

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
853-4000, Town Hall Room  
THURSDAY, MAY 8, 2014 **6:00 P.M.**

PRESENT: Supervisor LeGoff, Clerk Dreyfus, Treasurer Brixie, Trustees Scales, Styka, Veenstra  
(6:03 P.M.)  
ABSENT: Trustee Wilson  
STAFF: Township Manager Frank Walsh, Director of Community Planning & Development  
Mark Kieselbach, Director of Public Works and Engineering Ray Severy, Director of  
Finance Gretchen Gomolka

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.

Jon Hall, Communications Director, Forest Operations, Consumers Energy, 2860 W. Vermontville Highway, Charlotte, expressed concern with the proposed ordinance which addresses the removal of tree stumps and vegetation by utility companies.

Leonard Provencher, 5824 Buena Parkway, Haslett, expressed support for some of the comments contained in Ann Alchin's letter regarding the Township's brush removal program as a result of the December ice storm. He voiced support for the resolution endorsing the Greater Lansing 2014 Ride of Silence.

Supervisor LeGoff closed Public Remarks.

5. PRESENTATION – 2013 Audit Report, Jeff Fineis and Jamie Rabe from Andrews Hooper Pavlik PLC

Jeff Fineis, Audit Partner, Andrews Hooper Pavlik, 4295 Okemos Road, Okemos indicated his organization has issued a clean unmodified audit opinion for the Township in 2013.

Jamie Rabe, Audit Senior Manager, Andrews Hooper Pavlik, 4295 Okemos Road, Okemos, summarized several required communications as part of the audit, including services provided, accounting policies and estimates. She reported a smooth audit process and no significant exceptions or findings to report.

Mr. Fineis gave a graphic audit presentation highlighting the Township's financial status for 2013 year-end, noting a general fund balance increase of approximately \$700,000 from the prior year largely as a result of increased licenses and permit revenue. He indicated General Fund expenditures held steady from 2012, a positive result of managing expenditures coupled with increased permit revenue. Mr. Fineis added the unassigned General Fund balance represents 37.6% or 4.5 months of General Fund expenditures, well exceeding the Township's self-imposed goal of maintaining at least two (2) months of operating expenditures in the fund balance for, at least, the ninth consecutive year.

Mr. Fineis stated all the proprietary funds (Water Fund, Sewer Fund and Motor Pool) had positive net positions.

Mr. Fineis explained Governmental Accounting Standards Board (GASB) Statement No. 67, the reporting for various defined benefit pension plans and GASB Statement No. 68, account and financial reporting by employers of most pension plans, will be effective for financial reporting periods ending in 2014 and 2015 respectively.

Board members, staff and the auditors discussed the following:

- Audit is a “report card” of the Township’s finances
- Flat property tax revenue or slight increase projected for 2014
- A portion of the increase in the general fund balance will be used to fund the brush pick-up program and possibly added to the road millage
- Board member belief the comment contained in the auditor’s letter which appears to prohibit any audit information being used by members of the public is “illegal”
- Auditor explanation that the aforementioned language is in the professional auditing standards and required to be included

#### 6. TOWNSHIP MANAGER REPORT

Manager Walsh reported on the following:

- Temporary fire station located at the Meridian Service Center will “officially” open tomorrow morning
- Brush pick-up program has been completed for the north section of the Township and is ongoing for the southern section

#### 7. BOARD COMMENTS & REPORTS

Supervisor LeGoff reported her attendance at the April 23-25, 2014 Spring Educational Conference of the Michigan Association of Township Supervisors where a variety of topics were discussed.

Trustee Styka reported his attendance at the Okemos and Haslett School Board meetings on April 28<sup>th</sup>. He also noted his attendance at a luncheon hosted by the East Lansing School District to introduce the soon-to-be approved School Superintendent. Trustee Styka reminded residents the three aforementioned school districts are a primary reason why people move to Meridian Township, and national rankings of high schools throughout the country issued in a report by *US News and World Report* placed Okemos in the top ten (10), East Lansing was ranked at 17<sup>th</sup> and Haslett at 33<sup>rd</sup> out of more than 900 high schools in Michigan.

Trustee Styka announced the Farmer’s Market opened up at the pavilion on Saturday, May 2<sup>nd</sup>, the Fire Department has implemented a new procedure for registering barbeque pits, and Comcast and Time Warner are seeking government approval for a merger. If approval is granted, he stated Michigan will become part of a new cable company, which may result in the Township negotiating a new cable franchise.

Clerk Dreyfus reported Williamston Community School District’s recreation millage renewal proposal passed in Meridian Township 38-24, and also passed district wide. He announced voters in Precinct 12 will once again have the ability to use Wardcliff School as their polling location. Clerk Dreyfus reported his attendance at the Economic Development Corporation (EDC) meeting this morning where the Master Plan and Future Land Use Map were discussed and EDC members requested those documents be updated as soon as possible. He relayed a request for more data regarding housing, vacancy rates, population of seniors, empty nesters, etc. in order to promote economic development. Clerk Dreyfus reported the “retrofitting suburbia” concept was discussed, necessary to protect our school districts. He added an in-depth discussion took place on the establishment of a Corridor Improvement Authority (CIA), specifically the resources for funding. Clerk Dreyfus noted his attendance at the Carriage Hills Marketing Plan last evening where discussion continued on renovation of the Carriage Hills Shopping Center. He reported the Food Innovation District is being marketed through a postcard campaign geared toward businesses in the Greater Lansing Area in an effort to attract commerce in the food processing industry.

Treasurer Brixie reported her attendance at the Marsh Road roundabout sculpture dedication with other township officials. She also attended a meeting facilitated by the Lansing Regional Chamber of Commerce meeting on the board makeup of the Board of Water and Light.

Trustee Veenstra attended the regular meeting of Tri-County Regional Planning Commission (TCRPC) where there was a special presentation on non-emergency medical transport (NEMT). He noted many individuals are unable to drive themselves to medical appointments and treatments and Medicaid pays for qualified recipients to be transported to medical appointments. Trustee Veenstra added the 1990 Americans with Disability Act provides every public transit agency must provide paratransit services. He indicated the law also states the maximum fare for the paratransit (Spectran in Meridian Township) can only be twice the cost of fixed route fare, while costing ten (10) times as much to run. Trustee Veenstra reported his attendance at an April special meeting regarding the paving of 535 feet of Perry Road at the north end of Lake Lansing, indicating if Ingham County will sign the petition for the special assessment (it owns 400 feet of frontage), the special assessment district can move forward.

Trustee Scales worked with the Ingham County Road Department (ICRD) to assess the severity of road problems within the Township and will offer a presentation at the next Board meeting. He also spent time with Trustee Styka and Supervisor LeGoff as the three person committee negotiating the manager's contract, which will be discussed later on in this meeting.

8. APPROVAL OF AGENDA

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

VOICE VOTE: Motion carried 6-0.

9. CONSENT AGENDA

Supervisor LeGoff reviewed the consent agenda.

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

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus

NAYS: None

Motion carried 6-0.

A. Communications

(1) Board Information (BI)

BI-1 Karin and Thomas Kirkwood, 4767 Algonquin Way, Okemos; RE: Opposition to the proposed development on property at the corner of Okemos and Central Park Drive

BI-2 John P. Gardner, Senior Manager, External Affairs, Comcast, Heartland Region, 1401 E. Miller Road, Lansing; RE: Changes to channel lineup effective April 23, 2014

BI-3 Sandy Hopkins, 3400 Kathy Lane, Williamston; RE: Request for traffic signal for westbound traffic on I-96 exiting and turning south onto Okemos Road

BI-4 Ann Alchin, 5972 Cypress, Haslett; RE: Complain regarding brush pick-up program

(2) Commission Linkage (CL)

CL-1 David DeLind, 2188 Hamilton Road, Okemos; RE: Letter of resignation from the Planning Commission

CL-2 Steven Webster, 1985 Cimarron Drive, Okemos; RE: Resignation from the Land Preservation Advisory Board

(3) Staff Communications (SC)

SC-1 Deborah Guthrie, Director of Communications; RE: Press Release entitled "Comcast and Charter Reach Agreement on Divestitures" relative to their merger

(4) On File in the Clerk's Office

Material handed out at the April 15, 2014 Meeting

Mark S. McDaniel, 1057 Cambria Drive, East Lansing; RE: Partial funding of the Michigan State University Carriage Hills Study

**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 Styka.**

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

B. Minutes

**(1) Treasurer Brixie moved to approve and ratify the minutes of the April 15, 2014 Regular Meeting as submitted. Seconded by Trustee Styka.**

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

**(2) Treasurer Brixie moved to approve and ratify the minutes of the April 29, 2014 Special Meeting as submitted. Seconded by Trustee Styka.**

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, 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	\$ 587,116.52
Public Works	\$ 81,833.05
Total Checks	\$ 668,949.57
Credit Card Transactions	\$ 12,319.39
Total Purchases	<u>\$ 681,268.96</u>
ACH Payments	<u>\$ 571,827.14</u>

**Seconded by Trustee Styka.**

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

[Bill List in Official Minute Book]

D. Outdoor Gathering Permit Approval – Celebrate Downtown Okemos

**Treasurer Brixie moved to approve the Outdoor Assembly License for the Meridian Township Downtown Development Authority’s Celebrate Downtown Okemos event to be held on June 14, 2014. Seconded by Trustee Styka.**

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus  
NAYS: None

Motion carried 6-0.

- E. Ratification of Part-Time Paramedic/Firefighter Appointments  
**Treasurer Brixie moved to ratify the appointments of David Cirka, Dustin Farhat and Kasie Robbins to the position of part-time paramedic/firefighter pending completion of a successful background investigation and physical examination. Seconded by Trustee Styka.**

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

- F. Resolution of Support for the 2014 Ride of Silence  
**Treasurer Brixie moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED that the Township Board of the Charter Township of Meridian hereby endorses the *Greater Lansing 2014 Ride of Silence*. Seconded by Trustee Styka.**

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

- G. Resolution to Approve an Investment Institution  
**Treasurer Brixie moved to adopt a resolution entitled “Authority to Open an Account” at Horizon Bank (formerly Summit Community Bank). Seconded by Trustee Styka.**

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

- H. Set a Public Hearing to Review the State Revolving Fund Draft Project Plan (Set Public Hearing for June 3, 2014)  
**Treasurer Brixie moved to set the date and time for a public hearing as June 3, 2014, at 6:00 PM to review the State Revolving Fund Draft Project Plan. Seconded by Trustee Styka.**

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

10. QUESTIONS FOR THE ATTORNEY (See Agenda Items #12H, #12I, #13B)

11. HEARINGS (None)

12. ACTION ITEMS

Supervisor LeGoff opened Public Remarks.

David Kapusansky, Director of Real Estate, Aldi, Inc., 2625 N. Stockbridge Road, Webberville, availed himself for Board questions on MUPUD #13054.

Leonard Provencher, 5824 Buena Parkway, Haslett, expressed appreciation for the Board summary report on the Township Manager’s Annual Performance Report.

Supervisor LeGoff closed Public Remarks.

- A. Acceptance of the 2013 Audit Report

**Treasurer Brixie moved acceptance of the 2013 Annual Audit as completed by Andrews Hooper Pavlik PLC and presented at the May 8, 2014 Township Board meeting. Seconded by Trustee Styka.**

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

- B. Appointment to the Downtown Development Authority  
**Clerk Dreyfus moved to appoint Daniel Kreft to the Downtown Development Authority for the term ending December 31, 2014. Seconded by Trustee Veenstra.**

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

- C. Appointment to the Planning Commission  
**Treasurer Brixie moved to accept the resignation of David DeLind from the Planning Commission for the term ending December 31, 2016. Seconded by Trustee Veenstra.**

Board discussion:

- Appreciation for Mr. DeLind's service on the Planning Commission

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

**Trustee Scales moved to appoint Joyce Van Coevering to the Planning Commission to fill a vacancy for the term ending December 31, 2016. Seconded by Treasurer Brixie.**

Board discussion:

- Applicant has an excellent skill set
- Applicant has a long history with state government in a high management position
- Applicant aids in having geographical representation of the Township on the Planning Commission
- Request for consideration of Brett DeGroff's application for a future Planning Commission appointment

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

- D. Celebrate Downtown Okemos Liquor License  
**Trustee Veenstra moved [and read into the record] NOW THEREFORE BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves the Meridian DDA to apply for a one-day liquor license from the MLCC for sale of beer and wine at the Celebrate Downtown Okemos event on Saturday, June 14, 2014. Seconded by Treasurer Brixie.**

Board discussion:

- Profit obtained from selling beer and wine will help defray costs of the event

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

- E. Appointment to the Land Preservation Advisory Board  
**Trustee Scales moved to accept the resignation of Steven Webster from the Land Preservation Advisory Board for the term ending December 31, 2015, and appoint Roland Harmes, Jr. to the Land Preservation Advisory Board to fill a vacancy for the term ending December 31, 2015. Seconded by Trustee Veenstra.**

Board discussion:

- Applicant has excellent qualifications to serve on this board
- Applicant has a wealth of experience in land purchases as the former Director of the Department of Natural Resources (DNR) and Real Estate Division Chief for the DNR
- Appreciation to Mr. Webster for his service

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

- F. Mixed Use Planned Unit Development #13054 (Aldi/Eyde), Request for a Mixed Use Planned Unit Development with One Commercial Building and 24 Apartments at 5155 Marsh Road  
**Trustee Veenstra 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 (MUPUD) #13054, subject to the following conditions:**

1. **Approval is based on the site plan and amenities plan prepared by Desine, Inc., dated April 5, 2014; signage/detail plan prepared by Desine, Inc. dated April 4, 2014; landscape plan prepared by The Peabody Group, dated April 3, 2014; building elevations for the Aldi Food Market prepared by APD Engineering, PPLC, dated April 2, 2014; detail drawings of railings and the dumpster enclosure for the apartment building prepared by The Peabody Group, dated December 10, 2013 and received by the Township on April 24, 2014; and the building elevations for the apartment building prepared by The Peabody Group dated April 3, 2014, subject to revisions as required.**
2. **MUPUD #13054 (Aldi Inc./Eyde Company) to construct a one story commercial building and a 3-story apartment building with a total of 21 apartment units, shall be contingent on the approval of Special Use Permit (SUP) #13171 (Aldi Inc./Eyde Company).**
3. **Approval is subject to the applicant's proposed amenities as identified on the Amenities Plan (Sheet AM): covered bicycle parking; balconies; outdoor gathering/seating areas; LED site lighting; connection to Township pathways; canopies; underground utilities; traffic signal; off-site water main extension; lowering of existing natural gas main; white roof on both buildings; additional green space; recyclable material collection; stamped decorative concrete; and internal common area LED lighting.**
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 the main entrance to the building. Other materials, such as vinyl, aluminum, or other metal sidings shall be avoided.**
6. **The final building elevations and building materials shall be subject to the approval of the Director of Community Planning and Development.**
7. **Site accessories such as railings, benches, trash compactors, trash and recycling receptacles, exterior lighting fixtures for parking areas and buildings, covered bicycle structures, and bicycle racks shall be of commercial quality and complementary with the building design and style.**
8. **Shopping carts for the Aldi Food Market shall be stored inside the building or in an enclosed area.**
9. **The final design and location of the dumpster enclosure for the apartment building shall be subject to the approval of the Director of Community Planning and Development.**
10. **Site and building lighting shall comply with Article VII in Chapter 38 of the Code of Ordinances and are subject to the approval of the Director of Community Planning and Development. LED lighting shall be used. Light poles shall be no taller than 25 feet in height for the commercial space and no taller than 18 feet for the residential space, including the pole and pole base.**
11. **All mechanical, heating, ventilation, air conditioning, and similar systems shall be screened from view by an opaque structure or landscape material selected to complement the building. Such screening is subject to approval by the Director of Community Planning and Development.**
12. **Buried construction or other materials and 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.**
13. **The applicant shall obtain all necessary permits, licenses, and approvals from the Ingham County Road Department, the Ingham County Drain Commissioner's office, and the Township. Copies of all permits and approval letters shall be submitted to the Department of Community Planning and Development.**
14. **The utility, grading, and storm drainage plans for the site are subject to the approval of the Director of Public Works and Engineering and shall be completed in accordance with the Township's Engineering Design and Construction Standards.**
15. **The applicant shall apply to the Township for a land division as part of site plan review. Once approved, documents shall be recorded with the Ingham County Register of Deeds and proof of recording submitted to the Township prior to the issuance of an occupancy permit.**
16. **Copies of the site plan information and construction plans for the project that exist in an AutoCAD compatible format shall be provided to the Township Engineering staff.**



- Aldi and Eyde are covering the cost of the traffic signal
- Difficulty at the present time to exit Tihart and turn south on Marsh Road
- Concern with this project adding more density and traffic to the area
- Acreage of the entire site is 5.4 acres, which includes wetlands and floodplain
- 21 apartments on 3.3 acres provide for a density of approximately seven (7) units per acre
- Covered enclosure for the shopping carts will be located directly outside of the entrance

ROLL CALL VOTE: YEAS: Trustees Styka, Veenstra, Supervisor LeGoff, Clerk Dreyfus  
 NAYS: Trustee Scales, Treasurer Brixie  
 Motion carried 4-2.

G. Special Use Permit #13171 (Aldi/Eyde), Request to Construct a Group of Buildings Greater than 25,000 Square Feet at 5155 Marsh Road

**Trustee Veenstra 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 #13171 (Aldi Inc./Eyde Company) to construct two buildings totaling approximately 43,000 square feet in gross floor area, subject to the following conditions:**

- 1. Approval of the special use permit is in accordance with the revised site plans prepared by Desine, Inc., dated April 5, 2014, subject to revisions as required.**
- 2. Special Use Permit #13171 is subject to all conditions placed on Mixed Use Planned Unit Development #13054 (Aldi Inc./Eyde Company) by the Township.**

**Seconded by Trustee Styka.**

Board discussion:

- Necessity of approving this SUP to allow for the building approved in MUPUD #13054 to be greater than 25,000
- Traffic light at Marsh Road and Times Square will provide a break in the northbound traffic and facilitate the ability to pull out onto Marsh Road from Tihart Road
- Concern Marsh Road does not have the capacity to absorb the additional traffic which will be generated by this project

ROLL CALL VOTE: YEAS: Trustees Styka, Veenstra, Supervisor LeGoff, Clerk Dreyfus  
 NAYS: Trustee Scales, Treasurer Brixie  
 Motion carried 4-2.

H. Rezoning #14020 (Okemos Road, LLC/Hagan), Request to Rezone 3698 Okemos Road from RR (Rural Residential) to PO (Professional and Office)

Board discussion:

- Too many unknowns with the Future Land Use Map (FLUM) in this area
- Lack of information provided by the Planning Commission regarding their views for this area when it recommended rezoning this property
- Request for the Planning Commission to review the FLUM and make changes in this area as this is but one of several properties which should be similarly treated
- Current FLUM speaks to phasing on Okemos Road from commercial to professional and office (PO) to multi-family and finally to single family in the Briarwood area and this rezoning would be contrary to that plan
- Rezoning is spot zoning
- RD is a more preferable zoning as property to the north and east have multiple-family zoning designations
- Numerous office vacancies currently in the area
- No definitive tenant at the current time

**Supervisor LeGoff moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION Ordinance No. \_\_\_\_\_, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #14020” RR (Rural Residential) to PO (Professional and Office).**

**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 introduced at least once prior to the next regular meeting of the Township Board.**

**Seconded by Trustee Veenstra.**

Board and applicant discussion:

- Existing RR zoning on a road with a traffic count of 24,000 vehicle trips per day is obsolete and needs to be upzoned
- Board member preference for the parcel to be upzoned to RD zoning designation
- Rezoning would be inconsistent with the Township’s FLUM
- No evidence there is a need for additional PO zoning on south Okemos Road at this time
- Suggestion to refer this rezoning back to the Planning Commission to have it look at the entire “stretch” of south Okemos Road
- Applicant’s concern that referral back to the Planning Commission would necessitate another \$700 fee
- Recommendation for the Board to waive the fee for the applicant to consider a change in the proposed zoning designation specified in this rezoning request
- Referral back to the Planning Commission would obviate the need for the applicant to pay a second fee

Denial v. referral of the motion: (Questions for the Attorney (See Agenda Item #10))

Q. If we vote this down, do we then have another motion to refer it; is that how it works?

A. If you vote this down, then you are done with it. If you refer it to have them look at it again and consider other categories, then you have voted on it and it is still open.

**Trustee Scales offered the following amendment:**

- **move to refer back to the Planning Commission for reconsideration of a different zoning district**

**Seconded by Treasurer Brixie.**

Board discussion:

- Applicant’s desires to work with the Planning Commission to recommend a different zoning designation
- FLUM currently indicates 5-8 dwelling units per acre
- Zoning in the immediate area which is residential is RC, 14 dwelling units/acre
- Board member hope the Planning Commission would examine the FLUM for the entire area and make recommendations to the Board at the same time as they address this rezoning request
- Board member preference to have some type of residential development on the property
- Eight unit building currently allowed under the code is a risk the developer would prefer not to take
- Property is currently run down and an eye sore

ATTORNEY COMMENT: I just want to make sure that we are all clear and the public also understands what is going on for the record. So, we have an amendment and a second to modify the motion and can you restate the motion before you vote on it?

**Trustee Scales restated his previous amendment:**

- **move to refer back to the Planning Commission for reconsideration of a different zoning district**

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus  
 NAYS: Trustee Veenstra  
 Motion carried 5-1.

- I. Rezoning #14030 (Fedewa), Request to Rezone Approximately 5.2 Acres from RR (Rural Residential) to C-2 (Commercial) Located on Saginaw Highway  
**Clerk Dreyfus moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION Ordinance No. \_\_\_\_\_, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #14030” RR (Rural Residential) to C-2 (Commercial).**

**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 introduced at least once prior to the next regular meeting of the Township Board.**

Seconded by Trustee Scales.

Board and applicant discussion:

- RR zoning designation is not the best use of the land on a major arterial
- Applicant has expressed a desire to redevelop the property
- Commercially zoned adjacent Land Preservation property provides for only a 15-foot setback
- Rezoning request received unanimous approval by the Planning Commission
- Board approval will provide additional tax base for the Township, jobs for the community and provide either a service or product for residents in the north end of the Township
- Applicant offer of fencing and buffer of pine trees within the buildable area along the property line it shares with Land Preservation property
- Size of the parcel requires use of all available land to succeed as a commercial establishment
- Rezoning request is not consistent with the FLUM
- Confusion over the Planning Commission’s long-term vision for the area
- Concern the RR zoning designation is obsolete and needs to be upgraded
- Land Preservation property needs to be adequately protected
- Board option to rezone the Land Preservation property residential which would require a 100-foot setback
- Limited buildable land on this parcel due to wetlands
- Board member preference for the applicant to offer a 30 foot buffer strip as a condition of the rezoning

ATTORNEY COMMENT: The Board cannot offer conditions. I think you have already been clear in the past, but you need to not go any further at this point and make any more specific conditions from the Board or any specific Board member today.

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

Bringing the rezoning request back at another Board meeting: (Questions for the Attorney (See Agenda Item #10))

- Q. Can a Board member bring this back for reconsideration at our next meeting when we have a full Board?

- A. You can bring it back; I'm not sure if the term is reconsideration. I'll have to look at the rules as to when you can bring which question back up and what it is actually called.

Continued discussion:

- Benefit of the applicant for the Board to renew its motion
- Board member preference for this item to be on the agenda for the May 20<sup>th</sup> Board meeting

Supervisor LeGoff recessed the meeting at 8:19 P.M.  
Supervisor LeGoff reconvened the meeting at 8:30 P.M.

J. Township Manager Annual Performance Report and Contract

Trustee Styka read the 2014 Manager Evaluation dated May 8, 2014 as attached to staff memorandum dated May 2, 2014

**Trustee Styka moved to approve the 2014 Township Manager Performance Summary Report and employment contract details as presented at the May 8, 2014 Board Meeting. Seconded by Trustee Scales.**

**The seconder offered the following amendment:**

- **The Board will maintain the ongoing performance factors of planning, organizing, staffing, leading and managing for evaluation prior to the November 1, 2014 contract expiration.**

**The amendment was seconded by the maker of the main motion.**

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

Board discussion:

- Term of the contract is from May 8, 2014 and ends November 1, 2016
- Prior to November 1<sup>st</sup> of each year, the employer or its authorized representative will meet with the Township to review relevant information in the extension of this agreement
- Contract provides for a 1% increase and a one-time check for \$550 consistent with what was provided to all other Township staff in December, 2013.
- Township will make an annual contribution of 1.5% of the Manager's salary to his deferred compensation account
- Automobile allowance was increased to \$700 per month
- Vacation days set at 20 days per year credited on January 2<sup>nd</sup> of each year
- Manager's annual evaluation will be completed prior to November 1<sup>st</sup> of each year
- Residency requirement for the duration of the Manager's contract
- Appreciation for the work of the committee in developing the employment agreement and the appraisal performance report
- Board member concern with raising the monthly car allowance to \$700
- Appreciation to the Manager for his service to the Township over the last year

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

13. BOARD DISCUSSION ITEMS

Supervisor LeGoff opened and closed Public Remarks.

- A. Special Use Permit #14041 (First Housing Corporation), Request to Modify Studio Apartments in Phase 1 of Grange Acres - Compliance with Section 86-658 Building Greater than 25,000 Square Feet

Director Kieselbach summarized the special use permit request as outlined in staff memorandum dated May 1 2014.

Board and applicant discussion:

- Modification will be a much needed facelift for some of the units
- New signage at Grange Acres as an asset
- Applicant will transfer residents to other phases during the remodeling
- Landscaping will be installed between the new office and the road
- Suggestion to round up the square footage in the resolution
- Two non-rental units will be provided for maintenance staff
- Applicant has prior experience with transfers and will minimize the trauma when relocating residents
- Two on-staff service coordinators to assist residents
- Notifications have been sent out to affected residents regarding impending renovations and plans are available in the office
- Concern over residents who are bedridden
- Once approvals have been obtained, the applicant will discuss specifics with affected residents
- First Housing Corporation is the management company for Grange Acres

**It was the consensus of the Board to place this item on for action at the May 20, 2014 Board meeting.**

- B. Removal of Trees and Vegetation by Utility Companies Ordinance

Director Kieselbach summarized proposed ordinance language relative to removal of trees and vegetation by utility companies.

Board discussion:

- Proposed ordinance does not preclude utilities from clearing in the right-of-way or easement, but requires clean-up after clearing

Ability to grandfather in under the proposed ordinance: (Questions for the Attorney (See Agenda Item #10))

Q. If we were to adopt something like this, would it grandfather in something that had already begun?

A. The ordinance would be effective and could be enforced so many days after it was adopted and published, so it wouldn't work backwards at all. It wouldn't cover any previous action.

Q. So if we were concerned about work that may begin in the near future, would there be something we could do? Could we adopt it as an emergency ordinance tonight or have a moratorium on that action until we adopt the ordinance? Is there something we can do to protect the residents from large scale tree removal and leaving brush and stumps?

A. The normal procedure would be an introduction at the next meeting, and a final adoption at the meeting following that. Emergency ordinance isn't clearly defined; what would be an emergency to me would be something that is unexpected and you need to respond to it immediately. We would be using a regular definition of emergency that is not defined by the courts as to an emergency ordinance, so, if the Board determined that it was an emergency, the difference is that you then can adopt that ordinance, final adoption, at the same meeting where it's introduced. Normally, the Charter Township Act will say you introduce it at one meeting and adopt it at a different meeting. You are not allowed to finally adopt an ordinance until it has been published. Obviously, there is a due process concern that the public knows about it before you move forward. Unfortunately, I wouldn't recommend that you go forward with an emergency ordinance tonight because you had no notice. It was only on the agenda for discussion, not action at all. If you made a determination that this was an emergency, it was unexpected and you needed to respond quickly (however you define emergency), then the Board could move forward at the next meeting.

You brought up the issue of a moratorium. A moratorium is something you can put in place short term because you are working on something else that is temporary. The moratorium that you would put in place....I am not sure what you would be stopping; any work in a right-of-way or easement that involved trimming of trees and/or stumps. I don't see it as an emergency. I'm questioning whether it would rise to that level in a court but, again, that would be your call as a Board.

Board discussion:

- Board member belief this could qualify as an emergency and as sudden changed conditions because of the December ice storm
- Concern the utility companies are responded in a heavy-handed manner
- Possibility that utility companies are externalizing costs by clear cutting
- Creation of an ordinance which requires utility companies to remove stumps and debris may remove the convenience factor of clear cutting and provide the incentive for the utilities to return to extensive tree trimming
- Suggestion for the Manager to speak with the utility company regarding stump removal while the ordinance moves it way through the process
- Need for utility companies to be diligent in trimming trees near utility lines
- Preference for language in Section 22-222 which speaks to removal "in accordance with a vegetation management plan" to be deleted from the text

ATTORNEY COMMENT: I read that meaning that the rules apply across the Board whether you have a management plan or not. It may be that we need to move that phrase in a different portion. But what it is saying here is even if you have a management plan, whoever you are (if you are a utility and you're trying to comply with a management plan), you have to comply with this as well. It may be in the wrong spot. What this is, is copying ordinances that exist in the State of Michigan. I've changed some wording so that there were not so many "sais" and language in here that shouldn't be in here. Basically, it's been adopted by about four (4) other communities in Michigan.

You also need to be aware that there is a Public Service Commission (PSC) issue as was talked about earlier in the meeting. It isn't clearly determined by case law. I want you to know that, so that we don't hear that it wasn't talked about. There is a concern about whether they do have jurisdiction, although, it doesn't have to do with fees, where the lines go, what can be cut; it has to do with cleaning up after.

Board and staff discussion:

- Impetus for this ordinance was the result of contact by a resident relative to activity in Wellington Estates
- Township Manager and Director Kieselbach have already spoken with International Transmission Company (ITC)
- Preference to research what issues are affected by the PSC and attempt to mitigate those issues
- Township should not be dictated to by Consumers Energy clear cutting in neighborhoods without having redress for affected residents
- Need for protection from a utility decision to clear cut
- City of St. Joseph has a model ordinance copied by several other communities which:
  - Allows for each tree to be marked and numbered to designate whether the power company plans to trim or remove it
  - Sends out a letter to affected residents
  - Contracts with a forester who meets with the utility company to reach agreement on how trees will be trimmed
  - Includes stump removal and clean up
- Reminder that cities own the public right-of-ways
- Suggestion to blend some of the aforementioned process into this proposed ordinance
- Article in today's newspaper the PSC is concerned utility companies are not being as aggressive as needed in its tree trimming

- Reminder that at the time of the ice storm, the prevailing thought was there needed to be more aggressive tree trimming in order to prevent loss of power
- Board member preference to move forward with the proposed language as soon as possible and look at additional ordinance language in the future
- Board member preference to model Meridian's ordinance after the St. Joseph ordinance

**It was the consensus of the Board to place this item on for action at the May 20, 2014 Board meeting.**

14. PUBLIC REMARKS

Supervisor LeGoff opened and closed Public Remarks.

15. FINAL BOARD MEMBER COMMENT (None)

16. ADJOURNMENT

Supervisor LeGoff adjourned the meeting at 9:21 P.M.

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ELIZABETH LEGOFF  
TOWNSHIP SUPERVISOR

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BRETT DREYFUS  
TOWNSHIP CLERK

Sandra K. Otto, Secretary