

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
853-4000, Town Hall Room  
THURSDAY, AUGUST 8, 2013 **6:00 P.M.**

PRESENT: Supervisor LeGoff, Clerk Dreyfus, Treasurer Brixie, Trustees Scales, Veenstra,  
Wilson  
ABSENT: Trustee Styka  
STAFF: Township Manager Frank Walsh, Director of Community Planning & Development  
Mark Kieselbach, Director of Public Works and Engineering Ray Severy,  
Communications Director Deborah Guthrie

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.

Jane Scherzer, 4777 Mohican Lane, Okemos, offered several comments on an August 3<sup>rd</sup> article in the *Lansing State Journal* titled, "Major townhouse project proposed in Meridian Township".

Neil Bowlby, 6020 Beechwood Drive, Haslett, spoke to the design detail for Mixed Use Planned Unit Development #13014 (Capstone), Hannah Lofts, indicating 73% of the beds are in four bedroom-four bathroom apartments. He expressed concern with the transfer of firearms, believing the issue deals with the bigger issue of the transfer of merchandise in general. Mr. Bowlby offered a suggested amendment to the existing language in the ordinance relative to this issue.

Danelle Lofton, 5130 Wexford Road, Lansing, expressed appreciation for placing final adoption of Zoning Amendment #13030 (an amendment to allow adult day care centers) on tonight's agenda as an action item.

Kathleen Pavona, 4726 Arapaho Trail, Okemos, expressed continued concern with Mixed Use Planned Unit Development #13014, Hannah Lofts. She addressed comments contained in an August 4<sup>th</sup> *Towne Courier* article titled, "Major townhouse project proposed in Meridian Township".

Supervisor LeGoff closed Public Remarks.

5. TOWNSHIP MANAGER REPORT  
Township Manager Walsh highlighted issues which will be on the August 20<sup>th</sup> agenda. He announced township offices will be closed at noon on August 15<sup>th</sup> for the employee appreciation picnic. Manager Walsh offered updated information on the Renew Okemos Library Project, a proposed Human Relations Ordinance, and the budget timeline.
6. BOARD COMMENTS & REPORTS  
Clerk Dreyfus outlined results from the August 6<sup>th</sup> Haslett School District Special Election, which passed with a vote of 1135 yes to 893 no. He indicated the millage proposal experienced a 16.9% voter turnout.

Treasurer Brixie reported her attendance, along with Supervisor LeGoff and Clerk Dreyfus, at a

CHARTER TOWNSHIP OF MERIDIAN, AUGUST 8, 2013 REGULAR MEETING \*APPROVED\*

meeting with the Grand River Corridor Charette representatives to discuss Meridian Township's involvement in the next phase of the project. As a result of high attendance from Meridian Township citizens at the previous charette, an additional charette will be held on Thursday, October 24<sup>th</sup> at 6:00 P.M. at a location to be determined. She attended the Pension Board meeting two weeks ago and the actuarial report and information on the state of the pension fund were received at that meeting.

Trustee Veenstra reported his attendance at the regular meeting of the Tri-County Regional Planning Commission (TCRPC) on July 24<sup>th</sup>. He addressed two articles in the August 4<sup>th</sup> edition of the *Town Courier* which he believed were misleading and omitted information regarding the Hannah Lofts MUPUD and the Fireworks Ordinance.

Trustee Scales also expressed concern the aforementioned news article on the Fireworks Ordinance did not accurately reflect what the approved language indicated. He reported his attendance at the July 30<sup>th</sup> meeting on a possible speed reduction on Cornell Road and explained the criteria used by the Michigan State Police to determine the proper speed. Trustee Scales reported his attendance at the Redevelopment Ready Communities training today in Mt. Pleasant. He requested the Board add an agenda item regarding adoption of a rule or policy that no new items may be introduced after 10:00 P.M. unless voted upon by the Board.

Trustee Wilson reported LEAP, Inc. and Generation E are collaborating to offer youth entrepreneurship educational opportunities for middle and high school students in the Tri-County region. She indicated applications are currently being accepted for facilitators and educators, with additional information available on LEAP's website.

7. APPROVAL OF AGENDA

**Clerk Dreyfus moved to approve the agenda as submitted. Seconded by Trustee Veenstra.**

VOICE VOTE: Motion carried 6-0.

8. CONSENT AGENDA (SALMON)

Supervisor LeGoff reviewed the consent agenda.

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

ROLL CALL VOTE: YEAS: Trustees Scales, Veenstra, Wilson, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried 6-0.

A. Communications

(1) Board Deliberation (BD)

BD12A-1 Neil Bowlby, 6020 Beechwood Drive, Haslett; RE: Calculation of density (beds/acre) for Capstone projects in Meridian Township

(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 Trustee Milton Scales; RE: Letter to the Lieutenant Gary Megge, Traffic Services Section, Michigan State Police relative to lowering the speed limit on Cornell Road

(3) Commission Linkage (CL)

CL-1 Marsha Madle, Chair, Meridian Economic Development Corporation (MEDC); RE: Appreciation for Board support for funding a Meridian Township ad in the Greater Lansing Convention and Visitors Bureau Guide

(4) Staff Communications (SC)

CHARTER TOWNSHIP OF MERIDIAN, AUGUST 8, 2013 REGULAR MEETING \*APPROVED\*

- SC-1 Communications Department; RE: Press Release on Haslett Public Schools Special Election on Tuesday, August 6, 2013
- SC-2 Martha Wyatt, Associate Planner; RE: Site Plan Review Decisions as of August 1, 2013

(5) On File in the Clerk's Office

Material handed out at the July 23, 2013 Regular Board Meeting

Christine Tenaglia, DDS, 3985 Okemos Road, Okemos; RE: Support for funding a Meridian Township ad in the Greater Lansing Convention and Visitors Bureau Guide

Richard Baumgartner, 1064 Cliffdale Drive, Haslett; RE: Approval for the most recent Cornell Road Improvements project

Eric W. Ederer, 4446 Seneca Drive, Okemos; RE: Development of livable well designed communities

Marsha Madle, Chair, Meridian Economic Development Corporation; RE: Support for funding a Meridian Township ad in the Greater Lansing Convention and Visitors Bureau Guide

**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 Scales.**

ROLL CALL VOTE: YEAS: Trustees Scales, Veenstra, Wilson, Supervisor LeGoff,  
Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried 6-0.

B. Minutes

**Treasurer Brixie moved to approve and ratify the minutes of the July 23, 2013 Regular Meeting as submitted. Seconded by Trustee Scales.**

ROLL CALL VOTE: YEAS: Trustees Scales, Veenstra, Wilson, Supervisor LeGoff,  
Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried 6-0.

C. Bills

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

Common Cash	\$ 393,405.34
Public Works	\$ 46,636.62
Total Checks	\$ 440,041.96
Credit Card Transactions	\$ 5,485.15
Total Purchases	<u>\$ 445,527.11</u>
ACH Payments	<u>\$ 716,492.49</u>

**Seconded by Trustee Scales.**

ROLL CALL VOTE: YEAS: Trustees Scales, Veenstra, Wilson, Supervisor LeGoff,  
Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried 6-0.

[Bill List in Official Minute Book]

D. Release of Water and Sewer Easements for Edgewood Village

**Treasurer Brixie moved to authorize the Township Manager to sign a Release of Easement reconveying to the owner of Edgewood Village Housing complex the easement recorded under Liber 1136, Page 1229. Seconded by Trustee Scales.**

ROLL CALL VOTE: YEAS: Trustees Scales, Veenstra, Wilson, Supervisor LeGoff,  
Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried 6-0.

9. QUESTIONS FOR THE ATTORNEY (See Agenda Item #12C)

10. ANNUAL TOWN HALL MEETING

Township Manager Walsh outlined the history of holding Town Hall Meetings. He noted the recommendation is to delay the annual town hall meeting until September 3, 2013 at 6:00 P.M. until proper notice can be given to the public.

**Trustee Wilson moved to schedule Meridian Township's Annual Town Hall Meeting on September 3, 2013. Seconded by Treasurer Brixie.**

ROLL CALL VOTE: YEAS: Trustees Scales, Veenstra, Wilson, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried 6-0.

11. ACTION ITEMS

Supervisor LeGoff opened Public Remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, spoke in support of Zoning Amendment #13030 which would allow adult day care centers in Meridian Township.

Supervisor LeGoff closed Public Remarks.

A. Resolution of Support for HOMTV's Presence on the Comcast Guide Channel(s)

**Clerk Dreyfus moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED the Township Board of the Charter Township of Meridian hereby supports HOMTV call letters and programs being listed on the Comcast Guide(s). Seconded by Trustee Veenstra.**

Board members discussed the following:

- Subscribers only see the words "Government Access" on the guide, not HOMTV or individual programs being aired
- List of call letters and programs on the guide may increase viewership

ROLL CALL VOTE: YEAS: Trustees Scales, Veenstra, Wilson, Supervisor LeGoff,  
Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried 6-0.

B. Zoning Amendment #13030 (Planning Commission), Amendment to Section 86-654 (c)(6) to Allow Adult Day Care Centers, **Final Adoption**

**Treasurer Brixie moved [and read into the record] NOW THEREFORE BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby FINALLY ADOPTS Ordinance No. 2013-06, entitled "Ordinance Amending the Code of the Charter Township of Meridian, Ingham County, Michigan, Chapter 86, Article VI by amending Section 86-654(c)(3)."**

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

ROLL CALL VOTE: YEAS: Trustees Scales, Veenstra, Wilson, Supervisor LeGoff,  
Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried 6-0.

12. BOARD DISCUSSION ITEMS

Supervisor LeGoff opened Public Remarks.

Jane Scherzer, 4777 Mohican Lane, Okemos, spoke to the concern expressed about Hannah Lofts by Planning Commissioners as outlined in their minutes of June 24, 2013 and July 8, 2013. She encouraged the Board to keep comments by Planning Commissioners in mind when considering MUPUD #13014.

Mark Clouse, Chief Financial Officer and General Counsel, Eyde Co., 2852 Eyde Parkway, East Lansing, addressed the issue of sidewalks raised at the last Board meeting, indicating the applicant has agreed to complete the sidewalk along Hannah Boulevard from Esoteric Way to Hagadorn Road as well the section "missing" from Phase 2 of the Lodges of East Lansing up to Town Place Suites. He spoke to the bikability and walkability of the area, indicating information given him was that the vast majority of locations are best served with bicycles and motor vehicles sharing a lane.

Neil Bowlby, 6020 Beechwood Drive, Haslett, offered several statistics about MUPUD #13014 not being a true mixed use concept. He addressed environmental sustainability of the project.

Leonard Provencher, 5824 Buena Parkway, Haslett, spoke in opposition to MUPUD #13014, as the project is not a good fit for the community.

John Acken, Capstone Collegiate Communities, 431 Office Park Drive, Birmingham, Alabama, responded to earlier public comment regarding noise by noting the design separates living areas from sleeping areas. He added the recycling program for Phases 1 and 2 will continue with the Hannah Lofts project. Mr. Acken indicated intent to plant 131 additional trees on the site, preserve nine (9) hardwood trees as well as a grove of white pines and another grove on the south side. He stated plans include ten (10) trees to be transplanted from the open field. Mr. Acken detailed plans were changed to keep the height at four (4) stories and incorporated the garage which results in approximately 90 beds per acre.

Supervisor LeGoff closed Public Remarks.

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

**Trustee Scales moved to suspend the rules to allow citizens another opportunity to speak on this issue. Seconded by Trustee Wilson.**

VOICE VOTE: Motion carried 6-0.

Phil Reed, 2588 Tekonsha Trail, Okemos, stated a request has been made over the last several months for an economic impact analysis which has not been provided to date. He believed responsible decision making must be based on data and asked the Board to take the time necessary to analyze whether the project should move forward in any form.

Kathleen Pavona, 4726 Arapaho Trail, Okemos, stated the project is a continuance of high density student housing and does not represent diverse housing types.

Neil Bowlby, 6020 Beechwood Drive, Haslett, asked Board members if they have received market studies which show the demand and the viability of retail, information on how nearby one and two bedroom units are being used (and by whom), and an economic model as requested of the applicant during the April 2<sup>nd</sup> Board meeting.

Jane Scherzer, 4777 Mohican Lane, Okemos, expressed appreciation for an additional opportunity to speak to the MUPUD for Hannah Lofts. She pointed out that while the Planning Commission is a recommending body, the ultimate decision rests with the Township Board.

Leonard Provencher, 5824 Buena Parkway, Haslett, addressed the high probability of rioting due to the high density of students who will live in this complex. He inquired if the Township had the law enforcement resources to adequately respond in the event a riot ensued.

Board members and the applicant discussed the following:

- Appreciation for the map depicting location of trees
- Current location and placement of trees which will be moved
- Trees growing in a forest type environment have a large amount of underbrush with a “tuft” on top
- Hardwoods to be replanted where existing trees are to be cleared along the north side
- Some white pine trees on the south side which will be saved
- Developer to plant an additional 131 trees on the site
- Impervious surface will be 80.3 %
- Appreciation for the proposed parking structure
- Similarity of the parking ramp design to the design project for the Grand River Corridor
- Possible use of permeable material in a portion of the parking lot
- Concern with fire safety for the residents based on building materials to be used
- Building will be fully sprinkled with fire detectors in each unit
- Strategic placement of stairwells for easy exit of residents on the upper floors
- Individual fire separation walls internal to the buildings at intervals so certain areas are self-contained in the event of fire
- Applicant has worked with the Fire Department to ensure access to service every area of the complex in the event of a fire
- A project built in phases does a disservice to the community
- Project is not a mixed village concept , but a high density student apartment complex
- Appreciation for a one-acre park
- Key issue is density, which is too high for the area and too uniform in the demographics this project will attract
- Lack of amenities for the community; proposed amenities do not justify “waivers” granted
- Some costs of the project cannot be measured in an economic impact analysis
- Social impact analysis includes the loss of greenspace, privacy and potential loss of quality of life due to traffic
- Comments regarding traffic made by the Ingham County Road Department (ICRD) include request for a traffic impact study
- Traffic impact study should propose road improvements timed with future phases and deal with all modes of transportation and non-motorized users
- Reasonableness of a traffic study once students return to Michigan State University as requested by the ICRD
- Eastern boundary of Lodges Phase 1 and 2 contains a long security fence which sends an unpleasant message
- Continued concern with the 80.3% impervious surface on the site
- Underlying commercial zoning has a maximum impervious surface percentage of 70% and should be adhered to
- Staff to provide impervious surface percentage maximum for apartment complexes
- Configuration of residential units does not lend itself to attracting a diverse population
- Total number of beds in the 282 units is 702, of which one (1), two (2) and three (3) bedrooms constitute 190 beds
- 128 four bedroom units provide 512 beds
- 45% of the total number of units are four (4) bedroom, four (4) bath
- Appreciation for placement of the parking structure in the center

- Concern road infrastructure in the area is not safe to move pedestrian, bicyclist and vehicular traffic
- Board member request for data to be provided to the Board on police runs and noise complaints within Lodges Phase 1 and neighbors of that complex
- Board member request for the developer to provide a written response to the points raised by the Ingham County Road Department in its letter dated August 6, 2013
- Board member request for the applicant to provide a revised plan with reduced density
- This project clearly demonstrates the need for the Township to be a redevelopment ready community
- Board must act on the MUPUD at the August 20<sup>th</sup> Board meeting to meet the statutory limitation of 30 days after introduction
- Developer could agree to an extension to exceed the 30 days
- There is no time limit for the special use permit request
- Board member request for the special use permit to be a discussion item at the next Board meeting
- Opposition to the ICRD recommendations which include the Township as a possible payer for pathway improvements, etc.
- Development will be an urban center for the MSU/Hagadorn Road area and must be the right type
- Board member opposition to 45% of the units designed as four (4) bedroom/four (4) bath

**It was the consensus of the Board to place this item on for action at the August 20, 2013 Board meeting.**

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

Board members discussed the following:

- Rationale for not placing bicycle racks against the buildings
- Board member preference to have the walking distance from the bicycle racks into the buildings as short as possible

**It was the consensus of the Board to place this item on for action at the August 20, 2013 Board meeting.**

C. Transfer of Firearms - Zoning Amendment

Director Kieselbach summarized the possible zoning amendment for the transfer of firearms as outlined in staff memorandum dated August 2, 2013.

Ban on transfer of firearms: (Questions for the Attorney (See Agenda Item #9))

Q. Can't we just ban transfer of firearms in residential districts? Perhaps our attorney could enlighten everyone.

A. What I would suggest is that you concentrate on the concept of these types of businesses that handle transfers. We have some changes in how the economy is working; everything isn't "I walk into the store and I buy a dress off the rack." We know there are transactions that are different than they used to be. I think that's what Mr. Kieselbach was dealing with. In this case, it happened to be a firearm, and I'll talk about firearms in a minute and answer that question. I think what you want to look at is the concept of entities that are in the business of making transfers and delivery of merchandise on a regular basis. Maybe that is not the exact language, but we can come up with language that puts these kinds of transfers into a retail category. That's what Mr. Kieselbach was attempting to do and, in this specific case, the Zoning Board of Appeals (ZBA) didn't agree.

As to firearms specifically, there are, obviously, regulations at the federal level as well as the state level. There are cases at the state level that clearly state that the state has preempted this area as to transfer and sale of firearms and carrying of firearms. There's limited areas where a municipality can regulate. There's also a federal district case that has to do with zoning in a similar situation, although the case had to do with the ATF, not so much the zoning ordinance.

The law out there really holds that if you zone specifically a firearm, it would be my opinion that you would be likely preempted by the state law and likely would run into the situation where there would be litigation because of that potential preemption. There isn't a very clear case on that exact situation in Michigan, but there is a federal case. In that district case, what the court held was that the zoning ordinance was upheld because it didn't directly regulate firearms. What it did is what I'm suggesting, it regulated retail, it regulated transfers. So, if you are attempting to say that transfer and retail type businesses all take place in one area, then what happens is that when the federal government contacts Mr. Kieselbach and asks if this falls within the zoning category, he can honestly say yes or no. I don't want to mislead you; the case that was at the district level didn't have to do with a PO or commercial district as it does here. That had to do with a residential situation. My recommendation would be that you don't directly regulate firearms as to transfer and sale.

Board members discussed the following:

- Internet sales create a problem with the ordinance
- Creation of a retail home occupation business model allows an owner to avoid paying taxes necessary in a commercial or PO district
- Desire to place limits in the ordinance where there is a gap to accommodate the transfer while being mindful of the cottage industry home businesses

Regulation language: (Questions for the Attorney (See Agenda Item #9))

Q. Do you have any comments, Andria?

A. Not necessarily. I think it has to do with the language from what I hear. Be careful with the language so that we don't regulate out something that we want to keep in a residential district.

Continued Board discussion:

- Board member preference to examine the Township's zoning in order to include restriction language which addresses the advent of internet sales
- Board member preference for the problem to be defined so that the Board does not "pick and choose" what it regulates
- Board member belief there is not a problem and the Board does not need to do anything about this issue
- Applicant received a favorable decision from the ZBA
- Inquiry as to the number of firearm dealers in the Township, how many are operating out of their homes, in PO, etc.
- Concern gun regulations would have second amendment violations
- Memo from staff is not an attempt to "steer" Board discussion in any direction
- Job of staff is to bring facts to the Board in order for members to make an informed decision
- Suggestion to look at a possible Board policy regarding the purpose of PO zoning
- Online world is changing the nature of commercial exchanges

**No consensus was reached by the Board, but this may be a future discussion item.**

### 13. PUBLIC REMARKS

Supervisor LeGoff opened Public Remarks.

Neil Bowlby, 6020 Beechwood Drive, Haslett, stated police calls to Lodges Phase 1 now average one per month. He inquired about reserve parking spaces for guests of residents living in Hannah Lofts. He requested the Board take its time in determining how Hannah Lofts will look.

Jane Scherzer, 4777 Mohican Lane, Okemos, noted the plan proposed by the applicant for MUPUD #13014 does not create an urban center.

Leonard Provencher, 5824 Buena Parkway, Haslett, addressed comments made by staff contained in the August 3<sup>rd</sup> edition of the *Lansing State Journal* and August 4<sup>th</sup> edition of the *Towne Courier*. He spoke to the issue of firearm transfers. Mr. Provencher asked for periodic Board review of ordinances when conflicts arise between the Township and its citizens.

Supervisor LeGoff closed Public Remarks.

14. FINAL BOARD MEMBER COMMENT

Trustee Veenstra requested the issue of visitor parking at Hannah Lofts be addressed at the next meeting and believed the transfer of firearms should be allowed in PO. He reminded the public that the next meeting of the Board is set for Monday, August 19<sup>th</sup> when a special meeting on the Master Plan Goals and Objectives will be held. He voiced his concern with ordinance language regarding non-conforming properties and the requirements placed on artists who desire to apply for possible placement of their commissioned public art sculpture in downtown Okemos.

Township Manager Walsh voiced his full support for staff's response on development reported in the August 3<sup>rd</sup> edition of the *Lansing State Journal* and August 4<sup>th</sup> edition of the *Towne Courier*. He also noted and agreed with citizen concerns about staff needing to remain neutral and unbiased when providing comments to the media.

15. ADJOURNMENT

Supervisor LeGoff adjourned the meeting at 8:21 P.M.

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ELIZABETH LEGOFF  
TOWNSHIP SUPERVISOR

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BRETT DREYFUS  
TOWNSHIP CLERK

Sandra K. Otto, Secretary