

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, JUNE 19, 2007, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such, Veenstra, Woiwode
ABSENT: None
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, Personnel Director/Assistant Manager Paul Brake, Director of Finance Diana Hasse, Attorney Andria Ditschman

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:00 P.M.

2. PLEDGE OF ALLEGIANCE

Supervisor McGillicuddy led the Pledge of Allegiance.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Lynn Ochberg, 4383 Maumee, Okemos, expressed concern with this country after it exhausts its petroleum and petroleum by-products and felt Rezoning #06020 does not meet the criteria for smart growth.

Ken Achterburg, 5696 Shaw Street, 9, Haslett, spoke in support of the Lake Lansing Watershed Management Special Assessment District (SAD) and suggested widening the net to include more municipalities in the assessment for weed control of Lake Lansing.

Richard Harrington, 820 Piper Road, Haslett, spoke against closing the Comcast public access facility on Trowbridge Road.

Evelyn Spears, 2790 Sirhal Drive, #103, East Lansing, spoke against Comcast closing its public access facility on Trowbridge Road.

Louis Shelburg, 2825 Roseland Avenue, East Lansing, spoke in opposition to Rezoning #06090 (Meridian Four Seasons).

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

A. 2006 Audit Presentation by Mary Schafer, Plane & Moran PLLC

Mary Schafer, Plante & Moran, 1111 Michigan Avenue, East Lansing, gave a graphic audit presentation highlighting the Township's financial status for 2006 year-end, noting a fund balance increase of over a million dollars. The Comprehensive 2006 Annual Report indicated the Township received a Certificate of Achievement for Excellence in Financial Reporting for 2006.

Ms. Schafer noted there is a new governmental standard this year which relates to retiree health care costs. While the standard does not require funding by a community, if retiree health care is not funded, there will be an additional liability.

Supervisor McGillicuddy thanked the Township Manager and department heads for closely monitoring the budget while staying within projected expenses which allowed the fund balance to substantially increase. She indicated the Township's Standard & Poor's rating also increased.

Ms. Schafer added that the rating is an indicator of the financial health of an entity. Having the rate increase provides the Township with better interest rates for borrowing and more people would be likely to buy bonds, if issued.

Supervisor McGillicuddy noted the Township has received the Excellence in Reporting Award for five (5) consecutive years. MCT has achieved the Certificate of Excellence in Financial Reporting for 2006.

Trustee Brixie reported that the Tri-County Groundwater Management Board is upgrading the aquifer model to take into account the effect of impervious surface on groundwater recharge. She indicated the Lake Lansing Overlay District will be looked at.

Treasurer Hunting indicated the summer tax bills will be sent out shortly and become due on July 1st; however, taxes may be paid up to and through September 14th without additional interest charges.

6. APPROVAL OF AGENDA — OR CHANGES

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

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

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

NAYS: None

Motion carried unanimously.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Determination (BD)

10A-1 Ned Krouse, 5413 Meridian Road, Haslett; RE: Opposition to Rezoning #06020
(Mayberry Homes, Inc.)

10A-2 Ned Krouse, 5413 Meridian Road, Haslett; RE: Opposition to Rezoning #06020
(Mayberry Homes, Inc.)

10A-3 Susan Applegate Krouse, 5413 Meridian Road, Haslett; RE: Opposition to Rezoning
#06020 (Mayberry Homes, Inc.)

10A-4 Bradley Marks, 90 Piper Road, Haslett; RE: Opposition to Rezoning #06020
(Mayberry Homes, Inc.)

11A-1 Christine Beavers, 5125 E. Brookfield Drive, East Lansing; RE: Opposition to
Rezoning #06090 (Meridian Four Seasons)

11A-2 Carleton S. Finkbeiner, Mayor, City of Toledo, One Government Center, Suite
2200, Toledo, OH; RE: Support for Rezoning #06090 (Meridian Four Seasons)

11A-3 Carl Harmon, Acting Vice President, LINC, PO Box 40, Okemos; RE: Opposition to
Rezoning #06090 (Meridian Four Seasons)

11A-4 Bernice Brandon, Business Operator, 2758 E. Grand River Avenue, East Lansing;

- Opposition to Rezoning #06090 (Meridian Four Seasons)
- 11A-5 Scott A. Tadgerson, Consulting Engineer, Capital Consultants AE, 725 Prudden Street, Lansing; Concern with effects of Rezoning #06090 (Meridian Four Seasons) on Ruth Pecic's property
- 11A-6 Ruth Pecic, 5099 Wardcliff Drive, East Lansing; RE: Opposition to Rezoning #06090 (Meridian Four Seasons)
- 11A-7 Christine Beavers, 5125 E. Brookfield Drive, East Lansing; RE: Opposition to Rezoning #06090 (Meridian Four Seasons)
- 11A-8 Molloy Wingrove, 2649 Melville Drive, East Lansing; RE: Opposition to Rezoning #06090 (Meridian Four Seasons)
- 11A-9 Skeeter and Bob Rentschler, 2687 Teri Terrace, East Lansing; RE: East Lansing; RE: Opposition to Rezoning #06090 (Meridian Four Seasons)
- (2). Board Information (BI)
- BI-1 Richard Harrington, 820 Piper Road, Haslett; RE: Copy of a letter to the Meridian Township Cable Commission and Michigan Public Service Commission registering a formal complaint on the closure of Comcast's public access studio in East Lansing
- BI-2 Leslie A. Brogan, Director of Government Affairs, Western Michigan Area, Comcast, 1070 Trowbridge Road, East Lansing; RE: Copy of written response to Richard Harrington relative to the closing of Comcast's East Lansing public access studio
- BI-3 John T. Anderson, 215 W. Newman Road, Okemos; RE: Questions concerning a referendum
- BI-4 Allison Bergren, 4999 Campus Hill Drive, Apt. D201, Okemos; RE: Vegetation obstructing the sidewalk on the north side of Grand River Avenue between Hillcrest and Grandview
- BI-5 Lev Raphael and Gershen Kaufman, 4695 Chippewa, Okemos; RE: Possible closure of Hamilton Road off of Grand River Avenue
- BI-6 Margaret Murray, 3168 Birch Row Drive, East Lansing; RE: Towar Garden Drain Project
- (3). Commission Linkage (CL)
- CL-1 Letter from Deborah Guthrie, Meridian Township Cable Coordinator, to Leslie Brogan, Director of Governmental Affairs for Comcast, concerning Cable Commission opposition to closure of public access studio in East Lansing
- (4) Regional Linkage (RL)
- RL-1 John Midgley, Managing Director, Ingham County Road Commission, 301 Bush Street, Mason; RE: Reduction in Calculation of Administrative Fees
- RL-2 Sandra Draggoo, CEO/Executive Director, Capital Area Transportation Authority, 4615 Tranter, Lansing; RE: Copy of a letter to Ingham County Drain Commissioner Pat Lindemann concerning construction on Birch Road
- RL-3 Norm Hettinger, Secretary, Delhi Charter Township Planning Commission, 2074 Aurelius, Holt; RE: Letter to Meridian Township Board/Planning Commission concerning notice of intent to amend Delhi's Master Plan
- (5). Staff Communication/Referral (SC)
- SC-1 Michigan Townships Association Legislative E-Report, June 1, 2007 Edition
- SC-2 Michigan Townships Association Legislative E-Report, June 8, 2007 Edition
- (6). On File in the Clerk's Office (OF)
- Materials received at the June 5, 2007 Board Meeting
- Michael Duda, Superintendent, Haslett Public Schools, 5593 Franklin Street, Haslett; Letter in support of Rezoning #06020 (Mayberry Homes, Inc.)

David Love, Ingham County Drain Engineer, Ingham County Drain Commissioner's (ICDC) Office, 707 Buhl Avenue, Mason; RE: ICDC letter in support of Rezoning #06020 (Mayberry Homes, Inc.)
Thom Nelson, 940 River Knoll Drive, Haslett; RE: Opposition to Rezoning #06020 (Mayberry Homes, Inc.)

Trustee 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 Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

B. Minutes

Trustee Brixie moved to approve and ratify the minutes of the June 5, 2007 Regular Meeting as submitted. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

C. Bills

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

Common Cash	\$ 515,569.34
Public Works	\$ 696,654.37
Total Checks	\$1,212,223.71
Credit Card Transactions	\$ 17,608.33
Total Purchases	<u>\$1,229,832.04</u>
ACH Payments	<u>\$ 299,545.96</u>

Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

[Bill list in Official Minute Book]

D. Resolution Requesting Membership into the Michigan Municipal League

Trustee Brixie moved that the resolution requesting membership into the Michigan Municipal League be approved. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

E. Liquor License Transfer, Gilbert & Blakes

Trustee Brixie moved to approve PG&B-Okemos, LLC's application to transfer ownership of a 2007 Class C Liquor License for a business, located at 3554 Okemos Road, Okemos, Michigan, Meridian Township, Ingham County, Michigan, from Nomad Hospitality Group-

Okemos, LLC to PG&B-Okemos LLC, and further authorize the Township Clerk to execute the resolution for local approval of this transfer. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

F. Appointments to Boards and Commissions

Trustee Brixie moved to appoint Gary Shoup (previous member for 6 years) to the Zoning Board of Appeals as Alternate #2 for term ending December 31, 2008; and should Alternate#1 resign, move Mr. Shoup to that appointment for the term ending December 31, 2008. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

Trustee Brixie moved to appoint E. Jane Schneider to fill the vacant position on the Community Resources Commission for the term ending December 31, 2008. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

G. Adopt School Tax Collection Requests and Agreements for 2007

Trustee Brixie moved that the Township Board approve the “2007 Summer School Tax Collection Requests and Agreements” for East Lansing, Haslett, Okemos, Williamston and Ingham Intermediate School Districts. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

H. Lake Lansing Watershed Management SAD, **Resolution #1 and #2**, Set Public Hearing Date (July 17, 2007)

Trustee Brixie moved to approve Lake Lansing Watershed Management Special Assessment District (2008-2017) – Resolution #1 & #2 which files the plans and cost estimate with the Township Clerk; tentatively declares the Township Board’s intention to make the public improvement of watershed management and weed control in Lake Lansing for a period of ten years; tentatively designates a special assessment district; and sets the date for a public hearing on July 17, 2007. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

I. Reappointment to the East Lansing-Meridian Water and Sewer Authority

Trustee Brixie moved that the Township Board approve the reappointment of Thomas Peet to the East Lansing Meridian Water & Sewer Authority for the term expiring June 30, 2010. Seconded by Trustee Such.

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

McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

- 8. QUESTIONS FOR THE ATTORNEY (See Agenda Item # 10A)
- 9. HEARINGS (None)
- 10. ACTION ITEMS/ENDS
Supervisor McGillicuddy opened public comment.

Wayne Beyea, 5273 Meridian Road, Haslett, spoke in opposition to Rezoning #06020 (Mayberry Homes, Inc.).

Jean Nicholas, 6232 Brookline Court, East Lansing, spoke in opposition to Rezoning #06020 (Mayberry Homes, Inc.).

Ned Krouse, 5413 Meridian Road, Haslett, spoke in opposition to Rezoning #06020 (Mayberry Homes, Inc.).

Bob Schroeder, President of Mayberry Homes, 460 Aquilla Drive, East Lansing, spoke in support of Rezoning #06020 (Mayberry Homes, Inc.).

Paul Kindel, 2915 Margate Lane, East Lansing, spoke in opposition to Rezoning #06020 (Mayberry Homes, Inc.).

John Anderson, 215 W. Newman Road, Okemos, spoke in opposition to Rezoning #06020 (Mayberry Homes, Inc.).

Bob Homan, 923 S. Lansing Street, Mason, spoke in support of Rezoning #06020 (Mayberry Homes, Inc.).

Richard Baumgartner, 1064 Cliffdale Drive, Haslett, spoke in opposition to Rezoning #06020 (Mayberry Homes, Inc.).

Carl Harmon, 1924 Birchwood, Okemos, spoke in opposition to Rezoning #06020 (Mayberry Homes, Inc.).

Supervisor McGillicuddy closed public comment.

- A. Rezoning #06020 (Mayberry Homes, Inc.), a request to rezone approximately 141 acres located at 580 Haslett Road and east of 350 Haslett Road from RR (Rural Residential) to RA (Single Family-Medium Density) conditioned on the site being developed as a PUD

Trustee 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. 2007-07, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #06020” RR (Rural Residential) to RA (Single Family-Medium Density) conditioned on the site being developed as a planned unit development.

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:

- The conceptual plan layout appears to use the Greenspace plan as a guide
- Environmental Commission, Park Commission and Ingham County Drain Commissioner support for the project

- Rezoning application with its condition is consistent with the text in the Master Plan which discusses design standards, development preference and natural features preservation
- Part of the proposed project is inconsistent with the Future Land Use Map
- The proposed plan is consistent with the map of the Tri County Regional Growth Plan
- The proposed plan is consistent with some of the text and inconsistent with other parts of the text of the Tri-County Regional Growth Plan
- Board members mandate to weigh all information and base a decision on what it believes to be the best for Meridian Township
- One house per acre lots is the definition of sprawl
- Applicant must preserve 50% of the open space through the planned unit development (PUD) process
- Number of units for this development will be determined during the PUD application and approval process
- Master Plan is both text and a map
- Keeping this parcel at the current zoning is not inconsistent with the text of the Master Plan
- Vision anticipated at the Land Use Leadership Council of large open spaces with clustered development at the edge which would dramatically reduce the infrastructure
- Need for clustering which reflects the value of open space
- According to Township ordinance, owner/developer has an obligation to provide water and sewer to the site
- Reminder that the Board is not approving a plan at this point, but a rezoning request for a PUD
- Sprawl requires more infrastructure, impervious surface and bigger lots with less land preserved
- Observation that the Tri-County Map, Meridian Township's Master Plan Map, the Greenspace Plan Map and the Township Zoning Map do not match one another
- Text in the Tri-County Regional Growth Plan and the Township's Master Plan are similar in terms of open-space preservation and clustered development
- Clustered development preserves open space, allows for less infrastructure and impervious surface
- Township goals are incorporated in the Master Plan, adopted by the Board in 2005
- Master Plan is the official land use policy statement which provides a statement of the Township's policies for future development and redevelopment of our community
- Master Plan aids in the determination of the reasonableness of a zoning classification
- Smart growth principles should guide growth in Master Plan for infill development and redevelopment
- Concern with overbuilding, taxing the current infrastructure and competing with neighboring communities for school aged children
- Possible purchase by the developer of property development rights (PDR) from other areas in the greater community where farmland needs to be protected
- Concern with continued existence of farm land to the east
- Concern with moving farm equipment due to increased traffic on Haslett Road
- Existing homes will have more difficulty being purchased due to influx of available homes in the market
- Possible development of this type could be achieved on a brown field in the community where a bus route currently exists
- Proposal does not advance the goals of the Township's Master Plan
- Any development on this property is sprawl as it is not infill
- Current infrastructure is not "ready" for this development
- Development will put pressure on Williamstown Township
- Master Plan indication that every area of the community should have a different "flavor" which will be lost for the rural area with this development
- Loss of endangered species with this development (e.g., blanding turtles, sandhill cranes, herons, fox)
- Development of one acre lots as sprawl
- Density v. sprawl
- Traffic counts staff looked at from the Ingham County Road Commission (ICRC) counts were taken during different years at different locations
- Intention by the Board to have developer pay for water and sewer infrastructure
- Goals of the Township incorporated into the Master Plan

- Proposed rezoning does not support the Master Plan
- Proposal is an ad hoc rezoning
- Cost of PDR (property development rights) and TDR (transfer development rights)

Trustee Veenstra offered the following friendly amendments:

- **Amend the first WHEREAS clause after “350 Haslett Road” by inserting the word “from”**
- **Amend the fourth and fifth WHEREAS clauses by deleting “82” and inserting “81”**
- **Amend the NOW THEREFORE BE IT RESOLVED clause after “Petition #06020” by inserting the word “from”**
- **Amend the second to last WHEREAS clause to insert “with improvements; and” after the word “site”**

The amendments were accepted by the maker and seconder.

Legality of applicant agreement regarding financial responsibility for water and sewer improvements: (See Agenda Item #8 (Questions for the Attorney))

Q. Is this “whereas” [last “whereas” clause read] legally enforceable?

A. Yes. I want to make sure that this is clear. If what you’re asking me is can an applicant agree to that, the answer is yes. If what you’re saying is this is an agreement, the answer is no. This is a “whereas”. His agreement to cover that is his agreement. It doesn’t say therefore, he will cover that.

Q. Our attorney just told us this [language in the last “whereas” clause] was not legally enforceable?

A. What you asked me is does this resolution make it legally closed, and I said no. It doesn’t mean that there aren’t other routes to do that. You are going to go over another approval in this process, you can add that as a condition or you can add a bond condition somewhere down the road. This is done all the time with these types of approvals. The other option is that the applicant could add it as a condition and you could change the language. The reason that the language says “has agreed to” is because you can’t add a condition in this rezoning approval that he is going to pay for. The only conditions you can have in a rezoning approval are conditions that are offered by the applicant in writing. That’s what the statute requires. So, you can’t right now make it a condition that he’s going to pay for it. That’s why the “whereas” says he “has agreed to.” I think there are ways to enforce that down the road, but it’s not specifically by this “whereas” in this rezoning.

Board requested condition(s) contained within the resolution for approval: (See Agenda Item #8 (Questions for the Attorney))

Q. At this time at this point with this resolution, is it possible to put in a condition that all the dwelling units would be single family unattached based on this rezoning?

A. If that was a condition that had been offered by the applicant and considered by the Board in its deliberations, it could be added. But it would have to be a condition that was offered by the applicant. I would have to defer to Mark on this; I don’t know if that concept has been contemplated at all in this entire process. That might require more time at the Planning Commission level.

Q. I am particularly troubled because there are 85 or so attached multiple family units in the plan which I find is unacceptable as this is a single family residential area. It goes against the concept of it being a single family homeowner developed area. I am bothered by that in thinking that they should all be unattached single family homes and wondered how do we best address that. Now granted, it is a concept plan and is not part of the rezoning, but inherent with a rezoning comes the thought that RA means single family unattached homes in our zoning code and yet the concept plan does not show that.

A. And, again, if you wanted that to be added, it would have to be something with a condition. But, I would say that Mark may want to, if he can, address that, because I would imagine that there’s some control of that when it comes back. I don’t know what’s allowed under the PUD; if there’s certain things allowed under the underlying district. What housing is allowed and not

allowed based on the condition that they've placed on the rezoning.

DIRECTOR KIESELBACH RESPONSE: The rezoning only talks about developing it with a planned unit development. The idea behind a planned unit development was to allow for the mix of housing types; to offer that variety of styles, affordability, price range, etc. We have many PUD's where we have single units, attached units, apartment complex, condominiums, and outright platted subdivisions. The whole idea behind the use of planned unit development was to have this mix of housing styles.

Q. So, it doesn't look like this is the time to add that but later, if I understand it.

A. Now is not the time to add that to this rezoning.

Language regarding inconsistency with the Future Land Use Map: (See Agenda Item #8 (Questions for the Attorney))

Q. I looked back at the minutes of the May 1st meeting, and I seemed to remember our attorney telling us that if we were to adopt a rezoning that was inconsistent with the Future Land Use Map, we should put the basis of why we are doing that on the record. Is that correct that that's what you told us?

A. That's correct.

Q. Does that mean we should acknowledge the inconsistency with the Future Land Use Map? If we were, say, denying the rezoning, one of the phrases we always use is it violates the Future Land Use Map. So, I would assume that if we were doing something that was inconsistent with the Future Land Use Map, we should acknowledge that we knew it was inconsistent with the Future Land Use Map, but then explain why we thought there was a good reason to do that in this particular case. Would that be your advice?

A. I believe that the Board has done that already to a certain extent by stating in the WHEREAS clauses that the rezoning is consistent with other goals in the Master Plan. I don't think it is legally important that you say it is inconsistent with the Master Plan; however, it is consistent with these issues. I think those are already in here, as well as you have had a great deal of discussion about why it's consistent with some parts and inconsistent with others and why certain people believe that it is legally appropriate to approve the rezoning. If you wanted to add further language, and again, you could suggest that to Trustee Brixie, but I think so far you gone in depth in your discussions as to why some Board members believe that it's an appropriate rezoning even though it's not consistent with the map in the Master Plan.

Proper public notice: (See Agenda Item #8 (Questions for the Attorney))

Q. I just have a procedural question. Is the previous resolution nullified; the one that was passed by the Board already?

A. The previous resolution that was passed on this matter was a resolution to introduce for publication, so it's not nullified. The Board is required to introduce before it goes forward and that was what the resolution was for. When it is time to approve it, this is what this resolution is for. They are both good resolutions.

Q. As Trustee Veenstra has pointed out, it apparently was different, inconsistent with what the Board actually voted on.

A. That can happen, because what is introduced may not be what the Board finally votes on. A [inaudible] be made between the two.

Q. But can they be made in the notice that goes to the public? I just want to be clear procedurally, and I have to admit I don't read the public notices. Was what was public noticed different than what was actually passed by the Board?

A. I don't think so, but I don't know exactly what was in the notice. I'm not positively sure (I don't have all the information in front of me), if what we're talking about is that change having to do with the two year reversion. I don't know if it was actually accepted, approved and part of the resolution. I don't have that. So, as long as the publication for today's meeting... (and, Mark, can you speak to that?) was the publication for today's meeting sent?

DIRECTOR KIESELBACH RESPONSE: I'm not sure what [inaudible]

As long as today’s meeting was published that you are going to take action on something that was previously introduced, even if what you vote on is not consistent with what was previously introduced, you’re still within your procedural statutory requirements, if that’s the question.

- Q. My question was whether the public notice was proper, not whether it could be changed by the Board. That clearly can happen, but if the public notice was what was actually approved by the Board and if that’s what’s required. I’m just trying to be clear on the procedure.
- A. I don’t have the notification information with me today, so I guess I can’t answer that question. Let me see if I can find exactly what needs to be published.

DIRECTOR KIESELBACH COMMENT: In talking to Sandy, all that’s published is the ordinance itself; the resolution for introduction was not part of the publication.

[Supervisor McGillicuddy recessed the meeting at 8:44 PM]

[Supervisor McGillicuddy reconvened the meeting at 8:55 PM]

Trustee Such offered the following friendly amendment:

- **Amend the NOW THEREFORE CLAUSE by adding “and the approval of a planned unit development application within two years from the effective date of the rezoning” after the word “development”**

The amendment was accepted by the maker.

Trustee Such moved to amend the amendment by changing the number of years from “two” to “three” in the NOW THEREFORE CLAUSE. Seconded by Trustee Veenstra.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
 NAYS: None
 Motion carried unanimously.

ROLL CALL ON THE MAIN MOTION: YEAS: Trustees Brixie, Such, Clerk Helmbrecht, Treasurer Hunting
 NAYS: Trustees Veenstra, Woiwode, Supervisor McGillicuddy
 Motion carried 4-3.

- B. Rezoning #06080 (Campbell), request to rezone 2095 Hamilton Road from RC (Single Family-Medium Density) to C-2 (Commercial) with an offer to have the rezoning conditioned on development as a Mixed Use Planned Unit Development, **Final Adoption**

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. 2007-06, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #06080” from RC (Multiple Family-Medium Density) to C-1 (Commercial) conditioned on the property being developed as a mixed use planned unit development.

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 Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
 NAYS: None
 Motion carried unanimously.

C. Resolution of Intent - Amendment of the Downtown Development Area Boundaries, Set Public Hearing Date (August 21, 2007)

Personnel Director/Assistant Township Manager Brake summarized the proposed amendment as outlined in staff memorandum dated June 19, 2007.

Board members discussed the following:

- Area to be noticed suggested by the Downtown Development Authority (DDA) Board
- Benefit through the DDA for streetscape improvements
- Inclusion of only one side of Grand River Avenue
- Taking the additional tax base out of the general fund
- Actual tax base will increase by the size of the proposed DDA or include the north side of Grand River
- Concern with including property at the corner of Montrose and Hamilton which is a dental office in a residential home
- During establishment of the DDA, the indicated area can be reduced once noticed but not increased without renoticing
- Need for information regarding identified owner support for the addition
- Dollar amount of deferral if new Summit Bank is incorporated in the DDA
- Benefit to owners who are included in the district by qualifying for certain grant improvements
- Prudent to wait until the Planning Commission finished the Okemos Village Update Study prior to changing the DDA borders
- Timeline to capture new developments mandate boundaries set by the fourth Monday in May, 2008
- DDA gets inflationary increase of existing buildings
- Capture of new buildings would result in significantly more dollars
- Suggestion for review by the Economic Development Corporation

Treasurer Hunting moved the resolution of intent to set a public hearing date for August 21, 2007 for amendment of the Downtown Development Authority boundaries. Seconded by Trustee Such.

Trustee Woiwode moved to postpone this item until the July 17, 2007 meeting. Seconded by Trustee Veenstra.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
 NAYS: None
 Motion carried unanimously.

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

John Scott-Craig, 5244 Wardcliff Drive, East Lansing, spoke in opposition to Rezoning #06090 (Meridian Four Seasons LDHA LP).

Molly Wingrove, 2649 Melville Drive, East Lansing, spoke in opposition to Rezoning #06090 (Meridian Four Seasons LDHA LP).

Barney Fenn, 2767 Brentwood, East Lansing, spoke in opposition to Rezoning #06090 (Meridian Four Seasons LDHA LP).

Mark Goldammer, 5404 Amber Drive, East Lansing, spoke in opposition to Rezoning #06090 (Meridian Four Seasons LDHA LP).

Christine Beavers, 5125 E. Brookfield, East Lansing, spoke in opposition to Rezoning #06090 (Meridian Four Seasons LDHA LP).

Gloria Duffy, 2790 Sirhal, Apt. 204, East Lansing, spoke in opposition to Rezoning #06090 (Meridian Four Seasons LDHA LP).

Carl Harmon, 1924 Birchwood, Okemos, stated the Wardcliff neighborhood does have need for a moderate income development consistent with current zoning and urged the Board to work with the Wardcliff residents.

Carl Harmon, LINC, PO Box 40, Okemos, asked if it was appropriate to indicate in the road assessment proposal that the millage would be dropped if cityhood became a reality or reduced by the amount which would be gained. He expressed concern with automatic front footage assessment. Mr. Harmon indicated LINC's support for a solution to finance road maintenance.

Supervisor McGillicuddy closed public comment.

- A. Rezoning #06090 (Meridian Four Seasons LDHA LP), request to rezone approximately 9.94 acres located at 2756 E. Grand River Avenue from C-2 (Commercial) and RX (Duplex) to RC (Multiple Family-Medium Density)

Director Kieselbach summarized the proposed rezoning as outlined in staff memorandum dated June 15, 2007.

Charles DiMaggio, Vice-President of Project Development, Burton-Katzman Development Co., Inc., 30100 Telegraph Road, Suite 366, Bingham Farms, gave an overview of this multi faceted development company which has been in business since 1922 and spoke in support of the proposed project, citing a growing demand for affordable housing in this country.

Jackson McDaniel, Meridian Four Seasons LDHA, 29193 Northwestern Highway, Suite 726, Southfield, clarified "inaccurate and inflammatory" issues being circulated within the community relative to this proposed development. He added that the owner of Velocipede Peddler was approached with the offer of purchasing the commercial frontage at the owner's cost.

Mark Sanderson, 2758 E. Grand River (Velocipede Peddler), East Lansing, clarified his short term plans with possible purchase of 1.4 acres of commercial land currently owned by Mr. Lacey.

Board members and staff discussed the following:

- Definition of affordable housing as housing where the resident pays no more than 30% of income as rent
- Program through MSHDA for tax credits
- Definition of unrelated persons in Meridian Township's Code of Ordinances
- Plans to build a child care facility in the applicant's Delhi Township complex
- Requirement that children 12 and under participate in a supervised child care program if no parent is present in the home after school
- Request that the developer meet with members of the Wardcliff community for input
- Use of Sirhal Drive as the primary exit point
- MDOT insistence that the current driveway onto Grand River Avenue be closed necessitates finding an alternative ingress/egress
- Development of 98 units
- Township requirement of two points of access to a public street for more than 50 units
- Use of Greencliff Drive as the emergency ingress/egress by placement of geo blocks below the grass and bollards with a chain across the roadway

The consensus of the Board was to continue this item for discussion at the July 17, 2007 Board meeting.

- B. Local Road Maintenance and Financing

Manager Richards summarized the issue of local road maintenance and financing as outlined in staff memorandum dated June 12, 2007.

Board members discussed the following:

- Support for voter option of either a millage or special assessment for local road maintenance
- Ballot question will be either yes or no
- Inadequacy of Ingham County Road Commission allocation for road maintenance over the years
- Need for Board leadership on local road maintenance
- Endorsement for preventative road maintenance and asset management
- Cost for road maintenance and number of mills needed
- Use of Meridian Monitor and HOM-TV to educate voters on their option(s)
- Specificity of language within public educational pieces to promote information not advocacy of a millage

The consensus of the Board was to allow staff to proceed with plans for informing residents on the options available for maintaining local roads.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Carl Harmon, 1924 Birchwood, Okemos, urged the Board to use the issue of road maintenance to advance cityhood.

Supervisor McGillicuddy closed Public Remarks.

13. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 11:36 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT, CMC
TOWNSHIP CLERK

Sandra K. Otto, Secretary