

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
853-4000, Town Hall Room  
TUESDAY, JUNE 18, 2013 **6:00 P.M.**

PRESENT: Supervisor LeGoff, Clerk Dreyfus, Treasurer Brixie, Trustees Scales, Styka, Veenstra, Wilson  
ABSENT: None  
STAFF: Township Manager Frank Walsh, Director of Community Planning & Development Mark Kieselbach, Director of Public Works and Engineering Ray Severy, Fire Chief Fred Cowper, Interim Human Resources Director LaPine

1. CALL MEETING TO ORDER  
Supervisor LeGoff called the meeting to order at 6:00 P.M.
2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS  
Supervisor LeGoff led the Pledge of Allegiance.
3. ROLL CALL  
The secretary called the roll of the Board.
4. PUBLIC REMARKS  
Supervisor LeGoff opened Public Remarks.

Danelle Lofton, 5130 Wexford Road, Lansing, asked the Board to consider expediting New Life International Church's request for Special Use Permit #13061 (Caring Hand).

Laurie Blosser, 9349 Coleman Road, Haslett, addressed concern with the current Township ordinance regarding non-conforming structures.

Neil Bowlby, 6020 Beechwood Drive, Haslett, announced the next Liaison for Inter Neighborhood Cooperation (LINC) meeting will be held on Thursday, June 20, 2013 at 6:45 PM in the Community Room of the Haslett Library. He clarified a point contained in his letter to the Planning Commission regarding insufficient frontage on non-conforming lots by stating Township ordinances provide for an exemption for lots which do not meet the required lot size. Mr. Bowlby requested the Board help expedite Caring Hand's special use permit (SUP) request by adding adult day care centers as an allowed use by SUP in the residential zoning district. He expressed concern with payback districts imposed upon the developer as a result of additional Board requirements.

Michael Leon, 4890 Chipping Camden Lane, Okemos, spoke in opposition to the proposed Georgetown Sewer Payback District and the increased size of the sewer.

Richard Baumgartner, 1064 Cliffdale Drive, Haslett, spoke in support of an urban service boundary (USB) concept, but expressed concern with a portion of the proposed eastern boundary out to Meridian Road. He believed the USB and the Georgetown Sewer Payback District are tied together. Mr. Baumgartner spoke in opposition to the establishment of a payback district.

Richard Harrington, 820 Piper Road, Haslett, addressed the process used to select artwork to be placed in the roundabout at Hamilton and Marsh Roads. He expressed concern local artists were not allowed to apply for their art work to be considered for placement at that location. He urged the Board to slow down growth in the eastern third by defeating the sewer payback district and any other project seeking to develop in the eastern area.

Supervisor LeGoff closed Public Remarks.

A. Tarun Uppuluri – Petition to Stop Littering

Tarun Uppuluri, 5138 Madison Ave, Apt. C3, Okemos, and Bennett Woods Elementary student, urged residents to stop cutting trees and littering. He stated he has a petition available for residents to sign should they wish to make their voice known on these subjects.

5. BOARD COMMENTS & REPORTS

Treasurer Brixie reported her attendance at several meetings of the Cornell Road Task Force as well as the Economic Development Corporation (EDC) meeting where it set up a committee to work on a small placemaking grant for the Haslett Corridor. She noted residents interested in signing Mr. Uppuluri's petition should look for it on [www.moveon.org](http://www.moveon.org).

Trustee Veenstra expressed support to allow the Caring Hand adult day care to proceed without further delay. He believed Ms. Blosser should be allowed the needed building permit to repair her fire damaged home. He offered several suggestions for changes to our ordinance regarding non-conforming uses.

6. APPROVAL OF AGENDA

**Treasurer Brixie moved to approve the agenda as submitted. Seconded by Trustee Scales.**

**Trustee Veenstra offered the following amendment:**

- **Move Agenda Item #10B to Agenda Item #11E: Georgetown Sewer Payback**

**Seconded by Clerk Dreyfus.**

VOICE VOTE: Motion carried unanimously.

VOICE VOTE ON THE MAIN MOTION: Motion carried unanimously.

7. CONSENT AGENDA (SALMON)

Supervisor LeGoff reviewed the consent agenda.

**Treasurer Brixie moved to adopt the Consent Agenda. Seconded by Trustee Styka.**

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,  
Treasurer Brixie, Clerk Dreyfus

NAYS: None

Motion carried unanimously.

A. Communications

(1) Board Deliberation (BD)

BD 11A-1 Michelle Beloskur, Executive Director, Ingham Conservation District, 1031 West Dexter Trail, Mason; RE: Cornell Road Project

(2) Board Information (BI)

BI-1 Renee Korrey, 4633 Okemos Road, Okemos; RE: Downtown Development Authority

BI-2 Neil Bowlby, 6020 Beechwood Drive, Haslett; RE: Nonconforming Structures/Uses

BI-3 James Brazier, 4185 Cornell Road, Okemos; RE: Article in the June Issue of *Governing* titled "State, Localities are Failing to Seize Their Infrastructure Moment"

BI-4 John P. Gardner, Senior Manager, Government Affairs, Comcast, Heartland Region, 1401 E. Miller Road, Lansing; RE: Channel and price changes effective July 24, 3013

(3) On File in the Clerk's Office

Material handed out at the June 4, 2013 Regular Board Meeting

Brett DeGroff, 4224 Shoals Drive, Okemos; RE: Support of the Civil Rights Ordinance

Material received at the June 4, 2013 Regular Board Meeting

Anthony Bauer, 4528 Herron Road, Okemos; RE: Herron Creek Neighborhood Urban Farm Complaint and accompanying petition

**Treasurer Brixie 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 Styka.**

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried unanimously.

B. Minutes

**Treasurer Brixie moved to approve and ratify the minutes of the Regular Meeting as submitted. Seconded by Trustee Styka.**

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried unanimously.

C. Bills

**Treasurer Brixie moved that the Township Board approve the Manager’s Bills as follows:**

Common Cash	\$ 456,984.15
Public Works	\$ 332,451.39
Total Checks	\$ 789,435.54
Credit Card Transactions	\$ 7,802.49
Total Purchases	<u>\$ 797,238.03</u>
ACH Payments	<u>\$ 381,875.19</u>

**Seconded by Trustee Styka.**

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried unanimously.

**[Bill List in Official Minute Book]**

D. Fireworks Permits:

(1) 4<sup>th</sup> of July Display

**Treasurer Brixie moved to approve the Fireworks Permit for the Meridian Township 4<sup>th</sup> of July Celebration on July 4, 2013, by pyrotechnic Operator Night Magic, Inc.; rain date will be July 5, 2013. Seconded by Trustee Styka.**

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried unanimously.

(2) Private Display at Walnut Hills

**Treasurer Brixie moved to approve the Fireworks Display Permit for Ace Pyro, LLC, for a July 20, 2013 event at Walnut Hills Country Club. Seconded by Trustee Styka.**

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus

NAYS: None

Motion carried unanimously.

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item #11D, #11E)

9. HEARINGS (None)

10. ACTION ITEMS

Supervisor LeGoff opened Public Remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, requested the Township's bicycle parking standard be made part of the plan for SUP #13-88231 (St. Martha Church).

Supervisor LeGoff closed Public Remarks.

A. Special Use Permit #13-88231 (St. Martha Church)

**Trustee Wilson 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 #13-88231 (St. Martha) for a group of buildings greater than 25,000 square feet in gross floor area subject to the following conditions:**

- 1. Approval is granted based on the site plans received by the Township on April 30, 2013 and floor plans received by the Township on April 29, 2013 prepared by Fitzgerald Henne & Associates and Mayotte Group Architects, subject to revisions as required.**
- 2. Approval is subject to all conditions placed on Special Use Permit #13-88231 (St. Martha) by the Planning Commission for the non-residential use.**

**Seconded by Trustee Styka.**

Board members discussed the following:

- Expansion will serve Meridian Township and regional residents
- Bicycle parking standards will be addressed during the site plan review process
- Planning Department will work with the applicant to ascertain the appropriate number of bicycle parking spaces

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus

NAYS: None

Motion carried unanimously.

C. Second Quarter Budget Amendments

**Treasurer Brixie moved to approve the 2013 second quarter budget amendments with an increase in fund balance for the General Fund in the amount of \$28,950 which projects a use of fund balance of \$693,870. The projected fund balance at December 31, 2013, is \$5,263,126. Seconded by Trustee Styka.**

Board members discussed the following:

- Inquiry regarding borrowing money at 1.99% when the Township has cash on hand
- Possibility of the Motor Pool borrowing the money from another fund

- Request for the Township Manager to look at using cash on hand for future issues such as this
- Costs involved in loan approval fees
- Township Manager pledge to use the amount of \$5 million as a fund balance minimum benchmark

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,  
Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried unanimously.

11. BOARD DISCUSSION ITEMS

Supervisor LeGoff opened Public Remarks.

Justin Lippi, 127 N. Hayford, Lansing, spoke in support of the Human Relations Ordinance.

Rawley Van Fossen, 8 Pontiac Street, Apartment 2, Oxford, spoke in support of the Human Relations Ordinance, noting the protections should be extended “across the board” to ensure Meridian Township is an inclusive community. He offered statistics from Michigan Project for Informed Public Policy (MPIPP) on housing and workplace discrimination experienced by transgendered people.

Regina Calcagno, Field Organizer, One Capitol Region, 1274 Burlington, Grand Ledge, commended the Board for discussing a human relations ordinance, and urged the Board to include housing, employment and public accommodations protections which would prohibit discrimination based on sexual orientation and gender identity. She spoke to Township resident support for these protections.

Penny Gardner, 1035 Seymour Avenue, Lansing, President, Lansing Association for Human Rights (LAHR), requested the Board include anti-discrimination protections for housing, employment and public accommodations.

Phil Parmelee, 1392 Haslett Road, Haslett, requested the proposed Human Relations Ordinance be all inclusive to avoid discrimination in any form based on sexual orientation, gender identity and gender expression.

Lisa Smith, 4331 Hulett, Okemos, spoke to the lack of legal standing for one partner in a same-sex relationship and requested the Board continue to allow gay and lesbian individuals to feel welcomed in the community by passing a Human Relations Ordinance.

Leonard Provencher, 5824 Buena Parkway, Haslett, expressed appreciation for the work of the Cornell Road Task Force but was concerned that its recommendations would achieve the goals expected by Township residents. He believed line of sight improvements would allow for increased speed and the recommendation that three (3) foot shoulder widths with one foot of gravel would provide safety for pedestrians and cyclists has no factual merit. Mr. Provencher indicated action by the previous Board on the Georgetown Sewer Payback District was a “mistake” and requested the sewer line to Phases 3 and 4 be appropriately designed to service only those two phases.

Neil Bowlby, 6020 Beechwood Drive, Haslett, believed the number of trees on Cornell Road marked for removal to be reasonable and spoke in support of a comprehensive Human Relations Ordinance while voicing the need for definitions within the proposed language. He recommended Board members honor the urban services boundary, “buy out” the current sewer payback district for Georgetown, Phases 1 and 2, and not expand the sewer for Phases 3 and 4.

Supervisor LeGoff closed Public Remarks.

A. Cornell Road Improvements Task Force Recommendation

Director Severy summarized the task force recommendations as outlined in staff memorandum dated June 14, 2013.

Board members, staff and task force member discussed the following:

- Recommendation for twelve (12) live trees and 25 dead trees to be removed
- Proposed wooden guardrails will protect trees in the event of a traffic accident
- Guideline used for trees was ten (10) feet from the edge of the white line of the traveled lane
- Design speed will be at a 35 mile per hour speed limit
- In the event the speed study designates 45 miles per hour, the intent of the Ingham County Department of Transportation and Roads (ICDTR) is to place advisory speed signs of 35 miles per hour where the road is offset or sight distance is not sufficient at higher speeds
- Advisory signs are not regulatory signs
- Cost estimate of lowering the grade on the hill south of Tihart
- Explanation of the permitting process
- Permits will be required for work in the floodplain and wetlands
- Meetings for permits would occur simultaneously with county bids for the project to take advantage of a grant from Michigan State University
- Funds paid out of the Township's street millage allowed for the context sensitive design of the road
- Appreciation that the recommendations from the Task Force retain Cornell Road's natural beauty status
- Consideration of planting trees along Cornell Road to compensate for trees removed
- Suggestion for the Environmental Commission to select the proper species and placement of new trees to be planted
- Appreciation for the large turnout by residents to speak to the Board on this issue
- Inquiry when the Board will review the various road proposals
- Board will need to decide the proposal which best fits into the budget
- Township's share of the original budget was slightly more than \$600,000
- Cost estimate of \$885,000 is for the longest life span of the road
- Shortage of \$270,000 requires either a delay in the project for a year or to use money from the General Fund with repayment next year from the millage fund
- Cost of the wooden guardrail is approximately \$200,000 (3,500- 4,000 feet at \$50-\$60/foot)
- Plan includes pulverized material from Marsh Road which is being resurfaced this summer
- Rationale for lack of dead tree removal by the county previous to this proposed project
- Task Force recommendations do not meet American Association of State Highway Transportation Officials (AASHTO) standards, but will be safer than the existing road
- Concern Cornell Road is being constructed at a higher standard than other county roads
- Current unsafe condition of Cornell Road
- Height of the guardrail dependent upon designated speed of the road
- Cost of the project will increase if it is delayed until next year as the material from Marsh Road could not be used
- Concern with proposed improvements providing Cornell Road as a bypass for Marsh Road
- Staff explanation of the various cost estimates
- Rationale for proposal to cut down the small rise just north of Grand River by one (1) foot is for sight distance between cars traveling in opposite directions
- Lack of a strategic plan and timeline from commencement of this project
- Guardrails deemed essential v. guardrails which would be "nice" to have

**There was consensus by Board members on the recommendation plan, requesting staff to provide drawings and cost estimates at the July 9, 2013 Board meeting.**

**The consensus of the Board was to discuss Item #11D next on the agenda.**

B. Master Plan Goals and Objectives

Director Kieselbach summarized the 2005 Master Plan Goals and Objectives process as outlined in staff memorandum dated June 13, 2013.

Board members and staff discussed the following:

- Planning Commission began looking at amendments in 2010
- Master Plan Goals and Objectives should be used to communicate with people who wish to relocate or do business within the Township
- Studies should not be contained in the Master Plan
- Suggestion for the Board to discuss the amendments on a section-by-section basis with less emphasis on studies and more emphasis on issues (i.e., walkability, environmental protection, smart growth principles, etc.)
- Suggestion for improvement of the eastern entrance to the Township
- Exclusion of some items which have already been accomplished
- Strategic vision needs to be in place on how the Board will look at the issues on a point-by-point basis
- Seven studies on page 6 have been in the Master Plan for 20 years and have not been conducted
- Preference for policy goals to be included
- Suggestion to set up a special meeting to discuss only this issue

[Supervisor LeGoff recessed the meeting at 8:42 PM]

[Supervisor LeGoff reconvened the meeting at 8:57 PM]

C. Tax Foreclosed Properties

Manager Walsh summarized the tax foreclosed properties as outlined in staff memorandum dated June 14, 2013.

Board members discussed the following:

- Property adjacent to Ferguson Park has received an extension
- Belief the owners of the property adjacent to Ferguson Park will retain the property

**It was the consensus of the Board that the Township was interested in the property adjacent to Ferguson Park if and when it becomes available.**

D. Human Relations Ordinance

Trustee Wilson addressed the proposed human relations ordinance as outlined in staff memorandum dated June 14, 2013.

Board members discussed the following:

- Community Resources Commission not equipped to enforce the human relations ordinance
- Preference to change the policy manual in concurrence with the proposed ordinance
- Preference to broaden the ordinance to include employment, public accommodations, sexual orientation, gender identity and expression
- Request for attorney to provide a draft of the revised antidiscrimination ordinance
- Unanimous consensus at the last meeting to immediately move the policy and add sexual orientation and gender identity and expression to the housing ordinance
- Request for examples of ordinances/draft ordinances from Delta Township and other governmental entities
- Michigan Department of Civil Rights provides consultation to municipalities regarding local nondiscrimination ordinances
- Suggestion to have the Michigan Department of Civil Rights assist the Township in providing the proper enforcement mechanism for a Human Relations Ordinance as provided for in the 122 page document from that department titled "Report on LGBT Inclusion under Michigan Law with Recommendations for Action"
- Board member recommendation that the Township Attorney review the referenced document

- Board member suggestion for the Township Attorney to use the six-page “model” ordinance written by *Unity Michigan* as a basis for Meridian Township’s ordinance

Formulation of a Human Rights Ordinance: (Questions for the Attorney (See Agenda Item #8))

Q. You must have some thoughts on this.

A. My thoughts on this are somewhat irrelevant. We draft what you want us to draft. We can certainly look at the model ordinance, we can look at and ask for input from the Department of Civil Rights. The question is what do you want us to draft. I heard in general terms some things, and I think it’s a consensus, but I don’t quite know how far you want to go in terms of one way being East Lansing, which has a relatively comprehensive thing. I’ve heard some comments about looking at Delta Township’s, or maybe Delhi Township’s and a different way of looking at it. There are many different ways of approaching it and it is up to this Board to make that determination and let us know how you want us to draft it.

Q. One of the questions that was asked of the law firm at our last meeting (and this is a little bit redundant because we have one attorney at one meeting and another attorney at another meeting and we’re back to square one again), and I know because I asked it, was the East Lansing ordinance has a criminal enforcement component of \$500/90 days in jail. Now I asked the attorney to determine whether or not that was something that’s appropriate that we could do. It was my understanding that in 1999, the laws were changed in the State of Michigan allowing the local units of government (such as townships) to enact criminal ordinances no higher than, I believe it was, 93 days in jail and a \$500 fine; but, there must be a nexus to a state statute that also has a criminal component to it when you enact this ordinance. Now the Elliott Larsen Civil Rights Act does not have any criminal component within it, so my question was is that something that is actually doable.

A. And, I apologize for Ms. Ditschman not being here tonight; she had a different conflict. I’ll be honest, I don’t know the answer. Based on your comment and my limited knowledge with this without really looking at it, I would tend to agree with you. Without the criminal component in the Elliott Larsen Act for this, it may be difficult to put that into an ordinance. I don’t know that without looking at it further, and we will do that.

Continued Board discussion:

- Policy manual and the addition of sexual orientation and gender identity and expression within the existing housing ordinance will be brought back to the Board within the next month
- Interim Human Resources Director Deb LaPine served on the East Lansing Human Relations Board and brought that experience to this issue
- 90-day plan for a more comprehensive anti-discrimination ordinance which includes employment
- Request for Board members to be provided a copy of the proposed ordinance presented to Delta Township which gives standing to the complainant
- Giving standing to the complainant places the financial burden of the enforcement on the complainant
- Preference for Board members to be involved in the process as information is gathered during the 90-day period

Issue of standing: (Questions for the Attorney (See Agenda Item #8))

Q. It seems to me if there was a way that we could give the person standing who has suffered discrimination in our community in terms of employment or something, we would sort of limit our involvement in it, but at the same time, it seems like that would maybe involve civil awards that the person could actually get a lot better relief ultimately in the end than the misdemeanor \$500 fine. Am I interpreting that right?

- A. It depends on what the ordinance would say. Technically what would happen is under a private attorney general action, citizens are given the right to sue for enforcing whatever, and if they've been damaged they certainly would have the right to sue and receive damages. I'm not certain...the Michigan Supreme Court has cut back drastically on this idea of standing, and I'd have to look at those cases to find out whether this is even possible as a remedy. But it's an interesting approach because, as was pointed out, it takes the Township outside of the enforcement process, leaves it to the individual to go forward and provides for some type of attorney fee as a result of that. Because it is not state wide, I'm not certain how well that would work, and it's going to take more research.

Board members discussed the following:

- Suggestion for a small committee to thoroughly research enforcement options
- Cost estimates for implementation of an ordinance
- Whatever is drafted must pass the constitutionality test and needs to be written by the Township Attorney with direction from the Board

E. Resolution for Georgetown Sewer Payback

Township Manager Walsh summarized the developments on the Georgetown Sewer Payback District as outlined in staff memorandum dated June 14, 2013.

Board members discussed the following:

- Board member belief the projected population figures east of Powell Road are not accurate and the developer will never recover the money from the first payback district
- Previous Township Board made a "mistake" when it approved the Georgetown Sewer Payback District for Phases 1 and 2
- Preference to wait for the existing payback district to expire
- If the Township does not require an oversized sewer for Phases 3 and 4, a second payback district is not needed
- The developer can choose to oversize the sewer
- Township has a strong history of support for the concept of an urban service boundary
- Majority of residents have spoken in opposition to this proposal and in support of keeping the eastern third in its rural state
- Public health and safety argument is not valid as well and septic system failures have been limited
- Incorrect assumptions were made when the Mud Lake Lift Station was constructed in 1993
- Board does not have to exacerbate the problem by acting on this issue brought by the Township engineering staff
- Sewer lines are not oversized, but being built according to Township specifications
- In Meridian Township, developers are required to build sewers according to Township specifications and "give" the sewers to the Township, allowing the creation of a payback district so that the developer can recoup some of those costs in the future
- Urban Land Use Management Area is a regional concept to help plan how money should be spent on infrastructure
- Concern if development occurs and the sewer has not been properly constructed, the Township would not have the ability to extend sewer
- No growth v. planned growth
- Poor planning to eliminate expansion in this area in the future
- Likelihood there will not be an expansion to Meridian Road, but buying out the developer would cost over \$417,000
- Master Plan and Future Land Use Map dictate the character and land use of the eastern third of the Township
- Georgetown Phases 3 and 4 have already been approved

Required v. desired size of the sewer line for Phases 3 and 4: (Questions for the Attorney (See Agenda Item #8))

Q. My understanding was that when this initial payback district was put in, they put in per the Township's request, the larger sewer pipe, and they only did it for phases 1 and 2 of Georgetown. Now we're requesting them for the next two phases to have that larger pipe...is that something that they need to have, or is it something we're requesting them to do. If they don't need to have that, I don't understand how the original payback district is going to be affected if we say we are not going to require you to put that in, but if you want to, by all means go ahead and put the larger pipe in. We are not going to require it, so why do we need a second payback district.

A. It's my understanding that when the developer put in sewer lines, they require certain sizes. And, to the extent the Township wants to advocate that responsibility, you may have undersized services. I'm not certain whether, and I think someone said that's an engineering issue and that's true, I'm not certain what's the proper size to service whatever area needs to be serviced. As I said, that's an engineering issue, not necessarily a legal issue. I suppose the Township could take the position it's not going to designate anything...build whatever you want, but that's a problem in and of itself as well.

Q. What's the issue if we say you build your sewer line however you feel your standards should be for that, and we're not discounting the current payback district. We say it's still in place.

A. I think you're going to have to have some standard. And again, from an engineering standpoint, you have to put in something that services whatever development you have. I don't know what that is, and I don't know whether that is an 18" or 10" or 5"...I don't know what those number are; that's an engineering issue. You also have the potential problem that the developer will say, "Look, you've given me the right to have a certain size; given me that...you've actually required me to do that within this entire area." Now it doesn't matter what you're designating or not designating, I have to put that in to recoup my costs in the initial requirement. That's an argument that the developer may make whether you say you're not going to require you to do anything further or not. By saying in the first place that you have to put in a certain size, there's an implication you may now be stuck with that on an ongoing basis. I don't know, because I don't know what the developer is arguing.

Continued Board and staff discussion:

- 8" or 10" sewer line would be sufficient to service the existing population of Georgetown
- 18" line is for projecting future growth and servicing of the existing population
- One reason for a pipe larger than an 8" or 10" pipe is because it is being laid "relatively" flat
- The smaller sewer has to be laid in at a steeper slope, and can't be put in by gravity "all the way"
- 8" pipe could service slightly more than the one cul de sac (some beyond Cornell Road, but not much)
- A certain size sewer is necessary to carry the flow from a specific population
- Pump station built on Marsh Road was designed with a capacity based on the Land Use Map in 1993 to service the population that would be in this area
- The total amount of the payback was over \$300,000 and the Township determined how many homes which might be able to be developed in this area based on the plan at that time
- By allowing either an 8" or 10" sewer line, the developer would not be able to recoup the entire amount

Legal obligation of the Township: (Questions for the Attorney (See Agenda Item #8))

Q. Are we under a legal obligation to have this structured so they can recoup?

- A. The legal obligation will be whatever a judge says so if it ever gets to court. Unfortunately, that is what's going to happen. Most likely, some type of nonapproval of a second phase of something will probably lead to some type of, at least, threat of litigation if not litigation. The developers, the Eydes, are well known for asserting their rights in court. I gave up a long time ago trying to predict what judges do, because you can't. What's our legal obligation? Well, eventually, a judge will tell us.

Continued Board member and staff discussion:

- Applicant could install an 18" sewer without the Township requiring them to do so
  - District stays the same
- Q. If we don't let the developer have a payback district for the second phase, are we on some kind of legal hook for not giving them the second agreement?
- A. You don't want me to answer those types of question in an open forum like this.
- Q. If we fail to approve this resolution payback district that we've been requested for, do you think we are going to be in a difficult legal position? If we deny this, will we have a problem?
- A. That's a difficult question to answer simply because: 1) I don't want to be giving you legal advice in an open forum and secondly, you're dealing with a developer who is well known for asserting their rights whether they are later found to be vindicated or not.

Continued Board member and staff discussion:

- Through Board action, the Township made an agreement in 2009 which allowed the developer to receive a payback
- Reducing the size of the pipe precludes an opportunity for the developer to "retain" what the Board agreed to in 2009
- Payback to the developer under these circumstances represents 8% of the Township's total fund balance
- Surplus fund has been used in the past for unique circumstances in an amount which represents more than 8%
- Concern "giving in" and moving forward tosses aside decades of planning and discounts the concept of an urban services management area
- Belief the developer would be "happy" to be paid back by the Township
- Reimbursing the developer would stop bad decision making
- Focus should be on planned growth
- Board member belief 1,200 homes will not be constructed east of Cornell Road
- Developer will probably not recover much of their monetary investment
- Township has nothing to lose by approving this request, as the build out will, in all likelihood, not happen
- Land use and zoning maps will dictate development in this area
- Township does not have an obligation to ensure the developer recoups their investment
- Legal quagmire to prevent the developer from installing a sewer line the proper size to serve the area
- Township's fiscally conservative approach to require the developers to build the sewer system
- Future Land Use Map and the Master Plan do not protect the Township from development patterns (e.g., Capstone)
- Resolution moves the payback of the last five years forward
- Nothing prevents the developer from installing the larger sewer line
- The "mistake" to be made would be for the Township to require the developer to install the larger sewer line

12. PUBLIC REMARKS

Supervisor LeGoff opened Public Remarks.

Richard Leeper, 2109 Lac Du Mont, Apt. A1, Haslett, spoke in opposition to the Georgetown Sanitary Sewer Payback District. He suggested that for every tree cut down on Cornell Road, the Township plant two (2) or three (3) as replacements.

Neil Bowlby, 6020 Beechwood Drive, Haslett, requested the Board expedite the special use permit request of Caring Hand. He believed there are other ways to provide sewer service to the eastern third than through the sewer systems of Georgetown Phases 1 and 2.

Leonard Provencher, 5824 Buena Parkway, Haslett, requested he be notified when the site plan review for St. Martha is scheduled so that he may monitor the plans for bicycle parking. He suggested public input be allowed regarding the Human Relations Ordinance before the item is placed on the agenda as an action item. Mr. Provencher expressed appreciation to the Township Manager for setting time parameters for movement of the Human Relations Ordinance. He addressed the finite capacity of sewage handled for the Township by the City of East Lansing as it relates to additional development for Georgetown and the resulting effect.

Supervisor LeGoff closed Public Remarks.

13. FINAL BOARD MEMBER COMMENT

Clerk Dreyfus spoke to a proposal for a joint meeting with the Planning Commission to handle differences in views of the urban services management area tentatively scheduled for July 11, 2013. He requested in the event the July 9<sup>th</sup> Board agenda is light, the joint meeting be scheduled for that date.

Trustee Veenstra responded to public comment, noting the bills contained payment to the City of East Lansing for the Township's share of sewer costs for June in the amount of \$119,167. He added this is a typical monthly payment and concurred that there is a maximum on the amount of sewage sent. He announced the next three Board meetings will be held July 9<sup>th</sup>, July 23<sup>rd</sup> and August 8<sup>th</sup>. He requested the Board revert back to previous policy of a ten-year period for sewer payback districts.

Trustee Scales attended the last Haslett School Board meeting where progress is being made on its regionalization process and suggested this issue be placed on a future Board agenda.

14. ADJOURNMENT

Supervisor LeGoff adjourned the meeting at 10:05 P.M.

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ELIZABETH LEGOFF  
TOWNSHIP SUPERVISOR

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BRETT DREYFUS  
TOWNSHIP CLERK

Sandra K. Otto, Secretary