

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, SEPTEMBER 7, 2010 **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Treasurer Brixie, Trustees Dreyfus, LeGoff, Ochberg,
Veenstra
ABSENT: Clerk Helmbrecht
STAFF: Director of Community Planning & Development Mark Kieselbach, Director of
Engineering & Public Works Ray Severy, Police Chief Dave Hall, EMS/Fire Chief Fred
Cowper, Assistant Manager/Human Resources Director Paul Brake

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.

Virginia White, 1641 Birchwood Drive, Okemos, spoke in support of September 17-23, 2010 as Constitution Week.

Paul Joseph, 2833 Linn Road, Williamston, announced himself as a candidate for 55th District Court Judge in the November 2, 2010 General Election. He outlined his three-point plan to halt the court's deficit spending.

Billie Jo O'Berry, 1195 Clayton Court, Mason expressed appreciation for votes cast on her behalf in the August 3rd Primary for the open seat on the 30th Circuit Court. She announced her name will also be on the November 2nd ballot for this open seat.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Supervisor McGillicuddy reported the CATA Steering Committee for the Transportation Study met last week and decided to host plan presentations around the greater region beginning October 18, 2010.

Treasurer Brixie reminded Meridian Township property owners the deadline for summer tax payments is September 14, 2010 by 5:00 P.M. She stated payments may now be made in person at the Treasurer's office or placed in the white drop box located in front of the Municipal Building.

Trustee Dreyfus announced the Meridian Time Bank foundation meeting will be held on September 15, 2010 at the Meridian Activity Center, located at 4675 Okemos Road from 7:00 PM until 9:00 P.M. He offered a brief explanation on how the time bank will operate and noted more information can be obtained by sending an e-mail to meridiantimebank@gmail.com.

Assistant Manager/Human Resources Director Paul Brake reported the next issue of the Meridian Monitor will contain information on the two millages to be placed on the November 2nd ballot and free recycling services. He noted the Monitor will be distributed the latter part of September, 2010. Assistant Manager Brake also indicated the Downtown Okemos LED streetlight project will commence within the next few weeks. He announced David Lee as the new Assessor for both Meridian Township and the City of East Lansing.

6. APPROVAL OF AGENDA

Without objection, Supervisor McGillicuddy appointed Trustee Ochberg as Clerk Pro Tem.

Treasurer Brixie moved to approve the agenda amended as follows:

- **Add Action Item #10E:Resolution Declaring September 17-23, 2010 as Constitution Week**

Seconded by Trustee Ochberg.

VOICE VOTE: Motion carried 6-0.

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, Treasurer Brixie

NAYS: None

Motion carried 6-0.

The adopted Consent Agenda items are as follows:

A. Communications

(1). Board Information (BI)

BI-1 Kris Longnecker, 5387 Wild Oak, East Lansing; RE: Opposition to a dog park in Legg Park

(2) Staff Communications (SC)

SC-1 Director of Community Planning & Development Mark Kieselbach; RE: Notification that Commission Review #10103 (Howe Property), a Section 61 Review of a Land Preservation purchase of 8.1 acres located on the south side of Grand River Avenue east of Meridian Road North and bordered by the Red Cedar River, was approved by the Planning Commission at its August 23, 2010 meeting

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, Treasurer Brixie

NAYS: None

Motion carried 6-0.

B. Minutes

Treasurer Brixie moved to approve and ratify the minutes of the August 17, 2010 Regular Meeting as submitted. Seconded by Trustee LeGoff.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
 McGillicuddy, Treasurer Brixie
 NAYS: None
 Motion carried 6-0.

C. Bills

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

| | |
|--------------------------|--------------------------|
| Common Cash | \$ 415,540.90 |
| Public Works | \$ 385,975.61 |
| Total Checks | \$ 801,516.51 |
| Credit Card Transactions | \$ 12,722.38 |
| Total Purchases | <u>\$ 814,238.89</u> |
| ACH Payments | <u>\$ 858,786.30</u> |

Seconded by Trustee LeGoff.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
 McGillicuddy, Treasurer Brixie
 NAYS: None
 Motion carried 6-0.

[Bill list in Official Minute Book]

D. Assessing Stipulation

Treasurer Brixie moved that the Township Assessor be authorized to sign a stipulation with Daniel L. and Elizabeth Putman on the following property:

| <u>YEAR</u> | <u>DOCKET NO.</u> | <u>ADDRESS OF PROPERTY</u> |
|----------------------------|-------------------|----------------------------------|
| 2009 | 0364883 | 1311 Spicewood, Okemos, MI 48864 |
| 2010 | | |
| <u>Assessment</u> | 2009 | AV/TV \$178,000/178,000 |
| | 2010 | \$160,100/160,100 |
| <u>Proposed Assessment</u> | 2009 | AV/TV \$156,200/156,200 |
| | 2010 | \$145,400/145,400 |

Seconded by Trustee LeGoff.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
 McGillicuddy, Treasurer Brixie
 NAYS: None
 Motion carried 6-0.

E. Liquor License Transfer – Leo's Spirits and Grub

Treasurer Brixie moved to approve Leomay, Inc's. application to transfer ownership of a 2010 Resort Class C licensed business issued under MCL 436.1531(2) (original 550 resort, not issued at its original location, must have minimum seating for 100 and meet food requirements), with dance-entertainment permit, from Fast Casual, LLC to Leomay, Inc. ,

located at 2085 W. Grand River, Okemos, MI 48864, Meridian Township, Ingham County and further, 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, Treasurer Brixie

NAYS: None

Motion carried 6-0.

- F. Request for Extended Work Hours, Force Main Construction
Treasurer Brixie moved to waive the requirements of Section 50-84(4) of the Code of Ordinances to allow construction activities from 7:00 pm to 9:00 pm as necessary during September and October, 2010 for construction of the sanitary sewage force main from the Service Center to Small Acres Lane. No construction activities shall take place on Sundays. Seconded by Trustee LeGoff.

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

NAYS: None

Motion carried 6-0.

- G. Resolution of Support for Harris Nature Center Foundation Grant Applications
Treasurer Brixie moved to approve the "Resolution to Support the Harris Nature Center Foundation Funding Request. Seconded by Trustee LeGoff.

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

NAYS: None

Motion carried 6-0.

8. QUESTIONS FOR THE ATTORNEY (None)

9. HEARINGS

- A. Wetland Use Permit #10-06-02, Georgetown
Supervisor McGillicuddy opened the public hearing at 6:19 P.M.

Director Kieselbach summarized the re-approval of Wetland Use Permit #10-06-02 as outlined in staff memorandum dated September 3, 2010.

Mark Clouse, Chief Financial Officer and General Counsel, 4660 S. Hagadorn, Suite 660, East Lansing, noted there are no proposed changes from the originally approved wetland use permit. He stated there are 14 homes either constructed or under construction and requested the Board's assistance through the re-approval process to keep Georgetown moving forward.

Supervisor McGillicuddy closed the public hearing at 6:24 P.M.

- B. Appeal of Planning Commission Denial of Special Use Permit #10091 (All Shapes and Sizes, LLC), a request to operate a canine day care facility at 1640 Haslett Road

Supervisor McGillicuddy opened the public hearing at 6:24 P.M.

Director Kieselbach summarized the appeal of Special Use Permit #10091 as outlined in staff memorandum dated September 2, 2010.

APPELLANT'S REPRESENTATIVE

Joni Fixel, Fixel Law Offices, 4084 Okemos Road, Okemos, summarized the administrative procedures followed by the applicant. She indicated some Planning Commission members expressed concerns with health issues and she maintained those issues were based on fear, not

fact. Ms. Fixel reported that All Shapes and Sizes is an existing business within Meridian Township which wishes to expand. She noted doggie day care is not a new concept to the Township and that Planning Commissioners could have visited existing doggie day care facilities within the Township to allay health concerns.

Supervisor McGillicuddy closed the public hearing at 6:30 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

- A. Zoning Amendment #10060 (Planning Commission), a request to amend section 86-591 of Chapter 86 Zoning, Article V, Supplementary Regulations, of the Code of Ordinances to limit the height of parapet walls, **Introduction**

Treasurer Brixie moved [and read into the record] NOW THEREFORE BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION Ordinance No. _____, entitled “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 86, Article V, Section 86-591, by amending Section 591(3) and by adding Section 86-591(4).”

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 Trustee Ochberg.

Board members discussed the following:

- Amendment will provide clarity to the ordinance
- Existing buildings will be grandfathered in

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

NAYS: None

Motion carried 6-0.

- B. Ordinance to Regulate Utility Structures, **Introduction**

Trustee Ochberg moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, hereby INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION Ordinance No. _____, entitled “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 78, by adding Article IV, Utility Structures.”

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 Treasurer Brixie.

Terry Mulvihill AT&T, 221 N. Washington Square, Lansing, expressed concern with several provisions contained in the draft ordinance.

Al Dionise, Area Engineering Manager, AT&T, expressed concern that required professional engineering drawings will be costly and cause significant time delays. He noted that placing structures within existing easements would require permission from the property owners where, in the past, AT&T has purchased the easements. He requested AT&T be allowed to discuss the proposed ordinance with township officials prior to Board action on this issue.

Board members and staff discussed the following:

- Staff recommendation indicated that affected property owners should be notified
- Staff researched other communities' ordinances around the state
- Staff concerns that prior drawings did not accurately reflect the project as it was constructed
- No change in the permit fee
- Current placement of utility boxes affect property values when the owner attempts to sell the home
- Notice to the property owner of the utility box location is important
- Concern with height and bulk of a utility structure which obstructs the sight triangle
- Construction drawings must match what is ultimately constructed
- Staff discussed the concept of regulating utility structures with the neighborhood association group
- Numerous complaints from residents and homeowners regarding utility box locations
- Concern with sight distance for pedestrians and bicyclists on pathways
- Suggestion for staff to meet with utility providers to work out specific language for final adoption
- Inclusion of emergency access language in order to service the community
- Staff to review Consumer Energy concern with ground-mounted utility structures (that have a footprint exceeding two square feet) being required to be installed on a concrete pad
- Concern with ten day requirement for filing an appeal
- Include language for non-emergency repair access

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Supervisor McGillicuddy,
Treasurer Brixie
NAYS: Trustee Veenstra
Motion carried 5-1.

- C. Amendments to the Code or Ordinance, False Alarm Fees, **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 that the Township Board hereby INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION Ordinance No. _____, entitled "Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 18, Articles I and II by Amending Sections 18-1 and 18-15."

BE IT FURTHER RESOLVED that the Clerk of the Charter Township of Meridian is directed to publish the Ordinance at least once prior to the next regular meeting of the Township Board. Seconded by Treasurer Brixie.

Board members discussed the following:

- Update of the ordinance needed to collect unpaid false alarm fees
- False alarm fees included in the 2011 budget
- False alarm fee structure
- First false alarm receives a warning
- Numerous repeat offenders

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Treasurer Brixie
NAYS: None
Motion carried 6-0.

D. S.A.F.E.R. Fire Grant Application

Trustee Ochberg moved to authorize the Fire Department to apply for a Staffing for Adequate Fire and Emergency Response (S.A.F.E.R.) Grant, in the amount of \$268,000, through the Department of Homeland Security for two (2) firefighter/paramedics. Seconded by Trustee Veenstra.

Board members discussed the following:

- More firefighters/paramedics needed due to attrition and safety
- Requirement of the grant requires the Township to pay the third year costs of \$180,000
- Anticipated retirements in 2013 when the Township will be required to fund the two positions
- Qualifications of the grant are met if the Township “moves” positions around
- Grant to be awarded between May and September, 2011
- Federal government looks at priorities; first it looks to hire firefighters who have been laid off and secondly to hire firefighters for positions which are vacant due to retirement
- Township has the ability to choose not to accept the grant
- Headlee override ballot question will be decided by the time the grant is awarded
- Greater public concern there is sufficient EMS personnel to service the Township
- Township currently has three (3) vacant firefighter/paramedic positions

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

NAYS: None

Motion carried 6-0.

E. Resolution Declaring the week of September 17-23, 2010 as Constitution Week

Trustee Veenstra moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, hereby declares the week of September 17-23, 2010 as Constitution Week and urges all citizens to rededicate themselves to our country, to the support and defense of our Constitution and to a greater involvement in responsible citizenship. Seconded by Treasurer Brixie.

Board members discussed the following:

- Importance of studying the Constitution and its amendments
- Immigrants must learn about the Constitution in order to become an American citizen
- Much of the form of the US Constitution was taken from the Constitution for the Commonwealth of Massachusetts written by John Adams

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

NAYS: None

Motion carried 6-0.

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

A. Wetland Use Permit #10-06-02, Georgetown

Board members discussed the following:

- No significant land changes since the original wetland use permit approval

It was the consensus of the Board to place this item on for action at the September 21, 2010 Board meeting.

B. Renewal of Final Preliminary Plat #050112, Georgetown

Board members, staff and the applicant discussed the following:

- Renewal is for the remaining 77 lots which have not yet been constructed

- Request to require the applicant to build the pathways noted in conditions 11 and 12
- North and south pathway was not on the Master Plan when the final preliminary plat was originally approved in 2006
- First extension in 2008 kept the conditions as originally approved
- Director of PW & Engineering preference to have the applicant build a seven (7) foot pathway from east to west on this property along the Foster Drain and build five (5) foot pathways in the remaining undeveloped section
- First two sections of the subdivision have already been built and the sidewalks have been constructed
- In the first two phases of the subdivision, all of the common areas or those open for greenspace have had sidewalks constructed as part of the original requirements, with the developer absorbing the costs
- Applicant agreed to provide easements to the Township at no cost in 2006
- Appreciation for the manner in which the applicant protected trees
- Eight(8) foot pathway noted in condition #10 is to connect two (2) section of the subdivision and will be paid for by the applicant
- Subdivision is turning out to be exactly as envisioned
- Placing new conditions on a renewal is unfair to the applicant as there are no changed land use conditions

It was the consensus of the Board to place this item on for action at the September 21, 2010 Board meeting.

- C. Appeal of Planning Commission Denial of Special Use Permit #10091 (All Shapes and Sizes, LLC), a request to operate a canine day care facility at 1640 Haslett Road

Board members and the applicant's representative discussed the following:

- Relocation and expansion of the existing facility
- Six-inch thick walls between office suites
- Space between the proposed doggie day care and the hair salon is the salon's utility room
- Procedurally, reversal of the Planning Commission's decision could be voted upon at the next regular Board meeting
- Only five (5) of the nine (9) Planning Commissioners were present when the vote was taken on this issue
- Several veterinary clinics in the Township board pets
- Concern the previous vote on this issue indicates Meridian Township is not business friendly
- Health concerns expressed by the Planning Commission could have been resolved by a call to the Ingham County Health Department
- Suggestion to reverse the Planning Commission decision tonight
- Suggestion to place this item on the Board's September 14th Budget Meeting agenda
- Concern with setting a precedent by voting on this issue at tonight's meeting
- Staff to visit the site with the applicant to ascertain sound issues and revisit the business once it opens
- Language, as currently written, would allow the applicant to begin operation and, if a sound problem surfaces, the applicant would need to address it
- Kennels are not allowed in this district
- Suggestion to allow overnight boarding of dogs
- Applicant has no intention to provide overnight boarding
- Concern with public perception generated by one Board member's comment that the Township is not business friendly

It was the consensus of the Board to place this item on for action at the September 21, 2010 Board meeting.

- D. Special Use Permit (SUP) #10101 (Rhodes), a request to construct an addition to a building greater than 25,000 square feet at 1839 Grand River Avenue
Director Kieselbach summarized the special use permit request as outlined in staff memorandum dated September 1, 2010.

Board members discussed the following:

- The special use permit request would enclose an existing patio for year-round use
- Applicant has already moved the frame back and installed a three-foot clear access in front of the building

It was the consensus of the Board to place this item on for action at the September 21, 2010 Board meeting.

- E. Mixed Use Planned Unit Development (MUPUD) Ordinance Amendments
Director Kieselbach gave an update on the proposed changes to date as outlined in staff memorandum dated September 2, 2010.

Board members and staff discussed the following:

- Set of criteria provided by staff would allow more dialogue between the Board and the applicant to ascertain the amenities
- Set of criteria provided by staff would help deemphasize the quantity and emphasize the quality and importance
- Approach presented in the current draft gives applicant the flexibility to do what they want while allowing the Board to help mold the development
- Need for a minimum number of required amenities
- Larger developments must have a larger number of amenities
- Staff did not make any changes to the point value system, but offered an alternative criteria method in this draft
- Subsequent Boards always have the option to amend the Township's ordinance
- Staff process to provide applicant with information in order for the project to support goals expressed in the MUPUD ordinance, Township Board policy manual, or Master Plan
- Suggestion to combine and categorize the new and old descriptions
- Suggestion for Board adoption of the expanded amenity chart listed in the August 12th staff memorandum with additional ranges for the larger structure sizes in 100,000 square foot increments
- Board member belief the proposed criteria precludes the chart contained in the August 12th staff memorandum
- The Board should utilize constructive criticism with applicants when engaged in dialogue to ascertain the amenities
- Criteria allows a legal basis for enforcement
- Necessity of clear communication at the beginning of the process in order for the applicant to understand specific requirements
- Board member request for staff to provide language protecting the residential component of a MUPUD project with a rail safety setback requirement of 175 feet
- Distinction between what materials are carried on railroad tracks and light rail along Grand River Avenue
- Underlying zoning for a MUPUD is commercial and office with different setbacks from residential
- Need for language indicating amenities must be provided without quantification
- Previous experience with setting a specific number of amenities
- Suggestion to provide developers with an information package that clearly delineates the intent of the Board
- Suggestion for the concept plan to be part of the Board's initial discussion with the developer
- Practicality of requiring a developer to build a MUPUD project in its entirety
- Requiring a developer to build a MUPUD in its entirety would preclude construction of MUPUD's in Meridian Township
- Possible use of a "site plan enforcement agreement"
- Township leverage through requiring the developer to provide a performance bond for multi-use zoning
- Sidewalks, SUP and variance processes currently provide for a performance bond
- Concern that requiring a performance bond may look like the Township is "punishing" the developer
- Request for staff to provide a history of previous performance bond costs

- Board option to approve or deny a request from the developer to change a previously approved MUPUD project
- Ultimate protection for the Board in proposed changes by the developer is the underlying zoning of a site

It was the consensus of the Board to have staff bring back amendments suggested by the Board in their entirety for the September 21, 2010 Board meeting.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened and closed Public Remarks.

13. FINAL BOARD MEMBER COMMENT

Trustee Veenstra announced the proposed 2011 Budget is available to the public. He also announced a Special Board Budget Meeting on September 14, 2010 at 6:00 P.M. in the Town Hall Room. Trustee Veenstra expressed concern with personnel costs for the Downtown Development Authority (DDA) contained in the 2011 Budget.

Assistant Manager/Human Resources Director Brake explained the Board approved an amendment to the DDA construction budget for the LED Streetlight Project at its June 1, 2010 Board meeting.

In response to a Board member inquiry, Assistant Manager/Human Resources Director Brake stated the Budget Work Group report is available on the Township's website.

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 8:55P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

LYNN OCHBERG
CLERK PRO TEM

Sandra K. Otto, Secretary