

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
853-4000, Town Hall Room  
TUESDAY, OCTOBER 20, 2009 **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie, Trustees Dreyfus, LeGoff, Ochberg, Veenstra (6:02 P.M.)  
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, Assistant Manager/ Human Resources Director Paul Brake (6:27 P.M.), Director of Finance Diana Hasse, Director of Parks & Recreation LuAnn Maisner, Director of Information Technology Stephen Gebes, Attorney Michael Woodworth

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

The secretary called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, expressed appreciation for the completion of paving Bayonne Avenue south of Haslett Road, mowing of the Interurban Pathway, new bicycle parking hoops at the Municipal Building and the repair of lights along the north drive entrance off Marsh Road into the Municipal Complex. Relative to the 2010 Budget, he requested the Central Fire Station remain open, expressed opposition to the Okemos Road Enhancement Project (submitting information on complete streets) and Township membership to the Lansing Economic Area Partnership (LEAP).

David Caszatt, President, TC<sup>3</sup>, 6318 Porter Avenue, East Lansing, spoke in support of continuation of the Snell Towar Summer Recreation Program.

Larry Meyer, 16938 Broadview Drive, East Lansing, introduced himself as a candidate for the Lansing Community College (LCC) Board of Trustees.

Deborah Canja, 3920 Sheldrake, Okemos, introduced herself as an incumbent candidate for the Lansing Community College (LCC) Board of Trustees.

Bill Richardson, 1083 Haslett Road, Haslett, displayed photographs of the downtown Okemos area and expressed concern over monies from the fund balance being used for the Okemos Road Enhancement Project.

Vance Kincaid, 4530 Nakoma Drive, Okemos, spoke in opposition to the proposed closing of the Central Fire Station, in opposition to expending funds for Township membership in LEAP, in opposition to the Assistant Manager receiving funds for administering the DDA and in opposition to the Okemos Road Enhancement Project.

Supervisor McGillicuddy closed Public Remarks.

5. CLOSED SESSION

**Treasurer Brixie moved to go into closed session to consult with the Township Attorney regarding a confidential legal opinion and pending litigation which, if discussed in open session, would have a detrimental financial effect on the litigating strategy of the Township. Seconded by Clerk Helmbrecht.**

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor  
McGillicuddy, Clerk Helmbrecht, Treasurer Brixie  
NAYS: None  
Motion carried unanimously.

Supervisor McGillicuddy recessed the meeting at 6:25 P.M.

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

**Supervisor McGillicuddy moved to return to open session. Seconded by Trustee Dreyfus.**

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor  
McGillicuddy, Clerk Helmbrecht, Treasurer Brixie  
NAYS: None  
Motion carried unanimously.

Supervisor McGillicuddy reconvened the meeting at 7:05 P.M.

**Supervisor McGillicuddy moved to proceed as directed in closed session. Seconded by Trustee Dreyfus.**

Board members discussed the following:

- Decision to proceed to the Supreme Court with litigation regarding the annexation attempt

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Veenstra, Supervisor McGillicuddy,  
Clerk Helmbrecht, Treasurer Brixie  
NAYS: Trustee Ochberg  
Motion carried 6-1.

6. REPORTS/BOARD COMMENT/NEW WORRIES

Trustee LeGoff spoke to an article in the *City Pulse* which noted Ingham County Commissioners expressed concerns about the actions and costs of membership in LEAP. She added that several Commissioners suggested paying less than the \$35,000 annual dues and not be a voting member. Trustee LeGoff believed Meridian Township should cease its participation in LEAP.

Supervisor McGillicuddy announced her attendance at the grand opening of Noodles and Company and urged residents to patronize the Township's newest restaurant.

Clerk Helmbrecht reminded citizens of the November 3<sup>rd</sup> Election. She noted the ballots list races for Okemos School District Board members, LCC Board of Trustees, East Lansing School District Board members for precincts 18, 19 and 20 and the Okemos millage proposal. She added absentee ballots are available now through Monday, November 2<sup>nd</sup> at 4:00 P.M. Clerk Helmbrecht noted the Clerk's office will be open on Saturday, October 31<sup>st</sup> from 8:00 A.M. until 2:00 P.M.

Treasurer Brixie announced Meridian Asset Resource Center's (MARC) Entrepreneurial Award Ceremony on Thursday, October 22<sup>nd</sup> at the church in the Historical Village at 5:45 P.M. She also announced Okemos Public Schools Parent Council is hosting a free seminar on Thursday, October 22<sup>nd</sup> at 7:00 P.M. on "How to talk to your kids about underage drinking and drug use." This meeting will be held in the Okemos High School.

Treasurer Brixie clarified the photograph of a bench in downtown Okemos shown during earlier public comment was not a bench owned by the Township nor was it located on Okemos Road.

Trustee Ochberg announced the recent flag raising at the new Hartrick Park. She added the flagpole was a donation from the Township's Kiwanis Club.

7. APPROVAL OF AGENDA

**Treasurer Brixie moved to approve the agenda as submitted. Seconded by Clerk Helmbrecht.**

**By unanimous consent, the Township Board approved Trustee Ochberg's request to add Agenda Item #12D: Business logos on designated carry out parking space signs**

**Trustee Veenstra offered the following friendly amendments:**

- **Move Agenda Item #12B to #12D**
- **Move Agenda Item #12C to #12B**
- **Move Agenda Item #12D to #12C**

**The maker accepted the amendments.**

VOICE VOTE: Motion carried unanimously.

8. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

**Treasurer Brixie moved to adopt the Consent Agenda amended as follows:**

- **Remove Agenda Item #8B: Minutes of October 6, 2009 Regular Meeting**

**Seconded by Trustee Veenstra.**

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie

NAYS: None

Motion carried unanimously.

The adopted Consent Agenda items are as follows:

A. Communications

(1). Board Deliberations

BD11A-1 Paul and Priscilla Loonto, 4300 Manitou Drive, Okemos; RE: Opposition to closing the Central Fire Station

(2). Board Information (BI)

BI-1 Lynne Page, President, Briarwood Home Owners Association, 3912 Raleigh Drive, Okemos; RE: Speed limits on Jolly, Okemos and Hulett Roads

BI-2 Peggy Ostrom, 3663 Van Atta Road, Okemos; RE: Opposition to the use of Legg Park for the proposed dog park

(3). Staff Communications (SC)

SC-1 Press Release from Cable Coordinator Deborah Guthrie; RE: HOM-TV Wins 9 Philo T. Farnsworth Video Awards

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

Material received at the October 6, 2009 Board Meeting

OF-1 Anna and Tim Pugh, 4404 Hickorywood Drive, Okemos; RE: No increased spending in the 2010 Budget

OF-2 Anna and Tim Pugh, 4404 Hickorywood Drive, Okemos; RE: No increased millage rates or property taxes for 2010

- OF-3 Ann Alchin, 2227 Hamilton Road, Okemos; RE: Support for the Downtown Development Authority (DDA) use of TIF funds to add streetlights and comments regarding the recommendation to close the Central Fire Station
- OF-4 Barry Goetz, 4796 Ardmore, Okemos; RE: Opposition to closing the Central Fire Station

**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 Veenstra.**

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie  
 NAYS: None  
 Motion carried unanimously.

C. Bills

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

Common Cash		\$ 337,923.81
Public Works		\$ 334,089.57
Flexible Spending Account		
Check #1013 Meritain	\$ 645.00	
Check #1014 Meritain	589.43	
Check #1015 Meritain	1,764.90	
	<b>TOTAL</b>	<b>\$ 2,999.33</b>
Total Checks		\$ 675,012.71
Credit Card Transactions		\$ 7,653.66
Total Purchases		<u>\$ 682,666.37</u>
ACH Payments		<u>\$ 342,263.04</u>

**Seconded by Trustee Veenstra.**

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie  
 NAYS: None  
 Motion carried unanimously.

[Bill list in Official Minute Book]

D. Assessing Stipulations

**Treasurer Brixie moved that the Township Assessor be authorized to sign a stipulation with Bruce and Amy Beals on the following property:**

<u>YEAR</u>	<u>DOCKET NO.</u>	<u>ADDRESS OF PROPERTY</u>
2008	0354709	2383 Emerald Forest Circle
2009		East Lansing, MI 48823
<u>Assessment</u>	2008	<u>AV/TV</u> \$103,400/102,300
	2008	\$94,800/94,800

<u>Proposed Assessment</u>	<b>2008</b>	<u>AV/TV</u>	<b>\$95,000/95,000</b>
	<b>2009</b>		<b>\$94,800/94,800</b>

**Seconded by Trustee Veenstra.**

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor  
 McGillicuddy, Clerk Helmbrecht, Treasurer Brixie  
 NAYS: None  
 Motion carried unanimously.

**Treasurer Brixie moved that the Township Assessor be authorized to sign a stipulation with Theodore and Sally Bolema on the following property:**

<u>YEAR</u>	<u>DOCKET NO.</u>	<u>ADDRESS OF PROPERTY</u>
<b>2008</b>	<b>0356067</b>	<b>3933 Dayspring, Okemos, MI 48864</b>
<b>2009</b>		
<u>Assessment</u>	<b>2008</b>	<u>AV/TV</u> <b>\$129,900/128,693</b>
	<b>2009</b>	<b>\$114,300/114,300</b>
<u>Proposed Assessment</u>	<b>2008</b>	<u>AV/TV</u> <b>\$114,300/114,300</b>
	<b>2009</b>	<b>\$114,300/114,300</b>

**Seconded by Trustee Veenstra.**

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor  
 McGillicuddy, Clerk Helmbrecht, Treasurer Brixie  
 NAYS: None  
 Motion carried unanimously.

- E. Resolution of Support for HR 3745 - Community Access Preservation Act  
**Treasurer Brixie moved that the Township Board approve the resolution dated October 20, 2009 regarding HR 3745 – Community Access Preservation (CAP) Act and authorize an original signed copy be sent to the Michigan Congressional Delegation and to the Michigan Municipal League. Seconded by Trustee Veenstra.**

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor  
 McGillicuddy, Clerk Helmbrecht, Treasurer Brixie  
 NAYS: None  
 Motion carried unanimously.

9. QUESTIONS FOR THE ATTORNEY

10. HEARINGS (None)

11. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.  
 Will Tyler White, 2142-½ Hamilton Road, Okemos, spoke to a photograph displayed during earlier public comment showing a broken bench on Hamilton Road, clarifying the bench had not been within the county right-of-way and has been removed. He added the benches for the Okemos Road Enhancement Project will be maintenance free. Mr. White spoke in support of the application to the Michigan Energy Efficiency and Conservation Block Grant Program for LED streetlights for the Okemos DDA, the zoning amendment to permit outdoor cafes by right in all the commercial districts and the zoning amendment to permit medical offices by right in Research Park (RP).

Supervisor McGillicuddy closed public comment.

A. 2010 Proposed Budget

**Clerk Helmbrecht moved that the Township Board approve the 2010 Recommended Budget resolution as presented with the memorandum to the Township Board dated October 20, 2009, with the understanding and agreement that the funds currently allocated under Administrative Services, page 147, account #101.170-173 for an individual in-house attorney may instead be used for purposes of a contract with a law firm. The Hubbard Law Firm will be contacted first to work with the Township in an effort to develop a new agreement, meeting our budget constraints. Seconded by Treasurer Brixie.**

Board members and staff discussed the following:

- Outstanding job for the Township by the Hubbard Law Firm
- Opportunity to explore a possible contract with the Hubbard Law Firm within the Township's budget constraints
- Ingham County Drain Commissioner (ICDC) concerns regarding Township implementation of its own soil erosion permitting process:
  - Revenue estimates given are much greater than actual fees which will be collected
  - Decrease in permits issued since 2003
  - Comparison to Delhi Township's rate structure
  - Township controlled projects allegedly did not have proper soil erosion control
  - ICDC maintains a certain level of detachment from local developers during the process
  - Concern with amount of training needed at the local level
  - Possible underestimation of expenses
- 2009 County soil erosion revenue and number of permits dropped because Delhi and Lansing Townships took over their own soil erosion permitting programs
- Meridian Township the only regional Township which does not perform its own soil erosion permitting
- Engineering, Planning and Building staff will either be retrained or trained in soil erosion permitting
- Staff will be able to accomplish multiple steps in the process during a single site visit
- Confidence that Township staff is capable of competent performance in the soil erosion permitting process
- Budget is a projection of anticipated revenues
- Possibility of outside consultant review for a complex project, similar to what ICDC does now
- Efficient use of existing personnel already on site
- Township soil erosion permitting will help keep Township staff employed and help avoid future layoffs
- Monitoring and reporting of the Township controlled soil erosion permitting process
- Township currently does not have the legal authority to perform soil erosion enforcement other than its own projects
- Concern with projection of no cost to the Township for soil erosion enforcement
- Drain Commissioner received \$8,154 for the Township's soil erosion permitting in 2008
- ICDC inspection fees for commercial projects are much higher than permit fees
- ICDC will lose a staff person if Meridian Township performs its own soil erosion permitting and enforcement

**The maker moved to add a sixth column titled "DDA" to the 2010 Revenue Summary and the 2010 Expenditure Summary contained in the 2010 Budget Resolution and insert figures from the DDA revenue and expenditure summaries located on pages 133A and 133B of the 2010 Recommended Budget.**

**The motion was accepted by the seconder.**

ROLL CALL VOTE: YEAS: Trustees Ochberg, Supervisor McGillicuddy, Clerk Helmbrecht,  
Treasurer Brixie  
NAYS: Trustees Dreyfus, LeGoff, Veenstra  
Motion carried 4-3.

**Trustee Veenstra moved to amend the motion to delete the authority of the DDA to borrow any money. Seconded by Trustee Dreyfus.**

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Veenstra  
NAYS: Trustees Ochberg, Supervisor McGillicuddy, Clerk Helmbrecht,  
Treasurer Brixie  
Motion failed 3-4.

**Trustee Veenstra moved to amend the DDA budget to change the amount of personnel costs from \$6,000 to \$0. Seconded by Trustee Dreyfus.**

Board members discussed the following:

- Budget constraints necessitate the Board to view the job of Executive Director of the DDA as part of the general duties of the full-time Assistant Township Manager
- Several residents spoke to this issue during public comments at several Board meetings
- Importance of public perception
- This “sacrifice” sends the right signal to do more with less resources
- Appropriateness of the salary “reduction” in this case

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Veenstra  
NAYS: Trustees Ochberg, Supervisor McGillicuddy, Clerk Helmbrecht,  
Treasurer Brixie  
Motion failed 3-4.

**Trustee Veenstra moved to reduce the amount for special events in the DDA Budget from \$15,000 to \$5,000. Seconded by Trustee LeGoff.**

Board members discussed the following:

- 2009 Art Walk attendance of approximately 1,000 residents
- Expenditure for the Art Walk is excessive given the number of attendees
- Need to economize wherever possible
- Community spirit for the 4<sup>th</sup> of July Celebration is more important
- Reduction is micromanaging another Board’s budget
- Money will stay within the DDA budget
- Reduction will not enhance monies for the 4<sup>th</sup> of July Celebration
- DDA monies is a diversion from the General Fund

ROLL CALL VOTE: YEAS: Trustees Ochberg, LeGoff, Veenstra  
NAYS: Trustees Dreyfus, Supervisor McGillicuddy, Clerk Helmbrecht,  
Treasurer Brixie  
Motion failed 3-4.

Board members and staff discussed the following:

- Solid waste revenue and expense
- Purchase of police bullet proof vests moved to restricted fund
- Equipment costs for Fire Department include charge to the Motor Pool for the Central Station fire engine and water hoses for the Central Fire Station trucks which must now be purchased
- \$15,000 expense for the 4<sup>th</sup> of July Celebration assumes either increased sponsorships or decrease of activities associated with the event

**Trustee Dreyfus moved that the Township Board request the DDA Board reduce the amount of tax increment financing captured from 100% to 60%. Seconded by Trustee Veenstra.**

Board members and staff discussed the following:

- Belief the DDA is not actively meeting the mandates of the law
- Debt incurred through borrowing of funds is not the right direction for the DDA
- Guidance to the DDA from the Township Board

- General fund needs the money or it will have to either reduce expenditures, increase revenues or a combination of the two in order to not layoff staff
- DDA is relatively young and captures only a small amount of money
- DDA study regarding downtown Okemos in an effort to make it a walkable community
- DDA focus at this time to make small changes in the appearance of downtown Okemos to hopefully drive others to improve buildings
- Changes take time to implement
- DDA captures approximately \$40,000 per year
- DDA captures only \$2,000 to \$3,000 of general fund money
- The capture must be reduced equally across all the entities
- Opt-out of other taxing entities which do not allow the Township to capture their share of the money
- Reducing the capture would not result in more money for the Township
- Examples of other DDA's which have reduced their capture percentage are large, multi-million dollar DDA's
- DDA captures monies from millages such as pathways, parks, etc.
- Concern whether new streetlights will bring residents into downtown Okemos
- Economic Development Corporation (EDC) has similar charge in the enabling legislation to that of the DDA as it relates to increasing the economic viability of the Township
- EDC has a role to play in "boosting up" the quality/quantity of DDA improvements
- Need for a message to be sent to the EDC to make a bigger contribution to the DDA's efforts
- Request for the DDA to make a presentation before the Township Board
- DDA will present its report at the November 5<sup>th</sup> Local School Districts and Intergovernmental Meeting

**The maker withdrew his motion.**

**Trustee Veenstra moved to amend the budget to change the \$35,000 expenditure for LEAP, Inc. to \$0. Seconded by Trustee Dreyfus.**

Board members discussed the following:

- Elimination of LEAP membership would revert back to the General Fund and save close to one staff person from being laid off
- Lack of detail regarding accomplishments by LEAP
- Request for LEAP budget and staff salary scale
- Need for the Township to follow Ingham County's example not to fund membership to LEAP
- LEAP's valued regional approach
- Concern with LEAP's effectiveness relative to money spent on LEAP billboards
- Appreciation for having a voice in the regional subject matter before LEAP
- LEAP currently working on its regional master plan
- Ingham County funded its membership in LEAP

ROLL CALL VOTE: YEAS: Trustees LeGoff, Veenstra  
NAYS: Trustees Dreyfus, Ochberg, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie  
Motion failed 2-5.

ROLL CALL VOTE ON THE MAIN MOTION: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie  
NAYS: Trustee Veenstra  
Motion carried 6-1.

- B. Application to the Michigan Energy Efficiency and Conservation Block Grant Program for LED Streetlights for the Okemos Downtown Development Authority  
**Trustee Ochberg moved approval to authorize a grant application, in the amount of \$50,000, from the Michigan Energy Efficiency and Conservation Block Grant Program as described in a memorandum dated October 14, 2009. Seconded by Supervisor McGillicuddy.**

Board members and staff discussed the following:

- Replacement LED lights will be less expensive to operate
- Disagreement with earlier Board statement that lighting does not affect the economic viability of an area
- Advice by law enforcement to shop in well lit areas for safety reasons
- Concern with cost per streetlight
- Additional costs to place irrigation lines within the streetlights to water hanging flower baskets
- \$50,000 is the minimum grant amount which can be requested as the dollar amount must be for material reimbursement only

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Supervisor McGillicuddy,  
Clerk Helmbrecht, Treasurer Brixie  
NAYS: Trustee Veenstra  
Motion carried 6-1.

C. Zoning Amendment to Modify Golf Course Uses

**Trustee Ochberg moved to initiate a zoning amendment to the Code of Ordinances to expand the type of ancillary uses allowed by special use permit at a golf course as discussed by the Township Board at its October 6, 2009 meeting and as outlined in the attachment dated October 15, 2009. Staff is to present the amendment to the Planning Commission for a public hearing. Seconded by Supervisor McGillicuddy.**

Board members discussed the following:

- Amendment will enable additional economic development in the Township which is the Board's number one goal
- Amendment will aid in preventing any deleterious effects on neighborhoods
- Amendment will aid in maintaining a harmonious relationship between a golf course expansion and the surrounding residential neighborhoods
- Importance of keeping golf courses solvent
- Request for the Planning Commission to look at setbacks and nonresidential uses in the residential district
- Concern that commercial uses will be allowed in a residential area
- Concern that ancillary services (e.g., hotel, spas, etc.) allowed while a driving range is prohibited

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie  
NAYS: None  
Motion carried unanimously.

D. Zoning Amendment #09060 (Township Board), an amendment to permit outdoor cafes by right in the C-1, C-2, and C-3 (Commercial) Districts, **Introduction**

**Treasurer Brixie 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 Code of the Charter Township of Meridian, Michigan, Chapter 86, Article IV, Division 3, Section 86-402, Section 86-403, and Section 86-404 amending Section 86-402(10), Section 86-403(c)(6), and Section 86-404(c)(10); and deleting Section 86-403(d)(2) and Section 86-404(d)(4)."**

**BE IT FURTHER RESOLVED 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 members discussed the following:

- Explanation of a drive-through restaurant
- Planning Commission recommendation

- Outdoor eating areas intended for restaurants which do not have a drive-through window
- Special use permit required for drive-through windows

**Trustee Veenstra offered the following amendment to the proposed language:**

- **Amend Section 86-403(c)(6) by deleting “This shall not include drive-through restaurants.”**

**Seconded by Trustee LeGoff.**

Board members and staff discussed the following:

- Restaurants such as McDonald’s should be allowed to have an outdoor eating area
- Under Township ordinance, a drive-through restaurant is not a use allowed by right and requires a special use permit
- Drive-through restaurants may have an outdoor eating area through the special use permit process

ROLL CALL VOTE: YEAS: Trustees LeGoff, Veenstra  
NAYS: Trustees Dreyfus, Ochberg, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie  
Motion failed 2-5.

ROLL CALL VOTE ON THE MAIN MOTION: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie  
NAYS: None  
Motion carried unanimously.

- E. Zoning Amendment #09050 (Township Board), an amendment to permit medical offices by right in the RP (Research Park) Zoning District, **Introduction**

**Trustee Ochberg 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 Code of the Charter Township of Meridian, Michigan, Chapter 86, Article IV, Division 4, Section 86-434 by amending Section 86-434(b)(5), adding Section 86-434(b)(7), adding Section 86-434(b)(8); and deleting Section 86-434(c)(1).”**

**BE IT FURTHER RESOLVED 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 members discussed the following:

- Importance of handling clinical professions in a consistent manner
- Clinical professions outnumber almost every other profession in the Township
- Elimination of an unnecessary restriction
- Language regarding secondary uses taken from the same language in existence in the commercial and office district
- Ancillary uses allowed while secondary services are prohibited unless specifically permitted
- Zoning Board of Appeals not interested in hearing trivia and enforcing ordinances which have to be interpreted to make applicants pay more money

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie  
NAYS: None  
Motion carried unanimously.

12. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Richard Kerbawy, 1398 Hickory Island Drive, Haslett, legal representative for Dr. Fraker, spoke in support of allowing the Ingham County Drain Commissioner to create a new branch of the Foster Drain which would drain the Newman Road/Buttercup Lane area and solve a flooding issue.

Dr. Pam Fraker, 351 W. Newman Road, Okemos, spoke in support of allowing the Ingham County Drain Commissioner to create a new branch of the Foster Drain which would drain the Newman Road/Buttercup Lane area and solve a flooding issue on her property. She expressed concern over the large 75 year old red maple trees which have been in unsanitary standing water for over six (6) months.

Mary Davidson, 351 W. Newman Road, Okemos, spoke in support of allowing the Ingham County Drain Commissioner to create a new branch of the Foster Drain which would drain the Newman Road/Buttercup Lane area and solve a flooding issue on her property.

Supervisor McGillicuddy closed public comment.

A. Newman Road/Buttercup Drainage Issue

Director Severy summarized the Newman Road/Buttercup Drainage issue as outlined in staff memorandum dated October 15, 2009.

Board members and staff discussed the following:

- Water has affected many properties
- Concern with dying trees
- Water continues to come closer to the Fraker's well and home
- Concern with process if 51% of the landowners within proposed district do not want the drainage district
- Procedure for residents to petition for creation of a new drain
- Effect of proposed drain on Land Preservation property
- Drainage would occur mostly through the use of an open ditch
- Topography of the land requires the water to flow south into a pond which does not have an outlet
- Water needs to go to an outlet which would be the Foster Drain
- Intrusion into Land Preservation property
- Over \$100,000 was spent last year for restoration of this Land Preservation parcel to a tall grass prairie
- Cost estimate of \$275,000 included contingency, clean-out costs, engineering, legal and administrative costs
- Previous experience with the Towar project for creation of this type of drain resulted in a huge disparity between the cost estimates and actual costs
- Township role of working with the ICDC who was trying to help a neighborhood situation
- Township was not the regulatory body in this situation
- Concern with Township cost of the at-large benefit for a new branch of the Foster Drain
- Options to creation of a new branch of the Foster Drain
- Length of proposed new branch of the Foster Drain
- ICDC admission that they made an error when the drainage district was established during construction of Buttercup as there is no outlet for the drainage district
- Process by which the Ingham County Drain Commissioner (ICDC) determines benefit
- Appeal process available to contest the assessment
- Suggestion to raise the house where the basement is flooding onto stilts
- Suggestion that the cost of purchasing the property where the basement is flooding may be less expensive than the Township's portion of the assessment
- Suggestion of digging a detention pond on the property which is currently pumping water without the benefit of a way to drain it would not be a solution
- Possible soil borings of the property from which groundwater is being pumped
- Need to intercept the groundwater which is flooding the "pumper's" property to prevent the flooding
- Concern with the ability of one property owner with water issues being allowed to flood neighboring properties
- Concern with length of time required to create drainage district

- Once petition is received, the ICDC must determine the drainage district in order to determine the assessment cost estimate
- ICDC suggestion that the Township's attorney draft a petition for the Board to adopt at its next meeting
- Lack of ICDC authority to require property owner to discontinue pumping since property has no water outlet
- Drainage district would include "pumper's" property, but not the other properties currently experiencing flooding
- Question to the Township attorney of the possibility of a class action cease and desist order and possible settlement for purchase of property
- Need for the Township to hear from the property owner who has the original water problem
- Possible solution of installing holding vats in the ground on the "pumper's" property
- Request for swift Board action to solve the immediate problem

**It was the consensus of the Board not to move forward with a petition at this time, but to instruct staff to find a creative solution which will be quicker than establishment of a drainage district.**

**By unanimous consent, the Board chose not to discuss Agenda Items #12B, #12C, and #12D due to the lateness of the hour.**

- B. Possible Phosphorous Fertilizer Ordinance
- C. Business Logos on Designated Carry Out Parking Space Signs
- D. Amendments to the Mixed Use Planned Unit Development Ordinance

13. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, spoke to the Redi-Ride restore and renew millage issue on the November 3, 2009 Election and urged Township residents to defeat the proposal.

Supervisor McGillicuddy closed Public Remarks.

14. FINAL BOARD MEMBER COMMENT (None)

15. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:41 P.M.

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SUSAN MCGILLICUDDY  
TOWNSHIP SUPERVISOR

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MARY M. G. HELMBRECHT, CMC  
TOWNSHIP CLERK

Sandra K. Otto, Secretary