

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
THURSDAY, MAY 6, 2010 **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie, Trustees Dreyfus,
LeGoff, Ochberg, Veenstra
ABSENT: None
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development
Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief
Dave Hall, EMS/Fire Chief Fred Cowper, Recycling Coordinator LeRoy Harvey,
Attorney Andria Ditschman

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:00 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.

Dorothy Chapman, 4556 Ethel Street, Okemos, spoke in opposition to Special Use Permits #09101 and #10-8823, citing three reasons: 1) an increase in traffic on Grand River Avenue from workers and visitors; 2) previous Board assurance that St. Martha Parish would be the sole user of the public sanitary sewer system and 3) decline in property values.

Leonard Provenchur, 5824 Buena Parkway, Haslett, expressed concern holding the recent uncontested Haslett School Board election was a waste of taxpayer dollars. He spoke in opposition to Special Use Permit #09101 as he believed the Planning Commission acted correctly in denying this SUP. Mr. Provenchur stated his opposition to Special Use Permit #10-88231 as developers come before the Board with a specific project and then come back and "want more."

Barbara Srivastava, 2752 Southwood Drive, East Lansing, inquired how long residents have to repair sidewalks once they receive the special assessment notice for the sidewalk repair program.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Supervisor McGillicuddy reported her attendance at the Senior Center volunteer luncheon, the April 24th recycling event, the CATA Steering Committee, the Tri-County Regional Implementation Steering Committee, the Lansing Chamber of Commerce community group, and the opening day of the Township's Farmers Market on May 1st.

Trustee Ochberg announced her attendance at Meridian Area Resource Center's Art Committee. She noted consensus from the meeting indicated artists need a space in which to work. Trustee Ochberg noted there currently are many vacant storefronts and if a strategic plan and mission statement can be formulated, the group may come before the Board to request sponsorship.

Clerk Helmbrecht reported on the May 4, 2010 Haslett School Board election results, where two incumbents were re-elected in uncontested races. She noted the State Senate has passed legislation which would require school districts to select November of either even or odd years to hold elections.

Treasurer Brixie reported her attendance at the Lansing Chamber of Commerce Intergovernmental Meeting last week. She noted her attendance at the Pension Board Meeting today where the actuarial report and investment manager’s report were given. She indicated a presentation of a LED study by MSU students was given at Monday’s Downtown Development Authority meeting. Treasurer Brixie invited Board members to a MSU student presentation on mixed use design to be held Monday afternoon, May 10th.

Trustee Dreyfus reported his attendance at the Michigan Townships Association (MTA) workshop on protecting township boundaries. He indicated detachment is the most effective tool a township has at its disposal to deal with annexation threats and balance out land loss issues.

Trustee Veenstra supported Trustee Ochberg’s suggestion of supporting the arts. He spoke in support of community gardens and thanked Trustee Ochberg for her generous donation to make community gardens a reality. He reported his attendance at the regular meeting of the Tri-County Regional Planning Commission where a resolution of support was passed for Greening Mid-Michigan, a reaffirmation of Tri-County’s long standing regional policy in opposition to unlimited sprawl. He added a significant cost savings in road construction is realized when development is concentrated in the central cities. Trustee Veenstra indicated the State of Michigan “lacks” \$84 million to match federal road dollars at an 80% federal/20% state match. He noted Michigan stands to lose \$400 million in road funds in 2011. He suggested residents contact their state legislators.

6. APPROVAL OF AGENDA

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

VOICE VOTE: Motion carried 6-1 (Ochberg).

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie

NAYS: None

Motion carried unanimously.

The adopted Consent Agenda items are as follows:

A. Communications

(1). Board Information (BI)

BI-1 Kevin and Mary Thomas, 2914 Colony Drive, East Lansing; RE: Protest of their 2010 Order to Maintain Sidewalk SAD #11 special assessment

BI-2 John P. Gardner, Government Affairs Manager, Comcast, Michigan Region, 1401 E. Miller Road, Lansing; RE: Notification of price adjustment effective June 1, 2010

BI-3 Will White, 2142-½ Hamilton Road, Okemos; RE: Transmittal of an article entitled “SUCCESS STORY: Cutting red tape in Brownstown Township”

(2). Regional Linkage (RL)

RL-1 William M. Conklin, Managing Director, Ingham County Road Commission, PO Box 38, Mason; RE: 2010 Local Road Improvement Program

(3). On File in the Clerk’s Office (OF)

Material received at the April 20, 2010 Board Meeting

Steve Harsh, 2011 Cimmaron Drive, Okemos; RE: Comments on Zoning Amendment #09070 (Wind Energy Overlay District)

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 LeGoff.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
 McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

B. Minutes

Treasurer Brixie to approve and ratify the minutes of the April 20, 2010 Regular Meeting as submitted. Seconded by Trustee LeGoff.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
 McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

C. Bills

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

Common Cash	\$ 602,369.31
Public Works	\$ 14,014.24
Total Checks	\$ 616,383.55
Credit Card Transactions	\$ 8,273.27
Total Purchases	<u>\$ 624,656.82</u>
 ACH Payments	 <u>\$ 502,140.67</u>

Seconded by Trustee LeGoff.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
 McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

[Bill list in Official Minute Book]

D. EPA Grant Application for Green Initiatives

Treasurer Brixie moved to confirm the application for a \$49,000 grant administered through the Michigan Department of natural Resources and Environment for the development and implementation of a Climate Action Plan for Meridian Township. The 25% matching funds requirement will be met through in-kind services. Furthermore, the Township Manager is authorized to accept the grant. Seconded by Trustee LeGoff.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
 McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

E. Resignation and Appointment to the Lake Lansing Advisory Committee

Treasurer Brixie moved that Timothy McCarthy, 6076 Columbia, be appointed to the Lake Lansing Watershed Advisory Committee for a term expiring April 30, 2012. Seconded by Trustee LeGoff.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
 McGillicuddy, Clerk Helmbrecht, Treasurer Brixie

NAYS: None
 Motion carried unanimously.

F. Community Gardens Budget Amendment

Treasurer Brixie moved that the Township Board approve the expenditure of \$5,000 for the Garden Project administered by the Greater Lansing Food Bank for Community Garden Initiatives in Meridian Township and the 2010 budget of the Parks Restricted Fund be amended to reflect the \$3,000 proposed expenditure in the current year. Seconded by Trustee LeGoff.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

G. Walnut Hills Hospitality, LLC – Request to transfer ownership and location of Class C liquor license (rescind previous conditions motion)

Treasurer Brixie moved to approve Walnut Hills Hospitality, LLC’s application to transfer ownership and location (governmental unit) of a 2008 Class C liquor licensed business from Blue Coyote Brewing Company, Inc., whose license is being held in escrow at 113 Pere Marquette, Lansing, Michigan, 48912, Ingham County, Michigan to Walnut Hills Hospitality, LLC located at 2874 Lake Lansing Road, East Lansing, Michigan 48823, Meridian Township, Ingham County; and requests new Dance-Entertainment Permit and two additional bar permits.

Further, Treasurer Brixie moved to rescind previous conditions placed on the license as approved in the December 15, 2009 Township Board agenda.

Be it further resolved, Treasurer Brixie authorizes the Township Clerk to execute the resolution for local approval of this transfer. Seconded by Trustee LeGoff.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item #11B, #11C)

9. HEARINGS

A. 2010 Order to Maintain Sidewalks, Resolution #2

Supervisor McGillicuddy opened the public hearing at 6:25 P.M.

Director Severy summarized the sidewalk maintenance program as outlined in staff memorandum dated April 30, 2010. He explained notices would be sent if there is a favorable Board vote to approve the project on May 18, 2010. Director Severy indicated if those notices were mailed May 19th or 20th, the 20 days would expire June 11, 2010. He stated residents who notify the Township within that time period that they wish to handle the repair, the Township would give residents more than 20 days to complete the repair. Director Severy noted the Township’s contractor will not commence any work until after the 20 days have lapsed.

Director Severy indicated he will walk the affected neighborhoods based on public comments which questioned consistency of markings.

Frank Webster, 3845 Roxbury Avenue, Okemos, while expressing appreciation for the sidewalk replacement program, noted concern the Township Board was not involved in the process of approving the sidewalk replacement criteria.

Dwight Bell, 2046 Belding Court, Okemos, felt it was not the year for a sidewalk maintenance program due to the poor economy. He believed there was considerable inconsistency in the rationale for marking portions of the sidewalk slated for replacement and felt many of those markings are for cracks which do not represent a hazard.

Ranjani Srinivas, 2962 Colony Drive, East Lansing, questioned the need to repair cracks in a sidewalk which are even and level.

Robert Wasserman, 2796 Buglers Way East Lansing, requested he be allowed to repair the small cracks in his sidewalk by caulking them. He stated sidewalks around Donley School have been caulked and East Lansing evidently considers caulking an adequate way to repair sidewalks.

Martha Lewis, 3926 Belding Court, Okemos, stated she received an assessment in 1999, although the roots from "city" trees have since raised some sidewalk panels. She requested information on what panels are marked for replacement at the corner of Belding and Heritage Roads.

Supervisor McGillicuddy closed the public hearing at 6:40 P.M.

- B. Appeal of Planning Commission's denial of Special Use Permit #09101 (Design Services Co.), a request to construct a 94-bed, 57,464 square foot assisted living/skilled care facility, located north of Grand River Avenue and east of Cornell Road.

Supervisor McGillicuddy opened the public hearing at 6:40 P.M.

Director Kieselbach summarized the appeal of Special Use Permit #09101 as outlined in staff memorandum dated April 30, 2010.

APPELLANT

David Pierson, attorney on behalf of Trilogy Health Services, 1305 S. Washington Ave., Lansing, noted the standard on the appeal is whether the decision of the Planning Commission to deny the special use permit request is supported by substantial evidence on the record before the Planning Commission, meets the standards of the Township's ordinance or represents a reasonable exercise of discretion. He added the appellant does not believe the decision to deny meets any of the requirements as noted in his appeal letter dated March 29, 2010.

Mr. Pierson gave an overview of the reasons cited by the Planning Commission and indicated the appellant does not believe those reasons are a reasonable exercise of discretion. He noted the use is described as institutional as defined in the Township ordinance. Mr. Pierson stated institutional uses (e.g., schools, churches, nursing homes, convalescent centers, hospitals) fall somewhere between commercial and residential. He added the density of the use is not measured in the same manner as residential; e.g., you do not count the number of students in a school and say that you have 900 people per ten acres. Mr. Pierson stated this type of use has always been measured in terms of its impact on the community as a use different from single or multiple family residential use. He added that among other things, the traffic impact is quite different.

Mr. Pierson urged the Township Board to look at the location of centers similar to the proposed development (i.e., Ingham County Facility on Dobie Road) and noted these types of uses have traditionally been sited in rural areas as they are a "fit" with an area which is otherwise not densely populated. He added the uses of the church and school next door are essentially compatible with this project. Mr. Pierson noted another function of this use is to act as a buffer to the surrounding residential areas. He cited one of the Planning Commission reasons for denial was that it is not in keeping with the standards for non-residential uses in residential districts as it is not at the edge of a residential district. He added the ordinance directs the standards to be applied depending upon the characteristics of each location. Mr. Pierson believed the most important characteristic of this location is Grand River Avenue. He stated the road is a dramatic and intense use itself and the amount of traffic this site would generate does not warrant any traffic assessment or study under the Township's ordinance. Mr. Pierson believed it is a good use at the edge of rural

residential. He added the applicant changed the site to add acreage because of the existing trees and the setback is now 180 feet from the center of Grand River Avenue to maintain the trees and create a "corridor" effect.

Mr. Pierson addressed the Planning Commission statement that public sanitary sewer was not available. He indicated it is the Board's decision as public sanitary sewer is as available as the Board decides in this instance. Mr. Pierson noted the Township Engineer indicated there is sufficient capacity in the St. Martha system which St. Martha built and the Township maintains in order to accommodate the use. He asserted that when the Township Board permitted the building of St. Martha Parish in 1989, it reserved to itself any change which might occur in that condition; hence, the decision rests with the Township Board whether there is public sewer available to serve the site.

Mr. Pierson addressed the last reason cited by the Planning Commission for denial; to wit, there are other uses which could be more compatible. He stated the Planning Commission, when it evaluates the merits of a special use permit request, cannot simply determine what it believes is the best use for the property. Mr. Pierson indicated the special use permit application requires the Planning Commission, and now the Township Board, to evaluate whether the proposed use meets the standards under the Township's ordinance. He asserts that the proposed use does that through location standards: 1) located at the edge of a residential district (bordering Grand River Avenue) 2) faces onto a major street (Grand River Avenue is a major arterial); 3) assures the greatest buffer to the area behind (area to the west and northwest are wetlands) and 4) site location should offer natural or manmade barrier to lessen the effect of the intrusion of the non-residential use (facility is set into the site to maximize the buffers). Mr. Pierson stated the center is sufficient to justify building the proposed public road to provide access off Grand River Avenue and to and from Cornell Road.

Michael Powell, Design Engineer, Powell Engineering, 4700 Cornerstone Drive, White Lake, likened M-59 running through the middle of White Lake Township much like Grand River Avenue runs through the center of Meridian Township. He noted St. Martha Parish provides a buffer between the traffic on Grand River Avenue and single-family residential.

Mr. Powell spoke to the specific types of beds and residents which would utilize the services of the proposed assisted living/skilled care facility. He believed Trilogy would provide a type of service for residents who wish to stay and remain part of the community. Mr. Powell added that this is a quiet type of use in an area which otherwise might be more dense residential or single-family residential use.

Mr. Powell noted construction costs for the proposed facility will be approximately \$7.5 million and will increase the tax base in Meridian Township, in addition to providing approximately 70 additional jobs. He added the employees will generate minimal additional traffic during off-peak hours.

Addressing the sanitary sewer issue, Mr. Powell indicated the existing force main is large enough to support the proposed facility and St. Martha's capacity needs. He indicated both buildings will have different peak times of use.

Mr. Powell noted the original design for storing stormwater was between Grand River Avenue and the parking lot and virtually eliminated the existing buffer. The applicant listened to expressed Planning Commission and public concerns over this placement and acquired additional property to the north in order to move the building back from Grand River Avenue and place stormwater retention on the north side of the site. Mr. Powell added this enabled the existing vegetation and grades on the property to remain intact. While the main entrance is proposed off the east side of the project, he noted the International Fire Code requires a second entrance to any project which "houses" this number of people or to a single-family residential project.

Mr. Powell narrated a virtual animated presentation on the size, scale and structure of the building and site. He added Trilogy attempts to use residential type construction materials as this type of facility is really a residential use. He noted the rise of the topography, in addition to augmenting the view with additional trees along Grand River Avenue, "hides" most of the building and completely obstructs the view of the parking lot. He added the proposed facility affords low impact on the site.

PLANNING COMMISSION REPRESENTATIVE

Planning Commissioner Honicky gave an overview of Special Use Permit #09101 to date. He noted the project met the service/economic goal of the Township but, while the Planning Commission believed the proposal to be a good project, it was in the wrong location.

Governed by the criteria for developing projects in a rural residential area, Commissioner Honicky claimed this project represents a commercial use in a rural residential area. He added the Planning Commission used the nine (9) separate zoning criteria contained in Section 86-126, of which one component is the project must be consistent with the Township's comprehensive development plan; essentially the Township's Master Plan.

Commissioner Honicky indicated the Planning Commission was concerned that the wrong location meant that this commercial enterprise did not fit within the Master Plan. He cited an excerpt from Page 4 of the December 14, 2009 Planning Commission minutes where Commissioner Deits succinctly conveyed Planning Commission sentiment.

Commissioner Honicky pointed to the Planning Commission's resolution to deny where it stated:

- 1) Public sanitary sewer service is not currently located near the site
- 2) The proposed development is a commercial entity (for profit business) attempting to locate in a rural residential area and, although allowed, it does not make sense to be there
- 3) The project is not in keeping with standards for non-residential uses (Sec. 86-654(e)(1))

PUBLIC

Dina Klemans, 4460 Oak Pointe Court, Okemos, spoke in opposition to the proposed project and urged the Board to uphold the Planning Commission's denial of the special use permit. She expressed concern how the project would affect her property and quality of life; but more importantly, believed it is fundamentally incompatible with uses permitted by right in the rural residential district and requirements for approval of a special use permit for the following reasons:

- 1) The nature and location of the proposed development will have a significant effect on adjacent land uses and the general welfare of the community through increased noise, light, traffic and pollution.
- 2) The large building and the amount of land to be cleared changes the character of the neighborhood from a rural neighborhood to the beginnings of a service or commercial area.
- 3) The vacant corner lot will draw additional proposed development ill suited for rural residential areas and would be the "foot-hold" necessary to justify a corner strip mall, pharmacy, convenience store or additional expansion on the property that is currently proposed for development. This would significantly affect the current future uses of all surrounding rural residentially zoned property.

Ms. Klemans added that non-residential uses in residential areas are not allowed by right; rather it is required that the characteristics of the project positively compare with the specific review criteria outlined in Section 86-126 of the Code of Ordinances. She indicated her assessment of the project does not meet this test as follows:

- 1) The large parking areas and exterior lighting requirements will significantly affect wildlife movement and habitat availability far beyond the impact from rural residential development
- 2) The development does not foster harmonious relationships among land uses
- 3) The land is not a transition parcel between different zoning types
- 4) The land does not abut an industrial area, natural area or other types of use mentioned by the Planning Commission representative
- 5) The project will actually increase future land use incompatibilities
- 6) Grand River Avenue is not the edge of the residential zoning, as it continues across Grand River Avenue for a long distance

- 7) This project has significant potential to destabilize surrounding neighborhoods by introducing an incompatible use which will promote more of the same
- 8) This is a high density residential project in a low density residential area
- 9) This project will increase traffic on Grand River Avenue and cause congestion near the traffic light at Grand River Avenue and Cornell Road
- 10) The project promotes unwise and inefficient expenditure of public funds for the maintenance of a new public road which leads to nowhere
- 11) The proposed development is inconsistent with the rural residential zoned designation contained in the Master Plan
- 12) The project will change the character of and adversely affect the area by increasing traffic on an already heavily traveled road
- 13) Emergency sirens and exterior lighting will diminish neighbors enjoyment of dark nights
- 14) The project will increase inappropriate development pressure on surrounding undeveloped rural residential land
- 15) The development will decrease the desirability of the neighborhood, reduce property values and resale potential for surrounding homes
- 16) The project is not adequately served by existing roads as a new public road is proposed

Ms. Klemans indicated the issue before the Board is whether to allow or not allow a bad development proposal for this particular site.

Dianne Holman, 4681 Van Atta Road, Okemos, urged the Board to uphold the Planning Commission's denial of the special use permit. She stated the proposed development is not an appropriate use for this site as the rural residential area extends to the south side of Grand River Avenue as well. She requested the Board adhere to the Master Plan and continue to maintain the rural character of this portion of the Township. Ms. Holman stated the facility is urbanized and believed the overall footprint of the facility was not appropriate for the area.

Quenda Story, 4526 Marlboro, Okemos, noted development "follows" utilities and changes the character of an area. She spoke to the creation of an urban services boundary to address the "problem" and the compromise which was reached to allow St. Martha Parish in the eastern third was its own private force main. Ms. Story believed the single user force main was a way to protect the rest of the entire area to maintain its rural character. She urged continued protection of the urban service boundary.

Michael Leon, 4890 Chipping Camden Lane, Okemos, requested the Board affirm the Planning Commission's denial of the special use permit. He indicated the project meets virtually none of the standards of a special use permit. He read each of the nine (9) review criteria for a special use permit contained in Section 86-126 of the ordinance and offered the following comments:

- 1) The project proposed ten (10) units per acre in an area where the land use plan calls for 0-0.5 dwelling units per acre
- 2) He questioned if a commercial operation can be harmonious with the existing intended rural residential area.
- 3) The project is in the middle of a rural residential area; Grand River Avenue runs through the rural residential area, not bordering it
- 4) There is no existing road to serve the project
- 5) The proposed road will require Township maintenance in the future
- 6) There is no public transit to serve the site
- 7) Traffic at the east end of St. Martha Parish must stop when church services end as there is not sufficient sight distance at the west entrance

Mr. Leon asserted that if the Planning Commission denial is overturned, this Township Board will be the first, in anyone's recollection, to permit a new commercial development in a rural residential area. He pointed to every community attitude survey which he stated revealed that residents want to preserve the rural character of the eastern third of the Township. Mr. Leon alleged this development would be the "tipping point" to open up this area to high density development.

Mr. Leon reminded Board members that on March 4, 2008, Mr. Clouse stated to the Board that this development is the first phase and that independent living villas would be added later. He also reminded Board members that he had appeared before them a few weeks ago asking them to revisit ordinances which allowed special use permits for rural residential areas and that Trilogy representatives stated they are already in negotiations with the Eyde Company for a second phase.

Mr. Leon noted that Mr. Clouse, at both the March 4, 2008 Board Meeting and the December 14, 2009 Planning Commission public hearing, stated that the existing sanitary sewer would be "brought down" to this site. He believed that every time sanitary sewer has been brought to a part of the Township, high density followed.

Mr. Leon expressed concern with the ability of the township to provide fire service. He noted the proposed development is on the edge of the township, is between railroad tracks and would have a skeleton night staff in the event of fire. Mr. Leon indicated the development would be a drain on Township finances as EMS and ambulance runs would not be fully reimbursed. He believed it would be necessary to place a fire station in the area if high density uses were allowed in the eastern third.

Mr. Leon addressed the certificate of need (C of N) for these types of beds which are issued on a county-wide basis. He questioned the need for the proposed public road and believed it was proposed in order to service the commercial lot to the west in the future. Mr. Leon expressed concern because where there is a signalized intersection at the edge of the property, there would be additional commercial development (e.g., CVS Pharmacy, Rite Aid, Quality Dairy, gas stations) in the future.

Mr. Leon cited Section 86-122 of the Township's ordinances and Section 502 of Public Act 110 of 2006 to refute the inference that this proposed development is a use allowed by right.

Mark Clouse, Eyde Co., 4660 S. Hagadorn Road, East Lansing, noted he came before the Board on March 4, 2008 requesting guidance on the sanitary sewer issue and the ability to amend the special use permit granted to St. Martha Parish. He indicated that during this meeting, the type of use and the need for the use of the sanitary sewer which runs along the right-of-way of Grand River Avenue was addressed, and the discussion ended with the recommendation from the Board that rather than entering into a discussion as to that particular type of amendment to the existing special use permit, the Board asked that the actual use go through the Planning Commission and Township Board process.

Mr. Clouse noted Trilogy Services has spent a great deal of time, energy and money bringing forth a plan for that location and bringing forth a cooperative working relationship with St. Martha Parish to allow for the use of the sewer it paid to have installed along Grand River Avenue.

Mr. Clouse stated the applicant went to the State of Michigan and requested a site specific Certificate of Need (C of N). He spoke to the need in both the county and township for this type of use. Mr. Clouse noted private investors have proposed to spend \$7.5 million on this project which will then generate approximately 70 new jobs.

Mr. Clouse refuted earlier public comment which referred to this project both as a high density residential use and a commercial development. He affirmed the proposed project is a use permitted by special use permit. Mr. Clouse stated the use is a site specific issue.

Mr. Clouse noted the proposed project is located on Grand River Avenue, adjacent to St. Martha Parish and a new road is being built. He indicated the reason for the new road is that the 100 acres behind the site currently zoned rural residential will someday be used for some purpose and without a road this development would landlock the acreage behind it. Mr. Clouse questioned the continued referral to this proposed project as a money-making enterprise and noted all businesses need to make money in order to provide jobs and pay taxes.

APPELLANT'S REBUTTAL

David Pierson explained Trilogy has not proposed a Phase 2, 3 or 4 as alluded to during earlier public comment; there is only one phase before the Board for consideration. He added with respect to the stub to the west, it is there on the plans because the Township's ordinance requires it; there has to be an access along Grand River Avenue to access the acreage behind the site.

Mr. Pierson pointed out Trilogy is interested in preserving the rural character in a rural residential area for those who currently reside in Meridian Township and those who may choose to live in the Township in the future.

Supervisor McGillicuddy closed the public hearing at 8:13 P.M.

[Supervisor McGillicuddy recessed the meeting at 8:13 P.M.]

[Supervisor McGillicuddy reconvened the meeting at 8:25 P.M.]

- C. Special Use Permit #10-88231 (Diocese of Lansing), a request to modify conditions of the original Special Use Permit to allow another user to connect to the Sanitary Sewer Force Main serving St. Martha Catholic Church at 1196 Grand River Avenue

Supervisor McGillicuddy opened the public hearing at 8:25 P.M.

Director Kieselbach summarized the special use permit request as outlined in staff memorandum dated April 30, 2010.

APPLICANT

Michael Murray, Diocese of Lansing, 228 North Walnut Street, Lansing, expressed appreciation to the Township for its cooperation in rehabilitating a site upon which St. Martha Parish was built. He stated Father Wehrle wrote a letter upon the 1989 completion of construction which concluded in his pledge to be a good neighbor. Mr. Murray noted it is in that vain that the Diocese is before the Board this evening. He indicated it is solely the Board's responsibility to decide the fate of the proposal on its merit. Mr. Murray indicated St. Martha Parish would need engineering assurances when the tie-in takes place and Trilogy Services would agree to be the financial party responsible for all maintenance costs.

PUBLIC

Dina Klemans, spoke in opposition to the special use permit request. She stated Grand River Avenue is in the middle of her residential neighborhood. She believed the original special use permit conditioned with no additional hook-ups was a wise decision and should be adhered to.

Michael Leon requested the Township Board deny the special use permit modification request. He believed the condition of no outside hook-ups was fundamental to the issuance of the original special use permit. Mr. Leon stated that several existing Township residents and commercial users have subsequently asked for extension of the sewer into the rural area which has not been approved. He asked St. Martha Church to drop this request, stating the church promised the neighborhood in 1989 that it would not allow anyone else to hook into the sanitary sewer. He requested the Township Board make a final decision at its May 18, 2010 meeting.

Michael Powell, in his capacity as a fellow municipal engineer, affirmed the Township engineer's decision there is sufficient capacity in the existing force main for the proposed use.

David Pierson, on behalf of Trilogy Health Services, requested the Board grant the modification to the existing special use permit. He stated the proposal is to allow the connection to be engineered subject to the satisfaction of the Township engineering department. Mr. Pierson noted the proposed modification to the special use permit request does not propose to extend the sewer, add sewer lines or make the force main public.

Mark Clouse, on behalf of the Eyde Co., noted he brought this issue to the Township Board 2-1/2 years ago. He believed it was the first time in 21 years that St. Martha has requested and participated in a discussion to allow additional use of the private force main. Mr. Clouse stated all previous requests mentioned during earlier public comment would require the Township to take over the force main and extend it beyond its current private use. He reminded current Board members that upon the advice of counsel many years ago, the then sitting Board removed the urban service district. Mr. Clouse indicated the subject property, St. Martha Parish, and surrounding properties are part of the Mud Lake Interceptor District, a long term sewer plan for these properties to be part of the overall Township public sewer system. He concluded with the statement the request before the Board would not change the nature of the force main, but allows one additional user.

Supervisor McGillicuddy closed the public hearing at 8:45 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

A. Road Commission Request for Matching Funds for Mt. Hope Road

Bill Conklin, Managing Director, Ingham County Road Commission (ICRC), gave an overview of the project. He indicated the ICRC is advancing this portion of the project from 2011 to 2010 because of the poor condition of the road. Mr. Conklin noted the increase in costs that have occurred since the time the project was programmed need to be met with local match and requested the Township share in those additional costs.

Trustee Ochberg moved that the Township Manager be authorized to enter into an agreement with the Ingham County Road Commission to cost share in the local match requirement for the Mt. Hope Road project. The Township's share is estimated to be \$265,000, of which \$70,000 will come from the Fund Balance of the General Fund and \$195,000 will be charged to Public Works and Pathway Funds. Seconded by Supervisor McGillicuddy.

Board members and Mr. Conklin discussed the following:

- Sentiment from the residents polled in the Chippewa Hills neighborhood to spend the additional money and reconstruct the road this year
- Need for a budget discussion prior to making a decision to take monies out of the fund balance
- Reduction in the fund balance will bring the Township close to two months of operating funds
- Request for amount of federal stimulus money spent in Meridian Township
- If repair of the Hagadorn to Okemos portion was delayed until fiscal year 2011, the match requirement total would be reduced from \$522,000 to \$386,000, half of which would be \$193,000
- If a project is constructed in the year it is programmed, federal rules allow for justifiable cost increases to be federally funded
- Most of the cost increases on the Mt. Hope project are related to the enormous escalation in the cost of construction materials since this project was programmed in 2007
- Waiting until 2011 to reconstruct the Hagadorn to Okemos portion of Mt. Hope would eliminate the necessity of spending the \$70,000 from somewhere other than the sidewalk and sewer fund
- ICRC requesting the Township pay \$193,000 for public works and pathway
- ICRC also asked other local municipalities to help fund sidewalk, water main and sanitary sewer repairs
- No municipality has ever paid extra to advance a project
- Concern with the declining level of fund balance
- Board policy to keep a minimum of 2 months of expenses in the fund balance
- Suggestion for the road millage fund to pay back \$70,000 of the \$425,000 loan from the General Fund
- Suggestion to take \$70,000 out of the local road millage fund
- Unexpected police and fire retirements and personnel leaving which were not budgeted in 2010
- Not all public safety positions will be replaced

- Township expected to receive approximately \$500,000 less in property taxes for next year's budget
- Use of fund balance is appropriate for one-time expenses which come along
- Manager belief the budget will be as good as or better at the end of the year than proposed with the first budget amendment
- Road millage language did not identify roads as primary or local, but states "roads in Meridian Township"
- Funds could appropriately come from the road millage fund to supplement the work of the ICRC in this particular project
- Taking funds from the road millage fund will leave less funds for local streets
- Concern the one-year delay will be accompanied by increased construction costs
- Break up in continuity of road replacement work would increase costs
- ICRC plan to mobilize specialized contractors and equipment to perform in-place recycling which lends itself economically to treat the remainder of Mt. Hope as one project vs. two smaller projects
- Oversized tubular-type culvert with a recessed invert will give a similar effect to an open bottom boxed culvert and allow vegetation and wildlife habitat to reestablish itself
- A three-sided culvert with the necessary excavation and construction costs to establish footings would be approximately triple the cost
- Pathway would be a replacement of the current pathway on the north side of Mt. Hope
- ICRC would invoice the Township for this work towards the end of the year
- ICRC will raise the grade at Fairview to improve sight distance, but will not totally correct the "dip"
- Belief reconstruction of Mt. Hope is a health, safety and welfare issue for residents traveling through the area
- Mild winter allowed the ICRC to adjust its budget and provide \$115,000 in funding for the local road match program

Trustee Brixie offered the following friendly amendment:

- **Add the following language as a new sentence: The road millage fund will pay back the General Fund \$70,000 of the loan made in 2009.**

The maker accepted the amendment.

Continued Board discussion:

- Amendment necessary to address concern with setting a precedent that the Township's road millage will pay for primary roads
- Continued concern regarding the fund balance even with potential gains from early retirements and not filling positions
- Dollar amounts contained in the motion are estimates as costs of the actual materials may vary
- ICRC may find it necessary to ask the Township for assistance in funding reconstruction of Lake Lansing Road from Marsh Road to BL-69 in 2013 and 2014 as the project was underfunded when it was placed in the Transportation Improvement Program (TIP)
- The fate of ICRC's federal aid in 2013 and 2014 is difficult to predict in 2010

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

NAYS: Trustees Dreyfus, LeGoff

Motion carried 5-2.

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

A. 2010 Order to Maintain Sidewalks, **Resolution #2**

Board members and staff discussed the following:

- Engineering staff will address questions posed by the public
- Staff review of selection criteria which has been used for the last ten years

- Staff ability to revise scheduled work up to the time it is performed
- Sidewalk repair and replacement will not commence until mid-June at the earliest
- Staff response to residents who dispute the repair by revisiting the site and meeting with the homeowners
- Caulking cracks as a means of repair may be feasible if the crack does not have differential settlement

It was the consensus of the Board to place this item on for action at the May 18, 2010 Board meeting.

- B. Appeal of Planning Commission's denial of Special Use Permit #09101 (Design Services Co.), a request to construct a 94-bed, 57,464 square foot assisted living/skilled care facility, located north of Grand River Avenue and east of Cornell Road

Board members discussed the following:

- History of where St. Martha Parish obtains its water
- Engineering analysis of the three options concluded any one of the options was too expensive
- A 16" water main was built in Grand River Avenue and St. Martha Parish tied into the public water as part of the original construction
- Size of the force main when originally constructed for domestic use had to equal the amount of water necessary to fight a fire
- No connection between the water supply and the sewer size relative to fire fighting
- Ten state standards used for designing force mains recommend 4" force mains as the minimum size
- Force main is approximately 4700 feet in length
- In 1989, the sitting Board members interpreted the letter from Father Wehrle as a promise to keep it as a single user
- One Board member belief this request to tie into the existing force main "feels" like a breaking of a promise

Breaking of a promise: (See Agenda Item #8 (Questions for the Attorney))

- Q. Is this a promise or is this something we can amend? If it was a promise, was it a promise to the Board, a promise to the citizens and, insofar as it was a condition of the original special use permit, don't we owe it to the citizens who accepted St. Martha Parish in that place to keep our word?
- A. If I may, Supervisor McGillicuddy, are we going to have discussions on both simultaneously? Because we are talking about the sewer or...before I answer the question I want to make sure I'm clear.
- Q. Can I enter into the record memories from sitting on the Board in 1989 should there be an appeal from the potential denial appeal here to a court of law? May I add to the record my own memories from 1989 as to the events that happened then like some of our speakers did tonight? Will that be part of the record, that St. Martha Parish used to be the Crest Theater with questionable shows? Will all those things be part of the record or not?
- A. I think that's multiple questions. The information that has come to you through the public hearing will be part of the record; that's the evidence that you are going to apply to decide what to do with the appeal that is before you. That's the answer to one question.
- Q. Which public hearing? Tonight's or the one the Planning Commission held?
- A. The public hearing you just had; it's what's in the record. And all the documents that have been sent; letters that have been submitted, the staff report that's come to you, your resolution eventually; that will all be part of record if there was something we had to go in front of a court regarding.

If I understand it, you are asking if you can make public comment about your recollection of statements that have already been made in the public record?

TRUSTEE OCHBERG: Yes, back 21 years ago.

ATTORNEY: Can you give me an example?

TRUSTEE OCHBERG: Well, that it was a promise. We promised not to let anybody hook up to this because we respect your concept of (at that time we were told it was legal) urban service boundary.

ATTORNEY: Well, we're talking about the sewer again.

TRUSTEE OCHBERG: It wasn't only that; it was because they were both part of the same SUP.

ATTORNEY: Let me...what the Board is discussing right now is whether this request for this type of use is appropriate based on the criteria that you have in the ordinance.

Continued Board member discussion:

- Insufficient public services available for this development given the fact it is a public sewer
- Material contained in the Board packet indicated 3-5 minute response by EMS services to this site
- Potential insufficiency of EMS service if the Central Fire Station closes in the future
- Strategic mistake by the applicant to bring an animated presentation to the Board because the building looks like army barracks which do not fit into the residential character of the neighborhood
- Concurrence with the neighbors that the project will destroy nature on the site and interfere with wildlife movement
- Belief the request violates the Master Plan
- Project violates one of the major principles the Board has repeatedly adopted which is to build "in fill"
- The right time for this type of project might be when Georgetown places water and sewer eastward toward this area
- Applicant has an option to purchase the property
- Site is on the northeast corner of Grand River Avenue and Cornell Roads
- 40 assisted living beds coupled with 54 skilled care beds
- No application or present plans for the addition of independent living villas
- Possible release of confidential opinion
- No adequate reason presented to change the binding agreement made in 1989

Release of a confidential legal opinion: (See Agenda Item #8 (Questions for the Attorney))

- Q. Andria, is the appropriate recourse here is if we want to discuss it, we can release it to be non confidential?
- A. You can. I always recommend that our legal opinions not be made public, but if you think this is appropriate you certainly can vote to make it public. You really can't discuss it if it is not public; it's a confidential legal opinion.

Continued Board discussion:

- Three of the nine special use permit criteria have not been met in order to appeal the denial
- Planning Commission was appropriate in its original denial
- One goal of policy governance is to ensure all residents have clean water
- Difficult to deny the applicant water and sewer when it currently runs across the property
- Responsibility of the Township to provide water and sewer to anyone if those facilities are available
- Reason why this property is not on the Future Land Use Plan as stated on page 183 of the Master Plan: "...only property currently designated as institutional is shown on the map because there is no way to determine which property will be used in the future for institutional use."
- Institutional category includes land that is publicly or privately owned (e.g., cemeteries, Ingham County Medical Center)

Development characterized as a for profit commercial enterprise: (See Agenda Item #8 (Questions for the Attorney))

- Q. In the presentation by the Planning Commission representative, one of the things that were talked about was that this application was a commercial enterprise for profit. I've looked through the standards for a special use permit and I can't find anything that talks about if its for profit or not for profit and how that relates or has any bearing into what we are suppose to be considering. Could you comment on that?
- A. It doesn't directly. The only way...well, one way that it may come into play is if...the fact it's an entity that will increase tax base. It may have something to do with a land use policy. That's the only way I can think that it would matter. There may be a land use policy in the Master Plan that talks about encouraging a commercial use or encouraging the tax base. That's the only way I can see how that would matter. But just the fact that this is an entity which is trying to make money as opposed to a non profit, that by itself, no, it's not pertinent.
- Q. So, the sort of supposition that the church next door is not-for-profit, and that's O.K. to allow something that's not for profit, but to allow something that's for profit is somehow different, that isn't really something that's actually in the standard that we have before us.
- A. Correct, not by itself.
- Q. We heard from a lot of people about this density issue and that this is in violation of the Master Plan because it's a high density residential use. To me, when I read the special use permit application, we don't mention density anywhere in these non-residential uses. So, is considering density as part of the special use permit application a valid thing to look at according to our standards?
- A. I'm going to limit the answer to this case specifically. In general, density is an issue you would look at for special use permit criteria as it applies to the Master Plan and policies in the Master Plan. In this case, because of the type of use, historically, it is my understanding this Township has not looked at density for these types of uses in a similar way they would to a residential use for maybe an apartment building. Is that wrong or right? I can't tell you that, but historically that has not been taken into consideration and, except for the land use policy section which you would normally use to apply that criteria, I don't think it is appropriate in this request.

Continued Board member and staff discussion:

- One reason contained in the Planning Commission resolution for denial stated the site could be developed with a use more compatible with surrounding single family residential uses yet the square footage of St. Martha Parish as originally requested was 81,000 square feet
- Size of the proposed building is 57,000 square feet
- Original staff report stated the number of parking spaces for St. Martha Parish was 261
- Proposed number of parking spaces requested for this proposal is 92
- House next to this parcel is used by the church
- Amount of traffic generated by the church
- Last whereas in the Planning Commission resolution for denial is flawed as the immediate use next door (church) is not a single-family residential use, but an institutional use
- Belief that the church, as an institutional use, has been a good neighbor
- No testimony from the public that live near the church that it has not been a good neighbor
- Appropriate institutional use next to another institutional use
- Meridian Township is an aging community and there is a clear market demand for senior living and higher levels of nursing care
- Two recent applications for similar projects, Okemos Rehab and Bickford cottages
- Setback requirement if an institutional use abuts a residential district is 50 feet from the property line
- Bickford Cottage setback requirement is 100 feet from the centerline of Okemos Road
- Grand River Avenue would have an identical setback requirement from the centerline (100 feet)
- Closest home from the proposed use is across Grand River Avenue and approximately 300 feet away
- Homes on the other side of Grand River Avenue are closer than the homes which abut the property line of the proposed development
- Board approval of similar institutional uses had homes much closer to the actual building

- Grand River Avenue as a buffer
- Proposal only has 14% coverage where 25% is allowed; 34% impervious surface where 75% is allowed
- One site location standard states all means shall be utilized to face any permitted non-residential use on a major street, and Grand River Avenue is the major street in the Township
- Additional trees in the right-of-way would help continue to preserve the essential rural character of the corridor and provide an additional buffer for pedestrians and bicyclists
- Concern that the argument of one use already being granted is the rationale to allow for “ever-expanding” adjoining and abutting properties to have the same level of high-density or institutional development
- 25,000 square feet was an arbitrary number granted to establish a line of delineation for special use permits
- Designation as rural residential means that it is a rural lifestyle
- Farms as an allowed use in rural residential areas
- Need to look at the broader picture
- St. Martha Parish as a different use due to the fact the use “goes away” at night and is away most of the time
- Okemos Rehabilitation and Bickford Cottage are not comparable as they are in the core of our community, not in the rural fringes of our community
- Concern the proposed use on this site will further deteriorate our roadway
- Proposal is not a harmonious use next to rural residential
- The Township has an abundance of these types of facilities which are a drain on the Township’s community resources
- EMS must respond to these facilities and the reimbursement rates are not very high
- Neither Okemos Rehabilitation or Bickford Cottage are even at half capacity and there is not a need for an additional facility of this type
- Major concern is the proposed development is away from the core of our community
- Proposed development will “ruin” the lifestyle out in the rural area
- Potential complaints from residents of this development regarding smells and noise which accompany rural residential use of the neighboring properties, a use by right

Appropriate uses in rural residential: (See Agenda Item #8 (Questions for the Attorney))

Q. Is there someplace in our zoning where it says this is not a use we can have in rural residential?

A. No, I am not aware of anything that says this is not a use that’s allowed? I’m not aware of it.

Q. Can you talk also about why we specify where this is allowed and if we said, “Well, we really don’t want to run up our ambulance bill; we don’t want to have these in our community”, could we just not allow them anywhere? Could that be something we could change our ordinance and not allow nursing homes in any zoning district?

A. No, you’re not generally allowed to exclude a use entirely in your zoning ordinance.

Q. Are we required to allow nursing homes in the Township?

A. Yes, you are required to allow them in the Township.

Q. We are required to allow them in what zoning district?

A. By special use permit, in all residential.

TREASURER BRIXIE: In all residential districts, including rural residential.

Continued Board member discussion:

- Board member request for staff to provide a motion to reverse the decision of the Planning Commission
- Need for more landscaping and effort put into the front buffer to maintain high visual quality of the wooded rural corridor currently there
- Possibility of a requirement for the applicant to contract for ambulance services

Placing of conditions on a special use permit: (See Agenda Item #8 (Questions for the Attorney))

- Q. Would we be able to require that they contract with some ambulance services for part of the time or all of the time? Is that something we'd be able to put into....?
- A. You can put conditions on your special use permit that are related toand it states in the ordinance exactly what kind of conditions (and in state statute as well)...they have to be related to the purpose of what you're trying to regulate. You are allowing a specific use that may have additional negative effects on the area than a use allowed by right might have, so you put conditions on that which would further reduce those effects.
- Q. So would that fit under the resources; isn't that part of the criteria?
- A. It is. Are you talking about the criteria?

TREASURER BRIXIE: Yes.

ATTORNEY: Section 86-126, Public facilities, public safety

Continued Board member discussion:

- Request for staff to work with the attorney about the legality of placing a condition that the applicant provide ambulance services
- Board request for staff to provide a motion to affirm the decision of the Planning Commission
- Concern with appropriateness of staff providing motions for both affirmation and reversal given that five (5) Board members have voiced support for affirming the Planning Commission decision to deny
- Board member request for staff to provide a copy of the confidential legal opinion in the next Board packet

The consensus of the Board was to place this item on for action at the May 18, 2010 Board meeting.

- C. Special Use Permit #10-88231 (Diocese of Lansing), a request to modify conditions of the original Special Use Permit to allow another user to connect to the Sanitary Sewer Force Main serving St. Martha Catholic Church at 1196 Grand River Avenue

Appropriateness of discussing the modification to the special use permit: (See Agenda Item #8 (Questions for the Attorney))

- Q. Andria, I'm not sure that this is appropriate to even go this far. Do we need to make that also a separate decision if the Board is feeling the special use permit is....if the Board were to affirm the Planning Commission denial? Is it even pertinent that we go this far?
- A. I think you should have the discussion today.

Board members discussed the following:

- Rationale for conditioning the original special use permit to not allow additional hook-ups
- Recollection the then sitting Board struggled with how to supply water and sewer to St. Martha Parish
- Decision was tied to providing fire protection for the church at that time
- Existing policy at that time was to prevent sprawl and the only way to do that knowing the history of the Township was to place the condition on the force main for the church
- Condition was the means by which the Township Attorney advised the Board, at that time, to legally prevent extra development
- Previous comments regarding the ability of the hand of a previous administration to "claw" forward into a current administration

Authority to change conditions of existing special use permits: (See Agenda Item #8 (Questions for the Attorney))

- Q. Who has the authority to make the decisions on these special use permits? Do we have the authority to make this decision and change this condition?

- A. Yes, the state statute and your ordinance is clear. It says in Section 86-127 on Conditions: “Any condition imposed upon a special use permit shall be part of the record and remain unchanged, unaltered, and not expanded upon except with the mutual consent of the township and the landowner.” That is also what the state statute says.

Board member discussion:

- Belief the Township has never imposed a maintenance charge for the force main at St. Martha Church
- Request to modify the special use permit for St. Martha Parish goes to the heart of the issue whether the proposed development should be allowed
- No compelling reason to modify the conditions of the special use permit
- Direction by the Supervisor for staff to prepare a motion denying the request to modify conditions of this special use permit

The consensus of the Board was to place this item on for action at the May 18, 2010 Board meeting.

- D. Medical Marijuana

It was the consensus of the Board that, due to the lateness of the hour, discussion will be delayed until the May 18, 2010 Board meeting.

- E. Ballot Issues

Clerk Helmbrecht summarized her memorandum regarding the deadline for August Primary Election Ballot issue submission dated April 30, 2010.

Board members discussed the following:

- Deadline for November General Election Ballot issues is in July
- Request for financial information in the next Board packet to discuss and determine possible ballot issues i.e., a Headlee override
- Request for the following information to be provided: Given the eight percent (8%) residential decline in taxable value, how much of a Headlee override could be enacted and still have the average residential taxes not rise
- Best time to place a Headlee override on the ballot

It was the consensus of the Board to place this item on for action at the May 18, 2010 Board Meeting.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Michael Leon expressed appreciation to the Board for taking the time to understand the issues related to Special Use Permit #09101.

Supervisor McGillicuddy closed Public Remarks.

13. FINAL BOARD MEMBER COMMENT

Supervisor McGillicuddy announced the possibility of a closed session prior to the May 18, 2010 Board Meeting.

14. ADJOURNMENT

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

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT, CMC
TOWNSHIP CLERK

Sandra K. Otto, Secretary