

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, APRIL 1, 2014 **6:00 P.M.**

PRESENT: Supervisor LeGoff, Clerk Dreyfus (6:02 P.M.), Treasurer Brixie, Trustees Scales, Styka, Veenstra, Wilson

ABSENT: None

STAFF: Township Manager Frank Walsh, Director of Community Planning & Development Mark Kieselbach, Director of Public Works and Engineering Ray Severy, Police Chief David Hall, Fire Chief Fred Cowper, Assessor David Lee, Director of Information and Technology Stephen Gebes, Recycling Coordinator LeRoy Harvey

1. CALL MEETING TO ORDER

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

2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS

Supervisor LeGoff led the Pledge of Allegiance.

3. ROLL CALL

The secretary called the roll of the Board.

4. SPECIAL PRESENTATIONS

A. LeRoy Harvey, Recycling Coordinator – Green Communities Award

Mr. Harvey addressed recycling efforts being undertaken by the Township. He indicated Granger is in the process of researching apartment recycling, a priority of the Board. Mr. Harvey indicated the human race is facing the challenge of growing while persevering the environment. He stated Meridian Township has worked on this challenge for several decades, and was recently recognized for some of its achievements with a Green Communities Award. Mr. Harvey added the resource section and best practices guides were developed as a result of the Green Communities Challenge.

B. William Anderson, Ph.D. – MSU Carriage Hills Study

William Anderson, 2910 Crestwood Drive, East Lansing, spoke to the public/private partnership created in an effort to revitalize the Carriage Hills Shopping Center. He stated representatives include Carriage Hill residents from ten (10) subdivisions, condominium associations and apartment complexes, DTN Management, Meridian Township Economic Development Corporation and the Michigan State University School of Planning Design and Construction. Mr. Anderson indicated findings on the future of the Carriage Hills Shopping Center will be presented on campus on April 24, 2014. He requested the Board be involved as a partner in the collaboration, and requested \$1,500 to help defray overall project costs in this large scale project.

5. PUBLIC REMARKS

Supervisor LeGoff opened Public Remarks.

Trustee Veenstra requested public comments relative to Special Use Permit (SUP) #13121 (construction of the central fire station) be taken up after the applicant makes its presentation.

Marilyn Britten, 1874 Bridgewood Drive, Okemos, spoke in support of SUP #13121.

Steven Lamb, 2026 Central Park Drive, Okemos, addressed due process relative to the vetting of the new central fire station location.

Bill Richardson, 5300 Chantilly Lane, Haslett, spoke in support of the fire station location contained in SUP #13121. As a paramedic firefighter, he addressed when and why emergency personnel use sirens in response to calls. Mr. Richardson spoke to information contained in the House and Urban Development (HUD) document relative to loud impulse sounds being defined as an explosion or sonic boom near airports or military bases. He indicated that information also revealed site plans should be evaluated for their proximity to railroads (within 3,000) feet and trusted the developer of the Autumn Park Condominiums met those standards when the condominium development was built within 2,500 feet of railroad tracks.

Barbara Strobl, 1320 Cove Court, Okemos, stated the fire station is proposed to be placed in the middle of two (2) residential areas. She believed residents who are most directly affected by placement of the new central fire station should have the loudest voice in the matter. Ms. Strobl reminded Board members they must adhere to specific criteria contained in federal, state and local ordinances.

Joy Wiseman, 4954 Hillcrest Avenue, Okemos, stated her continued opposition to the proposed location of the new central fire station. She expressed disappointment there was no transparency surrounding this issue, noting there was no meeting with the Hillcrest or Ottawa Hills neighborhoods.

David Strobl, 1320 Cove Court, Okemos, questioned whether the ballot language placed before the voters in November, 2012 was "proper" relative to the new central fire station location. He read review criteria and voiced his continued opposition to the proposed location of the new central fire station location.

Jan Jenkins, 6030 Skyline Drive, East Lansing, spoke in support of the revitalization of the Carriage Hills shopping center and introduced several members of the ten neighborhoods.

Leonard Provencher, 5824 Buena Parkway, Haslett, requested Agenda Item #9E (Letters of Support for Capital Area Transportation Authority (CATA) Grants) be removed from the Consent Agenda as it is premature.

Lawrence Nolan, Attorney for the Autumn Park Condominium Association, 4765 Nakoma Drive, Okemos, spoke to the issue of proper notice for residents of the Hillcrest neighborhood and residents on Okemos Road. He requested the Board either table SUP #13121 or send it back to the Planning Commission. Mr. Nolan handed out a letter which he requested be incorporated as part of the record.

Bill Priese, EMS Training Chief, 10312 W. Powell Road, Eagle, read a letter on behalf of Scott Fairmont, 4429 Apache Drive, Okemos, in support of the proposed new central fire station.

Juan Arellano, 2170 Seminole Drive, Okemos, read part of a prepared statement expressing concern with the location of the proposed new central fire station as he believed it would add flooding to the Ottawa Hills neighborhood.

Olga Arellano, 2170 Seminole Drive, Okemos, read the remaining portion of a prepared statement expressing concern with the location of the proposed new central fire station as she believed it would add to the flooding experienced in the Ottawa Hills neighborhood.

Neil Bowlby, 6020 Beechwood Drive, Haslett, requested Agenda Item #9E (Letters of Support for CATA Grants) be moved to discussion. He addressed CATA usage and believed travel time will be increased with the bus rapid transit (BRT) route.

Supervisor LeGoff closed Public Remarks.

6. TOWNSHIP MANAGER REPORT

Manager Walsh reported on the following:

- Brush pickup program will commence on April 14th starting with the northern half of the township bordering on Grand River Avenue

- Program anticipated to take approximately six (6) weeks to complete
- Branches for pickup can be up to 8 inches in diameter and no longer than six feet in length
- Details will be placed on the Township website

7. BOARD COMMENTS & REPORTS (given at end of meeting prior to adjournment)

8. APPROVAL OF AGENDA

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

VOICE VOTE: Motion carried unanimously.

9. CONSENT AGENDA

Supervisor LeGoff reviewed the consent agenda.

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

Trustee Veenstra moved to remove Agenda Item #9E (Letters of Support for CATA Grants) from the Consent Agenda and place it on the agenda as Item #13C

VOICE VOTE: Motion carried 5-2 (Brixie, LeGoff)

ROLL CALL VOTE YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,
ON THE MAIN Treasurer Brixie, Clerk Dreyfus

MOTION: NAYS: None
Motion carried unanimously.

A. Communications

Treasurer Brixie moved that the communications be received and placed on file, and any communications not already assigned for disposition be referred to the Township Manager or Supervisor for follow-up. Seconded by Trustee Wilson.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,
Treasurer Brixie, Clerk Dreyfus

NAYS: None
Motion carried unanimously.

B. Minutes

Treasurer Brixie moved to approve and ratify the minutes of the March 18, 2014 Regular Meeting as amended. Seconded by Trustee Wilson.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,
Treasurer Brixie, Clerk Dreyfus

NAYS: None
Motion carried unanimously.

C. Bills

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

Common Cash	\$ 142,609.25
Public Works	\$ 107,129.94
Retainage	
Check #1070 – Dobie Construction/Okemos Library	\$ 13,098.64
Total Checks	\$ 262,837.83
Credit Card Transactions	\$ 6,669.72
Total Purchases	<u>\$ 269,507.55</u>

ACH Payments \$ 401,839.76

Seconded by Trustee Wilson.

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

[Bill list in Official Minute Book]

D. Disposal of Depreciated Equipment

Treasurer Brixie moved that the Township Manager, or his designated representative, is authorized to dispose of decommissioned computer equipment as presented to the Township Board at the April 1, 2014 Board meeting. Seconded by Trustee Wilson.

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

E. 2014 Order to Maintain Sidewalks, Special Assessment District No. 15 – **Resolution #3**

Treasurer Brixie moved to approve the 2014 Order to Maintain Sidewalk Special Assessment District #15, Resolution #3 which approves repair and maintenance of sidewalk in portions of the following areas: Hiawatha Lakes No. 205; Hidden Valley No. 4; The Shoals, The Shoals No. 2, 3, 4, 6; Spring Lake; Spring Lake 2, 4, 5, 6, 7, 8; Sundance Estates; Sundance No. 2, 3, 4; and Trails at Lake Lansing No. 3 and to defray the cost by special assessment; approves the cost estimate of \$23,937.21; determines the special assessment district; directs the making of an assessment roll; and directs notices be sent to the property owners indicating they have 20 days to replace or make safe the defective sidewalk. Seconded by Trustee Wilson.

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

10. QUESTIONS FOR THE ATTORNEY (See Agenda Items #13B, #13C)

11. HEARINGS (None)

12. ACTION ITEMS

Supervisor LeGoff opened Public Remarks.

Heather Jones-Clark, 1955 Penobscot Drive, Okemos, offered several statements in support for the proposed new central fire station location at the corner of Okemos Road and Central Park Drive.

Jim Rypkema, President of Briarwood Homeowners Association, 2167 Heritage Avenue, Okemos, expressed concern that as the commercial “zoning creep” continues north on Okemos Road, it will have an impact on homeowners in the Briarwood subdivision.

Betsy Strobl, 2026 Central Park Drive, Okemos, requested the Board respect the rationale behind the request to move the central fire station location elsewhere for health reasons of some Autumn Park residents.

Lawrence Nolan, Attorney for the Autumn Park Condominium Association, 4765 Nakoma Drive, Okemos, requested Board members listen to their colleagues during deliberation of the new central fire station location. He again requested the SUP be tabled and sent back to the Planning Commission as he believed the process was flawed.

Steven Lamb, 2026 Central Park Drive, Okemos, questioned whether the new central fire station location was properly placed before Meridian Township voters. He spoke to the effects the fire station location will have on the health of Autumn Park Condominium residents.

Dennis Carpenter, 2155 Clinton Street, Okemos, spoke to his pleasant experience of living across the street from the now closed central fire station for the last 35 years. He viewed a fire station located in his residential neighborhood as a form of security. He spoke to EMT and fire personnel as important members of the community.

Leonard Provencher, 5824 Buena Parkway, Haslett, spoke in opposition to the proposed location of the new central fire station.

Neil Bowlby, 6020 Beechwood Drive, Haslett, objected to the Township assessor's statement during the March 24th Planning Commission meeting regarding the effect of the proposed fire station location on property values. He thought it disingenuous for the former Township Manager to discuss site selection at that same meeting as he believed the previous Manager to be the person who was singularly most responsible for the lack of due process in apprising both the public and the Board about the problems associated with the subject property. Mr. Bowlby addressed runoff and urged the Board to insist that a traffic control light be installed.

Supervisor LeGoff closed Public Remarks.

- A. Amendment to the Consumers Energy Streetlight Contract – Additional Lights on Okemos Road
Trustee Veenstra moved to adopt the attached resolution, which authorizes the Township Manager and the Township Clerk to execute the Authorization for Change in the Consumers Energy Standard Street Light Contract for adding 88 LED street lights along Okemos Road. Seconded by Trustee Styka.

Board discussion:

- LED streetlights will use only 86 watts of electricity
- Project is being financed with approximately two-third of the money coming from grants and one-third from Township money

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

- B. Special Use Permit #13121 – Construction of the New Fire Station
Trustee Scales moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED, for the reasons set forth herein, and based upon the information received at the various public hearings and meetings conducted by the Planning Commission and Township Board, which in the aggregate constitutes the public record, that:
1. **The Township Board adopts and incorporates the findings and conclusions set forth above as if fully restated.**
 2. **The Township Board affirms the approval of Special Use Permit #13121 to construct a fire station, a governmental use in a residential zoning district, subject to the conditions contained in this Resolution.**
 3. **Affirmation of the approval of the special use permit is granted consistent with the site plan prepared by the Department of Public Works and Engineering, dated March 14, 2014, subject to revisions and final approval consistent with the provisions and procedures set forth in the Township Code of Ordinances.**

4. **The character and quality of the building materials and general architectural design of the buildings shall be consistent on all four sides. Building materials shall be substantially consistent with the elevation plans prepared by DLZ and dated August 2, 2013, subject to approval by the Director of Community Planning and Development.**
5. **The applicant shall obtain all necessary permits, licenses, and approvals from the Ingham County Road Department and the Township. Copies of all permits and approval letters shall be submitted to the Department of Community Planning and Development.**
6. **The parking lot shall be designed in accordance with the requirements of Section 86-756 Design and Construction Requirements.**
7. **Bicycle parking shall be provided in accordance with the requirements of Section 86-760.**
8. **Prior to issuance of any permit for construction activity including grading permits, any wellhead(s) located on the site shall be properly closed and abandoned pursuant to the requirements of the Ingham County Health Department and the Township.**
9. **The location, species and size of street trees to be installed on street frontages shall be subject to the approval of the Director of Community Planning and Development.**
10. **Landscaping shall generally comply with all applicable provisions of the Township Code of Ordinances. Additional trees shall be planted on the north side of the building to help buffer the view of the fire station. The number, location, species and size of trees to be installed shall be subject to the approval of the Director of Community Planning and Development.**
11. **Site and exterior building lighting shall comply with Article VII in Section 38 of the Township Code of Ordinances and shall be subject to the approval of the Director of Community Planning and Development. LED lighting shall be used.**
12. **During site plan review, the Director of Community Planning and Development shall address the issue of screening with the property owners of those properties directly across from the fire station on the west side of Okemos Road.**
13. **All mechanical, heating, ventilation, air conditioning, and similar systems shall be screened from view by an opaque structure or landscape material (if at street level) selected to complement the building. Such screening is subject to approval by the Director of Community Planning and Development.**
14. **The utility, grading and storm drainage plans shall be subject to the approval of the Director of Public Works and Engineering and shall be completed in accordance with the Township Engineering Design and Construction Standards.**
15. **The site plan shall be submitted to the Ingham County Road Department and the Ingham County Drain Commissioner during site plan review for comments.**
16. **Any future modifications to the building or site shall require an amendment to the special use permit as required by the Township Code of Ordinances.**

17. The Township shall work with the Ingham County Road Department (ICRD) to explore and implement measures (including traffic controls) that minimize to the extent reasonably practical the use of sirens adjacent to the fire station.

Seconded by Trustee Wilson.

Board discussion:

- Board member support for the special use permit based on rationale contained in the resolution, substantial discussion, debate, deliberation and negotiations which have taken place on this issue with numerous bodies, members of the community and staff
- Three members of the current Board were not serving at the time the fire station issue was first discussed
- Not all Township residents will be happy with the decision after the Board votes on this issue

Trustee Veenstra offered the following friendly amendment:

- **Amend condition #3 after “March 14, 2014” by inserting “showing a fire station facing Okemos Road”**

The friendly amendment was accepted by the maker and seconder of the main motion.

Director Kieselbach summarized the special use permit to construct a new central fire station location as outlined in staff memorandum dated March 27, 2014. He reiterated fire stations are an allowed use in any of the Township’s zoning districts subject to a special use permit. He highlighted the process to date and changes in location within the centrally located 28.5 acre parcel owned by the Township. Director Kieselbach spoke to the Township’s mandated standard notification process for special use permit applications.

Tom Bennett, Township Environmental Consultant, Fishbeck, Thompson, Carr, Huber, 5913 Executive Drive, Suite 100, Lansing, stated his firm performed the Township’s wetland delineation and deemed the proposed fire station will not have an impact on existing wetlands. He indicated the on-site water management will be conducted within the station using a system within the floor of the fire station and sent to a catch basin, filtered through an oil separator to the sanitary sewer and then the water will be sent to the East Lansing Meridian Water and Sewer Authority (ELMWSA) treatment plant. Mr. Bennett addressed the issue of groundwater brought up by the public, stating he was unable to track down where the figure used in the Township Master Plan regarding groundwater vulnerability was created from, noting it showed points of sampling by different groups. He added there is no wellhead on site. Mr. Bennett indicated stormwater will be managed at a water runoff rate equal to preconstruction rates and will not add to the existing flooding problem.

Stephen Gebes, Director of Information and Technology, reviewed support materials regarding site selection, road network analyses for response times, etc. provided to the Township Board over the last several months.

Chief Fred Cowper showed a Traffic Control and Flow Map on the overhead which will allow the traffic light on Okemos Road just south of the station to be changed within the station when an emergency call is received, adding the ability of emergency personnel to manipulate the light inside the station will preclude the need to trigger sirens at the station unless absolutely necessary. He offered several examples of firefighters going above and beyond their duties to be good neighbors.

Board and staff discussion:

- Map on the overhead showed the fire station footprint will not be in the floodplain, floodway or floodway fringe

- All property owners and residents were properly noticed within the 300 feet required by law

Treasurer Brixie offered the following friendly amendment:

- **Add at the end of Condition #4: “Building materials used for the accessory structure shall complement the fire station and shall be subject to the approval of the Director of Community Planning and Development.”**

The friendly amendment was accepted by the maker and seconder of the main motion.

Continued Board and staff discussion:

- As the applicant, the Township made a number of adjustments to the plan in an effort to alleviate expressed concerns by residents
- Nearby residents prefer not to have any development on the subject property
- Subject property was not purchased by the Township for permanent preservation
- Subject property is a good location for public use and is centrally located within the Township
- Township began talks about the need to replace the central fire station in 1998 and began the process in 2006
- Subject site meets the need of public safety for the community
- Proper notification has been sent to affected property owners and residents since August, 2013
- Inquiry as to the location of the station within the notice sent to affected property owners and residents
- Four (4) to six (6) notices were sent to affected property owners since August, 2013
- Board member concern with which residents were notified when the location was moved within the property
- Firefighters walked door-to-door within the neighborhood well beyond the 300 foot requirement and maps were left with residents
- Fire stations are an allowed use in a residential district
- Examples of other allowed uses in a residential district include churches, schools, hospitals and nursing home facilities
- Subject property was purchased by the Township with the intent that it would be used for a public purpose
- Subject site is the best location relative to response times for the majority of the Township’s central core
- Board member statement it is more difficult to vote no on this special land use permit in order to protect the rights of the minority
- Data, information and knowledge as the three (3) building blocks in making a decision
- Board member belief the Township had a flawed model of decision making which began many years ago
- Board member concern the Township is repeating a theme of not listening to residents, marginalizing them and assigning a status that the residents do not have legal standing, are troublemakers, negative and have a personal agenda
- Board member belief the four (4) key points surrounding the fire station are:
 - False sense of urgency created in order to place the fire station millage on the ballot as soon as possible
 - Rush through the process of reviewing and analyzing all the potential locations for the new central fire station
 - Needlessly and improperly placing the location of the proposed fire station on the November, 2012 millage request
 - Township ignoring its own ordinances, state law and its own land use procedures by not following proper land development policies required of other applicants
- Board member belief there was confusion at the Planning Commission level as well
- Board member concern whether the millage request was “legal”

- Board member concern whether the land was legally available to build on prior to placing its location on the ballot
- Passage of a millage question is not the determining factor as to its legality
- Board member belief the Towne Courier has not reported the fire station issue from a journalistic, investigative approach
- Board member belief only one other alternate location was reviewed and presented to the Autumn Park Condominium Association in spite of the availability of a third location on the parcel
- Board member concern with alleged noticing mistakes being repeated throughout the process
- Board member concern over fire personnel walking neighborhoods in the area
- Board members have listened to all parties involved in this issue
- Board member desire to expand the notification requirement area in the future

Trustee Veenstra offered the following friendly amendment:

- **Amendment condition #17 by deleting the words “explore and”**

The friendly amendment was accepted by the maker and seconder.

Continued Board and attorney discussion:

- Concern with the characterization of a decision in the affirmative being an “easy vote” by a Board member who voted to place this issue on the ballot and then voiced objection to the language
- Potential use of LED lights within the building will be looked at when the building is designed
- Inquiry if the parking lot lights will be turned off when not needed
- Board member preference for a policy of turning off lights on Township owned property when not needed
- Stormwater management plan does not require ICDC approval
- Township will submit the final site plan to the ICDC once complete
- Clarification of the “easy vote” statement made earlier
- Board member concern the process was not handled in the proper order before it went before the voters
- Board member concern the necessary permits and Section 61 Review were not requested until well after the issue went before the voters
- Placement of the proposed fire station location on the ballot as a service to the voters
- Board member belief the SUP should have been referred back to the Planning Commission when the Section 61 Review was taken up by the Planning Commission for the new location on the subject parcel
- Siren noise as a legitimate concern
- Traffic light control will minimize siren use
- No increase in runoff within the area due to the proposed new central fire station location
- Fire station as a less intrusive use than an allowed 140 unit apartment complex
- Michigan Zoning Enabling Act sets the 300 foot noticing requirement and the Township followed state law
- Township zoning ordinance also sets a 300 foot requirement
- The special use permit appeal and decision is based on SUP criteria which is being adhered to by Board members

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,
Treasurer Brixie
NAYS: Clerk Dreyfus
Motion carried 6-1.

[Supervisor LeGoff recessed the meeting at 9:12 P.M.]

[Supervisor LeGoff reconvened the meeting at 9:21 P.M.]

13. BOARD DISCUSSION ITEMS

Supervisor LeGoff opened Public Remarks.

Gus Breymann, 2176 Donovan Place, Okemos, objected to Rezoning #14020 as no one knows what types of uses will be placed on the property located at 3698 Okemos Road.

David Pierson, attorney for Okemos Road LLC, 1305 S. Washington Avenue, Lansing, showed non-residential and multiple family uses on a map which surround the property zoned rural residential at 3698 Okemos Road. He indicated there are no non-residential uses which the property can utilize as it is less than two (2) acres. Mr. Pierson believed the PO designation as the only logical rezoning choice on busy Okemos Road.

Neil Bowlby, 6020 Beechwood Drive, Haslett, spoke to the statement the BRT line will serve two (2) existing transportation centers, one of which is the Michigan State University (MSU) CATA center located on campus (in front of the Chemistry Building). Mr. Bowlby displayed a map contained in the Capital Corridor Report which clearly showed no connection between the BRT and the MSU Transportation Center. He offered several concerns with the effect the bus rapid transit (BRT) will have on the logistics of Grand River vehicular traffic and resulting effect on businesses located on Grand River.

Supervisor LeGoff closed Public Remarks.

A. Rezoning #14020 (Okemos Road, LLC/Hagan), Request to Rezone 3698 Okemos Road from RR (Rural Residential) to PO (Professional and Office)

Director Kieselbach summarized the proposed rezoning request as outlined in staff memorandum dated March 13, 2014.

Board discussion:

- Concern the Planning Commission has not updated the Future Land Use Map (FLUM)
- Planning Commission approval of a rezoning request which does not conform with the FLUM
- Potential Board consideration of the entire area when making decisions in an effort to avoid “spot zoning”
- Township has an overabundance of currently vacant office space in the Okemos area near the subject site
- Future Land Use Map (FLUM) was developed with a phased zoning approach going north
- Subject area was zoned high-density residential for a reason
- Current rural residential zoning is not appropriate given the amount of traffic on Okemos Road
- Staff to verify the northbound and southbound traffic trips on Okemos Road
- FLUM is antiquated and no longer reflects the need of the Township and results in frequent rezoning requests

It was the consensus of the Board to place this item on for continued discussion at the April 15, 2014 meeting.

B. Rezoning #14030 (Fedewa), Request to Rezone Approximately 5.2 Acres from RR (Rural Residential) to C-2 (Commercial) Located on Saginaw Highway

Director Kieselbach summarized the proposed rezoning request as outlined in staff memorandum dated March 26, 2014

Jerry Fedewa, 5570 Okemos Road, East Lansing, offered rationale for his rezoning request of the subject property.

Board and applicant discussion:

- Subject site was part of the 2003 court settlement which allowed a professional office building up to 6,000 square feet and eight (8) condominium units
- Concern with the market for PO since there is so much vacant office space currently in the Township
- Market has changed since the court settlement and owner believes there is a better use of the land
- Applicant's belief no one would desire to live in a condominium on Saginaw Highway

TOWNSHIP ATTORNEY STATEMENT: Supervisor LeGoff, can I just read to you some of the provisions of the settlement agreement so you're clear when you are thinking about a rezoning of what is possible there now v. the requested rezoning category. It actually says, and this was in 2004, a mixed use development depicted as attached (Exhibit A) consists of one one or two story office building not to exceed 6,072 total square feet and eight (8), one or two story condominium units not to exceed 2,000 square feet per unit, 16,000 total square feet. And there are some other specifics as to setbacks, parking requirements, location of a driveway specific as to this plan and public utilities, including water and sewer to serve the site and how that would be handled through Public Works. So it is specific, but I wanted you to understand what is allowed pursuant to this agreement. Just to clarify, and it is not in front of you today, if there was a rezoning of property next to it and the settlement agreement stayed in place, that rezoning would not affect this settlement agreement. If his property wasn't rezoned, I want to make clear that if something else was rezoned, those setbacks would not affect the settlement agreement. I'm not sure if that is clear. But you are right, potentially, if you got a rezoning on this property and that other property that is not in front of you right now is also rezoned, we might have some setback issues. But that issue is not in front of you today, just this one is in front of you today. I don't know if you need to see the exhibits.

Rationale for settlement agreement: (Questions for the Attorney (See Agenda Item #10))

Q. Can you briefly give an explanation as to why a settlement agreement was reached when the Township said no to a potential rezoning and then it went to court. What was the judge's rationale for the settlement agreement?

A. It wouldn't have been the judge's rationale. It was agreed to by the Township Board, so the Board would have agreed. I don't know what the thought process exactly was, but usually it is based on not going into long-term litigation, cost, excessive time, based on what you think might be appropriate in that area. So, that's why it was agreed to. I can't specifically tell you what each Board member was thinking because, of course, you vote as a group and that is how we move forward. But, this was entered into after a complaint based on a denial of a rezoning.

Q. What was the original rezoning request that resulted in that settlement; in other words, what were the owners looking for?

A. I think it was, and Mark can confirm (I have the complaint right here), was an RR to a PO.

Continued Board discussion:

- Applicant's illustration of the effect of his next door neighbor's rezoning on his property is notable
- Land Preservation Advisory Board (LPAB) received information from the Planning Commission notice and met in February to discuss this issue
- Comments included that the Preserve was zoned commercial and the potential for an inadequate buffer existed between the two properties due to the small setback requirements if it is rezoned commercial
- Concern was expressed about the potential encroachment and its impact on the Preserve's upland and wetlands
- Concern was expressed about potential trash entering the Preserve
- LPAB was concerned about car wash, gas station or drive-through restaurant uses
- LPAB members recognized some of the concerns could be addressed during site plan review or the SUP process

- LPAB did not suggest the Planning Commission should initiate a downzoning of the LPAB property
- LPAB does not rezone its property after acquisition as rezonings have unintended consequences on neighboring properties
- Rezoning request is currently inconsistent with the Master Plan's FLUM
- If the subject property is rezoned as requested, the property to the east can be impacted and also impacts what the property owner can "do" on the western edge of the subject parcel
- Planning Commission discussion to possibly rezone the adjacent commercial Land Preservation property to the east to rural residential
- Planning Commission's recommendation is inconsistent with the Township's FLUM and there is no indication by the Planning Commission what it intends to do with the immediate surrounding area
- PO as a good zoning designation for land on Saginaw Highway, a high traffic road
- Request for staff opinion on an adequate setback distance which would adequately protect Land Preservation property
- Staff response is dependent upon the type of use
- 100 foot setback when commercial property abuts any residential property
- Township ordinance allows a reduction to 60 feet if a landscape buffer is provided
- Board cannot place conditions on a rezoning
- Board member support for the rezoning if the applicant offers a condition for a 50-60 foot buffer to adequately protect Land Preservation property

It was the consensus of the Board to place this item on for continued discussion at the April 15, 2014 meeting.

It was the consensus of the Board to discuss Agenda Item #13C after 10:00 P.M.

C. Letters of Support for CATA Grants

Board discussion:

- Cost of the BRT estimated at \$215 million
- Cost of operating BRT v. existing Route 1
- Concern with the BRT limiting left hand turns due to the two (2) dedicated center lanes
- Intent of the BRT is to increase ridership capacity
- Board member belief increasing the amount of runs would increase ridership capacity and is less expensive than the cost of the BRT
- Providing free bus fares would increase ridership
- Amount of fare revenue raised by Route 1
- Information on how bicycles will be handled on the BRT
- Acquisition of \$13 million in grants for planning and \$150 million for construction leaves \$52 million to be funded
- Request is for Meridian Township's support for CATA to pursue federal funding for the entire \$215 million estimated cost in federal funding
- The entire \$215 million in grant money will not be provided by the federal government all at once, but in several phases of the process
- One of the limitations of the current system is the length of time between buses which discourages people from waiting
- Total time of the route discourages people from riding the bus
- Decreasing the route time will increase ridership
- Fair revenue does not cover CATA's operating costs so taxpayers provide the remainder of the expense through a millage
- CATA receives additional funding through federal and state grants
- BRT will provide covered storage spaces for bicycles on the bus
- Community decision in the future on how to provide funding to run the route
- Request for the public to participate in the stakeholder station selection input sessions to be held at 9:00 AM on April 16th at Wardcliff Elementary School (segment from Hagadorn to Park Lake Road) and at 2:00 PM (Park Lake to Okemos Road) and 4:00 PM (Okemos Road to Marsh Road) on that same date in the Town Hall Room of the Municipal Building

- Meridian Economic Development Corporation mailed letters to business owners along Grand River as well as notices sent by CATA
- Some business owners are discussing public/private partnerships for the station selection
- Planning staff will be writing down comments given by the public at those meetings regarding the various scenarios proposed

Treasurer Brixie moved to authorize the Township Supervisor to sign the two letters of support for the Capital Area Transportation Authority's 2014 Transportation Investment Generating Economic Recovery discretionary grant applications for the Michigan Avenue/Grand River Avenue Bus Rapid Transit project. Seconded by Trustee Wilson.

Continued Board discussion:

- Board member belief the motion is out of order as this is an item on the agenda for discussion
- Board member belief that in order for the Board to take action, its rules must be suspended
- Motion is not out of order as previous comments by the Township Attorney stated the Board has no rules on this issue to suspend

Suspension of Board rules: (Questions for the Attorney (See Agenda Item #10))

Q. Can we ask the Township attorney to respond?

A. That is correct. Until recently, if someone wanted to make a motion and there was discussion and you wanted to move forward, a motion would be made and seconded. You didn't always vote on changing your rules. This year, you regularly voted every time you do something out of the norm. So, what I said, I think, a couple of meetings ago, was to continue your practice and keep it consistent, you, as a Board, were going to start always wanting to make motions to suspend your rules. It's a rule that you don't have a motion during discussion, then you simply could do a motion to suspend the rules and move forward that way. You can choose how you want to do it, but as a Board, that is what you've been doing. I think, for the sake of consistency, choose what you want to do, and do that from that point forward.

Q. The biggest question I have is if we've been doing something wrong, your logic is telling me that we should continue to do that something that is wrong.

ATTORNEY RESPONSE:

I'm not suggesting that you're doing it wrong, what I'm saying is....

Q. Here's my question. What rule are we actually suspending?

A. Well, when you approved the agenda at the beginning, I would say that you've approved certain things for discussion only and certain things for action. That's how I would read it. So, in the past, you wouldn't always do a motion to suspend that. But now you've started to do that. As a general rule, you've also applied that to yourselves, that you won't change your rules unless you vote on it. I think in order to be consistent with that, maybe what you do is take your motion off and you can start over. If you want to do that tonight, make a motion to suspend, vote on it, then make your motion. If you want to go that route. Or, just put it on the next agenda.

Continued Board discussion:

- Internal Board policy to not introduce new business (which a motion would consist of) after 10:00 P.M.
- Policy is designed to let the public know an item which is going to be discussed and allows for citizen feedback
- Board member preference to make a motion to suspend the rules and if it passes, the issue can be taken up as an action item

Robert's Rules of Order: (Questions for the Attorney (See Agenda Item #10))

Q. I see you are looking at Robert's Rules of Order.

A. Only because I want to make sure how many votes it took to suspend.

Q. Absent a motion being on the floor, does Robert's Rules of Order say that a motion is appropriate at any time.

A. I would think so.

Continued Board discussion:

- Given the attorney's response to the question regarding Robert's Rules of Order, there is no need to suspend any rule
- No one can point to this rule
- Item was originally on the consent agenda and many communities had their supervisors and mayors sign without bringing it to the Board, council or public
- Waste of everyone's time to discuss this issue again at the next meeting
- Board member request for the Supervisor to rule this motion out of order and request a motion to suspend the rules
- Details of the issue will be handled down the road once grant monies are received to move forward
- Original goals of the Grand River Corridor project were to decrease traffic congestion and increase redevelopment
- Examination if the BRT addresses those two goals
- BRT meets the Grand River Corridor goals
- Board member count of only five (5) attractions and destinations along the BRT route between the Capitol and Meridian Mall
- Concern with where riders who intend to change their work habits and use the BRT will park their vehicles

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Wilson, Treasurer Brixie
NAYS: Trustee Veenstra, Supervisor LeGoff, Clerk Dreyfus
Motion carried 4-3.

14. PUBLIC REMARKS

Supervisor LeGoff opened Public Remarks.

Juan Arellano, 2170 Seminole Drive, Okemos, requested the notification requirement of 300 feet be increased so residents of Ottawa Hills affected by future development upstream as well as the pervious watershed of the proposed central fire station would be made aware. He requested a planning group of Ottawa Hills and Autumn Park Condominium stakeholders be formed to provide feedback regarding screening on Okemos Road when the fire station is constructed as well as any future development which would affect the watershed.

Olga Arellano, 2170 Seminole Drive, Okemos, expressed appreciation for the concessions made to ameliorate the siren noise from the proposed new central fire station location.

Lawrence Nolan, attorney for the Autumn Park Condominium Association, 4765 Nakoma Drive, Okemos, spoke to an appeal which he filed regarding the Planning Commission's Section 61 Review decision on March 24, 2014. He requested the normal process take place before land clearing begins on the site of the proposed fire station.

Neil Bowlby, 6020 Beechwood Drive, Haslett, provided information that 30% of CATA's operating costs for Route #1 come from fares. He expressed concern the BRT station selection sessions are being held at times when most citizens are at work.

Leonard Provencher, 5824 Buena Parkway, Haslett, requested all public meetings be placed on the monthly calendar. He believed the Board has obligated the public without their input when it voted to provide letters of support for CATA grant.

Supervisor LeGoff closed Public Remarks.

15. FINAL BOARD MEMBER COMMENT

Trustee Veenstra agreed that a new calendar should be issued which listed the Special Board meeting on April 29th. He indicated a motion will need to be offered and approved by a two-thirds vote to go into closed session. Trustee Veenstra agreed some of the BRT station selection sessions should be

held in the evening to allow for maximum input. He offered suggestions on how the Supervisor could facilitate the flow of residents during public remarks. Trustee Veenstra believed it a disservice to CATA and the BRT to pass a motion on a 4-3 vote. He stated it was not a violation of the Open Meetings Act as alleged earlier for five (5) Board members to attend the Planning Commission meeting as long as Township business was not discussed among them.

Treasurer Brixie stated HOMTV coverage, the *Lansing State Journal*, and *Towne Courier* provide non-biased reporting on Township issues.

Trustee Styka reported Comcast continues to offer a partnership with Okemos Public Schools through the "Internet Essentials Program", which provides internet service to students' homes for \$9.95/month. He noted that school districts here in Meridian Township have lost significant state funding since 2011 (ranging from \$2.5 million to \$6.8 million), indicating that one of the reasons people choose to locate in Meridian Township is its schools. Trustee Styka believed press coverage of the fire station issue to be fair.

Trustee Scales indicated the Asian Buffett donated \$1,000 dollars towards fundraising efforts to Alaina Melton's trip to Germany.

16. ADJOURNMENT

Supervisor LeGoff adjourned the meeting at 10:56 P.M.

ELIZABETH LEGOFF
TOWNSHIP SUPERVISOR

BRETT DREYFUS
TOWNSHIP CLERK

Sandra K. Otto, Secretary