

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
853-4000, Town Hall Room  
TUESDAY, FEBRUARY 4, 2014 **6:00 P.M.**

**PRESENT:** Supervisor LeGoff, Clerk Dreyfus, Treasurer Brixie, Trustees Scales, Styka, Veenstra, Wilson  
**ABSENT:** None  
**STAFF:** Township Manager Frank Walsh, Director of Community Planning & Development Mark Kieselbach, Director of Public Works and Engineering Ray Severy, Police Chief David Hall, Fire Chief Fred Cowper, Director of Finance Gretchen Gomolka, Director of Information and Technology Stephen Gebes

1. CALL MEETING TO ORDER

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

2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS

Supervisor LeGoff led the Pledge of Allegiance.

3. ROLL CALL

The secretary called the roll of the Board.

4. SPECIAL RECOGNITION – Friends of the Okemos Library

Township Manager Walsh, on behalf of the Board, acknowledged the Friends of the Okemos Library organization for its efforts in the Renew the Okemos Library renovation project by presenting members with flowers as a token of appreciation for their fundraising endeavors.

Cecilia Kramer, President, Friends of the Okemos Library, 4560 Oakwood Drive, Okemos, explained the Friend of the Okemos Library is a volunteer organization which support the library. She explained that as part of the Capital Area District Library (CADL) system, it is up to each municipality to provide the building which houses library operations. Ms. Kramer stated the Township pledged \$200,000 toward the renovation if the community could raise \$100,000, which it achieved through the Renew the Library, It's Overdue campaign.

Quenda Story, 4526 Marlborough, Okemos, spoke to the efforts by the Friends which resulted in the community raising \$160,000.

5. PUBLIC REMARKS

Supervisor LeGoff opened Public Remarks.

Jack Brandenburg, 2058 Central Park Drive, Okemos, spoke in opposition to SUP #13121 (construction of the new fire station) at the proposed location.

Lawrence Nolan, 4765 Nakoma Drive, Okemos, attorney for 14 Autumn Park Condominium owners, spoke in opposition to SUP #13121 (construction of the new fire station) at the proposed location. He believed there will be a significant depreciation in the real estate value of the condominiums if the fire station is built where proposed.

Leonard Provencher, 5824 Buena Parkway, Haslett, noted the pathway which serves elementary school children in Benson Hills has not been plowed. He addressed the issue of posting placement of Board packets on the Township website.

Vance Kincaid, 4530 Nakoma Drive, Okemos, spoke in opposition to the proposed police forfeiture contract on tonight's agenda and the lack of pedestrian pathway clearing by the Township. He spoke in opposition to SUP #13121 (construction of the new fire station) as he believed the process was flawed from its inception.

Betsy Strobl, 2056 Central Park Drive, Okemos, spoke in opposition to SUP #13121 (construction of the new fire station) at the proposed location.

Neil Bowlby, 6020 Beechwood Drive, Haslett, spoke in opposition to SUP #13121 (construction of the new fire station) at the proposed location. He addressed alleged errors in the resolution for the new fire station and believed the voters were not given sufficient information when the fire station millage was placed on the November, 2012 ballot.

David Strobl, 1320 Cove Court, Okemos, addressed the special use criteria relative to SUP #13121 (construction of the new fire station) at the proposed location.

Mike Anderson, 2020 Central Park Drive, Okemos, spoke in opposition to SUP #13121, stating it is a bad plan which will result in costly litigation if approved.

Nancy Yeager, 1330 Cove Court, Okemos, spoke in opposition to SUP #13121 (construction of the new fire station) at the proposed location.

Barbara Strobl, 1320 Cove Court, Okemos, believed SUP #13121 (construction of the new fire station) does not meet all the Township's special use permit criteria.

Eckhart Dersch, President, Liaison for Inter-Neighborhood Cooperation, 2203 Butternut Drive, Okemos, requested the formation of a committee of vested stakeholders to consider the location of the new fire station and develop recommendations for Board consideration. He requested the Board uphold the decision of the Planning Commission relative to SUP #13121 and identify a better site for the central fire station.

Supervisor LeGoff closed Public Remarks.

6. TOWNSHIP MANAGER REPORT (None)

7. BOARD COMMENTS & REPORTS

Treasurer Brixie requested Board comments and reports be held to the end of the meeting due to the length of the agenda.

8. APPROVAL OF AGENDA

**Treasurer Brixie moved to approve the agenda as submitted. Seconded by Trustee Wilson.**

**Trustee Veenstra offered the following amendment:**

- **Remove Agenda Item #12E as an action item and place the item on for discussion**

**Seconded by Clerk Dreyfus.**

ROLL CALL VOTE YEAS: Trustee Veenstra, Clerk Dreyfus  
ON THE NAYS: Trustees Scales, Styka, Wilson, Supervisor LeGoff, Treasurer Brixie  
AMENDMENT: Motion failed 2-5.

VOICE VOTE ON THE MAIN MOTION: Motion carried 6-1 (Veenstra).

9. CONSENT AGENDA

Supervisor LeGoff reviewed the consent agenda.

**Treasurer Brixie moved to adopt the Consent Agenda. Seconded by Trustee Wilson.**

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,  
Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried unanimously.

A. Communications

(1) Board Determination (BD)

- BD 11A-1 Deborah Cole, 1796 Nemoke Trail, Haslett; RE: Opposition to MUPUD #13054 (Aldi/Eyde)
- BD 12A-1 Bill and Marie Persons, 2028 Central Park Drive, Okemos; Opposition to SUP #13121 (Central Fire Station)
- BD 12A-2 Eckhart Dersch, President, Liaison for Inter-Neighborhood Cooperation, PO Box 40, Okemos; RE: Request to uphold the Planning Commission's recent decision to deny SUP #13121 (Central Fire Station)
- BD 12A-3 Deborah Cole, 1796 Nemoke Trail, Haslett; RE: Opposition to SUP #13121 (Central Fire Station)

(2) Board Information (BI)

- BI-1 Jim Greene, 5322 Haversham Drive, Haslett; RE: Sidewalk Clearing Ordinance Enforcement
- BI-2 John P. Gardner, Government Affairs Manager, Comcast, Heartland Region, 1401 E. Miller Road, Lansing; RE: Change to Comcast's channel lineup effective January 9, 2014
- BI-3 John P. Gardner, Government Affairs Manager, Comcast, Heartland Region, 1401 E. Miller Road, Lansing; RE: Change to Comcast's channel lineup effective January 29, 2014
- BI-4 John P. Gardner, Government Affairs Manager, Comcast, Heartland Region, 1401 E. Miller Road, Lansing; RE: Encryption of limited basic service effective February 27, 2014

(3) Regional Linkage (CL)

- RL-1 William Conklin, Managing Director, Ingham County Road Department, 301 Bush Street, Mason; RE: Special Road Project Funding for Lake Lansing Road, Hagadorn to east of Okemos Road/Other road project updates

(4) On File in the Clerk's Office

Material handed out at the January 7, 2014 Meeting

Roger Zeeff, 3635 Hiawatha Drive, Okemos; RE: Appreciation for the use of Haslett High School as a warming station after the December ice storm

**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 Wilson.**

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried unanimously.

B. Minutes

**(1) Treasurer Brixie moved to approve and ratify the minutes of the January 11, 2014 Policy Governance Meeting as submitted. Seconded by Trustee Wilson.**

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried unanimously.

**(2) Treasurer Brixie moved to approve and ratify the minutes of the January 21, 2014 Regular Meeting as submitted. Seconded by Trustee Wilson.**

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor  
LeGoff, Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried unanimously.

C. Bills

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

Common Cash	\$ 352,356.05
Public Works	\$ 45,893.06
Total Checks	\$ 398,249.11
Credit Card Transactions	\$ 8,961.36
Total Purchases	<u>\$ 407,210.47</u>
ACH Payments	<u>\$ 448,037.29</u>

**Seconded by Trustee Wilson.**

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,  
Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried unanimously.

[Bill List in Official Minute Book]

10. QUESTIONS FOR THE ATTORNEY (See Agenda Item #12A, #12B, #12E)

11. HEARINGS

A. Mixed Used Planned Unit Development #13054 (Aldi/Eyde) – Request for a Mixed Use Planned Unit Development with One Commercial Building and 24 Apartments at 5155 Marsh Road

Supervisor LeGoff opened the public hearing at 6:48 P.M.

Director Kieselbach summarized the proposed mixed planned unit development (MUPUD) as outlined in staff memorandum dated January 31, 2014.

- Applicant  
Mark Clouse, Eyde Co., 4660 S. Hagadorn Road, Suite 600, East Lansing, offered history on this site, noting the property was rezoned several years ago with the condition that it be mixed use. He noted the Eyde Company is working with Aldi on this project while retaining ownership of the apartments after the project's completion. Mr. Clouse relayed the Planning Commission recommended approval of the project, adding that the same brick material will be used throughout all the buildings.

Mr. Clouse stated he has met with staff from the Parks Department and the Park Commission chair over concerns expressed during the Planning Commission meeting and addressed each issue to their satisfaction.

David Kapusansky, Director of Real Estate, ALDI, Inc. 2625 N. Stockbridge Road, Webberville, introduced the Aldi grocery concept. He indicated ALDI plans to build and open five (5) stores this year and six (6) next year, with a goal of 27-30 stores over the next five (5) years in Michigan. Mr. Kapusansky believed ALDI's unique and accessible layout makes it easy to shop, and expansion happens through word of mouth. He added their structures are built with a brick design for the long term, adding that glass was added to comply with Township requirements. Mr. Kapusansky stated ALDI uses energy efficient building practices in all its stores.

Chris Grzenkowicz, Desine, Inc., 2183 Pless Drive, Brighton, noted pedestrian walkways have been added throughout the development (i.e., pathway along Marsh Road which ties into a sidewalk between the residential and commercial buildings, seating area in back which abuts the wooded park area to the west, a walking path which ties into the parking lot at the Nokomis Center and pedestrian walkways between the residential and commercial site). He added the residential apartment will include ten (10) two-bedroom units, 12 three-bedroom units and two (2) four-bedroom units, stating the three- and four-bedroom units will be on the end caps of the building with two-bedroom units through the center. Mr. Grzenkowicz indicated each unit will have either a balcony or a deck and the three- and four-bedroom units will have will have a balcony or deck in the front and rear (off the master bedroom), He stated the larger building on the north end has daylight windows along the rear which look out into the natural area. Mr. Grzenkowicz offered the materials to be used on the commercial building, noting two signs are proposed for the site, one at the entrance on Marsh Road for Aldi and a second sign near the center of the parking lot along Marsh Road for the apartments.

COMMENT BY THE ATTORNEY: We're still at the public hearing, correct? So if there's no public comment, then we can close the public hearing and you can discuss it when it comes up on the agenda.

Supervisor LeGoff closed the public hearing at 7:08 P.M.

## 12. ACTION ITEMS

Supervisor LeGoff opened Public Remarks.

Steven Lamb, 2026 Central Park Drive, Okemos, spoke in opposition to SUP #13121 at the proposed location. He questioned the procedure used for the construction of the new fire station. Mr. Lamb requested the Township Board "do the right thing" to protect all the citizens of Meridian Township.

Betsy Strobl, 2056 Central Park Drive, Okemos, requested the Board uphold the Planning Commission's decision on SUP #13121. She expressed concern that she was not informed of the Township's intent to place a fire station at the proposed location on Central Park Drive. Ms. Strobl read a letter from her friend who voted for the fire station as she was not aware that it was proposed in a residential area.

Ken Phinney, President, International Association of Fire Fighters Local 1600, 4655 Krentl, Holt, requested the Board give firefighters a new fire station. He stated when the topic of a new fire station was first discussed two years ago, he walked many Township streets, and talked to many residents regarding this issue. Mr. Phinney stated his union requested the new fire station be placed before the voters of Meridian Township and they approved the millage which was placed on the November, 2012 ballot.

Sue Simkin, 2032 Central Park Drive, Okemos, suggested the proposed fire station be moved to the property currently occupied by the Farmers Market which would save money by utilizing the existing parking lot. She believed another alternate site is the property near the MSU Federal Credit Union on Central Park Drive, although that location would require a smaller building. Ms. Simkin believed it a "waste of our money" to build a training tower, stating training should be a joint endeavor with other fire departments in the area. She reminded Board members that Lansing Community College-East Campus is in Meridian Township, and the location currently utilized for training.

Lawrence Nolan, 4765 Nakoma Drive, Okemos, attorney for the owners of Autumn Park Condominiums, questioned whether the Board has jurisdiction to vote on SUP #13121, as he believed the Township should have filed an appeal of the Planning Commission decision within ten (10) days and did not.

David Strobl, 1320 Cove Court, Okemos, believed the Township is the owner and developer of the land and should be subject to a much higher standard in execution of the process. He believed the process for SUP #13121 has been handled in the reverse. Mr. Strobl alleged the question of the fire station millage placed before Township voters in November, 2012 was an illegal ballot. He questioned whether there has been a thorough investigation on the issue of separating the bond from the location.

Leonard Provencher, 5824 Buena Parkway, Haslett, spoke in opposition to SUP #13121 (construction of the new fire station) as he believed due process has not been followed. He also spoke in opposition to police forfeiture, and questioned whether there is a need for it as no data has been provided.

Vance Kincaid, 4530 Nakoma Drive, Okemos, stated the Township did not file a timely appeal subsequent to Planning Commission denial of SUP #13121. He questioned the Board's use of the same Township standards which are applied to all other residents. Mr. Kincaid alleged the Township has not "done" its due diligence relative to placement of the proposed central fire station in a groundwater vulnerability area.

Neil Bowlby, 6020 Beechwood Drive, Haslett, asked the Board not to make things worse if the Township has not filed an appeal and requested proof be shown that one has been filed. He requested the Board review the effect of the proposed fire station on property values for Autumn Park Condominium owners and spoke to the ambiguity of runs v. calls. Mr. Bowlby requested information be provided to the Board on the types of hazardous materials which are stored in a fire station as it relates to potential groundwater contamination. He believed because there are two parcels on the subject property, a variance from the 50-foot setback requirement would be needed. Mr. Bowlby reminded Board members that the same management team promoting the fire station is the one which brought forth the Cornell Road Improvement Project which would have cut down 500 trees on a natural beauty road.

Mike Anderson, 2020 Central Park Drive, Okemos, expressed his continued opposition to SUP #13121. He reminded Board members that it is their responsibility to "look out for the little guy" and requested the Board explore other alternatives.

Jim Peterson, 1311 Cove Court, Okemos, questioned whether the process used to place the construction of the fire station on the November, 2012 ballot was properly followed. He added that he voted for the fire station on the premise that the procedure was "honestly" presented by the Township and alleged that "fraud" was committed against the citizens.

Jack Brandenburg, 2058 Central Park Drive, Okemos, believed having a fire station across the street from Autumn Park Condominiums would devalue those owners' investment and affect the residents' quality of life who live there.

Supervisor LeGoff closed Public Remarks.

A. Special Use Permit #13121 – Construction of the New Fire Station

Lawrence Nolan, 4765 Nakoma Drive, Okemos, attorney for the Autumn Park Condominium owner appellants, believed the Township should have filed an appeal to have this case on the agenda this evening. He offered an extensive overview of the exhibits contained in his appeal filed with the Township, and read Board statements from an alleged verbatim transcript he commissioned of a previous Board meeting.

Appeal process: (Questions for the Attorney (See Agenda Item #10))

Q. We're hearing today from a lot of sources, including Mr. Nolan, about the appeal and whether the appeal is properly before us. Do you have an opinion on that?

A. My opinion is that it is properly before you based on the way your ordinance is written, and the way that you sent it back to the Planning Commission for further hearings. I read it verbatim from the ordinance..."prior to a final determination of the appeal by the Township Board." That is why it is back here as an appeal with the condominium association as the appellant.

Q. And the argument about the dates, you don't see as valid?

A. If the opinion I just gave you is correct, which I believe it is, then there isn't a date issue because another letter wasn't necessary from the Township appealing the decision. We just have a difference of opinion on how to read the ordinance and how to apply it.

**Treasurer Brixie moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves Special Use Permit #13121 to construct a fire station, a governmental use in a residential zoning district, subject to the following conditions:**

- 1. Approval of the special use permit is granted in accordance with the site plans prepared by DLZ, dated August 2, 2013, subject to revisions as required.**
- 2. The character and quality of the building materials and general architectural design of the buildings shall be consistent on all four sides. Building materials shall be substantially consistent with the elevation plans prepared by DLZ and dated August 2, 2013, subject to approval by the Director of Community Planning and Development.**
- 3. The applicant shall obtain all necessary permits, licenses, and approvals from the Ingham County Road Department and the Township. Copies of all permits and approval letters shall be submitted to the Department of Community Planning and Development.**
- 4. The parking lot shall be designed in accordance with the requirements of Section 86-756 Design and Construction Requirements.**
- 5. Bicycle parking shall be provided in accordance with the requirements of Section 86-760.**
- 6. Prior to issuance of any permit for construction activity including grading permits, any wellhead(s) located on the site shall be properly closed and abandoned pursuant to the requirements of the Ingham County Health Department and the Township.**
- 7. The location, species and size of street trees to be installed on street frontages shall be subject to the approval of the Director of Community Planning and Development.**
- 8. Landscaping shall generally comply with all applicable provisions of the Code of Ordinances.**
- 9. Site and building lighting shall comply with Article VII in Section 38 of the Code of Ordinances and shall be subject to the approval of the Director of Community Planning and Development. Parking lot lighting shall not exceed 15 feet in height. LED lighting shall be used where feasible.**
- 10. All mechanical, heating, ventilation, air conditioning, and similar systems shall be screened from view by an opaque structure or landscape material (if at street level) selected to complement the building. Such screening is subject to approval by the Director of Community Planning and Development.**
- 11. The utility, grading and storm drainage plans shall be subject to the approval of the Director of Public Works and Engineering and shall be completed in accordance with the Township Engineering Design and Construction Standards.**

12. **A copy of the site plan information that exists in a computer format for the development project and construction plans shall be provided to the Township Engineering staff in an Auto Cad compatible format.**
13. **Any future modifications to the building or site shall require an amendment to the special use permit.**
14. **The Township shall work with the Ingham County Road Department (ICRD) to explore and implement, if feasible, measures (including traffic controls) that would obviate the use of sirens on the western end of Central Park Drive.**

**Seconded by Trustee Wilson.**

Board discussion:

- Request meets the Township's SUP criteria
- First SUP criteria states the project is consistent with the intent and purposes of Chapter 86 of the Township's Zoning Ordinance
- First sentence in Section 86.5 states, "The purpose of this chapter is to promote the public health, safety, economic and general welfare of the residents in the Township by regulating the development of land."

Procedure regarding the appeal in this case: (Questions for the Attorney (See Agenda Item #10))

- Q. I would like to have our attorney, for the benefit of the public in the room, clarify for us, as we have in our Board options, what our procedure is, before I finish discussing my opinion on the resolution before us.
- A. Again, based on language of the ordinance and the resolution, the way it was sent back with the specific language that a determination of the appeal by the Township Board, it is my interpretation that the appellant was the condominium association. They opened it up, brought it before the Board, went back to the Planning Commission, and they didn't vote differently, they failed to vote on a motion or resolution for lack of votes. I believe they are the appellant, it is back here, they don't want it at that site and we need to move forward, either determining it will be at that site or it will not be at that site. At this point, you have a motion on the floor.

Board discussion:

- Purpose of the fire station is to promote the health, safety and welfare of Township residents
- Section 86.5 (8) states: "Promote wise and efficient expenditure of public funds for public improvements and services to conform with the most advantageous uses of land and resources."
- "Wise and efficient expenditure of public funds" was heavily and hotly debated during the lengthy selection process of this site for the proposed new central fire station
- This site promotes the "wise and efficient expenditure of public funds for public improvements"
- Section 86.5 (9) states: Facilitate adequate and efficient provision of transportation systems, sewage disposal...and other public services, utilities and facilities."
- Section 86.5 (9) is pertinent and germane to the placement of a new fire station at the proposed location in respect to the residents and guests of the Township
- SUP review criteria #5 contained in Section 86.126 states: "The project will not be detrimental to the economic welfare of surrounding properties or the community."
- Township Assessor has no evidence which shows condominium values decrease when they are located next to fire stations

- Condominiums next to the south fire station on Okemos Road have higher property values than the ones in Autumn Park
- Project is an asset to the community
- Providing high quality rapid fire and EMS response reduces insurance rates and contributes to the economic welfare of the community
- Protection of all of the structures located in the central business district by constructing a fire station nearby
- Fire station located in the central business district will protect the lives of individuals who gather in the large public spaces (e.g., Meridian Mall)
- Benefit to the greater Township community was discussed during the selection process
- SUP criteria #8 contained in Section 86.126 states: “The project will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.”
- Board member belief that noise generated by night time runs of ambulances or fire trucks will not be excessive and are similar to the noise emitted from trains using the railroad tracks just north of the Autumn Park Condominiums
- Amount of traffic which could be generated through “by right” use according to the underlying RDD zoning is much more than the traffic generated by the proposed project
- Fire station is an important critical low traffic public use for the safety of the entire community
- Board member belief the fire station will not produce smoke, fumes, glare or odors
- Board member belief that environmental factors were thoroughly discussed, including groundwater vulnerability, during 2012 Board review of the proposed site
- Fire station is a non-residential structure permitted in a residential district
- Good location as it is at the edge of a highly populated residential district to the west (Ottawa Hills and Cedar Bend Heights), next to Meridian Mall and the post office and the commercial corridor on Grand River
- Proposed location minimizes the impact it would have at a location in the middle of a residential district
- Location in the middle of a residential district would not be conducive to rapid response times
- Property located at the corner of two major streets (Okemos Road and Central Park Drive)
- Previous Board made a mistake by needlessly “handcuffing” the location of the proposed fire station to the millage
- Board member belief that Township voters expected that the site location listed on the November, 2012 ballot would have been legally zoned and in conformity with Township land use policies before being placed on the ballot

**Trustee Styka offered the following amendment:**

- **Amend condition #1 by deleting “revisions as required” and inserting “the Township Manager, in conjunction with the Director of Community Planning and Development, determining an appropriate location for the station on the current site that meets with the ballot language and is less intrusive on the neighbors and report back to this Board within 30 days.”**

**Seconded by Trustee Scales.**

Continued Board discussion:

- Amendment will aid in allaying concerns expressed by the residents of Autumn Park
- Opinion of legal counsel that the station must be placed on the subject parcel contained in the ballot language

- Recommendation for Board approval with the condition that it be relocated within the proposed parcel
- General fund does not have the money to build a new fire station
- Preference for a compromise which would allow the community to go forward with this station and not lose \$500,000
- Board member preference to have the station moved further south facing Okemos Road with control of light signaling to the north and south by emergency personnel when necessary
- Everyone who has spoken before the Board has been in favor of a new fire station, but not directly in front of their residence
- Amount of wetlands on the site
- Spirit of the compromise amendment is an attempt to appeal to some of the concerns expressed by the residents
- History of the decision making that led the Board to this point is a much larger problem than the location of the fire station on the proposed site
- Reminder that the Planning Commission has turned down this proposal
- Suggestion to have the Township Manager obtain design input by affected parties
- Residents of Autumn Park in the western most building may prefer the first location over the suggested location to the west on the subject property
- Board member belief the proposed site violates Sections 3, 4, & 8 of the special use permit review criteria
- Board member belief the proposed site changes the essential character of the area, will adversely affect neighbors and will produce excessive traffic, noise and smoke.

Procedure for approving the plans with modification: (Questions for the Attorney (See Agenda Item #10))

Q. Procedurally, would it be good for us to approve this resolution this way and then have it come back or should we separate out this request to make a modification to the plans and table or withdraw the main resolution and reapprove it when it comes back before us to see the final plans? How does it come back?

A. I think if you are going to have it come back for final approval of the Board, I don't think you've approved it yet.

Q. Would you recommend a different method of doing it other than having this be a condition?

A. The way it is written right now, what it says to me is they just have to report back, but there is no additional approval needed by the Board. Is that the intent?

Q. The intent would be that this Board would then do a final approval at this time. Maybe the Treasurer is right, what we ought to do is table the main motion and just move forward on this motion. I guess that is what she is asking.

A. I think what you could do is approve that it be placed on the site, but that the specific location on the site would come back. But, you are also going to do location, character and extent as well.

Q. One of the problems I see is all of the conditions refer to the plans we have before us, and we're suggesting changing those. It seems like we need to have the plans redone and brought back to us and do the resolution to approve then when we have the replacement plans.

A. That would be cleaner.

Q. If we go that route, does that require a new special use permit and that whole process or is it just a modification? I just want to know what that process would be going forward.

- A. I am assuming it would potentially be rotated. It would be my interpretation that it does not need to go back to the Planning Commission or would not need an additional special use permit. We may want to have that confirmed by our Zoning and Planning Director.

Continued Board and staff discussion:

- During the design process within the next 30 days, staff will meet with the neighborhood to attempt a consensus on placement of the station on the parcel
- All of the other conditions are “site neutral”
- Concern with the Board performing “make do” fixes on this issue
- Board member belief the Board has not followed its own ordinances or proper procedures
- Mounting legal fees for the Autumn Park Condominium owners to bring this back to the Board
- Preference to deal with this issue tonight as it would be a waste of taxpayer resources and staff time to repeat the process in 30 days
- Planning Commission vote to approve which failed v. approval of a resolution to deny
- Board member suggestion that the Board should deny the appeal if the Autumn Park Condominium owners are the appellant
- Board member belief that the Township did not appeal the Planning Commission action, so it is unclear why the Board is approving the special use permit
- If staff determines a better location for the fire station on the subject parcel, should that location be submitted to the Planning Commission for special use permit approval
- Board would not make any other applicant start the process over again if the Board suggested modifications be made prior to Board approval of the special use permit
- Board frequently makes modifications to special use permit applications when the applicant is someone other than the Township
- Board member belief the Planning Commission did not feel comfortable in modifying the plans to place the fire station at a different location on the parcel
- Original design placed the building closer to, and somewhat facing, Okemos Road
- Staff is capable of finding appropriate placement of the fire station on the subject parcel which would be amenable to a majority of the concerned residents

Major v. minor SUP amendment: (Questions for the Attorney (See Agenda Item #10))

- Q. In the normal course when we approve a special use permit, does a change to that special use permit come directly to us under Paragraph 13, or does it have to go through the Planning Commission each time.
- A. A minor or major amendment to a SUP? I’ll need conformation from Mark on that. I think that is an appropriate question for Mark procedurally.

Board and staff discussion:

- Amendment to a SUP requires previous SUP approval
- Township process in place for an existing SUP dependent upon whether it is a major or minor amendment
- Major amendments go back to the original approval of the SUP
- Minor amendments can be dealt with at the staff level
- Not all SUPs are approved by the Planning Commission; some require Planning Commission recommendation with Board approval
- In this circumstance, if the Planning Commission had either approved or denied with no appeal, that determination would have been final
- Staff preference to utilize a “clean process” by having the plans changed first and then those plans brought to the Board for approval

**Treasurer Brixie withdrew her resolution.**

**Trustee Styka moved to direct the Township Manager, in conjunction with the Director of Community Planning and Development, to look at the proposed special use permit and determine an appropriate location for the fire station on the current site that meets with the ballot language and is less intrusive on the neighbors and then come back to us within 30 days with that as the proposed special use permit. Seconded by Trustee Scales.**

Continued Board discussion:

- History of this issue to date
- Board member belief four critical mistakes made on this issue in 2012 by the previous Township Board
  - A false sense of urgency was used to get the fire station millage on the November, 2012 ballot
  - Rushing through the process of reviewing and analyzing all potential locations for the proposed new fire station
  - Needlessly and improperly placing the location of the proposed fire station on the millage request
  - The Township ignored its own ordinances and state law by not requiring proper land use and land development policies which the Township requires of every other applicant

**Trustee Scales called the question. Seconded by Treasurer Brixie.**

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Wilson, Supervisor LeGoff, Treasurer Brixie  
NAYS: Trustee Veenstra, Clerk Dreyfus  
Motion carried 5-2.

ROLL CALL VOTE ON THE MAIN MOTION: YEAS: Trustees Scales, Styka, Wilson, Supervisor LeGoff, Treasurer Brixie  
NAYS: Trustee Veenstra, Clerk Dreyfus  
Motion carried 5-2.

[Supervisor LeGoff recessed the meeting at 9:21 PM]

[Supervisor LeGoff reconvened the meeting at 9:32 P.M.]

B. Commission Review #13053 – Section 61 Review of the New Fire Station

Commission Review procedure: (Questions for the Attorney (See Agenda Item #10))

Q. Should we ask our attorney how to proceed on this one?

A. It would be my recommendation that you would move this decision or reevaluation of it; it is here. Based on the Board's ability to overturn a decision by 2/3 vote if you choose to, I would say you would move that until you have the specific location back in front of you.

Board discussion:

- Board member belief the attorney meant to stay "table the commission review"

ATTORNEY COMMENT: No, I meant move it for 30 days consistent with the other motion that was just passed.

Q. Are you recommending that we take it off the agenda right now?

A. I'm recommending that you not discuss it or move forward with it until you have a specific location because you decided today to move it.

Q. I think that's saying take it off tonight's agenda?

A. That's fine, don't discuss it.

**Trustee Scales moved the agenda.**

C. Board Policy Manual

**Trustee Scales moved to approve amendments to Policies 1.0, 1.1 and 1.2 of the Board Policy Manual as discussed at the January 11, 2014 Policy Governance Review Meeting, the January 21, 2014 Township Board Meeting, and the February 4, 2014 Township Board Meeting. Seconded by Trustee Wilson.**

Board discussion:

- Policies are some elements which guide the Board to focus on the Township's mission and process
- Board Policy Manual is a living document
- Board purpose is to navigate and the Township Manager steers through appropriate guidance from the Board

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,  
Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried unanimously.

D. Beginning of Year Budget Amendments

**Trustee Wilson moved to approve the 2014 beginning-of-year budget amendments with a decrease in budgeted fund balance for the General Fund in the amount of \$190,950 which projects a use of Fund Balance of \$329,023. Based on preliminary 2013 results, the projected Fund Balance at December 31, 2014 is \$6,347.316. Seconded by Treasurer Brixie.**

Board discussion:

- \$1 million difference in the anticipated fund balance at the end of 2014 from the current fund balance is additional projects which have yet to come before the Board
- Some 2013 projects had been set aside (new phone system, parking lots repavement) in order for the new Township Manager to ascertain the Township's financial soundness
- Board member preference to have the electronic packet come back before the Board
- Electronic packet will require Board deliberation prior to Board action

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,  
Treasurer Brixie, Clerk Dreyfus  
NAYS: None  
Motion carried unanimously.

E. Contract with Bodwin and Associates for Police Forfeiture

**Trustee Scales moved that Meridian Charter Township enter into a retainer agreement with the law firm of Bodwin and Associates, P.C. to provide attorney services for police forfeitures. Further, that Bodwin and Associates receive twenty percent (20%) of the net proceeds of any judicial forfeiture, or actual costs incurred, whichever is less and five percent (5%) of net proceeds received by means of settlement agreements, or actual costs incurred, whichever is less through April 30, 2015. Seconded by Treasurer Brixie.**

Board discussion:

- Board member trust in the prosecuting attorney and law enforcement officers to properly follow the law
- Confidence in the ability of the Chief of Police to develop and establish policies and carry out the enforcement of those policies
- Review of the history of Michigan forfeiture acts will demonstrate there is sound enforcement efforts taking place

**The seconder offered the following amendment:**

- **Amend 3. (d) by deleting "as provided by law" and inserting "and as otherwise provided by law"**

Other expenses required by law: (Questions for the Attorney (See Agenda Item #10))

Q. Are you in agreement with that?

A. The reason this recommendation had been made in the final copy is because there are other expenses that need to come out of the proceeds before they are paid that are required by law. We need to make sure that's included in here. Net proceeds are not just what's collected, less contracted out-of-pocket expenses; there are other things that need to be taken out of it that are required by law. So, "and as otherwise provided by law" allows for other deductions to be taken out before they get paid.

Continued Board discussion:

- Federal audit of the Lansing Police Department recently revealed that forfeiture funds were mismanaged
- Action is premature given the state's flawed forfeiture policy
- Board member belief that forfeiture prior to an arrest or conviction is an unconstitutional approach to due process of the law
- Under current drug forfeiture proceedings, money is "guilty" until proven "innocent"
- Concern with posting of a 10% bond in order to request your property back

**The amendment was accepted by the maker of the motion.**

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Wilson, Supervisor LeGoff, Treasurer Brixie  
NAYS: Trustee Veenstra, Clerk Dreyfus  
Motion carried 5-2.

### 13. BOARD DISCUSSION ITEMS

Supervisor LeGoff opened and closed Public Remarks.

A, Mixed Use Planned Unit Development #13054 (Aldi/Eyde)

Board members, staff and the applicant discussed the following:

- On-site wetlands, which are part of a larger wetland complex, are regulated by both the Township and the state
- Water from the on-site wetlands eventually becomes part of the Mud Lake/Pine Lake Drain
- Wetland is regulated by the state because of its size (greater than 5 acres)
- Township has joint jurisdiction with the Michigan Department of Environmental Quality (MEDQ)'s to regulate what the state regulates and then the Township regulates "down" to ¼ of an acre
- Wetland is not being touched by the proposed project
- 52% greenspace calculation provided by the applicant is for all open space, including regulated wetlands
- Previous Board discussion over the last several years regarding counting non-buildable protected wetlands as part of the open space requirement
- Township ordinance requires a wetland two acres or larger to have a 40 foot setback from the edge of the wetland
- First 20 feet of the 40 feet adjacent to the wetland must remain in its natural state
- Grading within the second 20 feet of setback area as part of construction
- Township would require complete restoration back to the existing elevation
- Request for a calculation on the percentage of greenspace if the wetland area is removed
- Aldi store will be a good addition to the community
- Ordinance calculation regarding bicycle parking was based on the overall site
- Applicant is providing 20 bicycle parking spaces, which meets the Township ordinance
- Four spaces is too few bicycle parking spaces for the grocery store given the Township requirement of one (1) bicycle parking space for every ten (10) vehicle parking spaces when the plan calls for 85 vehicle parking spaces for the store
- Applicant's willingness to have at least eight (8) bicycle parking spaces near the store
- White roof as a good conservation practice

- Applicant has not found a LED sales floor lighting which has the appropriate color and lumens desired
- LED lighting in the refrigerated areas and back room inside the store
- Mixed use design is suburban in look
- Mixed use form is not compatible with the vision for Marsh Road
- Several Board members' preference to see the residential units "stacked" on top of the store
- One way to promote a walkable community is not to have a large parking lot along the street
- Elevation of the buildings close to the road causes motorists to drive slower pass the buildings
- Suggestion to orient building north/south with living units above the building
- Project before the Board has two (2) proposed owners: Aldi will own the grocery store and land and another developer (Eyde) will own the two (2) residential buildings and land
- Aldi has a corporate requirement for its new stores that it own the property
- Ownership is not germane to the application process
- Mixed use can have a different layout other than to have residential units stacked
- Parking lot in front of the store is too large and project needs more green
- Orientation of the grocery store is disconnected from the apartments
- Preference for the project to be closer to the road which would be more harmonious with the Historical Village and in keeping with the urban feel desired for the main corridors of the Township
- Premise of mixed use was as a tool for redevelopment
- Layout does not "fit" the new urbanism concept
- Intent of mixed use was not to "pack in" as much development as possible as is demonstrated by the proposed design
- Appreciation for the Aldi concept
- Township Board can provide vertical variances in order to gain more green space
- Project is a mini form of urban sprawl
- Board member consideration of the park, Nokomis Learning Center and Historical Village as vulnerable resources
- Effect of the land division on the MUPUD zoning in the future
- Inquiry if the traffic light recommended for the Times Square/Marsh Road intersection would include a pedestrian signal and assure that it was timed to allow safe crossing across Marsh
- How specific concerns expressed by the Parks Department (view of the development from various Township buildings, types of landscaping, sidewalk relocation, seating area on the west side of the property) during the Planning Commission meeting were resolved through the plan before the Board
- Suggestion for the inclusion of recycling bins for all buildings
- Preference for LED lighting to be installed in the residential buildings as well as the parking lots
- All buildings will be constructed with full fire suppression
- Emergency fire truck access has been proposed from the Nokomis Center into the parking lot
- Applicant has preserved all of the wetland areas
- Both property owners must enter into an agreement with the Township for the land division in order to maintain the MUPUD for this property
- Traffic light will be under review of the Ingham County Road Department (ICRD)
- Timing of the light will be designed by the traffic signal engineer hired by the applicant in conjunction with the ICRD to ensure it works with all other lights on Marsh Road
- Any pedestrian signals decided upon by the ICRD will be installed in accordance with Michigan Department of Transportation (MDOT) standards
- Parking moved back an additional 20 feet to provide additional greenspace and landscaping
- Most common model of mixed use is commercial on the first floor with residential above
- Traditional mixed use buildings with commercial on the first floor and residential above are difficult to lease and keep tenants
- Longevity of Aldi as occupant of the building
- Board member belief the statement made by the applicant that the vertical MUPUD "does not work for Aldi" is a corporate business decision not necessarily based on data
- Mixed use is not simply placing two uses together, but provides "trade-offs" on both sides to enhance the community

- Clustering the apartments closer together to open up greenspace and reduce parking would provide a new urbanism concept
- Preference to have the Aldi store closer to Marsh Road to develop a “streetscape”
- Access has to be located at the intersection of Marsh and Times Square and provides a challenge to moving the building closer to the road

14. PUBLIC REMARKS

Supervisor LeGoff opened Public Remarks.

Lawrence Nolan, 4765 Nakoma Drive, Okemos, requested Board members keep an open mind when considering moving the location of the fire station. He suggested the Board did not have jurisdiction to consider SUP #13121.

James Petersen, 1311 Cove Court, Okemos, expressed continued concern that the Board purposely committed fraud against the Township voters relative to the November, 2012 fire station millage question.

Neil Bowlby, 6020 Beechwood Drive, Haslett, believed the Board did not have a discussion on the environmental impacts of the site for the proposed fire station. He stated failure to approve a resolution is not equivalent to a denial.

Vance Kincaid, 4530 Nakoma Drive, Okemos, posed ten (10) questions to the Board relative to the process surrounding the proposed new fire station.

David Strobl, 1320 Cove Court, Okemos, disputed several comments offered by Board members relative to SUP #13121. While acknowledging Board member desire to find conciliation, he believed “we are beyond compromise.”

Steven Lamb, 2026 Central Park Drive, Okemos, believed the process surrounding the new central fire station an educational one. He stated Board members ignored the basic tenants of the processes they are to follow.

Sue Simkin, 2032 Central Park Drive, Okemos, pointed out that when the process for the central fire station started in August, 2013 she brought forth a design for moving the fire station behind the post office. She requested the Board admit the numerous mistakes made and pay the extra money for the bond proposal. Ms. Simkin expressed concern that the actions of the Board totally contradicted and ignored action by the Planning Commission.

Supervisor LeGoff closed Public Remarks.

15. FINAL BOARD MEMBER COMMENT

Trustee Scales complimented Officer Chrissy Scaccia on her teaching methods during her DARE classes.

Clerk Dreyfus attended the Michigan Township Association’s statewide conference where he received information on land use and zoning, as well as updates on changes in election law. He added he attended a Board development workshop while at the conference, and requested Board members allow divergent views from fellow Board members without making unnecessary interruptions and sarcastic editorial comments at their conclusion. Clerk Dreyfus believed such action a form of “bullying.”

Trustee Wilson reported her attendance at the Okemos Library Grand Reopening. She also attended a January 27<sup>th</sup> Consumers Energy meeting to revisit that public utilities performance during the December ice storm and subsequent power outage. Trustee Wilson reminded residents that the Michigan/Grand River Corridor Charrette Summary will be held on February 26<sup>th</sup> at the Hannah Community Center in East Lansing beginning at 5:30 P.M. She congratulated both the Okemos and Haslett School Districts on their rankings by the Center for Michigan for Academic Overachievement.

Treasurer Brixie announced that winter taxes are due by Friday, February 14<sup>th</sup> at 5:00 P.M. She reminded taxpayers that mail is sent to Grand Rapids for sorting and may take several days to be received by the Township. Treasurer Brixie indicated the white “drop box” outside of the Municipal Complex is available 24 hour per day.

Trustee Veenstra spoke to several issues relative to SUP #13121 and the accompanying Section 61 Review.

Trustee Scales discussed the events which took place with the decision involving the plasma center, where the resolution to approve was defeated and a motion to deny was provided at the next meeting.

16. ADJOURNMENT

Supervisor LeGoff adjourned the meeting at 11:05 P.M.

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ELIZABETH LEGOFF  
TOWNSHIP SUPERVISOR

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BRETT DREYFUS  
TOWNSHIP CLERK

Sandra K. Otto, Secretary