

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, JUNE 21, 2011 **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Ochberg, Veenstra (6:05 P.M.)
ABSENT: Treasurer Brixie, Trustees Dreyfus, LeGoff
STAFF: Township Manager Gerald Richards, Principal Planner Gail Oranchak, Director of
Engineering & Public Works Ray Severy, Assistant Manager/Human Resources Director
Paul Brake

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:05 P.M.

2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS

Supervisor McGillicuddy led the Pledge of Allegiance.

3. ROLL CALL

The secretary called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

John Scott-Craig, 5244 Wardcliff Drive, East Lansing, introduced himself as a candidate for appointment to the vacant Planning Commission seat.

Will Tyler White, 2142-½ Hamilton Road, Okemos, expressed concern that the Mixed Use Planned Unit Development (MUPUD) Ordinance was too cumbersome and restrictive and would not encourage redevelopment through the use of the MUPUD ordinance. He spoke specifically to the provision on Page 10, (4) i., which requires a traffic study where the project will exceed 100 vehicles trips during the peak hour of the adjacent roadway

Vance Kincaid, 4530 Nakoma Drive, Okemos, believed the MUPUD needed more work to encourage redevelopment. He inquired as to why the Township closes off certain sections of the pedestrian bicycle pathway in the winter and believed the language in the Streets and Sidewalk Ordinance needs work. He spoke in support of Township purchase of the Ruth Moore Park parcel for use as a wildlife corridor. Mr. Kincaid indicated the deer issue in Meridian Township has reached critical mass and believed a deer population count is an essential component to effectively address this problem.

Paul Brake, Assistant Township Manager/Human Resources Director, announced his resignation to become the City Manager of Grand Blanc, Michigan. He expressed his appreciation for the relationships developed throughout his career at the Township.

Fred Hipshear, Right-Of-Way, Claims and Public Affairs Specialist, Wolverine Pipeline, 8075 Creekside, Portage, gave an update on its 2011 right-of-way clearings in Meridian Township.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Trustee Ochberg reported a special Economic Development Corporation meeting where five (5) applicants were evaluated for an open liquor license in Meridian Township.

Trustee Veenstra reminded residents there is a public packet on the table at the back of the room in the event they wish to review the information discussed at tonight's Board meeting.

Supervisor McGillicuddy announced the Downtown Development Authority's (DDA) Okemos Art Walk brought out over 800 people. She also reported the Urban Service Boundary Committee met last week, where a presentation was given by Mark Wycoff from Michigan State University. Supervisor McGillicuddy summarized her remarks on behalf of the Township at the State Capitol's Senate hearing regarding the Community Access Preservation (CAP) Act.

6. APPROVAL OF AGENDA

Clerk Helmbrecht moved to approve the agenda as submitted. Seconded by Trustee Ochberg.

VOICE VOTE: Motion carried 4-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

ROLL CALL VOTE: YEAS: Trustees Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht
NAYS: None
Motion carried 4-0.

The adopted Consent Agenda items are as follows:

A. Communications

(1) Board Determination (BD)

BD11C-1 Greg Mohr, 2574 Heather Circle, East Lansing; RE: Deer overpopulation in Meridian Township

BD11C-2 Beth Bechtel, 1165 Cliffdale Drive, Haslett; RE: Opposition to deer culling in Meridian Township

(2). Board Information (BI)

BI-1 John P. Gardner, Government Affairs Manager, Comcast, Michigan Region, 1401 E. Miller Road, Lansing; RE: Notification of changes to Comcast's channel lineup effective August 11, 2011

BI-2 Bonnie Dysinger, 2345 Hamilton Road, Okemos; RE: Request for the Board to initiate a zoning amendment to section 86-654 to allow a group of non-licensed professionals to provide holistic type services in the RA district

Trustee Ochberg 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 Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht
NAYS: None
Motion carried 4-0.

B. Minutes

Trustee Ochberg moved to approve and ratify the minutes of the June 7, 2011 Regular Meeting as submitted. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht
NAYS: None
Motion carried 4-0.

C. Bills

Trustee Ochberg moved that the Township Board approve the Manager’s Bills as follows:

Common Cash	\$ 592,093.89
Public Works	\$ 366,885.02
Total Checks	\$ 958,978.91
Credit Card Transactions	\$ 8,932.02
Total Purchases	<u>\$ 967,910.93</u>
 ACH Payments	 <u>\$ 337,935.83</u>

Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht
 NAYS: None
 Motion carried 4-0.

[Bill list in Official Minute Book]

D. Assessing Stipulation

Trustee Ochberg moved that the Township Assessor be authorized to sign a stipulation with Jeffrey H. and Mary G. Braatz for the following property:

<u>PARCEL NUMBER</u>	<u>ADDRESS OF PROPERTY</u>
33-02-02-01-202-001	6393 Green Road, Haslett
<u>Original Values:</u> 2010	\$250,000 AV and \$250,000 TV
<u>Proposed Revised Values:</u> 2010	\$205,000 AV and \$205,000 TV

Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht
 NAYS: None
 Motion carried 4-0.

E. Appointment to the Planning Commission, John Scott-Craig

Trustee Ochberg moved to approve the appointment of John S. Scott-Craig to the Planning Commission to fill a vacant position for a term ending December 31, 2011. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht
 NAYS: None
 Motion carried 4-0.

F. Outdoor Gathering Permit for 4th of July Fireworks Celebration

Trustee Ochberg moved approval of the Outdoor Assembly License and the Permit for Fireworks Display by Night Magic, Inc. for the Independence Fireworks Celebration on Monday, July 4, 2011 as described in the staff memorandum dated June 17, 2011. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht
NAYS: None
Motion carried 4-0.

- G. Budget Amendment for Fishing Dock in Historical Village
Trustee Ochberg moved to approve a budget amendment from the Park Millage fund balance to Park Millage-Park Development in the amount of \$24,000 to support construction of the Fishing Dock Project in the Historical Village. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht
NAYS: None
Motion carried 4-0.

- H. Vacation of Easement at Lodges of East Lansing
Trustee Ochberg moved to approve the resolution authorizing the Township Manager to sign a Release of Easement re-conveying to the owner such interest as is held by the Charter Township of Meridian, for the property known as The Lodges of East Lansing, recorded as L-2942 P-407, as said easement is no longer needed by the Township. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht
NAYS: None
Motion carried 4-0.

8. QUESTIONS FOR THE ATTORNEY

Trustee Ochberg posed the following question to be answered by the Township’s attorney: If the Board does not take positive action on Agenda Item #11B (request for adding signs in Research Park), would it be an option for the owner of the outfield signs to request an interpretation of the Township’s sign ordinance at the Zoning Board of Appeals?

9. HEARINGS (None)

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Laura Gilles, 6173 Oak Park Trail, Haslett, spoke to the deer population problem in the Township and inquired if there could be a deer crossing caution sign leaving her subdivision turning onto Lake Drive.

Supervisor McGillicuddy responded Ms. Gilles request would fall under the purview of the Ingham County Road Commission.

Supervisor McGillicuddy closed public comment.

- A. Zoning Amendment #11020 (Township Board), a request to amend Section 86-440 Mixed Use Planned Unit Development (MUPUD) Ordinance, **Final Adoption**

Trustee Ochberg moved [and read into the record] NOW THEREFORE BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby FINALLY ADOPTS Ordinance No. 2011-08, entitled “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 86, Article IV, Division 4 by amending Section 86-440.”

BE IT FURTHER RESOLVED 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. Seconded by Supervisor McGillicuddy.

Board members discussed the following:

- Proposed amendment, while not perfect, is a significant improvement
- Belief that MUPUDs are not appropriate for any part of Meridian Township

Clerk Helmbrecht moved to amend (i) (2) (g) by deleting “residentially zoned property” and inserting “single family dwellings”. Seconded by Trustee Veenstra.

Board members and staff discussed the following:

- Language in (i) (2) (g) as currently written, makes any change adjacent to residentially zoned property a major amendment which requires Board approval
- All Township owned property is basically zoned residential
- Parcels could be zoned residential and not have a residential use
- Concern with undeveloped parcels next to proposed projects
- Concern amendment does not address multiple family dwellings
- Proposed amendment meant to prevent taking a project back to the beginning because it is next to a park, church, etc.
- Every change, however minor, would be considered a major amendment
- Adequate notice necessary to adjacent property owners, even if the property is vacant
- Reminder by staff that all text amendments require four affirmative votes

Clerk Helmbrecht moved to table this zoning amendment until the next Board meeting.

The motion died for lack of a second.

ROLL CALL VOTE	YEAS: Clerk Helmbrecht
ON THE	NAYS: Trustees Ochberg, Veenstra, Supervisor McGillicuddy
AMENDMENT:	Motion failed 1-3.

Clerk Helmbrecht moved to table this zoning amendment. Seconded by Trustee Ochberg.

ROLL CALL VOTE	YEAS: Clerk Helmbrecht, Trustee Ochberg
ON THE	NAYS: Trustee Veenstra, Supervisor McGillicuddy
AMENDMENT:	Motion failed 2-2.

Continued Board member discussion:

- Need for qualifying language to address earlier public comment regarding (g) (4) i. relative to requiring a traffic study if the project generates 100 vehicle trips during the peak hour of the adjacent roadway, as it depends on how many cars use that road
- Request to delete the exclusion of self-service laundries in (c) (2) b. 1. a.
- Request to insert “pervious” before “asphalt” in (e) (3) f. 5.
- Corrections of typographical errors
- Concern that bicycle parking is not required
- Bicycle parking is not being waived on Page 7 (3) d.
- The addition of 100 or more vehicle trip ends during the peak hours could represent the “tipping point” which changes the street designation according to traffic regulation evaluation standards
- The addition of 100 or more vehicle trip ends during the peak hours would indicate a sizable MUPUD project with significant investment and the cost of the traffic study would be diminished by comparison

Trustee Ochberg moved to hold this agenda item over until the next Board meeting. Seconded by Trustee Veenstra.

VOICE VOTE: Motion carried 4-0.

B. Streets and Sidewalks Ordinance Amendments, **Introduction**

Trustee Ochberg moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF

MERIDIAN, INGHAM COUNTY, MICHIGAN, the Township Board hereby introduces for publication and subsequent adoption Ordinance No. _____, entitled “Ordinance Amending the Code of Ordinances of the Charter Township of Meridian, Michigan, Chapter 58, by adding Section 58-33(c) and Section 58-34.

BE IT FURTHER RESOLVED 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. Seconded by Clerk Helmbrecht.

Board members discussed the following:

- Suggestion to remove “with or without mechanical equipment” in Section 1, A. (c)
- Mechanism to determine expense for snow removal from a property owner’s sidewalk
- Engage contractor to give a quote before work commences
- Request for staff to provide data on the cost of “typical” snow removal
- Homeowner associations should have “clout” to ensure snow removal
- Existing laws in parks where residents currently walk their dogs off leash
- Concern with passing codes where enforcement is problematic
- Concern a six foot leash is too short in some situations

Trustee Ochberg moved to table this agenda item. Seconded by Clerk Helmbrecht.

VOICE VOTE: Motion carried 3-1 (Veenstra).

C. Foreclosed Property Purchases

(1) Grand River Avenue, Parcel #33-02-02-25-229-006

Clerk Helmbrecht moved [and read into the record] NOW THEREFORE BE IT RESOLVED the Township Manager is authorized to make application to the Ingham County Treasurer, for conveyance of said land (13.30 acres) to the Charter Township of Meridian in the amount of \$13,106.89.

BE IT FURTHER RESOLVED the Township Board of the Charter Township of Meridian shall set up necessary procedures and controls to provide for the proper distribution for funds arising from the subsequent sale of the acquired property in conformity with the above mentioned act. Seconded by Supervisor McGillicuddy.

Board members discussed the following:

- Parcel adjacent to a previously purchased Land Preservation property known as the Howe property
- Parcel has some of the most unique features of any Land Preservation purchased properties
- Land Preservation has desired to acquire this parcel for some time
- Desire for signs where the land narrows
- Each Land Preservation parcel has both a stewardship and management plan
- Wording in the last paragraph of the resolution required under Michigan Public Act 206
- Concern with inclusion of “non-motorized trails” language
- Reminder that the Township (not Land Preservation) is purchasing the property now
- Listed possible public uses are taken right out of the act
- If Land Preservation purchases this parcel from the Township, all Land Preservation rules and ordinances go into effect
- Time constraints on purchasing this foreclosed property require that the Township obtain it now

ROLL CALL VOTE: YEAS: Trustees Ochberg, Veenstra, Supervisor McGillicuddy,
Clerk Helmbrecht

NAYS: None

Motion carried 4-0.

(2) Ruth Moore Park, Parcel #33-02-02-21-104-001

Trustee Ochberg moved [and read into the record] NOW THEREFORE BE IT

RESOLVED the Township Manager is authorized to make application to the Ingham County Treasurer, for conveyance of said land (.87 acres) to the Charter Township of Meridian in the amount of \$4,883.76.

BE IT FURTHER RESOLVED the Township Board of the Charter Township of Meridian shall set up necessary procedures and controls to provide for the proper distribution for funds arising from the subsequent sale of the acquired property in conformity with the above mentioned act. Seconded by Trustee Veenstra.

- Residents in the neighborhood to send a letter indicating assumption of maintenance next to the public pathway on Grand River
- Concern that if Land Preservation is advisory to the Board, why are trustees not permitted to stay for the duration of Land Preservation meetings
- All Land Preservation meetings are open to the public
- Only Land Preservation Advisory Board members remain for closed sessions where negotiations for possible purchase of properties are discussed
- Trustees should not be verbalizing their opinions at meetings of appointed boards and commissions
- Concern that appointed board and commission members find it difficult to distinguish a Township Board member's comments as an individual v. a Board position
- Reminder that the Township Board ultimately votes on appointed board and commission recommendations
- Previous Township Attorney opinion that it is inappropriate for a Board member to attend appointed board and commission meetings to "leverage" issues in a Board member's favor

ROLL CALL VOTE: YEAS: Trustees Ochberg, Veenstra, Supervisor McGillicuddy,
Clerk Helmbrecht

NAYS: None

Motion carried 4-0.

D. Amendments to AFSCME Public Works Collective Bargaining Agreement

Trustee Ochberg moved approval of the amendments as specified in the memorandum dated June 17, 2011, and the settlement agreement to the AFSCME Department of Public Works and Physical Plant Employees Collective Bargaining Agreement for 2011-2013, and authorize the Supervisor and Clerk to sign same. Seconded by Clerk Helmbrecht.

Board members discussed the following:

- Request that names of the union representatives be printed below their signatures
- Salary increase for the next three years is 0%
- HRA is an acronym for Health Reimbursement Account

ROLL CALL VOTE: YEAS: Trustees Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht

NAYS: None

Motion carried 4-0.

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Michael Bess, Director of Baseball, Grand Slam Baseball Academy, Court One Athletic Club, 2291 Research Circle, Okemos, spoke in support of allowing sponsorship banners to be displayed inward on its baseball outfield fencing during the sporting season. He added trees have been planted in the left field area to block view of the banners from the adjacent property. Mr. Bess noted the situation is unusual, as most baseball fields are either publicly owned or belong to schools.

Supervisor McGillicuddy closed public comment.

- A. Zoning Amendment #11040 (Township Board), amendment to Section 86-436 Conservancy
Principal Planner Oranchak summarized the proposed zoning amendment as outlined in staff memorandum dated June 16, 2011.

Board members discussed the following:

- Inclusion of “and any future amendments” in Section 14-26. (d) after “August 16, 2011” to update the code by reference without coming back to the Board each time, similar to Board action on the International Fire Code
- Concern inclusion of the suggested language above will give Federal Emergency Management Act (FEMA) a “blank check” for the indefinite future
- Preliminary maps received from FEMA are reviewed by staff
- Staff takes a proactive approach to changes
- Suggested language keeps the Township in compliance and ensures Township residents who purchase flood insurance will receive “reasonable” rates
- Inclusion of suggested language must be reviewed by FEMA and the Michigan Department of Environmental Quality (MDEQ)
- Zoning amendment specifies which maps are being adopted
- Changes to maps in the future will have different map numbers and would need to be inserted into the Township’s ordinance
- Compliance only requires the Board to act in a timely fashion

It was the consensus of the Board to place this item on for action at the July 5, 2011 Board meeting.

- B. Request for adding sign in Research Park, amendment to Ordinance 86-688 RP and I, Research Park, Industrial District
Principal Planner Oranchak summarized the issue of establishing regulations for off-premises advertising signs as outlined in staff memorandum dated June 17, 2011.

Board members discussed the following:

- Board interest in having staff conduct further research on this concept
- Suggestion to suspend enforcement of current law until a conclusion is reached on this issue
- Sponsorship signs are a form of advertisement
- Concern that this concept could “snowball”
- Definition of off-premise advertising sign
- Option for Court One to appeal the Director of Community Planning and Development’s decision to the Zoning Board of Appeals
- Cost of an appeal is \$200
- Banners on the fence would face inward towards the baseball field
- Preference for the violation ticket to be withdrawn
- Banners viewed differently than commercial signs
- Request for staff to explore language for banners as a temporary display during a sporting season
- Banners could be specifically permitted for sponsorship of recreational facilities
- Request as a zoning amendment would need to come before the Planning Commission
- Parks & Recreation would also like to have banners for athletic program contests as they would provide funds for promoting programs and park maintenance
- Issue of banners at the Farmers Market
- Signage provisions in the Township’s ordinance for temporary events
- Township Attorney opinion that the only person who can make interpretations based on the ordinance language is the Director of Community Planning and Development
- Concern the Township Board cannot overrule an interpretation by staff
- Code of Ordinances is approved by the Township Board and a previous Township Board passed the ordinance regarding staff interpretation
- Current Township Board has the ability to amend the ordinance regarding staff interpretation

It was the consensus of the Board to have staff develop a draft ordinance amendment allowing banners on recreational field fencing and refer the draft amendment to the Planning

Commission.

C. Thinning Deer Herds in Meridian Township

Board members discussed the following:

- Board interest in having the Township create a deer culling policy
- Numerous letters received from residents requesting the Board address the issue of deer overpopulation in Meridian Township
- Need for a deer population count
- Article written by Forester T. J. Rawinski entitled *Impacts of White-Tailed Deer Overabundance in Forest Ecosystems* indicate deer are eating the new tree seedlings to the extent that forests cannot regenerate
- Conclusion of the article written by Forester Rawinski indicates a shift in deer population management is needed
- Offer by the Michigan Sportsmen Against Hunger to pay for the processing of venison which will then be donated to a community charity
- Township must develop a program to thin deer population
- A culling permit must be obtained from the Michigan Department of Natural Resources
- Need to actively recruit volunteer hunters
- Need to obtain permission from land owners of large properties for hunting on their land
- Deer population in Meridian Township will be an ongoing situation
- Possibility of neighboring communities adopting the deer culling program once it is implemented in Meridian Township

It was the consensus of the Board to instruct staff to prepare a plan for reducing the number of deer in the Township for discussion at a future meeting.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Bonnie Dysinger, 2345 Hamilton Road, Okemos, requested the Township Board initiate an amendment to Section 86-654 to allow a group of non-licensed professionals to provide holistic type services in a RA district.

Supervisor McGillicuddy closed Public Remarks.

Board members discussed the following:

- The property in question has no room for parking
- Supportive of the idea as a special use in a residential district
- Reminder that the request is in conflict with the proposed home occupation ordinance

It was the consensus of the Board to have staff review zoning regulations pertaining to holistic healers and practitioners in residential zoning districts.

13. FINAL BOARD MEMBER COMMENT

Trustee Veenstra noted that although he was elected to the Board, he remains a citizen and has the right to free speech as provided in the First Amendment to the U.S. Constitution relative to attending any meeting of any Meridian Township body.

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 8:44 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT, CMC
TOWNSHIP CLERK

Sandra K. Otto, Secretary