

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD WORK SESSION MINUTES - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, MARCH 6, 2001, **5:30 P.M. — 7:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Stier, Such, Woiwode
ABSENT: None
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Police Chief Gary Gibbons, EMS/Fire Chief Fred Cowper, Chief Engineer Younes Ishraidi, Attorney Steve Lasher

1. CALL WORK SESSION TO ORDER

Supervisor McGillicuddy called the Work Session to order at 5:35 p.m.

2. QUESTIONS FOR ATTORNEY

Piper Road Public Improvement Special Assessment District

Treasurer Hunting asked if a special assessment district remains open such that the assessment could be redistributed to future beneficiaries of the public improvement. Attorney Lasher stated once the special assessment district is created; additional properties could not be added to the assessment district without holding a hearing.

Trustee Brixie asked for confirmation that a public hearing would be the only requirement to add properties to the special assessment district. Attorney Lasher stated for special assessment districts for roads, it is generally contemplated that the assessed parcels would front the road. Attorney Lasher stated in the case of Piper Road and the potential addition of Strawberry Farms Estates No. 3, these parcels do not front the road. Attorney Lasher stated there may be a way of incorporating non-frontage parcels into a special assessment district for a road, but the general rule is it could not be done. Attorney Lasher stated under Act 188, it specifically states in the petition phase that the petition must be more than fifty percent (50%) of the owners of the frontage. Attorney Lasher stated the petition requirement implies that only property owners with road frontage could sign a petition; and therefore only those parcels with road frontage could be included in the special assessment district. Attorney Lasher stated his research of Michigan Tax Tribunal (MTT) cases regarding appeals to special assessments for public road improvements has not addressed the issue of non-frontage parcels included in an assessment district, but he believed such an appeal would have a good probability of success.

Supervisor McGillicuddy referred to a Knightsford Lane resident petition for the paving of Van Atta Road and the subsequent paving and assessment for the paving. Supervisor McGillicuddy asked how the Van Atta Road paving would be different. Attorney Lasher stated the premise of special assessments is determining the beneficiaries of a public improvement. Attorney Lasher stated in theory an argument could be made that non-frontage properties benefit from a public road improvement. Attorney Lasher stated the concern is in how an appeal to the MTT would be decided.

Clerk Helmbrecht asked for confirmation that a special assessment district is fixed once the assessment roll is approved through resolution #5. Attorney Lasher stated the special assessment district is fixed before the approval of the roll. Attorney Lasher stated the special assessment district is established after the initial hearing regarding the project and the assessment district. Attorney Lasher stated to add parcels to the district after this hearing, is to deny residents their statutory rights to a hearing on the assessment district.

Trustee Brixie asked if a resident of Piper Road; having requested the paving, and being agreeable to placement of the parcel in the assessment district before being subdivided, provides any options in modifying the assessment district. Attorney Lasher stated the Board would need to create a new special assessment district to incorporate any new parcels, and negotiate an agreement to provide for a redistribution of funds collected from the new home owners amongst all parties. He stated in spreading

the assessment on a per parcel basis rather than some other benefit-related basis, the Board would need to create a new special assessment district for the new development.

Trustee Brixie asked if the developer could establish a new special assessment district before selling the lots. Attorney Lasher stated the developer would have already been assessed for the project.

Trustee Such asked if the Board could postpone final action on the special assessment for a year to permit a second special assessment district in the area. Attorney Lasher stated there is no requirement for the Board to act now, as there are no time constraints between the first and second hearing. Manager Richards discussed practical problems associated with property transfers and delaying the final assessment.

Treasurer Hunting asked what practical options are available. Attorney Lasher stated as the second public hearing has not been completed, there is nothing that says the assessment must be done on a per parcel basis rather than a per benefit basis. Attorney Lasher stated according to the language of Resolutions No. 2 & 3, the Township could recalculate the assessment on a per benefit basis. Attorney Lasher stated for water and sewer assessment districts, the ordinance established a special benefit fee. Attorney Lasher stated he does not know if a special benefit fee could be established for a road.

Trustee Brixie asked if the benefit cost could be determined at a future point. Attorney Lasher stated at some point, the Board must adopt resolution No. 5 establishing the assessment roll and final assessment for each parcel in the district.

Trustee Brixie asked if a special benefit could be determined for the parcel having the entrance road to the two- (2) subdivisions. Attorney Lasher stated the Township could not penalize a particular parcel. Attorney Lasher stated if the Township establishes a fair and equitable benefit-related method of allocation, this would be possible.

Board Members discussed whether to postpone action on the Piper Road public road improvement assessment district.

Urban Service Boundary:

Trustee Such asked the attorney if there has been any case law since 1994 related to the Urban Service Boundary. Attorney Lasher stated he has not been able to research the issue as fully as the previous discussion.

3. COMMITTEE OF THE WHOLE

- A. Urban Service Boundary
Supervisor McGillicuddy opened discussion.

Board Members discussed the possibility of instituting the Urban Service Boundary through the ordinances.

- B. Traffic Impact Analysis
Supervisor McGillicuddy reviewed a list of twelve (12) criteria for the analysis.

Board Members discussed a traffic impact analysis.

- C. Library Task Force Criteria
Supervisor McGillicuddy reviewed the criteria submitted to her for the task force.

Board members discussed the task force criteria.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened public remarks.
Charles Louis Willems, 1387 Hickory Island, Haslett, stated his belief that the alley to his property

belongs to Meridian Township and that the Township could not deliver emergency services to his home without trespass on the neighbor's property.

Supervisor McGillicuddy closed public remarks

5. ADJOURNMENT

Supervisor McGillicuddy adjourned the Work Session at 6:48 p.m.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Paul J. Cassidy, Secretary

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, MARCH 6, 2001, **7:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Stier, Such, Woiwode
ABSENT: None
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Police Chief Gary Gibbons, EMS/Fire Chief Fred Cowper, Chief Engineer Younes Ishraidi

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 7:05 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*

A. Introduction of EMS/Fire Fighters

Chief Cowper introduced EMS/Fire Fighters Scott Halligan and Darryl Curtis.

B. Introduction of Police Officer

Chief Gibbons introduced Police Officer Phil Smith.

Supervisor McGillicuddy opened Public Remarks.

Sam Bono, 1435 Ivywood, Okemos, asked the Board to address the proposal of the Ingham County Health Department to address a sewage problem (see Communication BI-15).

John Hoehn, 4341 Van Atta Road, Okemos, stated his concerns related to the financial and environmental costs of pedestrian/bicycle pathways.

Thomas Klunzinger, Meridian Township CATA Board Representative, reported on the following: 1) CATA plans to handle the temporary closure of I-496; 2) Township ridership for the Redi-Ride program; and 3) Increases in the basic fair.

[Ridership report for June 12, 2000 through February 28, 2001 submitted for the Official Minute Book]

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT

Supervisor McGillicuddy opened discussion on an invitation to a joint meeting with the Ingham County Road Commission. (See Communication BI-14).

Manager Richards reported the Ingham County Road Commission has since reconsidered the proposed date for this meeting and would need to reschedule.

Trustee Woiwode reported within the next three- (3) weeks she would identify task force members and set the first meeting date for the Briarwood to Van Atta Woods Task Force

Trustee Brixie reported within the next month she would identify task force members and set the first meeting date for the Van Atta Road Task Force.

Clerk Helmbrecht reported the Meridian Area Business Expo would be held Saturday, March 10, 2001 from 10:00 a.m. to 3:00 p.m. at Haslett High School.

Clerk Helmbrecht reported the next Land Preservation Advisory Board meeting is scheduled for March 14, 2001 in the Nelson Room.

Clerk Helmbrecht provided corrections to the communication listing.

Treasurer Hunting reported the tax collection deadline was February 28, 2001. He introduced a Tax Collection Report (See Communication SR-1) and an Investment Report (See Communication SR-2).

Board Members discussed the collection of late taxes and penalties at Ingham County.

6. APPROVAL OF AGENDA

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

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Trustee Such 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 unanimously.

Therefore, the above actions were taken with the votes as follow:

A. Communications

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 Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, 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 February 26, 2001 Workshop 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 unanimously.

C. Reschedule March 20, 2001 Work Session

Trustee Such moved to amend the Board Meeting scheduled by changing the start time of the March 20, 2001 Work Session from 6:00 p.m. to 5:30 p.m. Seconded by Clerk Helmbrecht

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

NAYS: None

Motion carried unanimously.

D. Bills

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

General Fund/Special Revenue	\$ 414,305.14
Public Works	\$ 197,730.72
<u>Total Checks</u>	<u>\$ 612,035.86</u>
Credit Card Transactions	\$ 14,849.93
<u>Total Purchases</u>	<u>\$ 626,885.79</u>

Seconded by Clerk Helmbrecht.

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

[Bill list for 3/6/01 in Official Minute Book]

E. Banner Permit - Okemos Schools Fine Arts Festival

Trustee Such moved the following:

WHEREAS, Meridian Township has requested that Okemos Fine Arts Organization be allowed to hang a banner across Hamilton Road near the intersection of Hamilton and Ardmore from March 19, 2001 through March 24, 2001 to announce the Fine Arts Festival. The banner will not obstruct traffic signals and/or signs and will be eighteen feet (18') above the centerline of the road.

THEREFORE, I move the following" The Township Manager's Office is authorized to request the Ingham County Road Commission to allow Okemos Fine Arts Organization to hang a banner over Hamilton Road, near the intersection of Hamilton and Ardmore from March 19, 2001 to March 24, 2001.

Seconded by Clerk Helmbrecht

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

F. Execute Lease for Vactor Truck

Trustee Such moved to approve the lease/purchase agreement as recommended by staff and authorize execution of the appropriate documents. Seconded by Clerk Helmbrecht

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

G. Bank Resolution - Independent Bank

Trustee Such moved to adopt a resolution entitled "Authority to Open Account" for Independent Bank, as requested in a staff memorandum dated February 28, 2001. Seconded by Clerk Helmbrecht

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

H. Whitehills Lakes #6 Street Light District - Resolution #2

Trustee Such moved to approve Whitehills Lakes #6 Streetlighting District Resolution #2, which confirms the plans and estimate of costs for the Whitehills Lakes #6 Streetlighting District; directs the Supervisor to make a special assessment according to the roll submitted to the public hearing and confirms the assessment amount of \$1,648.00 for the first year, and \$1,498.00 annually thereafter, and directs that amount to be assessed against the lands on that roll; orders the special assessment roll filed with the Township Assessor for spreading annually on the tax roll; authorizes Consumers Energy to proceed with the installation of the nine (9) streetlights; and authorizes the Township Supervisor and Clerk to sign the authorization for Change in Streetlighting Contract. Seconded by Clerk Helmbrecht

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

8. HEARINGS

A. PUD #00014 (Fairmont)

Director Kieselbach introduced the request for preliminary Planned Unit Development approval for a single-family detached condominium project at 5559 Okemos Road.

Supervisor McGillicuddy opened the public hearing

APPLICANT:

Scott Fairmont, 4429 Apache, Okemos, spoke in support of preliminary approval for the following reasons:

- The development is technically a condominium, but is intended to serve as single-family housing
- Preserve 70% of upland for common open space calculated at maximum buildable area
- No immediate neighbors other than to the north of the site

Dan Blakey, 5571 Okemos Road, Okemos, spoke in opposition to preliminary approval for the current proposal of six (6) units rather than five (5) units for the following reasons:

- The proposed plan for six (6) units is not consistent with lot sizes in the area, which range from 100 feet to 126 feet wide
- Original zoning was RR (Rural Residential) which would permit two (2) homes.

BOARD DISCUSSION:

Trustee Woiwode asked for an explanation of the phrase "grinder sewage treatment."

Director Kieselbach stated a grinder pump is used to raise the sewage to an elevation so that it could be pumped into the public system.

Trustee Brixie asked if unit no. 3 would be permitted to have a deck extending into the floodplain.

Director Kieselbach stated the Planning Commission imposed a condition on this development for preliminary approval that no structure including decks would be allowed in the floodplain.

Trustee Woiwode asked how the design has changed with respect to the northern boundary from the original proposal for seven (7) units.

Mr. Fairmont stated the elimination of unit no. 7 provided for greater side-yard distance. He stated the north setback could be increased to fifteen feet (15') if the entire site were shifted south with a five-foot (5') setback to the south boundary. He stated the south property is Consumers' Energy property used for a switching station. He stated in reference to the question of a deck on unit no. 3, that the unit has a deck outside of the floodplain and within the building envelope

Trustee Woiwode asked the applicant to address the concern regarding constructing the last unit within the required setbacks.

Mr. Fairmont stated Planning staff was concerned that if construction of the units started on one end and worked to the other, that there may be sufficient shifting of the units to squeeze the last lot. He stated the intent is to remain within the buildable areas as defined on the site with a seven and one-half-foot (7 1/2') property line on each side of the lot.

Director Kieselbach stated the concern is that if one begins with a zero lot line on one side and this practice continue through the development there might be a problem at the final unit. He stated that in this case, the developer intends to treat the sight as a regular subdivision with self-imposed setbacks.

Trustee Woiwode asked if these self-imposed setbacks are established by verbal agreement, or are written into the plan.

Director Kieselbach stated the Board would approve the preliminary plan as shown, which includes the specifications for the setbacks. He stated by approving the plan in this way, the setbacks become a requirement.

Treasurer Hunting asked what the width of the pathway is on the site.

Mr. Fairmont stated the requirement is that an easement be provided along Okemos Road for a seven-foot (7') pathway without the requirement to construct the pathway.

Treasurer Hunting stated he thought the plan showed a five-foot pathway.

Director Kieselbach stated the Planning Commission condition is for seven feet (7').

Supervisor McGillicuddy asked for confirmation that there would be no need for any FEMA map amendments because the development is outside floodplain.

The applicant confirmed there would be no such requirement.

Supervisor McGillicuddy asked if the applicant could minimize grading along the floodplain boundary.

Mr. Fairmont stated his intent is to maintain the existing grade along the floodplain.

Supervisor McGillicuddy stated her concern about significant grading and large drop-offs for developments backing into wetlands and floodplains.

Mr. Fairmont stated that as part of the PUD process the developer must submit landscaping plans to the Township before final approval, which would show any such grade changes. He stated he would accept a condition prohibiting a change in the grade at the floodplain.

Supervisor McGillicuddy asked if the applicant would file a letter with the Township specifying the deeded common area to prevent a situation similar to Emerald Lakes in which the Township could not determine the common area.

Mr. Fairmont stated the master deed would designate the common land ownership to the Condominium Association. He stated he would be willing to submit a letter in addition to the master deed.

Supervisor McGillicuddy stated she would be more comfortable having something in the Township's record.

Trustee Brixie asked staff to discuss if there are any provisions to prevent the detachment and sale

of the common area as occurred with Coyote Creek.

Director Kieselbach stated he does not know if there is any way to prevent a situation such as Coyote Creek. He stated Coyote Creek was required to amend the PUD after the sale of the property. He stated PUD approval is based on the plan and not on ownership. He stated he could not guarantee the applicant would not sell the property the day after receiving final approval.

Trustee Brixie asked if there is any way to ensure notification of the Township for any change of ownership of the common areas.

Director Kieselbach stated the Township would be notified through assessing records.

Trustee Brixie asked if such a property transfer would be a cause for concern among Assessing staff.

Director Kieselbach stated after the Coyote Creek situation, procedures have been reviewed and any property transfers in a subdivision or condominium is copied to the planning office.

Trustee Such asked if a developer could complete the PUD approval process and then sell the common areas.

Director Kieselbach stated the Coyote Creek property was a parcel set-aside for future development. He stated because of financial problems the property was repossessed by the bank. He stated the issue is that the PUD boundaries and conditions are established through the approval process and ownership is not relevant.

Trustee Such stated the master deed of the common areas to the condominium association provides greater protection than filing a letter of intent to maintain the common areas.

Trustee Stier asked staff if there was a current calculation of the percentage of open space.

Director Kieselbach stated the site plan was calculated at seventy percent (70%) for seven (7) units, and has not been recalculated for six (6) units as it is well above the minimum and would only have increased.

Trustee Stier asked for confirmation that the minimum percentage is fifty percent (50%) for a PUD.

Director Kieselbach confirmed fifty percent (50%) is the minimum.

Trustee Woiwode stated there appears to be a land locked property behind the subject property. She asked who owns the property and why is there no access to public rights-of-way other than through the consumers energy property.

Director Kieselbach stated he could look into the situation.

Supervisor McGillicuddy asked if there was consensus on shifting the plan to the south.

Trustee Woiwode stated a concern with reducing the south setback to five feet (5') as it could create future problems if the use changes. She stated it may still be a good idea in providing a larger distance from an existing home to the north.

John Veenstra, 320 Piper Road, Haslett, asked for confirmation that the developer was not paying for construction of a sidewalk.

Director Kieselbach stated the developer would pay for construction of the sidewalk.

Treasurer Hunting asked for clarification as to whether Consumers' Energy property or an easement.

Mr. Fairmont stated Consumers' Energy owns the rectangular property the substation sits on, and holds an easement for the pathway.

Trustee Woiwode asked if there would be any safety concerns with regard to being too close to the substation.

Mr. Fairmont stated the property is 150 feet wide and a ten-foot (10') setback would place the substation 110 feet from the closest structure on the subject site.

Leonard Provencher, 5824 Beuna, Haslett, stated the following concerns:

- Does the site plan address issues related to widening of public roads
- Are the line-of-site issues addressed into and out of the development considering the negative slope from the road.
- Traffic should exit and enter the site at a common point

Wayne McLellen, 1459 Cheboygan, Okemos, stated the following concerns:

- Any land-locked issues should be resolved before approving a proposal that creates a problem
- If the southern structure is to within five feet (5') of the property line, these residents would be the first to object to any off-road pathways through the consumers energy easement.

Trustee Stier asked if the Board has the authority to establish a five-foot (5') side-yard setback.

Director Kieselbach stated that under the PUD the Planning Commission and the Board have the ability to set the standards down to a zero setback as deemed appropriate for the development.

Trustee Brixie asked if the board would consider a zero setback to offset the impact on the northern neighbor.

Trustee Stier stated there is room to move the buildings slightly closer together to gain the same objective.

Trustee Brixie stated the developer intended to comply with the setbacks as established by ordinance.

Supervisor McGillicuddy stated she would not be comfortable with a zero setback in case of future development on the Consumers Energy property.

Trustee Woiwode asked for confirmation that the site plan shows the building envelope rather than a planned structure.

Director Kieselbach stated the site plan shows a possible footprint of a building and the envelope is slightly larger. He stated the applicant is asking for an envelope to move the building in to provide for customization of units with minimum standards between buildings or lot lines.

Supervisor McGillicuddy stated it might be possible to reverse the driveway on the northern unit to make it less intrusive.

Trustee Woiwode stated the problem with a zero setback is that the property owner could not landscape on the south side of the home without trespassing on Consumer's Energy property.

Trustee Such asked what legal obligation the Board has to any land-locked property.

Director Kieselbach stated this situation would be reviewed. He stated the land locked parcel may have been created before this parcel.

Supervisor McGillicuddy asked staff to review potential access points to the rear parcel. She asked if it would be possible to include on the site plan "possible pathway" in the Consumer's Energy

easement to forewarn residents

Mr. Fairmont stated he had no objection to adding the notation "possible pathway" to the Consumers' Energy easement. He stated there are two (2) points of access to the property to the rear of the subject site: 1) through the East Lansing-Meridian Water & Sewer Authority plant and 2) through Keystone subdivision. He stated the Coyote Creek land transfer was part of part of future development land. He stated this development is a single phase of a master deed showing the six (6) building sites and common land. He stated before the first lot is sold, the common land would be legally determined to be part of the common property for the six- (6) homes. He stated with a multi-phased development issues of transfers of common land could be more of a concern.

Supervisor McGillicuddy closed the public hearing.

B. College Park Water Main & Sanitary Sewer Payback Request
Supervisor McGillicuddy opened the hearing.

Director Kieselbach introduced the College Park Water Main & Sanitary Sewer Payback request.

Bud Nilson, Land Equities, 2163 University Park Drive, spoke in support of the requested payback district as follows:

- Request submitted after construction of the first phase through several Township engineers.
- Township agreed at the beginning of the project to handle this issue
- Beginning next phase of development

Manager Richards stated there are two (2) questions to address in terms of reimbursement. He stated the first question addresses the specific request in terms of reimbursement. He stated the second question follows after the first in how such reimbursement would be done. He stated should the Board determine reimbursement to be appropriate, staff would provide options to consider for such reimbursement.

Clerk Helmbrecht asked for clarification of the nature of the agreement for reimbursement.

Mr. Nilson stated the original discussion regarded the establishment of a special assessment district.

Clerk Helmbrecht asked if this is something that could be set up as a special assessment district.

Manager Richards stated there are various ways to do a reimbursement. He stated in a previous case for the installation of water main the Township negotiated an agreement such that those who did not tie into the water main paid certain fees, and certain fees were reimbursed to the original developer. He stated there are various ways to accomplish a payback district, but it is too difficult after-the-fact to assess whether a special assessment district would have been appropriate.

Trustee Woiwode asked whether this is an ad-hoc process or if there is a governing policy. She stated a concern in establishing precedence if this is a purely ad-hoc process.

Director Kieselbach stated the Township has looked at where it needs to provide future service and what size mains it needs to provide such service. He stated this site had been on the map for many years to provide public utilities. He stated the Engineering Department has established a master plan for future utility service and has used this plan in working with developers to provide the appropriate sized mains.

Trustee Woiwode asked if there is a written policy governing this process.

Director Kieselbach stated he is not aware of a written policy.

Manager Richards stated if there is a written policy governing this process, it has been on the books for many years.

Trustee Such stated the Township may have a policy based on practice. He asked staff how many times the Township has paid such reimbursements.

Chief Engineer Ishraidi discussed the agreement between the Township and Okemos Public Schools. He stated reimbursements have been paid to other developers at a much smaller scale as a credit to the connection charges.

Trustee Such stated he would like to know more about the practice of the Township. He stated the amount of the reimbursement is not as important as the fact it has been done. He stated he would like to know the full cost of the project. He asked if there is any verification of an agreement with the developer.

Chief Engineer Ishraidi stated in early discussions between the developer and Township Engineering, Chief Engineer Dave Card informed the developer that a formal request would be required to address his expectation for reimbursement. He stated a formal request was not submitted until October 2000.

Trustee Such stated he would like to have some legal advice on this issue regarding what reimbursement options are available, and what has worked in other Townships.

Trustee Brixie asked if there have been any properties hooked up or any requests received to hook up to these lines.

Chief Engineer Ishraidi stated an individual south of the property has asked when sewer would be installed. He stated the issue needs to be addressed in light of the possible installation of Board of Water & Light lines to service the Governor's Collection.

Trustee Brixie stated the applicant may want to get the request in before services are extended from Lansing. She stated if the Township required larger lines at extra cost to the developer, this needs to be addressed.

Mr. Nilson stated he has no answers regarding future users. He stated at the beginning of this project Chief Engineer Card indicated larger mains would be compensated for by an assessment district. He stated over the years and changes in engineers, he had been told the same thing.

Supervisor McGillicuddy stated Hagadorn Road residents have long expected the line to extend down Hagadorn Road.

Trustee Woiwode stated she would like to address the second question of how reimbursement would be accomplished. She asked if this reimbursement would be a cost that could be recouped by future hookups, or would it have to be absorbed into the system and ignored in the calculation of additional hookups.

Manager Richards stated there are fees for both tap in and benefit charges depending on actual use and flow. He stated it would depend on the development as to how much revenue comes in. He stated this may be more an issue of equity. He stated this matter is before the Board because of the size and circumstances of the request. He stated this is an unusual request and the Board needs to decide what is the fair thing to do.

Trustee Stier asked if there is any substantiation to the \$75,000 amount.

Director Kieselbach stated the applicant provided all construction cost and the final cost difference was calculated by the Township's Chief Engineer.

Supervisor McGillicuddy opened the hearing to the public.

Wayne McLellen, 1459 Cheboygan Okemos, spoke in support of reimbursement as being appropriate, but need to address the when and how.

Supervisor McGillicuddy closed the hearing.

9. ACTION ITEMS

Supervisor McGillicuddy opened public remarks.

Brett Dreyfus, 6386 Towar Avenue, East Lansing, spoke in opposition to the proposed Towar Avenue pedestrian/bicycle pathway extension.

Terri Banas, 5606 Creekwood Lane, Haslett, spoke in support of a north-side Haslett Road pedestrian/bicycle pathway extension.

Richard Harrington, 820 Piper Road, Haslett, objected to his assessment for the paving of Piper Road.

Supervisor McGillicuddy closed public remarks.

A. 2001 Pathway Construction Program

Supervisor McGillicuddy opened the discussion.

Board Members discussed the following items:

- Specific segment of Towar Avenue objected to by previous speaker

Trustee Such moved that the Township Board approve the proposed 2001 Pathway Construction Program. Seconded by Clerk Helmbrecht

Board Members discussed the following items:

- Agreement with City of East Lansing to connect pedestrian/bicycle pathways to recreational areas
- Access to playground north of the East Lansing Softball Complex
- Restriction of pathways to rights-of-way
- Division of original Towar Avenue pathway into three segments
- Resident support at Towar neighborhood pathway meeting
- Change in Jolly Road pathway from widened shoulder to near-road pathway
- Remaining permits required for Jolly Road pathway
- Construction of Boardwalk along Jolly Road
- Review of process to address issues before reaching the Board level
- Resolution of grievance of Hatch Road Resident
- Requirement for easement to construct Hatch Road connection
- Procedure and considerations for selecting and constructing pathways
- Term of approval
- Update on status of pathway construction

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

NAYS: None

Motion carried unanimously.

B. Piper Road Special Assessment District - Resolution #5

Trustee Such moved to table the matter two weeks to gather additional information. Seconded by Clerk Helmbrecht.

VOICE VOTE: Motion carried unanimously.

C. Library Task Force Appointments

Supervisor McGillicuddy introduced her appointments to the Library Task Force.

Treasurer Hunting moved to ratify the Supervisor's appointments to the Library Task Force as follows:

**Andrew Such, Township Board Representative and Chair of the Task Force
Carla Clos, 2669 Linden Drive, East Lansing, President, Friends of Okemos Library**

Marilyn Rye, 5580 Wood Valley, Haslett, President, Friends of Haslett Library
Frank MacDougall, 1854 Creek Landing, Haslett
Ellen Kossek, 2038 Woodfield, Okemos

Seconded by Trustee Such.

VOICE VOTE: Motion carried unanimously.

10. DISCUSSION ITEMS

A. Rezoning #00170 (T.S. & P.),

Director Kieselbach introduced the request to rezone the northwest corner of Grand River Avenue and Powell Road from of PO (Professional Office) to CS (Community Service).

Ken Stockwell, President, Stockwell Real Estate Group, 4277 Okemos Road, Okemos, representing the applicant, stated the reasons for the rezoning request.

Board Members discussed the following points

- Proposed site plans are not relevant to the rezoning request
- Length of time the property to the east zoned as CS (Community Services)
- Rezoning considerations
- Importance of PO (Professional Office) buffer to residential neighborhood to the north
- Detriment of terrain to property value

B. Investment Policy

Supervisor McGillicuddy opened discussion.

Treasurer Hunting introduced the proposed investment policy.

Board Members discussed the following items:

- Simplicity of language
- Segments of Policy retained from current policy
- Attorney review

C. Hartrick Park Grant Reapplication

Supervisor McGillicuddy opened discussion.

Manager Richards updated the Board on the status of the grant application.

Board Members discussed the following items:

- Concerns about remoteness of proposed parking lot
- Connecting pathway to Okemos High School
- Need for Okemos Schools input on the plan
- Desire to reduce the amount of asphalt in parks
- Seasonal nature of Hartrick Park
- Provision of off-site parking for Okemos High School

11. PUBLIC COMMENT

Supervisor McGillicuddy opened public comment.

Wayne McLellen, 1459 Cheboygan, Okemos, spoke in opposition to the Act 425 Agreement governing the Governor's Collection property.

Supervisor McGillicuddy closed public remarks.

12. FINAL BOARD MEMBER COMMENT

Trustee Brixie discussed a Pathway Advisory Board as a possible item for consideration.

Trustee Brixie discussed a possible zoning amendment to incorporate a limit on hours of operation in

commercial districts or requiring a special use permit for twenty-four (24) hour operations if within a certain distance from a residential district.

Supervisor McGillicuddy discussed placing Trustee Brixie's zoning amendment recommendation on a Committee of the Whole agenda.

Trustee Woiwode thanked staff for conducting the Governor's Collection site plan review, and noted the lack of information from the City of Lansing regarding the full plan.

Supervisor McGillicuddy discussed the reasons the Governor's Collection was listed as an action item for the next meeting.

Manager Richards reported on an East Lansing-Meridian Water & Sewer Authority project to optimize the wastewater treatment plant.

13 DETAILS OF NEXT MEETING

- A. Street Light Policy - Action Item
- B. Road Paving Policy - Action Item
- C. 2001 Road Resurfacing Plan - Action Item
- D. Sapphire Lakes Condominiums Street Light District - Action Item
- E. The Coves at Whitehills Condominiums Street Light District - Action Item
- F. Order to Maintain Sidewalk - Heritage Hills Public Hearing
- G. Storm Water Management Report Recommendations - Discussion Item
- H. Governor's Collection - Action Item

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:00 p.m.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Paul J. Cassidy, Secretary