

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

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such, Veenstra
ABSENT: Trustee Woiwode
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, Director of Parks & Recreation LuAnn Maisner, Attorney Andria Ditschman

1. CALL MEETING TO ORDER

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

2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS

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.

Vance Poquette, President, Cedar Bend Heights Heritage Neighborhood Association, 2226 Kent, Okemos, read from a prepared statement relating its Board's motion requesting the three (3) homes immediately to the east be excluded from the Downtown Development Authority (DDA) boundary and subsequently rezoned as residential properties.

[Prepared statement in Official Minute Book]

Ghulam Sumbal, 2143 White Owl Way, Okemos, spoke in opposition to the inclusion of his property within the DDA boundary.

Vance Kincaid, 4530 Nakoma Drive, Okemos, requested Chief Hall speak to the incident involving Meridian Township Police and the CMU students at Meridian Mall. He also spoke in support of the DDA.

John Anderson, 215 W. Newman, Okemos, spoke concerning the 2007 budget.

Will Tyler White, 2142-½ Hamilton, Okemos, spoke in support of the DDA.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

A. Presentation by Janine Sinno, Ingham County Health Department

Ms. Sinno, Community Health Analyst with the Ingham County Health Department, gave a presentation on the "Our Environment Our Health" booklet, a Capital Area Land Use and Health Resource Team Regional update. She indicated the Land Use and Health Team is a group of health and planning professionals who meet once per month to promote regional health. There is currently a project which, in conjunction with developers, is an outreach to inner city, suburbs and rural areas of Lansing.

Ms. Sinno stated Meridian Township has been very progressive on issues which are now being discussed nationally on how land use affects air and water quality in addition to physical health. She interfaced the Township's five (5) policy principles with the health impact principles the Land Use and Health Team are working on. Many of them overlapped.

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, NOVEMBER 15, 2005 *Approved*

The project compiled Health Impact Assessment Tools to aid planners in identifying the areas which need to be strengthened in a plan for a healthier community. A checklist of tools contained within the booklet for preliminary interview with a developer was modeled after Meridian Township.

Ms. Sinno noted a mini conference is scheduled for February 28, 2006 between 8:30 a.m. to 1:00 p.m. at the Hannah Community Center to engage more communities within the Tri-County area. Interested individuals can register for this free conference by e-mailing Ms. Sinno or phoning her at 887-4664.

- B. Presentation by LuAnn Maisner, Director of Parks & Recreation - Governor's Council on Physical Fitness, Health and Sports – Promoting Active Communications Award
Director Maisner, summarized the community's evaluation and Township involvement in this award program as outlined in staff memorandum and attached material dated November 10, 2005.
- C. Board Policy 5.1, Commission Accountability – Annual end-of year reports by the Zoning Board of Appeals, Planning Commission, Land Preservation Advisory Board, Park Commission, and Meridian EDC
Jim Hershiser, Chair, Zoning Board of Appeals, noted the number of cases heard by the ZBA has decreased since 2002. He believed the significant decline to be a measure that the Township's ordinances are meeting the community's needs. Chair Hershiser noted the number of cases on Lake Lansing have also been on the decline. ZBA cases have been balanced in regard to the specific areas in which the variance requests were made. He voiced appreciation to staff for its concise memorandums and the detail contained in the ZBA minutes.

Lynn Ochberg, Chair, Planning Commission, noted the Planning Commission completed the 2005 draft of the Master Plan. The mixed use PUD ordinance was created and passed by the Board. This style of development combines commercial and office use with residential use for smart growth within the Township. Several ordinances were initiated or worked on to bring our zoning ordinance into conformity with state statute that controls land use decision making. She thanked the Board for its quality appointments to the Planning Commission.

Eckhart Dersch, Chair, Park Commission, stated parks in the community define the character of Meridian Township. He noted the Park Commission is efficient in spite of the very small operation millage (1/3 of a mill). He believed the Park Commission's success is due, in part, to the internal cooperation in the Township regarding the parks and recreation program.

Chair Dersch spoke regarding the new parks which are online; Hartick Park and Cedar Bend Heights. Noted accomplishments read from a prepared list are: 1) Development of the Harris Nature Center Foundation; 2) Orlando Park neighborhood meeting and recommendations; 3) "Good Neighbor" letter sent to adjacent property owners of our parks to become a "Friend of the Parks" volunteer; 4) Annual "Friend of the Parks" Award Ceremony; 5) Creation of a Developer Relations Subcommittee to stimulate the integration of park and recreation facilities early in the development process; 6) Park-O-Rama segments on HOM-TV and 7) Five-Year Parks and Recreation Master Plan (2006-2010)

[Prepared list in Official Minute Book]

Clerk Mary Helmbrecht gave an overview of the Land Preservation Advisory Board (LPAB) activity. She noted the total acreage which has been purchased with Land Preservation millage funds is 270 acres, 157 acres of which have been purchased in 2005. Clerk Helmbrecht stated the LPAB is currently working on another 150-180 acres. The original purpose of the program was to leave islands and corridors of natural area for future generations. In an effort to acquaint citizens with Land Preservation property, there will be meetings held next year in neighborhoods adjacent to or near Land Preservation pieces. The plan is to take neighbors on a walk to make sure the land is watched over and to make sure that living near the property is a selling feature for nearby homes.

Manager Richards, Chair of the Economic Development Corporation, gave an overview from a prepared list of activities and projects initiated by the Meridian EDC.

[Prepared list in Official Minute Book]

Supervisor McGillicuddy announced "Holiday in the Woods" at the Harris Nature Center on Saturday, December 3, 2005 from 10:00 a.m. until 4:00 p.m. Sunday, December 4, 2005 from 2:00 p.m. until 4:00 p.m. is Christmas in the Village at the Meridian Historical Village.

Supervisor McGillicuddy commented on the signage designating the new off-road bicycle pathways within the Township and voiced appreciation to the staff for the nice pathways.

Treasurer Hunting announced tax bills for real and personal property taxes and will be mailed around the 1st of December and will be due by February 14, 2005 at 5:00 P.M. He noted there could be income tax benefits for paying by December 31, 2005, but each citizen should review their own tax situation and make the determination. He noted the Township has a white "drop box" near the Municipal Building.

Manager Richards commented on an incident reported in the news regarding a Meridian Township Police officer. There was an error in the way the officer handled an issue with cameras in the Meridian Mall. It is a personnel issue and is being handled in the proper manner within the department.

6. APPROVAL OF AGENDA — OR CHANGES

Trustee Brixie moved to approve the agenda amended as follows:

- **Remove Agenda Item #11D**

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.

Trustee Veenstra asked what would be done with the old phone system and requested the minutes of November 3, 2005 be removed from the consent agenda onto action so that errors he believes exist could be corrected. He alleged that seven (7) places on the consent agenda where the motion carried 6-1 was incorrect as the consent agenda must pass unanimously and, therefore, the motion failed, even with six (6) yes votes and one (1) no vote.

Supervisor McGillicuddy responded that the consent agenda does not need unanimous approval and mentioned that this same issue was discussed at a previous meeting.

Trustee Veenstra requested the parliamentary rule on his question as he believed the consent agenda does have to be passed unanimously.

Need for unanimous approval on the consent agenda: (Questions for the Attorney (See Agenda Item #8))

Q. Andria, can you help us out here?

A. I would recommend that the language, "Motion carried" remain as it is. The motion can be carried with a 6 to 1 vote.

Manager Richards responded to Trustee Veenstra's question on the disposal of the old phone system by stating the Township will pursue the highest value possible. He noted it is a proprietary phone system which is no longer manufactured and many of the units are not totally functional. All avenues will be explored.

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

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Information (BI)

- BI-1 Judy Leibinger, 3612 Fairhills Drive, Okemos; RE: Opposition to the Okemos Road Median Project and several recently approved developments within Meridian Township
- BI-2 Richard Harrington, 820 Piper Road, Haslett; RE: Transmittal of letter to Judge Thomas Boyd regarding Case #05-2315-ON
- BI-3 Molly Wingrove, 2649 Melville Drive, East Lansing; RE: Opposition to Rezoning #05010 (Capstone Development)
- BI-4 Barbara L. Allyn, 2703 Roseland, East Lansing; RE: Opposition to Rezoning #05010 (Capstone Development)
- BI-5 Nancy Ridley, 4355 Hulett Road, Okemos; RE: Opposition to the Okemos Road Median Project
- BI-6 Camala A. Riessinger, 4355 Hulett Road, Okemos; RE: Opposition to the Okemos Road Median Project
- BI-7 Jeremy W. Steele, President, Society of Professional Journalists, Mid-Michigan Chapter, 217 N. Sycamore Street, Lansing; RE: Seizure of photographers' cameras at the Meridian Mall by Meridian Township Police

(2). Commission Linkage (CL)

- CL-1 Bob Homan, Cable Communications Chair and Lynn Meikle, Cable TV Coordinator; RE: Letter of appreciation to John Noud for his service on the Cable Commission

(3) Regional Linkage (RL)

- RL-1 Kelly Rankin-Gomez, Deputy Secretary to the Board, Ingham County Road Commission, 301 Bush Street, Mason; RE: Posting of load analysis for the Zimmer Road bridge over the Red Cedar River and the Dobie Road bridge over the Red Cedar River
- RL-2 Joseph Pulver, Director of Operations, Ingham County Road Commission, 301 Bush Street, Mason; RE: Notice of brush cutting by the Ingham County Road Commission for the right of way along Newman Road between Van Atta Road and Meridian Road
- RL-3 Joseph Pulver, Director of Operations, Ingham County Road Commission, 301 Bush Street, Mason; RE: Notice of brush cutting by the Ingham County Road Commission for the right of way along Van Atta Road between Grand River and Haslett Road
- RL-4 Joseph Pulver, Director of Operations, Ingham County Road Commission, 301 Bush Street, Mason; RE: Notice of brush cutting by the Ingham County Road Commission for the right of way along Towner Road from Marsh Road to Newton Road
- RL-5 Paul Steinman, Manager, Lansing Transportation Service Center, Michigan Department of Transportation, 1019 Trowbridge Road, East Lansing; RE: Results of the preliminary signal study at Northwind Drive and Brookfield Drive at Grand River Avenue

(4). Staff Communication/Referral (SC)

- SC-1 Letter from Mark Kieselbach, Director of Community Planning and Development to Mr. Richard Eby, Eby Design Group, 13795 South Mer-Len, Suite 201, Olathe, KS; RE: Wetland Use Permit #05-08
- SC-2 Michigan Townships Association Legislative E-Report November 4, 2005 Edition

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.

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

B. Minutes

Trustee Such moved to approve and ratify the minutes of the November 3, 2005 Regular Meeting as submitted. Seconded by Trustee Brixie.

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

C. Bills

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

| | |
|--------------------------|----------------------|
| Common Cash | \$ 240,863.63 |
| Public Works | \$ 159,173.01 |
| Total Checks | \$ 400,036.64 |
| Credit Card Transactions | \$ 16,314.78 |
| Total Purchases | <u>\$ 416,351.42</u> |
| ACH Payments | <u>\$ 287,923.01</u> |

Seconded by Trustee Brixie.

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

[Bill list in Official Minute Book]

D. Disposal of Old Phone System

Trustee Such moved that the Township Manager or his designated representative is authorized to dispose of surplus telephone equipment, as outlined in a memorandum dated November 10, 2005. Seconded by Trustee Brixie.

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

E. Capital Equipment Budget Reallocation for Cable TV

Trustee Such moved to approve the Cable Communications Commission recommendation to reallocate \$6,000.00 currently available in Account #230-750.806.980.010 (Video Production Equipment) to purchase the computer equipment. Seconded by Trustee Brixie.

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

- F. Resignation and Appointment to the Cable Communications Commission
Trustee Such moved to appoint Nancy Ehret to the Cable Communications Commission for the remainder of the 3 year term ending December 31, 2007. Seconded by Trustee Brixie.

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

- G. Additions to the 2005 Tax Roll
Trustee Such moved to assess the charges identified in the attached memorandum dated November 15, 2005 for Delinquent: Special Assessments, Utility Bills, and False Alarms as a tax lien against the subject properties as authorized by Sections 51-5, 92-6, 98-2, 11A-4.7 and MCL 41.728. Seconded by Trustee Brixie.

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

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item #7, #11B)
9. HEARINGS (None)
10. ACTION ITEMS/ENDS
Supervisor McGillicuddy opened public comment.

Pamela George, 6242 Porter, East Lansing, spoke regarding the inadequate drainage in the Towar Gardens and Towar Snell areas. She asked the Board to consider the impact of large payments on residents who cannot afford the assessments. She asked that the Township be considerate of the health and safety of the residents and be responsible for 48% of the cost.

Carol Doocy, 6239 Porter Avenue, East Lansing, expressed shock at the high cost of her drainage district assessment and believed the Township should pay its 48% share. She spoke in opposition to the Township's appeal of its portion of the Towar Garden and Towar Snell Drainage District Assessment.

Donna Taylor, 6219 Towar Avenue, East Lansing, was appreciative that the Towar drainage problems have finally been addressed but expressed concern with the assessment cost to residents.

Jennifer McDaniel, 6012 Hardy Avenue, East Lansing, spoke in support of the Towar drainage project to correct water problems, but expressed concern with the cost to residents and objected to any appeal by the Township.

John Anderson, 215 W. Newman, Okemos, spoke in opposition to the Township's appeal of its portion of the Towar Gardens and Towar Snell Drainage District Assessments.

Daniel Price, 6170 Rutherford, East Lansing, spoke in opposition to the Towar Gardens and Towar Snell Drainage District Assessments.

Marie Buxton, 6220 Porter Avenue, East Lansing, asked how much the residents should absorb when she believed the Township should be responsible for more than 48% of the Towar rain garden project.

Carl Harmon, 1924 Birchwood, Okemos, inquired if the assessment payments could either be extended or the residents could receive no interest loans. He noted that the properties would increase in value more than the Drain Commissioner's assessment. He believed the Board and the Drain Commissioner would reach a solution fair to all involved.

Cheryl Fritze, 2207 White Owl Way, Okemos, spoke in opposition to the Township Board appeal of its portion of the Towar Gardens and Towar Snell Drainage District Assessments. She believed the Township cannot afford the proposed Okemos Road Median Project with the new cost of the drainage assessment.

Supervisor McGillicuddy closed public comment.

A. Approval of Parks & Recreation 5-Year Master Plan

Director Maisner summarized the 5-year Master Plan as outlined in staff memorandum dated November 10, 2005.

Treasurer Hunting moved [and read into the record]NOW, THEREFORE BE IT RESOLVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY, MICHIGAN, hereby adopts the Meridian Township Parks and Recreation Master Plan 2006-2010 as a guideline for improving parks and recreation for the residents of Meridian Township. Seconded by Trustee Brixie.

Board members and staff discussed the following:

- Parks as “jewels” of the community
- Rationale for dividing out undevelopable natural areas vs. upland areas for park land acquisition purposes
- Not all types of park land are usable
- Parks acquired by the Township after 1984 funded through the Park Millage
- Parks acquired prior to 1984 supported by the general fund

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

NAYS: None

Motion carried 6-0.

B. Towar Gardens and Towar Snell Drainage District Assessments

Ingham County Drain Commissioner (ICDC) Pat Lindemann explained the rationale for the cost of assessments in the Towar neighborhood. He summarized the history of the area and believed these assessments are absolutely necessary. Commissioner Lindemann also outlined the process at the Board of Determination level and the process the ICDC went through to make this project possible. He believed bio retention systems or rain gardens were the most cost effective solution.

Board members and the Drain Commissioner discussed the following:

- More than four (4) years have lapsed since the Board asked the ICDC to look at the flooding problems in the Towar area
- No ICDC documentation for rationale why the subdivision plat was developed without infrastructure
- Need for ICDC to obtain 107 easements
- Ability to handle an eighty (80) year storm event after the project is completed
- Project meets all Phase II requirements of the Federal Clean Water standards
- Figures for the cost of the project based on a 5.5% interest rate for municipal bonds
- ICDC contingency of 10-15%
- Unspent monies from the contingency will leave a fund balance
- Drain Code spells out reimbursement for assessments if costs are less than bid through a pro rata share process
- Residual money left over could be used to make payments or for early pay off of bonds
- Four (4) multi million dollar drain projects where the ICDC returned money to the Townships who have turned the money into a drain revolving account out of which drain assessments are paid for future drain maintenance
- ICDC project that ran over contingency was due to changes made mid-way through construction at the request of the Township and were in addition to the original bid
- Any deficit assessment would be charged back to individuals involved in original assessment dependent upon the cause for overage
- Larger percentage of money factored for the contingency fund will partially be used for potential utility conflicts
- Cost of appeal (\$30,000 estimate) if not used would be deducted from the cost of the project

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, NOVEMBER 15, 2005 *Approved*

- Decision by the ICDC to assess the Ingham County Road Commission (ICRC) share of 34% in Towar Gardens and branches comes from the parameters laid out in the Section 14A formula of Public Act 51 which deals with a percentage of runoff in a certain right-of-way width
- No roads benefited beyond the 14A Formula in this project and did not receive special benefits which could be assessed back to the ICRC
- In the Towar Snell project, Lansing is paying 10%, East Lansing is paying 24.73% and Meridian Township is paying 25%
- Cities of Lansing and East Lansing pay 100% of the assessments out of their general fund; Townships typically pay a percentage out of the general fund
- Cost to Meridian Township for the two (2) projects will average \$356,000 each year for 20 years based on a 5.5% bond interest rate
- Municipal bond payment structure has the first payment in the high range and subsequent payments are reduced over time
- Actual cost and payment amount will not be levied until interest rate for borrowing money is known
- Rate of failure for this type of “soft engineering system” is small
- ICDC will not insure the infrastructure in the event it does not work
- Failure in the system due to contractor error would be repaired at the contractor’s expense
- Water which flows through this system will flow to the Looking Glass River
- Retrofit in this old neighborhood will meet Phase 2 water quality standards of the Federal Clean Water Act
- Need to “level” out payments over 20 years for budgeting purposes
- Leveling payments may cause an increase in interest rates
- Request for the ICDC to look at the pay back schedule proposed by lenders of the bond money with preference for a level to slightly rising schedule
- ICDC requested borrowing options from bond counsel, one of which was a flat rate
- Construction costs for the \$7.8 million project is \$4.6 million
- Preliminary and final design completed at a cost of \$980,000 plus the 14% contingency for a total in excess of \$1 million which has already been spent
- Assessments for typical Townships projects vary from 5% to 80% dependent upon nature of the project
- No official appeals on these projects to date
- Construction bids good until end of appeal process and ICDC borrowing of the money
- Public health and public convenience need for this neighborhood determined by the ICDC to be valued at 48% of the project cost
- Need for residents to have stability in annual assessments
- Request to authorize an appeal while data is gathered to analyze costs
- Cost of legal fees for both sides of an appeal would be borne by the Township
- Township contributed to the problem by allowing building for years which contributed to the drainage problem in the area
- Appellate process would likely increase the total cost of the projects as the delay would probably result in higher interest rates
- Appellate process brings the risk of increasing the Township’s percentage
- Township should not attempt, through the appellate process, to “shift” more of the cost to individual homeowners
- Drain Commission staff, Township Board members and residents had input at the public hearing on the proportions delineated by the Drain Commissioner
- Board is supportive of the Towar Gardens and Towar Snell Drainage District projects
- Preservation of the Township’s rights through passage of a resolution to retain the appellate process would give the Township time to discuss data, facts, percentages and costs
- Board resolution allows appeal up to the Circuit Court
- Desire to have process come back to the Board for further authorization beyond the Probate Court level

- Board can stop the appellate process at any time by passing a subsequent resolution
- Cost of all facets of the appeal will be part of the information gathered
- Need for outside counsel as current counsel has a conflict of interest
- Passage of this resolution preserves the Board's right to appeal, but does not require an appeal

Trustee Brixie moved [and read into the record], NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY, MICHIGAN, that the Township Board hereby authorizes the Township Supervisor, Township Manager, Township Engineer and other appropriate officials and staff of the Township to take such action as necessary to exhaust all appeals under the Drain Code or to pursue other remedies to challenge such apportionments, including the retention of legal counsel and other consultants deemed necessary to properly pursue such appeals or remedies. Seconded by Treasurer Hunting.

ROLL CALL VOTE: YEAS: Trustee Brixie, Treasurer Hunting
NAYS: Trustees Such, Veenstra, Supervisor McGillicuddy,
Clerk Helmbrecht
Motion failed 2-4.

- C. Rezoning #05050 (Nilson/Fairmont), request to rezone approximately 54 acres located at 4129 and 4153 Hulett Road from RR (Rural Residential) to RAA (Single Family-Low Density) and RA (Single Family-Medium Density), **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. 2005-10, entitled "Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #05050" RR (Rural Residential) to RAA (Single 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 Supervisor McGillicuddy.

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

[Supervisor McGillicuddy recessed the meeting at 9:13 P.M.]

[Supervisor McGillicuddy reconvened the meeting at 9:28 P.M.]

- D. Zoning Amendment #05070 (Planning Commission), request to amend Section 86-440 Mixed Use Planned Unit Development to add a requirement for a Public Hearing at the Township Board for consistency with the Township Zoning Act, **Final Adoption**

Treasurer Hunting moved [and read into the record] NOW THEREFORE BE IT RESOLVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby FINALLY ADOPTS Ordinance No. 2005-11, entitled "Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 86, Article IV, Division 4, Section 86-440 by amending Section 86-440(e)(5)."

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 Brixie.

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

- E. Final Plat #02022 (Eyde), Braemoor, a 13 lot single family subdivision located on the south side of Grand River Avenue and east of Van Atta Road
Clerk Helmbrecht moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN approves the Final Plat of Braemoor. Seconded by Trustee Veenstra.

Board members discussed the following:

- Condition #3 in July 6, 2005 letter to Mr. Clouse to combine two (2) acres with a parcel will be met prior to issuance of a building permit

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

- F. Planned Unit Development #05044 (Nilson/Fairmont), request to develop an 80-unit single family site condominium on approximately 54 acres of land located at 4129 Hulett Road, south of Sundance and Woods of Herron Creek subdivisions
Trustee Brixie moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby grants planned unit development approval for Planned Unit Development #05044, subject to the following conditions:

1. Approval is granted in accordance with the plans prepared by KEBS, Inc. dated November 9, 2005, indicating 80 detached single family condominium dwelling units and accompanying materials provided by the applicant, subject to revisions as required.
2. The applicant shall obtain all necessary permits and approvals from the Ingham County Drain Commissioner, Ingham County Road Commission, Michigan Department of Environmental Quality (MDEQ), and the Township. Copies of all permits and approval letters shall be submitted to the Department of Community Planning and Development. Should a permit be required from the MDEQ, no grading or construction work shall be conducted until the permit is final and unappealable at the MDEQ.
3. Approval is subject to receiving site plan review approval prior to commencement of construction on the site.
4. Revised plans shall be submitted to the Director of Community Planning and Development if any changes are required by other reviewing agencies to the plans approved by the Township.
5. Final grading plans for the site are subject to the approval of the Director of Public Works and Engineering. Prior to issuance of each building permit, a grading plan showing the elevations of the structure and the elevation of each lot corner of the unit shall be submitted to the Township.
6. Final utility plans for the site are subject to the approval of the Director of Public Works and Engineering and shall be in accordance with the Township Engineering Design and Construction Standards.

7. A minimum of 50 percent of the developable area of the site excluding wetlands and floodplain will remain as open space.
8. The construction plans for the private road are subject to the approval of the Director of Public Works and Engineering and shall be in accordance with the Township Engineering Design and Construction Standards.
9. All private roads shall be designed with cul-de-sacs and/or adequate turning radii to accommodate emergency vehicles and shall be subject to the approval of the Fire Department.
10. A second means of ingress and egress for emergency purposes shall be provided. The location, design, and construction shall be subject to the approval of the Fire Department and the Director of Public Works and Engineering.
11. If the emergency access road is dependent on crossing land not under the control of the future Champion Woods homeowners association, an access and maintenance agreement shall be recorded prior to issuance of the first building permit.
12. The emergency access road shall be constructed prior to issuance of a building permit for the 39th home.
13. Approval is subject to receiving a wetland use permit to construct a road and sidewalks through regulated wetlands or the plans shall be revised so a wetland use permit is not necessary.
14. If the applicant receives a wetland use permit to construct the public road and sidewalks through a regulated wetland, the associated water feature setback shall be waived.
15. Approval is subject to receiving a special use permit to construct a public road and sidewalk in the floodplain of the Herron Creek Drain or the plans shall be revised so a special use permit is not necessary.
16. The minimum depth of each unit's front yard shall be 20 feet measured from the front line of the building envelope.
17. The minimum setback between buildings shall be 15 feet.
18. Five foot wide concrete sidewalks shall be constructed along both sides of all internal roads. The sidewalks shall be designed and constructed in accordance with Township Engineering Design and Construction Standards.
19. A seven foot pathway shall be constructed from the private street located in the southwest corner of the site to the Okemos Public Schools' Bennett Woods Elementary School site to the south. The location and construction of the pathway shall be subject to approval of the Director of Community Planning and Development and the Director of Public Works and Engineering.
20. A seven foot pathway shall be constructed to the north property line of the subject site to provide a future connection between Champion Woods and the Sundance Estates subdivision. The location and construction of the pathway shall be subject to the approval of the Director of Community Planning and Development and the Director of Public Works and Engineering.
21. The natural vegetation strip shall be clearly identified with permanent markers. The size, number and location of markers, and the language on the markers shall be subject to the approval of the Director of Community Planning and Development.

22. All trees to be preserved shall be protected during construction using the standards outlined in Section 22-179 of the Code of Ordinances. No construction shall occur until tree protection has been installed and approved by the Director of Community Planning and Development.
23. Street trees shall be required along Hulett Road and all internal public and private roads. The species, size and location of the trees shall be subject to the approval of the Director of Community Planning and Development and the Ingham County Road Commission.
24. The common open space areas shall be reserved or dedicated by lease or conveyance of title, including beneficial ownership, to a corporation, association, or other legal entity or by reservation by means of a restrictive covenant.
25. Other than those areas subject to a wetland use permit, no buildings, accessory structures, structural appurtenances, or grading shall be permitted in the regulated wetlands.
26. Prior to any construction or grading on the site, the applicant shall install silt fencing at the upland edge of the water features setback. After construction, the fencing shall be removed once the area is stabilized.
27. All wellhead(s) located on the site shall be properly closed and abandoned per the requirements of the Ingham County Health Department and the Township prior to any construction or grading activities. In no case shall new wells be constructed for the purposes of irrigation or water supply.
28. A copy of the information that exists on computer for the planned unit development and construction plans shall be provided to the Township Engineering staff in an Auto Cad compatible format.
29. At the time the property to the west of subject property (Champion Woods) is developed, the public road located on the subject property shall be connected to that development.

Seconded by Trustee Such.

Board members discussed the following:

- Planned unit developments (PUDs) are environmentally friendly projects
- PUD is cost effective over a traditional plat in terms of infrastructure
- Ingress and egress road to property to the west
- Condition #29 will insure that the road will be connected to the next subdivision when that subdivision is built
- Stub streets need to be connected to adjoining subdivisions
- Developer will make condition #29 part of the disclosure statement in the Master Deed
- Appreciation to the developers for their flexibility in making adjustments
- Reference to providing an emergency access contained in Condition #10
- Preferences of the Road Commission will be handled at site plan review
- Addition of pathways to the north and south
- Possible pathway connection to the west of the wetland would require a wetland use permit
- Conveyance in Condition #24 is language directly out of the ordinance for choices on how someone will deed the open space

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

NAYS: None

Motion carried 6-0.

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Ann Alchin, 2227 Hamilton Road, Okemos, expressed concern over ten (10) residentially zoned properties being included in the proposed DDA. She inquired if the DDA must be “made up” of property owners. Ms. Alchin also expressed concern that the Board was hearing from only one (1) business owner in support of the proposed DDA.

Vance Kincaid, 4530 Nakoma Drive, Okemos, representing the Okemos Community church, expressed support of the concept of the DDA and support for the boundaries and the configuration as proposed. He believed there was a great deal of misunderstanding surrounding the proposed DDA. Mr. Kincaid stated the Okemos Community Church is the only 501(c)(3) non-profit with property within the proposed DDA and believed when the Board appoints the twelve (12) DDA Board members, the Board represent the entire spectrum of property owners.

Supervisor McGillicuddy closed public comment.

A. Downtown Development Authority (DDA) Ordinance

Board members discussed the following:

- Leave four (4) properties located on Hamilton Road near Ardmore Avenue out of the DDA boundary
- Need for uniform street treatment from downtown to the corner of Mt. Hope and Okemos Road should override concerns over inclusion of Land Preservation property and the Sumbal properties
- Inclusion of Sumbal residential property would generate TIFA money right away due to development on this parcel
- Inclusion of the park properties
- Removal of Land Preservation (Sumbal Natural Area) property from the DDA
- Removal of the 2 mill option
- Return to the original boundaries

The consensus of the Board was to place this item on for action at the December 6, 2005 Board meeting.

B. Street Lighting Ordinance

Director Kieselbach outlined the revised outdoor lighting ordinance which incorporated Board comments made during the October 11, 2005 meeting.

Board members discussed the following:

- Concern that no ordinance is in place for current streetlighting requests
- Concern over streetlights for newly approved developments
- Difficulty with enforcement of the ordinance
- Lighting ordinance with separate sections for commercial and residential
- Fifteen foot height for poles in single and two family residential districts as a result of Board and Consumers Energy input
- Staff research into the best height for streetlight poles
- Different levels of lighting acceptable by different individuals
- Possible standard of “less is better”
- More light desired by Police from a public safety perception standpoint
- Concern with excessive monetary penalty language for light pollution

Inclusion of existing streetlights within the streetlighting ordinance: (Questions for the Attorney (See Agenda Item #8))

- Q. I am concerned over the existing streetlighting out there and doing something that would be effective for them as well. Andria, do you have any answers how best to do that?

- A. A couple of things. I don't think when you take an ordinance written for one type of light or subject matter and you try to make it meet other types, I don't think it results in the quality of the type of ordinance that we usually write or make changes for in Meridian Township. I think the quality suffers when we do that, first of all. As far as timeliness, there aren't a lot of examples out there; maybe ten (10) or fifteen (15) that we have found. Using that information and dividing it by subject matter, I can come up with a completely new ordinance for you in two (2) weeks. The problem is we need staff to respond to it, we need Mr. Richards to be able to look at it, and I think that is pushing their schedules considering everything they have on their agendas that they need to also get ready for the Board for the next meeting. Turn around time doesn't have to be five (5) months if we're doing it, but that gets into cost, as opposed to staff, and I think they do have other things on their agenda that you might ask them to get ready for you.

The other issue is the applications that are currently before you. You don't necessarily need to have any ordinance in place to address those applications. You can look at them based on, "Is this what we want for the Township or not?" "Do we approve this assessment district or not?" However, my recommendation is that you don't go forward on some applications and leave others tabled because some are giving you what you will be looking for and some are not. If you are going to go forward with them, then you do that. If not, you wait until the ordinance is done. I think one other concern is that if you decide to go forward on some of those applications, and, as a group, have not decided what you want because we're still working through those issues in the form of an ordinance, you may not be consistent in approving one application for an assessment after the next one. If you have not come to a consensus yet on an ordinance as to what you want in it, you may have a problem taking one at a time, being able to approve them consistently. Because you don't have a policy that deals with subdivision streetlighting, and you don't have an ordinance, your vote still needs to be consistent and based on what is best for the Township and what is best for the public. I think we can handle the timeliness, but we need to build in some time for staff comment and Mr. Richards' comment. Does that answer your question?

- Q. Basically. It wouldn't be a quick fix or an easy one to just say that "All fixtures shall be full cut-off type streetlight fixtures?"
- A. I wouldn't recommend that you just address all these subdivisions and not address existing ones at all. I would recommend you either grandfather them in and say over time, if they make changes you want to update them or, as I believe it was requested by Treasurer Hunting, give us some language as to a time limit. That's why that was added in there as an option for you to look at. I wouldn't recommend that you say only new subdivisions have to comply with any type of lighting requirements.
- Q. No, I wasn't thinking of just only new ones. I was just thinking that if they all were the full cut-off style light, that would suffice, whether it is subdivision or whether it's commercial or whether it is in between.
- A. That's fine. The difficulty is when you look at this ordinance the way it is written, you can't just add one line that says that. You have to then address all the other sections that say, "These are exemptions; these aren't exemptions; this is what is required; these are general requirements." The way this ordinance is written, you can't just add one line and say, "Except everything else, this is how you are going to handle cut-offs in residential districts." Other changes have to be made and that's what was done here. If this meets your needs and you think that it's fine, then that's fine with me as well. But, I don't think it's the quality that I am use to providing to you.
- Q. So you are suggesting that we have a commercial lighting ordinance and a residential lighting ordinance?
- A. No, one ordinance, but it divides it by subject. Here are your requirements for commercial; here are your requirements for residential; here are your exceptions.

Use of a newly created policy statement to address existing proposed streetlighting districts:

(Questions for the Attorney (See Agenda Item #8))

- Q. To resolve the immediate problem we have, could we come up with some sort of policy statement in our policy governance that we could agree to that we could then use to act on these proposals that are before us? Would that be some way to help us solve the immediate problem while we work out the kinks laboriously of the ordinance?
- A. Yes, we talked about that in the beginning. Definitely, a policy would be useful and it was one of the options, to just write a policy and don't write an ordinance. It doesn't have the enforcement teeth in it to enforce, but it certainly can be a basis upon which the Board makes a decision.

The consensus of the Board was to direct the Supervisor and the Township Attorney to prepare language for a Board policy statement as an action item at the December 6, 2005 Board meeting.

C. Sign Ordinance, General Standards and Definitions

Director Kieselbach summarized the general standards of the draft sign regulations as outlined in staff memorandum dated November 10, 2005.

Board members and staff discussed the following:

- Concern with requirement and cost of building permit for temporary grand opening sign
- Rationale for building permit requirement is for tracking of fifteen (15) day time period
- Treatment of memorial signs along the side of the road not usually dealt with as it is in the road right-of-way
- Real estate sign size is the standard allowed for in all districts
- Flags addressed in another ordinance
- Political sign language the same as currently allowed in the ordinance

The consensus of the Board was to have staff and the attorney work together to review the sign ordinance.

E. Resolution on Emerald Lakes Floodplain

Director Kieselbach summarized the floodplain violation and draft resolution as outlined in staff memorandum dated November 10, 2005.

Board members discussed the following:

- Condominium association covers each unit with flood insurance
- Process currently in place to prevent a recurrence of this type of incident

The consensus of the Board was to place this item on for action at the December 6, 2005 Board meeting.

12. CLOSED SESSION

Trustee Such moved to go into closed session to discuss the personnel evaluation of the Township Manager. Seconded by Supervisor McGillicuddy.

The Board adjourned to the Upstairs Conference Room for a closed session.

Treasurer Hunting moved to return to open session. Seconded by Trustee Brixie.

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

NAYS: None

Motion carried 6-0.

Treasurer Hunting moved to go forward as discussed in closed session. Seconded by Trustee Brixie.

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, NOVEMBER 15, 2005 *Approved*

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

13. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.
Carl Harmon, 1924 Birchwood, Okemos, expressed appreciation to the Board for its work on the Towar Gardens and Towar Snell Drainage District.

Supervisor McGillicuddy closed Public Remarks.

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 11:12 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary