

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, MAY 20, 2008, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such (6:06 P.M.), Veenstra (6:01 P.M.)
ABSENT: Trustee Woiwode
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, Director of Finance Diana Hasse, 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.

Leonard Provenchur, 5824 Buena Parkway, Haslett, expressed appreciation to the Board for its service to the community. He announced he will be participating in the Ride for Silence to be held on Wednesday, May 21, 2008 to honor individuals injured while cycling on roadways.

David Ledebuhr, 4767 Cornell Road, Okemos, spoke in opposition to Rezoning #08030.

Wayne Beyea, 5273 Meridian Road, Williamston, spoke in support of Rezoning #08060 in an effort to be "consistent" with the Township's Master Plan.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

A. 2007 Audit Report by Plante & Moran, PLLC

Mary Schafer, Plante & Moran, 1111 Michigan Avenue, East Lansing, announced the Township again received the Certificate of Achievement for Excellence in Financial Reporting. She also indicated inclusion of an unqualified audit opinion which is the highest level opinion which can be received on a financial statement and means there are no exceptions to the financial report.

Shaun Krick gave a graphic audit presentation highlighting the Township's financial status for 2007 year-end, noting a fund balance increase of approximately \$1.3 million from the prior year. He noted the general fund balance increased slightly over 2006, demonstrating continued growth over the last four (4) years. Mr. Krick stated the current on-hand fund balance represents 3.8 months worth of expenditures, well above the recommended two (2) month minimum.

Ms. Schafer noted there were eight (8) new auditing standards over the past year which required different auditing techniques.

Supervisor McGillicuddy thanked the Township Manager and department heads for closely monitoring the budget while staying within projected expenses which allowed the fund balance to substantially increase.

Treasurer Hunting inquired if there was validity to comment regarding the Township's financial condition which stated more was being spent than was taken in or budgeted.

Ms. Schafer responded that, as was pointed out in several slides, there was an increase in the general fund balance, revenues were as budgeted while expenditures were less than budgeted.

Supervisor McGillicuddy announced the Downtown Development Authority (DDA) will plant 123 flats of petunias on May 29th and possibly May 30th. She indicated volunteers should meet at Wonch Park at 8:00 a.m.

Trustee Brixie announced the Manager, Treasurer, Clerk and she attended a Meridian Township Entrepreneurial Asset Movement (MTEAM) conference which hosted the eight other pilot communities.

Trustee Such announced the Community Resources Commission (CRC) will continue to study the community garden issue. He announced the upcoming Senior Celebration on May 28th at Walnut Hills County Club.

Clerk Helmbrecht announced the number of candidates who filed for the various seats in the 2008 Primary Election.

Clerk Helmbrecht inquired about the petition for abandonment of a portion of Methodist Street which was a communication received by the Ingham County Road Commission.

Director Severy stated the Township will object to the abandonment, due in part to the premature nature of abandonment and to the Township's belief it would be a good connection for neighborhood pedestrian traffic to access the commercial core.

Trustee Brixie suggested the Board consider requesting an easement down the center of the portion proposed for abandonment, if it has no objection to the abandonment.

Trustee Veenstra believed we should reserve an easement for a future pathway and retain title to the water main along Methodist.

6. APPROVAL OF AGENDA — OR CHANGES

Trustee Such moved to approve the agenda amended as follows:

- **Add Agenda Item #12C: Indian Hills Pathway**

Seconded by Trustee Brixie.

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

Trustee Brixie moved to adopt the Consent Agenda. Seconded by Trustee Such.

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

NAYS: None

Motion carried 6-0.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Information (BI)

BI-1 Gil White, 6005 E. Lake Drive, Haslett; RE: Prohibited activities on Township park property

BI-2 Julie Brixie, 2294 Hamilton Road, Okemos; RE: Article from *The Wall Street Journal* titled, "Green Acres II: When Neighbors Become Small-Time Farmers"

(2) Regional Linkage (RL)

RL-1 Deborah L. Bellows, Ingham County Road Commission, 301 Bush Street, Mason; RE: Petition for abandonment of a portion of the unimproved road right-of-way on Methodist Street

RL-2 Suzanne Schafer, Administrator, Local Audit and Finance Division, Michigan Department of Treasury, 430 W. Allegan Street, Lansing; RE: Evaluation of fiscal indicators for Meridian Township

(3) On File in the Clerk’s Office (OF)

Materials received at the May 8, 2008 Board meeting

Patrick Lindemann, Ingham County Drain Commissioner, 707 Buhl Avenue, Mason; RE: Briarwood Drain Drainage District Petition Project

Trustee 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 Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
 NAYS: None
 Motion carried 6-0.

B. Minutes

Trustee Brixie moved to approve and ratify the minutes of the May 8, 2008 Regular Meeting as submitted. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
 NAYS: None
 Motion carried 6-0.

C. Bills

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

Common Cash	\$ 545,384.45
Public Works	\$ 449,091.25
Retainage Disbursement Account	
H & C Earthworks & Construction	
Check #1001 – Retainage	\$ 3,459.56
Total Checks	\$ 997,935.26
Credit Card Transactions	\$ 8,454.93
Total Purchases	<u>\$1,006,390.19</u>
ACH Payments	<u>\$ 348,761.29</u>

Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,
 Clerk Helmbrecht, Treasurer Hunting
 NAYS: None
 Motion carried 6-0.

[Bill list in Official Minute Book]

D. Appointment to the Zoning Board of Appeals

Trustee Brixie moved that Benjamin W. Ide be appointed to fill the Alternate #2 vacancy on the Zoning Board of Appeals for the remainder of a three year term ending December 31, 2008. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,
 Clerk Helmbrecht, Treasurer Hunting
 NAYS: None
 Motion carried 6-0.

E. Ambulance Reporting Software Budget Amendment

Trustee Brixie moved that the budget be amended to transfer \$67,540 from the General Fund unallocated funds to 101-900.901-980.070 (Capital Improvements-Mobile Data) in order to implement a new Fire Records Management System, and a new Ambulance Reporting Software System, as outlined in the cover memorandum to the Township Board from Stephen Gebes, the Director of Information Technology, dated May 16, 2008. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,
 Clerk Helmbrecht, Treasurer Hunting
 NAYS: None
 Motion carried 6-0.

F. Authorization to Enter into an Agreement for Emergency Response Mass Casualty Trailer
Trustee Brixie moved to authorize the Township Manager to enter into an agreement, in a form approved by the Township Attorney, with the District 1 Regional Medical Response Coalition (D1RMRC) to accept ownership of the mobile medical CBRNE support unit. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,
 Clerk Helmbrecht, Treasurer Hunting
 NAYS: None
 Motion carried 6-0.

G. Authorize Section 9 Review for Sewer Extension on Hulett Road

Trustee Brixie moved to request the Planning Commission do a Section 9 review for extending an 8 inch sanitary sewer along the east side of Hulett Road from Sophia Drive to 1,200 feet south. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,
 Clerk Helmbrecht, Treasurer Hunting
 NAYS: None
 Motion carried 6-0.

H. Whitehills Lakes #7 Street Lighting SAD, **Resolution #1**, Set Public Hearing Date (June 17, 2008)

Trustee Brixie moved to approve the Whitehills Lakes #7 Streetlighting Special Assessment District - Resolution #1, tentatively declaring its intention to install and maintain two (2) dark sky streetlights and defray the cost of installation, operation and maintenance by special assessment against the 6 benefiting lots, and setting a public hearing for June 17, 2008. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item # 9, #11E)

9. PLANNING COMMISSION MEMBERS OVERVIEW OF REZONINGS

Planning Commission Chair Wilcox indicated the basis for requesting the rezonings from RR to RRR was the Master Plan (the land use policy for the Township Board and Planning Commission). She stated the Master Plan provides guidance for future development as well as redevelopment. Chair Wilcox noted the Master Plan was designed to protect and preserve the quality of residential life, rich and diverse natural resources and the quality of the Township's public services. She added the Master Plan focuses on mixed use walkable neighborhoods, compact development, infill development, a variety of housing opportunities and choices, critical natural areas and preservation of farmland. Chair Wilcox indicated the Planning Commission believes that RRR zoned land works toward the implementation of these goals.

Chair Wilcox mentioned a 1998 community attitude survey which found that 76% of the residents supported restricting the extension of water and sewer to the eastern third of the Township. She noted that 45% of those respondents could support the extension of water and sewer only if the rural character of the eastern part of the Township was preserved. Chair Wilcox stated that based on the Master Plan and the community survey information, the Planning Commission recommended rezoning RR parcels to RRR in areas not currently served by water and sewer. The Planning Commission believed the western two thirds of the Township should be developed before the eastern third was taken into consideration. She added she believed rezoning RR parcels not served by water or sewer will support the land use policy for the Master Plan.

Planning Commissioner Ochberg noted that, for years, the Board's first priority in its annual global ends statement has been "the highest quality of life encompasses sustained or enhanced natural environment." She stated that specific policies under that goal are to "preserve the rural character, including working farms, preserved farmland, farmsteads and woodlots", "increase local agricultural production and sales through an active farm market", "encourage agricultural zoning where appropriate" and engage in "regional cooperation."

Commissioner Ochberg stated the Township Board "took its turn" at editing every word and they are the policies which the Board adopted. She indicated the Board has designated its staff and advisory bodies (e.g., Planning Commission) to "do" policy governance. The 2005 Master Plan was designed with the Board's approval to provide a guide for implementation of the Board's policy goals. Commissioner Ochberg noted the Future Land Use Map and the Implementation Chapter of the Master Plan directs the Planning Commission to "employ regional development strategies that better protect and preserve open space in edge areas." The Planning Commission is to "focus development in areas where adequate infrastructure for new development (water, sewer, roads, schools, etc.) already exist."

Commissioner Ochberg indicated Meridian Township's Planning Commission met with the Williamstown Township Planning Commission and found their Master Plan calls for future use along the townships' mutual border of ten (10) acre agricultural lots. She stated Williamstown Township's Planning Commission encouraged our Planning Commission to rezone as many appropriate parcels as they could to "be closer" to Williamstown Township's proposed use of the land along our mutual border. She added that our future land use calls for two acre agricultural lots, RRR zoning, while Meridian Township's eastern tier is currently mostly zoned in the one acre lot size. Commissioner Ochberg believed two (2) acre lots provide a better safety net for on-site sewage disposal and water acquisition through wells and conform more closely to the plans for Meridian Township's eastern neighbor. She noted that some owners of property which the Planning Commission has initiated rezoning to RRR want to eventually develop their land at higher densities and it will cost no more to do so than to keep the land designated RR.

Commissioner Ochberg stated the Planning Commission checked with our assessor who indicated the land being rezoned to RRR would retain the same value as currently zoned in the RR category. She indicated the Township's current Public Improvement Program (PIP), one "mainstay" of long term planning required by state law, shows no plans for water and sewer extensions for the potential RRR zoned lots for the next six (6) years.

Commissioner Ochberg stated the Planning Commission has acted to date to protect the health and safety of potential users and/or buyers of these lands with regard to on site water and sewer issues and to better respect Williamstown's Township's Master Plan and our own Master Plan. She indicated she had been informed by the Honorable Peter Houk (retired Chief Judge of Ingham County) that if Meridian Township did not comply with its adopted Master Plan and/or failed to allow its land use decisions to be governed by the plan, our status as a charter township would be in jeopardy and the Township would be increasingly subject to annexation. Commissioner Ochberg stated that reference to the Master Plan as a rationale for any decision would lose weight in the same proportion that other decisions conflict with it.

Commissioner Ochberg noted the price of gasoline will soon force us to purchase more locally grown food and preserving potential agricultural land, even two (2) acre lots, would better serve the growing need for niche farms, kitchen gardens and new vendors at Meridian Township's farmers market.

Commissioner Deits disclosed that he is a resident of the eastern portion of the Township. He expressed the Master Plan is a community vision and aids the Planning Commission in consistently implementing that vision.

Commissioner Deits indicated the RRR rezonings have been part of a systematic review of the Master Plan. The Planning Commission undertook a comprehensive review of pockets of commercially zoned land which have uses not consistent with that zoning, using the Master Plan as a reference document. A public hearing was held on a parcel near Jolly and Hagadorn, invited residents to attend to discuss the issue in an effort to decide whether to adjust the map because it was a burden on the residents or if it was "o.k." with them. The decision was made in this particular case to leave the property zoned commercial, as the residents preferred the commercial zoning and it was in the Master Plan to be commercial. It was part of the Planning Commission's systematic review, both from the point of view where the Master Plan doesn't align with current zoning and where the Master Plan doesn't align with current use.

Board members and the Planning Commission representatives discussed the following:

- Clarification as to why a property that is not in the eastern tier was included in the eastern tier study
- Property not in the eastern tier, identified as the Halmich Sod Nurseries, was eliminated from consideration because of owner objection through a motion passed by the Planning Commission
- No Planning Commission plans to address property which has existing structures
- Some of the parcels are not farmed and would not want to cut trees in order to farm
- Question whether the Planning Commission objective for chosen parcels was to effectuate long range farming
- Planning Commission view was very long term as food production process in this country is changing
- Farm land as one goal of the Township
- Planning Commission view that the quality of life in Meridian Township is enhanced by having land that is not developed, which is a policy decision of the Board
- Williamstown Township's Master Plan calls for extensive residential development in the southern one-third along Grand River in addition to clustered housing to provide for the rural character
- Clustered housing in Williamstown Township directly across the street from one of the proposed RRR rezonings in Meridian Township

Consistency between the current zoning map and the current future land use map: (See Agenda Item #8 (Questions for the Attorney))

Q. When I look at the map that shows the parcels meeting the RRR lot area width in the study area, there are a bunch that don't meet the....One of the speakers talked about the importance of consistency. Is it relevant that at least ¼ of the properties which don't meet the description of the Future Land Use category? Does that present any legal issues for us?

A. If I understand your question, is there a legal issue with rezoning a property that has regulations that then do not allow you to use the property?

Q. No, that isn't my question at all. My question is when the future land use designation was applied to the area, the underlying zoning doesn't meet the future land use zoning. In the normal case, you would say well, in the future, that's what we want this all to go to. We certainly don't expect that already developed subdivisions will somehow become less populated. Does that become a defensibility issue in terms of, this is the category and yet some of the area that is depicted on the map doesn't fit; maybe ¼ of it, maybe less, maybe a fifth of it.

A. I want to make sure I understand the question. When you say on the map, do you mean the zoning map, so if the zoning is changed....there's something already built there, the zoning is changed to RRR, and is that legal? Is that the question?

Q. No. Is there a problem with the future land use designation?

A. As it exists right now?

Q. Yes, because the underlying zoning can't meet the requirements? Does that matter?

A. It does not matter if the current zoning map is not consistent with the current future land use map. That is not a problem. One is long term in the future; what do we want this to look like in the future? They're grandfathered in.

Continued Planning Commission and Township Board discussion:

- Master Plan text was reviewed by the Board, but the Master Plan map was not
- Specific request by member(s) of the Board to review the Future Land Use Map was denied during the Master Plan approval process
- Master Plan text and the map do not match
- Rationale for proposed rezonings does not fit the text of the Master Plan
- Proposed rezonings seem to place the cart before the horse for the next Master Plan update
- No mention of agriculture or farming in the Planning Commission's specific goals contained in the Master Plan
- Concern with Planning Commissioner comment during one of its meeting that RRR zoning is a new kind of zoning to serve the community with fresh food which could be obtained locally
- Master Plan is a policy document the Planning Commission is obliged to follow
- RRR rezoning does not mandate agricultural use but presents an appropriate option
- Supervisor McGillicuddy request to include her northern 20 acres in parcels meeting RRR lot area and lot width
- Township government should leave residents alone unless there is a compelling reason not to
- Suggestion that the Planning Commission examine restoration of the urban service boundary
- Mud Lake Interceptor District includes many of the properties proposed for RRR zoning
- Presumption that RRR zoned land will not be served by water and sewer and creates the future use of septic
- Well and septic not the preferred way to protect the environment
- Planning Commissioner belief that it is better to have larger pieces under RRR zoning for purposes of subdividing or use as farmland
- Planning Commissioner belief that on-site sewage systems have a certain half life and space needs to be available for a second sewage system
- Planning Commissioner belief that RRR zoning is a way of providing for citizens who will elect to use the larger lots in the next six (6) years
- Different economic picture after six years may allow higher density development which may be achieved through a rezoning application
- Planning Commissioner belief that RR zoning is inadequate for on-site services
- Planning Commission interest in obtaining answer from staff as to meaning of being in an interceptor district (i.e., does it imply development, de facto permit to develop, or representative

of a hypothetical utility plan that may/may not have an impact on future on property development plans)

- Planning Commissioner statement that the Environmental Protection Agency (EPA) is not opposed to well and septic system
- The 1993 Mud Lake Interceptor Plan showed a service area which was included in the design of the pump station
- The 1993 Master Plan land use was used for development density to determine the capacity of the lift station
- Mud Lake lift station, as currently designed, has capacity for a population of 9,000 residents
- Inquiry if the Planning Commission invited smart growth experts from Michigan State University to speak about the idea of the proposed RRR rezonings
- Planning Commission conducted considerable research into smart growth at the time the Master Plan was developed
- Planning Commission concerned about the principles and how those principles are implemented as guided by the content of the Master Plan
- Board members request that smart growth experts speak to the Board regarding dividing the Township into two acre parcels
- Board policy statement regarding wellheads through agreement to follow the Wellhead Protection Initiative by the Tri-County Regional Planning Commission which, in part, does not increase the number of holes in the aquifer
- Planning Commissioner concern that the Board feels its policy document is flawed
- Planning Commissioner concern with the Board's inquiry regarding deficiencies in the Master Plan
- Critical migratory wildlife habitats in the rural area
- Concern with number of subdivisions included on the 2005 Future Land Use Map zoned as agriculture/residential 0-0.5 dwelling units per acre
- Some of the designated parcels which meet or exceed the RRR standards for lot area and lot width are publicly owned lands
- Unaware of any directive from the Board for the Planning Commission to move forward on the RRR rezoning initiative
- Clarification from the Planning Commission that this is a study area that is part of the Master Plan
- Planning Commission will study, evaluate and bring forth the rezonings which it believes meet the criteria in the Master Plan
- Planning Commissioner belief that its charge to implement the Master Plan is sufficient grounds to move forward to accomplish the things with which it is charged
- Board member belief this issue is circular between the Planning Commission and the Board
- Planning Commission began study of this issue at least six (6) months ago
- Undertaking the RRR rezonings is a major initiative which necessitated prior dialogue with the Board
- Inquiry if the Planning Commission discussed and deliberated on the groundwater recharge
- Planning Commissioner statement that staff was unable to provide groundwater recharge material to Planning Commission members
- Need for careful review of areas which aren't in a future sewer service area in terms of groundwater recharge
- Groundwater recharge map contained in the Master Plan
- History of Planning Commission completion of a study area has been to bring it before the Board with an explanation and receive Board reaction

Legality of current zoning which is inconsistent with the Future Land Use Map: (See Agenda Item #8 (Questions for the Attorney))

- Q. Did I hear you say that it does not matter what the current zoning is to have an effective land use plan or map? Did I hear you say that?
- A. No. I think what the question was is there a legal issue with having zoning right now which is not consistent with the Future Land Use Map. And I said, no, because my understanding of the Future Land Use Map is that we're looking in the future what we want to have an area look like. Perhaps there was something built when there wasn't zoning in place, when there was the wrong

zoning in that area that maybe needs to be something else down the road. That’s how I understood that question.

- Q. So, from a legal standpoint, it doesn’t matter what the zoning is with regard to the Master Plan.
- A. Your zoning right now, if it was put in place before the Future Land Use Map, does not have to be consistent with the Future Land Use Map.

- Q. Andria, I have a question. It sounds like the Planning Commission is being proactive. Is this one of their many duties to attempt to be proactive and look ahead into the future in making these types of recommendations?
- A. Yes, it is one of their obligations and duties.

- Q. They have an Implementation Chapter they are working from. The Implementation Chapter has a whole list of things that staff had recommended that the Planning Commission do. This is one of the very things that is in that Implementation Chapter. Is that within their rights to do without the Board charging them to do so?
- A. Yes, the Planning Commission can initiate a rezoning (and I understand that is what is going on here) without the Board referring it to them.

[Supervisor McGillicuddy recessed the meeting at 8:06 PM]
[Supervisor McGillicuddy reconvened the meeting at 8:17 PM]

- 10. HEARINGS (none)
- 11. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Scott DeVries, C2AE, 725 Prudden Street, Lansing, and representative for Kimco, availed himself for Board questions.

Mark Clouse, Chief Financial Officer and General Counsel, Eyde Co., 4660 S. Hagadorn, Suite 660, East Lansing, spoke in support of Rezoning #02060 and #08080.

Supervisor McGillicuddy closed public comment.

Supervisor McGillicuddy stated that at its last meeting Mr. Clouse had requested the Board hold off voting on any rezonings because there was not a full Board present. She recommended the Board hold over Item #11B and #11D.

Trustee Such moved to hold over Agenda Items #11B and #11D until there is a full Board. Seconded by Trustee Veenstra.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

- A. Resolution to Amend Code of Ordinances, Chapter 50, Article V, Section 50 – 115 by Adding Section 50 - 115(a)(4) (Possession or Consumption of Alcohol by Underage Person)
Trustee Brixie moved [and read into the record], NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION Ordinance No. ____ entitled “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 50, Article V, Section 50-115, by adding Section 50-115(a)(4).

BE IT FURTHER RESOLVED that the Clerk of the Charter Township of Meridian is directed to publish the Ordinance at least once prior to the next regular meeting of the Township Board. Seconded by Trustee Such.

Trustee Veenstra offered the following friendly amendment:

- **Amend section 1(b)(2) by deleting the word “violation” and inserting the word “violated”**

The amendment was accepted by the maker and seconder.

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

NAYS: None
Motion carried 6-0.

C. Essential Wetland Determination (Forsberg) west of Okemos Road, private road through a wetland

Clerk Helmbrecht moved [and read into the record] NOW THEREFORE BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, pursuant to Section 22-156 of the Township Code of Ordinances, hereby identifies the Township Wetland located north of Jolly Oak Road and west of Okemos Road as essential to the preservation of the natural resources of the Charter Township of Meridian. Seconded by Trustee Brixie.

Board members discussed the following:

- Subject wetland meets five of the criteria set forth in Section 22-156 of the Ordinance

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

NAYS: None
Motion carried 6-0.

E. SUP #08-71111 (Kimco), request to amend a previously approved Special Use Permit to allow for a group of buildings greater than 25,000 square feet, located at 1941 Grand River Avenue, Okemos

Treasurer Hunting 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 #08-71111, to construct a building on a site that already contains buildings over 25,000 square feet in gross floor area, subject to the following conditions:

1. **Approval of the special use permit is in accordance with the site plan prepared by C2AE, dated April 14, 2008, subject to revisions as required.**
2. **The total square footage of all buildings on the site shall not exceed 55,810 square feet unless the applicant applies for and receives an amendment to Special Use Permit #08-71111.**
3. **The final site plan shall be subject to the approval of the Director of Community Planning and Development.**
4. **The applicant shall obtain the necessary variances from the Zoning Board of Appeals for the proposed redevelopment of the site.**
5. **The applicant shall obtain all necessary permits, licenses, and approvals from the Ingham County Drain Commissioner, Ingham County Road Commission, Michigan Department of Environmental Quality (MDEQ), and the Township. Copies of all permits and**

- approval letters shall be submitted to the Department of Community Planning and Development.**
- 6. The utility, grading and storm drainage plans for the site shall be subject to the approval of the Director of Public Works and Engineering and shall be completed in accordance with the Township Engineering Design and Construction Standards.**
 - 7. Outdoor lighting for the site and the buildings shall be subject to requirements of Chapter 38, Article VII of the Code of Ordinances.**
 - 8. All mechanical, heating, ventilation, air conditioning and similar systems, if at street level, shall be screened from view by an opaque structure or landscape material selected to complement the building. Such screening is subject to the approval of the Director of Community Planning and Development.**
 - 9. A copy of the site plan information that exists in a computer format for the development project and construction plans shall be provided to the Township Engineering staff in an Auto Cad compatible format.**
 - 10. All applicable conditions of Special Use Permits #92-71111 and #71111 shall remain in effect.**

Seconded by Trustee Such.

Board members discussed the following:

- Redevelopment project will have a positive economic and aesthetic influence
- Appreciation to applicant for providing street views of building elevations

Relationship between a condition of approval and the specific project: (See Agenda Item #8 (Questions for the Attorney))

- Q. Can we place a condition that says that the old Frank's building façade will be changed to match the façade of the new building? Can that be included as a condition? My concern is that the new building will be constructed and that the changes won't be made to the other building, because it really isn't mentioned in the special use permit.

When I read the special use permit request standards, it says 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. My interpretation of the intended character of the general vicinity would be that this new building is going to have a certain look, and the building next door really needs to match it. Is there some sort of language that we can come up with that we can put in this condition to reflect that?

- A. In general (and Mark may want to speak to this as he has more information on the details than I do because he has probably worked with the applicant), if the Board feels there is a clear relationship between what's being requested and the condition that you want to place on that, then there is a clear nexus and it is appropriate to place that condition. The Board needs to make sure that when they are placing a condition that it's related to the project that is in front of you in some way.
- Q. How I am relating it, is #3 of our special use permit criteria: "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." Well, they are going to be changing the character in a positive way and they are indicating that character is going to match the rest of their mall, of which we are looking at the use for the whole thing because this is a group of buildings. This isn't a stand along thing we are being asked to consider here; we are being

- asked to consider the use for the whole thing. I am wondering if you could suggest some language that would address that?
- A. I believe, maybe you can confirm with the Planning Director, that there was some indication that was going to happen, although I don't know if there was an indication as to when.
- Q. That's what I am concerned about, because I don't think it will match the intended character. First of all, if we are saying it will be harmonious and appropriate in appearance with the existing character, I would hate for them to match the existing character on the new building. They showed us some nice pictures, and I understand that isn't necessarily the final design, but my concern is that we want it to be harmonious with the general vicinity and I think that certainly includes the group of buildings that is part of this SUP. Do you have any suggestions as to language?
- A. I was thinking possibly, under #8. Is that what you're thinking? You might want to add after "building." "The building material will also be consistent with"...you want the old building renovation to be consistent with the building material used on the new structure.
- Q. I want uniform façade improvements to be made so that both buildings should have uniform facades. What about that?
- A. I think we need to be more clear. If what you are saying is you want the old building to be updated to the new façade, I think we need to say the façade treatment on the renovation to the Frank's site will be consistent with the façade treatment on the new building. Something to that effect, because I don't just want to say consistent. You are right, it could be changed either way, and you are not concerned about a time period in there, correct?
- Q. Well, I am concerned about a time period, because I don't really want the façade improvements to be made in ten (10) years. My impression of this is that they should be done around the same time; we shouldn't be having the façade improvements being done after this new building is constructed. I think they should be done at the same time.

Board members discussed the following:

- Applicant concerned with the look of the existing building
- Incentive for the applicant to improve the existing façade to obtain a new tenant
- Possible one-year time frame for applicant to comply with façade uniformity
- Provision should be subject to the approval of the Director of Community Planning & Development

ATTORNEY COMMENT: I was just talking to the Planning Director and the only problem with that is enforcing it. Unless you get some kind of performance guarantee and then we are taking this a little bit further along than I think we want to do. Once the new building is there and the new façade is on, it is going to be difficult to enforce it. I think it needs to be at the same time.

Trustee Brixie offered the following friendly amendment:

- **Amend condition #8 to read: "All mechanical, heating, ventilation, air conditioning and similar systems, if at street level, shall be screened from view by an opaque structure or landscape material selected to complement the building. Façade treatments on the existing building shall match the new building. Such screening and façade improvements are subject to the approval of the Director of Community Planning and Development.**

The amendment was accepted by the maker and seconder.

Trustee Veenstra offered the following friendly amendment:

- **Amend the motion from the time of construction to within a reasonable time**

The amendment died for lack of a second.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

12. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Mark Clouse, Chief Financial Officer and General Counsel, Eyde Co., 4660 S Hagadorn Road, Suite 660, East Lansing, expressed concern with the Board removing two action items off the agenda after a two and a half hour wait. He also expressed concern with the apparent new Board policy that rezonings will not be voted upon unless there is a full Board and the effect that change will have on prospective tenants for applicants.

Supervisor McGillicuddy synopsised action on Mr. Clouse's request at the last Board meeting. She believed the same criteria are being applied at this meeting.

Supervisor McGillicuddy closed public comment.

- A. Rezoning #08030 (Planning Commission), request to rezone approximately 78 acres addressed at 4767 Cornell Road from RR (Rural Residential) to RRR (Single Family, Rural Residential, Low Density)

The consensus of the Board was to have experts from Michigan State University provide an overview on Smart Growth before further discussion takes place on this rezoning.

- B. Rezoning #08060 (Planning Commission), request to rezone approximately 52 acres addressed as 3735 Meridian Road from RR (Rural Residential) to RRR (Single Family, Rural Residential, Low Density)

The consensus of the Board was to have experts from Michigan State University provide an overview on Smart Growth before further discussion takes place on this rezoning.

- C. Indian Hills Pathway

Bill Cambray, President, Indian Hills Homeowners Association, 4672 Chippewa Drive, Okemos, requested a walking path be constructed along the riverbank from the end of the Tacoma footpath to the bridge which goes across the Red Cedar River. He stated it would increase the safety of the area and create a walkable circuit. He suggested cost sharing with the Township, as their group would provide \$10,000.

Director Severy added the current plan shows approximately 600 feet of sidewalk to complete walkability for pedestrians. He noted questions remain as to funding and maintenance of the sidewalk. Director Severy stated if the plan was changed to a pathway it would be a dead end pathway as there is sidewalk to the south which is only four (4) feet wide. The proposed five (5) foot sidewalk would be right behind the curb with a retaining wall right on the other side. There will also be a railing placed for approximately 300 feet from the bridge to address the safety of walkers near the bank of the river.

Director Severy indicated the total cost estimate for this project is approximately \$50,000 and requires relocating the road near the bend as there is not enough room to place a five (5) foot walk between the building and the road near the golf course. He indicated the owner of the golf course is in agreement to altering some of the landscaping on the edge of the golf course as long as it will not impact the green or tee area.

Board members and staff discussed the following:

- Request is viewed as a solution to a public safety concern
- Possibility of a heritage pathway at this location
- Current heritage pathway connects at both ends to enter our current pathway system
- Past pathway policy is that the pathway must be continuous at the same width
- Need to show pathway would benefit the entire neighborhood in order to assess the entire neighborhood
- Need to determine how to set up an assessment district
- Cost estimate of \$50,000
- Could be constructed this year as design is already complete

- Connector would address a major safety concern and complete walkability in the area
- Proposed sidewalk to be five (5) feet in width and right at the east side of the street as there is no room between the river and the road for a wider sidewalk or to move the sidewalk farther from the street
- Concern with wooden fencing material within the floodway
- Proposed sidewalk on golf course property

The consensus of the Board was to support the project and allow Director Severy to propose a method to fund the project.

13. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Mark Clouse, Chief Financial Officer and General Counsel, Eyde Co., 4660 S. Hagadorn Road, Suite 660, East Lansing, requested the Board amend its earlier motion to allow placement of Rezonings #02060 and #08080 on the agenda for action at its June 3, 2008 meeting.

Supervisor McGillicuddy stated the rezonings will continue to remain on the agenda as action items and if there was not a full Board present, the Board would have the freedom to overlook it and keep it on as action items until there is a full vote.

ATTORNEY COMMENT: The motion made at the last meeting was to postpone it, not until there was a full Board; just postpone it. So what happens under the rules is it comes up on the next meeting agenda automatically. When it came up on the meeting agenda tonight, it didn't matter if there was a full Board or not. Then there was a vote to wait until there was a full Board, and I think what Mr. Clouse is asking is if there was anyone willing to make a motion to reconsider to bring it to the next meeting no matter who is here so that his clientele doesn't have to wait as opposed to coming to every meeting until there is a full Board present and to continue to do that over and over. I think that is what he is asking, so I am just clearing it up. If you have any other questions, I will be glad to answer; I don't want to give any more information.

BOARD MEMBER COMMENT: That is precisely what our discussion was at our last meeting was that scenario happening. I just want to be clear we did have that discussion, but if it needs to be worded as postponed instead of until a full Board I think which was how the motion read.

ATTORNEY COMMENT: Postpone will bring it up at every meeting under action. At that point, you can vote on it or decide not to. Mr. Clouse is saying that he doesn't care if there is a full Board here or not. So, then it is up to the Board to decide whether you want a full Board or not. Right now, what you've done is that it is only going to come back when there is a full Board.

Trustee Such moved to reconsider the vote by which the Board approved postponing this until a full Board. Seconded by Treasurer Hunting.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

Trustee Such moved to postpone Agenda Item #11B and #11D until the next regular meeting of the Board. Seconded by Treasurer Hunting.

Trustee Brixie offered the following amendment:

- **Amend the motion to read: moved to postpone Agenda Item #11B until the next regular meeting of the Board.**

The amendment was accepted by the maker and seconder.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Supervisor McGillicuddy, Clerk Helmbrecht,
Treasurer Hunting
NAYS: Trustee Veenstra
Motion carried 5-1.

**Trustee Such moved to postpone Agenda Item #11D until the next regular meeting of the Board.
Seconded by Supervisor McGillicuddy.**

ROLL CALL VOTE: YEAS: Trustees Such, Supervisor McGillicuddy, Clerk Helmbrecht,
Treasurer Hunting
NAYS: Trustees Brixie, Veenstra
Motion carried 4-2.

Richard Harrington, 820 Piper Road, Haslett, expressed concern with a \$4,000 payment received by the Downtown Development Authority (DDA) from the Township and then the DDA was charged the same amount for services by the Assistant Manager.

Supervisor McGillicuddy closed Public Remarks.

14. POSSIBLE CLOSED SESSION

Treasurer Hunting moved that the Township Board go into closed session to:

- 1. Consider material exempt from discussion or disclosure by state or federal statute. (MCL 15.268).**

Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

Supervisor McGillicuddy recessed the meeting at 9:28 P.M.

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

Treasurer Hunting moved to return to open session. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 6-0.

Supervisor McGillicuddy reconvened the meeting at 9:47 P.M.

15. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:48 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT, CMC
TOWNSHIP CLERK

Sandra K. Otto, Secretary