

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, MARCH 21, 2006, **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, Attorney Michael Woodworth

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 and closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Supervisor McGillicuddy announced work has commenced on the stormwater sewer project in the Towar Garden area. She also stated Bennett Road, west of Hulett Road, will be closed from March 30, 2006 until approximately April 20, 2006 for the golf cart tunnel under the road for College Fields.

Supervisor McGillicuddy congratulated the Okemos Chieftains and the Haslett Vikings for athletic success.

A. Clerk's Election Report

Clerk Helmbrecht reported a 14% voter turnout for the March 14th special general election to fill the vacant 23rd State Senatorial District created when Virg Bernero was elected as the Mayor of Lansing. Former State Representative Gretchen Whitmer won the election with approximately 80% of the vote. The Clerk also reported minimal issues with the new votomatic machines

6. APPROVAL OF AGENDA — OR CHANGES

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

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 Deliberation (BD)

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10B-1 Dennis J. Forsberg, President, T.A. Forsberg, Inc., 2422 Jolly Road, Suite 200, Okemos; RE: Request for modification to Rezoning #99020 (Forsberg), request to rezone approximately 4.24 acres southwest of Coyote Creek Condominiums and south to the pond on the Smith Drain from RR (Rural Residential) to PO (Professional Office)

(2). Board Information (BI)

- BI-1 Craig Allen, 5835 Montebello Avenue, Haslett; RE: Cell/clock tower lawsuit settlement
- BI-2 Therese Hercher, 1908 Danbury E., Okemos; RE: Opposition to location of the Okemos Flea Market
- BI-3 Rose Wright, 5649 Bayonne, Haslett; RE: Traffic created by the location of the Okemos Flea Market
- BI-4 Treasurer Bruce Hunting; Article from March/April 2006 edition of *Michigan Municipal Review*, entitled "Governor's Council recognizes 36 active communities"
- BI-5 Treasurer Bruce Hunting; Article from March/April 2006 edition of *Michigan Municipal Review*, entitled "Tax abatement – False hope for urban revitalization"
- BI-6 Treasurer Bruce Hunting; Article from March/April 2006 edition of *Michigan Municipal Review*, entitled "Financing public improvements"
- BI-7 Gloria M. Anderson, 4565 Manitou Drive, Okemos; RE: Resignation from the Zoning Board of Appeals as Alternate #2

(3) Regional Linkage (RL)

RL-1 Letter from John W. Midgley, P.W., Managing Director, Ingham County Road Commission, 301 Bush Street, Mason; RE: 2006 Local Road Improvement Program

(4). Staff Communication/Referral (SC)

- SC-1 Memorandum from Cindy Cummings, Police Records Supervisor; RE: Current list of licensed vendors and non-licensed persons or nonprofit organizations engaged in soliciting or canvassing
- SC-2 Michigan Townships Association Legislative E-Report, March 3, 2006 Edition
- SC-3 Michigan Townships Association Legislative E-Report, March 10, 2006 Edition

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

Materials received at the March 7, 2006 Meeting

Trustee John Veenstra, 320 Piper Road, Haslett; RE: DVD entitled "WalMart, the high cost of low price" and a VHS tape labeled "Coldwater, Michigan UFCW 951"

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 March 7, 2006 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	\$ 431,334.16
Public Works	\$ 372,763.81
Public Safety Bldg. Debt –	
Ck #1097 (3/31/06)-JP Morgan Chase Bank	220,402.50
Total Checks	\$1,024,500.47
Credit Card Transactions	\$ 13,689.61
Total Purchases	<u>\$1,038,190.08</u>
ACH Payments	<u>\$ 272,076.36</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 to Set Public Hearing Date (April 18, 2006) for the Downtown Development Authority Plan/Tax Increment Finance Plan

Trustee Brixie moved that the resolution of intent to establish a Downtown Development Authority Development Plan and Tax Increment Financing Plan 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. Assessing Stipulations

Trustee Brixie moved that the Township Assessor be authorized to sign a stipulation with Target Corporation on the following property:

<u>YEAR</u>	<u>DOCKET NO.</u>	<u>ADDRESS OF PROPERTY</u>
2005	0308718	1982 Grand River, Okemos
<u>Assessment</u>	2005	<u>AV/TV</u> \$2,336,300/2,286,456
<u>Proposed Assessment</u>	2005	<u>AV/TV</u> \$2,165,300/2,165,281

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 that the Township Assessor be authorized to sign a stipulation with Target Corporation on the following property:

<u>YEAR</u>	<u>DOCKET NO.</u>	<u>ADDRESS OF PROPERTY</u>
2004	0308718	1982 Grand River, Okemos
<u>Assessment</u>	2004	<u>AV/TV</u> \$2,334,800/2,235,050
<u>Proposed Assessment</u>	2004	<u>AV/TV</u> \$2,116,600/2,116,600

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. Resolutions to Open Investment Accounts

Trustee Brixie moved to adopt a resolution entitled “Authority to Open an Investment Account” for the above listed institutions. 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. 2005 Order to Construct Sidewalk, SAD #3, **Resolution #5**

Trustee Brixie moved to approve the 2005 Order to Construct Sidewalk Special Assessment District No. 3 - Resolution No. 5, which approves the special assessment roll; designates the project as “2005 Order to Construct Sidewalk Special Assessment District No. 3”, the assessment roll as the “2005 Order to Construct Sidewalk Special Assessment District No. 3”, and the district as the “2005 Order to Construct Sidewalk Special Assessment District No. 3”; adopts the amount of \$14,799.93 as the final amount for the assessment roll; and orders and directs the assessment roll to be paid and collected.

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. 2005 Order to Maintain Sidewalk, SAD #7, **Resolution #5**

Trustee Brixie moved to approve the 2005 Order to Maintain Sidewalk Special Assessment District No. 7 - Resolution No. 5, which approves the special assessment roll; designates the project as “2005 Order to Maintain Sidewalk Special Assessment District No. 7”, the assessment roll as the “2005 Order to Maintain Sidewalk Special Assessment District No. 7”, and the district as the “2005 Order to Maintain Sidewalk Special Assessment District No. 7”; adopts the amount of \$13,880.32 as the final amount for the assessment roll; and orders and directs the assessment roll to be paid and collected.

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. Budget Amendment, Orlando Water Main

Trustee Brixie moved that the Public Works Water Fund budget be amended by transferring \$60,000 from fund balance to account #591-900.901-972.105 (Orlando Water Main Replacement) to provide sufficient funding for replacing the water main on Orlando Street.

Seconded by Trustee Such.

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

- J. Potter Street Sidewalk, SAD, **Resolutions #1 and #2**, Set Public Hearing Date (April 18, 2006)
Trustee Brixie moved to approve Potter Street Public Sidewalk Improvements Special Assessment District Resolution No. 1, which states a request has been filed with the Township Board for public sidewalk improvement to Potter Street and orders the Township Engineer to prepare plans showing the improvement, the location and estimate of cost; and moved to approve Potter Street Public Sidewalk Improvements Special Assessment District Resolution No. 2, stating the plans are on file with the Township Clerk and tentatively declaring the Township Board's intention to make the public sidewalk improvements, construct 5' wide sidewalks and improve drainage on both sides of Potter Street from Lake Lansing Road south to Lake Drive East, tentatively designates a special assessment district, and sets the Public Hearing for April 18, 2006 for the purpose of hearing objections to the improvement and the Potter Street Public Sidewalk Improvements Special Assessment District.

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 #9A, #10B)

Procedural question on approval of previous resolutions:

- Q. At a previous meeting, I proposed a motion to approve a resolution to give me the authority to add institutions for investment purposes. Subsequent to that, when presented with the resolution, I changed the resolution to reflect what we have been doing for several years. That is why on the agenda this evening we put adding financial institutions for investment purposes, which we have never had one of those before and had the wording which reflects the procedures that have been in place for several years. Is there any reason that we need to rescind the previous motion which never did have a resolution attached to it?
- A. If they are not in conflict and they can be read so that they can be placed into operation, there is no need to rescind the one.

9. HEARINGS

- A. Dangerous Building, 6045 Hardy Drive, East Lansing
Supervisor McGillicuddy opened the public hearing at 6:10 P.M.
Director Kieselbach summarized the circumstances surrounding the dangerous building at 6045 Hardy Drive, East Lansing, as outlined in staff memorandum dated March 16, 2006.

OWNER

Mr. William Peloquin, 11533 Monroe, Portland, owner of the property, requested the hearing be held in abeyance as he alleged he had not had adequate notice in order to prepare for the public hearing. He refuted pictures presented by the Director of Community Planning and Development as inaccurate and alleged the building is not dangerous.

Mr. Peloquin also alleged that the building has been inspected and found to be structurally safe. He believed the only current issue is the one of siding and did not believe that would necessitate demolition of a structure.

Supervisor McGillicuddy inquired if the owner intended to bring this property up to code.

Mr. Peloquin responded that it was his intention to comply.

Supervisor McGillicuddy asked the owner how long he has owned the property.

Mr. Peloquin responded approximately thirty (30) years. He indicated that he and his late wife lived there for several years prior to moving out.

Supervisor McGillicuddy inquired if anyone has lived in the home since he was the occupant.

Mr. Peloquin responded there have been no other occupants.

Determination of adequate notice: (Questions for the Attorney (See Agenda Item #8))

Q. Seven (7) days is adequate notice, isn't it?

A. Yes. I see a date of February 22, 2006 on the notice, which I believe is the date it was sent out. Am I incorrect in that, Mr. Peloquin? Was the date February 22nd? I am looking at a certified mailing dated February 22nd addressed to you. I take it your address has not changed from 11533 Monroe Road, in Portland, Michigan, throughout the years?

Mr. Peloquin responded that was correct; and asked the attorney if he had the date it was delivered.

Attorney Woodworth asked Director Kieselbach if the Township had a delivery date on the letter.

Mr. Kieselbach stated the letter was sent certified mail on February 22, 2006 and Mr. Peloquin signed for it on March 14, 2006.

Trustee Brixie noted there were nine (9) letters, most of which were sent certified mail, included in the packet advising Mr. Peloquin of a variety of unsafe conditions. She added the reason this issue was before the Board as a dangerous building was also due to Mr. Peloquin's failure to act in response to any of these letters.

Clerk Helmbrecht inquired if the house has been heated since it was vacated.

Mr. Peloquin responded that it was heated for quite some time, but has not been for the last few years.

Clerk Helmbrecht asked whether the Township had any method or requirement for inhabitation if a structure has been vacant for several years. She expressed concern over black mold and other dangers not visible to the eye.

Director Kieselbach responded that is why the red tag is placed on the structure. The tag indicates that it is uninhabitable and unsafe. Before anyone could occupy the structure, the Township would inspect the building to ensure that it meets code for habitability.

Clerk Helmbrecht inquired if the Board decided to extend the dangerous building timeline, could inspection for black mold be a requirement.

Director Kieselbach responded that the idea of holding a public hearing on a dangerous building is not to simply demolish the structure, but to allow the owner time to correct code violations within an appropriate time frame if it is the owner's intent to repair the structure.

Supervisor McGillicuddy asked the owner if he would allow an inspector inside the building.

Mr. Peloquin responded in the affirmative.

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Trustee Such inquired of the owner how long he estimated it would take to bring the structure into compliance once the inspection is completed.

Mr. Peloquin responded he was unsure, since it was his intention to sell the home.

Sale of an uninhabitable structure: (Questions for the Attorney (See Agenda Item #8))

Q. What are our ordinances concerning selling a house which is red tagged?

A. You are not going to be able to sell it as a habitable structure. If I might, there are a couple of options that are available to the Board. One, of course, would be to affirm the order which would, by itself, give him some time to bring this structure into compliance. The other one is that I heard a request from Mr. Peloquin for adjournment of this hearing. Perhaps an adjournment with conditions; that is, this hearing would be set over for a time certain, and during the period of that adjournment, the following conditions would be met. For example, the inspection would occur, some progress would be made, and we would be back before this Board on the hearing on the merits of this order at some later date. I have seen that done before. That might be something that both Mr. Peloquin and the Board might be interested in doing.

Alternatively, the Board could affirm the order, and that would give some opportunity for Mr. Peloquin to bring this into compliance within a relatively short period of time. You can go either way. Of course, your other options are to modify or set aside the order.

Trustee Veenstra noted the Board should follow the attorney's suggestion to adjourn the matter and allow the owner to work with the Director of Community Planning and Development or take steps for sale of the property.

Clerk Helmbrecht indicated it was a better alternative to demolish the structure and sell the lot if it is the owner's intention to sell. She expressed concern over health issues for a buyer unaware that the home has sat vacant for several years.

Trustee Such suggested the public hearing be held over with the following conditions:

- An inspection is conducted by the Township
- The owner should cut the grass, trim the bushes and clean up the trash currently on the lot
- The owner should develop a future plan for the property (i.e., tear it down or bring the structure into compliance)

Treasurer Hunting noted the packet materials indicate the owner had no intent to fix the structure despite repeated notices from the Township sent to him since April, 2000.

Trustee Brixie inquired how much time the owner would have if the order is affirmed.

Director Kieselbach responded that the motion could include a time certain for compliance or the demolition would be ordered.

Trustee Brixie stated she was in favor of allowing the Director of Community Planning and Development to set a timeline similar to an earlier dangerous building property dealt with by the Board.

Attorney Woodworth responded to Trustee Brixie's question by stating the property owner has sixty (60) days from the date the order is approved.

Timeframe for compliance after issuance of order: (Questions for the Attorney (See Agenda Item #8))

Q. What if we did it at our next meeting?

A. Then it runs sixty (60) days from that date. Sixty (60) days is the answer to the question

Clerk Helmbrecht suggested the hearing be held open another two weeks to allow the owner time to decide how best to dispense with this property.

Trustee Woiwode stated the actual decision rests with the owner and believed sixty (60) days from the date of the order would allow him adequate time. She suggested this item be placed on for action at the next meeting to support the order of the Building Board of Appeals.

Trustee Such noted agreement with Trustee Woiwode's comment but also requested that, in deference to the neighbors, stipulations be placed that the grass be cut, the trash picked up as well as an inspection held within ten (10) or fifteen (15) days.

Mr. Peloquin added the assumption that trash and brush needs to be picked up is erroneous.

PUBLIC

John Anderson, 215 W. Newman Road, Okemos, believed the Board should work with the owner as the owner has stated his willingness to comply.

Without objection, Supervisor McGillicuddy moved to add this item for discussion as Agenda Item #11E.

Supervisor McGillicuddy closed the public hearing at 7:48 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

John Anderson, 215 W. Newman, Okemos, spoke in opposition to Rezoning #02060 (Eyde) and Rezoning #99020 (Forsberg).

Supervisor McGillicuddy closed public comment.

- A. Rezoning #02060 (Eyde), request to rezone 5.4 acres on Marsh Road from RAAA (Single Family-Low Density) to PO (Professional Office)

Trustee Such moved to refer Rezoning #02060 (Eyde) to the Planning Commission to reconsider the applicant's request to rezone the subject site from RAAA (Single Family-Low Density) to PO (Professional Office), taking into consideration: changes in land use surrounding the subject site since the original rezoning was requested; the 2005 Future Land Use Map and 2005 Master Plan for the subject site; and any other requests by the applicant. The Planning Commission shall hold a public hearing on the rezoning and provide the Township Board with its recommendation within ninety (90) days.

Seconded by Trustee Veenstra.

Board members discussed the following:

- Appropriateness of the referral due to the length of time since the initial request and changes contained in the motion

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

NAYS: None

Motion carried unanimously.

- B. Rezoning #99020 (Forsberg), request to rezone approximately 4.24 acres southwest of Coyote Creek Condominiums and south to the pond on the Smith Drain from RR (Rural Residential) to PO (Professional Office)

Trustee Such moved to refer Rezoning #99020 (Forsberg) to the Planning Commission to reconsider the applicant's request to rezone the subject site from RR (Rural Residential) to PO (Professional Office), taking into consideration changes in land use surrounding the subject site since the original rezoning was requested and the applicant's request for conditional zoning. The Planning Commission shall hold a public hearing on the rezoning and provide the Township Board with its recommendation within ninety (90) days.

Seconded by Trustee Veenstra.

Board members discussed the following:

- Conditions have changed
- State law has changed to provide for conditional zoning
- The applicant has the discretion to make a rezoning request using conditional zoning
- Board has the ability to deny a mixed use proposal as presented
- Parcel has more residential property surrounding it now than when it was first requested

Trustee Brixie offered the following friendly amendment:

- **Strike “and the applicant’s request for conditional zoning” from the motion**

The maker accepted the amendment. The seconder declined the amendment.

Continued Board discussion:

- The applicant should initiate the rezoning request for mixed use
- Board communication to the Planning Commission for a “de novo” look at the rezoning

Procedure for appropriate Board action on this motion: (Questions for the Attorney (See Agenda Item #8))

Q. When this was before us last time, back in 1999, I was the seconder on the motion (I was a Trustee at the time) and the motion was to deny. Then someone made a motion to table and it has been tabled all this time. Procedurally, I know we are sending it back. Is there anything else we should take into consideration? Do we need to rescind anything?

A. No. There would have had to have been a majority affirmative vote to approve the rezoning. That did not occur, so there is nothing additional you have to do here. There are a couple of points I would like to make, if I could. First of all, the applicant does have the opportunity under state law to request conditional zoning. Whether you are going to require him to go all the way back to the initial process and redo his application (which I don’t think was the intent of the Board when they last discussed this item at the last meeting) or have the Planning Commission take a look at that now, Trustee Such’s proposed language or any other request made by the applicant would certainly cover that.

The second point I would like to make, I fear there is at least the thought that if this was going to be approved for a mixed use, somehow there wouldn’t have to be a plan approved under our PUD ordinance for mixed use before that could ever occur. There would have to be a plan submitted, Clerk Helmbrecht. I think there may be some confusion about at what stage. At this point, when it’s going back, the question is, “Is this property, just in general, one that might be suitable for a mixed use?” What particular mixed use might be approved (and the Director can correct me on this if I misstate anything) would await the applicant coming forward to say, “O.K., I have the zoning for a conditional mixed use, and here is what I propose to do with it.” At that point, a plan would be submitted for approval.

Q. If that plan is not followed, then the zoning disappears?

A. No. The zoning would still be the conditional zoning that it would have to be. The suggestion by the applicant is that he wants as a condition a mixed use zoning. If that were granted, it would be developed under a mixed use zoning. A suitable plan would have to be presented.

The maker offered the following friendly amendment:

- **Strike “and the applicant’s request for conditional zoning.” and replace it with “and any other requests by the applicant.”**

The seconder accepted the amendment.

Continued Board discussion:

- Need for the Planning Commission to look at the original request, given the changes in the area, not a mixed use conditional zoning request by the applicant
- Inclusion of mixed use zoning makes the request less desirable
- Original request was to consider Professional Office (PO)

- Need for the applicant to make a specific request if he wants to do something different with the property

ROLL CALL VOTE: YEAS: Trustees Such, Veenstra, Treasurer Hunting
NAYS: Trustees Brixie, Woiwode, Supervisor McGillicuddy, Clerk
Helmbrecht
Motion failed 3-4.

Trustee Brixie moved to refer Rezoning #99020 (Forsberg) to the Planning Commission to reconsider the applicant's request to rezone the subject site from RR (Rural Residential) to PO (Professional Office), taking into consideration changes in land use surrounding the subject site since the original rezoning was requested. The Planning Commission shall hold a public hearing on the rezoning and provide the Township Board with its recommendation within ninety (90) days.

Seconded by Trustee Such.

Board members discussed the following:

- Applicant request for conditional zoning received through written communication after the last Board meeting
- Allow the Planning Commission to take a broader look at this request after several years have passed
- Some Board members are not in favor of mixed use on this property

Planning Commission parameters when considering this motion: (Questions for the Attorney (See Agenda Item #8))

- Q. Does this amendment tie the Planning Commission's hands, or do they still have the discretion to look at anything?
- A. The direction is to look at the changes in land use since the rezoning was requested. I suppose it would be up to the applicant, at this point, as to whether he wanted to withdraw his original application or submit another application that had the conditional zoning and then proceed with that.
- Q. So your answer is that it does restrict the Planning Commission?
- A. Yes, I think it does. I think it is telling the Planning Commission exactly what the Board wants it to consider, vis-à-vis this application.

Potential modification of this request by the applicant: (Questions for the Attorney (See Agenda Item #8))

- Q. If the applicant wants to modify this request in any way, does this motion force him to start over again with a new application for mixed use?
- A. It strikes me that it does.

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht
NAYS: Trustee Such, Treasurer Hunting
Motion carried 5-2.

[Supervisor McGillicuddy recessed the meeting at 7:23 P.M.]

[Supervisor McGillicuddy reconvened the meeting at 7:35 P.M.]

**Trustee Brixie moved to rescind all previous actions taken on Agenda Item #10B tonight.
Seconded by Treasurer Hunting.**

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

**Trustee Brixie moved to refer Rezoning #99020 (Forsberg) to the Planning Commission to reconsider the applicant's request to rezone the subject site from RR (Rural Residential) to PO (Professional Office), taking into consideration changes in land use surrounding the subject site since the original rezoning was requested. The Planning Commission shall hold a public hearing on the rezoning and provide the Township Board with its recommendation within ninety (90) days.
Seconded by Trustee Such.**

Board members discussed the following:

- Opposition to making the applicant start the process all over again

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht
NAYS: Treasurer Hunting
Motion carried 6-1.

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Tristram Harrington, 3578 E. Hiawatha Drive, Okemos, spoke in support of reduction of light pollution through a dark sky policy.

John Anderson, 215 W. Newman Road, Okemos, spoke in opposition to the property maintenance code and Mixed Use PUD #05024/Site Plan Review #06-03 (Russell).

Supervisor McGillicuddy closed public comment.

A. Lighting Ordinance

Director Kieselbach summarized the proposed outdoor lighting ordinance as outlined in staff memorandum dated March 17, 2006.

Board members discussed the following:

- Lumens in the draft lighting ordinance as a guide
- Concern with pole height along streets
- Five year compliance places undue burden on existing homes and businesses
- Favor compliance during redevelopment and new construction
- Full cut-off could be for taller poles
- Restriction in pole height may be compensated for with more poles to achieve desired lighting
- Direction of full cut-off lighting is key
- Height of the pole compounds a non-modified light
- Life span of a parking lot light pole
- Approximate life of a streetlight
- Aesthetic issue with parking lot light uniformity
- Minimum standard in the current lighting ordinance for average lighting across an entire site
- Reduction of pole height without increasing number of poles
- Cost estimate for Ingham County Road Commission compliance under the five year replacement plan for streetlights
- Cost estimate for Township compliance with full cut-off fixtures
- Staff recommendation for setting maximum lumens
- Excessive lighting on the Kohl's property
- Cost of subdivision streetlight replacement would be paid for through special assessment districts
- Placement of lights on a timer during non-business hours
- Need to address light glare on drivers traveling down municipal streets
- Incentive program for businesses which replace equipment
- Early compliance tied to tax breaks on a declining scale as an incentive
- Grandfather businesses with glaring lights if parking lot lights are turned off during non-business hours until need for replacement

- Public safety concerns with unlit buildings and parking lots
- Work with the Police Department to define acceptable range of lower lighting during non-business hours
- Requirement for purchase of lumens by another business as an incentive
- Timeline for changes by the attorney and staff
- Internal illuminated signs would be addressed in the sign ordinance
- Reference internal illuminated signs in the outdoor lighting ordinance so individuals will be directed to the sign ordinance
- Safety concern was basis for thirty (30) day timeframe for nonconforming luminaries which cause disability glare

Scope of the Township's outdoor lighting ordinance: (Questions for the Attorney (See Agenda Item #8))

Q. Does our proposed outdoor lighting ordinance have any impact on the lights which are under the jurisdiction of MDOT or the County Road Commission?

A. They are not going to comply with the Township Board's [remainder of Attorney's response inaudible].

The consensus of the Board was to place this item on for discussion at the April 18, 2006 Board meeting.

B. Property Maintenance Code

Director Kieselbach summarized the proposed changes to the property maintenance code as outlined in staff memorandum dated March 17, 2006.

Board members discussed the following:

- Adoption with retention of staff/attorney recommendations
- Rule making authority in Section 104.2 has the same force as law
- The building official has rule making authority under the Michigan Building Code
- Staff cannot make changes to the code or ordinance by making rules
- Rules set up day-to-day procedure(s) for consistent enforcement
- Codes adopted by the Board which establish rule-making authority are the International Fire Code, Michigan Building Code and Michigan Residential Code
- Need for staff to implement rule making authority procedures
- Qualification of all three (3) members of the Building Board of Appeals addressed in Section 14-27 of the Code of Ordinances or state law
- Adoption of definition changes recommended by the Such/Veenstra proposal
- Suggestion that rule-making authority be subject to Board approval

The consensus of the Board was to place this item on for action at its April 4, 2006 Meeting.

C. Mixed Use PUD #05024/Site Plan Review #06-03 (Russell), Village Square-Phase 2

Director Kieselbach summarized phase 2 of the proposed mixed use PUD as outlined in staff memorandum dated March 14, 2006.

Board members, staff and the applicant discussed the following:

- Board can make changes to the amenities prior to site plan approval by the Director of Community Planning and Development
- Outdoor eating space is small and surrounded by concrete
- Outdoor eating space is over 300 square feet and meets the ordinance requirements
- Length of handicap access ramp meets ADA requirements
- Mixed use PUD concept allows the applicant significant density of commercial/office plus residential on the site
- Concern with the quality of the amenities (e.g., number of bicycle racks, outdoor gathering space between the parking lot and five lanes of traffic)
- Possibility of public art in place of proposed outdoor gathering space

- Applicant's plan to add public art in addition to proposed amenities
- Concern with public outdoor seating being counted as a separate amenity from the outdoor gathering space
- Concern that a single bicycle rack at the rear can be counted as an amenity
- Previous Board suggestion of a soldier's course of brick along the public pathway at the Okemos Road frontage not depicted on the site plan
- No residential units could be built on this site without the mixed use PUD overlay
- Proposed square footage for office would have required variances from the Zoning Board of Appeals
- Total of twelve (12) residential units on the site
- Significant financial gain for the applicant to be able to build twelve (12) residential units
- Current plan dramatically changed from the June, 2005 site plan approved by the Board
- Need for amending the mixed use PUD ordinance to provide minimum amenity requirements
- Need to have a bicycle rack in front where patrons would have easy access
- Need to have more than one bench to encourage citizen gathering
- Substitution of an elevator for the proposed elongated handicap ramp would free up space to enhance proposed amenities
- Suggestion to make the ground floor apartment handicap accessible and eliminate the ramp
- State code does not require the applicant to have a handicap accessible apartment in an eight (8) unit apartment building
- Type of bicycle rack to be used as an amenity
- Board concern that it not proscribe and dictate the amenities
- Delays in the project due to changes in the amenities by the applicant
- Applicant promotion of the townhomes as a walkable community with community enjoyment

The consensus of the Board was to allow time for staff to work with the applicant to incorporate the Board's comments and place this item on for discussion at the April 4, 2006 meeting.

D. 2006 Citizen Survey

Manager Richards distributed at Board members' seats policy questions regarding recycling. He requested Board member comments regarding rewording and clarification of the questions.

E. Dangerous Building, 6045 Hardy Drive, East Lansing

The consensus of the Board was to enforce the order and place this item on for action at the April 4, 2006 meeting.

Treasurer Hunting requested that materials received at a Board meeting be incorporated into the next Board packet.

Clerk Helmbrecht noted citizens who submit materials after the packet has been sent to Board members often request the Board receive the information for that same meeting.

Treasurer Hunting stated he would be amenable to dropping information received at a Board meeting into his folder in the Clerk's office to be sent to him with the next packet.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

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

Supervisor McGillicuddy closed Public Remarks.

13. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:15 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary