

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
853-4000, Town Hall Room  
TUESDAY, FEBRUARY 15, 2005, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Treasurer Hunting, Trustees Brixie, Such, Veenstra, Woiwode  
ABSENT: Clerk Helmbrecht  
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, Assistant Manager/Personnel Director Paul  
Brake, Attorney Andria Ditschman

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:02 P.M.

2. PLEDGE OF ALLEGIANCE

Supervisor McGillicuddy led the Pledge of Allegiance.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

Supervisor McGillicuddy read a resolution of appreciation on the retirement of Geraldine Snell and presented Ms. Snell with flowers.

Supervisor McGillicuddy announced the Geraldine Snell Recognition Event to be held on Thursday, February 24, 2005, from 5:00 P.M. to 7:00 P.M. at the Towar Hart Baptist Church.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Todd Sharp, Director of Transportation, Okemos Public Schools, 3315 Meridian Road, Okemos, spoke in support of the Hulett Road amendment to the Pathway Master Plan.

Jeri Mifflin, Principal of Bennett Woods Elementary School, 4413 Copperhill, Okemos, spoke in support of the proposed Hulett Road Bike Path amendment to the Pathway Master Plan primarily for safety reasons.

Mary Jo Hayes, 2358 Sower Boulevard, Okemos, spoke in support of the sidewalk on the east side of Hulett Road as an amendment to the Pathway Master Plan.

Tom Voice, 5160 Cornell Road, Okemos, spoke in opposition to Rezoning/PRD #02080 (Eyde).

Norman Gear, 3760 Hulett Road, Okemos, spoke in opposition to the pathway on the east side of Hulett Road as an amendment to the Pathway Master Plan.

Cathy Baird, 3720 Hulett Road, Okemos, spoke in opposition to the pathway on the east side of Hulett Road as an amendment to the Pathway Master Plan.

Fred Buehler, 1448 W. Grand River, Okemos, expressed concern relative to PUD #05014 (Mayberry Homes) and Rezoning/PRD #02080 (Eyde).

Win Stebbins, 3875 Roxbury Avenue, Okemos, spoke in opposition to the Okemos Road Widening Project.

Eleanor Luecke, President, LINC, PO Box 40, Okemos, spoke to Rezoning/PRD #02080 (Eyde) and Zoning Amendment #04080 (Township Board).

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Lynne S. Page, President, Briarwood Home Owners Association, 3912 Raleigh Drive, Okemos, spoke in opposition to the 2005 Okemos Road Improvements, requesting citizen input into the road design.

Carl Harmon, 1924 Birchwood Drive, Okemos, urged the Board not to extend the rezoning beyond the wetland which bisects the Georgetown project between Cornell and Powell Roads.

Vance Kincaid, 4530 Nakoma Drive, Okemos, expressed concerns with better signage on sidewalks along Hulett Road, multiple exits on Hulett Road between Bennett and Jolly Roads and the power lines being moved for the Okemos Road Widening Project.

David Pierson, on behalf of Capstone Development, 1305 W. Washington Avenue, Lansing, gave a brief history on Rezoning #05010 (Capstone) and expressed a desire to have the Board address the issue of moving the residents of Mobile Home Manor.

Mark Clouse, Chief Financial Officer and General Counsel, Eyde Co., 4660 S. Hagadorn, East Lansing, gave a synopsis of action on Rezoning/PRD #02080 and thanked the Board for its work on this project.

Richard Purcell, 5876 Shaw Street, Haslett, spoke in opposition to the Shaw Street amendment to the Pathway Master Plan.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Trustee Brixie announced that the residents along Hulett Road are organizing a meeting for February 16, 2005 at 7:00 P.M. in the Hope Borbas Okemos Library for persons interested in discussing traffic issues on Hulett Road.

Township Manager Richards noted the Township's Human Services Specialist has been working with the Ingham County Housing Commission to assist residents of Mobile Home Manor in their relocation efforts.

Township Manager Richards spoke to the Township's continued efforts in raising concerns and expressing recommendations to the Ingham County Road Commission (ICRC) regarding the Okemos Road Widening Project. He reinforced that the ICRC has the final authority on road projects. Manager Richards also spoke to an ICRC staff suggestion for a proposed roundabout at the intersection of Okemos Road/Kinawa Drive/Bennett Road.

Trustee Veenstra urged the Board to suggest to the ICRC that it come to the Township Hall and hold a public forum on the Okemos Road Widening Project through official resolution.

Susan McGillicuddy explained there are constraints on the grant monies which must be used by the ICRC within a specific time frame for the Okemos Road Widening Project.

Director Severy explained the proposed Public Works Budget Amendment is for rehabilitation of the Red Cedar River Sanitary Sewer Interceptor, which includes the Ottawa Hills area. This project has been in the Public Improvements Program for several years.

Trustee Such emphasized this money was coming from the sanitary sewer fund paid for by rates.

6. APPROVAL OF AGENDA — OR CHANGES

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

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

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

The adopted Consent Agenda items are as follow:

A. Communications

**Trustee Such 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 Brixie.**

(1). Board Deliberation (BD)

- 9D-1 Ciney Rich, 5538 Silverleaf Court, Haslett; RE: Amendments to the Pathway Master Plan
- 9D-2 Monica Chibucos, 1771 Nemoke Trail, Apt. 10, Haslett; RE: Amendments to the Pathway Master Plan
- 9D-3 Ciney Rich, 5538 Silverleaf Court, Haslett; RE: Amendments to the Pathway Master Plan
- 9D-4 Gene F. Turnwald, P.C., 2160 Hamilton Road, Okemos; RE: Amendments to the Pathway Master Plan

(2). Board Information (BI)

- BI-1 Robert Bunker, 2348 Sapphire Lane, East Lansing; RE: PUD #04-98014 (Giguere)
- BI-2 Lynne S. Page, President, Briarwood Home Owners Association, PO Box 210, Okemos; RE: Okemos Road Improvements
- BI-3 Lynne S. Page, President, Briarwood Home Owners Association, PO Box 210, Okemos; RE: Letter to the Planning Commission relative to Special Use Permit #05011 (Eby)
- BI-4 John P. Leininger & Barbara A. Burke, 3895 Roxbury Avenue, Okemos; RE: Zoning Amendment #04080 (Township Board)
- BI-5 John T. Anderson, 215 W. Newman Road, Okemos; RE: Zoning Amendment #04080 (Township Board)
- BI-6 John Hood, Principal, Wardcliff Elementary School, 5150 Wardcliff Drive, East Lansing; RE: Award to Mr. Rob Stephenson for Michigan Science Teacher's Association (MSTA) Elementary Level Teacher of the Year

(3). Staff Communication/Referral (SC)

- SC-1 Meridian Township Parks & Recreation invitation to the Retirement Celebration of Geraldine Snell
- SC-2 Letter from Director Kieselbach, Director of Community Planning and Development, to Mr. Brian Cenci, Fitzgerald Henne & Associates ; RE: Wetland Use Permit #05-01 (Ingham County Drain Commissioner)
- SC-3 Michigan Townships Association Legislative E-Fax February 4, 2005 Edition

(4). On File in the Clerk's Office (OF)

Materials received at the February 1, 2005 Meeting

- Scott R. Knapp, Dickinson Wright PLLC, 215 S. Washington Square, Suite 200, Lansing; RE: Remand of Rezoning #02080 (Eyde/Georgetown)
- Eleanor V. Luecke, President, LINC, PO Box 40, Okemos; RE: Rezoning/PRD #02080 (Eyde)
- Eleanor V. Luecke, 1893 Birchwood Drive, Okemos; RE: Rezoning/PRD #02080 (Eyde)

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Eleanor V. Luecke, President, LINC, PO Box 40, Okemos; RE: Zoning Amendment #04080, C-2 District Cindy and Bob Welch, 2223 Hamilton Road, Okemos; RE: Amendments to the Pathway Master Plan

Lynne S. Page, President, Briarwood Home Owners Association, PO Box 210, Okemos; RE: Okemos Road Improvements

John T. Anderson, 215 W. Newman Road, Okemos; RE: Zoning Amendment #04080 (Township Board) Petition from thirty (30) Hamilton Road residents; RE: Amendments to the Pathway Master Plan

Teri Banas, 5606 Creekwood Lane, Haslett; RE: Notification of vacant Park Commission seat on the Township's website

Amy Baur, 1113 Tihart Road, Okemos; RE: Rezoning/PRD #02080 (Eyde)

John T. Anderson, 215 W. Newman Road, Okemos; RE: Rezoning/PRD #02080 (Eyde)

Lynne S. Page, President, Briarwood Home Owners Association, PO Box 210, Okemos; RE: Rezoning/PRD #02080 (Eyde)

Richard B. Foster, 4990 Country Drive, Okemos; RE: Rezoning/PRD #02080 (Eyde)

Thomas C. and Anne-Marie H. Voice, 5160 Cornell Road, Okemos; RE: Rezoning/PRD #02080 (Eyde)

Melissa Goodnoe, 4714 Powell Road, Okemos; RE: Rezoning/PRD #02080 (Eyde)

Rollie Harmes, Harmes Consulting, Inc., 5120 Cornell Road, Okemos; RE: Rezoning/PRD #02080 (Eyde)

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

NAYS: None

Motion carried 6-0.

B. Minutes

**Trustee Such moved to approve and ratify the minutes of the February 1, 2005 Regular Meeting amended as follows:**

- **Amend the fourth public remark by inserting the words "proposed pathway on the east side of Hulett Road as part of the" preceding "Pedestrian/Bicycle Pathway Master Plan"**

**Seconded by Trustee Brixie.**

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

NAYS: None

Motion carried 6-0.

C. Bills

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

Common Cash	\$ 583,559.76
Public Works	\$ 671,876.25
Total Checks	\$1,255,436.01
Credit Card Transactions	\$ 11,910.86
Total Purchases	<u>\$1,267,346.87</u>
ACH Payments	<u>\$ 378,802.32</u>

**Seconded by Trustee Brixie.**

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

NAYS: None

Motion carried 6-0.

[Bill list in Official Minute Book]

- D. Gaming License for Solar Circle  
**Trustee Such moved approval of a request from Solar Circle of Meridian Township, Ingham County, asking that they be recognized as a non-profit organization operating in the community for purposes of obtaining a gaming license and be considered for approval and further that the Township Clerk be authorized to execute the resolution from the State of Michigan.**

**Seconded by Trustee Brixie.**

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

- E. Authority to Sign Stipulation  
**Trustee Such moved that the Township Assessor be authorized to sign a stipulation with Meridian Crossings Associates, LLC, on the following property:**

<u>YEAR</u>	<u>DOCKET NO.</u>	<u>ADDRESS OF PROPERTY</u>	
2003	300133	2258 Jolly Road	
<u>Assessment</u>	2003	<u>AV/TV</u>	\$3,709,600/3,535,451
<u>Proposed Assessment</u>	2003	<u>AV/TV</u>	\$2,805,000/2,805,000

**Seconded by Trustee Brixie.**

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

- F. Resolution for the Retirement of Geraldine Snell  
**Trustee Such moved [and read into the record] NOW, THEREFORE BE IT RESOLVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY, MICHIGAN, extends to Geraldine Snell grateful thanks and appreciation for her creativity, her service to several generations of children, her remarkable contribution as a Meridian citizen and then as an employee for 31 years.**

**Seconded by Trustee Brixie.**

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

[Complete resolution in Official Minute Book]

- G. Public Works Budget Amendment  
**Trustee Such moved to amend the 2005 budget by appropriating \$1,100,000 from the Sanitary Sewer Fund to account 590-900.901-973.013, Red Cedar Interceptor Rehab; and by appropriating \$300,000 from the Sanitary Sewer Fund to account 590-900.901-973.008, Main Lift Station.**

**Seconded by Trustee Brixie.**

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

Trustee Such requested that the staff memorandum entitled Additional Funding Sewer for Rehabilitation and for Main Lift Station Rehabilitation dated February 11, 2005 be included in the minutes as part of the official record (memorandum attached).

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item # 11G)

9. HEARINGS

A. Johnson's Indian Island Sanitary Sewer, SAD #48

Supervisor McGillicuddy opened the public hearing at 7:13 P.M.

Director Severy summarized the proposed sanitary sewer special assessment district as outlined in staff memorandum dated February 11, 2005.

Supervisor McGillicuddy closed the public hearing at 7:15 P.M.

B. 2004 Order to Maintain Sidewalk, SAD #6

Supervisor McGillicuddy opened the public hearing at 7:15 P.M.

Director Severy summarized the proposed Order to Maintain Sidewalk special assessment district as outlined in staff memorandum dated February 11, 2005.

Supervisor McGillicuddy closed the public hearing at 7:16 P.M.

C. 2004 Order to Construct Sidewalk, SAD #2

Supervisor McGillicuddy opened the public hearing at 7:16 P.M.

Director Severy summarized the proposed Order to Construct Sidewalk special assessment district as outlined in staff memorandum dated February 11, 2005.

Supervisor McGillicuddy closed the public hearing at 7:17 P.M.

D. Amendments to the Pathway Master Plan

Director Severy summarized the continued hearing on amendments to the proposed Pathway Master Plan as outlined in staff memorandum dated February 11, 2005.

Eleanor Luecke, President, LINC, PO Box 40, Okemos, urged removal of the east side of Okemos Road from Central Park Drive north to Gaylord C. Smith Court from the Pedestrian/Bicycle Pathway Master Plan. She also addressed issues for the east side of Hulett Road, from Jolly Road to Capeside.

Kate Barrier, 4006 Dobie Road, spoke in opposition to the addition of Dobie Road, east side, from Sylvan Glen south to Kinawa Drive to the Pedestrian/Bicycle Pathway Master Plan.

Cathy Baird, 3760 Hulett Road, Okemos, spoke in opposition to the addition of the east side of Hulett Road from Jolly Road north to Capeside Drive to the Pedestrian/Bicycle Pathway Master Plan.

Norman Gear, 3760 Hulett Road, Okemos, spoke in opposition to the addition of the east side of Hulett Road from Jolly Road north to Capeside Drive to the Pedestrian/Bicycle Pathway Master Plan.

Carl Harmon, 1924 Birchwood, Okemos, requested the television audience be provided with maps of the areas under consideration during public hearings. He asked if any of the bicycle millage can

be used for crossing overpasses and suggested Dobie Road and also Hulett Road would be good places for these overpasses.

Rollie Harmes, 5120 Cornell Road, Okemos, recommended a thirty (30) day notice for public hearings. He asked if the Township had an environmental "scorecard" on the wetland acreage impacted by the proposed additions to the Pathway Master Plan and urged the Board to have a Township "no net loss" policy on wetlands.

Supervisor McGillicuddy closed the public hearing at 7:52 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Melissa Goodnoe, 4714 Powell Road, Okemos, spoke in opposition to Rezoning/PRD #02080 (Eyde).

Mark Clouse, Chief Financial Officer and General Counsel, Eyde Co., 4660 S. Hagadorn, Suite 660, East Lansing, availed himself for Board questions regarding Rezoning/PRD #02080.

Supervisor McGillicuddy closed public comment.

A. Rezoning/PRD #02080 (Georgetown)

**Trustee Brixie moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED by the Township Board of the Charter Township of Meridian that rezoning #02080 to rezone approximately 131 acres from RR (Rural Residential) to RA (Single Family, Medium Density) with a PRD (Planned Residential Development) overlay is hereby approved.**

**BE IT FURTHER RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby FINALLY ADOPTS Ordinance No. 2005-03, entitled "Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning and Planned Residential Development Petition #02080" RR (Rural Residential) to RA (Single Family, Medium Density) with a Planned Residential Development Overlay.**

**BE IT FURTHER RESOLVED that this Resolution shall replace, in its entirety, the Resolution approving rezoning #02080 which was adopted by the Board on October 5, 2004.**

**BE IT FURTHER RESOLVED that 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 Such.**

Board members discussed the following:

- Rezoning/PRD consistent with the Master Plan
- Prior Planning Commission approval
- Proposal meets the rezoning standards
- Preservation of greenspace
- Difference between "not listening" to the public and "not agreeing" with the public
- Effect on the road and the utilities would likely occur without the rezoning
- Surrounding developments will likely necessitate pavement of Powell Road
- No "compelling reason" to upzone this property
- Allegation that the cost of special assessments for roads and sewers "must" be borne by the residents
- Alleged general policy of an urban service boundary
- Allegation that the proposal "violates" the 1993 Comprehensive Development Plan
- Concern that factual information be given by Board members during deliberation

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

- B. Rezoning #04140 (MS Realty Investments LLC), a request to rezone 41.04 acres at 6365 Newton Road from C-2 (Commercial) and CR (Commercial Recreation) to RD (Multiple Family-Low Density).

**Trustee Such 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. 2005-02, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #04140” C-2 (Commercial) and CR (Commercial Recreation) to RD (Multiple Family-Low Density).**

**BE IT FURTHER RESOLVED that 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 Woiwode.**

Board members discussed the following:

- Subject rezoning is a “downzoning”
- Bordered by residential on three (3) sides

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

[Supervisor McGillicuddy recessed the meeting at 8:20 P.M.]  
[Supervisor McGillicuddy reconvened the meeting at 8:30 P.M.]

11. DISCUSSION ITEMS/END

Supervisor McGillicuddy opened and closed public comment.

- A. Johnson’s Indian Island Sanitary Sewer SAD #48

Board members discussed the following:

- Four parcels with one house currently built
- All lots will become buildable

**The consensus of the Board was to place this item on for action at the next Board meeting.**

- B. 2004 Order to Maintain Sidewalks SAD #6

Board members discussed the following:

- Location of Crestwood Subdivisions

**The consensus of the Board was to place this item on for action at the next Board meeting.**

- C. 2004 Order to Construct SAD #2

**The consensus of the Board was to place this item on for action at the next Board meeting.**

- D. Amendments to the Pathway Master Plan

Board members discussed the following:

- Urgency for placement on the Master Plan only if there is an immediate need to build

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- Reservation with the amendment to the east side of Okemos Road, from Central Park Drive north to Gaylord C. Smith Court because path currently exists through the park and concern with the wetlands
- East side of Hulett Road, from Jolly Road north to Capeside
  - Need for overall transportation plan for this area
  - Fallacy of children walking to guarded intersections to cross Hulett Road
  - Subdivision exit the logical place to have a crosswalk
  - Comprehensive look at moving residents on the east side of Hulett Road
  - Concern with tree loss on Hulett Road from Bennett to Capeside
  - Safety concern for the children walking on Hulett Road to Bennett Woods
  - No bus service on Hulett Road to Bennett Woods
  - Flexibility with respect to wetland and trees north of Kinawa Bennett Road
  - Possibility of interconnected sidewalks from inside the subdivisions for a group crossing
  - Volume of traffic on Hulett not sufficient for pedestrian walkway light(s)
  - Three subdivision developments should require placement on the Master Plan for planning purposes
  - Plan for Meridian Meadows shows pathway along the east side except for the Netzloff Farm house
  - Two subdivisions back up to Hulett Road so pedestrian traffic is though traffic
  - Two full length pathways on Hulett Road will encourage cut-across
  - Board attempt to solve a problem created by the school district's lack of funds
  - Three existing pathways currently on Hulett Road
- ~~Shaw Street~~ Lake Lansing Road runs along the short side of the park from Marsh Road down to the lake and would complete the walking circuit around Lake Lansing
- Residents met with Mr. Nilson and reached consensus on a pathway for The Sanctuary
- North side of Hamilton Road from Nakoma Drive east to Okemos Road
  - Residents request to change Hamilton Road from Nakoma to Liverance
  - Proposal is for a seven (7) foot two-way pathway approximately seven (7) feet off the edge of the roadway
  - Request by citizens on Hamilton Road for a five (5) foot pathway is not wide enough
  - Designation of Hamilton Road pathway as a Heritage Pathway
  - Difference between pathway and sidewalk is who pays for construction and maintenance
  - Any pathway on the Master Plan is paid from the pathway millage
  - Citizen request for a brick surface will not be barrier free and difficult for bicyclist and people who roller blade
  - Request for information that brick style embossing cannot accommodate rollerblading
  - Placement on the Master Plan and discussion during the public hearing for a compromise
  - Revisit options for this pathway amendment
  - Difficulty with Hamilton Road due to development in its entirety
- Difficulty on Cornell Road from Grand River north to Buckingham as there is no shoulder in several places
- Ingham County Road Commission (ICRC) position of no mid-block crossing
- Collaborative efforts by residents within specific areas on ways to direct traffic
- Development of signage for the pathway system
- Developer pays for the concrete pathway when undeveloped parcels are built
- Ten fold increase in the cost if a boardwalk is considered
- Pass overall plan with exclusion of the east side of Hulett Road
- Effect on wetlands for any Cornell Road pathway
- Extensive pathway connections between subdivisions
- Possible amendment to the Pathway Master Plan of wide (15 foot) outer lanes on arterials to accommodate individuals who use bicycles as a mode of transportation
- Charrette at a future meeting for residents to offer input for a Township pathway design

**The consensus of the Board was to place this item on for action at the next Board meeting with a special study condition for Hulett, Cornell, Hatch, Hamilton and Dobie Roads.**

- E. Wetland Use Permit 04-04 (Denis Smith), request to fill approximately .26 acres of regulated wetlands in the proposed Sanctuary subdivision located east of Hulett Road and north of Jolly Road

Director Kieselbach summarized the wetland use permit application as outlined in staff memorandum dated February 10, 2005.

Board members discussed the following:

- Entire wetland drains north to Smith Drain through the swale across Lot 26
- Water which goes through polishing ponds into wetland and then out of the wetland A, then across Hulett Road into the Herron Drain
- Impact of water movement on the adjacent neighbors' property
- Recommendation by the Township's Environmental Commission on the WUP application
- Need to obtain Drain Commissioner opinion
- Calculation on percentage of open space for this proposal
- Split wetland A out of the motion for the next meeting
- Permit contains several facets
- Support for fill to build a boardwalk and not for a pathway
- Each polishing pond has a discharge into the wetland
- Connection pipes prevent water from reaching a certain point
- Staff communication with the Drain Commissioner for overall view of wetlands contiguous with adjacent properties
- Culvert crossing Hulett Road currently runs north and overflows into a catch basin
- Opposition to fill for .22 acres of wetland
- Use of open bottom box culvert

**The consensus of the Board was to place this item on for action at the March 1<sup>st</sup> Board meeting.**

- F. Preliminary Plat #04052 (Bud Nilson), Sanctuary, a proposed 48-lot single family subdivision east of Hulett Road and north of Jolly Road

Director Kieselbach summarized the preliminary plat application as outlined in staff memorandum dated February 10, 2005.

Board members discussed the following:

- Protection of the wetland by staying out of the wetland
- Sketch plan to be provided by staff at the next Board meeting which shows adjacent subdivision
- Neighborhood support for the pathway going into the subdivision on the west side of the street

**The consensus of the Board was to have staff prepare a motion, placing a condition to have a sidewalk connection between lots south of wetland A.**

- G. Conditional Rezoning, Public Act 577 of 2004

Board members discussed the following:

- Staff and attorney to work in conjunction when a conditional zoning project is received by the Township
- Discourage interpretation of legislative intent written into ordinance
- Initiation of the conditional rezoning by the developer

Attorney comment on contract zoning: (Questions for the attorney (See Agenda Item #8))

Q. Andria, did you have something to add?

A. Just a couple of things. We've looked at this, Mike and I both, and there is not a lot of history to look at as to why it was put into effect, except that it does come directly out of the Michigan Land Use Leadership Council recommendations. There are comments recently on the MTA website that talks about this having been put into effect and this legislation is a result of that report, so we know that is where it is coming from. The report is not real specific, but makes some references to contract zoning. I have had a couple of discussions with attorneys that were involved in that and my understanding is that it was put into effect to be very ~~narrow~~ broad and to give municipalities the ability to decide how narrow or how wide they want to apply it. So, that is something to keep in mind. A couple of things that we, as attorneys, are concerned about is that this needs to be read as a whole with the rest of the Township Zoning Act; it is not a stand alone and, therefore, notice provisions, standards, conditions and the other requirements of the act also apply. There are some references in the act to conditions and having standards for making conditions on land uses. We do think there should be some kind of standards written into the ordinance before you apply it, so you have something to stand on when there is a question as to why this was or was not approved. The general standards that you are already using for a rezoning also have to be applied to that rezoning. As far as the specific conditions, you might want to think about having some specific limitations as to when and why you will approve a condition.

There were some other questions, as well, about whether it runs with the land. As far as we can find, we couldn't see why it wouldn't; that it would continue. If you need to, we could put something into some type of deed restriction or even file it, so that when someone goes to buy that property, they are put on notice that there is a condition on here and they need to comply with it.

As far as enforcement, it would be enforced in the same manner that any other zoning would under the Township Zoning Act. Since there is a reference that this is a contract, maybe there is some ability to enforce it under contract law. I think that answers most of your questions. If you have other questions, feel free to let us know and we will look into them.

Q. Is that anything that you would advise, that we adopt something that spells out that our standards will be applied in this instance and our typical procedures would also be applied?

A. We are already using the standards. I don't think you necessarily need to add that. At this point, it is still open and has not been tested. You could decide to go forward and then see what happens, or we could put some standards together as to how you apply conditions and when you do. At this point, we still need to decide how broadly the Board wants to apply it, and my guess is you probably want to go forward with the first application and feel it out.

Q. Is it necessary that there be a formal motion next time, or can we just go with our conversation?

A. That's correct.

H. Land Division Ordinance, Article IV, Division of Un-platted Land

Director Kieselbach summarized the draft Land Division Ordinance as outlined in staff memorandum dated January 28, 2005.

Board members and staff discussed the following:

- Ratio of length vs. width to prevent "bowling alley" lots
- Chart to be included in the ordinance for graphical representation
- Any property not part of a plat can be covered under this ordinance

**It was the consensus of the Board to receive the next article of the Land Division Ordinance.**

I. Property Maintenance Ordinance

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, FEBRUARY 15, 2005 \*Approved\*

Director Kieselbach summarized the draft Property Maintenance Ordinance as outlined in staff memorandum dated January 28, 2005.

Board members discussed the following:

- Distances within definition of composting should reflect what currently exists in the Township
- Need to craft ordinance to ensure natural landscape remains intact
- Need to address totally enclosed composting
- Need to address wild animal feeding stations
- Include anaerobic composting in definition

**The consensus of the Board was to have staff address Board concerns and bring this item back at the appropriate time.**

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Keith Oberg, 1585 Hillside Drive, Okemos, felt the property maintenance ordinance may usurp homeowner association authority.

Carl Harmon, 1924 Birchwood, Okemos, expressed appreciation to the Board for working with Mr. Nilson to think “outside the box” and urged the Board not to forget low income people who currently live in Mobile Home Manor.

Cathy Baird, 3720 Hulett Road, Okemos, stated there will be bus service for the children living on Hulett Road. She believed children will cross Hulett Road wherever they please.

Norman Gear, 3760 Hulett Road, requested the Drain Commissioner look at the design of Preliminary Plat #04052 (Nilson) and expressed several concerns with the preliminary plat as proposed.

Supervisor McGillicuddy closed Public Remarks.

13. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 11:05 P.M.

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SUSAN MCGILLICUDDY  
TOWNSHIP SUPERVISOR

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MARY M. G. HELMBRECHT  
TOWNSHIP CLERK

Sandra K. Otto, Secretary