

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, AUGUST 21, 2007, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such, Veenstra, Woiwode
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, Director of Parks & Recreation LuAnn Maisner, Information Technology Director Stephen Gebes, Attorney Andria Ditschman

1. CALL MEETING TO ORDER
Supervisor McGillicuddy called the meeting to order at 6:02 P.M.
2. PLEDGE OF ALLEGIANCE
Supervisor McGillicuddy led the Pledge of Allegiance.
 - A. Introduction of New Police Officer
Chief David Hall introduced Rebecca Payne for presentation to the Board as a new police officer.
3. ROLL CALL
Supervisor McGillicuddy called the roll of the Board.
4. PUBLIC REMARKS
Supervisor McGillicuddy opened Public Remarks.
John Peckham, President, CB Richard Ellis/Martin Property Development, 1111 Michigan Ave., # 201, East Lansing,, spoke in support of Zoning Amendment #07040, request to remove size limitations for all uses in the C-1 and C-2 Commercial Zoning Districts.

Supervisor McGillicuddy closed Public Remarks.
5. REPORTS/BOARD COMMENT/NEW WORRIES
 - A. State Representative Mark Meadows Healthy Communities Grant
State Representative Mark Meadows received a check from Blue Cross/Blue Shield of which he donated \$1,000 to Meridian Township's Walk Michigan Program and Healthy Snacks for Kids Program at the Snell Towar Recreation Center.
6. APPROVAL OF AGENDA — OR CHANGES
Trustee Brixie moved to approve the agenda as submitted. Seconded by Trustee Such.

VOICE VOTE: Motion carried unanimously.
7. CONSENT AGENDA
Supervisor McGillicuddy reviewed the consent agenda.

Trustee Such moved to adopt the Consent Agenda amended as follows:

- **Move Agenda Item #7L to Agenda Item #10B**
- **Move Agenda Item #7I to Agenda Item #10C**

Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
 Clerk Helmbrecht, Treasurer Hunting
 NAYS: Trustee Veenstra
 Motion carried 6-1.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Determination (BD)

BD 11C-1 Amy Wagenknecht, 6097 Partridge Street, Haslett; RE: Support for the third tier of the Lake Lansing Watershed Management SAD

(2). Board Information (BI)

BI-1 Randy Randhawa, 4612 Okemos Road, Okemos; RE: Zoning ordinance violation

(3) Regional Linkage (RL)

RL-1 John Midgley, Managing Director, Ingham County Road Commission, 301 Bush Street, Mason; RE: Retirement Announcement

(4). Staff Communication/Referral (SC)

SC-1 Copy of letter from Township Manager Richards to Mrs. Christine Beavers; RE: Code enforcement activities in the Wardcliff area

SC-2 Copy of letter from Township Manager Richards to John Midgley, Managing Director, Ingham County Road Commission; RE: Petition for abandonment of a portion of Towner Road

SC-3 Copy of letter from Township Manager Richards to John Midgley, Managing Director, Ingham County Road Commission; RE: Drainage improvements and paving of Tihart Road

SC-4 Michigan Townships Association Legislative E-Report, August 3, 2007 Edition

Trustee Such 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 Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
 Clerk Helmbrecht, Treasurer Hunting
 NAYS: Trustee Veenstra
 Motion carried 6-1.

B. Minutes

Trustee Such moved to approve and ratify the minutes of the August 7, 2007 Town Hall Meeting as submitted. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
 Clerk Helmbrecht, Treasurer Hunting
 NAYS: Trustee Veenstra
 Motion carried 6-1.

Trustee Such moved to approve and ratify the minutes of the August 7, 2007 Policy Governance Meeting as submitted. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
 Clerk Helmbrecht, Treasurer Hunting
 NAYS: Trustee Veenstra
 Motion carried 6-1.

C. Bills

Trustee Such moved that the Township Board approve the Manager's Bills as follows:

Common Cash	\$ 205,736.24
Public Works	\$ 179,808.73
Total Checks	\$ 385,544.73
Credit Card Transactions	\$ 14,934.43
Total Purchases	<u>\$ 400,479.40</u>
 ACH Payments	 <u>\$ 296,355.64</u>

Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
 Clerk Helmbrecht, Treasurer Hunting
 NAYS: Trustee Veenstra
 Motion carried 6-1.

[Bill list in Official Minute Book]

D. Budget Amendments

Trustee Such moved that the 2007 T.I.R.F. budget be amended to add \$550,000 to T.I.R.F. Account (#246-000.000-974.070) for construction of 350' of sanitary sewer, a lift station and force main to serve the Champion Woods property west of Hulett Road, and demolition of the existing lift station at Bennett Woods Elementary School, and \$40,000 to the Lake Lansing Watershed Management Account (#246-000.000-974.020) for the Lake Lansing Storm Water Treatment Project 2007. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
 Clerk Helmbrecht, Treasurer Hunting
 NAYS: Trustee Veenstra
 Motion carried 6-1.

E. Reappointment to CATA Board of Directors

Trustee Such moved that Patrick Cannon be reappointed to CATA for a three year term ending September 30, 2010. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
 Clerk Helmbrecht, Treasurer Hunting
 NAYS: Trustee Veenstra
 Motion carried 6-1.

F. Outdoor Gathering Permit, Heritage Festival

Trustee Such moved approval of the Outdoor Assembly License Permit for the Heritage Festival on October 6, 2007 in Central Park, Historical Village and Nokomis Learning Center areas as described in the memorandum dated August 17, 2007. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
 Clerk Helmbrecht, Treasurer Hunting
 NAYS: Trustee Veenstra
 Motion carried 6-1.

G. Disposal of Decommissioned Computer Equipment

Trustee Such moved that the Township Manager or his designated representative be

authorized to dispose of decommissioned computer equipment as outlined in a memorandum dated August 17, 2007. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: Trustee Veenstra
Motion carried 6-1.

- H. Abandonment of Towner Road, west of Saginaw/Business Loop I-69/M-78
Trustee Such moved that the Township Board ratify the letter sent by the Township Manager to the Ingham County Board of Road Commissioners indicating no opposition to the abandonment petition of Gilbert White for the portion of Towner Road between Business Loop 69 (Saginaw Street) and Newton Road. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: Trustee Veenstra
Motion carried 6-1.

- J. Ember Oaks Plat and Wetland Use Permit Extensions Request
Trustee Such moved approval of the resolution which extends preliminary plat (PP #00012) approval and wetland use permit (WUP#04-03 and WUP #06-04-03) approvals for Ember Oaks to November 19, 2009. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: Trustee Veenstra
Motion carried 6-1.

- K. Whitehills Lakes #8 Plat and Wetland Use Permit Extensions Request
Trustee Such moved approval of the resolution which extends tentative preliminary plat (TPP #06032) approval and wetland use permit (WUP#06-09 and WUP #07-06-06-09) approvals for Whitehills Lakes #8 to November 19, 2009. Seconded by Trustee Brixie.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting
NAYS: Trustee Veenstra
Motion carried 6-1.

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item # 10C, #11C, #11H)

9. HEARINGS

- A. Wetland Use Permit #07-03 (Giguere), Sanctuary #2
Supervisor McGillicuddy opened the public hearing at 6:20 P.M.
Director Kieselbach summarized the wetland use permit request as outlined in staff memorandum dated August 17, 2007.

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

- B. Whitehills Lakes South #1 Streetlighting SAD
Supervisor McGillicuddy opened the public hearing at 6:25 P.M.
Director Severy summarized the proposed streetlighting special assessment district as outlined in staff memorandum dated August 13, 2007.

Supervisor McGillicuddy closed the public hearing at 6:26 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

John Anderson, 215 W. Newman Road, Okemos, stated he believed the millage for local street maintenance and preservation will be defeated by the voters.

Supervisor McGillicuddy closed public comment.

- A. Resolution for Local Street Maintenance and Preservation Millage Ballot
 Manager Richards summarized the proposed road millage language as outlined in staff memorandum dated August 21, 2007.

Trustee Such moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED that the Charter Township of Meridian, Ingham County, approves the following millage ballot question language, subject to the final approval of the Township Attorney, and directs the Clerk to submit it to be placed on the November 6, 2007 election ballot:

LOCAL STREET MAINTENANCE MILLAGE PROPOSITION

Shall there be an increase of 0.45 mills (\$0.45 on each \$1,000 of taxable value) in excess of the limitation on the amount of taxes that may be assessed on all property in the Charter Township of Meridian, Ingham County, Michigan levied for a period of eight (8) years, 2007 through 2014 inclusive, for the preservation, maintenance and resurfacing of local streets within the Township, raising an estimated \$758,700 in the first year the millage is levied, to be disbursed to the governing road agency?

YES _____ NO _____

Seconded by Trustee Woiwode.

Board members discussed the following:

- Roads should be paved with gas tax increase which requires legislative action
- Unlikelihood of legislative action to increase the gas tax within the near future
- Possibility of Meridian Township becoming a city would provide for an additional \$1 million in street maintenance money
- Need for Meridian Township to take care of its own infrastructure
- Township option to discontinue levying the tax for road repair in the event there is legislative action to provide adequate funding to the county for road repair
- Status quo of road funding dependent on County Road Commission money is no longer an option

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting

NAYS: Trustee Veenstra

Motion carried 6-1.

- B. Soil Erosion and Sedimentation Control Permitting Application to the MDEQ
 Manager Richards summarized the permitting application and process as outlined in staff memorandum dated August 14, 2007.

Trustee Brixie moved to authorize the Township Manager to submit a draft ordinance and draft procedures to the Michigan Department of Environmental Quality for their review and approval authorizing Meridian Charter Township to become a Municipal Enforcing Agency for enforcement of Part 91, Soil Erosion and Sedimentation Control, of the Natural Resources and Environmental Protection Act 1994 PA 451, as amended. Seconded by Trustee Such.

Board members discussed the following:

- Passage would reduce the number of “stops” in the approval process
- Lack of rationale for writing the ordinance before in-depth Board discussion on the issue

- Assertion that two-thirds of all nonpoint source pollution comes from soil erosion on construction sites
- Belief this is a policy issue, not an administrative one

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Supervisor McGillicuddy, Treasurer Hunting
 NAYS: Trustee Veenstra, Woiwode, Clerk Helmbrecht
 Motion carried 4-3.

C. Sierra Ridge Preliminary Plat Extension Request

Landlocked property: (See Agenda Item #8 (Questions for the Attorney))

Q. Andria, what would you advise in this? We have several, I would call them almost threatening or posturing, letters from the Eyde Development Company regarding their property that is adjacent to this property. I know there is one street already connecting to their property and I believe the Road Commission did not give them a permit to cross the drain, if I recall in reading the Road Commission's minutes, to access the rest of their property. Would this be an appropriate action for us to put something, as Trustee Brixie suggested, in here? Do we need to be concerned about these letters on a road access that the Ingham County Road Commission did not require? I feel like it is putting us in an odd position.

A. I have read the letters from the Eyde Company and also talked to staff about how these subdivisions or proposed subdivisions are set up. The concern here is that under the Land Division Act the Board is precluded from approving a plat that either does not have suitable access for the plat itself or somehow does not allow suitable access for property in the vicinity of the plat. If approving the plat somehow means that you are "landlocking" a piece of property, that may be a problem, and the Board is not supposed to move forward with that.

I first want to say that those requirements do not come into play until final plat approval; this is not final plat approval. So, I think what Trustee Brixie is talking about is perhaps putting something in place so that you don't get to final plat approval and then have that issue arise. Perhaps no other access becomes available through other routes around this property, you get to final plat approval; there's no other access allowed to this property (not Sierra Ridge, but the other property in question), and then you are left with all of this activity that has gone on for Sierra Ridge and now we can't do final approval. I think, at this point, asking to have it come back to assess it again is a good idea. You can decide, further down the road, if access is going to be an issue.

There isn't a way to answer the question of access right now. Case law and the state act require suitable access and you can't answer that right now. You don't have to answer that right now; you answer that at final plat approval. If you want to have another chance at looking at that before you get into a position of not being able to control the situation, this may be a good way to go about that.

Q. Does all of this not matter? How much should it matter whether or not Mr. Fedewa is in agreement? It is his plat and his property, and he has a cul-de-sac on the northern end of his property. As I recall when we walked the property a long while ago, those are probably the most highly valued lots in his subdivision because of the amount of trees. They are very beautiful treed lots which I can understand why he would want to keep. Should that come into consideration for us? Or, does it make a difference?

A. The Board's responsibility in the end at the final level is to not approve a plat that will limit off suitable access. If those are the best places for him to put his lots, but it doesn't allow suitable access and you landlock, you have a problem. I think you need to take everything into consideration, but the fact that there may be some prime lots there cannot override the Board's obligation to follow state law.

Trustee Brixie moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby grants the extension of Preliminary Plat #03012, Sierra Ridge Estates, for a period of two years, from July 1, 2007 to July 1, 2009, with the following conditions:

1. **Prior to the construction of the proposed Modesto Drive, the eastern cul-de-sac, the Township Board shall determine if a street connection should be provided to the property east of the plat.**
2. **All previous conditions placed on the preliminary plat approval shall remain in effect.**

Seconded by Trustee Such.

Suitable road access: (See Agenda Item #8 (Questions for the Attorney))

Q. Has something changed in the statute since this was approved? Has there been a change in the statute?

A. I can't answer that question. I know that requirement has been there for some time. I don't think it's changed recently. That requirement was in a case that was looked at in 1992 involving Meridian Township, so that requirement has been there for some time.

Board members and staff discussed the following:

- Discussion of a definition of "suitable access"
- Need to look at bigger issue of this property's surroundings as there are wetlands nearby
- Urge the two parties to resolve this issue as the logical place for the connection to occur have important ecological attributes

Timeline for construction within the approval process: (See Agenda Item #8 (Questions for the Attorney))

Q. In the first condition, should it say "prior to the approval of the final plat and the construction of"? Can we have approval of the plat without....?

A. I believe construction begins before final approval.

Continued Board discussion:

- Granting preliminary plat allows the developer to construct the subdivision prior to final plat approval
- Inconsistencies within the resolution
- Developer is using phased approach and may request an amendment to change the design

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Hunting

NAYS: None

Motion carried unanimously.

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Joe Sheahan, Chair, Lake Lansing Property Owners Association Special Assessment District Advisory Committee, 6150 Columbia, Haslett; spoke in support of the Lake Lansing Watershed Management SAD.

Pam Tying, Progressing AE, 1811 4 Mile Road, NE, Grand Rapids, stated her firm has been collecting water quality samples from Lake Lansing since the late 1990's. The samples allow the firm to collect information on the physical, chemical and biological characteristics of the lake. Ms. Tying indicated the current phosphorus levels of the lake (approx. 20 parts/billion) indicate rooted plant and algae growth and continued input of phosphorus into the lake would exacerbate nuisance plant growth. She also indicated water clarity of Lake Lansing is at a borderline level.

Robert Hollenshead, President, Lake Lansing Property Owners Association, 6068 Columbia Street, Haslett, spoke in support of the Lake Lansing Access Ordinance. He also stated many lots on Lake Lansing are narrower than the allowed zoning and the overlay district would greatly simplify the process for improvements. Mr. Hollenshead noted his reservation with the maximum lot coverage component of the proposal. He believed the real concern was stormwater runoff.

Lily Gee, 6068 Columbia, Haslett, spoke in support of the lake access ordinance. She also expressed concern with the Lake Lansing Overlay District draft relative to the lack of an exception regarding front yards for properties recorded prior to October 5, 1960.

Tim McCarthy, 6076 Columbia, Haslett, spoke in support of the Lake Lansing Watershed Management SAD, the Lake Lansing Overlay District and the Lake Access Ordinance.

Marvin Johansen, 6236 W. Reynolds, Haslett, spoke in support of reauthorization of the Lake Lansing Watershed Management SAD and the concept of the Lake Lansing Overlay District. He also spoke in support of the proposed Lake Access Ordinance.

John Anderson, 215 W. Newman, Okemos, spoke in opposition to Zoning Amendment #07040, a request to remove size limitations for all uses in the C-1 and C-2 districts.

John Warbach, 6070 Columbia Street, Haslett, spoke in support of the Lake Lansing Overlay District.

Supervisor McGillicuddy closed public comment.

A. Wetland Use Permit #07-03 (Giguere), Sanctuary #2

Board members discussed the following:

- Need for removal of old refuse piles
- Accurate depiction of the wetland boundaries
- Redesign by the applicant based on the Township's wetland consultant's comments
- Maximum tree preservation

It was the consensus of the Board to place this item on for consent at the September 4, 2007 Board Meeting.

B. Whitehills Lakes South #1 Street Lighting SAD

It was the consensus of the Board to place this item on for consent at the September 4, 2007 Board Meeting.

D. Zoning Amendment #07030 (Planning Commission), request to amend Sections 86-128(c) and 86-158(b) to extend the expiration dates for Special Use Permits and Site Plan Reviews from 12 to 24 months

Director Kieselbach summarized the zoning amendment as outlined in staff memorandum dated July 12, 2007.

It was the consensus of the Board to place this item on for action at the September 4, 2007 Board Meeting.

E. Zoning Amendment #07040 (Township Board), request to remove size limitations for all uses in the C-1 and C-2 Commercial Zoning Districts

Director Kieselbach summarized the zoning amendment as outlined in staff memorandum dated July 12, 2007.

Board members discussed the following:

- Enactment of this zoning amendment will solve a current problem for many businesses
- Suggestion to maintain size of 6,000 square feet of use in C-1 and 12,000 square feet of use in C-2
- Move child and day care center into a category permitted by right

It was the consensus of the Board to place this item on for action at the September 4, 2007 Board Meeting.

F. Car Dealerships in C-2 (Commercial)

Director Kieselbach summarized the proposed use of automobile dealerships in the C-2 district as outlined in staff memorandum dated August 16, 2007.

Board members discussed the following:

- Support for staff to prepare a draft zoning amendment to add car dealerships to the C-2 district
- Property on Jolly Road, east of Okemos Road, was forced into non-compliance when the property was rezoned to C-2
- New car dealership franchises require a large financial investment vs. used car lots
- Auto dealership on Jolly Road currently owns eight (8) acres of land

It was the consensus of the Board to place this item on for action at the September 4, 2007 Board Meeting.

C. Lake Lansing Watershed Management SAD

[Trustee Such left the room at 8:00 P.M.]

Board members and staff discussed the following:

- Benefit is the proximity to the lake
- Tier 1, 2 and 3 assessment district has no correlation with the watershed
- Lack of visible benefit to the third tier
- Education to residents who live within the watershed regarding effects of phosphorus fertilizer on the lake
- Phase II Stormwater regulations will contain an ordinance which restricts the use of phosphorus fertilizer
- Enforcement of a phosphorus free code of ordinances
- Lawn care companies in favor of using phosphorus free fertilizer
- Possible discussion regarding increase in boat launch fees by Ingham County to raise additional money
- Importance of locating orphan drains to control pollution into the lake
- Due to age of parcels, proposed treatment of the orphan drains will not identify the source, but will address and treat the problem
- Current water quality monitoring does not detect trends in water quality
- Determination of a trend in either the increase/decrease in water quality would necessitate additional costs for the analysis
- Beach closings several years ago due to fecal coliform were prior to establishment of the special assessment district
- Geographic link to the lake does not provide a rational basis for the assessment
- Lack of support for funding through creation of a third tier
- Possible use of contribution from Ingham County, MSU and the Township to offset the assessment only for Tier 3
- Use of other contributions for Tier 3 only would lower its assessment to \$10.75
- Current Lake Lansing Watershed Management SAD ends this year and a public hearing needs to be held on this issue
- Computation of funds received from the proposed Tier 3
- Exploration of removal of exemption from Tier 1 and 2 vacant lots or lots with only garages
- Possibility of basing the assessment on the value of the property

Basis for inclusion in the special assessment district: (See Agenda Item #8 (Questions for the Attorney))

Q. Is the benefit to the land and the property or to the owner of the property?

A. The benefit is the increase in market value of the property itself. That is the only benefit. There's two things we're talking about. One is how many people are giving to this improvement and how many people are somehow "feeling" the improvement or adding to the water. That is one area, but that has nothing to do with the special assessment. The special assessment district is only those that somehow have an increase in value of their property.

Q. So even though there is nothing or only a garage, the same increase in value is true for this piece of property that's true for this piece of property with a house on it.

A. I'm not clear why there would be exemptions if you have two separate properties with separate tax I.D.'s. Again, I would want to look at that, too, as I'm not sure why you would be

exempting them.

You do not have to assess equal to the benefit, but you cannot assess greater than the increase in the value. You can assess \$20 even though the value may have gone up \$200. You can assess that equally, even though one property is worth more than another on a special assessment. You come up with your own formula as to how you are going to spread it out, but coming up with the district itself is based on whether there is an increase in the value of the property.

The consensus of the Board was to place this item on for further discussion at the September 4, 2007 Board Meeting.

[Trustee Such reentered the room at 8:50 P.M.]

[Supervisor McGillicuddy recessed the meeting at 8:50 P.M.]

[Supervisor McGillicuddy reconvened the meeting at 9:04 P.M.]

G. Lake Lansing Overlay District

Director Kieselbach summarized the proposed Lake Lansing Overlay Zoning District as outlined in staff memorandum dated August 17, 2007.

Board members and staff discussed the following:

- Elimination of a cottage line
- Establishment of a setback from the shoreline
- Township enforcement of stormwater runoff filtration for new construction
- Lot coverage requirement outside of the district is 35% for buildings and accessory buildings
- 35% of the front yard can be covered with driveway
- Language in revision regarding vegetated area which may include a grass lawn fertilized with non-phosphorus material
- Staff consideration of performance standards
- Five foot side yard setback recommendation from the Fire Department
- Need for fire retardant building materials to prevent fire(s) from house “jumping”

The consensus of the Board was to place this item on for action at the September 4, 2007 Board Meeting.

H. Lake Access Ordinance

Director Kieselbach summarized the lake access amendment as outlined in staff memorandum dated August 17, 2007.

Zoning ordinance versus non-zoning ordinance for lake access: (See Agenda Item #8 (Questions for the Attorney))

Q. Andria, can you comment toward that, the merits of it being a zoning ordinance versus a non-zoning ordinance?

A. You have a little more control, I think, as far as regulating it under the zoning ordinance provisions. My understanding, and I can do some more research, is the cases that are out there mostly relate to zoning ordinances that have been upheld. Almost all the examples that we've found are zoning ordinance examples, not police power regulatory enforcement on lake access. So, based on what's been tested in the past, we know zoning ordinances work based on the zoning authority, the state act. But, we can look to see if there are other examples. You could pass it more quickly if it was non-zoning; you wouldn't have to grandfather if it was non-zoning.

There is one other issue with the zoning ordinance. The state zoning act has changed in the last year regarding non-conforming uses. It has not been tested yet; it seems to allow broader powers to the Board regarding non-conforming uses, but that's a whole other area. That's in a nutshell the comparison between the two.

Board members and staff discussed the following:

- Desire to leave as a zoning ordinance

- Need for grandfathering
- Intent to prevent keyhole development on Lake Lansing
- Current ordinance requires a SUP for a private marina
- Inclusion of an effective date for the ordinance
- Other zoning ordinances currently contain provisions for date specific exemptions
- Time limitation on non-conformity
- Identification of lake access easements for other users
- Effect of this ordinance on undeveloped sites
- List of non-conforming lots to assess the impact being created
- Prevalent problem of a single user mooring a boat at road ends needs to be addressed
- Solicitation of comments on the draft by the Lake Lansing Property Owners Association
- Identification of road ends around Lake Lansing

ATTORNEY COMMENT: The way I'm reading this is under (a), the third paragraph, that's the grandfathering paragraph, correct? That grandfathers in recorded lots, parcels, sites and easements held in common by subdivisions, condos, etc. I don't think it talks about somebody mooring a boat on what is not a shared access. So, I don't think it is grandfathered.

- Q. Would it be possible to pre-date the effective date of the ordinance to prevent people from taking action now, prior to passage of the ordinance, which we would have to honor as a nonconforming use after we passed the ordinance?
- A. My understanding is that if it's a zoning ordinance, anything that's already in place at the date the ordinance is effective would be grandfathered in. You can get rid of those more quickly. I'm not aware of a way unless Mark has something he can add to that so that you can say that you can stop them as of today forward. You could say you have only so many days to come into compliance under the zoning ordinance. That would be a new step under the new zoning ordinance; it's something that has not been tested yet.

I'm not aware of a way to say that as of the day we started talking about this, anything from that point on has to be in compliance with the zoning ordinance. It's not been tested; it's questionable, but under the new Zoning Enabling Act, it seems to lend itself to say that if you change the words from shall to may, which seems to infer that you have more authority as to how long you will allow a non-conforming use and how you will get rid of them.

The consensus of the Board was to place this item on for action at the September 4, 2007 Board Meeting.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Chris Barnett, 6056 Columbia Street, Haslett, voiced concern with existing uses of road ends to moor boats and build docks.

Lilly Gee, 6068 Columbia, Haslett, expressed disappointment regarding lack of support by the Board for the addition of a Tier 3 for the Lake Lansing Watershed Management SAD (LLWMSAD).

Robert Hollenshead, 6068 Columbia, Haslett, expressed appreciation for Board consideration of Lake Lansing issues. He believed the proposed Tier 3 properties definitely receive a benefit and urged the Board to move ahead with the LLWMSAD. He also urged the Board to move ahead with the "keyhole" issue.

Supervisor McGillicuddy closed Public Remarks.

13. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:50 P.M.

SUSAN MCGILlicUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT, CMC
TOWNSHIP CLERK

Sandra K. Otto, Secretary