

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD SPECIAL MEETING - **APPROVED** -  
PUBLIC SAFETY BUILDING  
5151 MARSH ROAD, OKEMOS, MICHIGAN 48864-1198  
**NELSON ROOM**  
**MONDAY, SEPTEMBER 17, 2001, 5:30 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Trustees Brixie, Stier, Such, Woiwode  
ABSENT: Treasurer Hunting  
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development  
Mark Kieselbach, Police Chief Gary Gibbons, EMS/Fire Chief Fred Cowper, Director of  
Finance Diana Hasse, Attorney Mike Woodworth

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 5:42 p.m.

2. PUBLIC REMARKS (None)

3. DOCKET NO. 01-93420-CZ REMAND ORDER

A. Closed Session

**Trustee Brixie moved that the Township Board go into closed session for consideration of a written legal opinion within the attorney-client privilege pursuant to MSA 4.1800(18)8(h) to. Seconded by Trustee Woiwode.**

ROLL CALL VOTE: YEAS: Trustees Brixie, Woiwode, Supervisor McGillicuddy, Clerk Helmbrecht

NAYS: None

Motion carried 4-0.

The Board adjourned to the Investigator's Conference Room at 5:43 p.m.

[Trustees Stier and Such arrived during the closed session]

The Board reconvened at 6:40 p.m.

B. Open Session

**Trustee Woiwode moved to return to open session. Seconded by Trustee Brixie.**

VOICE VOTE: Motion carried 6-0.

**Trustee Stier moved that the Township Board hereby resolve that, in response to the Amended Order remanding this matter, the Township Board finds as follows:**

- 1. The appeal in question was initiated by the appellants expressly under Township Ordinance 87-1.4. This is the same Ordinance Section referenced in the Township's October 24, 2000, written notice to the applicants that their request for a one-year extension had been granted by the Planning Commission.**
- 2. A basis for the Board's determination of standing was former Ordinance Section 87-1.4 and the facts set forth in the complaint filed by the appellants against the Township entitled: *Eleanor Luecke, Richard Baumgartner and Jean Nicholas v Charter Township of Meridian*, Ingham County Circuit Court Docket No. 00-92791-AS.**
- 3. The purpose and intent of Ordinance Section 105-3 and 105-4 a.2., the subject matter and conditions of SUP 99151, and the appellants' letter of appeal dated November 2, 2000; also establish their standing to appeal the one year extensions of SUP #99151 and**

**SUP #99091.**

- 4. “Aggrieved Person” status as defined by Ordinance Section 81-1.8 is a requirement under current Ordinance Section 81-3.4D to bring an appeal challenging “a decision of the Planning Commission in the *granting or denial* of a special use permit. It is not, however, required to challenge an unauthorized *extension* of a special use permit, as was done in this case.**
  
- 5. As reflected by drainage maps on file with the Township, appellant Richard Baumgartner owns property served by the same drainage system as that serving the site, which is the subject of SUP #99151 and SUP #99091. While the Board does not believe that Ordinance Sections 81-8.1 and 81-3.4D apply in this case, Richard Baumgartner would have standing to challenge the extensions under these provisions.**

**Seconded by Trustee Woiwode.**

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

[Signed and Sealed Resolution in Official Minute Book]

**Trustee Woiwode moved that the Township Board hereby resolve that, in response to the Amended Order remanding this matter, the Township Board finds as follows:**

- 1. For those reasons stated in its Resolution of May 15, 2001, the Board has found that no lawful construction was commenced with respect to the work for which SUP 99151 was issued.**
  
- 2. The applicant has failed to establish that construction had commenced on the work for which Special Use Permit 99151 was issued for the following reasons:**
  - A. The Township does not typically consider the removal of topsoil and grading as being “under construction”;**
  - B. The stockpiling or storage of fill, building or other materials on site is similarly not considered as being “under construction”;**
  - C. The installation of water, storm or sanitary sewer pipe is not a subject of SUP 99151;**
  - D. Although the Township has been supplied with documentation that 2,993 cubic yards of fill material were delivered to the site and bulldozing and earth moving operations have been performed there, its not clear from any of the submissions that these were dedicated to the work contemplated by the Special Use Permit.**

**Seconded by Trustee Brixie.**

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

[Signed and Sealed Resolution in Official Minute Book]

4. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 6:43 p.m.

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SUSAN MCGILLICUDDY  
TOWNSHIP SUPERVISOR

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MARY M. G. HELMBRECHT  
TOWNSHIP CLERK

Paul J. Cassidy, Secretary