

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD SPECIAL MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, AUGUST 21, 2001, **6:00 P.M.**

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

ABSENT: Trustees Brixie, Such

STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Captain Dave Hall, EMS/Fire Chief Fred Cowper, Director of Assessing Suzanne Decocq, Attorney Mike Woodworth

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:02 p.m.

2. PLEDGE OF ALLEGIANCE

Supervisor McGillicuddy led the pledge of allegiance

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

Supervisor McGillicuddy presented Suzanne Decocq to the Board as the new Director of Assessing.

Director Decocq introduced herself to the Board.

4. PUBLIC REMARKS*

Supervisor McGillicuddy opened Public Remarks.

Harold Schmidt, 4086 Dobie Road, Okemos, spoke in opposition to the continued service of Irvin Kebler on the Planning Commission

Sue Popovich, 4353 Tacoma Circle, Okemos, read from a prepared statement in support of the paving of Tacoma Circle.

[Prepared Statement in Official Minute Book]

Charles Louis Willems, 1387 Hickory Island, Haslett, requested the replacement of his survey monuments and the removal of the public sewer lines on his property.

Joan Guy, 1083 Woodside Drive, Haslett, spoke and submitted materials in opposition to the continued service of Irvin Kebler on the Planning Commission. [See September 4, 2001 Board Communications BI-1]

Eleanor V. Luecke, President, L.I.N.C. spoke in support of the appeal of SUP #01-75041 (Brogan LLC).

Don Twohy, 2202 Haslett Road, East Lansing, spoke in opposition to the continued service of Irvin Kebler on the Planning Commission

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT

Treasurer Hunting reported his office has successfully reached its goal of \$100,000 in the collection of multi-year delinquent personal property taxes.

Treasurer Hunting reported on his attendance at the Municipal Treasurers' Association of the United States and Canada Annual Conference in Cleveland Ohio.

Clerk Helmbrecht reminded voters of the upcoming September 24, 2001 Haslett Public Schools Special Election.

Clerk Helmbrecht reported the approval of the November 6, 2001 election date for the Lansing Community College Special Election.

Clerk Helmbrecht reported the Land Preservation Ordinance will be before the Board shortly, and the Draft Land Preservation Advisory Board Rules and Procedures would be the subject of an August 29, 2001 public input session.

Manager Richards discussed the timetable and presentation of the 2002 Budget.

Supervisor McGillicuddy thanked the attendees of the August 9, 2001 Town Hall Meeting in making it a success.

6. APPROVAL OF AGENDA — OR CHANGES

Trustee Woiwode moved to approve the agenda amended as follows: Move Agenda Item #9 (Hearings) to #11; Move Agenda Item #10 (Action Items) to #9; Move Agenda Item #11 (Discussion Items) to Item #10 such that the Public Hearings are not held before 7:00 p.m. as publicly noticed. Seconded by Clerk Helmbrecht.

Treasurer Hunting offered an amendment to: delete Agenda Item #15 (Public Remarks); Switch Agenda Items #13 (Possible Closed Session) and Item #14 (Vision Session); Move Item #16 (Adjournment) to #15. Amendment accepted by maker and seconder.

Clerk Helmbrecht offered an amendment to Move Agenda Item #7I (Zoning Amendment #01070) to #9E. Amendment accepted by maker and seconder.

Treasurer Hunting offered an amendment to Move Agenda Item #7P (Liquor License Transfer - Watershed Group LLC) to #9F. Amendment accepted by maker and seconder.

VOICE VOTE: Motion carried 5-0.

7. CONSENT AGENDA

Clerk Helmbrecht moved to adopt the Consent Agenda. Seconded by Trustee Woiwode.

Trustee Woiwode moved to amend the motion such that the proposed motion for Agenda Item #7H (Mutual Aid Agreement Policy Agency Renewals to change “Township Officials” to “the Township Manager at his discretion”. Seconded by Treasurer Hunting.

MOTION TO AMEND:

VOICE VOTE: Motion carried 5-0.

MAIN MOTION

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

NAYS: None

Motion carried 5-0.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Deliberation (BD)

9B-1 R. Harrington, 820 Piper Road, Haslett; RE: Tower Design Proposal

(2). Board Information (BI)

BI-1 Steve Wichar, 5696 Shaw Street #11, Haslett; RE: Train Horn Noise

- BI-2 Wm. Elgar Brown, P.E., Chief, Ground Water Quality Control Section, Drinking Water and Radiological Protection Division; RE: Response to Supervisor's Letter Regarding Ground Water Withdrawal for the Proposed Governor's Collection Golf Course
 - BI-3 Public Service Commission, State of Michigan; RE: Notice of Hearing on Possible Rate Increase for the Natural Gas Customers of Consumers Energy Company
 - BI-4 JoAnn Forsberg, 1126 Bonanza Drive, Okemos; RE: Meridian Township Developers
 - BI-5 Harold W. Schmidt, 4086 Dobie Road, Okemos; RE: Planning Commissioner Kebler
 - BI-6 P. D. Custer Jr., 4381 Calgary Blvd, Okemos; RE: Train Horn Noise
 - BI-7 Jean Rosewig, 2510 Royce Ct., East Lansing; RE: Meridian Township Signs
 - BI-8 Sally Vanek, 5722 Le Baron Ct., East Lansing; RE: Opposition to Wal-Mart
 - BI-9 Chris Farougi, 6285 W. Reynolds Rd, Haslett; RE: Letter to Lake Lansing Advisory Committee Regarding Suggestions for Improving Lake Lansing Regional Chamber of Commerce
 - BI-10 John W. Midgley, P.E., Managing Director, Ingham County Road Commission; RE: Town Hall Meeting
 - BI-11 Kathleen Murphy, 5532 Earliglow, Haslett; RE: Growth Management
 - BI-12 Michigan Townships Association Legislative Fax, July 27, 2001 edition
 - BI-13 Michigan Townships Association Legislative Fax, August 3, 2001 edition
 - BI-14 Michigan Townships Association Capitol Currents August 2001 Newsletter
 - BI-15 Library of Michigan Foundation; RE: State Librarian's Excellence Award
 - BI-16 Charles Louis Willems, 1387 Hickory Island, Haslett; RE: FOI-2001-29
 - BI-17 Charles Louis Willems, 1387 Hickory Island, Haslett; RE: FOI-2001-31
 - BI-18 Tri-County Regional Planning Commission; RE: Creation of Walkable Communities
 - BI-19 Sarah H. Elsea, Ph.D., 4258 Cherry Hill Drive, Okemos; RE: Lacking Community Services
 - BI-20 Kay & Charles Pratt, 3640 E Arbutus Drive, Okemos; RE: Preservation of Township as a Residential Community
 - BI-21 Catherine Witchell, 5415 Wild Oak Drive, East Lansing; RE: Opposition to Wayside Horns
 - BI-22 Steven J. Trecha, AME Management, Strategy Center, 5000 Marsh Road Ste 2, Okemos; RE: Opposition to Rezoning #01030 (Planning Commission) for 5774 Okemos Road Property
 - BI-23 Larry A. Bryan, P.S., President, KEBS, Inc, 2116 Haslett Road, Haslett; RE: Opposition to Rezoning #01030 (Planning Commission) for 5774 Okemos Road Property
 - BI-24 Todd A. Heywood, Co-Founding Artistic Director, Sunsets with Shakespeare; RE: First Weekend Report, Romeo and Juliet 2001
- (3). Freedom of Information (FOI) [On file in Clerk's Office]
- FOI-2001-31 Charles Louis Willems, 1387 Hickory Island, Haslett; RE: Maps of Sewer System Related to Service to Hickory Island Drive
- (4). Staff Communication (SC)
- SC-1 Charter Township of Meridian Unofficial Results for the August 7, 2001 Ingham County Special Election
 - SC-2 Press Release RE: Moonlight Stroll at the Harris Nature Center

Clerk Helmbrecht 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 Woiwode.

ROLL CALL VOTE: YEAS: Trustees Stier, Woiwode, Supervisor McGillicuddy, Clerk
Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 5-0.

B. Minutes - August 9, 2001 Special Meeting

Clerk Helmbrecht moved to approve and ratify the minutes of the August 9, 2001 Special Meeting as submitted/amended. Seconded by Trustee Woiwode.

ROLL CALL VOTE: YEAS: Trustees Stier, Woiwode, Supervisor McGillicuddy, Clerk
Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 5-0.

C. Acceptance of Resignation from EDC

Clerk Helmbrecht moved to accept the resignation of Don Lansdale from the Economic Development Corporation. Seconded by Trustee Woiwode.

ROLL CALL VOTE: YEAS: Trustees Stier, Woiwode, Supervisor McGillicuddy, Clerk
Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 5-0.

D. 2001 Township Board Meeting Schedule Revision

Clerk Helmbrecht moved to adopt the resolution amending the 2001 Regular Board Meeting Schedule. Seconded by Trustee Woiwode.

ROLL CALL VOTE: YEAS: Trustees Stier, Woiwode, Supervisor McGillicuddy, Clerk
Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 5-0.

[Signed and Sealed Resolution in Official Minute Book]

E. Bills

Clerk Helmbrecht moved that the Township Board approve the Manager's Bills as follows:

General Fund/Special Revenue	\$ 99,160.19
Public Works	\$ 24,831.98
<u>Total Checks</u>	<u>\$ 123,992.17</u>
<u>Credit Card Transactions</u>	<u>\$ 12,470.87</u>
Total Purchases	<u>\$ 136,463.04</u>

Seconded by Trustee Woiwode.

ROLL CALL VOTE: YEAS: Trustees Stier, Woiwode, Supervisor McGillicuddy, Clerk
Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 5-0.

[Bill list in Official Minute Book]

F. Liquor License Transfer - Meridian Restaurant LLC

Clerk Helmbrecht moved approval of the transfer request from Meridian Restaurant, LLC to transfer ownership of 2001 Class C-SDM licensed business with Dance Permit, located at 5900 Park Lake Road, East Lansing, MI 48823, Meridian Township, Ingham County, from

Creative Planning, Inc. and the Township Clerk be authorized to execute the authorizing resolution. Seconded by Trustee Woiwode.

ROLL CALL VOTE: YEAS: Trustees Stier, Woiwode, Supervisor McGillicuddy, Clerk
Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 5-0.

- G. Liquor License Transfer - Great Wall Chinese Restaurant Inc.
Clerk Helmbrecht moved approval of the transfer request from Dennis Ku, of the Class C licensed business at 5640 Haslett Road, Haslett, MI 48840, Meridian Township, Ingham County from Great Wall Chinese Restaurant and the Township Clerk be authorized to execute the appropriate resolution. Seconded by Trustee Woiwode.

ROLL CALL VOTE: YEAS: Trustees Stier, Woiwode, Supervisor McGillicuddy, Clerk
Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 5-0.

- H. Mutual Aid Agreement Policy Agency Renewals
Clerk Helmbrecht moved to authorize Township Manager, at his discretion, to complete renewals of the Law Enforcement Mutual Aid Agreements for the City of East Lansing, Ingham County Sheriff's Department and the Michigan State University Police Department. Seconded by Trustee Woiwode.

ROLL CALL VOTE: YEAS: Trustees Stier, Woiwode, Supervisor McGillicuddy, Clerk
Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 5-0.

- J. 2001 Sidewalk Contract #1 Bid Award
Clerk Helmbrecht moved to authorize the Township Supervisor and Clerk to sign a contract, in a form approved by the Township attorney, with Hilliard Masonry & Concrete Restoration, LLC., of Lansing, MI for the award of the 2001 Sidewalk Contract #1 (Hillbrook, Woodhill, Heartwood, Wood Valley, Shoals) in the amount of \$41,557.73, to be paid from the pathway millage account and streets and highways account. Seconded by Trustee Woiwode.

ROLL CALL VOTE: YEAS: Trustees Stier, Woiwode, Supervisor McGillicuddy, Clerk
Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 5-0.

- K. Wildflower #3 Streetlight District Resolution #1 - Set September 18, 2001 Public Hearing
Clerk Helmbrecht moved to approve Wildflower Estates No. 3 Streetlighting District - Resolution #1 tentatively declaring its intention to install and maintain five (5) streetlights and defray the cost by special assessment against the 18 benefiting parcels and setting a public hearing for September 18, 2001. Seconded by Trustee Woiwode.

ROLL CALL VOTE: YEAS: Trustees Stier, Woiwode, Supervisor McGillicuddy, Clerk
Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 5-0.

[Signed and Sealed Resolution in Official Minute Book]

- L. Additional Road Paving Authorization
Clerk Helmbrecht moved that the proposed additions to the 2001 Local Road Improvement

list be approved, and the Township Supervisor and Clerk be authorized to sign the Agreement with Ingham County Road Commission. Seconded by Trustee Woiwode.

ROLL CALL VOTE: YEAS: Trustees Stier, Woiwode, Supervisor McGillicuddy, Clerk
Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 5-0.

M. Ratify Police Sergeant's Promotion

Clerk Helmbrecht moved to ratify the promotion of Gregory Frenger to the position of Police Sergeant. Seconded by Trustee Woiwode.

ROLL CALL VOTE: YEAS: Trustees Stier, Woiwode, Supervisor McGillicuddy, Clerk
Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 5-0.

N. Approval of Consent Judgement for Target Corporation versus Meridian Township

Clerk Helmbrecht moved that the Township Supervisor and Township Clerk be authorized to enter into a consent judgement regarding the Target Corporation versus Charter Township of Meridian lawsuit. Seconded by Trustee Woiwode.

ROLL CALL VOTE: YEAS: Trustees Stier, Woiwode, Supervisor McGillicuddy, Clerk
Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 5-0.

O. Communications Services Agreement

Clerk Helmbrecht moved that the Township Manager be authorized to enter into an agreement with Stony Point Communications for Communications Services. Seconded by Trustee Woiwode.

ROLL CALL VOTE: YEAS: Trustees Stier, Woiwode, Supervisor McGillicuddy, Clerk
Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 5-0.

Q. Land Preservation Ordinance - Set Public Hearing

Clerk Helmbrecht moved to schedule a public hearing on the proposed Land Preservation Ordinance for the Regular Township Board Meeting on September 18, 2001. Seconded by Trustee Woiwode.

ROLL CALL VOTE: YEAS: Trustees Stier, Woiwode, Supervisor McGillicuddy, Clerk
Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 5-0.

8. QUESTIONS FOR THE ATTORNEY (None)

9. ACTION ITEMS

Supervisor McGillicuddy opened public comment.

Eleanor V. Luecke, President, L.I.N.C., spoke in support of joint jurisdiction of wetlands over five acres.

Supervisor McGillicuddy closed public comment.

A. Lake Lansing Road Sanitary Sewer Special Assessment District #46 - Resolution #3
Director Severy introduced this item as a topic of a public hearing this evening.

Action on this item was tabled until closure of the public hearing by unanimous consent.
(See Item #11.A)

- B. Rezoning #01020 (Planning Commission), request to rezone Lots 183-192 of the Oak Grove Park Subdivision located on the southwest corner of the Lake Lansing and Marsh Roads intersection from CS (Community Service) to NS (Neighborhood Service) - **Final Adoption**

Treasurer Hunting moved that the Township Board hereby finally adopts Ordinance No. 2001-07, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #01020 from CS (Community Service) to NS (Neighborhood Service).” Seconded by Trustee Woiwode.

Board Members discussed staff’s conversation with and notification of the property owners.

ROLL CALL VOTE: YEAS: Trustees Stier, Woiwode, Supervisor McGillicuddy, Clerk
Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 5-0.

[Signed and Sealed Resolution in Official Minute Book]

- C. Zoning Amendment #98150 (Planning Commission) Section 82-11 Commercial, Retail and Business Districts C1, C2, C3

Trustee Woiwode moved to initiate the following text amendments to the C-1, C-2 and C-3 districts.

- **Delete Section 82-11.3D.2 that permits Drive-through Banking services as a Conditional use in the C-1 district and renumber the section accordingly.**
- **Insert a new Section 82-11.3E.1 permitting Drive-through banking by special use permit in the C-1 district. The new text to read: “Drive-through banking services such as Teller Windows and Automatic Teller Machines“. Renumber Section 82-11.3E Uses Permitted by Special Use Permit accordingly.**
- **Insert a new Section 82-11.3E.2 in the C-1 district to read: “Existing uses permitted by right, by conditional permit or by special use permit that propose to exceed the specified size limits.“ Renumber Section 82-11.3E Uses Permitted by Special Use Permit accordingly.**
- **Insert a new Section 82-11.4E.1 in the C-2 district to read: “Existing uses permitted by right, by conditional permit or by special use permit that propose to exceed the specified size limits.” Renumber Section 82-11.4E Uses Permitted by Special Use Permit accordingly.**
- **Delete Section 82-4C.1 and renumber Section 82-4C Uses Permitted by Right (in the C-2 district) accordingly.**
- **Amend Section 82-11.5C.1 to read: “Any use or combination of uses permitted by right in the C-1, C-2, or C-3 Commercial District, regardless of size, when located in a building or group of buildings with a maximum combined gross floor area of 25,000 square feet and located on a lot.”**

Seconded by Treasurer Hunting.

Board Members discussed the following items:

- The proposed amendments provide appropriate review of commercial uses by the Planning Commission and Township Board
- Drive-through windows in C-1

VOICE VOTE: Motion carried 5-0.

- D. Zoning Amendment #01010 (Planning Commission) Groundwater Protection Regulations
Trustee Woiwode moved that the Township Board hereby Introduces for Publication and Subsequent Adoption Ordinance No. _____, entitled “Ordinance Amending the Code of Meridian Township, Michigan, by Amending Section 81-1.8 and Section 81-3.3. Seconded by Treasurer Hunting.

Board Members discussed the following items:

- Value of water as a commodity
- Restrictions on irrigation wells for commercial uses imposed during site plan review
- Only impacts new uses

ROLL CALL VOTE: YEAS: Trustees Stier, Woiwode, Supervisor McGillicuddy, Clerk
Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 5-0.

[Signed and Sealed Resolution in Official Minute Book]

- E. Zoning Amendment #01070 (Township Board), amendment for Township Board approval for buildings greater than 25,000 square feet - **Introduction**

Treasurer Hunting moved that the Township Board hereby introduces for publication and subsequent adoption Ordinance No. _____, entitled “Ordinance Amending the Code of Meridian Township, Michigan, by Amending Section 86-9 Buildings Greater than 25,000 Square Feet in Gross Floor Area and Section 83-1.12 Supplementary Regulations - Buildings Greater than 25,000 Square Feet in Gross Floor Area. Seconded by Trustee Stier.

Board Members discussed the following items:

- Loss of local appeal process
- Inherent controversy of the construction of large structures
- Expansion of local appeal process
- Board accountability

ROLL CALL VOTE: YEAS: Trustees Stier, Woiwode, Supervisor McGillicuddy, Treasurer
Hunting
NAYS: Clerk Helmbrecht
Motion carried 4-1.

[Signed and Sealed Resolution in Official Minute Book]

- F. Liquor License Transfer - Watershed Group LLC
Treasurer Hunting moved that the transfer request from Watershed LLC of the Class C licensed business with Dance Permit be approved contingent upon final inspection at 5965 Marsh Road, Haslett, Michigan 48823, Meridian Township, Ingham County, and the Township Clerk be authorized to execute the authorizing resolution. Seconded by Trustee Woiwode.

Board Members discussed the following items:

- Inability of the State Liquor Control Commission to accept conditional approvals
- Guarantees on collection of all delinquent personal property taxes

ROLL CALL VOTE: YEAS: Trustees Stier, Woiwode, Supervisor McGillicuddy, Clerk
Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried 5-0.

10. DISCUSSION ITEMS (ORCHID)

- A. Joint Jurisdiction of Wetlands Over Five (5) Acres (See following Agenda Item #11)
B. Rezoning #01100 (Consumers Energy) Mall Substation (See following Agenda Item #11)

11. HEARINGS

A. Appeal of SUP #01-75041 (Brogan LLC)

Supervisor McGillicuddy opened the public hearing at 7:01 p.m.

Director Kieselbach introduced the special use permit and the subsequent appeal.

APPELLANTS

Judith Hurst, 3418 Lake Lansing Road, East Lansing, speaking as an appellant, stated the following reasons for reversing the Planning Commission's approval:

- Potential damage to the wetlands from the drainage of storm water from the parking lot
- Necessity of a needs assessment for additional units
- Injuries to own person and property from Olde Farm residents
- Traffic hazard on Lake Lansing

Geraldine Snell, 6181 Rutherford, East Lansing, speaking as an appellant, stated the following reasons for reversing the Planning Commission's approval:

- Potential aggravation of existing storm water drainage problems
- Loss of existing green space
- Increasing traffic resulting from the development of the area within the City of East Lansing

Harry Hurst, 3418 Lake Lansing Road, East Lansing, speaking as an appellant, stated the following reasons for reversing the Planning Commission's approval:

- Applicants lack of care for trees on the site
- Existing drainage issues need to be resolved

Heather Hurst, 3418 Lake Lansing Road, East Lansing, speaking as an appellant, stated the following reasons for reversing the Planning Commission's approval:

- Existing drainage issues need to be resolved

Peter McClain, 3380 Lake Lansing Road, East Lansing, speaking as an appellant, stated the following reasons for reversing the Planning Commission's approval:

- Belief that the applicant mislead the Planning Commission about existing and proposed balconies
- Insufficiency of fire protection for the density of the area
- Inability to safely cross Lake Lansing Road at current traffic levels
- Potential for multi-family and commercial development pushing out single-family housing
- Dead trees on subject site
- Loss of personal privacy
- Belief that the applicant mislead the Planning Commission about the height of his fence
- Difficulty to appropriately screen

APPELLEE

Alan Russell, DTN Management, representing the appellee, stated the following reasons for upholding the Planning Commission's approval:

- The site is properly zoned
- The applicant is entitled to five to nine (5-9) units over and above the proposal
- The sanitary sewer failure was an equipment issue rather than a drainage issue
- The storm water drainage into the wetland is preferred by the Drain Commissioner to pumping into the sewer system to provide leaching of contaminants
- The existing units average ninety-five percent (95%) occupancy over the last two (2) years
- Advertisements for leases serve to fill current or expected vacancies
- The new buildings are set back further from single-family homes than current buildings
- Existing trees will be moved to fill in gaps along the fence line
- A full landscape plan is available

PLANNING COMMISSION

Planning Commissioner Alan Wolfe discussed the Planning Commission's approval of

the Special Use Permit. He made the following points:

- He physically reviewed the site and believes other Commissioners did as a regular practice
- The plan is within the zoning rights
- No variances are required for this plan
- There is no violation of the wetland
- The proposal only uses thirty-two-percent (32%) of the developable property
- The drainage problem and sanitary sewer failure are sewer problems rather than a problem of the subject property
- The proposal is harmonious as a continuation of the existing use
- The residency primarily consists of young married couples
- Traffic issues are primarily a result of development external to the Township and not this site
- The Planning Commissions landscape screening requirements include provisions for maintenance and replacement
- The definition of multi-family housing includes condominiums and townhouses inflating the ratio
- Ordinance enforcement issues are not land use issues

BOARD DISCUSSION

Clerk Helmbrecht asked Director Severy if he knew the status of the drainage assessment district in the Towar area, and to discuss the potential impact of storm water drainage issues on sanitary sewer lines.

Director Severy stated he is aware of the project, but does not know the status. He stated the sanitary sewer problem in the area results from sump pump connections and infiltration because of a lack of a storm water sewer system. He stated this new project would not increase the pressure on the sanitary sewer system as it drains storm water into the wetland.

Clerk Helmbrecht asked if the project would affect the existing problems.

Director Severy stated the storm water drainage should not contribute to the problem. He stated the only increase would be the sanitary sewer flow into the sanitary sewer system. He stated during dry weather this would not be a problem, but during wet weather, there is more flow into the sanitary sewer system.

Clerk Helmbrecht asked for confirmation that it is a storm sewer issue in the Towar area that needs to be addressed.

Director Severy confirmed that the storm sewer is the issue.

Trustee Woiwode stated the July 5, 2001 memo to the Planning Commission notes this proposal is not consistent with the Comprehensive Development Plan for the area. She stated her concern that a proposal was approved that was outside the density range of the Comprehensive Development Plan. She asked Director Kieselbach to address this concern.

Director Kieselbach stated this property was rezoned to RD (Multiple Family-Low Density) in 1985 before the 1987 Comprehensive Development Plan established a density range of 3.5 to 8; consistent with the zoning. He stated the 1993 Comprehensive Development Plan established a density range of 2.5 to 3.5, which is inconsistent with the current RD (Multiple Family-Low Density) or the RB (Single Family-High Density). He stated the zoning of the property establishes property owners' legal rights for development.

Trustee Woiwode asked what the minimum density would be in the RD (Multiple Family-Low Density) zoning district.

Director Kieselbach stated there is no minimum as anything less than three (3) units would be a use by right, whereas any development of three (3) or more units would require a special use permit.

Trustee Woiwode stated the zoning does not predetermine approval at the maximum number of

units.

Director Kieselbach stated under the provisions of the special use permit, the unique character of the particular site is considered in determining the maximum number of units permitted.

Trustee Stier asked for confirmation that the Drain Commissioner approved the drainage of storm water from the parking lot into the wetland.

Director Kieselbach referenced the Drain Commissioner's letter of August 6, 2001, stating approval of the proposed grading, drainage and storm water management plan.

Trustee Stier asked Director Kieselbach what is the approximate size of the total wetland.

Director Kieselbach stated the wetland is almost three (3) acres.

Trustee Stier asked how much of this wetland is on the subject property.

Director Kieselbach stated about 1.3 acres.

Trustee Stier stated more than half of the wetland is on someone else's property. He asked Director Kieselbach if it is normal to drain this much asphalt into wetlands affecting another property owner. He stated depending on the elevations, the storm water could end up in someone else's yard [through the wetland].

Director Kieselbach stated the Drain Commissioner reviews the amount and rate of the runoff based on predevelopment conditions as compared to development conditions. He stated the Drain Commissioner prefers sheet drainage across the grass area to maximize absorption in the ground before running into the wetland. He stated the Township Wetland Consultant reviewed the plans in addition to the Drain Commissioner's engineer.

Clerk Helmbrecht asked for confirmation that the buildings cover only ten-percent (10%) of the overall site.

Director Kieselbach stated this is correct.

Clerk Helmbrecht asked for confirmation that sixty-eight-percent (68%) of the site is open space.

Director Kieselbach stated this is correct. He stated the open space could be as low as sixty-three-percent (63%) if additional parking space is required.

Clerk Helmbrecht asked for confirmation that the proposed amount of open space is greater than under the requirements of a planned unit development (PUD).

Director Kieselbach stated this is correct.

APPELLANT REBUTTAL

Judith Hurst, 3418 Lake Lansing Road, East Lansing, rebutted as follows:

- Development would put pressure on area wildlife
- The new construction should not have balconies as there are none on existing the structures
- Night shift workers would be adversely impacted by the increased noise in the area
- There is no difference between the proposed development and apartments
- The subject property has not been maintained
- Although Lake Lansing traffic is largely impacted by outside development, the Township can not ignore the problems
- The development has only a single access
- Smart planning means fixing the drainage problem before putting more pressure on the sanitary sewer
- The Towar area has too much rental housing

- The wetland proposed for drainage of the parking lot runoff is the same wetland proposed by the Drain Commissioner for the Towar area storm sewer outlet

Peter McClain, 3380 Lake Lansing Road, East Lansing, rebutted as follows:

- Runoff from parking lots include hazardous fluids from automobiles
- The screening requirement can not be adequately met by trees
- The buildings are sited fifty feet (50') from the property line

APPELLEE REBUTTAL

Alan Russell, DTN Management, representing the appellee, rebutted as follows:

- The subject lot has been a wild wood lot and not maintained
- The discussion regarding balconies before the Planning Commission hinged on the height of the windows of the second floor of the existing buildings
- The issue of storm water runoff has been addressed by the Drain Commissioner, the Township's Chief Engineer, the Township's former Engineer, and the applicant's contracted engineer

PLANNING COMMISSION FINAL COMMENTS (None)

BOARD DISCUSSION

Supervisor McGillicuddy opened the floor to the public to comment.

David Caszat, 6318 Porter Ave, East Lansing, President, Towar Community Concerns Committee (TC3), discussed the attempts of TC3 to involve the residents of Olde Farm in the Towar Community.

Sam Knox, 6156 Tower Ave, East Lansing, urged cautious consideration of all the facts of the case before acting.

Supervisor McGillicuddy closed the public hearing at 8:08 p.m.

B. Cell Tower Lease Proposal - HLH Towers LLC

Supervisor McGillicuddy opened the public hearing at 8:09 p.m.

Director Kieselbach introduced the proposal and the provisions in the Code of Ordinances for stealth towers.

APPLICANT

Pam Stuckman, Project Coordinator, HLH Towers, LLC, 1305 S. Washington, Lansing, presented the stealth cell tower proposal including the following points:

- HLH Towers is now representing four (4) cellular carriers in this project
- Tower would provide sufficient coverage for emergency services in the commercial core
- Lease provides \$1000 per month with a three-percent (3%) annual increase
- Individual carriers have exhausted their search for possible tower sites in area
- The lease proposal minimizes the total number of towers needed in the area
- The proposed location minimizes the environmental impact of the tower
- The tower design is intended to harmonize with the existing architecture
- The shelter incorporates all four carriers and eliminates the need for a fenced-in compound
- Geothermal heating and cooling is an option to eliminate machine noise
- The monopole antennas would be two-foot (2') in diameter at the base and taper to the top
- The base of the tower would be landscaped to create a park-like setting
- The tower would include a community repeater and two antennas for Township use
- HLH would also consider the provision of cell phone equipment for any of the co-located providers
- AT&T as a participating carrier, requested a temporary tower to fill its service gap, requiring a short-term lease of approximately sixteen (16) weeks

BOARD DISCUSSION

Trustee Woiwode asked how far the tower would be set back from Central Park Drive and if this would necessitate a variance for its construction.

Ms Stuckman stated there has been no determination by Township staff as to whether a variance would be required. She stated the tower could be moved further from the road at expense to the aesthetics of the project. She stated the tower is engineered to fall within forty-five percent (45%) of its height. She stated some municipalities look at the engineered fall zone of the tower rather than a particular ratio of its height. She stated the distance between the tower and the sidewalk is ninety-five feet (95'). She stated based on the height, the Township Ordinance may require a setback equal to the height of the tower.

Supervisor McGillicuddy opened the floor to the public to comment.

Richard Harrington, 820 Piper Road, Haslett, presented a proposal for an alternate tower design based on a piece of artwork entitled "The Marriage" (See July 24, 2001 Board Communication 10C-2). He discussed the following points:

- The difficulty of cellular carriers to construct towers in the area
- The concept of a stealth cell tower
- How cell towers work
- Opportunity to use a piece of art work to house a cell tower rather than a neutral structure
- Addition of a reflecting pool at the bottom of the structure
- Identifying landmark for the community

John Veenstra, 320 Piper Road, Haslett, spoke in opposition to the proposal for the following reasons:

- The Planning Commission is the more appropriate forum for consideration of this or any cell tower proposal
- The question as to whether this design meets the definition of a "stealth tower" needs to be addressed first
- The setback requirement of 165' is likely too large for the proposed location
- The proposed lease payment is too low
- The Township needs to insist on an aesthetic design

Eleanor V. Luecke, President, L.I.N.C., read from a prepared statement in opposition to the lease proposal.

[Statement in Official Minute Book]

Bob Smith, 1847 Hamilton Road, Okemos, spoke in opposition to the lease proposal for the following reasons:

- Served as a member of the Planning Commission's Telecommunications Ordinance Subcommittee
- The proposal does not meet the definition of a "stealth" tower
- Supports the placement of a cell tower on Township Property
- The recent denial of the Planning Commission denial of an inconspicuous cell tower on Powell Road
- The placement of "Meridian Township" on the clock violates the Sign Ordinance
- This tower should comply with Township Ordinances regarding setbacks and fall zones

Bob Homan, 2176 Hamilton Road, Okemos, spoke in opposition to the lease proposal for the following reasons:

- The proposed tower does not look any better than the cell towers proposed over the last five years

Heidi L. DiLorenzo, Zoning/Legal Specialist, Accelera Wireless LLC, 5913 Executive Drive, 4th Floor, Lansing, speaking as a representative for Cricket/Leap Wireless, spoke in support of the lease proposal for the following reasons:

- The tower design is not identifiable as a cell tower

- The Code of Ordinances does not require a setback on Township property
- The lease provides for an annual increase
- The engineered fall zone would keep the tower away from the parking lot or public street
- The tower is designed to withstand a seventy-five (75) mph wind load with one-inch (1") radial ice
- To construct a tower on the Meridian Mall property, the tower height would be limited to sixty feet (60'); based on a requirement to build on the roof top, with a maximum height of ten feet (10')
- 9-1-1 could be co-located on the tower if the Township and HLH Tower agree to transfer use of one of the Township's locations

Patrick Welsh, Site Acquisition Representative, Accelera Wireless, LLC, 5913 Executive Drive, 4th Floor, Lansing, speaking as a representative for Cricket/Leap Wireless, spoke in support of the lease proposal for the following reasons:

- The design of the stealth tower is limited by the engineering requirements for the individual antennas
- The carriers are interested in working with the Township to find an agreeable solution to the Township's desire for an aesthetic design and the carriers desire to service the area
- 9-1-1 is interested in locating on this tower
- There is a tradeoff between the height of the tower and the number of towers required to service an area
- The tower is engineered such that there is little to no risk of it falling
- Drivers are looking down the road and do not see signs at or about vehicle height
- There is an urgency among the carriers to provide coverage to this area

Eldon Clark, 2415 Sapphire Lane, East Lansing, spoke in opposition to the lease proposal for the following reasons:

- The need for innovative and aesthetic improvements to Township
- Proposed tower is too noticeable to be considered "stealth"
- A monopole is the most unobtrusive design for a tower
- The Service Center site may be more appropriate for the proposed tower

Supervisor McGillicuddy closed the public hearing at 9:05 p.m.

Supervisor McGillicuddy recessed the meeting at 9:06 p.m.

Supervisor McGillicuddy reconvened the meeting at 9:12 p.m.

C. Appeal of SUP #01051 (AC&E Rentals)

Supervisor McGillicuddy opened the public hearing at 9:12 p.m.

Director Kieselbach introduced the special use permit request and the subsequent appeal.

APPELLANT

Dave Henderson, Owner, A. C. & E. Rentals, 1842 W. Grand River Ave, Okemos, speaking as the appellant, stated the following reasons for reversing the Planning Commission's denial or initiate a Zoning Amendment to accommodate his type of business:

- The Township Ordinance does not classify this particular use and does not address the need for a Special Use Permit
- The use falls between a construction company and an auto dealership
- A. C. & E. has been in operation for thirty-four (34) years at this location

BOARD DISCUSSION

Treasurer Hunting asked the appellant if he submitted the photo of the landscaping and display of the lift platforms.

Mr. Henderson stated he supplied the photo. He stated one limitation he would agree to is a limit on the display height of the aerial equipment to the bottom of the sign, which is twelve feet (12').

Clerk Helmbrecht asked for an explanation of the difference between an auto dealership's vehicle display and this display. She asked for a clarification of the term "storage" as this equipment is temporarily displayed and housed at night.

Director Kieselbach stated the original issue was whether the proposed display equipment could be classified under the very specific section dealing with the sale, rental or display of motor vehicles in the CS (Community Service) zoning district. He stated the Township attorney determined the section does not apply to the appellant's use. He stated the next issue considered by the Planning Commission was whether the section on outdoor displays was applicable to this request for a special use permit. He stated there is not a specific section applying to this type of display.

Clerk Helmbrecht asked if there are any proposals to establish this use in the ordinance.

Director Kieselbach stated there have been no discussions beyond preparing the information for the Township Board hearing. He stated one option before the Board is to refer the issue to the Zoning Board of Appeals for an interpretation if deemed appropriate.

PLANNING COMMISSION

Planning Commissioner Alan Wolfe discussed the Planning Commission's denial of the Special Use Permit. He made the following points:

- The original displays proposed were greater than twenty feet (20'), the twelve-foot (12') limit offered would make sense
- The equipment displays are located in the service drive and may invite children to climb on
- The Planning Commission recommended using three (3) parking spaces immediately in front of the building
- The Planning Commission determined the displays to be outside storage
- The Planning Commission determined the equipment displays to be signage
- The Planning Commission could not classify the equipment as motor vehicles and as such could not use the section regulating auto dealership displays
- Consideration must be given to the precedent this would establish regarding outside displays Township wide
- Available options include:
 - Consider alternate locations for the equipment
 - Consider a variance for the height of the fence surrounding the property to provide a view from the road

BOARD DISCUSSION

Trustee Stier stated as there is no category classifying the type of business, the Planning Commission could create a category for the use including an ordinance controlling outdoor displays; and yet there is no guarantee these steps would permit the type of display requested.

Mr. Henderson stated A. C. & E. has been doing this type of display for several years and desires to work with the Township in resolving this issue.

APPELLANT REBUTTAL

Dave Henderson, Owner, A. C. & E. Rentals, 1842 W. Grand River Ave, Okemos, rebutted as follows:

- The parking spaces next to the building are valuable as a much more convenient location for customers to return equipment

BOARD DISCUSSION

Trustee Woiwode stated the Planning Commission presented the applicant some options, to which the applicant made no response. She stated the Planning Commission appears to have made a good-faith attempt to address the issues involved and asked the appellant to address the Planning Commissions proposals.

Mr. Henderson stated he agrees with the display height reduction, but disagrees with the

recommendation to relocate the equipment displays.

Trustee Woiwode asked if the appellant has a back lot for loading and unloading equipment. She stated she is concerned about the impact of equipment displays in the service drive with restricted site distances. She stated her belief that although not specifically listed in the ordinance, the section on outdoor displays would be applicable to this case and there may be a resolution addressing the applicant's and Planning Commission's concerns.

Mr. Henderson stated his desire to find a workable solution. He displayed the various sizes of signs used on his equipment. He disputed the Planning Commission's consideration of the equipment as signage. He stated the equipment display is an important part of his business.

Trustee Stier asked Commissioner Wolfe if the Planning Commission could develop a category for this use and draft an ordinance controlling the outdoor display of equipment on such a business.

Commissioner Wolfe stated he believes the Planning Commission could draft a proposal for the Board to consider. He stated the Planning Commission and the Appellant have different definitions of what is considered a sign. He stated he would like to have additional time to resolve language issues and look for additional options.

Trustee Woiwode asked if there is any reason to consider referring this item to the Zoning Board of Appeals for an interpretation or a variance.

Attorney Woodworth stated the Board could refer the matter to the Zoning Board of Appeals for an interpretation of the section under special use permits as to what is meant by a "motor vehicle." He stated the Township has already obtained a legal opinion regarding the definition of a motor vehicle, which would not cover the appellant's equipment. He stated it might be more desirable to refer the matter to the Planning Commission with particular reference to Section 86-10 providing for other uses not specifically mentioned in the ordinance. He stated under application of these separate standards, there might be some accommodation for the appellant. He stated the problem is that the use falls into a gap as the ordinance is currently written. He stated a potential problem with referral to the Planning Commission is that the Planning Commission has already reviewed the application against the criteria for special use permit and found it insufficient. He stated he could not be sure if the result would be any different under consideration of the separate criteria.

Trustee Woiwode asked what is the schedule for making a decision on this case and if there is sufficient time to provide for informal negotiations among staff and members of the Planning Commission.

Attorney Woodworth stated the Board's referral to the Planning Commission could be made at the next meeting. He stated he has already met with the appellant's attorney and that ultimately the Planning Commission must make the determination on the issuance of a special use permit. He stated negotiations would not preclude a referral to the Planning Commission.

Supervisor McGillicuddy opened the floor to the public to comment.

Eldon Clark, 2415 Sapphire Lane, East Lansing, spoke in support of a temporary accommodation in line with Policy 1.3 Prosperity Ends.

Supervisor McGillicuddy closed the public hearing at 9:42 p.m.

- D. Northport of Meridian Condominiums Streetlighting District
Supervisor McGillicuddy opened the public hearing at 9:43 p.m.

Director Severy introduced the proposed streetlighting district.

Bob Homan, 2176 Hamilton Road, Okemos, representing Jim Giguere, spoke in support of the streetlighting district for the following reasons"

- Interest of new residents to have street lights installed

Trustee Stier asked whether tree trimming is paid out of the special assessment district.

Bob Homan stated tree trimming would be paid out of condominium association dues.

Supervisor McGillicuddy closed the public hearing at 9:46 p.m.

E. Lake Lansing Road Sanitary Sewer Special Assessment District #46
Supervisor McGillicuddy opened the public hearing at 9:46 p.m.

Director Severy introduced the proposed sanitary sewer special assessment district and its relationship to district #45.

Treasurer Hunting asked why there is a difference between the amount of the individual assessments (\$35,500) and the estimated cost of the project (\$38,760).

Director Severy stated there is property to the north of Lake Lansing Road, which is not included in the assessment district. He stated this missing property would be included in a payback district should that property hook into the system. He stated this is essentially a loan from the Township until the connection is made. He stated the property owner would be assessed based on the cost of the connection plus interest.

Treasurer Hunting asked if the property remains undeveloped for ten (10) years, the \$3,000 would accrue interest until such time.

Director Severy stated this is correct.

Treasurer Hunting asked if the property is never developed, would the Township then absorb the cost.

Director Severy stated this is correct.

Clerk Helmbrecht asked how it is that the larger absent lot is assessed only \$3,000 compared to the three (3) assessments on the south side of Lake Lansing Road, as the assessment is based on lot frontage.

Director Severy stated the payback district is divided between district #45 and #46, whereas the segment in district #46 is a small portion of the lot frontage.

Robin Rosenbaum, 2309 Lake Lansing Road, East Lansing, spoke in opposition to the Assessment district for the following reasons:

- The expense of the water main and connection would be difficult to recover
- The property's septic system is functional
- There must be a more cost effective way to develop this project

Birgit Slivensky, 2315 Lake Lansing Rd, spoke in opposition to the Assessment district for the following reasons:

- The hearing notice was her first knowledge of this project
- She does not know if she would be forced to hook into the main despite having sufficient septic
- She may be forced to sell the property to pay the assessment

Victoria Hallmann, 2289 Lake Lansing Road, East Lansing, commented on the assessment district as follows:

- She was originally approached to participate in the district, but wanted more information
- Because her name was dropped from the petition, she does not know the estimated expense of a connection to the sanitary sewer
- She has a functional septic system which could fail at any point

- She would prefer to see a more equitable distribution of the assessment
- The potential lot split of 2310 Lake Lansing Road should be considered in the assessment

Joe Edwards, 2293 Lake Lansing Road, East Lansing, spoke in support of the assessment district for the following reasons:

- There have been three (3) or more petitions attempted over twelve (12) years before this one to connect to the sanitary sewer
- Assessment Districts #45 and #46 were initially a single assessment district

Supervisor McGillicuddy closed the public hearing at 10:08 p.m.

Lake Lansing Road Sanitary Sewer Special Assessment District #46 - Resolution #3 (Agenda Item #9A)

Board Members discussed the following items:

- Question as to whether a signatory to a petition can withdraw from the petition
- Options for a sanitary sewer connection to 2289 Lake Lansing Road
- Payment options available for a special assessment

Trustee Woiwode asked on what basis the Board would deny a special assessment district and what potential consequences would this have for future petitions.

Attorney Woodworth stated the basis for denial would be the lack of necessity for the system. He stated a petition is considered as of the date of filing, and a signatory can not withdraw from the petition.

Trustee Woiwode asked whose duty it is to characterize accurately a petition to the signatories.

Attorney Woodworth stated that in the case of fraud in the circulation of a petition, that would likely be the subject of civil litigation between the circulator and signatory. He stated he has not heard anything that would suggest fraud in this case.

Action on this item was postponed until the next regular meeting of the Township Board by unanimous consent.

- Joint Jurisdiction of Wetlands Over Five (5) Acres (Agenda Item #10A)
Director Kieselbach reported he is still collecting information from the MDEQ and other jurisdictions.

Discussion was postponed until the next regular meeting of the Township Board.

- Rezoning #01100 (Consumers Energy) Mall Substation (Agenda Item #10B)
Director Kieselbach introduced the requested rezoning.

Board Members discussed the following items:

- Originator of rezoning request
- Intent of rezoning
- Net effect of rezoning on Meridian Mall
- Surrounding zoning designations
- Steps for Board approval

Board Members discussed the remainder of the agenda.

The consensus of the Board was to hold public comment, postpone the vision session, and move into closed session.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened public remarks

Harold Schmidt, 4086 Dobie Road, Okemos, requested to be informed of the process for the Board in considering Planning Commissioner Kebler's fitness to serve on the Board.

John Veenstra, 320 Piper Road, Haslett, discussed the rescheduling of the Ingham County Parks Board Hearing for August 27, 2001 regarding county parks parking fees.

Supervisor McGillicuddy closed public remarks.

13. VISION SESSION: Urban Service/Growth Boundary (Discussion Postponed - See above)

14. POSSIBLE CLOSED SESSION

Treasurer Hunting moved to go into closed session in order to consult with the Township attorney about pending litigation specifically trial strategy and/or settlement negotiations, which if discussed in open session would have a detrimental financial effect on the litigation and/or settlement strategy of the Township. Seconded by Clerk Helmbrecht.

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

NAYS: None

Motion carried 5-0.

Supervisor McGillicuddy recessed the meeting at 10:22 p.m.
The Board adjourned to the Administrative Conference Room

Treasurer Hunting moved to return to open session. Seconded by Clerk Helmbrecht.

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

NAYS: None

Motion carried 5-0.

Supervisor McGillicuddy reconvened the meeting at 11:35 p.m.

15. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 11:35 p.m.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Paul J. Cassidy, Secretary