

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD WORK SESSION MINUTES - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, FEBRUARY 6, 2001, **6:00 P.M. — 7:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Stier, Such, Woiwode

ABSENT: None

STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Roger Buell, Police Chief Gary Gibbons, EMS/Fire Chief Fred Cowper, Personnel Director/Assistant Manager Paul Brake, Director of Parks & Recreation LuAnn Maisner, Attorney Brian Goodenough, Attorney Steve Schultz, Attorney Steve Lasher, Attorney Anne Skilton

1. CALL WORK SESSION TO ORDER

Supervisor McGillicuddy called the Work Session to order at 6:05 p.m.

2. QUESTIONS FOR ATTORNEY

Special Assessment Rolls

Clerk Helmbrecht asked Attorney Goodenough what the minimum requirement is for special assessment rolls. Attorney Lasher stated special assessment rolls must include the parcel number, the name of the property owner and the amount of the assessment.

Community Septic Field

Trustee Brixie asked if the Township can enforce maintenance on a community septic field and if so, what is the best method. Attorney Goodenough stated the community septic issue before the Board creates two potential problems; the first being that the Board has no ability to impose specific restrictions on the developer as to the maintenance and monitoring of the system. Attorney Goodenough recommended the Township enter into an agreement with the developer, whereby the developer sets up a renewable Letter of Credit in an amount sufficient to offset the costs of maintaining and monitoring the system. Attorney Goodenough stated the advantage of a Letter of Credit is that it is the easiest vehicle for the Township to receive payment from the Financial Institution. Attorney Goodenough stated the Township assumes responsibility for the system if it fails, and there is a high failure rate of these systems throughout the state. Attorney Goodenough stated most municipalities are reluctant to approve such systems.

Trustee Brixie asked what protection the Letter of Credit provides if the developer declares bankruptcy.

Attorney Goodenough stated a Letter of Credit could be set up in such a way as to secure funds for the Township's use. Attorney Goodenough stated the greater problem would be if the Letter of Credit is fully expended or is not renewed.

Trustee Brixie asked if there is any legal necessity to approve such a system. Attorney Goodenough stated there is no legal requirement to approve a community septic field as the property could be developed without such a system. Attorney Goodenough stated the community septic field is likely the most economical for the developer. Attorney Goodenough cautioned the Board against assuming the liability associated with the proposed system.

3. COMMITTEE OF THE WHOLE

A. Attorney Firm Presentations

Supervisor McGillicuddy invited Hubbard, Fox to present its proposal to the Board.

Mike Woodworth, Sr. Attorney, Head of Litigation Division, Hubbard Law Firm, Introduced Jeff Sidelin, Head of Municipal Division; and summarized the firm's proposal.

Board Members asked Attorney Woodworth questions regarding the firm's proposal.

Supervisor McGillicuddy invited Foster, Swift, Collins & Smith to present its proposal to the Board.

Attorney Brian Goodenough introduced: Anne Skilton, Associate; Steve Lasher, Municipal Tax Specialist; Mike Homier, Code Enforcement Prosecutor and Steve Schultz, Head of Labor Department. He summarized the firm's proposal.

Board Members asked Attorney Goodenough questions regarding the firm's proposal.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened public remarks.

No one spoke.

Supervisor McGillicuddy closed public remarks.

5. ADJOURNMENT

Supervisor McGillicuddy adjourned the Work Session at 7:10 p.m.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Paul J. Cassidy, Secretary

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, FEBRUARY 6, 2001, **7:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Stier, Such, Woiwode
ABSENT: None
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Roger Buell, Police Chief Gary Gibbons, EMS/Fire Chief Fred Cowper, Personnel Director/Assistant Manager Paul Brake, Director of Parks & Recreation LuAnn Maisner, Attorney Brian Goodenough, Attorney Steve Schultz

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 7:19 p.m.

2. PLEDGE OF ALLEGIANCE

Supervisor McGillicuddy introduced Michael Maisner, Executive Director, Michigan Recreation and Park Association.

Mr. Maisner presented the M.R.P.A. Special Award to Dr. Eckhart Dersch, Park Commissioner, for his contributions to the parks and recreation profession.

Dr. Dersch accepted the award and led the pledge of allegiance.

Supervisor McGillicuddy introduced Chief Cowper.

Chief Cowper introduced Doug Phillips, Sr. Pastor, First Baptist Church of Okemos, as the new Fire Department Chaplain.

Supervisor McGillicuddy thanked Pastor Phillips for his service to the community.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS*

Supervisor McGillicuddy opened Public Remarks.

Norm Gaffney, 530 S. Capitol, Lansing, representing the appellants, spoke in support of the appeal of SUP #00011 (Gould Investors).

Robert Gibbs, 2515 Arrowhead Drive, Okemos, spoke in support of the addition of pathways to the Pedestrian/Bicycle Pathway Master Plan to link into external pathway systems.

Fred "Sonny" France, 4932 Grandview Drive, Okemos, spoke regarding unauthorized construction on Township property on Lake Lansing.

Nancy Krupiarz, 880 Moss Glen Circle, Haslett, spoke in opposition to the deletion of off-road pathways from the Pedestrian/Bicycle Pathway Master Plan. [She submitted a magazine article entitled "A Trip to Write Home About"¹]

¹ Rails to Trails Magazine, Spring 2001 edition, page 21, "A Trip to Write Home About"

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Jean Nicholas, 6232 Brookline Court, East Lansing, spoke in opposition to SUP #00011 (Gould Investors).

Tim Rapaez, 2756 Grand River Ave, spoke in opposition to #SUP #00011 (Gould Investors).

Anne Field, 6160 Innkeepers Court, East Lansing, spoke in opposition to SUP #00011 (Gould Investors)

Jon Mayes, 2099 Ashland Ave, Okemos, spoke in support of the off-road Okemos to Dobie Road pathway, and in support of SUP #00011 (Gould Investors).

Charles Louis Willems, 1387 Hickory Island, Haslett, cautioned the Board on the possibility of conflicts of interest in legal representation, and spoke in support of Mr. France's concerns.

Chief Gibbons announced the beginning of the next Citizen Academy.

Supervisor McGillicuddy closed Public Remarks.

5. INTRODUCTION OF FIRE DEPARTMENT CHAPLAIN (See Item #2)

6. REPORTS/BOARD COMMENT

Supervisor McGillicuddy recommended conducting a traffic impact analysis under the supervision of the Planning Commission.

Trustee Brixie thanked staff involved in providing e-mail communications to the Board.

Manager Richards reported on the status of the Wolverine pipeline application before the Public Service Commission.

Trustee Woiwode asked the Manager to find out what will happen to the pipeline right-of-way after it is discontinued.

Supervisor McGillicuddy asked Board Members to submit their recommendations for criteria for the traffic impact study and the Library Task Force.

Treasurer Hunting thanked staff, residents and businesses in clearing snow from the sidewalks, and encouraged continued cooperation. He stated a concern with sidewalk gaps in undeveloped areas. He reported the tax collection deadline is February 14, 2001, and informed the Board of his intent to report in March on tax collections and investment performance.

Trustee Woiwode asked if there is a schedule or Chair selected for the Land Preservation Advisory Board.

Clerk Helmbrecht reported the Land Preservation Advisory Board would be meeting within the next two- (2) weeks as the Environmental Commission Representative has been appointed.

7. APPROVAL OF AGENDA

Supervisor McGillicuddy asked to add to the agenda item #11.G. 5-Year Park & Recreation Master Plan Amendments. She read into the record the memo from the Park Commission regarding the Master Plan Amendments.

Clerk Helmbrecht asked that agenda item #8.G. (Order to Maintain Sidewalk - Heritage Hills) be moved to agenda item #9.D.

Trustee Brixie moved to approve the agenda as amended: Add Agenda Item #11.G. (5-Year Park & Recreation Master Plan Amendments) and move Agenda Item #8.G. (Order to Maintain Sidewalk - Heritage Hills) to Agenda Item #9.D. Seconded by Trustee Such.

Treasurer Hunting offered an amendment to the motion to move Agenda Item #8.D. (Liquor License Transfer - Tony Roma's Restaurant) to Agenda Item # 9.E.

Amendment accepted by maker and seconder.

VOICE VOTE: Motion carried unanimously.

8. CONSENT AGENDA

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

Clerk Helmbrecht read a list of communications received since noon Friday (See February 20, 2001 communications)

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

NAYS: None

Motion carried unanimously.

Therefore, the above actions were taken with the votes as follow:

A. Communications

(1). Appreciation & Commendation (AC)

- AC-1 Steve Lampman, Saturn of Okemos, 1728 Grand River, Okemos; RE: Appreciation for Director Maisner and Parks & Recreation Specialist Devlin in supporting Haslett Community Youth Sports Programs
- AC-2 Nichole Fisher, Program Manager, Michigan Recreation & Park Association; RE: Appreciation for Participation of Parks & Recreation Specialist Devlin in Annual Conference
- AC-3 John & Trena Thronburg, 2059 Tamarack Dr, Okemos; RE: Appreciation to Life Saving Paramedics
- AC-4 Andrew Strauss, 3882 Dobie Road, Okemos; Appreciation for January 15, 2001 Transport
- AC-5 Dona D. Williams, 6077 Balog Drive, Haslett; RE: Appreciation to Paramedics Involved in Transport to Ingham Med

(2). Board Deliberation (BD) [All included in subject packet]

- BD-1 C. Barry Dehlin, 4701 Breakwater Drive, Okemos; RE: Support for Pedestrian/Bicycle Pathway Master Plan
- BD-2 Robert Whitmore, 3720 W. Hiawatha Drive, Okemos; RE: Agreement with Tim Potter's Lansing State Journal editorial
- BD-3 Judith Leibinger, 3612 Fairhills Drive, Okemos; RE: Support for Off-Road pathways
- BD-4 Thomas L. Deits, 4045 Van Atta Road, Okemos; RE: Support for removal of pathways from the master plan in the vicinity of Van Atta Road
- BD-5 "Citizens Opposing Power Line Paved Bike Path from Okemos to Dobie Road"; RE: Petition supporting opposition
- BD-6 John Sarver, 2218 Burcham Drive, East Lansing; RE: Opposition to Removal of Off-Road Pathways from Master Plan
- BD-7 Philip J. Dwyer, 2327 Hamilton Road, Okemos; RE: Support for Removal of Hamilton Road from Master Plan
- BD-8 Angela M. Brown, 4406 Van Atta Road, Okemos; RE: Opposition to Van Atta Road Pathway
- BD-9 John Hoehn & Carol Sue Englert, 4341 Van Atta Road, Okemos; RE: Opposition to Van Atta Road Off-Road Pathways

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- BD-10 Jeff Biddle, 6096 Horizon Drive, East Lansing; RE: Support for Expansion of Pathway System
- BD-11 Robert Schneider, 2790 Still Valley Drive, East Lansing; RE: Support for Off- Road Pathways
- BD-12 Rod Lertola, 4445 Wausau Road, Okemos; RE: Opposition to Deletion of Pathways from Master Plan
- BD-13 Karen Lux, 3580 Chippendale Circle, Okemos; RE: Support for Off-Road Pathways
- BD-14 John Lux, 3580 Chippendale Circle, Okemos; RE: Opposition to Removal of Pathways from Master Plan
- BD-15 Joseph G. Lessard, 4489 Oakwood Drive, Okemos; RE: Opposition to Removal of Pathways from Master Plan
- BD-16 Anne Conwell, 2540 Bruin Drive, East Lansing; RE: Support for Off-Road Pathways
- BD-17 Deb Traxinger, 5854 Bayonne Ave, Haslett ; RE: Opposition to Deletion of Pathways from Master Plan
- BD-18 Irvin E. Kebler, 3590 Fairhills Drive, Okemos; RE: Support for Off-Road Pathway Between Okemos and Dobie Roads
- BD-19 Pardeep Kumar, 3582 Breezy Point Drive, Okemos; RE: Support for Off-Road Pathway Between Okemos and Dobie Roads
- BD-20 Gary P. Boszak, 3796 Viceroy Drive, Okemos; RE: Support for Off-Road Pathway Between Okemos and Dobie Roads
- BD-21 Gwenn & David McAuliffe, 1741 Sashabaw Drive, Okemos; RE: Opposition to Off-Road Pedestrian/Bicycle Pathway from Okemos Road to Van Atta Road
- BD-22 John Hoehn, President, Van Atta Neighborhood Association; RE: Opposition to Van Atta Road Pedestrian/Bicycle Pathways
- BD-23 John Hoehn, President, Van Atta Neighborhood Association; RE: Park Commission Support for Pedestrian/Bicycle Pathways
- BD-24 Harriet Wever, 4215 Van Atta Road, Okemos; RE: Pedestrian/Bicycle Pathway Master Plan
- BD-25 Tim Potter, 4632 Van Atta Road, Okemos; RE: Proposed Off-Road Path Deletions and Other Planned Pathway Improvements
- BD-26 Louis Lessard, D.O., 1304 Leeward Drive, Okemos; RE: Support for the Pedestrian/Bicycle Pathway Master Plan
- BD-27 Jeff Potter, 4686 Meridian Road, Williamston; RE: Support for Pedestrian/Bicycle Pathway Master Plan
- BD-28 Jeff Potter, 4686 Meridian Road, Williamston; RE: Pedestrian/Bicycle Pathway Master Plan
- BD-29 Eleanor V. Luecke, President, L.I.N.C.; RE: Pedestrian/Bicycle Pathway Master Plan Amendments
- BD-30 Roger L. Halley, 4677 Chippewa Drive, Okemos; RE: Pedestrian/Bicycle Pathway Master Plan
- BD-31 Dorothy Diefenbach, 1908 Belwood, Okemos; RE: Opposition to Off-Road Pedestrian/Bicycle Pathway between Okemos and Dobie Roads
- BD-32 Rick Simonds, 1536 Stan Lake Drive, East Lansing; RE: Support for Whitehills Lakes #6 Street Light District
- BD-33 Gary Scott Jr., 6086 Marsh Road, Haslett; RE: Support for the Appeal of SUP #00011 (Gould Investors)
- BD-34 Eleanor V. Luecke, President, L.I.N.C.; RE: SUP #00011 (Gould Investors)
- BD-35 Eleanor V. Luecke, President, L.I.N.C.; RE: Rezoning #00100 (Plott/OK2 LLC)
- BD-36 Denny Vandecar, President, Denny's Cycling & Fitness & Central Park Bicycles, 3712 Taos Circle, Okemos; RE: Pedestrian/Bicycle Pathways
- BD-37 Larry Sawdy, 5588 Marsh Road, Haslett; RE: SUP #00011 (Gould Investors), and Committee of the Whole

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BD-38 Ellen Ernst Kossek, 2038 Woodfield, Okemos; RE: SUP #00011 (Gould Investors),
Library Facility, Traffic Light Recommendation

BD-39 Nancy Krupiarz, 880 Moss Glen Circle, Haslett; RE: Pedestrian/Bicycle Pathway
Master Plan

(3). Board Information (BI)

BI-1 Frank Webster, 3845 Roxbury Avenue, Okemos; RE: Meridian Internet Website and
E-Mail

BI-2 Michigan Townships Association Legislative Fax January 12, 2001 edition

BI-3 Michigan Townships Association Legislative Fax January 26, 2001 edition

BI-4 Tri-County Regional Planning Commission; RE: 2001 Farmland Preservation
Workshop

BI-5 Frank Webster, 3845 Roxbury Avenue, Okemos; RE: Interim Okemos Library Site

BI-6 Article: "Thumbs Up on Land for Leisure" from Governing, February 2001 Edition

BI-7 Scott R. Knapp, Dickinson Wright PLLC, 215 S. Washington Square, Suite 200,
Lansing; RE: Special Use Permit #99151 (Eyde)

BI-8 James C. Taylor, 1700 W. Kalamo Hwy, Charlotte, MI; RE: Easement Request for
2289 W. Grand River Ave

BI-9 Gaylord Chick, 551 Piper Road & John Veenstra, 320 Piper Road, Haslett; RE:
Protest of Piper Road Paving Costs and Special Assessment

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

OF-1 Ingham County Board of Commissioners January 23, 2001 Regular Meeting Packet

OF-2 Board of Water and Light January 23, 2001 Meeting

OF-3 M.D.E.Q. 2001 First Quarter Flood News for Michigan Floodplain Managers

OF-4 News from the Friends of the Hope Borbas Okemos Library

OF-5 Lansing Board of Water & Light January 23, 2001 Board of Commissioners'
Meeting Minutes

(5). Staff Communication (SC)

SC-1 Police Chief Gibbons Letter to Susan Shoultz, Council Against Domestic Assault;
RE: Digital Cameras

SC-2 Director Kieselbach Letter to Robert E. D'Alcorn, Managing Director, Ingham
County Road Commission; RE: Bird Strawberry Farm Estate No. 3

SC-3 Expiring/Vacant Appointment Listing

Trustee Woiwode 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, Stier, Such, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting

NAYS: None

Motion carried unanimously.

B. Minutes

Trustee Woiwode moved to approve and ratify the minutes of the January 9 & 23, 2001 Work Session and Regular Meeting as submitted. Seconded by Trustee Such.

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

NAYS: None

Motion carried unanimously.

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

- I. Order to Maintain Sidewalk - Heritage Hills (Set Public Hearing - March 20)
Trustee Woiwode moved to approve the 2000 Order to Maintain Sidewalk Repair Public Improvements Special Assessment District #1 - Resolution #4, which files the proposed final special assessment roll with the Township Clerk and sets the date for a public hearing on March 6, 2001. Seconded by Trustee Such.

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

- J. Rezoning #00100 (Plott/OK2 LLC), request to rezone lots 130, 131, and 132 of the Ottawa Hills subdivision from RAA (Single Family-Low Density) to CS (Community Service) - Final Adoption

Trustee Woiwode moved that the Township Board hereby finally adopts Ordinance No. 2001-01, entitled "Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #00100" from RAA (Single Family-Low Density) to CS (Community Service). Seconded by Trustee Such.

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

- K. Purchase of Police Radio Equipment
Trustee Woiwode move to authorize the Police Department to expend up to \$5,100 from the Police Restricted Forfeiture Account (#218.000.000.728.080) for the purchase of police radios and transmitters for use by P.A.C.T. Officers. Seconded by Trustee Such.

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

- L. Authorization to Expend Local Law Enforcement Block Grant (LLEBG) Funds
Trustee Woiwode moved to authorize the Police Department to purchase portable police radios and chargers from LLEBG funds for a total cost of \$5,470, which includes the Township Matching Funds. Seconded by Trustee Such.

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

9. ACTION ITEMS
**Public Comment

Supervisor McGillicuddy opened public comment.

David E. Pierson, McClelland & Anderson, L.L.P., 1305 South Washington Avenue, Suite 102, Lansing, representing the applicant, spoke in support of SUP #00011 (Gould Investors).

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Michael Rein, Vice President, Bowers & Rein Associates, Inc, 3915 Research Park Drive, Ann Arbor, representing the applicant, spoke in support of SUP #00011 (Gould Investors).

Nanette Awad, 5109 Jo Don Drive, East Lansing, spoke in opposition to SUP #00011 (Gould Investors).

Kalifa Bofaris, 5108 E Brookfield, East Lansing, spoke in opposition to SUP #00011 (Gould Investors).

Christine Beavers, 5125 Brookfield, East Lansing, spoke in opposition to SUP #00011 (Gould Investors).

Joan Guy, 1083 Woodside Drive, Haslett, spoke in opposition to SUP #00011 (Gould Investors).

Darrell Herbruck, representing Alpine Holdings L.L.C., 5225 E. Pickard, Mt. Pleasant, spoke in support of the extension of SUP #99181 (Alpine Holdings).

Joy Schroeder, 5190 Park Lake Road, East Lansing, spoke in opposition to SUP #00011 (Gould Investors).

Richard McCarius, 4586 , Okemos, owner Tom's Party Store, spoke in opposition to SUP #00011 (Gould Investors).

Bruce Reizen, 2900 Northwind Drive, East Lansing, spoke in opposition to SUP #00011 (Gould Investors).

Christina Riddle, 2049 Hamilton Road, Okemos, spoke in opposition to SUP #00011 (Gould Investors), and in opposition to the Pedestrian/Bicycle Pathway Master Plan Amendments.

- A. Appeal of SUP #00011 (Gould Investors), request to construct an approximate 60,800 square-foot commercial building at the southwest corner of Grand River Avenue and Northwind Drive, Farmer Jack's

Supervisor McGillicuddy acknowledged receipt of a resident petition in opposition to the proposed redevelopment.

[Petition in Official Minute Book]

Board Members discussed the following items:

- Preference for redevelopment over development
- Lack of need for proposed grocery store
- Need for restriction on hours of operation
- The proposal is essentially a new development
- Campaign promise to "consider, enhance and support small business"
- Need to enforce impervious surface requirement

Trustee Woiwode called a point of order that the motion needs to be removed from the table before Board discussion occurs.

Trustee Such moved to remove the motion from the table. Seconded by Trustee Woiwode.
VOICE VOTE: Motion carried unanimously.

Board Members discussed the following items:

- Operative site plan is plan "B"
- Dimension changes between site plan A and B
- Scale of site plan
- Planning staff preliminary review of site plan dimensions
- Possible parking deferral agreement
- Parking deferral can not be used to reach compliance with impervious surface standards

- Absence of Township control of current hours of operation on site
- No requirement for a SUP to remodel the existing structure
- The proposed redevelopment reduces the size of the building and increases green space
- Concern with impact of night-time noise on the residential neighborhood
- Loss of valuable locally run small businesses
- An owner's property rights
- Proposed use is allowed by right in current zoning district
- Assistance for successful relocation of existing businesses

Trustee Brixie moved to amend condition number 17 from: "Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. during the year and 6:00 a.m. to 11:00 p.m. from Thanksgiving week to New Year's Day." to: "Hours of operation shall be limited from 7:00 a.m. to midnight." Seconded by Trustee Such.

Board Members discussed consideration of amendments individually vs. as a whole.

Trustee Brixie moved to amend condition number 18 from: "The limitation on hours of operation shall be reviewed at the applicant's request after six months from the date of occupancy by this Board." to : "The applicant may apply for removal of limitation on hours of operation after six months from date of occupancy. The Township Board shall hear such application if made." Seconded by Trustee Such.

Board Members discussed the following items:

- Ability of Board to impose conditions on an SUP approval
- SUP approval remains with the property
- Conditions on SUP would be tied to the property rather than the use
- Termination of the occupants' leases
- Need to address traffic issues
- Impracticality of alternative provision to change from unrestricted to restricted hours of operation.
- Concern that enforcement of new construction standards on redevelopment will discourage redevelopment, and encourage new development
- Applicant assistance in relocating bowling alley
- Predisposition of EDC toward the development of large box retail

Treasurer Hunting moved to amend condition number 1 by adding the phrase: "including a 75/25 impervious/pervious surface requirement. Seconded by Supervisor McGillicuddy.

Board Members discussed the following items:

- The process for the approval of a parking deferral
- Lack of Board authority to deny a property owner's right to seek a variance before the Zoning Board of Appeals.

Treasurer Hunting withdrew the motion to amend condition #1.

Board Members discussed the following items:

- Recommendation to maintain current hour restrictions in the resolution
- Process for consideration of proposed amendments to the conditions
- Aesthetics of existing site
- Balance of noise concerns vs. traffic concerns in restricting delivery hours
- Loss of youth recreation opportunity
- Protection of existing small businesses in Township
- Possible relocation of bowling alley to the ice arena
- Possible relocation of loading docks to the east side of the building
- Example of Okemos L&L grocery store in buffering residential neighborhoods
- Redevelopment of Old M-78 Cinema site
- Preference for compliance with standards of ordinance
- Board prompted improvements to site plan

- MDOT will be of no assistance in improving pedestrian/traffic safety in the area
- Option of a timed traffic light at west Northwind Drive
- Existing businesses are of a lesser traffic impact than what is permitted by right
- Consideration of long-term impact on Township
- Impact of the City of East Lansing's traffic calming project on Grand River Avenue

AMENDMENT TO CONDITION #17

Restatement of Motion:

Trustee Brixie moved to amend condition number 17 from: "Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. during the year and 6:00 a.m. to 11:00 p.m. from Thanksgiving week to New Year's Day." to: "Hours of operation shall be limited from 7:00 a.m. to midnight." Seconded by Trustee Such.

VOICE VOTE: Motion: carried 5-2 (McGillicuddy, Hunting)

AMENDMENT TO CONDITION #18

Restatement of Motion:

Trustee Brixie moved to amend condition number 18 from: "The limitation on hours of operation shall be reviewed at the applicant's request after six months from the date of occupancy by this Board." to : "The applicant may apply for removal of limitation on hours of operation after six months from date of occupancy. The Township Board shall hear such application if made." Seconded by Trustee Such.

VOICE VOTE: Motion carried unanimously.

AMENDMENT TO CONDITION #16

Trustee Such moved to adopt condition number 16: "The applicant shall provide a 5-foot wide concrete sidewalk from Grand River Avenue to the proposed buildings as indicated on the revised Preliminary Site Plan "B" prepared by Bowers & Rein, Inc. dated January 29, 2001." Seconded by Trustee Brixie.

VOICE VOTE: Motion carried unanimously.

MAIN MOTION (Originally Tabled During January 23, 2001 Proceedings and Removed from Table Above):

Restatement of Motion:

Trustee Such moved that the Township Board hereby affirms the Planning Commission decision and denies the appeal. Seconded by Clerk Helmbrecht

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

[Signed and Sealed Resolution in Official Minute Book]

- B. Extension of Time for SUP #99181 (Alpine Holdings), request to construct a hotel north of Jolly Road and east of Okemos Road

Director Kieselbach confirmed notification of all interested parties notified for the original Planning Commission consideration of the SUP application. He reported receipt of no communications regarding this SUP.

Trustee Such moved that the Township Board hereby approves the time extension for Special Use Perm it #99181. Seconded by Treasurer Hunting.

Board Members discussed reducing the length of the time extension.

Trustee Woiwode offered an amendment to condition number 1 to grant the time extension for a period of six (6) months from March 21, 2001 to September 21, 2001. Amendment accepted by maker and seconder.

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

[Signed and Sealed Resolution in Official Minute Book]

- C. Van Atta Woods Sale/Mortgage Payoff
Director Maisner introduced the proposal for discussion.

Board Members discussed the following items:

- Expression of the Township's intent and term of land ownership

Trustee Such moved to pay off the mortgage on Van Atta Woods Park in an amount approximate to \$75,900 from Park Millage funds; and authorizes staff to proceed with selling the house located at 534 Grand River Avenue for fair market value and authorize the Township Supervisor and Clerk to sign the appropriate documents. Proceeds from the sale will revert to the Park Millage for future land acquisitions. Seconded by Trustee Woiwode.

Board Members discussed the following items:

- Exploration of other options including a shared curb cut to reduce the number of curb cuts.
- Verbal approval for curb-cut from MDOT

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

By unanimous consent, the Board moved consideration of the remaining Action Items to after the hearings.

- D. Order to Maintain Sidewalk - 3986 Shoals Drive (Set Public Hearing - March 6)
E. Liquor License transfer - Tony Roma's Restaurant

10. HEARINGS

- A. Appeal of Special Use Permit #00-92031 (Nine Iron, Inc.)

Director Kieselbach introduced the request to construct a driving range at the Meridian Sun Golf Club, 1018 Haslett Road. He relayed the Planning Commissions non-objection to the amendment.

Supervisor McGillicuddy opened the hearing.

APPELLANT/APPLICANT

Bill Mory, President, Nine Iron, Inc., 1018 Haslett Road, Haslett, speaking as the appellant/applicant, stated the reasons for the appeal as follows:

- The netting would be green flexible mesh to blend in with the surroundings, and protect the wetland from golf balls

BOARD DISCUSSION

Treasurer Hunting asked the applicant if he has seen similar netting elsewhere.'

Mr. Mory stated many courses have similar protective measures.

Trustee Woiwode asked the applicant if there are any concerns about bird entanglement in the netting

Mr. Mory stated the open section of the netting should be of sufficient area as to avoid such a problem.

Trustee Woiwode asked the applicant to notify the Township if problems with bird entanglement arise.

Trustee Brixie asked the height of the open section of the netting.

Mr. Mory stated the open area will be three feet (3') high.

Supervisor McGillicuddy closed the hearing.

B. Piper Road Special Assessment District

Director Buell introduced the special assessment district.

Clerk Helmbrecht stated part of the cost increase is a twenty-percent (20%) administrative fee added to the original costs. She asked what criteria are used in charging this administrative fee given the variance of this fee in the past.

Director Buell stated the Engineering Department is funded solely by the water and sewer ratepayers, and an administrative fee is charged to make an appropriate reimbursement to this fund. He stated part of the administrative costs recovered in this fee, is the time put into assembling the assessment district, creating and copying informational packets, and holding hearings. He stated the Piper Road Special Assessment District file has been open since 1992. He stated an administrative fee could be calculated in one of two ways: as a direct payroll expense plus a percentage for overhead, or as a percentage of construction costs. He stated that since 1988 administrative fees have ranged from none: for the paving of Hulett Road or Fox Chase; to thirty-six percent (36%) for Saran Drive public water main. He stated there is no consistent policy in applying an administrative percentage. He stated the American Society of Civil Engineers recommends that "the fixed-fee amount varies with the complexity and scope of the services provided. It is frequently calculated as a percentage of salary cost plus general administrative overhead." He stated based on a survey of Civil Engineering firms it was found the average fixed fees ranged from fifteen to twenty-five percent (15%-25%) of the engineering cost for a project of less than \$100,000. He stated this project exceeds \$100,000, but he determined a mid-range cost.

Clerk Helmbrecht asked why the Township would charge an administrative fee when the Ingham County Road Commission engineered and constructed the road.

Director Buell stated the Engineering Department understands the time and personnel used in coordinating the special assessment district: drawing maps, preparing the assessment district paper work; preparing presentation to the Board; is incorporated in these charges.

Clerk Helmbrecht stated in most cases the Ingham County Road Commission participates in the twenty-five percent (25%) cost offset established by the Township's Road Paving Policy. She stated in this assessment, the Township has contributed twelve and one-half percent (12.5%) of the cost and then charged twenty percent (20%) on top of the Township's contribution. She stated she could not find any evidence the residents were informed of the amount or basis of this fee. She stated she could not see the justification for this fee.

Trustee Such stated his intent to eliminate the twenty-percent (20%) administration fee from the final assessment. He stated engineering work done during the regular workday is paid for by the

taxpayers of the Township. He stated it is not the charge of the Board to recover all costs associated with every Township employee.

Director Buell stated the Engineering Department is solely based on the water and sewer ratepayers of the Township. He stated in this special assessment district there are no water and sewer ratepayers.

Trustee Brixie asked if the issue of ratepayers in the assessment district explains why Hulett Road residents were not charged an administrative fee for the paving of Hulett Road.

Director Buell stated he was not involved in any of the Township's paving projects until Baker Street, in which a twenty-percent (20%) engineering fee was charged and approved.

Trustee Brixie asked Director Buell when an estimate is provided to the residents for a proposed paving project.

Director Buell stated an estimate is included in the petition.

Trustee Brixie asked Director Buell if the estimate in the petition included the administrative fee.

Director Buell stated he does not believe an administrative fee was included.

Trustee Brixie asked Director Buell why the administrative fee was not included in the original estimate and if the Township can add a fee after approval of the project.

Director Buell stated the costs would be adjusted based on the actual construction costs.

Trustee Brixie asked if the residents were informed of this fee.

Director Buell stated the petition states the amount is only an estimate and subject to the final cost hearing.

Trustee Woiwode asked if the Piper Road Cost Breakdown dated February 1, 2001 is from the Township or the Ingham County Road Commission.

Director Buell stated the cost breakdown is from the Ingham County Road Commission showing the estimated vs. actual costs.

Trustee Woiwode asked if the additional paving of bituminous drive approaches was done with the knowledge of the residents.

Director Buell stated during construction, several residents observed that not everyone's driveway approach was being paved. He stated this was an administrative decision to authorize the Ingham County Road Commission to continue and pave all driveway approaches as a safety measure and a benefit to the residents.

Trustee Woiwode stated there were specifications for the work to be done, which were changed after-the-fact. She stated over \$20,000 was added to the cost after the project began. She asked how this decision was made.

Director Buell stated a representative of the residents approached the Township, and a change order was generated.

Trustee Woiwode asked for confirmation that the residents understood that this change would add \$20,000 to the project.

Director Buell stated he did not provide an estimate for the additional paving.

Trustee Woiwode asked if it is typical to modify the number of parcels in the district and redistribute the costs. She asked if the residents would have signed this petition knowing better the costs involved. She asked residents intending to speak during this hearing to address this question.

Director Buell stated the Township is required by law to base the assessment district as prepared January 1. He stated as long as the assessment district is open, parcel divisions increasing the number of benefits in the district would result in a credit or reduced assessment for the remainder of the special assessment district.

Treasurer Hunting stated he could not reconcile two (2) different estimates from the beginning of the project. He stated he has documentation showing estimates of \$92,000 and \$124,600.

Director Buell stated this project includes two (2) projects: the paving of Piper Road and the addition of paved shoulders. He stated \$46,000 of the final costs is contributed by the Pedestrian/Bicycle Pathway Millage Fund for the paved shoulder construction. He stated the difference in estimates shows that part of the project to be assessed against the district vs. the total cost for both projects.

Supervisor McGillicuddy opened the public hearing.

Michelle Kopcha, 460 Piper Road, Haslett, spoke in opposition to the Ingham County Road Commission's proposal to add an outlet from the Strawberry Farm subdivision to Piper Road. She asked that new residents of the Strawberry Farm subdivision be included in this assessment district if an outlet is constructed. [She submitted a copy of a letter to Ingham County Road Commission]

Joel Buczkowski, 564 Piper Road, Haslett, read from a prepared statement objecting to the special assessment roll.

[Statement in Official Minute Book]

David Kenaga, 343 Piper Road, Haslett, objected to the special assessment roll as follows:

- Amount of assessment is significantly larger than original estimate
- Administrative Fee is inappropriate
- After-the-fact changes were made inappropriately and without resident notification

[A written objection to this assessment was submitted and filed in the Official Minute Book for Mr. Kenaga]

John Veenstra, 320 Piper Road, Haslett, spoke in opposition to a connection from Piper Road to the Strawberry Farm subdivision, and objected to the special assessment roll as follows:

- The final per benefit assessment is fifty-five percent (55%) higher than the original estimate
- The depth of gravel was increased from three inches (3") to six inches (6") without due notice to the residents
- Some costs associated with construction of the shoulder have been included in the special assessment roll, rather than being charged against the Pedestrian/Bicycle Pathway Millage Fund as agreed.
- An administration fee had not been discussed at any time before this final assessment

Sam Bird, 630 Piper Road Haslett, objected to the special assessment roll as follows:

- This petition, as opposed to previous petitions, was successful based on the original cost estimate.
- Paving cost overruns range from thirty to seventy-percent (30%-70%) before the addition of the twenty-percent (20%) administrative fee.

Trustee Such asked Director Buell who authorized the increase in gravel depth.

Director Buell answered the Ingham County Road Commission authorized the increase.

Trustee Such asked Director Buell if there is any documentation from the Ingham County Road Commission as to this change.

Director Buell stated the Ingham County Road Commission administers the contract.

Trustee Brixie asked Director Buell whether the Township's Road Paving Policy calculates the twenty-five percent (25%) contribution before or after the administration fee.

Director Buell stated the policy does not address this issue.

Trustee Brixie asked for confirmation that the administration fee is added after the Township's twenty-five percent (25%) contribution.

Director Buell stated the twenty-five percent (25%) is a contribution from the general fund to the assessment district. He stated the administration fee is a reimbursement from the assessment district to the water and sewer fund.

Trustee Such asked Manager Richards to review an analysis of the sharing of costs between the two- (2) projects. He asked when the Township was notified of the proposed connector from Piper Road to the Strawberry Farm subdivision.

Trustee Woiwode stated the intent of the Road Paving Policy is to encourage residents to initiate special assessment districts. She stated this would discourage many residents from pursuing a special assessment district.

Supervisor McGillicuddy opened the floor to Mr. Veenstra.

John Veenstra, 320 Piper Road, Haslett, stated he approached Director Buell to correct a perceived inequity in the paving of drive approaches to have all twenty-four (24) paved. He discussed the calculation of the Township's contribution and the administration fee.

[A written objection to this assessment was submitted and filed in the Official Minute Book for Timothy A. Woolfe, 535 Piper Road, Haslett]

[A written objection to this assessment was submitted and filed in the Official Minute Book for Bruce A. Fox, 332 Piper Road, Haslett]

Supervisor McGillicuddy closed the public hearing.

Supervisor McGillicuddy recessed the meeting at 11:00 p.m.

Supervisor McGillicuddy reconvened the meeting at 11:18 p.m.

Liquor License Transfer (Agenda Item #9.E.)

Trustee Woiwode moved approval of the Transfer Request from T. R. Lansing, Inc. of the Class C License Business, be approved at 1982 Grand River, Out-Parcel #2, Okemos, MI 48864, Meridian Township, Ingham County and the Township Clerk be authorized to execute the Authorizing Resolution. Seconded by Trustee Such.

VOICE VOTE: Motion carried unanimously.

Order to Maintain Sidewalk - 3986 Shoals Drive (Set Public Hearing - March 6) (Agenda Item #9.D.)

Board Members discussed the following points:

- Precedence of using the order to maintain/construct to fill gaps in the subdivisions
- Resident initiated process
- Setting of hearing

Treasurer Hunting moved that the Township Board of Meridian Charter Township schedule a public hearing regarding the installation of public sidewalk on Shoals Drive for March 6, 2001. Seconded by Trustee Such.

VOICE VOTE: Motion carried 6-1 (Helmbrecht)

11. **NEW BUSINESS** (Discussion Items)

**Public Comment

Supervisor McGillicuddy opened public comment.

Leonard Provencher, 5824 Beuna, Haslett, spoke in support of the Pedestrian/Bicycle Pathway Master Plan and in opposition to the deletion of the off-road pathways. [He submitted a publication "Out Your Backdoor"]

Betty Johnson, 3887 Crooked Creek, Okemos, spoke in opposition to the deletion of pathways from the Pedestrian/Bicycle Pathway Master Plan.

Judy Linn, 5435 N. Van Atta Road, Okemos, spoke in support of a revision of the eastern portion of the Township's Pedestrian/Bicycle Pathway Master Plan.

John Veenstra, 320 Piper Road, Haslett, spoke in opposition to the deletion of pathways from the Pedestrian/Bicycle Pathway Master Plan.

Supervisor McGillicuddy closed public comment.

Without objection, the Board altered the order of New Business items to consider the Pedestrian/Bicycle Pathway Master Plan Amendments first (Agenda Item #11.D.) to be followed by the 5-Year Park & Recreation Master Plan Amendments (Agenda Item #11.G.), and all remaining items to be considered in order.

D. Pedestrian/Bicycle Pathway Master Plan Amendments

Supervisor McGillicuddy initiated the creation of two (2) task forces; the first to consider pathways in the Briarwood subdivision chaired by Trustee Woiwode; and the second to consider the Van Atta Road pathway chaired by Trustee Brixie.

Board Members discussed the following items:

- Establishment of mission and deadline for each task force
- Need for a decision on the current Pedestrian/Bicycle Pathway Master Plan Amendments
- Consideration of additions to the Pedestrian/Bicycle Pathway Master Plan
- Possible confusion of issues related to the Master Plan, the 2001 Construction Program, and the 2000 Construction Program carry over
- Involvement of trails community in task forces
- Collection of data to alleviate fears associated with pathways
- Consideration of existing trails in task force areas
- Review role of Consumers' Energy easements in pathway system
- Protection of vegetation in rights-of-way
- Support for proposed additions to the Master Plan
- Possible Hulett Road task force
- Support for deletion of Hamilton Road pathway from the Master Plan
- Support for deletion of Van Atta Road off-road pathway from the Master Plan
- Support for retaining Van Atta Road shoulder pathway on the Master Plan
- Preference for a construction moratorium over deletion of pathways
- Physical topography was not taken into account during creation of the Master Plan
- Board Communication BD-4
- Master Plan as a starting point vs. complete concept
- Three distinct issues:

- 2001 Construction Program
- Use of Consumers' Energy easements for off-road pathways
- Re-examination of Master Plan for new opportunities

- Possible Science Parkway to Hulett Road pathway
- Construction moratorium passes decision on to next Board
- Need for east-west pathway across the Township
- Link to Lansing river trail system
- Consideration of particular pathways additions rather than the entire Master Plan
- Concern that proposed 2001 Construction Program includes proposed additions
- Without a re-evaluation of the whole plan, it is difficult to select segments for permanent removal.
- Ad hoc additions to Master Plan incorporating wildlife corridors into the Master Plan
- Concern that a paved shoulder along Van Atta Road would require the removal of old trees
- Concerns of Hamilton Road residents for old trees and limited space
- Times Square Drive addition as part of SUP approval

G. 5-Year Park & Recreation Master Plan Amendments

Director Maisner discussed the Park Commission's consideration of amendments to the Master Plan.

A. Access Management Ordinance

Manager Richards introduced information regarding a possible ordinance for discussion.

Board Members discussed the following items:

- Need for Township controls on curb-cuts
- Process for ordinance amendment
- Priorities of the Board
- Need for review of proposed ordinance with Planning Staff
- Need for publicity to involve and educate public
- Part of the effort to address traffic concerns

B. Community Septic Field - Grand River Ave, East of Van Atta Road

Supervisor McGillicuddy introduced the proposed community septic field for discussion.

Board Members discussed the following items:

- Letter of Credit
- \$10,000 Cash Deposit with sole draw authority
- Authority to assess residents
- Township options if septic field fails
- Maintenance schedule of community septic fields
- Ingham County Health Department moratorium
- Significant Township liability
- Inconsistency of the density of proposed development with the rural character of the area

C. Township Manager's Contract Extension

Manager Richards discussed the procedure for his contract review and extension.

Board Members discussed the following items:

- Time limits for Board action
- Previous practices for review of Manager's contract
- Revision of Manager's performance evaluation
- Ad hoc Board Committee to review the Manager's contract
- Incorporation of Policy Governance principles

Supervisor McGillicuddy created an ad hoc committee to review the Manager's contract and performance evaluation including Supervisor McGillicuddy, Clerk Helmbrecht and Treasurer Hunting.

D. Pedestrian/Bicycle Pathway Master Plan Amendments (See above - Discussed as first item of New Business)

E. Attorney Firm Selection

Supervisor McGillicuddy opened the attorney firm proposals for discussion.

Board Members discussed the following items:

- Bidding out Ordinance Prosecution work separately
- Timeline for discussion and decision

Supervisor McGillicuddy instructed the Board to submit written comments and concerns regarding the selection of a legal firm to the Manager.

F. Road Paving Policy

Director Buell introduced the Road Paving Policy for discussion.

Board Members discussed the following items:

- Scope of discussion
- Agreement with Ingham County Road Commission on 1999 and 2000 fund carry-overs
- Road Millage
- Further discussion at Committee of the Whole
- Need to move forward on road improvements
- Failure of Road Paving Policy to Induce Road Improvement Assessment Districts
- 5:30 p.m. start time for the February 20, 2001 Work Session

G. 5-Year Park & Recreation Master Plan Amendments (See above - Discussed as Second item of New Business)

12. PUBLIC COMMENT

Supervisor McGillicuddy opened public comment.

Attorney Schultz discussed previous experiences with failing community septic fields and the associated difficulty in maintaining them.

John Veenstra, 320 Piper Road, Haslett, spoke in support of additions to, and in opposition to deletions from the Pedestrian/Bicycle Pathway Master Plan. He spoke in support of a review of the Legg Park pathway.

Supervisor McGillicuddy closed public comment.

13. FINAL BOARD MEMBER COMMENT (None)

14. DETAILS OF NEXT MEETING

- A. 2001 Pathway Construction Program - Public Hearing
- B. Street Light Policy - Committee of the Whole

15. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 12:55 p.m.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Paul J. Cassidy, Secretary