

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, SEPTEMBER 4, 2001, **6:00 P.M.**

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

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:03 p.m.

2. PLEDGE OF ALLEGIANCE

Supervisor McGillicuddy led the pledge of allegiance.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

A. Introduction of New Police Sergeant - Greg Frenger
Chief Gibbons introduced Police Sergeant Greg Frenger

Chief Gibbons announced the next session of the Police Citizens Academy beginning Thursday, September 13, 2001.

4. PUBLIC REMARKS*

Supervisor McGillicuddy opened Public Remarks.

Bob Homan, 2176 Hamilton Road, Okemos, representing Jim Giguere, spoke in support of the Northport Condominiums Streetlighting District. Representing himself, he spoke in opposition to the proposed closure of Hamilton Road.

David E. Pierson, McClelland & Anderson, L.L.P., 1305 South Washington Avenue, Suite 102, Lansing, representing CBL Properties, spoke in support of Rezoning #01100 (Consumers Energy).

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT

Trustee Such reported the next meeting of the Library Task Force would be held September 26, 2001. He reported the Task Force anticipates completion of its work by early November at the latest. He invited public participation in the Task Force meetings.

Trustee Such recommended the Police Citizens Academy.

Trustee Woiwode reported she is working with the members of the Briarwood/Van Atta Task Force to schedule the next meeting.

Clerk Helmbrecht reported absentee voter applications and ballots are now available in the Clerk's Office for the September 24, 2001 Haslett Public Schools Special Election. She announced the scheduling of the Lansing Community College Special Election on November 6, 2001.

6. APPROVAL OF AGENDA — OR CHANGES (See following Item #7)

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

Board Members discussed the following items:

- Removing #7F (VantageCare Retiree Health Savings Plan) from the Consent Agenda
- Removing #7I (Zoning Amendment #01070 (Township Board)) from the Consent Agenda
- #7G MDOT Enhancement Grant Application

Trustee Woiwode moved to adopt the Consent Agenda as amended by removing Items #7F (VantageCare Retiree Health Savings Plan) and #7I (Zoning Amendment #01070 (Township Board)). Seconded by Trustee Such.

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

NAYS: None

Motion carried unanimously.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Deliberation (BD)

- 9A-1 Mark K. Clouse, Esq., Financial and Legal Counsel, Eyde Company, 4660 S. Hagadorn Rd, Ste 660, East Lansing; RE: Proposed Cellular Tower on Township Property
- 9A-2 Mark K. Clouse, Esq., Financial and Legal Counsel, Eyde Company, 4660 S. Hagadorn Rd, Ste 660, East Lansing; RE: Proposed Cellular Tower on Township Property
- 9A-3 Richard Harrington, 820 Piper Road, Haslett; RE: Proposal for Cellular Tower Design
- 9A-4 Eleanor V. Luecke, President, L.I.N.C.; RE: Cell Tower Lease Proposal
- 10A-1 Alex Vanis, 4690 Huron Hill, Okemos; RE: Opposition to Proposed Closure of Hamilton Road
- 10A-2 Millie Miller, 4787 Ardmore, Okemos; RE: Closing of "Off-Ramp" to Hamilton Road
- 10A-3 Cindy Welch, 2223 Hamilton Road, Okemos; RE: Support for Closure of Hamilton Road
- 10A-4 Tom Johnson, President, Meridian Village Condominium Association; RE: Opposition to Closure of Hamilton Road
- 10A-5 Richard Bailey, 4702 Huron Hill, Okemos; RE: Opposition to Closure of Hamilton Road
- 11A-1 Chris Savage, 3156 Biber Street, East Lansing; RE: Appeal of SUP #01-75041 (Brogan LLC)

(2). Board Information (BI)

- BI-1 Joan Guy, 1083 Woodside Drive, Haslett; RE: Information Packet Presented at August 21, 2001 Township Board Meeting Alleging Conflict of Interest for Planning Commissioner Kebler
- BI-2 Charles Louis Willems, 1387 Hickory Island, Haslett; RE: Notice of Recorded Material at Ingham County Register of Deeds
- BI-3 Charles Louis Willems, 1387 Hickory Island, Haslett; RE: Trespass at 1381 Hickory Island Drive
- BI-4 Karen Hertel, 3896 Hemmingway Drive, Okemos; RE: Commendation to Bill Goupil, Cemetery Sexton

- BI-5 Carol Keller Webster, Executive Director, Potter Park, Zoological Society, 1301 S. Pennsylvania, Lansing; RE: Wonderland of Lights Meridian Township Night
- BI-6 Sam M. Austin, 1202 Woodwind Trail, Haslett; RE: July 6, 2001 Science Magazine Page 5 "Recreated Wetlands No Match for Original"
- BI-7 John Midgley, P.E., Managing Director, Ingham County Road Commission, 301 Bush Street, Mason; RE: Hatch Road Project
- BI-8 Eleanor V. Luecke, President, L.I.N.C.; RE: Letter to Bob Moore, Director, Ingham County Parks Department Regarding Proposed Park Fees

(3). Staff Communication (SC)

- SC-1 Township Board Revised 2001 Meeting Schedule
- SC-2 Flood News for Michigan Floodplain Managers Summer 2001
- SC-3 August 12, 2001 The New York Times Pages 1, 16 "Near Vast Bodies of Water, the Land Still Thirsts"
- SC-4 Midwest Today Pages 6-9 "Chain Reaction: Main Street Fights Back"
- SC-5 Open Appointments for Public Service
- SC-6 Press Release: Nature for Preschoolers Registration Begins
- SC-7 Michigan Townships Association Legislative Fax, August 24, 2001 edition
- SC-8 Michigan Townships Association Legislative Fax, August 17, 2001 edition

Trustee Woiwode 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 Such.

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

B. Minutes

Trustee Woiwode moved to approve and ratify the minutes of the August 21, 2001 Special Meeting as submitted. Seconded by Trustee Such.

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

C. Bills

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

General Fund/Special Revenue	\$ 314,628.86
Public Works	\$ 210,814.82
<u>Total Checks</u>	<u>\$ 525,443.68</u>
Credit Card Transactions	\$ 14,086.05
<u>Total Purchases</u>	<u>\$ 539,529.73</u>

Seconded by Trustee Such.

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

[Bill list in Official Minute Book]

D. Introduction of 2002 Budget - Set Public Hearing (October 2, 2001)

Trustee Woiwode moved that the Township Board set a public hearing date for the Proposed 2002 Budget for the Regular Meeting on October 2, 2001 at 6:00 p.m. Seconded by Trustee Such.

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

E. Assessing Stipulation

Trustee Woiwode moved that the Township Attorney be authorized to sign a Tax Tribunal stipulation with Judy A. Linn on the following agricultural properties:

<u>YEAR</u>	<u>DOCKET NO.</u>	<u>ADDRESS OF PROPERTY</u>
1996/1997/1998/ 1999/2000/2001	236301	5435 Van Atta
<u>Assessment/Taxable (13-100-001)</u>		
1996		\$203,055/203,055
1997		\$102,016/203,055
1998		\$104,770/104,770
1999		\$195,497/106,446
2000		\$245,600/108,468
2001		\$204,506/111,938
<u>Proposed Asmt/Taxable (13-100-001)</u>		
1996		\$ 99,237/ 99,237
1997		\$102,016/102,016
1998		\$104,770/104,770
1999		\$195,497/106,446
2000		\$245,600/108,468
2001		\$204,506/111,938
<u>Assessment/Taxable (14-200-006)</u>		
1996		\$ 89,350/ 89,350
1997		\$ 89,350/ 89,350
1998		\$123,209/ 91,762
1999		\$228,472/ 93,230
2000		\$281,300/ 95,001
2001		\$179,249/ 98,041
<u>Proposed Asmt/Taxable (14-200-006)</u>		
1996		\$ 86,916/ 89,916
1997		\$ 89,350/ 89,350
1998		\$123,209/ 91,762
1999		\$228,472/ 93,230
2000		\$281,300/ 95,001
2001		\$179,249/ 98,041

****RATIONALE: This Stipulation is recommended to correct the 1996,1997,1998,1999,2000 and 2001 Assessed and Taxable Values. After extensive research, it has been determined that the Assessment exceeds fifty-percent (50%) of the property's True Cash Value. Therefore, the Proposed Assessment is recommended.**

Seconded by Trustee Such.

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

G. MDOT Enhancement Grant Applications

Trustee Woiwode moved to approve the attached resolutions supporting the applications for Enhancement Funds for the pathway along the old Interurban Trail, from Okemos Road to Burcham Drive and a pedestrian/bicycle bridge over the Red Cedar River along the west side of the existing Okemos Road vehicle bridge. Seconded by Trustee Such.

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

[See Amendment following Agenda Item #9F]

H. Northport of Meridian Condominiums Streetlighting District Resolution #2

Trustee Woiwode moved to approve Northport of Meridian Condominiums Streetlighting District Resolution #2, which confirms the plans and estimate of costs for the Northport of Meridian Condominiums Streetlighting District; directs the Supervisor to make a special assessment according to the roll submitted to the public hearing and confirms the assessment amount of \$2,013.00 for the first year, and \$963.00 annually thereafter, and directs that amount to be assessed against the lands on that roll; orders the special assessment roll filed with the Township Assessor for spreading annually on the tax roll; authorizes Consumers Energy to proceed with the installation of the nine (9) streetlights; and authorizes the Township Supervisor and Clerk to sign the Authorization for Change in Streetlighting Contract. Seconded by Trustee Such.

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

[Signed and Sealed Resolution in Official Minute Book]

J. Zoning Amendment #01010 (Planning Commission) Groundwater Protection Regulations - **Final Adoption**

Trustee Woiwode moved that the Township Board hereby finally adopts Ordinance No. 2001-08, entitled “Ordinance Amending the Code of Meridian Township, Michigan, by Amending Section 81-1.8 and Section 81-3.3.” Seconded by Trustee Such.

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

[Signed and Sealed Resolution in Official Minute Book]

• APPROVAL OF AGENDA — OR CHANGES (Agenda Item #6)

Clerk Helmbrecht moved to approve the agenda amended as follows: move Items #7F (VantageCare Retiree Health Savings Plan) and #7I (Zoning Amendment #01070 (Township Board)) to #9E. and 9F. respectively. Seconded by Trustee Woiwode.

VOICE VOTE: Motion carried unanimously.

8. QUESTIONS FOR THE ATTORNEY (See Items #9, 11 & 13)

9. ACTION ITEMS

Supervisor McGillicuddy opened public comment.

William Cleary, 1896 Danbury East, Okemos, spoke in opposition to the cell tower lease proposal.

Steve Trecha, Owner, 5774 Okemos Road, spoke in support of Rezoning #01030 (Planning Commission) to PO (Professional Office).

Richard Harrington, 820 Piper Road, Haslett, spoke in opposition to the cell tower lease proposal.

David E. Pierson, McClelland & Anderson, L.L.P., 1305 South Washington Avenue, Suite 102, Lansing, representing CBL Properties, spoke in support of Rezoning #01100 (Consumers Energy).

Supervisor McGillicuddy closed public comment

- A. Cell Tower Lease Proposal - HLH Towers LLC
Manager Richards introduced the policy discussion.

Board Members discussed the following items:

- Use of Township property for commercial ventures v. provision of public services
- Public interest in mitigation of impact of cell towers
- Current leasing of Township towers for cellular providers
- Comparable land use of a cell tower lease and a utility easement
- Desirability of a stealth design
- Legal obligation to permit cellular towers to service the Township

Treasurer Hunting moved adoption of the following resolution:

WHEREAS, the Charter Township of Meridian has received inquiries regarding the location of privately owned communication towers and equipment on Township property, and,

WHEREAS, strategically placed and designed communication towers have the impact of reducing the total number of towers in the Township, and,

WHEREAS, it is in the public interest to reduce the impact of communication towers on residential property in the Township.

THEREFORE BE IT RESOLVED that the Township Board determines that the public interest is served by allowing privately owned communication towers and equipment facilities on Township owned property with conditions.

Seconded by Trustee Brixie.

Board Members discussed the following items:

- The proposed tower would minimize the number of towers in the Township
- Question of the status of Township park lands
- Question of lease restriction to stealth designs
- Incorporation of resolutions into the Board Policy Manual
- Negotiation of competitive lease rates
- Township Telecommunications Ordinance provides proper controls and inducements
- Differentiation between the leasing of water tower space and the leasing of property for the construction of a cell tower
- Passive vs. active roll of the Township in the current lease proposal
- Consistency of treatment of previous, current and future applicants

Treasurer Hunting amended the motion to add to the final sentence of the resolution: "...to be determined by future actions of the Board." Amendment accepted by secondor.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Woiwode, Supervisor McGillicuddy,
Treasurer Hunting
NAYS: Trustee Such, Clerk Helmbrecht
Motion carried 5-2.

[Signed and Sealed Resolution in Official Minute Book]

Competitive Bidding Township Property: (Agenda Item #8 (Questions for the Attorney))

Q: Does the Township have an obligation to submit a request for bids upon the receipt of a request to place a cell tower on Township Property?

A: The Federal Telecommunications Act 1) Prohibits a Township from prohibiting or having the effect of prohibiting the provision of personal wireless services; and 2) The Township can not unreasonably discriminate among providers of functionally equivalent services. Requirement #1 requires the Township accommodate wireless carriers. Requirement #2 requires there be no discrimination with respect to offering Township Property. The law does not require the Township to solicit bids.

Q: How might the Township incorporate bidding into the lease process?

A: The test would be equal treatment. Subsequent requests should be handled as has the pending tower company request.

Q: Would this require a first-come first-serve basis for the establishment of claims for lease rights to Township Property?

A: Provided this does not result in a violation of Requirement #2 of the Federal Act

Q: Would the significant issue regarding solicitation of bids be whether the Township serves as the solicitor for service or as the solicited service provider?

A: There is nothing in state or federal law requiring or prohibiting townships to make their land available to cellular service providers. This is unlike the situation of soliciting for services or goods on behalf of the Township. Should this lease agreement come into effect, any subsequent requestor would look at this process to evaluate whether there had been equal treatment for their own request.

Board Members discussed the following items:

- The need for a general policy with regard to managing public land as a whole

Treasurer Hunting moved adoption of the following resolution:

WHEREAS, the Township Board has determined that the public interest is served by allowing privately owned communication towers and equipment facilities on Township owned property with conditions, and

WHEREAS, HLH Towers, LLC has requested that the Township enter into a land lease for the purpose of constructing a communication tower and equipment shelter at property commonly known as the municipal complex.

THEREFORE BE IT RESOLVED that the Township Manager, in consultation with the Township Attorney, is hereby authorized to negotiate a land lease on behalf of the Township with HLH Towers, LLC under the following conditions:

- 1. Tower will be stealth design**
- 2. Evidence of need will be provided for facility**
- 3. A maximum number of carriers will be able to co-locate on the tower**
- 4. All Township Ordinances and Administrative Procedures will be followed**
- 5. Enhanced landscape features will be incorporated into the design**
- 6. Tower height will be a maximum of 180 feet from ground level**
- 7. Subject to the Zoning Board of Appeals approval for any required variances**

BE IT FURTHER RESOLVED that the Township Supervisor and Clerk are hereby authorized to sign a land lease on behalf of the Township.

Seconded by Trustee Brixie.

Trustee Brixie as the secondor, offered an amendment to the motion to add the following conditions:

- 8. Tower will not be placed on wetlands**
- 9. No net loss of trees will result.**

Amendment accepted by maker.

Board Members discussed the following items:

- Granting of authority to pursue variances
- Potential impact of cell towers on parks and land preservation program property
- Development of general conditions to ensure equal treatment

Trustee Brixie as the secondor, offered an amendment to the motion to amend condition 7 to read: “Avoidance of variances is desirable.” Amendment accepted by maker.

Condition 7: (Agenda Item #8 (Questions for the Attorney))

- Q. Are there any legal concerns related to the amendment to condition 7 and its relation to condition 4?
- A. The language of the condition is fine. The concern is in raising the potential for treating similarly situated companies differently if the Board denies authority to seek variances. The procedure to seek and obtain variances is available to all other cell tower companies and should be available in this setting as well.

Trustee Brixie as the secondor, offered an amendment to the motion to amend condition 7 to read: “The applicant will minimize the need for variances to the greatest extent possible.” Amendment accepted by maker.

Board Members discussed the following items:

- The Manager’s responsibility to address the issue of authorizing variance requests based on this policy directive
- Desire for the Manager to make available any proposals to the public for comment before finalizing
- Public interest in the issue
- Defining the term “stealth design” (Condition 1)
- Question of standard used in determining evidence of need (Condition 2)
- Question of standard used in determining a maximum number of carriers (Condition 3)
- Definition of enhanced landscape features (Condition 5)
- Defining the term “ground level” (Condition 6)
- Permitting Manager to exercise professional judgement

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Woiwode, Supervisor McGillicuddy,
Treasurer Hunting
NAYS: Trustee Such, Clerk Helmbrecht
Motion carried 5-2.

[Signed and Sealed Resolution in Official Minute Book]

Board Members discussed opening the public hearing at this point in the agenda.

Trustee Such moved to proceed to the public hearing (Agenda Item #10A. Proposal to Close West End of Hamilton Road at Grand River Ave) at this point in the agenda. Seconded by Trustee Stier.

VOICE VOTE: Motion carried unanimously.

- Proposal to Close West End of Hamilton Road at Grand River Ave (Agenda Item #10A)
Supervisor McGillicuddy opened the public hearing at 7:21 p.m.

Director Severy introduced the proposed road closure.

Robert Andrews, 4731 Woodcraft Road, Okemos, spoke in opposition to the proposed road closure for the following reasons:

- Failure of previous experimental closure
- Road closure would potentially create unsafe turning conditions on to and off of Grand River Avenue
- Necessity for traffic light on Grand River Avenue if closure occurs

William Cleary, 1896 Danbury East, Okemos, spoke in opposition to the proposed road closure for the following reasons:

- Hamilton Road is classified as a feeder road
- There is no evidence to show the Hamilton Road and Nakoma Drive intersection is dangerous
- There have been no traffic studies to show the traffic impact
- The closure of Hamilton Road would probably necessitate expensive modifications to Grand River Avenue
- Trustee Brixie should abstain from any vote on this issue as a resident of the effected area

Elaine Davis, 4611 Arrowhead Drive, Okemos, read from a prepared statement in opposition to the proposed road closure. [Statement in Official Minute Book]

Bill Cambray, 4672 Chippewa Drive, Okemos, spoke in opposition to the proposed road closure for the following reasons:

- Failure of previous experimental closure
- Preference for conversion to a 4-way stop

Jeraldine Lewis, 5214 Blue Haven Drive, East Lansing, spoke in opposition to the proposed road closure for the following reasons:

- Closure would deny access to Hamilton Road from the west
- Speeding on Hamilton Road should be addressed through policing
- Belief this closure would increase congestion at the Grand River Avenue and Okemos Road Intersection

Gary Hawks, Vice President, Indian Hills Homeowners Association, 4668 Nakoma Drive, Okemos, spoke in opposition to the proposed road closure for the following reasons:

- Belief the closure would create an unnecessary safety hazard
- Grand River Avenue is not currently designed for right turns onto Nakoma
- The closure of Hamilton Road would inconvenience the Indian Hills Subdivision residents
- The existing road does not create any safety or traffic difficulties

Margaret Plagge, 2248 Kent, Okemos, read from a prepared statement in support of the proposed road closure. [Statement in Official Minute Book]

Vance Kincaid, 4530 Nakoma Drive, Okemos, spoke in opposition to the proposed road closure for the following reasons:

- Cut-through traffic on Nakoma Drive was eliminated with the installation of the 3-way stop
- Belief the closure of Hamilton Road would create a new problem of cut-through traffic on Nakoma Drive
- Belief the closure of Hamilton Road would encourage right turns on Nakoma Drive, Montrose Avenue, Grandview Avenue, Hillcrest Avenue and Ardmore Avenue
- Belief that closing roads only shifts traffic problems rather than solving them

Ann Alchin, 2227 Hamilton Road, Okemos, spoke in support of the proposed road closure for the following reasons:

- Closure of Hamilton Road would protect Cedar Bend Heights

- Belief that Hamilton Road is dangerous
- Hazard in turning into home driveway

Fred "Sonny" France, 4932 Grandview Ave, Okemos, spoke in opposition to the proposed road closure for the following reasons:

- Failure of previous experimental closure
- Hamilton Road provides a deceleration lane from Grand River Avenue
- Belief that the closure of Hamilton Road would harm downtown Okemos businesses
- Closure of Hamilton Road would reduce safety at the intersection

Carlene Webster, 2247 Kenmore, Okemos, spoke in support of the proposed road closure for the following reasons:

- The Cedar Bend Heights Subdivision is an important historical area
- Belief that the control of the speed and volume of traffic on Hamilton Road is key to the viability of Cedar Bend Heights
- Hamilton Road has become an alternate route to bypass traffic on Grand River Avenue
- A traffic light is needed at the intersection of Grand River Avenue and Nakoma Drive
- Traffic backups on Grand River Avenue occur throughout the day

Phil Dwyer, 2327 Hamilton Road, Okemos, spoke in support of the proposed road closure

- Supports a review of options to resolve traffic issues at the Nakoma Drive and Hamilton Road intersection
- Ingham County Road Commission documentation shows a fifty-percent (50%) reduction of traffic volume during the previous experimental closure
- Belief that public support should not be a factor in resolving this issue
- Belief that Hamilton Road is unsafe
- Policing can not resolve the issue of traffic volume

Supervisor McGillicuddy closed the public hearing at 8:00 p.m.

- B. Lake Lansing Road Sanitary Sewer Special Assessment District #46 - Resolution #3
Clerk Helmbrecht moved to approve Lake Lansing Road Sanitary Sewer Special Assessment District #46 Resolution #3, which approves the construction of 380 L.F. of eight-inch (8") sanitary sewer along and within the south side of Lake Lansing Road, between 2315 and 2292 Lake Lansing Road; approves the plans and estimate of cost in the amount of \$38,760; declares the petition sufficient; determines the special assessment district; and directs the Supervisor to make a special assessment roll. Seconded by Trustee Such.

Board Members discussed the following items:

- Resident concerns regarding cost
- Determination of repayment period
- Temporary Connections
- Establishment of payback districts
- Condition of septic fields in the district

Assessment District Boundaries: (Agenda Item #8 (Questions for the Attorney))

Q. Could particular parcels be removed from the special assessment district?

A. The validity of the petition is determined as of the time of filing. There is no vehicle for any member to withdraw from the assessment district. It may be possible for the Township to accept the cost of portions of the project and establish a payback district. This is similar to a drainage district in which the estimated cost of the project causes hesitation in the members of the district. In such instances, it is possible to work with property owners to extend the length of the repayment period. Under Township Ordinances, property owners are required to connect within one year if sewer is available.

Board Members discussed the potential amendments to require the payment of a benefit fee for temporary connections.

Trustee Such moved to postpone.

Motion died for lack of support.

Board Members discussed the following items:

- Ingham County Drain Commission storm drain project
- Additional costs associated with delay of construction.

Trustee Woiwode offered an amendment to the motion to make the term of repayment the longest legally allowable under Michigan Law. Amendment accepted by the maker and secondor.

Board Members discussed the ability of property owners to pay in full.

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

[Signed and Sealed Resolution in Official Minute Book]

Supervisor McGillicuddy recessed the meeting at 8:24 p.m.

Supervisor McGillicuddy reconvened the meeting at 8:32 p.m.

- C. Rezoning #01100 (Consumers Energy) Mall Substation - **Introduction**
Director Kieselbach introduced the proposed rezoning.

Clerk Helmbrecht moved that the Township Board hereby Introduces for Publication and Subsequent Adoption Ordinance No. _____, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #01100 rezoning from RA (Single Family-Medium Density) to CS (Community Service). Seconded by Trustee Such.

Board Members discussed the following items:

- Assurances of no net loss of green space
- Flexibility of the mall site plan

VOICE VOTE: Motion carried unanimously.

- D. Rezoning #01030 (Planning Commission) - **Introduction**
Director Kieselbach introduced the request to rezone property located at 5774 Okemos Road from NS (Neighborhood Service) to PO (Professional Office).

Trustee Woiwode moved that the Township Board hereby Introduces for Publication and Subsequent Adoption Ordinance No. _____, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #01030 from NS (Neighborhood Service) to PO (Professional Office).” Seconded by Trustee Such.

Board members discussed the following items:

- Suitability of residential zoning to buffer to the east residential properties
- Concern regarding creeping office use into residential districts
- Proposal is a downzoning
- Intended use of property owner

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

[Signed and Sealed Resolution in Official Minute Book]

E. VantageCare Retiree Health Savings Plan

Trustee Woiwode moved that the Township Manager is authorized to develop, implement and execute the VantageCare Retirement Health Savings Plan effective October 1, 2001, for Professional Supervisory Association as ratified and include Non-Union Employees, Township Clerk and Township Treasurer. Seconded by Trustee Such.

Clerk Helmbrecht and Treasurer Hunting were permitted to abstain from the vote as interested parties by unanimous consent.

ROLL CALL VOTE: YEAS: Trustees Brixie, Stier, Such, Woiwode, Supervisor McGillicuddy
NAYS: None
Motion carried 5-0.

Authorization to Abstain: (Agenda Item #8 (Questions for the Attorney))

Q. Is there a requirement for a specific motion to permit the Clerk and Treasurer to abstain?

A. The record must reflect that as the Clerk and Treasurer would ~~directly benefit~~ be financially effected¹ by this action, they were permitted to abstain.

F. Zoning Amendment #01070 (Township Board), amendment for Township Board approval for buildings greater than 25,000 square feet - **Final Adoption**

Trustee Woiwode moved that the Township Board hereby finally adopts Ordinance No. 2001-09, entitled "Ordinance Amending the Code of Meridian Township, Michigan, by Amending Section 86-9 Buildings Greater than 25,000 Square Feet in Gross Floor Area and Section 83-1.12" Supplementary Regulations - Buildings Greater than 25,000 Square Feet in Gross Floor Area. Seconded by Trustee Stier.

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

[Signed and Sealed Resolution in Official Minute Book]

• MDOT Enhancement Grant Applications (Agenda Item #7G)

Supervisor McGillicuddy noted the following corrections to the MDOT Enhancement Grant Application Resolutions:

- Old Interurban Trail Resolution, third Whereas: change the word "east" to "west"
- Pedestrian/Bicycle Bridge Resolution, Now Therefore paragraph: change "...for the 'Old Interurban Trail' pathway from Okemos Road to Burcham Drive." To "...for the pathway bridge project on Okemos Road over the Red Cedar River."

Trustee Such moved to approve the attached corrected resolutions supporting the applications for Enhancement Funds for the pathway along the Old Interurban Trail, from Okemos Road to Burcham Drive and a pedestrian/bicycle bridge over the Red Cedar River along the west side of the existing Okemos Road vehicle bridge. Seconded by Trustee Woiwode.

¹ Approved and Amended October 2, 2001 Item #7B.

VOICE VOTE: Motion carried unanimously.

[Signed and Sealed Resolutions in Official Minute Book]

10. HEARINGS

A. Proposal to Close West End of Hamilton Road at Grand River Ave - **7:00 p.m.** (See Item #9A.)

11. DISCUSSION ITEMS

Supervisor McGillicuddy opened public comment.

John Veenstra, 320 Piper Road, Haslett, spoke in support of MDOT Enhancement Grant Applications, and in opposition to the use of the Consent Agenda and the HLH Tower cell tower proposal.

Supervisor McGillicuddy closed public comment.

A. Appeal of SUP #01-75041 (Brogan LLC)
Supervisor McGillicuddy opened discussion of the appeal.

Board members discussed the following items:

- Review of drainage plan with Ingham County Drain Commissioner
- Request recalculation of detention pretreatment area capacity
- Request for details of two (2) overflow areas
- Provision of easements around retention areas to the Drain Commissioner
- Review of the Township Wetland Consultant
- Necessity of adjustments to the plan to enhance resident privacy
- Potential impact on residential property values
- Reduction of units to conform to the Comprehensive Development Plan
- Weighting of the Comprehensive Development Plan against the zoning of the property

Comprehensive Development Plan v Zoning: (Agenda Item #8 (Questions for the Attorney))

Q. Does the zoning of the property take precedence over the Comprehensive Development Plan?

A. The zoning establishes the maximum density. The special use permit criteria are specifically tied to the Comprehensive Development Plan. The concern regarding the plan's inconsistency with the Comprehensive Development Plan is legitimate under the review criteria. The zoning does not trump the Comprehensive Development Plan. The Board upon appeal has all the powers of the Planning Commission, and as such, there is no requirement for a remand.

B. Appeal of SUP #01051 (AC&E Rentals)
Supervisor McGillicuddy opened discussion of the appeal.

Board Members discussed the following items:

- The lack of a use category in the Code of Ordinances for the applicant's business
- Planning Commission height restrictions on the display of equipment

Necessity of Referral to the Planning Commission: (Agenda Item #8 (Questions for the Attorney))

Q. Is there a necessity to refer the matter to the Planning Commission?

A. The Planning Commission did not consider Section 86-10 in its deliberation. The Board upon appeal has all the powers of the Planning Commission, and as such, there is no requirement for a remand. In deference to the Planning Commission, this matter may be referred to the Commission for consideration under this particular section.

Board Members discussed the following items:

- The Planning Commission as the appropriate body to consider the applicable section
- Concern for the additional delay
- Board action at this meeting

Necessity of Referral to the Planning Commission by Vote: (Agenda Item #8 (Questions for the Attorney))

Q. Is there a necessity to vote on the referral to the Planning Commission

A. The Township Board must vote on a motion of referral to send the matter to the Planning Commission for consideration.

Treasurer Hunting moved to suspend the Board's convention and act on a discussion item to permit remand to the Planning Commission. Seconded by Trustee Brixie.

VOICE VOTE: Motion carried unanimously.

Trustee Brixie moved refer Special Use Permit #01051 to the Planning Commission to consider the proposal under Section 86-10 of the Zoning Ordinance and to provide a recommendation to the Township Board. Seconded by Treasurer Hunting.

VOICE VOTE: Motion carried unanimously.

- C. Rezoning #01040 (Planning Commission), C-3 zoning districts
Director Kieselbach introduced the proposed rezoning.

Board Members discussed the following items:

- Description of the Planning Commission's recommended rezoning
- Impact on Consent Judgement by rezoning property north of Central Park Drive to C-2
- Rezoning to C-3 based on current use
- Use of Future Land Use Map to reflect the Planning Commission's recommended C-3 district

- D. Zoning Amendment #01090 (Planning Commission), New Planned Unit Development (PUD) Standards

Director Kieselbach introduced the proposed zoning amendment.

Board Members discussed the following items:

- Concern regarding elimination of minimum lot size
- Relationship between the Land Preservation Task Force and revisions to the PUD Ordinance
- Concern regarding increase in the percentage of commercial use permitted in a PUD
- Potential PUD for commercial zoning to encourage mixed use
- Focus on objective of PUD to preserve open space
- Loss of Board approval authority
- Promotion of cluster development
- Permitting residential uses in commercial zoning through special use permit
- Original intent of ordinance revisions to speed up process
- Enumeration of Board objectives in the revisions to the PUD ordinance
- Possible remand to the Planning Commission
- Involvement of developers in the revised PUD standards
- Recommendation for Township staff review and recommendations for an expedited process
- Staff review of other PUD ordinances around the state

- E. Joint Jurisdiction of Wetlands Over Five (5) Acres

Director Kieselbach reported the status of staff research into the potential for joint jurisdiction of wetlands.

Board Members discussed the following items:

- Potential requirement for staff expertise in wetlands, soil erosion and storm water management
- Time limit on review time
- Question of need to supplement the state's work
- The need to consider the full cost of this initiative
- Consideration of priorities for regulatory initiatives
- Limitation of services from MDEQ

- The need to assert control over Township wetlands
- Permits to build in wetlands
- Deficiencies of mitigated wetlands
- Lack of MDEQ oversight in compliance with permit requirements

- F. Zoning Amendment #01110 (Township Board), Water Features Setback
Director Kieselbach introduced the proposed zoning amendment.

Board Members discussed the requirement for a wetland use permit for the exemption.

- G. Water and Sewer Rate Ordinance
Director Severy introduced the proposed ordinances and recommended rate schedule.

Board Members discussed the following items:

- The methodology of rate calculation
- The procedure to update rates in the future
- The proposed rates are comparably low
- Public notice of the public hearing
- Elimination of the special rate

Rule 2.7 was suspended by unanimous consent at 10:30 p.m.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened public remarks.

John Veenstra, 320 Piper Road, Haslett, spoke in support of the following items: Urban Service/Growth Boundary Ordinance, Joint jurisdiction of wetlands, Inclusion of nature trail use in easements, Proposed water & sewer rates, and in opposition to Consumers Energy's service charge increase.

Alan Russell, DTN Management, 2502 Lake Lansing Road, Suite C, Lansing, spoke in opposition to the appeal of SUP #01-75041 (Brogan LLC).

Supervisor McGillicuddy closed public remarks.

13. VISION SESSION: Urban Service/Growth Boundary

Supervisor McGillicuddy opened discussion on urban service and growth boundaries.

Director Kieselbach discussed the differences between an urban service boundary and a growth boundary.

Board Members discussed the Urban Cooperation Act as implemented in the City of Grand Rapids

Urban Cooperation Act: (Agenda Item #8 (Questions for the Attorney))

Q. How does the Urban Cooperation Act compare to a wastewater treatment authority incorporating multiple municipalities?

A. Under the Urban Cooperation Act there is a providing municipality and a receiving municipality.

As a condition for the provision of public services, the receiving municipality agrees with the providing municipality to a limit on the extension of public utilities. The subject matter of intergovernmental agreements must have some foundation in statute. Jurisdictions outside the state of Michigan may provide examples of the use of urban service and growth boundaries; however, these may not translate into available options under current State of Michigan statutes. The Township is governed by the Municipal Planning Act, which is intended to be a fluid and changing document. The intent of these boundaries is to establish permanent limitations. Current research does not provide a statute to facilitate such permanent boundaries. The Township may limit the extent of the construction of public utilities in another jurisdiction as a matter of contract, but may not do so within Township boundaries.

Use of the PIP in Establishing Boundaries: (Agenda Item #8 (Questions for the Attorney))

Q. Would the Township as a service provider, be able to limit the availability of services?

A. The statutes contemplate this is a flexible and ongoing process.

Use of Zoning as a Method of Smart Growth: (Agenda Item #8 (Questions for the Attorney))

Q. Are there potential growth controls under the Board's zoning authority?

A. The Planning Commission under the Municipal Planning Act produces the Comprehensive Development Plan and the PIP. New legislation would be required to provide municipalities new vehicles to improve planning methods within Township boundaries.

Limiting Public Utilities to Specific Zoning Districts: (Agenda Item #8 (Questions for the Attorney))

Q. Is it possible to amend the zoning districts such that particular zoning designations would permit public sewer?

A. It would be difficult to draft such an ordinance to withstand legal scrutiny. Under initial consideration, this approach would combine the authority of the Planning Commission to establish the Comprehensive Development Plan and the Board's authority in the promulgation of the ordinances. The extension of public services is part of the future planning and master plan review process.

Urban Service Boundary as a Planning Tool: (Agenda Item #8 (Questions for the Attorney))

Q. Would the Township's previous Urban Service Boundary have been legitimate?

A. Under the current state of Michigan statutory law it would be difficult to defend the legality of an urban services boundary. If the Urban Services Boundary is defined as the planned extension to meet the need for services at a particular time, this would all be a regular part of the planning process under the Municipal Planning Act. The concept of a boundary does not appear in the statute, but the extension of public utilities to serve future needs appears within the statute.

Enactment of Urban Cooperation Act: (Agenda Item #8 (Questions for the Attorney))

Q. Would an Act 425 Agreement potentially produce an arrangement protecting farmland?

A. This approach would establish the Township as a service recipient of a service such that the neighboring municipality would act as service provider and thus require limits on development in the particular area. There is nothing in the statute to permit such an arrangement. Additionally the Municipal Planning Act provides a vehicle to address these types of planning issues. If the current statutory authorities are insufficient, the Township has the right to request remedy from the State Legislature.

Promotion of Responsible Growth: (Agenda Item #8 (Questions for the Attorney))

Q. Are there other avenues of approach to address the main intent to promote responsible growth and protect rural areas rather than control public services?

A. There may be a program of incentives and disincentives to create a desired outcome. These incentives/disincentives could be incorporated into the ordinances through powers of public nuisance.

Restrictions on Rezoning: (Agenda Item #8 (Questions for the Attorney))

Q. Could there be imposed limitations on rezonings such that upzonings would not be permitted based on Township vacancies?

A. Consideration of other available sites in the Township for the intended use is legitimate in rezoning issues.

Purchase of Development Rights: (Agenda Item #8 (Questions for the Attorney))

Q. Other municipalities have programs in place for the purchase of development rights without the statutory support?

A. There is significantly more developed political support for enabling the preservation of open space through such concepts as the purchase of development rights and conservation easements.

Board Members discussed the following items:

- The Board's obligation to pursue the matter through the State Legislature
- The need for citizen involvement in addressing the issue

14 ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 11:10 p.m.

SUSAN McGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Paul J. Cassidy, Secretary