from RA (Single Family-Medium Density) and RC (Multiple Family-Medium Density) to RX (One and Two Family Residential)
Director Kieselbach summarized the rezoning request as outlined in staff memorandum dated September 15, 2006.

Board members discussed the following:

- Board goals regarding neighborhoods and redevelopment of the community
- Ordinance amendment in 2002 from 3 to 2 unrelated occupants in the RX district for single family
- Non-conformity of three (3) unrelated occupants can continue as long as it is maintained
- RX allows one (1) or two (2) family dwellings
- Lot immediately south of Lot #18 is zoned C-2
- Duplexes on lots #21-23 zoned RC in the 1970's and currently non-conforming
- One (1) or two (2) lots originally being considered and left out of the recommendation for rezoning
- No additional setback problems if rezoning is approved
- Seven parcels on Mansfield are zoned RA and contain single family homes
- Duplexes on Mansfield are mid-block and out of place with the single family homes on either side
- Wardcliff right-of way stops at the C-2 zoning line
- Wardcliff Avenue dead ends at the right-of-way
- Rezoning would help the neighborhood attain a more friendly family make-up
- Duplexes lend themselves to younger families as occupants
- Grandfather clause properly allows landlords to continue to rent to three (3) unrelated occupants
- No effect of property transfer on the grandfather clause
- 2005 Future Land Use Map designates property at the end of Wardcliff as residential
- Board efforts over many years to aid the Wardcliff community in establishing a family friendly atmosphere

The consensus of the Board was to place this item on for action at the October 3, 2006 Board Meeting.

- B. Zoning Amendment #06070 (Planning Commission), revision of Section 86-2 Definitions, Section 86-474 Visibility and Section 86-506 Fences, Walls and Screens
Director Kieselbach summarized the proposed zoning amendment as outlined in staff memorandum dated September 15, 2006.

Board members and staff discussed the following:

- Existing problems with clear vision would be a code enforcement issue based on a complaint basis
- Enforcement of sight triangle for new subdivisions
- Visibility applies to public or private driveways
- Sight triangle may create a greater variability relative to the different types of roads and corresponding setbacks
- Need for language defining the sight triangle for roads lacking curb and pavement
- Application for residents who live on cul-de-sacs and own property to the middle of that cul-de-sac
- Measurement starts at edge of road where there is no curb and gutter

- Enforcement when trees or shrubs grow beyond three (3) feet in height based on citizen complaints
- Landscape plans are approved by the Township as part of a PUD
- Application to both public and private roads
- Enforcement of existing ordinance based on citizen complaints
- Ways to differentiate the types of streets for which this amendment will be used
- Ways to harmonize conflicting goals
- Introduction of the zoning amendment to address a safety issue

The consensus of the Board was to have staff address Board comments and continue discussion at the October 3, 2006 Board Meeting.

C. Request to Pave Powell Road

Trustee Woiwode requested she be recused as she has a financial interest in this discussion.

Trustee Brixie moved that Trustee Woiwode be recused from discussion on the request to pave Powell Road. Seconded by Clerk Helmbrecht.

VOICE VOTE: Motion carried ~~6-1~~ 5-1 (Veenstra).

[Trustee Woiwode left the room at 8:10 P.M.]

Director Severy summarized the request to create a special assessment district for Powell Road as outlined in staff memorandum dated September 15, 2006.

Board members discussed the following:

- The petitioner is not a resident of Powell Road
- Comparison to the request for paving Hulett and Piper Roads
- Possible assessment for the paving of Powell Road to residents in Georgetown

Formation of an assessment district: (Questions for the Attorney (See Agenda Item #8))

Q. Is that something we can do, form an assessment district of that sort?

A. Perhaps, I think is the answer. It depends on if you have the ability to show that there is a benefit to the property owners you are talking about. If you can clearly show that they're receiving a benefit, you come up with some kind of formula to assess them differently. I think what you are talking about is maybe a tiered system on the road and behind it. Now, there is case law out there, nothing is clearly saying you can or cannot do that. We've talked about this before; there are some references from the courts that you need to clearly be able to show there is some benefit and that is more difficult when you are not living on the road. That benefit has to be not the benefit that other people in the community are sharing, but that just because you are in that sub or that area, you are getting a special benefit. The other concern that I see here is that if the property owner is paying to pave the road that fronts that property, and then the property owners in the sub later are assessed, that's another issue that I think would need to be looked at more specifically because, perhaps, they are paying twice.

Q. In this case, if we were to proceed in the direction of paving, would it be better to wait until Georgetown is in and have the residents there complain about the dirt road and then (just like what happened in Herron Creek), form the assessment district after we hear the complaints regarding the dirt?

A. I don't think it is necessarily better to wait until you hear complaints regarding the dirt. I think if you decide that you are going to assess, I would suggest that is something you decide now and not wait down the road as you discuss another case as to whether you want to amend it and add in. The other issue I think you need to discuss, as I understand, is that you have already approved a plat with a condition they pay for that portion of the road. That is not an issue I have looked at yet. If you decide to go forward, I think that is an issue we need to be concerned with and look into.

Board members discussed the following:

- Township attorney to look at the language that led to the assessment district that was created for Hulett Road
- Postpone as long as possible as Central Park Estates plat has been approved for several years
- No need for Powell Road to be paved unless Georgetown is actually built
- Paving of Newman Road had assessment go beyond frontage on Newman
- Tiered assessment for Shoemith Road area
- Three tiered assessment for Lake Lansing drainage district
- Once Georgetown is built, it will have a paved road to access a paved road without traveling on a dirt or gravel road

The consensus of the Board was to place this item on for discussion at the October 3, 2006 Board meeting.

[Trustee Woiwode re-entered the room at 8:31 P.M.]

D. 2007 Recommended Budget

Finance Director Hasse highlighted the changes from the current year's budget and Board discussion from the September 12th budget deliberation meeting as outlined in staff memorandum dated September 15, 2006.

Board members discussed the following:

- Cost of new vehicles in the Motor Pool as a separate line item from sale of existing vehicles
- Refurbished patrol cars are existing patrol cars
- Add on equipment for motorcycles
- Include number of new workstations and servers contained in Information Services section
- Board presentation on overview of Information Services
- Include rationale in the narrative for increases and decreases in the water/sewer fund

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Doug Federeau, 5370 Okemos Road, East Lansing, spoke in support of a pathway extension on Okemos Road from Gaylord C. Smith Drive south to Central Park Drive.

Supervisor McGillicuddy added that the pathway extension is already on the Master Plan and spoke to the need to have the pathway put in place. Director Severy noted that the pathway would need to be a boardwalk the entire length across the Mud Lake Drain and the wetlands.

Carl Harmon, Vice President, LINC, PO Box 40, Okemos, expressed appreciation for the Board's caution regarding the paving of Powell Road. He read a prepared statement from LINC in support of the Board's approach to the proposed annexation to East Lansing.

[Prepared statement in Official Minute Book]

Supervisor McGillicuddy closed Public Remarks.

13. POSSIBLE CLOSED SESSION

Treasurer Hunting moved that the Township Board go into a closed session to discuss strategy related to ongoing litigation. Seconded by Trustee Brixie.

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

NAYS: Trustee Veenstra

Motion carried 6-1.

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

Clerk Helmbrecht moved to return to open session. Seconded by Trustee Woiwode.

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

Trustee Brixie moved to go forward as discussed in closed session. Seconded by Trustee Veenstra.

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

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:36 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary