

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
853-4000, Town Hall Room  
TUESDAY, AUGUST 20, 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, Police Chief David Hall, Fire Chief Fred Cowper, Director of Information and Technology Stephen Gebes

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.

Fire Chief Cowper recognized Lieutenant/Paramedic Paul Cullimore, Firefighter/Paramedic Michael Kueppers and Firefighter/Paramedic Brian Pennell for their efforts in the revival of a five year old from a near drowning incident at the Michigan Athletic Club. He also recognized Zubar Ahmad and Anna Madiha Anwar for saving a family of eight when their home caught fire in the middle of the night.

3. ROLL CALL

The secretary called the roll of the Board.

4. PUBLIC REMARKS

Supervisor LeGoff opened Public Remarks.

Neil Bowlby, 6020 Beechwood Drive, Haslett, spoke to the site plan review process for the Hannah Lofts. He addressed issues surrounding the two Georgetown Sewer Payback Districts and urged the Board to "buy out" the first payback district funded by the Eyde Co.

Jamerson Reis, Wolverine Building Group, 3233 Buel Avenue, SE, Lowell, spoke to the economic impacts of the Hannah Lofts project: \$50 million in wages, 250 employees on site over the next 10 months and 400-500 additional staff who would be indirectly impacted. He indicated projects with investments in Meridian Township will make a difference to young professionals and subcontractors in the industry. Mr. Reis urged Board members to consider a yes vote on MUPUD #13014 (Hannah Lofts).

Curt Mulder, Vice President, Wolverine Building Group, 4045 Barden Street, SE, Grand Rapids, spoke to construction work and the economy in Michigan over the last ten (10) years. He expressed excitement for another opportunity to work in Meridian Township and keep the positive movement of the construction industry going forward. Mr. Mulder requested Board members vote yes on the Hannah Lofts project.

John Acken, Capstone Collegiate Communities, 431 Office Park Drive, Birmingham, Alabama, addressed benefits of the Capstone projects to the community. He outlined the timeline and history of the Hannah Lofts project, stating he has done everything he can to meet the vision and goals desired by the Board for this project.

Jane Scherzer, 4777 Mohican Lane, Okemos, addressed Goals 1, 2 and 7 of the Master Plan. She believed a traffic impact study should be conducted for the Hannah Lofts project when students are back in class and suggested an economic impact analysis also be performed. Ms. Scherzer voiced her continued concern with the proposed density.

CHARTER TOWNSHIP OF MERIDIAN, AUGUST 20, 2013 REGULAR MEETING \*APPROVED\*

Kathleen Pavona, 4726 Arapaho Trail, Okemos, voiced continued concern with the high density student housing of the Hannah Lofts.

Shrikumar Poddar, 2601 Cochise Lane, Okemos, requested the Board support the “right” type of development for the land designated for the Hannah Lofts. He believed the project should be sent back to start fresh from its inception.

Rebecca Hollandsworth, Operations Director of Cannalytics and R. C. Randall Memorial Wellness Center, 2208 E. Michigan Street, Lansing, requested the Board not move forward with a medical marihuana ordinance at this time, pending the outcome of a Michigan Supreme Court case and pending state legislation.

Mark Clouse, General Counsel and Chief Financial Officer, Eyde Company, 2852 Eyde Parkway, East Lansing, addressed all the changes made by Capstone to the Hannah Lofts project at the request of Board members. He asked Board members to take into account letters of support received from corporate neighbors of the proposed Hannah Lofts project.

Sharon Dimmer, 4583 Sequoia Trail, Okemos, suggested the Township investigate the “income” allegedly generated by Capstone, Phases 1 and 2 to see if it offsets expenses incurred by the Township for police, fire, etc.

Supervisor LeGoff closed Public Remarks.

5. TOWNSHIP MANAGER REPORT

Manager Walsh reported on the status of the Okemos Library Project, new central fire station, the 2014 budget and parking for the Meridian Senior Center. He requested removal of Agenda Item #11 B (Vactor Truck Financing) until there is a clearer financial picture.

6. BOARD COMMENTS & REPORTS

Treasurer Brixie reported her attendance at the last Land Preservation Advisory Board Meeting, where work continued regarding demolition and removal of two (2) houses located on the Davis Farm. She also noted her attendance at a site visit to the Red Cedar Preserve to observe the Ingham County Drain Commissioner’s (ICDC) erosion repair project.

Trustee Styka reported all Meridian service clubs will host a golf outing on August 24<sup>th</sup> to raise money for the Community Resources Commission (CRC) Emergency Needs Fund. He noted a dedication of the Mt. Hope/Okemos Road art work will be held on August 29<sup>th</sup>, adding a September 9<sup>th</sup> application deadline for art work which will be placed at the Marsh/Hamilton Road roundabout. Trustee Styka reported on new store activity within the Meridian Mall and indicated the Manager of the Olive Garden in Meridian Township received the top company award.

Trustee Veenstra indicated there will also be a raffle held for the CRC Emergency Needs Fund, with tickets selling for \$5.00.

Clerk Dreyfus expressed disappointment that an alternative resolution for the Georgetown Sewer Payback District was not provided to the Board for tonight’s meeting. He also reported his attendance at a meeting of the Urban and Rural Service Management Committee of the Tri-County Regional Planning Commission (TCRPC) last week where the importance of protecting land when granting high density development was discussed. Clerk Dreyfus noted that Meridian Township is one (1) of only seven (7) communities in the United States which use a health impact assessment as part of the development process.

7. APPROVAL OF AGENDA

**Treasurer Brixie moved to approve the agenda amended as follows:**

- **Remove Agenda Item #11B: Vactor Truck Financing**
- **Move Agenda Item #11A to Agenda Item #8F**
- **Move Agenda Item #11E to Agenda Item #11A**
- **Move Agenda Item #11F to Agenda Item #11B and reletter the remaining action items**

**Seconded by Trustee Wilson.**

**Treasurer Brixie withdrew her request to Move Agenda Item #11A to Agenda Item #8F.**

VOICE VOTE: Motion carried unanimously.

8. CONSENT AGENDA (SALMON)

Supervisor LeGoff reviewed the consent agenda.

**Treasurer Brixie moved to adopt the Consent Agenda. Seconded by Clerk Dreyfus.**

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)

BD11C-1 Darlene Sergent, 4591 Mistywood Drive, Okemos; RE: Deer Management

(2) Board Information (BI)

BI-1 Marshal Madle, Michigan Associate, Generation E Institute, 15 Capital Avenue,  
NE, Suite 207, Battle Creek; RE: Generation E Youth Entrepreneurship Initiative

BI-2 John Kaufmann, 5140 Cornell Road, Okemos; RE: Cornell Road Wetland Permit

(3) Commission Linkage (CL)

CL-1 Marsha Madle, Chair, Meridian Economic Development Corporation (MEDC);  
RE: LEAP-Generation E Youth Entrepreneurship Initiative

(4) On File in the Clerk's Office

Material handed out at the August 8, 2013 Regular Board Meeting

Robert H. Peterson, Director of Engineering, Ingham County Road Department, 301 Bush  
Street, Mason; RE: Preliminary Comments for the Hannah Lofts Development

**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 Clerk Dreyfus.**

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 Clerk Dreyfus.**

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:**

CHARTER TOWNSHIP OF MERIDIAN, AUGUST 20, 2013 REGULAR MEETING \*APPROVED\*

Common Cash	\$365,333.90
Public Works	\$428,887.20
Retainage	
Check #1063-One Way Asphalt	
2013 Asphalt Contract	\$1,180.00
Total Checks	\$795,401.10
Credit Card Transactions	\$6,993.02
Total Purchases	<u>\$802,394.12</u>
ACH Payments	<u>\$392,100.88</u>

**Seconded by Clerk Dreyfus.**

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. Resolution to Open an Account

**Treasurer Brixie moved to adopt a resolution entitled “Authority to Open an Account” at The Huntington National Bank. Seconded by Clerk Dreyfus.**

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

E. Disposal of Surplus Equipment

**Treasurer Brixie moved that the Township Manager, or his designated representative, is authorized to dispose of two decommissioned Panasonic Toughbook laptop computers. Seconded by Clerk Dreyfus.**

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

9. QUESTIONS FOR THE ATTORNEY (See Agenda Items #11A, #11E)

10. HEARINGS (None)

11. ACTION ITEMS

Supervisor LeGoff opened Public Remarks.

Susan Davis, 4772 Arapaho Trail, Okemos, expressed opposition to the Hannah Lofts project as presented.

Phil Reed, 2588 Tekonsha Trail, Okemos, spoke to the moneyed interests in this project. He stated the Township does not have an obligation to support and facilitate the maximization of profits at the expense of other interests for which it is responsible. Mr. Reed requested the Board reject the current proposal for Hannah Lofts, suggesting it direct the applicant to submit plans for phases 3, 4 and 5 to ensure a balanced project for all involved.

Joseph Pavona, 4726 Arapaho Trail, Okemos, urged the Board to vote in opposition to the mixed use planned unit development for Hannah Lofts as presented, stating it is more high density student housing. He believed it imperative for the applicant to submit plans for the remaining phases in order for Board members to understand the overall impact.

CHARTER TOWNSHIP OF MERIDIAN, AUGUST 20, 2013 REGULAR MEETING \*APPROVED\*

Shrikumar Poddar, 2601 Cochise Lane, Okemos, believed the Board is strong enough to stand up to the developer of Hannah Lofts.

Neil Bowlby, 6020 Beechwood Drive, Haslett, did not believe the applicant is living up to the original concept for Hannah Lofts. He stated the money being brought in from construction wages would be earned regardless of how the project looks. Mr. Bowlby thought that business owners who wrote letters of support would approve of any project which provided customers to them. He cited statistics he computed about the percentage of beds and the amount of retail.

Mark Clouse, General Counsel and Chief Financial Officer, Eyde Company, 2852 Eyde Parkway, East Lansing, noted that on June 17, 2008 the Township Board approved the rezoning of this 81-acre site, allowing 1,010-1,159 dwelling units. He indicated the current project meets those requirements and should be approved. Mr. Clouse stated the applicant and he have presented this development as open to all diversity of population, acknowledging that the four (4) bedroom units will probably be filled by students. He noted Hannah Lofts is set up to be two (2) complete projects; the lofts (1 and 2 bedroom units) and the townhomes (3 and 4 bedroom units). In response to earlier comments regarding the pervious/impervious area, Mr. Clouse reminded the Board of the intent for this area to be urban as noted in the 2008 approval to allow for 1,159 dwelling units.

John Acken, Capstone Collegiate Communities, 431 Office Park Drive, Birmingham, Alabama, highlighted the goals discussed earlier: preserving residential, sustainable growth and preservation of open space. He believed this area to be the place for density.

Jane Scherzer, 4777 Mohican Lane, Okemos, urged the Board to vote no on the Hannah Lofts project and send it back to the developers. She stated residents will be living with the approved development for decades.

Marvin Johansen, 6236 W. Reynolds, Haslett, spoke in support of the Deer Management Program to minimize the deer destruction occurring around Lake Lansing.

Max Miller, 6299 Quail Street, Haslett, spoke in support of the Deer Management Program, believing the herds must be thinned.

Athena McLean, 4738 Arapaho Trail, Okemos, urged the Board to consider how the Hannah Lofts area could be designed differently and respond to the "dreams and desires" of the citizenry.

Supervisor LeGoff closed Public Remarks.

A. Mixed Use Planned Unit Development #13014 (Capstone) Hannah Lofts

**Treasurer Brixie moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves Mixed Use Planned Unit Development #13014, subject to the following conditions:**

- 1. Approval of the mixed use planned unit development design is based on the site plan (cover sheet) prepared by KEBS, Inc. dated June 28, 2013 and received by the Township on July 1, 2013, building elevations prepared by Dungan Nequette Architects received by the Township on July 19, 2013, and an Amenities Plan prepared by KEBS, Inc. dated June 4, 2013 and received by the Township on June 4, 2013, subject to revisions as required.**
- 2. Mixed Use Planned Unit Development #13014 (Capstone) to construct a group of four buildings and a two-story parking structure shall be contingent upon the approval of Special Use Permit #13081 (Capstone).**

3. Approval is subject to the following amenities as identified on the Amenities Plan: recreational resources, park; street side planters; covered bike rack areas and bike racks; pool; fountain/plaza; and pedestrian (foot) sidewalks that connect to Township sidewalks.
4. The character and quality of the building materials and general architectural design of the buildings shall be consistent on all four sides of each building.
5. Brick, stone or masonry products shall cover no less than 60 percent of building facades that are either visible from a public street or provide individual entrances to residential units.
6. Site accessories such as railings, benches, trash and recycling receptacles, exterior lighting fixtures, and bicycle racks shall be of commercial quality, and complement the building design and style. Final design and location shall be subject to the approval of the Director of Community Planning and Development.
7. Any future building additions or expansions to the buildings will require modification to the Mixed Use Planned Unit Development #13014 and Special Use Permit #13081.
8. Pedestrian sidewalks a minimum of seven (7) feet in width shall be installed along Hannah Boulevard, Eyde Parkway and Esoteric Way.
9. The Eyde Company has agreed to install a seven (7) foot wide sidewalk on the south side of Hannah Boulevard between Hagadorn Road and Esoteric Way; a five (5) foot wide sidewalk on the south side of Hannah Boulevard between the Marriott Town Suites Hotel and Eyde Parkway; and a five (5) foot wide sidewalk between the Lodges of East Lansing II and the Lansing Community College building.
10. The applicant and Eyde Company have indicated they will install “sharrows” with the approval of the Ingham County Road Department. In support of the recently adopted Complete Streets Ordinance, the Township commits to financing the maintenance of “sharrows,” and continue efforts to promote connectivity and non-motorized transportation throughout the development.
11. Street trees shall be installed along Hannah Boulevard, Esoteric Way and Eyde Parkway. Species and location of the trees shall be subject to the approval of the Director of Community Planning and Development and the Ingham County Road Department.
12. Landscaping shall generally comply with the provisions of the Code of Ordinances, including the mixed use planned unit development standards as outlined in Section 86-440(d)(4) and other applicable sections of the Ordinance pertaining to landscaping. The landscape plan shall clearly indicate all trees to be preserved on the site and consideration shall be given to the location and type of street trees and landscape material proposed for the site.
13. Site and building lighting shall comply with Article VII in Chapter 38 of the Code of Ordinances and shall be subject to the approval of the Director of Community Planning and Development. Streetlights shall not exceed 15 feet in height. LED lighting shall be used wherever practical.

14. A final sign program shall be submitted as part of site plan review and shall be subject to the review and approval of the Director of Community Planning and Development.
15. All mechanical, heating, ventilation, air conditioning, and similar systems shall be screened from view by an opaque structure or landscape material (if at street level) selected to complement the building. Such screening is subject to approval by the Director of Community Planning and Development.
16. The applicant shall obtain all necessary permits, licenses, and approvals from the Ingham County Drain Commissioner, Ingham County Road Department, and the Township. Copies of all permits and approval letters shall be submitted to the Department of Community Planning and Development.
17. 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.
18. Buried construction or other materials, debris found on the subject site, and debris resulting from clearing, grading, or construction activities related to the proposed project shall be removed from the site and be properly disposed.
19. 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.

**Seconded by Trustee Scales.**

Board members and staff discussed the following:

- Creation of a walkable community requires placing people near destinations
- Importance of Michigan State University (MSU) as a destination in our community
- Impact of students as part of our community
- Students are the driving force behind MSU
- Move of Michigan from a manufacturing economy to an entrepreneurial economy
- Infill development on this site was provided for by purposefully rezoning the 81 acre site in 2008
- Applicant has met with the neighbors on several occasions and assured them this plan does not “push” Hannah Boulevard into the Indian Lakes subdivision
- Many changes made to the project as a result of input by the neighbors
- Project meets the density already approved on this site
- Students as an important part of Meridian Township’s community
- Staff’s site plan review process for Capstone Phase 1, Phase 2 and the Hannah Lofts

**Trustee Veenstra offered the following amendment:**

- Amend condition #9 for the sidewalk on the south side of Hannah Boulevard between the Marriott Town Suites Hotel and Eyde Parkway from “five (5)” to “seven (7)”

**Seconded by Treasurer Brixie.**

Continued Board and staff discussion:

- Staff rationale for the five (5) foot sidewalk noted in condition #9 was for consistency
- Proposed amendment would provide a consistent seven (7) foot sidewalk from Phase 2 of the Lodges to Hagadorn Road

ROLL CALL VOTE: YEAS: Trustees Styka, Veenstra, Wilson, Supervisor LeGoff, Treasurer  
Brixie  
NAYS: Trustee Scales, Clerk Dreyfus  
Motion carried 5-2.

**Without objection, the Board amended condition #13 by deleting the words “wherever practical.”**

Continued Board, staff and applicant and applicant’s representatives discussion:

- Number of amenities required for the project by ordinance is a minimum of one (1)
- Bicycle racks are required by ordinance and should not be counted as an amenity
- Sidewalks are required by ordinance and should not be counted as an amenity
- As written in the resolution, the recreational resources amenity is the park
- Proposed clubhouse will include gym facilities, a club room, meeting rooms, office space, etc.
- Project was flawed from its inception when 2008 Board members misappropriately rezoned the 81 acres
- Figurative “architectural blueprint” was given to that Board which stated the concept would be a mixed use mini-village which would be diverse, vibrant and offer community amenities
- Rezoning was to include redevelopment of existing office space (including the six story Eyde office building with adjacent asphalt parking) and the Hannah Plaza as part of a master plan
- Developer tonight admitted Hannah Lofts is high density student apartment complex
- Miniscule retail/commercial component has been established for this phase
- When Phase 1 was introduced, there was no information offered on how future phases would look, despite repeated requests by the Board
- No clear information on how much open space is being protected on the 81 acres
- Concern no conservation easement or deed restriction is being offered by the applicant to address the possible connection with the Indian Lakes subdivision
- The proposed project contradicts many goals, objectives and strategies contained in the Master Plan
- No residential support for this project
- Board failure to define a dwelling unit up to this point
- A community center of two (2) to three (3) acres would attract more than just students who live in the project
- Opposition by neighbors to any road extension of Hannah Boulevard into the Indian Lakes subdivision
- Pathway into Indian Lakes Estates should have provision for emergency access by emergency vehicles through a breakaway gate
- Project will be fully sprinkled for fire safety with stand pipes and a complete alerting system
- Parking structure will be fully sprinkled with a dry pipe system
- Fire rated material will be on all walls, floors, ceilings and attics
- Every unit is required to have a one hour rating, which is a rating barrier which surrounds the unit and keeps the fire at bay for one hour
- Two hour fire ratings break up the “larger” parts of the building from the other parts
- Police calls for service have not been excessive for Lodges Phase 1 and has not placed an undue burden on the Police Department
- 18 calls from Lodges Phase 1 which resulted in a report were placed between January 1, 2013 to August 12, 2013
- Police Chief unaware of an instance where residents of Lodges Phase 1 have traveled into the adjacent neighborhood and created “problems”
- Township assessor’s opinion the proposed development would not have a direct impact on the value of the single-family residential development ½ mile to the east
- Property values of the Indian Lakes subdivision decreased in value this past year, similar to many other areas of the township

CHARTER TOWNSHIP OF MERIDIAN, AUGUST 20, 2013 REGULAR MEETING \*APPROVED\*

- Township assessor's opinion that it is too early to determine, based on one year of sales activity, if Lodges Phase 1 had a direct impact on property values in the Indian Lakes subdivision
- Developer to bear the cost of the direct drain connection to the Red Cedar River
- Recent notice of special drain assessment sent to residents in the area was for routine maintenance of drains
- Concern it is not economically feasible to require more retail if not supported by the current market
- 513 possible remaining dwelling units for the 81-acre site
- Too many units were originally approved and, with some of the units having four (4) bedrooms, there is the potential for too many residents in the development

Legality of this proposed development: (Questions for the Attorney (See Agenda Item #9))

Q. Does this proposal meet all the requirements of the ordinance, legally?

A. That's a hard one to answer. This ordinance, the mixed use ordinance, is not like the special use permit (SUP) ordinance where there's clearly listed criteria. It's much more of an ordinance where you need to look at what was the intent of the ordinance, what's required. For example:

- (1) Amenities are required; how many amenities are required?
- (2) Certain type of building material to be used, is that in there?
- (3) Want to make it walkable; is it walkable?

Unlike a SUP, there are not explicit expressly written criteria; you have to go through it and sort of pick it out. How this would be reviewed is that there has to be competent, substantial and relevant evidence to support whatever decision you make. So, that means there has to be enough out there (whether you approve it or don't approve it) that is related to this issue that the evidence is useful and good evidence. Not that we have somebody saying there is going to be a problem with flooding, but don't have any evidence to support that. The evidence has to be good evidence that you are taking into consideration. There has to be enough of it and it has to be substantial; that's what you are looking at.

When I look at that and I look at the prior approvals, the prior rezoning, and mixed use requirements, the underlying zoning of this location, the infrastructure that is there and the location of the development/redevelopment, my experience with courts in this area about certain areas and filling in vs. sprawl and what you do with that, indicates, I think, there is substantial evidence that it complies. But again, that is my opinion and because there is not explicit express criteria here, that is something the Board has to look at and decide. Does it meet the intent, does it meet the amenity requirement, does it meet how it should be built and what should be used? I guess, either way, this discussion is good because you are putting on the record the pros and cons. However, you vote, that information is out there.

Continued Board discussion:

- In the Township Attorney's opinion, the proposed project meets the legal standards contained in our ordinances
- Need to get out in front of Phases 4 and 5 to clearly identify what the Board will approve and not approve
- Legal reasons are on the record for why this MUPUD can be denied
- An extensive discussion was held during the process of creating the MUPUD ordinance regarding the ability of the Board to "turn down" a MUPUD
- Hannah Plaza is in foreclosure, possibly because it is a 1960/1970's style of sprawled development
- Board member belief there are no amenities in the Hannah Plaza to drive community members there other than students
- While the Board did approve the density at 1,159 dwelling units, it was not meant to be exclusively for students
- 2008 Board assumption that the retail would be redeveloped and some impervious surface around the office park would be "redone"

CHARTER TOWNSHIP OF MERIDIAN, AUGUST 20, 2013 REGULAR MEETING \*APPROVED\*

- Preference for a new proposal which could have the same density but with “real” community amenities
- Concern with the possibility of annexation given this site’s proximity to East Lansing
- Board member preference for the developer to pay for “widening of Hannah Boulevard and pathways” as noted in the August 6<sup>th</sup> letter from the Ingham County Road Department
- Potential income to the Township related to the proposed development is approximately \$398,000 for building/mechanical/electrical permits and annual real estate taxes of \$177,300
- Concern with lack of a complete streets concept
- Continued concern with the amount of four (4) bedroom/four (4) bath units
- Ordinance states phasing requires a complete plan for all phases when the original MUPUD is submitted
- Applicant has not provided a complete phasing plan, despite Board request(s)
- Need for the applicant to further reduce the number of four (4) bedroom four (4) bath units

ROLL CALL VOTE: YEAS: Trustees Scales, Veenstra, Supervisor LeGoff, Treasurer Brixie  
NAYS: Trustee Styka, Wilson, Clerk Dreyfus  
Motion carried 4-3.

[Supervisor LeGoff recessed the meeting at 8:40 P.M.]

[Supervisor LeGoff reconvened the meeting at 8:51 P.M.]

B. Special Use Permit #13081 (Capstone) Hannah Loft

**Trustee Scales 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 #13081 (Capstone) to construct one mixed use building, three apartment buildings and a two-story parking structure, totaling more than 25,000 square feet in gross floor area (530,633 square feet) subject to the following conditions:**

1. **Approval of the special use permit is recommended in accordance with the site plan (cover sheet) prepared by KEBS, Inc. dated June 28, 2013 and received by the Township on July 1, 2013, subject to revisions as required.**
2. **Special Use Permit #13081 is subject to all conditions placed on Mixed Use Planned Unit Development #13014 (Capstone) by the Township.**

**Seconded by Treasurer Brixie.**

**Trustee Veenstra offered the following friendly amendment:**

- **Amend condition #1 by deleting the word “recommended”**

**The amendment was accepted by the maker and seconder of the main motion.**

Board members discussed the following:

- Board member belief that four (4) of the WHEREAS clauses are incorrect
- Concern that Hagadorn Road does not have sufficient capacity to accommodate the increased use that will result once Phase 2 and Phase 3 are occupied
- Total square footage of 530,633 gross square feet includes the parking structure as it meets the definition of a building
- Request for 378,240 total square footage of the four buildings to be occupied listed in the first WHEREAS clause

**Trustee Veenstra offered the following amendment:**

- **Amend the first WHEREAS clause to also include the total square footage of the four buildings to be occupied**

**The amendment was accepted by the maker and seconder of the main motion.**

ROLL CALL VOTE: YEAS: Trustees Scales, Veenstra, Supervisor LeGoff, Treasurer Brixie  
NAYS: Trustee Styka, Wilson, Clerk Dreyfus  
Motion carried 4-3.

- C. Capital Area Transportation Authority Board Appointment  
**Trustee Veenstra moved that Pat Cannon be reappointed to serve on the Capital Area Transportation Authority Board for a term ending September 30, 2016. Seconded by Treasurer Brixie.**

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

- D. Deer Management Program

**Clerk Dreyfus moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED by the Township Board of the Charter Township of Meridian that a Township-managed deer harvest will occur on the following twenty properties in 2013: Meridian Riverfront Park; Red Cedar Natural Area (park); Central Park; Ted Black Woods (park); Towner Road Park; Northwest Land Preserve; Northridge Land Preserve; Forest Grove Land Preserve; Meridian Central Wetland Land Preserve; Hubbel Land Preserve; Central Meridian Uplands Land Preserve; Tihart/Cornell Wetland Land Preserve; Davis/Foster Land Preserve; Foster/Crouse Land Preserve; Southwest Meridian Uplands Land Preserve; Sower Woods Land Preserve; Red Cedar River East Land Preserve; Red Cedar Glen Land Preserve; Meridian Transfer Station Property On Lake Drive; Meridian Property On The Southeast Corner Of Okemos Road and Central Park Drive (future fire station); and Lake Lansing North Park (Ingham County property).**

**Seconded by Trustee Veenstra.**

**The seconder offered the following friendly amendments:**

- **Amend the first WHEREAS clause to insert “and gardens” after “plants”**
- **Amend the NOW, THEREFORE, BE IT RESOLVED clause by deleting “twenty” and inserting “twenty-one”**

**The amendments were accepted by the maker of the main motion.**

Board members, staff and Ingham County staff discussed the following:

- Proposed plan will safely and humanely expand deer management
- Township process on how to include privately owned land
- Request for the Manager to initiate further contact with Delta Dental and Michigan State University to persuade them to participate in this program
- Incorporation of suggested improvements by previous hunters
- Board option of extending the season to harvest more deer
- Ingham County Parks approved a Deer Management Plan last year but subsequently lost park staff
- Staff explanation of hunting on Lake Lansing Park North property
- Ten (10) hunters to be assigned to the Lake Lansing Park North property
- Staff intent to utilize most of the hunters from last year, but names are being taken for a waiting list
- Suggestion to explore the possibility of police volunteers performing a night-time hunt in Central Park South as an additional method to address a particularly aggressive problem
- Hunt also provides a recreational experience

Treasurer Brixie offered the following friendly amendment:

- Amend the NOW, THEREFORE, BE IT RESOLVED clause by deleting “twenty-one” and inserting “twenty-two”
- Further amend the NOW, THEREFORE, BE IT RESOLVED clause by deleting the word “and” after “(future fire station);” and inserting “, and the East Lansing-Meridian water treatment plant property” after “(Ingham County property)”.

The amendment was accepted by the maker and seconder of the main motion.

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

E. Resolution for Georgetown Sewer Payback

Treasurer Brixie moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED by the Township Board of the Charter Township of Meridian, Ingham County, Michigan, as follows:

1. The Georgetown sanitary sewer interceptor service area, exclusive of the Georgetown subdivision, has been determined to include 1,213 residential equivalent units (REU).
2. The Georgetown sanitary sewer interceptor cost of construction to be reimbursed to the Eyde Company shall be set at \$659,799.15.
3. Therefore, the benefit charge for connection to a sanitary sewer within the Georgetown sanitary sewer interceptor service area is hereby established at \$543.94 per REU, plus 3% flat rate (\$16.32) annual increase beginning in 2014.
4. The Georgetown sanitary sewer interceptor benefit charge established herein shall have immediate effect.
5. The Georgetown sanitary sewer interceptor benefit charge will be collected by the Township for a period of fifteen years from July 7, 2009.
6. The Georgetown sanitary sewer interceptor benefit charge will be paid as follows:  

All existing and future developments and all existing and future single and multi-family homes shall pay the Georgetown sanitary sewer interceptor benefit charge when obtaining their sewer permit.
7. The Georgetown sanitary sewer interceptor benefit charge will be reimbursed as follows:
  - A. The reimbursement period will be for a total of 15 years from July 7, 2009.
  - B. The Township shall pay the reimbursement to the Eyde Company in quarterly installments, each installment to be equal to the Georgetown sanitary sewer interceptor benefit charge collected by the Township each calendar quarter from the Georgetown sanitary sewer interceptor service area (see attached map).

AND, BE IT FURTHER RESOLVED, by the Township Board of the Charter Township of Meridian, Ingham County, Michigan, as follows:

**The Georgetown Sanitary Interceptor Benefit Charge & Reimbursement Resolution adopted by the Township Board July 7, 2009, approving a payback to the Eyde Company of \$347,767.10 is hereby rescinded. Seconded by Trustee Scales.**

Board members and staff discussed the following:

- Explanation of how a payback district works
- Board member belief a mistake was made by 2009 Board members on the existing Georgetown Payback District
- Engineering Department proposed the increased size of the sewer pipeline
- 2007 Board members should not have “forced” the Eyde Company to install a larger pipeline for Georgetown
- Engineering Department does not use a community review process or community surveys to find out the desires of Township residents
- Engineering Department should not tell the Board and Planning Commission how to perform the Township’s land planning
- Repayment to the Eyde Co. for its initial investment provides for the freedom and ability to control property development in the eastern third of the Township
- Approval of another payback district “handcuffs” the Board in its land planning ability for the eastern third of the Township
- Board intent to have an urban service boundary which protects the eastern third of the Township from development
- Little likelihood of development of the eastern third of the Township
- Preference not to compound the problem by creating an additional payback district
- The payback district size remains the same; the only change would be the amount
- The Township is not responsible to pay the developer if residents do not hook up to public sewer prior to the payback district’s expiration

Township Board authority to prohibit sewer extension: (Questions for the Attorney (See Agenda Item #9))

- Q. Let’s say that the board decides tonight to pay them for the cost of putting that larger, deeper sewer line in for Phases 1 and 2 and just pays that money back. Is there anything that would stop them from continuing that larger, deeper sewer line for Phases 3 and 4? Do we have any jurisdiction to say they could not put a larger sewer line in the rest of that property area?
- A. As far as the extension of the sewer, in my view, that would have to do with what’s on the Master Plan. I think through my conversations with Mr. Severy, there isn’t a specific size on the Master Plan; is that correct?

Staff response to Attorney inquiry: That’s correct. There is no master plan for the sewer in that area. It gets constructed as it’s developed. The only thing that is driving the 18” sewer is that when that lift station was put in back in 1993-1994, it was designed to service this entire service area and the sewer that came out of that lift station was 18”, sized appropriately to service the eastern part of the Township. That’s why it is being continued at this point.

Continued Attorney response: I think the answer would be that yes, we may have some authority over it, but my guess is it would become another discussion and another argument at that point. If they were, as you said earlier, requesting to do development or some other need for the larger sewer out there, then they would be making that argument and the Board would pass some kind of resolution saying they were only going to put in this size sewer. But, again, that has to do with the planning and what’s needed out there. Keep in mind, if there’s any failure, a big failure that has to do with public health right now, based on current case law, the Township would be required to put a sewer in. That’s hanging out there right now.

Continued Board and staff discussion:

- Length of time for the payback agreement has not been extended
- Payback district is not being expanded
- Concern with utilizing a significant amount of fund balance to pay back the developer

CHARTER TOWNSHIP OF MERIDIAN, AUGUST 20, 2013 REGULAR MEETING \*APPROVED\*

- Board member belief this new proposal is in direct contradiction to the creation of an urban service management area
- Board member belief a yes vote says the Board member wants development in the eastern third of the Township
- Placement of the new 18” sewer line is to service new subdivisions, not an individual home
- Developer could have made the request for placement of an 18” sewer line
- Board member belief the point of an urban services management area is to have utilities concentrated in the already infilled section of the Township
- No resident has requested the payback district be extended
- Township cannot afford to pay the developer back for its investment
- Current zoning would preclude construction of a subdivision
- Preference to “wait out” the developer
- Concern passage of this payback district will ultimately result in rezoning properties
- Although this deals with the same payback district, it creates an additional \$300,000 potential liability if approved
- Additional Board option to turn down the resolution, not pay back the developer and return to status quo

**Trustee Scales called the question. Seconded by Treasurer Brixie.**

Necessity of specific language in the event the applicant does not move forward with the project:  
(Questions for the Attorney (See Agenda Item #9))

- Q. The attorney might be trying to present a legal problem with what’s going on and I think it is wise to hear the attorney.
- A. Because the Clerk has raised an issue that he has heard from the applicant directly that they may not go forward, that is not addressed in this resolution. This resolution sets it at the larger amount. It does not talk about if they put in the extension. It says the amount is \$659,799.15 and the payback is \$543.94. There should be an “If they do it then it is \$659,799.15; if they do not make any further extension, it should be... That should be added to the THEREFORE NOW BE IT RESOLVED clause. I heard that information from the Clerk.

VOICE VOTE: Motion failed 4-3. (Trustee Veenstra, Clerk Dreyfus, Supervisor LeGoff)

Continued Board and staff discussion:

- Staff clarification that the Township has not required the developer to install an 18” sewer
- This resolution was brought to the Board for its consideration at the request of the developer as they wish to expand the Georgetown subdivision
- If the developer does not extend the 18” sewer, there will be no payback for the first phase

**Trustee Veenstra moved to table. Seconded by Clerk Dreyfus.**

ROLL CALL VOTE: YEAS: Trustee Veenstra, Clerk Dreyfus  
NAYS: Trustees Scales, Styka, Wilson, Supervisor LeGoff, Treasurer Brixie  
Motion failed 2-5.

**The maker offered the following friendly amendments provided by the Township Attorney:**

- **Insert “for upsizing Phases 1 and 2 shall be set at \$347,767.10 and for upsizing Phases 1 through 4” after “Eyde Company” in condition #2**
- **Amend condition #3 to read: “Therefore, if Phases 3 and 4 are not upsized, the benefit charge for connection to a sanitary sewer within the Georgetown sanitary sewer interceptor service area is hereby established at \$286.70 per REU, plus 5% flat rate (\$14.34) annual increase, and if Phases 3 and 4 are upsized, the benefit charge is hereby established at \$543.94 per REU, plus 3% flat rate (\$16.32) annual increase beginning in 2014.**

**The amendments were accepted by the seconder of the main motion.**



Sandra K. Otto, Secretary