

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD WORK SESSION MINUTES - **APPROVED**
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, APRIL 20, 1999, **5:30 P.M. — 7:00 P.M.**

PRESENT: Supervisor Little, Clerk Helmbrecht, Treasurer Klunzinger, Trustees McCullough (6:00 p.m.), McGillicuddy, Squiers (5:52 p.m.), Such

ABSENT: None

STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Roger Buell, Director of Accounting & Budgeting Diane Hasse, Computer Specialist Steve Gebes, Police Chief Gary Gibbons, Personnel Director/Assistant Manager Paul Brake, Attorney Brian Goodenough

1. CALL WORK SESSION TO ORDER

Supervisor Little called the Work Session to order at 5:41 p.m.

2. QUESTIONS FOR ATTORNEY (Postponed to follow Item #3)

Treasurer Klunzinger asked that items #4 & 5 be discussed before item #3. Supervisor Little granted the request.

3. DISCUSSION OF LIBRARY & COMMUNITY CENTER PROJECTS (Postponed to follow Item #5)

4. HASLETT ROAD IMPROVEMENT PROJECT

Treasurer Klunzinger discussed a proposed memorandum to be sent to the Ingham County Road Commission to communicate the results of the Community Attitude Survey to dissuade them from pursuing a plan to narrow Haslett Road east of Marsh Road.

Board Members discussed the proposed memo and traffic problems on Haslett Road.

Supervisor Little directed Treasurer Klunzinger to send the Ingham County Road Commission the entire Community Attitude Survey.

5. GRAND RIVER CLEAN-UP PROJECT

[Board Members discussed possible dates for the Adopt a Highway cleanup. The consensus of the Board was to perform the cleanup on May 15th and June 12th to provide for Board Members' schedules.]

3. DISCUSSION OF LIBRARY & COMMUNITY CENTER PROJECTS

Board Members discussed the following items regarding the Library and Community Center Projects:

- Presentation of Community Center Report
- Physical Operations Committee's recommendation of a central library with a Haslett branch.
- Library merger
- Participation in C.A.D.L.
- Size requirements of facilities
- Proposed sites for Library
- Community Center concept drawings and capability of a 50,000 sq. ft library
- Common facility needs and functions of Community Center and Library
- Support of Residents for Community Center and Library
- Community Need for meeting rooms
- Establishment of Meridian Township Community Arts & Activities Center Foundation
- Concept Drawings for central library facility
- Physical Operation Committee's library proposal before the Board
- Evolution of Community Center project
- Use of Facilitator to determine whether to combine or separate the projects

- Library Millage
- Cooperation of Physical Operations and Community Center Committees
- Use of Township property for Community Center
Supervisor Little asked Attorney Goodenough what legal problems there may be associated with combining a library funded through a millage to a Community Center privately funded. Attorney Goodenough stated these are two (2) separate facilities and he does not see a problem.
- Expenses of duplicated facilities on separate sites.

2. QUESTIONS FOR ATTORNEY

(See Item #3)

Seizure of Other Properties for Collection of Outstanding Taxes:

Treasurer Klunzinger asked Attorney Goodenough if there are overdue taxes on a business which has closed, and the former owner owns other property within the Township, can those other properties be seized to collect the past due taxes on the defunct business. Attorney Goodenough stated it depends largely on how the property was owned to determine whether or not the individual property owner would have any personal assets which could be brought back into that business entity. Attorney Goodenough stated he would be careful about pursuing such an action until after a review of the IRS codes, as there are few situations when this would work.

BWL Water Connection and Section 9 Review:

Trustee McGillicuddy asked if a review under Section 9 of the State Act is required for a water connection with BWL before any further action. Attorney Goodenough stated Trustee McGillicuddy is probably referring to the Michigan Municipal Planning Act, whereas Section 9 states that before a public improvement is constructed within the Township, the Township Planning Commission will review the location, character, and extent of that improvement. Attorney Goodenough stated in this case; the water storage facility is outside of the Township, and is not subject to a Section 9 review. Attorney Goodenough stated those parts of the infrastructure connecting the water storage facility to other infrastructure within the Township does need to be reviewed by the Planning Commission. Attorney Goodenough stated this review is typically performed through the P.I.P. plan, for which the current plan would be approved in May. Attorney Goodenough stated this particular connection could be incorporated within the P.I.P. plan. Attorney Goodenough stated if for some reason the Planning Commission does not approve this particular connection, then the body with jurisdiction over that connection, the Township Board, could override the Planning Commission by a two-thirds (2/3) vote. Attorney Goodenough stated this particular issue could be handled through the P.I.P. Attorney Goodenough stated there does not need to be a separate hearing from the P.I.P. hearing.

P.I.P. Review or Board Action First:

Trustee McGillicuddy stated a concern for what she perceives as a changing function of the proposed water connection, which may result in the elimination of the Urban Service Boundary. Trustee McGillicuddy stated she believed the Board should hold off on considering this approval until after the P.I.P. review. Attorney Goodenough stated the only part of the project that is subject to a Section 9, or P.I.P. review, is that which is within the Township; specifically the connecting pipe to the water storage facility. Attorney Goodenough stated the hearing for the P.I.P. would be conducted before this particular project is built. Attorney Goodenough stated the question of the Urban Service Boundary is a policy issue for the Planning Commission, and not subject to a Section 9 or P.I.P. review. Attorney Goodenough stated he understands the P.I.P. will be reviewed, and a public hearing conducted before the facility is built.

Millage Proposal for Purchase of Open Space:

Trustee McGillicuddy asked if the Planning Commission recommends to the Board a millage to purchase open space, could the Township include this proposal on another ballot to include a possible Special Election for the referendum on Rezoning #98170 (North American Equities). Attorney Goodenough stated Traverse City purchased several cherry farms through such a millage to protect the property from development. Attorney Goodenough stated such a proposal could be included on the same ballot as the referendum.

(See Item #6)

(See Item #8)

6. DISCUSSION ON 7:00 AGENDA ITEM TOPICS

The following 7:00 p.m. agenda items were discussed:

- Consent Agenda
- Minutes
- Manager's Bills
- Communications (BI-1)

Effective Date of Elected Official's Compensation Increase:

Treasurer Klunzinger stated the 30th day following the E.O.C.C.'s recommendation is a regular payday. Treasurer Klunzinger asked if the increase in compensation takes effect from that day forward, or with that paycheck. Attorney Goodenough stated the compensation increase takes effect from that day forward as it can not be applied retroactively.

The following 7:00 p.m. agenda item was discussed:

- Plat #95012 (Banyon Park)

7. OTHER BUSINESS

The following other business items were discussed

- Fire Department Organizational Structure
- Fire Department Promotions

Supervisor Little stated it is important to move forward on promotions and the organizational structure to provide firefighters something to provide advancement, and secure positions for Township firefighters should the merger happen.

- Discussion of timetable for a written update on the six (6) points of possible cooperation with the City of East Lansing Fire Department.

8. PUBLIC REMARKS

Supervisor Little opened Public Remarks.

Tracey Wilson, 2554 Sundance Lane, Okemos, stated the referendum petition circulator misrepresented the issue as preventing the destruction of marshlands and reducing the construction of 500 homes in favor of 250 homes. She stated neither she nor her husband want their signatures on this petition. She stated the Governor's Club development would be a good thing as it is a better use of the property.

Dennis Forsberg, T.A. Forsberg, spoke in support of Rezoning #98220 (Forsberg). He outlined the site under consideration to include the county drain, wetland area, and 100-year floodplain; explaining why his proposal would not impact these features.

Robert Kolt, Kolt & Serkaian Communications, 2853 W. Jolly Road, Okemos, spoke in regard to the referendum petition for the Rezoning #98170 (North American Equities). He discussed a Lansing State Journal article alleging petition fraud. He stated the intent of the Governor's Club project. He stated the golf course and limited number of homes is the best use of the site. He stated the findings of the Ingham County Prosecutor's Office as communicated to him by letter. He stated the Prosecutor found the accusation of fraud to be valid, but could not charge any individual because of a legal loophole. He stated an election based on fraud could occur and cost the Township as much as \$16,000 dollars. He asked the Township Clerk not to certify the fraudulent petitions. He stated he does not believe there are sufficient signatures to require an election if the fraudulent ones are eliminated.

Supervisor Little closed Public Remarks.

Certification of Petitions:

Trustee Such asked Attorney Goodenough whose role it is to certify petitions and what role would the

CHARTER TOWNSHIP OF MERIDIAN, WORK SESSION, APRIL 20, 1999 *APPROVED*

Board play. Attorney Goodenough stated the Township Clerk certifies the petition, and the Board plays no role in the certification of the petition. Attorney Goodenough stated the role of the Board would be to set a date for an election if the petition is validated.

Necessity to Call Election:

Treasurer Klunzinger asked Attorney Goodenough once any petition is certified by the Clerk, does the Board have the option to call an election. Attorney Goodenough stated the Board needs to call an election, but the option the Board has is to call a Special Election or schedule it at the next regularly scheduled election, which would be November 3rd.

9. ADJOURNMENT

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

BRUCE A. LITTLE
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Paul J. Cassidy, Secretary

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, APRIL 20, 1999, **7:20 P.M.**

PRESENT: Supervisor Little, Clerk Helmbrecht, Treasurer Klunzinger, Trustees McCullough,
McGillicuddy, Squiers, Such
ABSENT: None
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development
Mark Kieselbach, Director of Engineering & Public Works Roger Buell, Police Chief
Gary Gibbons, Personnel Director/Assistant Manager Paul Brake, Attorney Brian
Goodenough

1. CALL MEETING TO ORDER

Supervisor Little called the meeting to order at 7:22 p.m.

2. APPROVAL OF AGENDA — OR CHANGES

TREASURER KLUNZINGER MOVED TO APPROVE THE AGENDA AS SUBMITTED AND
CONSENT AGENDA TO INCLUDE ITEMS #3 & #16, . SECONDED BY TRUSTEE
MCCULLOUGH.

VOICE VOTE: Motion carried unanimously.

3. CORRECTION, APPROVAL & RATIFICATION OF MINUTES (None)

4. COMMUNICATIONS (See Consent Agenda)

A. Application for Public Service (***)

EC-4 Rainy Lynn Inman, 1457 E. Pond Drive #16, Okemos; Environmental Commission

B. Board Deliberation (BD)

BD-1 Eleanor V. Luecke, President, L.I.N.C.; RE: Rezoning #98220 (Newman Equities)

BD-2 Eleanor V. Luecke, President, L.I.N.C.; RE: BWL Water Connection

C. Board Information (BI)

BI-1 Joel Dowley, Chair, Elected Officials Compensation Commission; RE: Determination of
Salaries for Elected Officials – 1999 and 2000

BI-2 Michael P. Myrand, 1261 Orlando, Haslett; RE: Ordinance Prohibiting Storage of Boats,
Trailers, Campers, and automobiles

BI-3 Michael J. Sdao, 2123 Clinton Street, Okemos; RE: Response to March 28, 1999 Towne
Courier Article “Band Shell Ideas Need ‘Can-Do’ Meridianites”

BI-4 Charles Louis Willems, 1387 Hickory Island, Haslett; RE: Rail Fence

BI-5 Lansing Regional Chamber of Commerce, Execufax, March 29, 1999 edition

BI-6 Lansing Regional Chamber of Commerce, Eventline

BI-7 Mid-State Consultants, Nephi, Utah; RE: Construction of New Century Tel Michigan
Fiber Optic Facilities

BI-8 Consumers’ Energy; RE: Year 2000 Readiness

BI-9 David W. Joos, President & CEO, Electric Division, Consumers’ Energy; RE: BWL
Electric Franchise Expansion

BI-10 Michigan Township Association PAC; RE: Contribution Solicitation

BI-11 Michigan Township Association, Legislative Fax, March 26, 1999 edition

BI-12 Michigan Township Association, Legislative Fax, April 9, 1999 edition

BI-13 Michigan Township Association, Capitol Currents, March 1999 edition

BI-14 Michigan Township Association, Capitol Currents, April 1999 edition

BI-15 Okemos Public Schools Board of Education April 19, 1999 Meeting Packet

BI-16 List of Licensed Vendors and of Persons or Nonprofit Organizations engaged in soliciting
or canvassing

BI-17 Thomas Page, President, Lake Lansing Property Owners Association; RE: Cover Letter
Submitting Lake Lansing Watershed Advisory Committee 1998 Progress Report & 1998

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, APRIL 20, 1999 *APPROVED*

Lake Lansing Annual Progress Report

- BI-18 State of Michigan, Department of Consumer & Industry Services; RE: Closure of Hope Network West Michigan, 2500 Haslett Road, East Lansing
- BI-19 Michigan Conference on Affordable Housing Pamphlet and Invitation
- BI-20 John Engler, Governor; RE: Michigan's Talent Bank

E. Freedom of Information (FOI) [On file in Clerk's Office]

- FOI-1999-12 James J. Urban, Butzel Long P.C., Central Parks Estates Sanitary Sewer
- FOI-1999-13 Vicky Watson, Cohl Stoker & Toskey P.C.; RE: Department of Community Planning & Development Job Openings/Postings from November 1997 to Present
- FOI-1999-14 Marilyn Britten, 1874 Birchwood Drive, Okemos; RE: Overnight Travel Expense Request

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

- OF-1 Capital Area Rail Council April 7, 1999 Regular Meeting Packet
- OF-2 Ingham County Board of Commissioners, April 13, 1999 Regular Meeting Packet
- OF-3 Michigan Department of Environmental Quality; RE: Permit for Wastewater System for Eyde Parkway Offices – Phase II
- OF-4 State of Michigan Department of Treasury, State Tax Commission; RE: Millage Request and Millage Rollbacks
- OF-5 Lansing Regional Chamber of Commerce, MetroLink, April 1999 edition
- OF-6 Okemos Public Schools Board of Education April 12, 1999 Meeting Packet
- OF-7 Lake Lansing Watershed Advisory Committee 1998 Progress Report
- OF-8 1998 Lake Lansing Annual Progress Report
- OF-9 State of Michigan D.E.Q.; RE: Public Notice that GS Development, 4655 Dobie Rd, Ste 260, Okemos, has applied for permit to enclose and extend Wilkshire Drain 40 feet with Storm Sewer Line and Fill.

5. QUESTIONS OF ATTORNEY (See Items #8 & #12)

6. PUBLIC REMARKS

Supervisor Little opened Public Remarks.

Tom Hammond, 189 Newman Road, Okemos; spoke in opposition to Rezoning # 98220 (Newman Equities). He stated this rezoning violates the principle of step-down zoning and that the buffer strip will not be sufficient to buffer the residential zoning.

Cecelia Kramer, 4560 Oakwood, Okemos, spoke in opposition to Plat #95012 (Banyon Park). She read from a letter from Steve Stier, 5317 Okemos Road, East Lansing.

Jack Davis, Loomis & Ewert, 2325 S. Capitol Ave, representing Newman Equities, spoke in support of Rezoning # 98220 (Newman Equities). He stated the position of the applicant is that the first vote represents a sound decision of the Board, and a final vote would be changed only following significant new information. He stated the current Comprehensive Development Plan provides for multiple family on Powell Road.

David Pierson, 1305 S. Washington Ave, Lansing, representing Banyon Park LLC spoke in support of Plat #95012 (Banyon Park). He recounted the Board's approval of the modification of the S.U.P. He stated he has addressed the concerns of the Drain Commissioner to residential development in fringe areas, the soil types, compaction of fill, and notice to purchaser of conditions; such that the Drain Commissioner agreed not to oppose this modification. He stated Director Kieselbach received assurance from the State Coordinator of the Federal Flood Insurance Program that in accordance with F.E.M.A.'s regulations and will not effect the Township's compliance with the Federal Flood Insurance Program.

Dennis J. Forsberg, T.A. Forsberg, spoke in support of Rezoning #99020 (Forsberg). He stated his engineer has determined that the proposed office buildings would not impact the floodplain. He stated his market study demonstrates a community need for this development.

John Anderson, 215 W. Newman Road, Okemos, spoke in opposition to Rezoning #98220 (Newman Equities). He stated his beliefs that the Township is being overdeveloped and developers' interests are being favored over those of the residents.

Eldon Clark, 6048 Horizon Drive, East Lansing, stated his endorsement and appreciation for the Meridian Township Police Citizen Academy. He commended the Police Chief and Police Officers involved in the program. He stated his intent to discuss the development of a similar program for the Fire Department with the Fire Chief.

Mitch Irwin, Principal of The Irwin Group Ltd., spoke in support of Zoning Amendment #99040 (Planning Commission). He made himself available for any questions.

Jerome Hull, 3972 Dayspring Court, Okemos, spoke in opposition to P.U.D. #99014 (Dunn & Balesky). He stated he built his home at the current location because of the current zoning. He stated the proposed condominium project is contrary to current zoning, and would create additional traffic problems at peak commuting time. He stated he sees no reason to change the zoning from what is currently in the Master Plan and that single-family homes is the best use of the property.

William White, Co-Owner, Travelers Club Restaurant, 4245 Okemos Road, Okemos, spoke in support of the Liquor License application. He stated the intent is not to create a brewpub, but to serve his own beer in the restaurant. He stated the approval of the Board is required because of post-prohibition controls to combat organized crime. He stated for the record that he has no mob ties. He stated the B.A.T.F., Ingham County Health Department, and Department of Agriculture, have approved the license.

Eleanor V. Luecke, President, L.I.N.C., in opposition to rezoning #98220 (Newman Equities). She read from her communication (BI-1).

Ann Woiwode, 5088 Powell Road, Okemos, spoke in opposition to rezoning #98220 (Newman Equities). She stated she could provide the Board a letter signed by five (5) of the twelve (12) residents on Powell Road in opposition to the rezoning. She stated rural residents are discouraged from participating in local government as they are the most out of touch as to what is going on. She stated residents believed their opposition had been registered before the Planning Commission and that they would not need to reappear to register their opposition before the Board.

Evy Wood, 4937 Hillcrest, Okemos, stated the acoustics of the room are poor and it is difficult to hear discussions during the Work Session. She asked if something could be done to amplify the discussions.

John Veenstra, 320 Piper Road, Haslett, spoke in opposition to Zoning Amendment of Zoning Amendment #99040 (Planning Commission). He stated this is not an appropriate use for RP (Research & Office Park) zoned areas as this is a more intensive evening use verses the typical RP (Research & Office Park) uses. He stated this is a use more appropriate in CS (Community Service).

Supervisor Little closed Public Remarks.

7. CONSENT AGENDA

TREASURER KLUNZINGER MOVED TO ADOPT THE CONSENT AGENDA TO INCLUDE ITEMS #4 (Communications) & #16 (Manager's Report). SECONDED BY CLERK HELMBRECHT.

ROLL CALL VOTE: YEAS: Trustees McCullough, McGillicuddy, Squiers, Such, Supervisor Little, Clerk Helmbrecht, Treasurer Klunzinger

NAYS: None

Motion carried 7-0.

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

A. COMMUNICATIONS (Agenda Item #4):

TREASURER KLUNZINGER 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 OR FURTHER DISPOSITION. SECONDED BY CLERK HELMBRECHT.

ROLL CALL VOTE: YEAS: Trustees McCullough, McGillicuddy, Squiers, Such, Supervisor Little, Clerk Helmbrecht, Treasurer Klunzinger
NAYS: None
Motion carried 7-0.

B. MANAGER'S BILLS (Agenda Item #16A):

TREASURER KLUNZINGER MOVED THAT THE TOWNSHIP BOARD APPROVE THE MANAGER'S BILLS AS FOLLOWS:

General Fund/Special Revenue	\$ 520,137.26
<u>Public Works</u>	<u>\$ 865,482.87</u>
Total	<u>\$1,385,620.13</u>

SECONDED BY CLERK HELMBRECHT.

ROLL CALL VOTE: YEAS: Trustees McCullough, McGillicuddy, Squiers, Such, Supervisor Little, Clerk Helmbrecht, Treasurer Klunzinger
NAYS: None
Motion carried 7-0.

[Bill list for 4/20/99 in Official Minute Book]

C. FIRST QUARTER BUDGET AMENDMENTS (Agenda Item #16B):

TREASURER KLUNZINGER MOVED THAT THE BUDGET AS AMENDED ON PAGE 2 IN THE MEMORANDUM TO THE TOWNSHIP BOARD FROM THE DIRECTOR OF FINANCE, DATED APRIL 17, 1999 BE APPROVED. SECONDED BY CLERK HELMBRECHT.

ROLL CALL VOTE: YEAS: Trustees McCullough, McGillicuddy, Squiers, Such, Supervisor Little, Clerk Helmbrecht, Treasurer Klunzinger
NAYS: None
Motion carried 7-0.

D. BANNER PERMIT, OKEMOS HIGH SCHOOL (Agenda Item #16C):

TREASURER KLUNZINGER MOVED THE FOLLOWING:

WHEREAS, Meridian Township has requested that Okemos High School be allowed to hang a banner across Hamilton Road near the intersection of Hamilton and Ardmore from April 12, 1999 through May 8, 1999 to announce the Okemos High Spring Play. The Banner will not obstruct traffic signals and/or signs and will be eighteen feet (18') above the centerline of the road.

THEREFORE, I MOVE THE FOLLOWING: The Township Manager's Office is authorized to request the Ingham County Road Commission to allow Okemos High School to hang a banner over Hamilton Road, near the intersection on Hamilton and Ardmore from April 12, 1999 to May 8, 1999.

SECONDED BY CLERK HELMBRECHT.

ROLL CALL VOTE: YEAS: Trustees McCullough, McGillicuddy, Squiers, Such, Supervisor Little, Clerk Helmbrecht, Treasurer Klunzinger
NAYS: None
Motion carried 7-0.

E. 1999 CONCRETE FLATWORK CONTRACT BID AWARD (Agenda Item #16D):

TREASURER KLUNZINGER MOVED TO AUTHORIZE THE TOWNSHIP SUPERVISOR AND CLERK TO SIGN A CONTRACT, IN A FORM APPROVED BY THE TOWNSHIP ATTORNEY, WITH BBR PROGRESSIVE CONCRETE OF GRAND LEDGE, MI FOR THE AWARD OF THE 1999 CONCRETE FLATWORK CONTRACT, IN THE AMOUNT OF \$318,850.00. SECONDED BY CLERK HELMBRECHT.

ROLL CALL VOTE: YEAS: Trustees McCullough, McGillicuddy, Squiers, Such, Supervisor Little, Clerk Helmbrecht, Treasurer Klunzinger
NAYS: None
Motion carried 7-0.

F. ENTRE' COMPUTER SERVICE AGREEMENT (Agenda Item #16E):

TREASURER KLUNZINGER MOVED TO AUTHORIZE THE TOWNSHIP MANAGER TO SIGN AN AGREEMENT WITH ENTRE' COMPUTER SERVICES FOR \$13,300, FOR THE MAINTENANCE OF TOWNSHIP COMPUTER INFRASTRUCTURE UNTIL APRIL 22, 2000. SECONDED BY CLERK HELMBRECHT.

ROLL CALL VOTE: YEAS: Trustees McCullough, McGillicuddy, Squiers, Such, Supervisor Little, Clerk Helmbrecht, Treasurer Klunzinger
NAYS: None
Motion carried 7-0.

G. JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT (Agenda Item #16F):

TREASURER KLUNZINGER MOVED THAT THE TOWNSHIP BOARD CONFIRM THE TOWNSHIP MANAGER'S PROCESSING OF A REGIONAL COALITION AWARD RELEASE OF JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT FUNDS. SECONDED BY CLERK HELMBRECHT.

ROLL CALL VOTE: YEAS: Trustees McCullough, McGillicuddy, Squiers, Such, Supervisor Little, Clerk Helmbrecht, Treasurer Klunzinger
NAYS: None
Motion carried 7-0.

H. ROAD CLOSURE PERMIT, NOKOMIS DRUM RUN (Agenda Item #16G):

TREASURER KLUNZINGER MOVED THE FOLLOWING:

WHEREAS, Section 247.323 of the Michigan Road Laws provides that highways may be temporarily closed on a request of an official authorized by the governing body of a city, village or township; and

WHEREAS, The Nokomis Learning Center has requested the intersection of Central Park Drive and Marsh Road be temporarily closed on May 16, 1999 from 8:30 a.m. until 10:30 a.m.

THEREFORE, I MOVE THE FOLLOWING: The Township Manger's Office is authorized to request the Ingham County Road Commission to temporarily close Central Park Drive and

Marsh Road on May 16, 1999 from 8:30 a.m. until 10:30 a.m. for the Nokomis Learning Center 7th Annual 5K Drum Run/Walk.

SECONDED BY CLERK HELMBRECHT.

ROLL CALL VOTE: YEAS: Trustees McCullough, McGillicuddy, Squiers, Such, Supervisor Little, Clerk Helmbrecht, Treasurer Klunzinger

NAYS: None

Motion carried 7-0.

I. HIAWATHA LAKES #5 STREETLIGHTING SPECIAL ASSESSMENT DISTRICT AMENDMENT - RESOLUTION #1 (Agenda Item #16H):

TREASURER KLUNZINGER MOVED TO ADOPT THE FOLLOWING RESOLUTION:

RESOLUTION NO. 1

The Township Supervisor presented to the Board, plans, cost estimates, and a proposed assessment roll for a streetlighting special assessment improvement described in the Resolution set forth below.

WHEREAS, a petition has been received in accordance with the Township Board Policy for Establishing Streetlighting Districts dated November 19, 1993; and,

WHEREAS, the petition has been validated against the Township Assessor's records.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY, MICHIGAN AS FOLLOWS:

1. That the Township Board acting on its own initiative as permitted by Act 246, Michigan Public Acts of 1931, as amended, hereby tentatively declares its intention to install and maintain streetlights as set forth below.

HIAWATHA LAKES #5 STREETLIGHTING DISTRICT AMENDMENT

A. The expense to install and operate the proposed streetlight shall be defrayed by amending the existing Hiawatha Lakes #5 Streetlighting District to include this additional streetlight to the assessment roll and defray the costs against lands in Section 33, T4N, R1W, Meridian Township, Ingham County, Michigan, (excluding all public streets, roads, and highways therein) described as follows: Lots 41-45 (inclusive), and Lots 47-52 (inclusive), and Lots 54-64 (inclusive) of Hiawatha Lakes #5 Subdivision.

B. Proposed streetlight to be installed and maintained in sizes and locations as follows: Install one (1) 8500 lumen high-pressure sodium streetlight along Birch Bluff Drive.

Estimated Cost and Assessment:	\$ 487.74	First Year (\$22.17/benefit)
	\$ 100.54	Annually Thereafter (\$4.57/benefit)
		(Subject to Adjustment)

2. That the plans, cost estimates, and special assessment roll on this day submitted by the Township Supervisor, are hereby received and ordered filed with the Township Clerk for public examination.

3. That the Township Board shall meet at the Meridian Township Municipal Building, 5151 Marsh Road, Okemos, MI on Tuesday, May 18, 1999 at 7:00 p.m. for the purpose of hearing objections to the improvement, the proposed assessment district, and the proposed special assessment roll.

4. The Township Clerk is hereby ordered to cause notice of such hearing and the fact that the Township Board is proceeding on a proper petition to be published twice prior to said hearing in a newspaper of general circulation in the Township, the first publication to be at least ten (10) days before

the time of the hearing, and pursuant to Act 162, Public Acts of Michigan, 1962, as amended, shall cause said notice to be mailed by first class mail to all record owners of, or parties in interest in, property in the special assessment district, at the addresses shown on the current tax records of the Township, at least ten (10) full days before the date of said hearing.

5. Said notice shall be in substantially the following form: (See Attached)

**MERIDIAN TOWNSHIP RESIDENTS
NOTICE OF REVIEW OF SPECIAL ASSESSMENT DISTRICT
AND SPECIAL ASSESSMENT ROLL FOR
HIAWATHA LAKES #5 STREETLIGHTING DISTRICT AMENDMENT**

By Charter Township of Meridian
Ingham County, Michigan

TO THE RECORD OWNERS OF, OR PARTIES IN INTEREST IN, THE FOLLOWING DESCRIBED PROPERTY, CONSTITUTING THE PROPOSED SPECIAL ASSESSMENT DISTRICT:

Lots 41-45 (inclusive), and Lots 47-52 (inclusive), and Lots 54-64 of Hiawatha Lakes #5;

all parcels located in Section 33, T4N, R1W, Meridian Township, Ingham County, MI, and excluding all streets and other land deemed not benefitted.

PLEASE TAKE NOTICE that a request has been filed requesting the installation of one (1) 8500 lumen high pressure sodium streetlight along Birch Bluff Drive, at the property line of the revised east property line of Lot 54 and revised west property line of Lot 52 of Hiawatha Lakes #5 Subdivision, and to amend the current Hiawatha Lakes #5 Streetlighting District to include the expense of installation and operation of this additional streetlight to the assessment roll. A plan, cost estimate, and special assessment roll have been prepared and are on file in the Office of the Township Clerk for public examination. Said special assessment roll has been prepared for the purpose of assessing the cost of the above-described streetlight. All questions and/or concerns should be directed to Meridian Township Engineering Department at (517) 349-1200, ext. 399.

TAKE FURTHER NOTICE that the Township Board will meet on Tuesday, May 18, 1999, at 7:00 p.m., at the Meridian Township Municipal Building, 5151 Marsh Road, Okemos, MI 48864-1198, for the purpose of hearing any objections to the improvement, and to the special assessment district. The Township Board is also interested in hearing those that favor the proposed project.

Appearance and protest at the hearing in the special assessment proceedings is required in order to appeal the amount of the special assessment to the state tax tribunal. Your personal appearance at the hearing is not required, but you or your agent may appear in person at the hearing and protest the special assessment. To make an appearance and protest, you must file your written objections by letter or other writing with the Township Clerk before the close of this hearing. The owner or any person having an interest in the real property may file a written appeal of the special assessment with the state tax tribunal within 30 days after the confirmation of the special assessment roll if that person appeared and protested the special assessment at this hearing.

For purposes of this hearing, the amount to be assessed against your property, or properties, is estimated to be \$22.17 the first year and \$4.57 annually thereafter.

DATED: _____

Mary M.G. Helmbrecht, Township Clerk
CHARTER TOWNSHIP OF MERIDIAN

SECONDED BY CLERK HELMBRECHT.

ROLL CALL VOTE: YEAS: Trustees McCullough, McGillicuddy, Squiers, Such, Supervisor Little, Clerk Helmbrecht, Treasurer Klunzinger
NAYS: None
Motion carried 7-0.

8. BOARD MEMBER COMMENTS

Treasurer Klunzinger recommended that those individuals making campaign speeches may prefer speaking into the camera versus speaking to Board Members.

Petition Fraud:

Trustee Squiers stated he wanted to stimulate some discussion as to the alleged petition fraud in the referendum petition regarding the Board's decision on Rezoning #98170 (North American Equities). He stated there is evidence as shown by the Ingham County Prosecutor's letter that the "Liaison for Inter-Neighborhood Cooperation" (a.k.a. L.I.N.C.) has been involved in petition fraud. He referred to public remarks at this meeting regarding accusations of lies and misrepresentation of the issues by a petition circulator as another example of fraud in the petition gathering. He stated this is not the first time this accusation has been made regarding a petition circulated within Meridian Township elections. He stated if this elected body validates this petition, does it then become a conspirator in the perpetration of fraud. He asked why an individual would sign as a petition circulator when neither had they acted as the circulator nor had they even been present for the signatures. He stated the reason this individual signed as a circulator to push an agenda forward. He stated these acts of fraud taint everything associated with L.I.N.C. as it demonstrates a willingness to do anything to be obstructionist. He asked Attorney Goodenough if it is possible for the Board to enter a class action suit to have this petition thrown out.

Attorney Goodenough stated this Board could not be held personally liable as conspirators in any fraudulent action, as the Board did not participate in fraudulent activity. He stated these particular petitions go to the Township Clerk who has, prior to March 1999, limited statutory guidance. He stated the statute states the Township Clerk must make a determination of whether a signer is a registered elector within Meridian Township. He stated if the Clerk finds a sufficient number of signatures from registered electors within the Township, then the Clerk can validate the petitions. He stated once the Clerk validates the petition, the Board by statute must schedule an election. He stated the Board Members neither circulated petitions nor signed petitions fraudulently. He stated he believes the Clerk has reviewed all the signatures and has invalidated many of the signatures believed to be inappropriate whether unregistered, or having failed on some other criterion.

Refusal of Board to Schedule Election:

Treasurer Klunzinger asked for confirmation that if the Clerk validates the petition, an individual could file suit against the Board under writ of mandamus, thereby compelling the Board to fulfil its statutory obligations to schedule an election.

Attorney Goodenough stated there are a number of possible actions. He stated someone could file suit against the Board under mandamus requiring the Board to perform its ministerial task; a task that the statutes states shall be performed without discretion. He stated another cause of action is to enjoin the election and have a Circuit Court enter an order to stop this particular election. He stated one other point is that after receipt of allegations of fraud, this Board immediately turned the matter over to the Meridian Township Police Department for a thorough investigation and report to the Ingham County Prosecutor's Office. He stated the Board then waited for a determination of the Ingham County Prosecutor as to whether there was a fraudulent or criminal violation. He stated the Prosecutor stated there is evidence of fraud and that he believes the Clerk took this into account in evaluating the petition. He stated he wanted to note that there is no obligation to hold a special election, but that it must be scheduled for the next regularly provided there is time to enter it onto the ballot.

Trustee McCullough, rebutting a comment from public remarks, stated the Smith rezoning referendum was voted on during the summer of 1997 and he was appointed to the Board February of 1998.

Obligation of Board to Vote for Final Adoption

Supervisor Little asked if the comment is accurate that there is some obligation of the Board to adopt a

rezoning following approval of its introduction for publication and subsequent adoption.

Attorney Goodenough stated he believed the comment was that it would be unusual for the Board not to follow through with Final Adoption after its publication. He stated there is no legal obligation.

Treasurer Klunzinger stated one of his first votes on the Board in 1980, he supported a resolution for first reading which passed on a vote of four to three (4-3). He stated he reconsidered his position before final adoption and as such was defeated on a vote of four to three (4-3).

9. SUPERVISOR'S REPORT (None)

10. CLERK'S REPORT

Clerk Helmbrecht reported the hiring of Betsy Kelly the new receptionist/operator.

Clerk Helmbrecht reported the Clerk's Office has completed its work on the petitions without comment during the investigation. She reported she would certify the petitions as valid. She stated she would submit ballot language and proposed election dates to the Board for the next meeting. She emphasized that before March 23, 1999 Zoning Referendums did not fall under State Election Law. She stated under the new State Election Law the fraudulent actions would have been applicable and would be considered criminal. She stated Zoning Referendums before March 23rd did not fall under State Election Law, therefore findings of fraud under current standards can not be used to invalidate signatures on the petitions. She stated although many signatures were invalidated, there are sufficient remaining signatures to validate the petition.

11. TREASURER'S REPORT

Treasurer Klunzinger reported his office sent out demands for final payment of past due personal-property taxes amounting to about \$160,000. He stated the mailing was based on total amount due, and/or number of years past due. He reported there has been a good response to these letters.

12. TOWNSHIP BOARD

A. Appointments

Pension Trustees:

TREASURER KLUNZINGER MOVED TO APPOINT JEB BURNS TO THE PENSION TRUSTEES FOR A FOUR-(4) YEAR TERM TO EXPIRE DECEMBER 31, 2002. SECONDED BY TRUSTEE SQUIERS.

VOICE VOTE: Motion carried unanimously.

Environmental Commission:

TRUSTEE SQUIERS MOVED TO APPOINT KEVIN DUFF TO THE ENVIRONMENTAL COMMISSION TO COMPLETE THE REMAINDER OF A THREE-(3) YEAR TERM TO EXPIRE DECEMBER 31, 1999. SECONDED BY TRUSTEE SUCH.

Board Members discussed the following points:

- Qualifications for appointments to the Environmental Commission
- Qualifications for appointments to the Wetland Board
- Environmental Commission Recommendation of Applicant
- Recommendations from other committees and Commissions

TRUSTEE SQUIERS CALLED THE QUESTION. SECONDED BY TRUSTEE MCCULLOUGH.

VOICE VOTE: Motion carried 6-1 (McGillicuddy)

MOTION TO APPOINT

ROLL CALL VOTE: YEAS: Trustees McCullough, Squiers, Such, Supervisor Little, Treasurer Klunzinger

NAYS: Trustee McGillicuddy, Clerk Helmbrecht

Motion carried 5-2.

- Treasurer Klunzinger stated a concern about the inequity on Powell Road regarding the urban service boundary and access to Powell Road.

TREASURER KLUNZINGER MOVED TO INSTRUCT THE ATTORNEY TO WORK WITH THE EYDE COMPANY TO AMEND THE 1992 COURT ORDER, TO THE EFFECT THAT THE RA (SINGLE FAMILY-MEDIUM DENSITY) PORTION ONLY, SHALL HAVE ACCESS TO POWELL ROAD. ALL AMENDMENTS SHALL BE SUBJECT TO FINAL BOARD APPROVAL. SECONDED BY CLERK HELMBRECHT.

Treasurer Klunzinger stated the attorney has reviewed the language of this motion

Supervisor Little stated this action would probably require an amendment to the plat.

Treasurer Klunzinger stated the Eyde Company could still decline the offer.

TRUSTEE MCGILLICUDDY MOVED TO REFER TO THE MOTION TO THE PLANNING & DEVELOPMENT COMMITTEE. SECONDED BY TRUSTEE SUCH

MOTION TO REFER:

VOICE VOTE: Motion carried 4-3 (Supervisor Little, Trustee Squiers, Treasurer Klunzinger)

- Trustee Such asked for confirmation from Clerk Helmbrecht that there are sufficient valid signatures on the petitions even if the so-called fraudulent and invalid signatures were removed.

Clerk Helmbrecht stated there are about 1749 valid signatures and 1544 were required.

Signatures Received Under False Pretenses:

Supervisor Little asked if the fact that there is testimony that many of the valid signatures were received under false pretenses has any impact on the certification of the petition.

Attorney Goodenough stated this does not effect the decision on whether to affirm the signatures on the petition. He stated there is one (1) Court of Appeals case he knows of in which hundreds of people signed affidavits stating the circulators lied and obtained their signatures under false pretenses. He stated in that particular case the court threw out the petition. He stressed that the Court threw out the petition, and that the Township Board does not have this authority.

Initiation of Court Action:

Supervisor Little asked who initiated the court action in the referenced case.

Attorney Goodenough stated he believes the property owner initiated the court action to have the election enjoined, and the petitions declared invalid.

Supervisor Little asked if the Board would be out of line to delay action on setting the election date to provide the property owner time to initiate such action.

Attorney Goodenough stated the Board's only obligation is to set the election on or before the next regular election, provided there is sufficient time to get the materials prepared. He stated the next regular election is not until November, therefore the Board neither has to set the election date at the next meeting, nor hold a special election.

Trustee Such asked for confirmation that there is no basis for a lawsuit before the Board sets a date for the election.

Attorney Goodenough stated there probably is not a basis for a lawsuit before the date is set. He stated there is probably no benefit to the Township in waiting several months before setting the election, assuming that the election will be scheduled in November.

Circulator's Disclosure Requirements

Trustee Squiers asked for confirmation that this loophole in the law provides for a petition circulator to say anything to anybody to get a signature, and the Clerk is under obligation to certify those signatures.

Attorney Goodenough stated the particular law providing for a referendum petition, the only requirement is that the signature be from a registered elector within the Township, and that there be the requisite number of signatures. Attorney Goodenough stated under Michigan Election Law, the circulator must sign the petition, while under the Township Zoning Act this requirement does not exist. He stated the Michigan Legislature recognized this loophole and corrected it this year.

Expediting Court Action:

Treasurer Klunzinger stated it is not uncommon for court cases to come to trial after one (1) year from the filing date. He asked if there is some way to expedite court consideration.

Attorney Goodenough stated there might be, but the property owner's attorneys could get a restraining order or an injunction without going through the entire civil process. He stated a court could order an injunction on this election until it makes a decision. He stated if the court chooses to enjoin the election with a trial date after November, the election would not occur.

Township's Liability:

Supervisor Little stated as there are likely damages involved, he asked if there is liability to the Township if development of the property is postponed until November.

Attorney Goodenough stated his opinion is that there is no liability to the Township. He discussed the two (2) types of takings claims. He stated the court has been clear under temporary takings claims, that mere administrative delays do not result in a temporary takings claim. He stated the statute obligates the Township to schedule an election at the next regularly scheduled election, which is not until November. He stated this is an administrative delay under the statutory requirements and provides no exposure to a temporary takings claim.

Misrepresentation of Ballot Language:

Trustee McCullough asked if the Legislature did anything to tighten requirements as to a circulator's misrepresentation of the ballot language.

Attorney Goodenough stated this is a decision only a court would make. He stated the Board does not have the ability to look at a signature and determine whether this person was deceived for the signature.

Trustee McCullough asked if the circulator then can say anything, but it is up to the individual to read and understand ballot language.

Attorney Goodenough stated the circulator can not say anything they want, without putting themselves potentially before a court and having a judge determine as to whether it was totally fraudulent on their part. He stated this is not the Board's decision to make. He stated it is the duty of the individual to understand what they are signing. Attorney Goodenough stated this is a petition to put an issue on the ballot. He stated anyone who signed the petition and now believes their signature to have been taken under false pretenses has the ability to vote against the referendum and encourage others to vote the same way. He stated this petition is not a final decision on the part of the signatories to it, and the vote is a means to correct the fraudulent collection of their signature.

Non-Resident Circulators

Supervisor Little stated more than half the signatures were collected by a non-resident. He asked if the changes in the law change this.

Attorney Goodenough stated he does not believe the statutory changes prohibit a non-resident from

circulating petitions.

Cost of Election:

Trustee Squiers stated although a defrauded signatory can vote "no" at the election; he stated a concern for the \$16,000 from unbudgeted General Fund money to hold an unscheduled election based on a fraudulent petition.

Attorney Goodenough stated this is a valid concern if the Board decides to hold a special election.

Supervisor Little stated even without considering a special election the Township has already had substantial costs including legal fees, the Clerk's time investigating the petition and anyone else who has looked at this case.

13. SPECIAL HEARINGS/APPEALS

A. Wildflower #2 Street Lighting District

Director Buell introduced Wildflower #2 Street Lighting District.

Supervisor Little opened the public hearing.

Cynthia Bridge, 1920 Raby Road, Haslett, spoke in opposition to the Streetlighting Policy in general, and all three (3) streetlighting districts under Special Hearings. She stated the Streetlighting Policy states that "Residents along unlit streets not included in the proposed district, who would be potentially effected by the illumination shall also receive notice prior to the initial public hearing as determined by the Director of Engineering and Public Works, the Board will weigh the concerns of both areas." She stated she was notified about neither the Wildflower #1 streetlighting district, which is already in place, nor this current streetlighting district. She stated her home is directly across the street from this development and on a distinctly dark section of Raby Road. She stated she might have been overlooked, as her house is the only one on this section of road. She stated she is here tonight because she saw the public notice in the paper. She stated the official notices in the paper mention only the tax cost of the lighting to the individual homeowners, but miss a major point as she objects to the light itself. She stated she considers the nighttime darkness a significant advantage to her home in Haslett. She stated the parcels in this new district under consideration are largely unowned and uninhabited. She stated it is misleading to give these nonexistent residents an opportunity to protest their tax assessments or express any opinion about lighting. She stated many people believe the myth that streetlighting combats crime. She stated a thief in the night can see no better than a law-abiding citizen. She stated she does not oppose the right of individuals homeowners to light their own homes to enhance their feeling of safety, but objects to the tyranny of street lights which never turn off. She stated she does not expect the Board to deny the street lighting request, but does request that the six (6) lights in this district be placed such that the light globes are not visible from her home. She asked that the Street Lighting Policy be changed such that developers are not responsible for lights, and that only a neighborhood's residents could request lights.

John Veenstra, 320 Piper Road, Haslett, spoke in opposition to the street lighting district. He stated only residents should determine street lighting districts and not vacant properties. He urged the Board to amend the Street Lighting Policy such that the determination to install streetlights is made after the neighborhood is populated and by its residents. He stated some people do appreciate the dark night sky, but this option is not provided a resident if the decision for streetlights is made before they move into their home.

Supervisor Little closed the public hearing.

B. Whitehills Woods #5 Street Lighting District

Supervisor Little opened the public hearing.

(See Item 13.C.)

Supervisor Little closed the public hearing.

C. Hiawatha Lakes #6 & #7 Street Lighting District
Supervisor Little opened the public hearing.

John Veenstra asked that his remarks be applied for each of the street lighting districts. (See Item 13.A)

Cynthia Bridge asked that her remarks be applied for each of the street lighting districts. (See Item 13.A.)

Supervisor Little closed the public hearing.

D. Planned Unit Development #99014 (Dunn & Balesky)

Director Kieselbach introduced a proposed forty-six-(46) unit condominium development north of Bennett Road and west of Okemos Road

(See Item #6 for Public Remarks regarding this item)

Supervisor Little asked how many residential structures could be developed on this site as a RA (Single Family-Medium Density) development.

Director Kieselbach stated the applicant prepared two (2) drawings based on different zoning standards. He stated at RA (Single Family-Medium Density) zoning standards that the applicant believed he could develop forty-six (46) units. He stated at RB (Single Family-High Density) zoning standards that the applicant believed he could develop fifty-five (55) units.

Trustee McGillicuddy asked Director Kieselbach to explain why the proposed P.U.D. does not conform to the future land use map.

Director Kieselbach stated the P.U.D. does not comply with the future land use map because of the density. He stated the property was originally semi-public as a continuance of the privately owned cemetery.

Supervisor Little opened the public hearing.

Eleanor V. Luecke, President, L.I.N.C., spoke in opposition to the #99014 (Dunn & Balesky). She submitted her comments in writing.

[Comments in Official Minute Book]

Richard Balesky, 5465 W. Hidden Lake, spoke on behalf of the applicant for the proposed P.U.D. He stated the Planning Commission and neighbors expressed concerns initially for the environmental impact and density. He stated the proposed density overall is 1.9 units per acre, which is less than the 2.5 units per acre density standards under the current zoning and the existing density of the subdivisions to the north and south. He stated at the recommendation of the Environmental Commission, the northern portion of the site is to be used for a natural wildlife corridor connecting the eastern wooded wetland habitats to the western ponded-wooded habitats. He stated the site plan provides a large buffer between the proposed homes and wetlands. He stated the site plan also includes evergreen screening to the properties to the west. He stated the plan preserves open space and is environmentally compatible.

Kathleen Kane, 2550 Bennett Road, Okemos, spoke in opposition to the P.U.D. She stated her concerns are that this is not harmonious to the surrounding single-family home developments. She stated the Smith Drain provides a buffer to the apartments to the south. She stated she believes the application should provide for a buffer along her property as required by the P.U.D. Ordinance. She stated a concern for the proposal to put a road into the development within five feet (5') of her property, which does not provide room for any buffering. She stated final review before the Environmental Commission's review of significant flora and fauna would be premature.

Carla Clos, Environmental Commissioner, stated the Environmental Commission has been on the site twice with wildlife biologists, forestry experts, and ecologists. She stated the commission is comfortable with the Planning Commission's approval that the significant environmental concerns have been addressed to include the protection of large old trees. She stated in evaluating the wildlife habitat values, the biologists and ecologists could not confirm the presence of rare, endangered, or threatened species, but this is still under consideration by the D.N.R. She stated before the P.U.D. comes before the second review of the Planning Commission that the Environmental Commission would submit additional information based on further study. She thanked the applicants for their willingness to discuss environmental issues, and accommodate these concerns. She stated a concern for the pond on the adjacent property and an interest in working with neighboring property owners to protect this site.

John Anderson, 215 W. Newman Road, Okemos, spoke in opposition to the P.U.D. He stated the Community Attitude Survey shows the number three concern of the community is too many apartments and non-single-family homes.

Supervisor Little closed the public hearing.

Trustee Such asked how long the property has been zoned RA (Single Family-Low Density).

Director Kieselbach answered the zoning has been the same since the 1960's.

Trustee Such asked if there is anything in the ordinance that protects trees, flora and/or fauna by its nature.

Director Kieselbach stated the Township's Ordinances would only deal with it in a wetland.

Trustee McGillicuddy asked Director Kieselbach to address the concern for the road being five feet (5') from Ms. Kane's property.

Director Kieselbach stated the public road right-of-way is within five feet (5') of the property line, whereas the actual road will be twenty-four feet (24') from the property line.

TRUSTEE MCGILLICUDDY MOVED TO REFER TO THE P.U.D. TO THE PLANNING & DEVELOPMENT COMMITTEE. SECONDED BY TRUSTEE SQUIERS.

VOICE VOTE: Motion carried unanimously.

Trustee McCullough asked the applicant if he would be willing to develop the property as a single-family development.

Mr. Balesky stated he does not believe that single-family is the best way to develop this property in light of environmental considerations. He stated an association professionally maintaining the property provides consistency and long term protection of the natural features on the property. He stated he does not know how to provide the same level of protection as a platted development.

Trustee McCullough asked what he anticipates to be the target market.

Mr. Balesky stated the market would primarily be empty nesters.

Trustee McCullough asked Director Kieselbach to check with Okemos Public Schools to see if they have a preference between single-family homes or single-family condominiums.

14. UNFINISHED BUSINESS

15. DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT

A. Unfinished Business

(1) Rezoning #98220 (Newman Equities) – FINAL ADOPTION

Director Kieselbach introduced the request to rezone approximately forty (40) acres east and west of Central Park Drive, north of Grand River Avenue, and west of Powell Road from RD (Multiple Family-Low Density) and RA (Single Family-Medium Density) to CS (Community Service).

TRUSTEE MCCULLOUGH MOVED TO ADOPT THE FOLLOWING RESOLUTION:

RESOLUTION

WHEREAS, Newman Equities Partnership initiated a rezoning of approximately 40 acres located east and west of Central Park Drive, north of Grand River Avenue and west of Powell Road from RA (Single Family-Medium Density) and RD (Multiple Family-Low Density) to CS (Community Service); and

WHEREAS, the Planning Commission held a public hearing on December 14, 1998, and recommended approval of the rezoning from RA (Single Family-Medium Density) and RD (Multiple Family-Low Density) to CS (Community Service) on January 25, 1999; and

WHEREAS, the Township Board has reviewed the material forwarded by staff under cover memorandum dated February 25, 1999; and

WHEREAS, the subject site has frontage along both sides of a 4-lane collector road (Central Park Drive), which is intended to serve the Commercial Core of the Township; and

WHEREAS, the subject site is bordered by commercial zoning to the west, north and south and PO (Professional Office) zoning to the south and north; and

WHEREAS, the subject site is located within the Urban Service Boundary and can be served by public water and sewer; and

WHEREAS, Rezoning #98220 (Newman Equities Partnership) was introduced for publication and subsequent adoption by the Township Board on March 16, 1999.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, the Township Board hereby **FINALLY ADOPTS** Ordinance No. 1999-10, entitled "Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #98220 from RA (Single Family-Medium Density) and RD (Multiple Family-Low Density) to CS (Community Service).

BE IT FURTHER RESOLVED that the Clerk of the Charter Township of Meridian is directed to publish the Ordinance in the form in which it is finally adopted at least once prior to the next regular meeting of the Township Board.

**ORDINANCE NO. 1999-10
ORDINANCE AMENDING THE ZONING DISTRICT MAP
OF MERIDIAN TOWNSHIP
PURSUANT TO REZONING #98220**

The Charter Township of Meridian ordains:

Section 1. Amending the Zoning District Map #98220.

A. The Zoning District Map of Meridian Township, as adopted in Section 82.1-3 of the Code of the Charter Township of Meridian, Michigan, as previously amended, is hereby amended by changing the RD (Multiple Family-Low Density) District symbol and indication as shown on the Zoning District Map, for the properties legally described as:

1. A parcel of land in the Northeast 1/4 of Section 22, T4N, R1W, Meridian Township, Ingham County, Michigan, described as commencing at the North 1/4 corner of said Section, thence South along the North-South 1/4 line of said Section a distance of 1271.42 feet to the North line of Newman Road; thence N89°52'46"E along said North line 701.94 feet to the East Line of Central Park Drive; thence S00°00'18"W along said East line 49.84 feet to the North line of the South 1/2 of said Section and the point of beginning of this description; thence N89°52'30"E along said North line 611.94 feet to the West line of the Southeast 1/4 of said Northeast 1/4; thence S00°00'34"W along said West line 438.49 feet; thence S89°56'54"W parallel with the East-West 1/4 line of said Section a distance of 163.70 feet; thence South parallel with said North-South 1/4 line 336.90 feet; thence S89°49'52"W 210.45 feet to the East line of Central Park Drive; thence along said East line the following three courses, 173.82 feet along a curve to the left, said curve having a radius of 395.00 feet, a delta angle of 25°12'46" and a long chord of 172.42 feet bearing N38°15'48"W, 315.22 feet along a curve to the right, said curve having a radius of 355.00 feet, a delta angle of 50°52'32" and a chord of 304.97 feet bearing N25°25'58"W and N00°00'18"E 364.02 feet to the point of beginning; said parcel containing 8.07 acres more or less, said parcel subject to all easements and restrictions if any.

2. A parcel of land in the Northeast 1/4 of Section 22, T4N, R1W, Meridian Township, Ingham County, Michigan, described as commencing at the North 1/4 corner of said Section; thence South along the North-South 1/4 line of said Section a distance of 1371.42 feet to the South line of Newman Road; thence N89°52'46"E along said South line 611.93 feet to the West line of Central Park Drive; thence S00°00'18"W along said East line 313.66 feet; thence Southeasterly 74.01 feet along a curve to the left, said curve having a delta angle of 09°32'29" a radius of 445.00 feet and a long chord of 74.02 feet bearing S04°45'54"E to the point of beginning of this description; thence continuing along said East line the following two courses, Southeasterly 321.03 feet along a curve to the left, said curve having a radius of 455.00 feet, a delta angle of 41°20'01" and a chord of 314.11 feet bearing S30°12'14"E, Southeasterly 89.60 feet along a curve to the right, said curve having a radius of 305.00 feet, a delta angle of 16°49'56" and a chord of 89.26 feet bearing S42°27'16"E, thence S89°49'52"W 286.39 feet; thence North parallel with said North-South 1/4 line 338.12 feet; thence N89°56'54"E parallel with the East-West 1/4 line of said Section a distance of 68.11 feet to the point of beginning, said parcel containing 1.18 acres more or less, said parcel subject to all easement and restrictions if any.

to that of the CS (Community Service) District, and a corresponding use district is established in the above-described properties.

B. The Zoning District Map of Meridian Township, as adopted in Section 82.1-3 of the Code of the Charter Township of Meridian, Michigan, a previously amended, is hereby amended by changing the RA (Single Family-Medium Density) symbol and indication as shown on the Zoning District Map, for the property legally described as:

A parcel of land in the Northeast 1/4 of Section 22, T4N, R1W, Meridian Township, Ingham County, Michigan, described as commencing at the North 1/4 corner of said Section; thence South along the North-South 1/4 line of said Section a distance of 1271.42 feet to the North line of Newman Road; thence N89°52'46"E along said North line 701.94 feet to the East line of Central Park Drive; thence S00°00'18"W along said East line 49.84 feet to the North line of the South 1/2 of said Section; thence N89°52'30"E along said North line 611.94 feet to the West line of the Southeast 1/4 of the Northeast 1/4 of said Section and the point of beginning of this description; thence N89°52'30"E continuing along said North line 1011.88 feet; thence S00°01'08"W parallel with the East line of said Section a distance of 1324.29 feet to the East-West 1/4 line of said Section; thence S89°56'54"W along said East-West 1/4 line 1011.66 feet to said west line; thence N00°00'34"E along said West line 1323.00 feet to the point of beginning; said parcel containing 30.74 acres more or less, said parcel subject to all easements and restrictions if any.

to that of the CS (Community Service) District, and a corresponding use district is established in the above-described property.

C. The rezoning of the subject properties is conditioned on a 100-foot landscaped buffer being provided along the eastern and northern CS (Community Service) zoning boundaries with a sufficient number of staggered and/or interlocking rows of landscaping to buffer the adjacent residential properties from the subject site. Landscaping shall consist primarily of evergreen trees, but shall also include deciduous and ornamental trees and shrubs. No structures or parking areas shall be provided within the buffer. All proposed landscaping shall be subject to the approval of the Director of Community Planning and Development.

Section 2. Validity and Severability. The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

Section 3. Repealer Clause. All ordinances or parts of ordinances in conflict therewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Savings Clause. This Ordinance does not affect right and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Section 5. Effective Date. This Ordinance shall be effective seven (7) days after its publication, or upon such later date as may be required under 1996 Public Act 297 after filing a notice of intent to file a petition for a referendum.

SECONDED BY TRUSTEE SUCH.

Trustee McCullough stated he believes the property should be a multi-use property. He stated he believes there is a need to set aside a place to put large commercial projects so as not to encroach along Grand River.

Treasurer Klunzinger stated his previous concerns about the inequities created by the rezoning, but believes they will be discussed soon by the Planning & Development Committee based on the previous Board action at this meeting.

Trustee McGillicuddy stated she opposes the rezoning as there is no identified community need, the rezoning is incompatible with adjacent zoning, there is no information to demonstrate the rezoning will not adversely impact the roads with more congestion, the property can be reasonably developed as zoned.

ROLL CALL VOTE: YEAS: Trustees McCullough, Squiers, Such, Supervisor Little,
Treasurer Klunzinger
NAYS: Trustee McGillicuddy, Clerk Helmbrecht
Motion carried 5-2.

(2) Plat #95012 (Banyon Park)

Director Kieselbach introduced the request to modify a condition of the plat for the Banyon Park subdivision located west of Okemos Road and north of the Grand Trunk Western Railroad. He stated the request is consistent with the previous modification of the S.U.P.

TRUSTEE MCCULLOUGH MOVED TO ADOPT THE FOLLOWING RESOLUTION:

RESOLUTION

WHEREAS, the Township Board on December 19, 1995, granted final approval of Plat #95012, a single family subdivision of 40 lots located west of Okemos Road and south of

Keystone Subdivision, commonly known as Banyon Park; and

WHEREAS, Banyon Park, L.L.C. requested to modify Plat #95012 to allow the construction of basements on filled portions of the floodplain; and

WHEREAS, the Planning Commission reviewed the proposed modification and recommended approval at its meeting on February 22, 1999; and

WHEREAS, the Township Board has reviewed the materials forwarded under the staff memorandum dated March 12, 1999; and

WHEREAS, the State of Michigan's Floodplain Regulatory Authority found in Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA451, was amended to allow basements in the filled portions of the floodplain when specific conditions could be met; and

WHEREAS, the applicant has provided the Township certification from a licensed professional engineer verifying the amount of fill placed in the floodplain; and

WHEREAS, the Federal Emergency Management Agency has issued a Letter of Map Revision, based on the placement of fill (L.O.M.R.-F.) acknowledging the subject property has been elevated by the placement of fill and is no longer located in a Special Flood Hazard Area.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, the Township Board hereby approves the modification to Plat #95012 with the following conditions:

1. Condition #6 of the original approval shall be amended to read as follows:

Construction of a residential structure on Lot 13, Lots 17 through 19, and Lots 25 through 32 that includes a basement in the filled portion of the floodplain, shall meet one of the following standards subject to the review and approval of the Director of Public Works and Engineering and the Chief Building Inspector.

- A licensed professional engineer schooled in the science of soil mechanics certifies that the building site has been filled with soil or a type and in a manner that hydrostatic pressures are not exerted upon the basement walls or flood while the watercourse is at or below the 100-year flood elevation, that the placement of the fill will prevent settling of the building or buckling of the floors or walls, and that the building is equipped with a positive means of preventing sewer backup from sewer lines and the drains that serve the building.
- A licensed professional engineer or architect certifies that the basement walls and floors are designed to be watertight and to withstand hydrostatic pressure from a water level equal to the 100-year flood elevation and that the building is properly anchored or weighted to prevent flotation and is equipped with a positive means of preventing sewer backup from sewer lines and drains that serve the building.

2. Conditions #23 and #24 shall be added to read as follows:

23. Prior to a Certificate of Occupancy being used for residential structures built on Lots 15 through 19 and Lots 21 through 32, a completed Elevation Certificate shall be submitted to the Department of Community Planning and Development.

24. All other conditions of approval for Plat #95012 shall remain in effect.

SECONDED BY CLERK HELMBRECHT

ROLL CALL VOTE: YEAS: Trustees McCullough, Squiers, Supervisor Little, Clerk Helmbrecht
NAYS: Trustees McGillicuddy, Such, Treasurer Klunzinger
Motion carried 4-3

B. New Business

(1) Rezoning #99020 (Forsberg)

Director Kieselbach introduced the request to rezone property west of Okemos Road and north of Jolly Road from RR (Rural Residential) to PO (Professional Office) for a 4.24 acre area and I (Industrial) to PO (Professional Office) for a 0.80 acre area.

TRUSTEE MCCULLOUGH MOVED THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, THE TOWNSHIP HEREBY INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION ORDINANCE NO. _____, ENTITLED "ORDINANCE AMENDING THE ZONING DISTRICT MAP OF MERIDIAN TOWNSHIP PURSUANT TO REZONING PETITION #99020 FROM RR (RURAL RESIDENTIAL) TO PO (PROFESSIONAL OFFICE). SECONDED BY TRUSTEE SQUIERS.

Clerk Helmbrecht stated opposition to the rezoning as a previous rezoning request plan showed this section as pond, park and trails.

Trustee McGillicuddy stated opposition to the rezoning as the many rezoning requests in this area places pressure on the drain and the adjacent residential properties. She asked why there was no hearing on this particular rezoning.

Treasurer Klunzinger stated a concern for piecemeal rezoning, and stated the narrow access across the bridge is inadequate for a rezoning of this size and location.

Trustee McCullough stated the proposed zoning is an acceptable and appropriate buffer to residential areas. He stated the cul-de-sac would be public road maintained by the Ingham County Road Commission and the applicant would privately maintain the road over the drain.

Supervisor Little asked if this is the property originally proposed for park and trails.

Mr. Forsberg stated the park and trail area is included in the property to the north.

ROLL CALL VOTE: YEAS: Trustees McCullough, Squiers
NAYS: Trustees McGillicuddy, Such, Supervisor Little, Clerk Helmbrecht, Treasurer Klunzinger
Motion failed 2-5.

TRUSTEE MCCULLOUGH MOVED TO ADOPT THE FOLLOWING RESOLUTION:

RESOLUTION

WHEREAS, T.A. Forsberg, Incorporated, initiated a rezoning of approximately 0.80 acres, located on the north side of Jolly Road and east of Kansas Street, from I (Industrial) to PO (Professional Office); and

WHEREAS, the Planning Commission held a public hearing on February 8, 1999, and recommended approval of the rezoning to PO (Professional Office) on March 8, 1999; and

WHEREAS, the Township Board has reviewed the staff and Planning Commission material forwarded under cover memorandum dated April 16, 1999; and

WHEREAS, the proposed rezoning is consistent with the 1997 amendments made to the 1993

Comprehensive Development Plan's Future Land Use Map for Section 33; and

WHEREAS, the proposed rezoning will provide for a transition from the existing CS (Community Service) commercial zoning, located to the east and the RA (Single Family-Low Density) zoning, located to the north; and

WHEREAS, the proposed rezoning will allow for development that is compatible with existing and future surrounding uses, which incorporates both office and commercial uses; and

WHEREAS, public water and sanitary sewer are available to serve the site and the site is located within the Urban Service Boundary.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, the Township Board hereby **INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION** Ordinance No. _____, entitled "Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #99020 I (Industrial) to PO (Professional Office)."

BE IT FURTHER RESOLVED, that the Clerk of the Charter Township of Meridian is directed to publish the Ordinance in the form in which it is introduced at least once prior to the next regular meeting of the Township Board.

ORDINANCE NO. _____

**ORDINANCE AMENDING THE ZONING DISTRICT MAP
OF MERIDIAN TOWNSHIP
PURSUANT TO REZONING #99020**

The Charter Township of Meridian ordains:

Section 1. Amending of Zoning District Map #99020.

The Zoning District Map of Meridian Township, as adopted in Section 82-1.3 of the Code of the Charter Township of Meridian, Michigan, as previously amended, is hereby amended by changing the I (Industrial) District symbol and indication as shown on the Zoning District Map, for the property legally described as:

That part of the Southwest (1/4) of the Southwest (1/4) of Section 33, Town 4 North, Range 1 West, Meridian Township, Ingham County, Michigan described as: commencing at the South (1/4) corner of Section 33: Thence S89°46'20"W, 1,777.61 feet along the South line of said Section to the point of beginning; thence S89°46'20"W 132.00 feet; thence N00°18'16"W, 264.00; thence N89°46'20"E, 132.00 feet; thence S00°18'16"E 264.00 feet, to the point of beginning, containing 0.80 acres. Subject to the use of the southern most 33 feet thereof for road right-of-way.

to that of the PO (Professional Office) District, and a corresponding use district is established in the above-described property.

Section 2. Validity and Severability. The provisions of this Ordinance are severable and the invalidity of any phrase, clause, or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

Section 3. Repealer Clause. All ordinances or parts of ordinances in conflict therewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Savings Clause. This Ordinance does not affect right and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Section 5. Effective Date. This Ordinance shall be effective seven (7) days after its publication, or upon such later date as may be required under 1996 Public Act 297 after filing a notice of intent to file a petition for a referendum.

SECONDED BY TREASURER KLUNZINGER.

VOICE VOTE: Motion carried unanimously.

Director Kieselbach stated since the first motion to approve was defeated; the issue is still in question.

TRUSTEE MCCULLOUGH MOVED TO ADOPT THE FOLLOWING RESOLUTION:

RESOLUTION

WHEREAS, T.A. Forsberg, Incorporated, initiated a rezoning of approximately 4.24 acres, located southwest of the Coyote Creek Condominiums, south of the pond on the Smith Drain, and east of Kansas Street, from RR (Rural Residential) to PO (Professional Office); and

WHEREAS, the Planning Commission held a public hearing on February 8, 1999, and recommended approval of the rezoning to PO (Professional Office) on March 8, 1999; and

WHEREAS, the Township Board has reviewed the staff and Planning Commission material forwarded under cover memorandum dated April 16, 1999; and

WHEREAS, the proposed rezoning will be disturbing to existing or future neighboring residential uses on Kansas Street by extending PO (Professional Office) zoning approximately 500 feet further to the northwest across the Smith Drain. In this area, the Smith Drain provides a natural barrier between office and residential uses, located to the west; and

WHEREAS, there is no identifiable or demonstrated community need to rezone the subject site, at this time; and

WHEREAS, the proposed rezoning could negatively affect the natural features, located on the subject site, such as the regulated wetlands and the 100-year floodplain.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, the Township Board hereby denies Rezoning #99020 from RR (Rural Residential) to PO (Professional Office).

SECONDED BY TRUSTEE MCGILLICUDDY.

ROLL CALL VOTE: YEAS: Trustees McGillicuddy, Such, Supervisor Little, Clerk
Helmbrecht, Treasurer Klunzinger
NAYS: Trustees McCullough, Squiers
Motion carried 5-2.

- (2) Zoning Amendment #99040 (Planning Commission)
Director Kieselbach introduced the amendment to allow hotels/motels in the RP (Research & Office Park) district by Special Use Permit

TRUSTEE MCCULLOUGH MOVED TO ADOPT THE FOLLOWING RESOLUTION:

RESOLUTION

WHEREAS, the Planning Commission initiated a zoning amendment to allow hotels or motels in the RP (Research & Office Park) District by special use permit; and

WHEREAS, the Planning Commission held a public hearing on the proposed zoning amendment on March 8, 1999, and recommended approval of the amendment at its meeting on March 22, 1999; and

WHEREAS, the Township Board has carefully reviewed the staff and Planning Commission material forwarded under cover memorandum dated April 16, 1999;

WHEREAS, the proposed amendment is consistent with the 1993 Comprehensive Development Plan goal to maintain a viable flourishing economical life in the community; and

WHEREAS, the proposed amendment encourages complementary uses in the Research & Office Park District that are commonly linked in today's suburban lifestyle thus potentially contributing to the wise use of existing infrastructure.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN that the Township Board hereby **INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION** Ordinance No. _____, entitled "Ordinance Amending the Code of the Charter Township of Meridian, Michigan, by Amending Section 82-14.3f.

BE IT RESOLVED that the Township Clerk of the Charter Township of Meridian is directed to publish the Ordinance in the form in which it is introduced at least once prior to the next regular meeting of the Township Board.

**ORDINANCES NO. 1999-__
ORDINANCE AMENDING THE CODE OF THE
CHARTER TOWNSHIP OF MERIDIAN, MICHIGAN
BY ADDING SECTION 82-14.3.f**

THE CHARTER TOWNSHIP OF MERIDIAN ORDAINS:

Section 1. Amendment of Section 82-14.3 of Section 82-14 RP (Research and Office Park) District. Section 82-14.3 entitled Uses Permitted by Special Use Permit, of the Code of the Charter Township of Meridian, Michigan, is hereby amended by adding Section 82-14.3f, entitled Hotels or Motels to read as follows:

- f. Hotels or Motels:** In addition to the standards in Chapter 87, the following shall be required:
1. The hotel or motel shall be located in a designated Research and/or Office Park containing a minimum of 20 acres.
 2. A transition strip 100 feet wide shall be maintained between the use and any abutting residential zoning district. Landscape screening shall be provided within the transition strip. No accessory uses, including parking and access drives shall be permitted within the transition strip.
 3. Access to the site shall be from a street designed as a major arterial in the Master

Plan for Major Streets and Highways or via a street designated for the sole purpose of serving the Research or Office Park.

Section 2. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 3. Repealer Clause. Any ordinance or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 4. Savings Clause. This Ordinance does not affect rights and duties matured, penalties that were incurred, and proceedings that were begun, before its effective date.

Section 5. Effective Date. This Ordinance shall be effective seven (7) days after its publication, or upon such later date as may be required under 1996 Public Act 297 after filing of a notice of intent to file a petition for a referendum.

SECONDED BY TREASURER KLUNZINGER.

Trustee McCullough asked how many parcels of RP (Research & Office Park) would meet these conditions.

Director Kieselbach stated he does not believe there is any other one that is established other than possibly Science Research Park on the west side of Okemos Road.

Trustee McGillicuddy stated odd that Board would amend the ordinance for one (1) property. She stated rather than change the ordinance, the developer should find a commercial parcel.

ROLL CALL VOTE: YEAS: Trustees McCullough, Squiers, Such, Clerk Helmbrecht,
Treasurer Klunzinger
NAYS: Trustee McGillicuddy, Supervisor Little
Motion carried 5-2.

16. MANAGER'S REPORT, INVOICES & BILLS (See Consent Agenda)

- A. Bills
- B. First Quarter Budget Amendments
- C. Banner Permit, Okemos High School
- D. 1999 Concrete Flatwork Contract Bid Award
- E. Entre' Computer Service Agreement
- F. Juvenile Accountability Incentive Block Grant
- G. Road Closure Permit, Nokomis Drum Run
- H. Hiawatha Lakes Streetlighting S.A. District Amendment - Resolution #1

17. BOARD MEMBER, BOARD COMMITTEE AND LIAISON REPORTS

- A. Standing Committee Reports
 - (1) Physical Operations & Activities
 - a. Liquor License Application, Traveler's Club Brewpub

TRUSTEE MCGILLICUDDY MOVED THAT THE TOWNSHIP BOARD RECOMMEND APPROVAL OF A NEW BREWPUB LICENSE IN CONJUNCTION WITH TAVERN LICENSE #00307 FOR TRAVELERS CLUB INC., LOCATED AT 2138 HAMILTON ROAD, OKEMOS, MI 48864, MERIDIAN TOWNSHIP, INGHAM COUNTY, AND THAT THE TOWNSHIP CLERK BE AUTHORIZED TO EXECUTE THE AUTHORIZING RESOLUTION. SECONDED BY TRUSTEE SQUIERS.

The following points were discussed:

- This license is consistent with current operations at the restaurant.
- The Travelers Club is not current on its taxes for which the standard policy is to verify current tax payments.
- Concern about potential of increasing patrons and insufficient parking.
- Applicant's plans for the Rite Aid site.
- Operations permitted under a Brewpub License
- Lack of a legal basis to deny this license.
- Parking problems in area associated with Travelers Club.

ROLL CALL VOTE: YEAS: Trustees McGillicuddy, Squiers, Such, Clerk Helmbrecht
NAYS: Trustee McCullough, Supervisor Little, Treasurer
Klunzinger
Motion carried 4-3.

b. Authorize Architect for Library Project Budget & Conceptual Drawings

TRUSTEE MCGILLICUDDY MOVED THAT THE TOWNSHIP BOARD APPROVE THE DAVID MILLING AND ASSOCIATES PROPOSAL FOR PREPARING THE PROJECT BUDGET AND CONCEPTUAL DRAWINGS IN THE AMOUNT OF \$10,500. SECONDED BY TRUSTEE SUCH.

The following points were discussed:

- Next step in moving toward ballot proposal.
- The proposal contains an illegal element in spending tax dollars to generate support for a ballot proposal.
- Attorney review to draw a line for appropriate verses inappropriate actions.
- Desire for meaningful discussions between the Community Center and Physical Operations Committee regarding cooperation.
- Construction of library in the City of Lansing at C.A.D.L.'s expense.
- The City of Lansing has provided C.A.D.L. funds for construction of the library.
- The previous vote against the Township's millage put the Township out of the Library business.

ROLL CALL VOTE: YEAS: Trustees McCullough, McGillicuddy, Such, Clerk Helmbrecht
NAYS: Trustee Squiers, Supervisor Little, Treasurer Klunzinger
Motion carried 4-3.

- Trustee McGillicuddy reported the next meeting is scheduled for April 28th at 4:30 p.m.
- (2) Financial Planning and Budgeting
Treasurer Klunzinger reported information was included in the Board Packet on the new C.A.T.A. routes to go into effect upon assumption of M.S.U.'s bus service.
- (3) Personnel
a. Health & Medical Services Bids Evaluation by Consultant

TRUSTEE SQUIERS MOVED THAT THE TOWNSHIP MANAGER BE AUTHORIZED TO ENTER INTO A CONTRACT WITH AN EMPLOYEE BENEFITS CONSULTANT TO ASSIST IN THE EVALUATION OF HEALTH INSURANCE AND MEDICAL SERVICE PROPOSALS, AT A COST NOT TO EXCEED \$10,000. SECONDED BY TRUSTEE MCCULLOUGH.

The following points were discussed:

- Cost effectiveness of the use of these funds.
- Use of Consultants verses Township staff.
- Time frame to complete analysis of health insurance plans, explanation to employees,

- and changeover from three (3) plans to one (1) plan.
- In house analysis of complicated proposals from Johnson Controls and Honeywell for H.V.A.C.
- Deadline of July 1st to exercise options
- Expertise required in analyzing insurance programs.
- Analysis of consultant use.

CLERK HELMBRECHT MOVED TO AMEND THE MOTION TO AN AMOUNT NOT TO EXCEED \$5,000. SECONDED BY TREASURER KLUNZINGER.

MOTION TO AMEND:

ROLL CALL VOTE: YEAS: McGillicuddy, Supervisor Little, Clerk Helmbrecht,
Treasurer Klunzinger
NAYS: Trustees McCullough, Squiers, Such
Motion carried 4-3.

MOTION TO AUTHORIZE \$5,000 FOR HIRING A CONSULTANT:

ROLL CALL VOTE: YEAS: Trustees McCullough, McGillicuddy, Squiers, Such,
Clerk Helmbrecht
NAYS: Supervisor Little, Treasurer Klunzinger
Motion carried 5-2.

- (4) Planning and Development (No Report)
Board Members discussed the 10:30 Rule.
- (5) Infrastructure
 - a. BWL Water Connection

TRUSTEE SUCH MOVED TO RECOMMEND TO THE TOWNSHIP BOARD THAT THE FOLLOWING ACTION BE TAKEN:

- 1) Authorize the preparation of an amendment to the current Water Contract between the East Lansing Meridian Water and Sewer Authority, City of East Lansing and Meridian Charter Township incorporating the revisions outlined in the attached memorandum.
- 2) Request its representatives to the East Lansing Meridian Water and Sewer Authority authorize the execution of a contract with the Lansing Board of Water and Light in conformance with their latest proposal.

SECONDED BY TRUSTEE SQUIERS.

The following points were discussed:

- BWL contract with Bath Township
- BWL planning of water storage facility
- Total volume of water to be supplied
- Calculation of water rates
- Public hearing for BWL water connection
- Purposes of additional water supply
- Future use of peaking wells
- Tacoma Hills well
- Project costs for State Road and Meridian-Bath interconnect
- Cost sharing in construction of water storage facility
- Interruptible versus uninterruptible service
- Payment for water storage facility following termination of contract

ROLL CALL VOTE: YEAS: Trustees McCullough, Squiers, Such, Clerk Helmbrecht
NAYS: Trustee McGillicuddy, Supervisor Little, Treasurer Klunzinger

Motion carried 4-3.

Board Members discussed the 10:30 Rule with the understanding that continuation of the meeting requires unanimous consent.

Trustee Squiers stated opposition to suspending the rule.

Supervisor Little stated he must provide an opportunity for public comment before adjournment.

- b. 1999 Road Project
- c. 1999 Pedestrian/Bicycle Pathways Construction Program
- d. Piper Road Public Road Improvements SA #32 – Resolution

- (6) Public Safety
- (7) Recreation

- B. Special Committees
- C. Liaison Representative Reports

18. OTHER REPORTS

19. NEW BUSINESS

20. PUBLIC REMARKS

Supervisor Little opened Public Remarks

Dennis Forsberg, T.A. Forsberg, thanked the Board for doing what they think best for the Township. He stated he needs a better understanding of the Board's action on his project. He stated his company has worked on this rezoning for over two (2) years and has owned the property for over 30 years. He stated the motion to deny states that there is no identifiable or demonstrated community need to rezone the subject site at this time. He asked if there is no need to rezone the parcel, why was the three (3) acres rezoned next to his parcel on Okemos Road. He asked for a response in writing. He stated the second reason to deny the rezoning is that the proposed rezoning could negatively effect the natural features located on the subject site such as regulated wetlands and 100-year floodplain. He stated there are no wetlands on this site and there is no floodplain on this site. He stated the Smith Drain provides a natural barrier between office and residential uses. He stated there is a 462-foot buffer including the Coyote Creek buffer between office and residential. He stated his company, in cooperation with the Drain Commission and the D.E.Q., relocated the drain. He asked for direction from the Board. He stated the rezoning is consistent with the Comprehensive Development Plan. He stated he submitted a site plan over one (1) year ago detailing the buildings on this site. He stated this parcel meets every criteria for rezoning and asked for a written response.

Supervisor Little stated staff will take care of that.

Supervisor Little stated the 10:30 Rule states that a two-thirds (2/3) vote of the Board is required to suspend the rule, which is five (5) of the seven (7) members.

- TRUSTEE SUCH MOVED TO SUSPEND THE 10:30 RULE TO CONTINUE THE MEETING. IT WAS SECONDED.

ROLL CALL VOTE: YEAS: Trustees McCullough, McGillicuddy, Such, Clerk Helmbrecht
NAYS: Trustee Squiers, Treasurer Klunzinger, Supervisor Little
Motion failed 4-3.

John Veenstra, 320 Piper Road, Haslett, stated the Board understood the concerns of hotels/motels in RP (Research & Office Park). He stated the 100-foot setback from residential is inadequate and recommended a 1500- to 2000-foot setback. He commended the Board for moving ahead on the Library project. He stated he disagrees with the statement that the residents voted the Township out of the Library business. He stated he believes voters voted as he did to preserve the status quo in voting

down the Township millage and supporting the C.A.D.L. millage.

Wayne V. McLellen, 1459 Cheboygan Road, Okemos, stated the Board discussed millions of dollars in public improvements to include: transportation service, water & sewer service, and electrical utility franchises. He stated some of these items should be referred to the Planning Commission, as planning for the needs of the community is what the Planning Commission does. He stated he believes the Planning Commission has been superceded. He stated he is unsure of whether the Planning Commission has done a needs assessment for the library or the expansion of the water system. He stated the Board seems to be entering a partnership with the Board of Water & Light in sharing the costs of the water storage facility. He stated the Board continues to supercede a legitimate process that informs and educates the public, while scrutinizing how public money is spent and to determine the will of the people. He stated he does not believe the Planning Commission is doing its job, and is not undertaking the studies it needs to do.

John Anderson, 215 W. Newman Road, Okemos, stated over development is the primary concern of the community. He stated Trustee McCullough pushed the Smith rezoning through on the Planning Commission. He stated residents need to get involved in the political process to ensure their needs are addressed. He stated the Board is putting the needs of developers over the needs of the residents.

Supervisor Little closed public remarks.

21. FINAL BOARD MEMBER COMMENTS (None)

22. ADJOURNMENT

Supervisor Little adjourned the meeting at 10:54 p.m.

BRUCE A. LITTLE
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Paul J. Cassidy, Secretary