

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
853-4000, Town Hall Room  
TUESDAY, APRIL 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 Public Remarks.

Lynne S. Page, President, Briarwood Homeowners Association, 3912 Raleigh Drive, Okemos, read from a prepared statement in opposition to SUP #06-99091 (Wal\*Mart).

[Prepared statement in Official Minute Book]

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Trustee Brixie attended the Groundwater Management Board meeting last week where she received information concerning pending ordinances before the Ingham County Board of Commissioners on point of sale septic system inspection which would create and regulate a new certification program for septic system inspectors. She requested the Board support a letter from the Township Supervisor concurring with this legislation.

Clerk Helmbrecht announced the Annual May election to be held on May 2, 2006. Elections for the Okemos, Haslett and East Lansing public schools will be on the ballot. The initial batch of absentee ballots weremailed Monday, April 17<sup>th</sup>. The Clerk's office will mail out requested absentee ballots daily through Saturday, April 29<sup>th</sup>.

Supervisor McGillicuddy announced that, due to the May 2<sup>nd</sup> election, the next Board meeting will be held Thursday, May 4<sup>th</sup>.

6. APPROVAL OF AGENDA — OR CHANGES

**Trustee Such moved to approve the agenda amended as follows:**

- **ReNUMBER the action items to Agenda Item 9**
- **ReNUMBER the hearings to Agenda Item 10**
- **Reletter Agenda Item 11C to Agenda Item 11A and reletter the remaining discussion items accordingly**

**Seconded by Trustee Brixie.**

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)

- 11B-1 Lou Livingston, 5932 Potter Street, Haslett; RE: Support for Potter Street Sidewalk Special Assessment District
- 11B-2 Judy Wall, 5892 Potter Street, Haslett; RE: Opposition to Potter Street Sidewalk Special Assessment District
- 11C-1 Mary Hill, 5935 Bayonne Avenue, Haslett; RE: Opposition to expansion of Wal-Mart at 5110 Times Square, Okemos
- 11C-2 Gail Drouillard, 142 High Street, Apt. 102, Williamston; RE: Opposition to expansion of Wal-Mart at 5110 Times Square, Okemos
- 11C-3 Carol Preston, 4409 Copperhill Drive, Okemos; RE: Opposition to expansion of Wal-Mart at 5110 Times Square, Okemos
- 11C-4 Gordon Williams, 3891 Sheldrake, Okemos; RE: Support for expansion of Wal-Mart at 5110 Times Square, Okemos

(2). Board Information (BI)

- BI-1 Zane Balks-Russell, 2060 Riverwood Drive, Okemos; RE: Reaction to March 21<sup>st</sup> Board meeting relative to Mixed Use PUD #05024/Site Plan Review #06-03 (Russell), Village Square-Phase 2
- BI-2 Tim Potter, 4632 Van Atta Road, Okemos; RE: Condition of roads within the Township

(3) Regional Linkage (RL)

- RL-1 Martin A. Colburn, City Administrator, City of Mason, 201 W. Ash Street, Mason; RE: Request for the City of Mason to become a participating municipality with Capital Area District Library (CADL)
- RL-2 Gene L. Wriggelsworth, Sheriff, Ingham County Sheriff's Office, 630 N. Cedar Street, Mason; RE: Funding for drug "clean-up"
- RL-3 Deborah L. Bellows, Secretary to the Board, Ingham County Road Commission, 301 Bush Street, Mason; Petition for Abandonment of Zephyr Drive in Sunwind Estates

(4). 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 April 6, 2006
- SC-2 Michigan Townships Association Legislative E-Report, March 31, 2006 Edition
- SC-3 Michigan Townships Association Legislative E-Report, April 7, 2006 Edition

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

Materials received at the April 4, 2006 Meeting

Vance Poquette, President, Cedar Bend Heights Neighborhood Association, 2226 Kent, Okemos; RE: Request for rezoning of four Hamilton Road properties from commercial (C-2 and PO) to single family residential (RA)

Franklin O. Duff, EIT, Project Engineer, Atwell-Hicks Development Consultants, 500 Avis Drive, Suite 100, Ann Arbor; RE: Invitation to the Wal-Mart Community Feedback Meeting on April 4, 2006, to be held at the Okemos Holiday Inn Express, 2187 University Park Drive, Okemos from 7:00 P.M. to 10:00 P.M.

**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 April 4, 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	\$ 614,501.41
Public Works	\$ 353,821.00
Total Checks	\$ 968,322.41
Credit Card Transactions	\$ 17,787.02
Total Purchases	<u>\$ 986,109.43</u>
ACH Payments	<u>\$ 278,553.71</u>

**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. Amendment of UTC Retainer Agreement with Bodwin & Fuzak

**Trustee Such moved the Township approve the amended agreement for prosecution of Uniform Traffic Code and other specified ordinances with Bodwin & Fuzak P.C. and authorize Township officials to sign such retainer agreement having a retainer amount of \$50,000.00 annually. 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. Outdoor Gathering Permit, Burcham Hills Midway Carnival & Games  
**Trustee Such moved approval of the Outdoor Assembly License for the Burcham Hills Retirement Community for Midway Carnival Rides and Games on May 3 to May 7, 2006, as per the staff memorandum dated April 12, 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. Police Mutual Aid Agreement  
**Trustee Such moved that the Board approve the resolution to enter into a Mutual Police Assistance Agreement with participating Ingham County police agencies and authorize the Township Supervisor and Clerk to sign the agreement. 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. Lake Lansing Watershed Management Advisory Committee Appointments  
**Trustee Such moved that the following property owners be appointed to the Lake Lansing Watershed Advisory Committee until April 30, 2008: Cindy Wycoff, 6391 Reynolds, E., Tier One; Joseph Sheahan, 6150 Columbia, Tier One; and Steven Culling, 6193 Columbia, Tier Two. 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 # 10C)

9. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

- A. Wetland Use Permit #06-04-04 (Smith), amendment to the Wetland Use Permit for The Sanctuary subdivision

**Treasurer Hunting moved [and read into the record], NOW THEREFORE, BE IT RESOLVED 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 #06-04-04 for discharging stormwater into Township Wetland #32-39 with the following conditions:**

- 1. Approval is based upon the materials and plans dated March 1, 2006, prepared by Kebs, Inc. submitted in conjunction with the wetland use permit application, subject to revisions as required.**
- 2. The applicant shall obtain all necessary permits and approvals from the Ingham County Drain Commissioner and the Michigan Department of Environmental Quality (MDEQ). Copies of all permits and approval letters shall be submitted to the Department of Community Planning and Development.**

3. **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 Such.**

Board members discussed the following:

- Township's environmental consultant recommended approval of this amendment
- No mitigation required as the proposed work does not result in the loss of wetland area

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

- B. SUP #06031 (Tendercare, MI, Inc.), a request to locate a 120 bed nursing home at 5177 and 5241 Marsh Road

**Trustee Brixie 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 #06031 for a 120 bed nursing home of approximately 59,820 square feet in gross floor area with the following conditions:**

1. **Approval is granted in accordance with the site plan dated March 27, 2006 prepared by Richard Postema Associates, indicating two buildings with a total gross floor area of approximately 59,820 square feet, and the accompanying materials provided by the applicant, subject to revisions as required.**

**Seconded by Trustee Such.**

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

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

**Trustee Such moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, hereby FINALLY ADOPTS Ordinance No. 2006-01, entitled "Ordinance Amending the Code of the Charter Township of Meridian, Michigan, by Amending Chapter 14 Buildings and Building Regulations, Article III Housing Code; Division 1, Section 14-56, Section 14-57, Section 14-58; and Division 2 Section 14-81."**

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

**Seconded by Trustee Brixie.**

Board members discussed the following:

- Alleged unreasonable burden for the public to have seven (7) pages of amendments to the International Property Maintenance Code (IPMC)
- Alleged need for a cohesive text to be available at the Clerk's office and the Okemos and Haslett libraries

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

10. HEARINGS

- A. Downtown Development Authority Development Plan and Tax Increment Financing Plan  
Supervisor McGillicuddy opened and closed the public hearing at 6:25 P.M.
- B. Potter Street Public Sidewalk Special Assessment District  
Supervisor McGillicuddy opened the public hearing at 6:25 P.M.

Director Severy summarized the Potter Street Public Sidewalk Improvements Special Assessment District as outlined in staff memorandum dated April 13, 2006.

Tom Warner, 6187 E. Lake Drive, Haslett, stated the sidewalk and drainage of the property he owns on Potter Street was redone two (2) years ago. He was also in possession of signatures of twenty (20) residents who own property on Potter Street and are opposed to the special assessment district. He believed this represented 52% of the property owners on Potter Street.

Terry Tranquilla, property owner of 5917 and 5921 Potter Street, Haslett, believed the project is too expensive.

Kenneth Wilkie, 5868 Potter Street, Haslett, expressed opposition to placing the sidewalk on both sides of the street. He stated the sidewalk in front of his house is six (6) inches below the soil in his driveway and yard. He stated the road was built one foot higher than the sidewalks. He would like new sidewalks but believed they must first be built up.

Carl Harmon, 1924 Birchwood, Okemos, inquired if the drainage is an expense of the lot owner. He believed the Ingham County Road Commission should bare financial responsibility for this project.

Don Haid, 5869 Potter Street, Haslett, voiced his objection to a new sidewalk which will be ditched to the old drain. He believed the entire drain system needs to be updated as the storm drains and catch basins are inadequate.

Darwin Hart, 5937 Potter Street, Haslett, alleged a large amount of the water comes from Edson Street and that the existing catch basin cannot handle the water.

Matthew Cramer, 5910 Potter Street, Haslett, felt the expense of the project was exorbitant and stated his sidewalk is eight (8) to ten (10) inches below the graded crown of the road.

Supervisor McGillicuddy closed the public hearing at 6:40 P.M.

- C. Special Use Permit #06-99091 (Wal-Mart, Inc), a request to add 49,427 sq. ft. and a drive-thru pharmacy to existing building located at 5110 Times Square Drive

Supervisor McGillicuddy opened the public hearing at 6:40 P.M.

Supervisor McGillicuddy announced the procedures, time limits and protocols for staff, applicant and public participation. She asked the attorney to read the standards the Board uses when making such a decision so the public can understand what the Board needs to evaluate.

Review criteria as standards for approval of a Special Use Permit: (Questions for the Attorney (See Agenda Item #8))

Q. Andria?

- A. The standards for approval of a SUP, or an amendment of a SUP in this case, are laid out in Section 86-126 under the heading *Review criteria*. I am going to read each one pursuant to the request of the Board and then explain if it looks like there is more explanation needed:
- (1) The project is consistent with the intent and purposes of this chapter.
  - (2) The project is consistent with applicable land use policies contained in the township's comprehensive development plan of current adoption.
  - (3) The project is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.
  - (4) The project will not adversely affect or be hazardous to existing neighboring uses.
  - (5) The project will not be detrimental to the economic welfare of surrounding properties or the community.
  - (6) The project is adequately served by public facilities, such as existing roads, schools, stormwater drainage, public safety, public transportation, and public recreation, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide any such service.
  - (7) The project is adequately served by public sanitation facilities if so designed. If on-site sanitation facilities for sewage disposal, potable water supply, and stormwater are proposed, they shall be properly designed and capable of handling the longterm needs of the proposed project.
  - (8) The project will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
  - (9) The project will not directly or indirectly have a substantial adverse impact on the natural resources of the township, including, but not limited to, prime agricultural soils, water recharge areas, lakes, rivers, streams, major forests, wetlands, and wildlife areas.

(Code 1974, § 81-3.2(F))

Director Kieselbach summarized the special use permit request as outlined in staff memorandum dated April 13, 2006.

#### APPLICANT

Damon Garrett, Land Development Services, Atwell-Hicks Development Consultants, 500 Avis Drive, Suite 100, Ann Arbor, and Wal-Mart authorized agent, introduced his associates. He offered history of this project since 1989, noting the initial consent agreement allowed Wal-Mart to seek amendments to the SUP. He stated the proposed expansion to 224, 668 square feet needed to be scaled down in order to have consistency with the consent judgment relative to parking. Mr. Garrett indicated the proposed expansion of 49,427 square feet is a thirty one percent (31%) addition to the current site.

A traffic impact study was required due to anticipation of more than 100 additional vehicle trips per day. Six intersections in the area were studied: Marsh Road and Central Park Drive, Marsh Road and Times Square Drive, the existing Wal-Mart north entrance location at Times Square Drive and the Wal-Mart access drive, the existing Wal-Mart south entrance location at Times Square Drive

and the Wal-Mart access drive, Central Park Drive and Times Square Drive and the Central Park/Dobie Road and Grand River Avenue intersection. Mr. Garrett indicated the levels of service (LOS) for the intersection at Marsh Road and Times Square Drive were currently at E and F. He offered definitions of existing traffic, background traffic and future traffic. He stated the overall LOS for Marsh Road and Central Park Drive were D and E, Central Park Drive and Times Square Drive were E and F, and the overall LOS for Grand River were C and D.

Mr. Garrett indicated that traffic problems could be mitigated by adjusting the signal timing. That would bring Marsh and Times Square Drive LOS up to an A, Marsh Road and Central Park Drive LOS up to a D, and Grand River and Central Park Drive LOS to C and D. He also stated Wal-Mart received correspondence from the Township's traffic consultant which contained recommendations on how to mitigate the traffic problems. The recommendations are currently under review by Wal-Mart and it appeared the roads which need mitigation are under the jurisdiction of the Ingham County Road Commission.

Mr. Garrett stated that while the consent agreement defined the hours of operation from 7:00 a.m. until 10:00 p.m., thirty-seven (37) super center stores in Michigan have expanded to 24 hours of operation; four (4) in the Upper Peninsula and thirty-three (33) in lower Michigan. He noted standard practice for Wal-Mart expansion from a Division One store to a supercenter is to request an increase to 24 hours of operation. He offered rationale that it provided flexibility to its existing customer base and stressed expansions were targeted to those customers who already shop at the store.

Mr. Garrett capsulized Wal-Mart's comprehensive response to the Township's nine (9) review criteria. He noted that Wal-Mart conducted a natural resources inventory and concluded there would be no substantial impact to the natural resources. Fifty percent (50%) of water to be captured will be used in the rain garden.

PUBLIC

Leonard Silverman, 2080 Hamilton Road, Okemos, read from a prepared statement in opposition to Special Use Permit #06-99091 (Wal-Mart).

[Prepared statement in Official Minute Book]

Marlene Osborn, Yarn for Ewe, 1494 Forest Hills Drive, Okemos, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

Scott Arnold, General Manager, Dusty's Wine Bar, 4435 Oakwood, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

Ersin Bayraktar, General Manager, L & L Food Centers, 1619 W. Grand River, Okemos, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

Roxanne Launstein, 5706 Potter Street, Apt. 5, Haslett, spoke in support of Special Use Permit #06-99091 (Wal-Mart).

James Ramey, UAW Capitol Area Cap Council, 4105 Wabaningo, Okemos, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

Fred Buehler, 1448 W. Grand River, Okemos, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

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Jean Nicholas, 6232 Brookline Court, East Lansing, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

Denise Warner, Blue Gill Grill, 6187 E. Lake Drive, Haslett, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

Joan Guy, 1083 Woodside Drive, Haslett, read from a prepared statement in opposition to Special Use Permit #06-99091 (Wal-Mart).

[Prepared statement in Official Minute Book]

Joy Thrun, Classic Travel, 4767 Okemos Road, Okemos, read from a prepared statement in opposition to Special Use Permit #06-99091 (Wal-Mart).

[Prepared statement in Official Minute Book]

Brian Wilkie, G & W Maytag, 836 Spring Mill Drive, Haslett, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

Katherine Guins, 4496 Dobie Road, Okemos, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

Richard Baumgartner, 1064 Cliffdale Drive, Haslett, read from a prepared statement in opposition to Special Use Permit #06-99091 (Wal-Mart).

[Prepared statement in Official Minute Book]

Nikki Hart, 1259 W. Grand River, Okemos, read from a prepared statement in opposition to Special Use Permit #06-99091 (Wal-Mart).

[Prepared statement in Official Minute Book]

Richard Foster, 4990 Country Drive, Okemos, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

[Prepared statement in Official Minute Book].

Ezequiel Davila, 1236 Roosevelt Avenue, Lansing, submitted cards of business owners in opposition to Special Use Permit #06-99091 (Wal-Mart).

Deborah Canja, 3920 Sheldrake, Okemos, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

Norm Nguyen, 1200 Heirloom View, Okemos, read from a prepared statement in opposition to Special Use Permit #06-99091 (Wal-Mart).

[Prepared statement in Official Minute Book]

John Anderson, 215 W. Newman Road, Okemos, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

Carolyn Baumgart, 6726 S. Washington, Lansing, read from a prepared statement in opposition to Special Use Permit #06-99091 (Wal-Mart).

[Prepared statement in Official Minute Book]

Jeff Persico, Oral Surgery Associates of Lansing, 4201 Okemos Road, Okemos, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

Todd Regis, 2034 Jeffrey Court, Jackson, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

Carl Harmon, 1924 Birchwood, Okemos, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

Elizabeth Le Goff, 5189 E. Brookfield Drive, East Lansing, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

Will White, 4695 Okemos Road, Okemos, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

[Supervisor McGillicuddy recessed the meeting at 9:09 P.M.]

[Supervisor McGillicuddy reconvened the meeting at 9:25 P.M.]

#### APPLICANT'S REBUTTAL

Damon Garrett reiterated that he would like to receive all information submitted to the Township in order to properly respond to it.

Mr. Garrett refuted allegations that he had stated earlier in the meeting that Wal-Mart would push traffic improvements onto the local jurisdictions. He indicated he had stated Wal-Mart will work with the Township's consultants and the local jurisdictions from whom Wal-Mart will need to obtain permits in resolving those issues.

Nicholas Infante, Senior Manager of Wal-Mart Public Affairs, PO Box 0082, East Lansing, is a local resident. He wanted to point out Wal-Mart is currently a member of the community and the approximate 48,000 square foot expansion would give current Wal-Mart customers a grocery option. He noted that there are 173 current jobs at the Okemos Wal-Mart store. If the special use permit is approved, there would be an additional 150 jobs available for a total of approximately 325 jobs.

Supervisor McGillicuddy announced the public hearing would be held open and, as such, there would not be further discussion later in the evening.

BOARD MEMBER: Can you tell me whether or not it is all right for Township personnel and representatives to enter the property?

WAL-MART REPRESENTATIVE GARRETT: Sure.

BOARD MEMBER: Just a clarification, Madam Supervisor. Did I understand this to be a request to keep the hearing open?

SUPERVISOR MCGILLICUDDY: Yes, they did request to have the hearing held open.

BOARD MEMBER: If you don't know this, feel free, since we are holding it open, to answer it at a future time if necessary. At this time, how many Wal-Mart dark stores are there in Michigan?

WAL-MART REPRESENTATIVE INFANTE: I will find that answer out for you and get it to the Board.

BOARD MEMBER: If I could make sure that I clarify that I am asking that question and some follow-up questions in relationship to Review criteria 86-126, “the project is consistent with the intent and purposes of the Township Zoning Ordinance, and also the economic one as well.

BOARD MEMBER: A follow up to the dark stores – when you find that number if you could also identify for us those that have been dark stores in the recent past and to whom they were sold or leased.

WAL-MART REPRESENTATIVE INFANTE: Can do.

BOARD MEMBER: An additional question related to that same thing – I have been presented some information and I want to hear it from you that there’s a Wal-Mart policy regarding these dark stores that would have you inclined to leave them dark rather than to lease them out.

WAL-MART REPRESENTATIVE INFANTE: No, that is not the case. We are not in the business of holding property. It is in our best interest to get rid of the store and to either lease it out or sell the property.

BOARD MEMBER: If you can provide me some information, I would appreciate it.

WAL-MART REPRESENTATIVE INFANTE: Will do.

BOARD MEMBER: These eventualities do happen in terms of closing down stores and Wal-Mart stores as well. Do you have “Plan Bs” in writing somewhere that say, “If this one doesn’t work out, what’s our plan; what are we going to do here in this location? If that sort of thing is available, and you would be willing to provide some information regarding that, I’d appreciate it.

WAL-MART REPRESENTATIVE INFANTE: I can tell you that the plan is to go through this process and try to expand to a supercenter. If we are ultimately not successful, we will reevaluate at that time. At this time, there is no Plan B. We will come up with Plan B if we have to.

BOARD MEMBER: I will preface this with Mr. Garrett. Did I understand you correctly to say that Kroger was operating 24 hours a day?

WAL-MART REPRESENTATIVE GARRETT: Yes, that is correct.

BOARD MEMBER: Are you sure that statement is correct?

WAL-MART REPRESENTATIVE GARRETT: That is what our information shows. We certainly will go back and double check that if you have information which shows that differently.

BOARD MEMBER: I occasionally shop at the Okemos Kroger and I have gone after midnight and found them closed. I think you had better double check your information.

WAL-MART REPRESENTATIVE GARRETT: We will do that.

BOARD MEMBER: I have a question for the sound engineer. I have to admit that this is the first time in my eight (8) years of looking at plans that I have ever seen a sound plot. I was thrilled to see it because I am often concerned about the effects of noise on adjacent properties, but I need some help in understanding what it means and deciphering it. There is no chart in here that tells you what

the decibels sound like and what the different numbers correspond to, other than the operations that are on the site. Can you tell me what sounds that people would be familiar with that's a 50 decibel sound?

WAL-MART REPRESENTATIVE BROWN: A 50 decibel sound? Let me give you some examples I am more familiar with. Normal conversation at a three (3) foot distance is characterized as approximately 60-65 decibels. A louder sound level, such as maybe an operator mowing a lawn with a standard walk behind mower is around 85-90 db, depending upon the model.

BOARD MEMBER: Okay. So the sound level contour plot exhibits 1 through 8 or 10 are showing different types of operations that are occurring; loading, delivery, different normal operations during the business. I am assuming the two (2) rectangles at the northern portion of the graph are the closest apartments?

WAL-MART REPRESENTATIVE BROWN: Yes, those are approximations of those apartments.

BOARD MEMBER: So we have sound levels routinely at 50 decibels in that vicinity?

WAL-MART REPRESENTATIVE BROWN: When you say routinely, could you clarify that? There are instances of 50 decibels, but I wouldn't say that's routinely.

BOARD MEMBER: Of the examples that you've shown of different operations, those are the levels. And I understand these are maximums; that this isn't what happens all day long. I understood that.

WAL-MART REPRESENTATIVE BROWN: That's correct; the maximum.

BOARD MEMBER: I am not sure to whom to direct this question. One of the things that has been raised extensively in the comments today is the question of what need is actually being addressed by this proposal. That's one of our criteria as a Township and I am interested in having the applicant address the question of what community need is being met by this expansion that is different than what led to the original Wal-Mart construction.

WAL-MART REPRESENTATIVE INFANTE: That need would be groceries and produce for our current customers that come to the store. When they come to the store now, they cannot get groceries and produce. The need would be the current customers would be able to get those products at our store.

BOARD MEMBER: Is that the only need? The question is about the community's need?

WAL-MART REPRESENTATIVE INFANTE: The people that shop there are members of the community. There are members of the community that shop at the Wal-Mart and we want to provide those services for those customers. Obviously, there are customers who come from outside of Meridian Township, just like most of the businesses I would assume. We are pretty consistent with that, I would believe.

BOARD MEMBER: You might want to stay right there; I'm going to follow up on Anne's question. I assume this is a practice that still continues. For many years I worked with a number of people who actually put in strip malls and, whenever they were thinking about putting one in, they did these quite extensive market studies which would show within a mile radius what they needed, and within a two mile radius to identify the kinds and types of stores that would be successful in that specific location. I guess my question is, prior to deciding to turn this into a superstore, is there a market survey?

WAL-MART REPRESENTATIVE INFANTE: I don't know for sure; I can find out for you. My guess would be that to expand to a supercenter, they have done the research and their studies have shown that it can support a supercenter for the area. We're not going to put in a supercenter if the store won't be able to handle it. We need to be a successful and viable store. I can find out for you and get with you on that.

BOARD MEMBER: I'm wondering, and I'm not sure of the answer. The question is a little different approach than Trustee Woiwode's earlier question. What has changed in the surrounding area since the settlement agreement which would have led you to believe this is a necessary thing, besides the fact that you would like to provide groceries for your current customers? Is there something in the surrounding area in the Township community that has changed which would lead you to this proposal when, in fact, the non-superstore was approved earlier in 2002? I guess I am looking for the changes which occurred.

WAL-MART REPRESENTATIVE INFANTE: As you mentioned, obviously, number one is for our customers that are already there to provide them with more options. There are more stores that are coming into the area that are drawing more people into the area: Kohl's, PetSmart, Culver's and such. I would guess that the numbers indicate that store would be able to support a supercenter and would be a viable store.

BOARD MEMBER: So, what you are saying is that you couldn't have anticipated that you would have customers who would need groceries when we had the original settlement agreement?

WAL-MART REPRESENTATIVE INFANTE: We wanted to make sure the discount store, the Division 1 store, would be viable and would operate well within the community. Supercenters are our fewest number of stores, outside of Sam's Club, in the state. They are coming around and offering those; that is what our customers are asking for – groceries and produce.

BOARD MEMBER: And, a second part of that if I may continue, so the existence now of Kohl's, PetSmart and Culver's (you mentioned those three (3), I think), the onboard of those three (3) businesses gave you some indication that you now....

WAL-MART REPRESENTATIVE INFANTE: I was just using those as an example because they are the nearest stores; but, I guess what my intent was to say if the community is growing, the commercial community is also growing.

BOARD MEMBER: Again, I don't know to whom....you seem to be getting most of them. Where do your customers shop for groceries now?

WAL-MART REPRESENTATIVE INFANTE: The nearest supercenter would be either St. Johns or Owosso.

BOARD MEMBER: So, people who are shopping in St. Johns would actually come to Okemos instead?

WAL-MART REPRESENTATIVE INFANTE: No, they would stay in St. Johns. The people who live within that St. Johns community I would assume would stay and go to the supercenter there.

BOARD MEMBER: O.K., then I'll ask my question again. Where do the customers at the Okemos store currently shop for groceries?

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WAL-MART REPRESENTATIVE INFANTE: If they wanted groceries from Wal-Mart, they would have to go to those supercenters that currently carry it. So, they are driving 20 or 25 miles to those stores. This would obviously bring it closer for them.

BOARD MEMBER: O.K., so if they're shopping for groceries at Wal-Mart, they go to St. Johns. But if they are shopping for groceries and they go to the Okemos Wal-Mart, where do they shop right now?

WAL-MART REPRESENTATIVE INFANTE: You're asking where they shop for groceries now if they don't go to those stores?

BOARD MEMBER: Yes.

WAL-MART REPRESENTATIVE INFANTE: I don't know where. I assume the other alternatives in the community. I couldn't tell you where they shop.

BOARD MEMBER: I know you guys keep a pretty good profile on your customers. Do you know what percentage of your customers presently at the Okemos store actually live in Meridian Township?

WAL-MART REPRESENTATIVE INFANTE: I don't know. I can see if we have that information?

BOARD MEMBER: Please.

WAL-MART REPRESENTATIVE INFANTE: I just don't know for you.

BOARD MEMBER: The other thing is, Mr. Garrett, from your discussion, you brought up the consent agreement and the language that goes to this approval process. Are you convinced that we must approve this? Could you clarify that?

WAL-MART REPRESENTATIVE GARRETT: Absolutely. I am not convinced that you have to approve it. The option was there for us to move forward in the process like all the other petitioners that come before you with their proposed projects. That's all I've tried to represent. I think in the paper, I don't think that I actually said that the Board needs to approve this. I, in no way, shape or form, have said that here tonight. I am simply saying that that was written in the consent agreement, so we are following through on that.

BOARD MEMBER: Why did you bring it up?

WAL-MART REPRESENTATIVE GARRETT: Because it was written in the record.

BOARD MEMBER: You didn't share the entire agreement with us. You just shared that section. I think you were trying to make a point and I am asking, "Were you trying to make a point?"

WAL-MART REPRESENTATIVE GARRETT: No, I was not trying to make a point. That particular portion of the consent agreement contains several facts and figures. As you saw, my presentation was quite lengthy and it could have been longer. That was in support of why we are here tonight. It is because we would like to expand, we would like to amend the SUP. So that portion of the agreement was important in my presentation tonight. But there's several other things there I could have focused on and spoke to.

BOARD MEMBER: So you and Wal-Mart believe that we can make this decision?

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WAL-MART REPRESENTATIVE GARRETT: I'm not representing that. I'm just following the ordinance in the consent agreement and we're putting a proposal before you to take action on.

BOARD MEMBER: Let me ask you a personal question. Do you think we have the ability to approve this?

WAL-MART REPRESENTATIVE GARRETT: All I can say to that is that we will adequately address the comments that we've received here tonight from the Township Board members and the residents. I think we have met the criteria in the ordinance and we will go back and we will review that criteria again. When we are before you the next time, we will present that material to you. I can't speak to whether you can make the decision or not. All I can do is follow the rules and regulations that are before me.

BOARD MEMBER: Anybody else from Wal-Mart want to comment on that?

John Mucha, Dawda, Mann Mulcahy & Sadler, 39533 Woodward Avenue, Suite 200, Bloomfield Hills, introduced himself.

WAL-MART REPRESENTATIVE MUCHA: Some of these are legal questions.

BOARD MEMBER: I am not a lawyer.

WAL-MART REPRESENTATIVE MUCHA: I don't want Mr. Garrett to be opining legally, either. We did have, and I think counsel here knows, we did have some concerns initially and we have reserved those objections. We did not believe that this body was the initial body that this matter should be before.

BOARD MEMBER: I saw that from the data.

WAL-MART REPRESENTATIVE MUCHA: So, there are legal questions of that ilk which are not really before us tonight and not really germane. The question, I think, is have we complied with the requirements of the ordinance. And, if we have, then I would suggest that approval is required by this body.

BOARD MEMBER: There are three (3) parts to the special use permit and I was wondering if the request for expanded hours was a stand-alone request or is it only with the supercenter?

WAL-MART REPRESENTATIVE GARRETT: The answer to that is as the figure that I have put up, supercenters are 24 hours. That is the model, so I would say that it is a request that is with the supercenter. It is not a stand-alone request.

BOARD MEMBER: Why are you asking for the hours? Not just because it fits your business model, but could you answer it more than just because the other ones are?

WAL-MART REPRESENTATIVE GARRETT: I think this was said tonight. Wal-Mart would like to offer flexible hours to their existing customer base. That is the reason for the 24 hour request. I mean, I am here tonight; it's 10 o'clock. I was at work last night until 2:00 a.m. There's a lot of people that shop at Wal-Mart that would like to continue to shop there if the hours are extended. That is what the business model is founded on. There's a lot of doctors, lawyers and engineers, people who are working a lot more hours. People are here, you're dedicating your time here this evening to be on this Board. It is only to provide flexibility...mainly to provide flexibility to that existing customer base.

BOARD MEMBER: Do you have any data on any negative effects of the expanded hours on a community or adjacent property owners?

WAL-MART REPRESENTATIVE GARRETT: Not to my knowledge, but maybe Nick has. But to my knowledge, no.

WAL-MART REPRESENTATIVE INFANTE: No, I haven't either.

BOARD MEMBER: You are aware of no negative effects of expanded hours?

WAL-MART REPRESENTATIVE INFANTE: Not that I have seen from my time on the job. I haven't seen that. I'm sure opposition probably has studies on those, but we don't believe there is a negative effect. As Damon mentioned, we want to offer that convenience to our customers. If my wife nudges me at two (2) in the morning and says, "You need to go get more formula for the baby", I know where I can go because it's available and that's where we shop.

BOARD MEMBER: One thing that was raised tonight was the question of the groundwater recharge area on the site. Has Wal-Mart investigated the issues and is that part of the environmental review? I don't recall having seen the issues that were characterized tonight.

WAL-MART REPRESENTATIVE GARRETT: First, that was an issue that was not brought up by staff, but we did hire a consultant, which is Larry Austin, who is here with us tonight. He can probably speak specifically to the groundwater recharge. I could speak to it, but I think he would be one that would be more fit.

Larry Austin, Aqua-Tech Consultants, 540 Leonard St., NW, Suite G, Grand Rapids, introduced himself.

WAL-MART REPRESENTATIVE AUSTIN: I was asked to take a look at the recharge potential for that area because it was identified as a recharge area in a study that was published by the Ingham County Health Department some time back. They published that study based on the information that I worked with them to gather many years ago. Meridian Township has a long history of working with recharge and working with aquifers. I also studied under some of the people that were involved in the East Lansing/Meridian Township system that diverted Red Cedar River water years ago.

I examined the plans for the parking lot since that was primarily the increase in impervious area on the property. Obviously, the addition to the building is simply building out over already paved parking lot and that wouldn't add to the impervious area at all. So we looked at the impervious area of the additional parking lot. I also looked at a study done by PSI, a geotechnical study of the soils beneath that new parking lot area, and used that with standard USDA SES run-off curves to determine how much recharge we would expect, how much runoff we would expect, and that sort of thing. In the process, we came up with about 47% recharge from precipitation. That would be the ideal; that's actually a larger number than probably would occur.

We recommended that approximately 50% of the runoff on the pavement, the rainfall landing on the pavement, be diverted to artificial recharge zones in a couple of areas on the parking lot (I believe they are rain gardens and so on) and additional structures underneath the pavement to facilitate that recharge so that the parking lot, when completed, would have no impact on the recharge in the area. Rainwater from that area would then be pushed into the ground in a manner that is fairly similar to the way stormwater is managed in many other areas around the state. In detention and retention basins on the west side of the state, we frequently push water in so that there's no additional stormwater runoff. On the east side of the state, we have the same kinds of

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difficulties dealing with that stormwater runoff. Really, the best thing to do with it is to push it in as recharge. That's what we are proposing to do here. I am not quite sure if all the plans have been finalized for that, but that is in the offing in the last little bit of work on the plans.

BOARD MEMBER: Is that on any of the layouts that we have in front of us; the recharge area?

WAL-MART REPRESENTATIVE AUSTIN: I don't know if that was submitted. Was that submitted with it or not?

BOARD MEMBER: So where is it? I'm assuming the greenspace in the parking lot would be raised; that's not going to be a recharge.

WAL-MART REPRESENTATIVE AUSTIN: The greenspace in the parking lot directly west of the store is intended as parts of the recharge areas. That would be expanded somewhat underground to provide some storage. Additional structures and drainage provided underneath the pavement (essentially out of sight out of mind) would help with storage of the rainwater and recharge.

BOARD MEMBER: As a follow-up, are you suggesting that the water would then go directly into the recharge area, or would it be polished somehow?

WAL-MART REPRESENTATIVE AUSTIN: Well, much of it would be polished by passing through those rain gardens.

BOARD MEMBER: But you also said that there would be a system underneath that would take it directly into the recharge area? Is that what I heard?

WAL-MART REPRESENTATIVE AUSTIN: From those rain gardens, the water would then be allowed to infiltrate into the ground, just the same as it would were the pavement not there.

BOARD MEMBER: So it would be a conventional drainage system underneath the parking lot that would take it to the rain garden and then, from there, it would go to the recharge area. Is that correct?

WAL-MART REPRESENTATIVE AUSTIN: Well, yes, around the rain garden and into the ground.

BOARD MEMBER: Some additional economic questions. I'm sure you have some statistics on this and I would be interested in seeing them if you could provide them for us. Those would specifically be regarding competitive businesses closing when you move in with a supercenter. Obviously, you've said you have thirty-seven (37) examples in Michigan anyway, so you would have some data that you could draw upon if you don't already have that in terms of how many local competitive businesses went out of business when the supercenter moved in. I'm assuming you don't know that off the top of your head. That's another bit of information if you could provide us as we hold this hearing open.

WAL-MART REPRESENTATIVE AUSTIN: I'll have to defer to my colleague from Wal-Mart because I'm a geologist.

WAL-MART REPRESENTATIVE INFANTE: I'm not sure if we have that information, but if we do, I'll provide it for you.

BOARD MEMBER: As a related bit of information, you must have some threshold statistics or business practices that would determine whether or not you keep an operating Wal-Mart in business. I guess my question is, how are we doing over here, how close are we to that threshold of being out of business or staying in business, and what effect did that degree of success have on your decision for the expansion?.

WAL-MART REPRESENTATIVE INFANTE: I will find out.

BOARD MEMBER: How contaminated is that water coming off the parking lot? It is my information that runoff from parking lots has a fair degree of contamination, picking up a little bit of oil or petroleum, either drippings from cars, etc. I am wondering is that a problem with that parking lot runoff going into our groundwater which is ultimately our drinking water.

WAL-MART REPRESENTATIVE GARRETT: If I may, Mr. Veenstra, I would like to address Ms. Woiwode, and she asked about where are these rain gardens and some of these things. I didn't understand your question at the time, but I had some seconds to think about it. If I may, I'm going to put a diagram up and Mr. Austin alluded to it that it is not finalized yet, but there's a couple of areas we are designing or under design right now. So, I'll show you those areas of potential areas to recharge the groundwater, although not finalized.

BOARD MEMBER: O.K. Then you will answer Trustee Veenstra's question?

WAL-MART REPRESENTATIVE GARRETT: Yes, then Mr. Austin will answer that. I'm sorry. Right now, this area here is one of the areas we are currently looking at and the other greenspace area there we are also looking at doing some things there to recharge the groundwater. It's not finalized, but we are working through that.

BOARD MEMBER: It looks like it is taking the roof runoff as opposed to the parking lot runoff?

WAL-MART REPRESENTATIVE GARRETT: The area, if you could see the one that looks like a dog leg, there could be some sheet flow that could come across this parking lot here and make its way into that area. This area here, there may be some downspouts in that area that may end up in that area. So, it is a combination of both, but it's not finalized yet.

WAL-MART REPRESENTATIVE AUSTIN: If I could address the questions, we haven't finalized that design yet. In discussion is the idea of using a fair amount of roof drain water for a couple of reasons. One is, as you mentioned, John, the concern is that there may be something in a first flush that comes through. Certainly the water from the parking lot doesn't have a whole lot more chance of being contaminated than water off the road that goes into current storm drains. However, from my work in environmental, I guess what we have seen is, that for the most part, there are small enough quantities and biological action takes place to eliminate most of that material. Obviously, it doesn't get all of it, but then it doesn't get all of it off the roads either.

BOARD MEMBER: I think for that very reason that's why the rain water coming off the parking lot is, frankly, more of a concern (at least for me) where it's going to go, how it's going to be polished, how it's going to be cleaned. Indeed, the first flush does pick up quite a bit of contaminant, as you know. I mean, there's a reason that Michigan enacted storm water permits; for that very reason. I know you are going to have to get one for this facility. I didn't see any rain gardens or any polishing ponds on the perimeter of the parking lot and that's a bother to me.

WAL-MART REPRESENTATIVE AUSTIN: The stormwater issue is as much a federal issue as a Michigan issue, but the other problem that comes with using too much in the way of parking lot water in this for recharge is an engineering problem in that you just don't have the fall to get it in the right place. It's better to handle the stormwater elsewhere where you can generate a biological action in a retention or detention basin to generate some settling for any suspended particulates and that sort of thing. Those plans, as far as I know, have not been finalized as to what is going to happen with the storm drainage off of that. But my understanding is that some serious consideration is being given as to how that is going to be polished so it doesn't create exactly the kinds of difficulties you talked about.

BOARD MEMBER: Have you considered an underground holding area, like they have at Toys R Us?

WAL-MART REPRESENTATIVE AUSTIN: I haven't been a party to those discussions, but I know there have been some ponds discussed and some holding areas discussed; some of it underground, some of it above ground that are involved. I don't know what those discussions and negotiations are, so I really can't comment too much on them, other than I do know some consideration is being given to them, because it has been vocalized to me.

BOARD MEMBER: Why is it in our best interest to have an artificial system vs. our natural system, because you had stated earlier that we are going to cover up the natural system with more parking lot for the expanded parking and have it go to an artificial system which is the storage area and the polishing pond. Why is that better when we have a natural water recharge system there already?

WAL-MART REPRESENTATIVE AUSTIN: I don't know that there's really any advantage to it or disadvantage to it, other than the cost of putting it in. The main thing is we need to maintain groundwater levels. The program, as it's been described to me with the intents and goals, and what my findings were in evaluating runoff and recharge, are that we are going to need to put somewhere around fifty percent (50%) back in, which is a little more than what is occurring in a natural state. Obviously, we have a little bit more control over what, when and where if we do it artificially. I don't know that it necessarily has any great advantages for the groundwater system itself.

BOARD MEMBER: Can you tell me where it goes currently?

WAL-MART REPRESENTATIVE AUSTIN: There's one area on the site...there's a more granular area near both of the rain gardens, one to the north and one to the west. The rain gardens themselves are not exactly where they would be best suited for it. The granular soils are found more northerly and maybe a little further to the east. The more cohesive soils seem to be found to the south and southwest, primarily, across the site.

BOARD MEMBER: And the granular is ideal?

WAL-MART REPRESENTATIVE AUSTIN: The granular would have a higher natural recharge to it and the cohesive would have somewhat less.

BOARD MEMBER: Is that the area where the parking lot is intended to be expanded?

WAL-MART REPRESENTATIVE AUSTIN: The underlying part of it to the north and east on the north of the building. This area in here has a little bit more granular soil. Those are the areas that we would expect to have a little more recharge than, for example, areas down here where the existing parking boundary is down next to this area where the label is on the drawing. That is a little bit more cohesive and would probably have less recharge potential.

BOARD MEMBER: The parking lot currently is not over this granular area, correct?

WAL-MART REPRESENTATIVE AUSTIN: Which parking lot?

BOARD MEMBER: The expanded parking...the shaded area on your map. It currently isn't there right now; it's only at the highlighted area?

WAL-MART REPRESENTATIVE AUSTIN: This area right in here has a little bit of granular material from borings that were done earlier. The majority of it is out further. All we're really going to do is circumvent the asphalt. We're not really going to disturb the granular materials underneath; we're simply going to provide a little bit different avenue for the water to get at it.

BOARD MEMBER: I appreciate Mr. Austin bringing up the difference between the roof runoff, which is probably reasonably clean and could very well be quite suitable for groundwater recharge vs. runoff off the parking lot which is going to be somewhat contaminated. I would actually like to see something in writing about how much this contaminated parking lot runoff, which admittedly is similar to road runoff, would get cleaned up before it goes on down into our groundwater as part of recharge. I would like to see something in writing on that, and this request is also directed somewhat to our own staff. I don't know who can answer these questions, but before we deliberately design in putting parking lot runoff into our groundwater as recharge, I think we should be sure it is sufficiently cleaned up so we are not doing something that puts contamination into our groundwater that we don't actually want.

BOARD MEMBER: I have a question regarding the current schedule and frequency of delivery to the store. Does anyone here know what the schedule of delivery is for the inventory to the store currently?

Steve Van Ells, Store Manager, Okemos Wal\*Mart, introduced himself.

WAL-MART REPRESENTATIVE VAN ELLS: The current deliveries of the store is...the Township ordinances state no deliveries after 10:00 p.m. which we make every effort to be compliant with, obviously. Currently most of the freight we get in is between the hours of 7:00 a.m. and 4:00 p.m.

BOARD MEMBER: Approximately how much inventory do you get in on a daily or weekly basis?

WAL-MART REPRESENTATIVE VAN ELLS: What we get in is...usually seven (7) days a week we get one general merchandise truck which comes from Coldwater. During the morning hours, three (3) or four (4) days a week we'll get a delivery from Coke, Pepsi, Kebler, Nabisco, Frito Lay, those kinds of things. Like I said, most of the deliveries are 7:00 a.m. to 4:00 p.m., obviously anything after 10:00 is not allowed by the Township. We'll make every effort to follow that.

BOARD MEMBER: With the request for the expansion of hours and size of the store and type of store, can you explain to me what we can expect to see in the size and frequency of deliveries of a supercenter?

WAL-MART REPRESENTATIVE VAN ELLS: Deliveries for the grocery side would still have to be within Township regulations; that's not going to change. With the grocery, we already get approximately three (3) dry grocery deliveries a week; we get three (3) frozen dairy deliveries a

week. That would increase to probably at least six (6) dry groceries, six (6) dairy deliveries a week. You would potentially have more deliveries of meat and produce trucks, which would be probably six (6) days a week. You would obviously have more frequency of Pepsi, Coke, Kebler, Nabisco, local vendors that are already delivering to Kroger, L& L, Meijer and all the grocery stores around. Most of the deliveries, in the same essence, would be 7:00 a.m. to 4:00 p.m.

BOARD MEMBER: Approximately how many trucks total would it be per week?

WAL-MART REPRESENTATIVE VAN ELLS: I estimate per week probably an extra 35-40 deliveries per week, was kind of my quick estimation.

BOARD MEMBER: That's extra. How many total is that?

WAL-MART REPRESENTATIVE VAN ELLS: Total would be: There's seven (7) g m deliveries a week, Frito Lay delivers 5 days a week, Kebler, Nabisco and Coke all deliver about three (3) days a piece – call that an extra 15. There's probably somewhere in the neighborhood of at least 30 deliveries a week to my store right now. That could double.

BOARD MEMBER: Mr. Infante, did I understand you to say that your customers can't get groceries at the local Wal-Mart now?

WAL-MART REPRESENTATIVE INFANTE: Produce, meats. They have dry goods right now. So like crackers, chips and pop is what you can get there right now. It is not a full service grocery. Meats, like I mentioned, and produce are not available there. You can only get certain items at the store right now.

BOARD MEMBER: You do currently have a limited selection of groceries?

WAL-MART REPRESENTATIVE INFANTE: Limited dry goods, yes.

BOARD MEMBER: One more request. This is not on the economic side, but on the negative impact side with respect to crime in particular. You must have some statistics that you could share with us regarding crimes on your supercenter facilities, for example, in the 10:00 p.m. to 7:00 a.m. timeframe. That would be the new time frame that we would be operating. I guess we have access to the crime statistics now from 7:00 a.m. to 10:00 p.m., but if you could provide us with some statistics from other mid-Michigan locations, that might be illustrative. In addition to the dark store request, if you could just throw in the United States as well, just so we have a bigger perspective, so that we can sort of compare ourselves with how things are going in other places.

WAL-MART REPRESENTATIVE INFANTE: I'll see what kind of studies we have for the crime and I'll get you the information on the country as well for the dark stores. I just want to point out, in terms of crime, it is Wal\*Mart's policy that any shoplifter, any crime be reported. So typically, our numbers are higher than some other stores. I don't know what other store policies are, but we report every crime, whether it's 50 cents or \$1,000. Our viewpoint is a crime is a crime, and those need to be reported.

BOARD MEMBER: That's important to note that.

BOARD MEMBER: It may be in the packet, I don't recall, but...The drive through is for pharmacy, is that correct? Is that the only thing, and are there pharmacy items now and would it be expanded? There's a series of questions there.

Brett Martinez, Job Captain, Law/Kingdon Inc. (architectural firm), 345 Riverview, Suite 200, Wichita, Kansas, introduced himself.

WAL-MART REPRESENTATIVE MARTINEZ: The drive through pharmacy will be a pneumatic tube system that will handle the prescription drugs. It will not be for services for someone to pull up and say, "Can I get this, this and this as well as my prescription?" It will specifically be for prescriptions to be dropped off and either, depending on the load of prescriptions that the pharmacy is handling, handled within the timeframe or told to come back in 30 minutes or so.

BOARD MEMBER: Is there an expansion? I don't know what is provided now in terms of pharmacy.

WAL-MART REPRESENTATIVE MARTINEZ: It will still have...the existing store today has a pharmacy. Where it has a drop off window, they walk up inside and drop off their prescriptions. That will still be there. The pharmacy will be expanded upon a little bit more to increase the amount of prescriptions that will be handled for the drive through.

BOARD MEMBER: To follow through on Trustee Woiwode's comment, how many more car trips per day would you anticipate coming because you don't have a drive through currently. How many more cars would you anticipate coming to your store to use solely the prescription drive through windows?

WAL-MART REPRESENTATIVE MARTINEZ: We don't have that number on hand.

Roger Walther, Principal Associate, Parsons, 26777 Central Park Boulevard, Suite 275, Southfield, Michigan (traffic consultant), was introduced by Mr. Martinez.

WAL-MART REPRESENTATIVE WALTHER: I cannot answer that question specific to the pharmacy. All I can tell you is that in the supercenter concept that is considered part of the overall operation. Pharmacy is an included use in that and a drive through would be part of that. So it would be included in the total numbers, but it doesn't break it down as to how that would operate separately, no.

BOARD MEMBER: So you don't have those numbers separate for the just the pharmacy; it's in your totals for coming to the store?

WAL-MART REPRESENTATIVE WALTHER: That would be part of the total trip generation for the facility.

BOARD MEMBER: Is there a way you could provide us with typical supercenters that have the drive through pharmacy; what the typical numbers are of the drive through window?

WAL-MART REPRESENTATIVE WALTHER: I could inquire of Wal-Mart whether they have done any of those types of studies. Other than that, it would have to be something...I'm sure they may have data on that. I guess I'd ask Nick if that is something that could be provided short of us doing a specific study.

WAL-MART REPRESENTATIVE INFANTE: I'll investigate as to whether or not we have those numbers for other supercenters.

BOARD MEMBER: I have a follow-up regarding the drive through. Has Wal-Mart prepared an internal traffic study for the site?

WAL-MART REPRESENTATIVE MARTINEZ: The concept of the drive through pharmacy itself...I don't know if this will completely answer your question. The way it stands, cars will enter from the back, which will be along the grocery side going towards the front of the building. As far as the layout....

BOARD MEMBER: I'm not asking about the layout; I'm asking about an internal traffic study for the site.

WAL-MART REPRESENTATIVE MARTINEZ: ...additional drive lanes around people that may be parked in the pharmacy lane on that side of the building. I don't know if people pick and choose as to which entrance they would be coming in, whether that be the northern or the more southern entrance coming to the parking lot, and then traversing to the drive through pharmacy.

BOARD MEMBER: Have there been any safety studies done for the internal traffic flow as it relates to the drive through window?

WAL-MART REPRESENTATIVE GARRETT: If I may, the parking hasn't changed. This is the proposed parking lot. I think what you're asking is for a traffic study in the parking lot, is that correct? No, a parking lot traffic study has not been generated; however, the parking does meet the Township requirements in the layout, the aisle width, the one-ways, the two-way aisles there. We have met that criteria, but we have not generated an internal within the site traffic study. That's not something that is typically done.

BOARD MEMBER: O.K. What about a safety study for a drive-through window?

WAL-MART REPRESENTATIVE WALTHER: As far as the site itself, the parking orientation at 90 degrees does provide the advantage over angle parking in that you don't have circulating around the front of the store as much as you would with angle. So, the 90 degree parking is a safer operation for the mix between pedestrians and vehicles because someone can come in and exit without passing across the front of the store where the pedestrian activity is.

BOARD MEMBER: Do you have that in a study, or is that just anecdotal?

WAL-MART REPRESENTATIVE WALTHER: That is just a design principle. It is a logistics thing that if you have angle parking, it encourages movement across the end aisles moreso. The parking layout as it is shown here from a site planning standpoint and safety of pedestrians in relationship to vehicles is a desirable way to lay out the parking from that standpoint.

BOARD MEMBER: What about signage for the window?

WAL-MART REPRESENTATIVE WALTHER: I don't know about that; I would have to defer to someone else on that.

WAL-MART REPRESENTATIVE MARTINEZ: That would be what we propose for the building signage, whether that be enter and exit signs on the drive through pharmacy canopy itself. The exit would be looking from the front of the building and the enter would be looking from the rear. One aspect in terms of additional safety that we take into account...it's a little hard to see...but in terms of safety architecturally, this area is a concern. What we provide is a guard rail that allows customers parking over in this area to be out far enough away from the building so that when people are in the drive through and their prescription's filled and they are leaving, both the customer has visual access to the car and the car has visual access to customers walking across that area.

BOARD MEMBER: I would like to ask a further question about how this drive-up pharmacy window is going to operate. I can appreciate one situation where the doctor calls in a prescription and a parent with a couple of kids in car seats...I can appreciate the convenience of being able to pull up to the drive-up window and pick up the prescription. What I don't understand is what if the person is bringing the prescription. Now, are they going to hand in the prescription at the drive-up window and then wait while it is filled? How is this going to work?

WAL-MART REPRESENTATIVE MARTINEZ: Yes, they can, depending on the frequency of prescriptions filled, if the pharmacist is available just like any pharmacy, the turnaround time for when the prescriptions handed to the pharmacist, when he's able to fill that prescription and turn it right back around to the customer. The idea of the drive-through pharmacy is not for customers to sit there and wait for the prescription to be filled, for cars to back up, but actually to drop off. They don't want to go in and shop at the moment, they just want to drop it off, they have other errands to run and on the way back in, they can still drive through, push the button that registers the audio-visual system and alerts the pharmacist inside to look in the monitor to see who is there and pick up their prescription at that time.

BOARD MEMBER: So you are saying usually the person would drop it off and come back later, 15 minutes or half an hour later and pick it up.

WAL-MART REPRESENTATIVE MARTINEZ: I am not as familiar whether doctors will call it in or not, but that is the concept of the drive through pharmacy.

BOARD MEMBER: How often do you think someone would hand in the prescription and then wait while the pharmacist filled it on the spot?

WAL-MART REPRESENTATIVE MARTINEZ: I don't have that information either. It just varies depending on how busy that pharmacy is in terms of filling prescriptions.

BOARD MEMBER: It's one thing if I am in the store and hand in the prescription and then wait five (5) minutes to get it filled. To me, it's another thing if I am in a car and I hand it in and, presumably, keep the car running for five (5) minutes while the prescription is filled on the spot. I'm very concerned about the impact on air pollution of the cars sitting there running all that time. It seems to me you have a significant impact on air pollution and I guess I would like to know if you have any data on how frequently the prescription is filled on the spot with the car engine running for the whole time vs. phone-in prescriptions or dropped off and come back prescriptions?

WAL-MART REPRESENTATIVE MARTINEZ: I can check with the pharmacy department to see if they have that information.

BOARD MEMBER: Since you have this nice overview on the monitor, would you answer for me if the parking islands are included as greenspace? Someone had said earlier that the site meets our greenspace standards. I would like to know if the islands are included in that.

WAL-MART REPRESENTATIVE GARRETT: Yes, the islands are.

BOARD MEMBER: Can you tell me do the islands contain any kind of artificial material other than soil, grass and so forth?

WAL-MART REPRESENTATIVE GARRETT: No, it will be organic material, as you alluded to. Soil, grass, trees will be planted there.

BOARD MEMBER: So it will be soil and grass, not rocks, plastic, or that sort of thing?

WAL-MART REPRESENTATIVE GARRETT: No, m'am.

BOARD MEMBER: We were talking a little bit ago about circulation around the site. I would like to go back to the traffic study. I assume you are going to have to go and get the information for me, but a number of the residents had asked about Okemos Road and why it wasn't included in the study. I would like to know why Okemos Road wasn't included in your study, since you aren't near any highways?

WAL-MART REPRESENTATIVE WALTHER: When we begin an assignment to do a traffic impact study, two of our first calls are to the Township and then to the Road Commission. If MDOT routes are involved, we may call them. We are interested in soliciting information from, in this case, the Township's traffic consultant and also from the Ingham County Road Commission because those are the roads that are there. In the case of studies of this nature...in any impact study the controlling factor on a roadway system are generally the signalized intersections. Those are the points that limit the capacity of a roadway to handle traffic. In this case, we made those calls. We would have looked at the roadways in the immediate area as to where we felt the impact would be greatest and confirm those with your engineer as well as the Road Commission's engineer.

As traffic goes from a concentrated site location, as many things do, it dilutes. In this case, we had no indication that we should be looking at the signalized intersections along Okemos Road and, quite frankly, we generally don't go out more than a couple of miles to do that. Anything over a mile is generally not studied. It can be, but generally is not. I guess my answer to you is we looked at it, we discussed it with the engineers that have jurisdiction of these roads, if you will, and your review engineer, and tried to arrive at what they felt were the critical intersections. That's what we studied for that.

BOARD MEMBER: Can you tell me what the typical delivery route would be? What roads would you have the trucks travel on to get to the store? What is it currently? Which roads do you use?

WAL-MART REPRESENTATIVE WALTHER: I can't comment. I am assuming perhaps the Wal-Mart store manager can tell you how his delivery vehicles arrive. I assume they follow the same routes of any of the other businesses in that area. Some of them may be direct deliveries that come in Wal-Mart trucks, some of them may be your Frito Lay's that could come from any direction, depending on where their next stop is.

Logically, you could say, if it is an over the road vehicle, it may come up the Interstate. But, again, I think if you look at the total numbers of traffic that you have on your road system, the concentration of Wal-Mart traffic is near the site and then, as you move away, dilutes. We try to look at the market area for a store as typically, around five miles. We look at it from a traffic standpoint; that's where you are drawing from for that store. In this case, I'm not real familiar where other Wal-Mart facilities are in this area. Some of them could be drawing from that five (5) mile radius. I think you can assume that some trucks do use Okemos Road from the Interstate, but many other ones who are the Coke deliveries or, I guess it was indicated about half of those trucks are trucks which may be involved in other roads approaching this site. Customer base wise, you are going to get people from any of the residential areas around. Those are the primary traffic impacts you have, it's the customer base.

BOARD MEMBER: Can you tell me how many other Wal-Mart superstores you have located within a small area of a community vs. an interchange by a highway? In other words, how many do you have next to a highway interchange vs. in the middle of a community away from the interchange?

WAL-MART REPRESENTATIVE WALTHER: I can't tell you that. I don't know.

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BOARD MEMBER: Is that something you can find out for me? How many in Michigan you have that are located within the center of a community vs. along an interchange by a highway? Say, within ¼ mile of a highway or within site of a highway?

WAL-MART REPRESENTATIVE INFANTE: I can definitely see if I can track down that information. With 37 stores, I can probably just do a mapquest on 37 stores and let you know.

BOARD MEMBER: I don't recall why Wal-Mart wanted this particular site back in 1999, but they did. I'd have to look at that old information, but why did they choose that vs. property that we have in the Township down by 96?

WAL-MART REPRESENTATIVE INFANTE: I don't know. I was in college at the time.

BOARD MEMBER: I would like to know that answer.

This is a whole different question. Somebody else had brought up the question of crimes reported in the stores. I would like to know what your report is of crimes reported in the store in 2005.

WAL-MART REPRESENTATIVE INFANTE: I'll try to get you that information.

WAL-MART REPRESENTATIVE VAN ELLS: In 2004 there was, to my knowledge, 40 apprehensions in the store. In 2005, there were 25 apprehensions that I am knowledgeable about. Again, all of those, to my knowledge, were for shoplifting. So, 25 instances where somebody had to come out that I am aware of in the building last year.

BOARD MEMBER: Is that typical with supercenters or with Wal-Marts? I like to see the difference between....

WAL-MART REPRESENTATIVE VAN ELLS: Crime ratio is always going to be dependent upon the community. If you are in Detroit, it's going to be different. Okemos is definitely different than, say, the Wal-Mart on West Saginaw. Different neighborhoods, different clientele, different crime rates. I would say, in my opinion, I do not think we have a high crime ratio in this community. I think Wal-Mart is representative of that.

BOARD MEMBER: Does Wal-Mart typically help communities pay for the efforts of the police department to apprehend the perpetrators?

WAL-MART REPRESENTATIVE VAN ELLS: We make several donations to the firefighters, Meridian Township Police Department. There is a pretty strong budget that we work with for the communities that we are involved in. In this community last year, in fact, I gave these numbers to Nick, my store donated \$37,000 worth of grant donations to municipalities, police departments, fire departments, teachers, churches, schools, Haslett and Okemos. That is what we do locally here. Do we fund the Police Department? No. But we do do donations, grants. There's a Shop-with-a-Cop program that some of these gentlemen helped me with this past fall.

BOARD MEMBER: Will an expansion of this store's size and hours promote and enhance the stability of the Township's commercial areas, our neighborhoods and special historic areas?

WAL-MART REPRESENTATIVE INFANTE: Not sure I can answer the question about the historic areas. I can tell you that by going to a supercenter and extended hours, as I mentioned to you before, it gives our customers the opportunity to shop those stores and it will also make us competitive with the other 24 hour operations that are within a couple of miles.

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BOARD MEMBER: That's for your store, but I am talking about, in general, our zoning ordinance for the stability of the Township's commercial areas and neighborhoods.

WAL-MART REPRESENTATIVE INFANTE: Maybe I don't understand....

BOARD MEMBER: Promoting and enhancing the stability of the Township's commercial areas and neighborhoods.

WAL-MART REPRESENTATIVE INFANTE: Well, I think that Wal-Mart, the addition of a supercenter, will help that. I think it will. It will add money back into the community which will help the commercial district as well. It will bring some people to those areas to shop at other stores.

BOARD MEMBER: How's it going to help the neighborhoods?

WAL-MART REPRESENTATIVE INFANTE: Away from the store?

BOARD MEMBER: Yes, the Township's neighborhoods.

WAL-MART REPRESENTATIVE INFANTE: Well, by the additional tax dollars, I think, that will help the overall community within Meridian Township.

BOARD MEMBER: I have a question for Mr. Garrett. Did I understand you correctly to say something to the effect that there would be more jobs in the community if this expansion were granted?

WAL-MART REPRESENTATIVE GARRETT: I did not say that. That wasn't something that I represented. There will be additional jobs added in the community based on the expansion, but I did not say that.

BOARD MEMBER: Well, you just said it now.

WAL-MART REPRESENTATIVE INFANTE: For the Wal-Mart store, there's currently 173 employees. By going to a supercenter, it will add about 150 new jobs at the store.

BOARD MEMBER: Right. But the statement was, I thought, that there would be more jobs in the community.

WAL-MART REPRESENTATIVE INFANTE: Well, we're in the community. Is that what you are referring to? Our store, or are you referring to residual job increases?

BOARD MEMBER: I'm wondering if you are claiming that the expansion would lead to an increase in the total number of jobs in the community?

WAL-MART REPRESENTATIVE INFANTE: 150 for the new store. So from 173 to 150 within our new store, so yes, it will increase 150 new jobs within the community.

BOARD MEMBER: No, you are not understanding. It's one thing to say there will be 150 more jobs in your store; however, it's another thing to say whether or not there would be more jobs in the community as a whole.

WAL-MART REPRESENTATIVE INFANTE: I would argue that we are within the community so 150 jobs would be increased for the community. Now, if you are saying that by going to a supercenter will there be other jobs outside of Wal-Mart, I don't know the answer to that.

BOARD MEMBER: Well, presumably, and correct me if you think I'm wrong at someplace, but the number of dollars available to be spent in the community is going to be the same before or after your expansion. So, if dollars spent are spent at Wal-Mart to get groceries there, presumably fewer dollars are spent someplace else. Would you agree with that?

WAL-MART REPRESENTATIVE INFANTE: Right. Those would be our other supercenters in like St. Johns and Owosso. Those shoppers are going there. Our Wal-Mart shoppers are going to those other supercenters.

BOARD MEMBER: I'm not talking about Wal-Mart shoppers, I'm talking about shoppers in general. Maybe they are going to Meijer's or Kroger right now, and I assume you hope to get some of those people to start shopping at your supercenter. Right?

WAL-MART REPRESENTATIVE INFANTE: As I mentioned, our intent is for our customers to be able to shop for groceries and produce at our stores. If they go to Owosso store, the St. Johns store, the Meijer's store...

BOARD MEMBER: Your customers are presumably buying groceries someplace right now, right?

WAL-MART REPRESENTATIVE INFANTE: Right. The Owosso or St. Johns store. Our Wal-Mart customers that want to shop at Wal-Mart to get their produce and get their groceries, will go to the stores that have supercenters. Without a supercenter in the area, the nearest supercenter would be St. Johns or Owosso.

BOARD MEMBER: Well, I think we are talking past each other, because my reasoning would suggest that for every dollar that is spent additional at your supercenter, it's a dollar that is not spent someplace else. And, presumably, there's more jobs at your store, because of more spending there; there's presumably less spending someplace else and presumably fewer jobs someplace else.

WAL-MART REPRESENTATIVE INFANTE: I understand what you are saying. What I am trying to tell you is that our studies show that our customers who shop at a supercenter are going to those supercenters. And, we presume that those shoppers that are leaving this area and going to those areas would remain in this area and shop at our supercenter.

I understand what you are trying to say; what I'm saying is that our indications are that those people are going to other Wal-Mart stores and we intend to keep them in this community.

BOARD MEMBER: I have a few financial questions I'd like to ask you since you are standing there.

WAL-MART REPRESENTATIVE INFANTE: I'll see if I can answer them.

BOARD MEMBER: How long does it take to fill a site that's vacated by a superstore?

WAL-MART REPRESENTATIVE INFANTE: I don't know. That's kind of one that goes along with the dark store question?

BOARD MEMBER: Yes.

WAL-MART REPRESENTATIVE INFANTE: I can find that information out for you. You want to know how long, typically, does a store stay dark?

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BOARD MEMBER: That's right. And it would be the superstore. And can you provide us with any information regarding just a regular Wal-Mart, not the superstore? How long does it take to fill a vacated regular store?

WAL-MART REPRESENTATIVE INFANTE: O.K., so a supercenter vs. a regular Division 1 store? O.K.

BOARD MEMBER: If this expansion were to close one of our other stores in the community, I wondered if you have information on how long it will take for those sites to be filled?

WAL-MART REPRESENTATIVE INFANTE: I don't know. I mean, I don't mean to pump this, but I guess that would be a question for those stores, what their history would be. I wouldn't have access to that information.

BOARD MEMBER: We were talking a little bit ago about the police and so forth. I wondered if you can state in financial terms what is the public benefit of Wal-Mart's request vs. the cost to the public, meaning the lost jobs, the tax base changes, and lost stores vs. new jobs and addition to the tax base? Could you provide me with that?

WAL-MART REPRESENTATIVE INFANTE: I'll see what I can do. Obviously, we contend that, you know, there would not be losses of jobs in stores. That's, obviously, the hope for everyone. I'll see if I have that information for you. If I do, I will get it to you.

BOARD MEMBER: Somewhere in this vast volume of information I seem to recall reading that there's a statement in here that says that property values surrounding the existing store have increased since the store went in. I am wondering if you have prepared any factual data supporting conclusions about the effects of this particular store expansion and the expanded hours on the marketability of nearby residential properties?

WAL-MART REPRESENTATIVE GARRETT: At this time we, to my knowledge, haven't prepared any expanded studies. But, the comment came from just since the existing store has been in existence, the property values have increased in the general vicinity. I don't know the study we have done thus far. We can certainly go back and see. Since this store has been constructed, there's been Kohl's, PetSmart, and some of these other establishments which have been constructed. The property values have increased. I don't have that....

BOARD MEMBER: I am talking about the residential properties. We have nearby a residential subdivision that's currently being constructed, and I am just wondering about the affect of your store's expansion on the marketability of that residential neighborhood with its expanded hours and expanded size and if you have any data that reflect on marketability of residential properties?

WAL-MART REPRESENTATIVE GARRETT: At this time, we do not have that data, but we can certainly contact the person developing the property and see if they have some of that data. We don't have it currently.

BOARD MEMBER: On the traffic study, I think I'm understanding, if I read it correctly, that the existing numbers that are used are based on estimates as opposed to actual?

WAL-MART REPRESENTATIVE WALTHER: That's not true. The driveways were counted. The existing Wal-Mart driveways were actually counted.

BOARD MEMBER: O.K. One of the questions raised by a member of the public was whether the numbers, if I'm interpreting this correctly but I'll ask it the way I understood it...if the hours are kept as they are now and the superstore were put in, would the trip numbers at peak hour actually be the same or, in effect, would you have fewer total number of people going to the store because of shorter hours. Or would you compact those into a shorter period of time and have higher peak numbers?

WAL-MART REPRESENTATIVE WALTHER: I think that my recollection of that comment was they were comparing 850 vehicles in the peak vs. 750 with a supercenter. I am not familiar with that data or wherever that study was done. All I can tell you is that in our estimate of future...we assumed that if you're increasing the store by thirty percent (30%), that the existing volumes would like increase by thirty percent (30%). That's what we did, so our future volumes are higher for the expanded store than for the existing store in our study.

BOARD MEMBER: I understand that. My question was if you have the existing hours vs. the 24 hours whether you also have the same number, but they're all in a shorter period so you have higher per hour numbers.

WAL-MART REPRESENTATIVE WALTHER: I would think just the opposite. If you have expanded hours, you may have those people that have made an effort to get there in the peak hour now have the flexibility to go over a longer period. So, you could have a reduction in the peak. However, I would say this: that that is unlikely. The data that is used to generate that peak hour is based on numerous studies throughout the United States. So, it's not likely that that would occur. It's likely that it would occur just as it is typically occurring at most stores that are of a supercenter type.

BOARD MEMBER: So I can assume....I was asking sort of the opposite of that, which is that if the hours don't change, if it doesn't become 24 hours, you still have the same number of customers but they would be compressed based on your comment?

WAL-MART REPRESENTATIVE WALTHER: You would have a higher peak hour, yes, if that is what you are getting at. The total number of trips would increase and that would include an increase in the peak hour as well, that is correct.

BOARD MEMBER: I am reading a letter from the Township traffic engineer consultant and he comments that the existing Wal-Mart weekday peak hour traffic is less than expected. You had a number of 378 trips, but our traffic engineer says the ITE manual predicts that a freestanding discount superstore would have 814 trips, over twice as many as your existing store. Now, are you saying that the Township traffic engineer is incorrect in saying that the traffic, according to the manual, would more than double?

WAL-MART REPRESENTATIVE WALTHER: No, what I'm saying is that we actually counted the driveways at this store. That is a more accurate representation than projecting it based on numerous studies around the country. Now, I'm not exactly certain whether he used the average rate or what we call the fitted curve equation to come up with that number. What I can say is that we actually counted the driveways here and those are the numbers that are represented in our study vs. projecting them as you would do for a new store. This is not a new store. We had the advantage here of having an existing store where we can actually count the driveway volumes vs. projecting them. I don't disagree with your traffic engineer at all, but we are looking at two different things.

BOARD MEMBER: I want to go back to an economic impact question, but it really goes to Trustee Brixie's question on the property values, so I don't know who wants to field this one. My question is is there any data, can you get any data, on other Wal-Mart stores that have residential uses immediately adjacent on two (2) sides and what the impact on the property values of those residential properties...how that changed up or down...at the point that a superstore went in? I'm really looking for ones that had residential on two (2) sides.

WAL-MART REPRESENTATIVE GARRETT: We will take that information back and look for that information or produce it if we don't have it.

BOARD MEMBER: If I could follow up on that. Do you have a plan or do you typically do anything to assist the nearby residents with the negative effects of your store and hour expansions when you go from a regular store to a supercenter?

WAL-MART REPRESENTATIVE GARRETT: Do you mean something like an informational session?

BOARD MEMBER: Do you have any plan on assisting them with the effects of the expansion?

WAL-MART REPRESENTATIVE GARRETT: At this time, I don't know of any. That's not something that we typically do. I won't tell you that we won't do that. Another gentleman here this evening suggested that we had a meeting on the 4<sup>th</sup>...on a day that you had a meeting. We have been trying to work with the residents. We had that in the paper and very few people showed up; however, a lot of people showed up here tonight. We are processing information; we are not getting all the information at once. What we need to do is we need to continue to get the information in the file and respond that way. We're not opposed to having a meeting to address perceptions that residents may have that are adjacent to Wal\*Mart. We are not opposed to doing that. We would love to try to answer the residents' questions. We don't have a plan for that now, but if that is a condition of this petition, we will carry that out. We're here tonight, taking notes, several people, if that's something that needs to be done, I don't see Wal-Mart not doing that.

BOARD MEMBER: If I may be allowed to continue, Madam Supervisor, what about the business owners...the small business owners? Do you typically have a plan as was mentioned by one of the speakers earlier tonight of how to survive with Wal-Mart in town? Do you have some kind of plan on how to help the businesses with the negative impacts of your expansion of your store?

WAL-MART REPRESENTATIVE INFANTE: I can go back and look to see if we have anything along those lines and I can get that back to you.

BOARD MEMBER: I would appreciate that.

BOARD MEMBER: Just one last question. I wanted to find out, because I have been trying to see in the traffic study when the actual count was done and it doesn't appear to be in here. I may have missed it, but it's not in the information we have when the actual count was done.

WAL-MART REPRESENTATIVE WALTHER: If I can just take a moment here, I'll try to refer to that. In fact, typically, we do include the times and dates. Yes, the counts were taken in August and September of 2005. We do them on what we call a typical week day. We do it either Tuesday, Wednesday or Thursday, not a Monday or Friday because they are atypical. And, also, because this is a retail facility, we did a mid-day Saturday count and those counts were done from 11:00 to 1:00 p.m. on September the 10<sup>th</sup>.

BOARD MEMBER: I have one final question for you gentlemen and it would be for the person who is best able to answer it. I would like to know how you would characterize our community within a half mile radius around the current store.

WAL-MART REPRESENTATIVE GARRETT: I will say that we've looked at...we've focused on, with our proposal, the existing store and it appears that in this general vicinity, and I can't speak to the exact mileages, there's a mall located near the store. There are other users; Home Depot, Kohl's, some of these other developments that are within the general vicinity of our site. So, I would say that it fits that core business district area. There's a lot of retail that is in that area. I can only speak to that general vicinity; we haven't looked...we haven't been down Marsh Road. I know that this community is a very passionate community, as you see by the turnout tonight. I would like to say that we would like to continue to try and address the residents' concerns as well as yours, but we haven't too far outside of where our site is.

BOARD MEMBER: So you haven't noticed that north on Marsh Road is a lot of residences, there's nursing homes, extended care, single family homes, a high school and a junior high school? East of you is a residential community and even west of you is a residential community.

WAL-MART REPRESENTATIVE GARRETT: I am familiar with the residential communities that are immediately adjacent, but the other uses... I know about the schools because there were some concerns from the superintendent that were brought up in regards to traffic, buses, and people walking to and from. We talked with some of the staff on that issue, but those other uses I am not familiar with. I believe our proposal is consistent with the existing zoning and the Master Plan zoning. I would leave you with that, but I am not that familiar with the community as a whole, if you will.

BOARD MEMBER: Your last remark was that the traffic counts were done in August and September. Are you saying that the same thing was measured in both August and September and then you average the two to get the....

WAL-MART REPRESENTATIVE WALTHER: No, I'm not. I'm saying that there were six (6) different locations that were counted and they weren't all counted on the same day. That's all I'm saying. There were different days when they were counted.

BOARD MEMBER: Obviously, our community relates to Michigan State University, so our traffic is quite depressed in August as opposed to the rest of the year. Some of these measurements were done in August, it may be why our traffic consultant pointed out and said he was concerned that your existing numbers...well, the ITE manual generated a number that's over fifty percent (50%) greater than the measurements that you got of existing traffic. Maybe it's because you did some of the measurements in August; that's why you have such artificially low numbers.

WAL-MART REPRESENTATIVE WALTHER: The counts were done very late in August and it may very well be possible. I don't know when they start session at the university, but I am not sure that we could establish what that impact is here. Generally speaking, I think, as these gentlemen have said, they have a customer base they draw from and it is generally within a five (5) mile radius of the store.

BOARD MEMBER: I guess I would appreciate it if you could give us somewhat more precise dates and then I would ask our staff to check when MSU started classes.

WAL-MART REPRESENTATIVE WALTHER: The dates are included in the study. It is very specific as to when it was done; what day of the week it was done. The study was reviewed by your traffic consultant.

BOARD MEMBER: O.K., well in order to evaluate those numbers, I would like our staff to inform me as to whether MSU was in session or not. I also note that our consultant was concerned that your Saturday peak hour study was conducted about noon, and he says that the peak hour is later in the afternoon, sometime between 2:00 and 5:00 p.m.

WAL-MART REPRESENTATIVE WALTHER: Typically, it is done for retail between 11:00 and 1:00 P.M. on a Saturday. I believe his comment was that his particular observation has been, or it was his opinion that what he's observed, that it may be a different peak and that he would recommend in the future that the Township consider requesting it at that time. But typically speaking, in any of the studies that I've been involved in, unless there was a specific time specified; this is the timeframe when you generally have your retail peak on Saturday.

SUPERVISOR MCGILLICUDDY: Mr. Garrett, could you please let me know how long you would like me to hold the hearing open so that you can...how much time do you think it might take you to get back with us the answers to the many questions that we've raised here tonight?

WAL-MART REPRESENTATIVE GARRETT: I wish I could answer that right now, but as you've alluded to, there's been a lot of data, a lot of requests from the Board, a lot of requests from the residents. We need to compile all that information. I haven't seen all the information; I don't know how long that will take, but we will be actively pursuing that right away.

SUPERVISOR MCGILLICUDDY: Do you think you need longer than two (2) weeks? Our next meeting is May 4<sup>th</sup>.

WAL-MART REPRESENTATIVE GARRETT: Yes, I would think we need longer than two (2) weeks.

SUPERVISOR MCGILLICUDDY: So, if I keep it open until the second meeting in May, which would be the 16<sup>th</sup>, I believe?

WAL-MART REPRESENTATIVE GARRETT: Would you consider us getting about a week or so to try and assess the information and get back to you with the response in writing? Would that be acceptable?

SUPERVISOR MCGILLICUDDY: That would be acceptable.

WAL-MART REPRESENTATIVE GARRETT: That's what we would like to do. Thank you.

SUPERVISOR MCGILLICUDDY: So, we will be keeping this hearing open so that you can submit your comments back to us as well as others that have other letters and things that they would like to submit which can still be entered for the record.

WAL-MART REPRESENTATIVE GARRETT: One thing I would like to say and you asked some questions about what I knew about the community. Obviously, I have learned a lot this evening. This is personally my first time before the Board, so I am taking that in as well as the residents. There were several issues that were raised here tonight that were large issues in reference to the economy; economic impacts of this particular store. Before I leave, I would just like to say that I do understand there are several business owners that are doing well here; several small business owners as well as large business owners...there's a variety of people that are doing well here.

What I would like to leave with you is that Wal-Mart's proposal to expand the store is...and the phenomenon that people are referring...is that same thing that happened when Sears opened. It's the same thing that happened when Home Depot opened. Obviously, we need to go back and specifically address the concerns, but that is part of our society. It is a larger issue. We're going to try and address it specific to our site, but there's some larger questions and issues that you've raised here. It happens. Stores open, Kroger opens. I don't want to talk about things that are currently here, but that is what happens. I think everybody's aware of what's happening with the auto industry. There's going to be...that's the nature of capitalist societies. We're definitely going to do our research and try to produce studies and gather information, but I don't think the supercenter expansion is any different than a Sears or a Home Depot in how it impacts the local businesses.

BOARD MEMBER: Then I would like to leave you with this question. Find out for me how many businesses did Home Depot affect when they opened here in Meridian Township.

WAL-MART REPRESENTATIVE GARRETT: Thank you.

11. DISCUSSION ITEMS/ENDS

**Supervisor McGillicuddy announced there will be no discussion at the Board level for SUP #06-99091 as the hearing is still open.**

Supervisor McGillicuddy opened and closed public comment.

Trustee Veenstra requested that due to the lateness of the hour, the Board delete Agenda Items #11C and 11D.

**Without objection, Agenda Items #11C and 11D were removed from the agenda.**

~~A. SUP #06-99091 (Wal Mart Inc.), request to add 49,427 sq. ft. and a drive thru pharmacy to existing building located at 5110 Times Square Drive~~

B. Downtown Development Authority Development Plan and Tax Increment Financing Plan

Board members and staff discussed the following:

- Concern there was no public comment on a \$16 million plan
- \$16 million is a 20 plus year plan and the funds would come from any grant monies as well as tax increment financing
- Language changes suggested by the public will be incorporated into the ordinance for final adoption
- Audit performed by the Assessing staff will result in minor revisions for a higher tax capture
- Approaching Ingham County to be included in the tax capture as well

**The consensus of the Board was to place this item on for action at the May 4, 2006 meeting.**

~~C. Potter Street Public Sidewalk Special Assessment District~~

~~D. Lighting Ordinance~~

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Will White, 2142-1/2 Hamilton Road, Okemos, congratulated the Board on its diligence this evening.

Supervisor McGillicuddy closed Public Remarks.

13. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 11:15 P.M.

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SUSAN MCGILlicUDDY  
TOWNSHIP SUPERVISOR

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MARY M. G. HELMBRECHT  
TOWNSHIP CLERK

Sandra K. Otto, Secretary