

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, OCTOBER 2, 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, EMS/Fire Chief Fred Cowper, Assistant Manager/Personnel Director Paul Brake, Director of Finance Diana Hasse, Attorney Andria Ditschman

1. CALL MEETING TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Supervisor McGillicuddy led the Pledge of Allegiance.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Marvin Dunn, Tri-County Office on Aging Meals on Wheels Program, 5303 South Cedar Street, Lansing, offered statistics on the vulnerable portion of citizens which they serve in Meridian Township. Due to budget constraints, he requested the Township assist with the \$56,000 shortfall by contributing \$3,700 to help meet the needs of the Township residents they serve.

Ann Alchin, 2227 Hamilton Road, Okemos, expressed concern with the Downtown Development Authority (DDA) Boundaries Amendment as proposed and requested a specific dollar amount of tax diverted funds which will be given to the DDA.

Susan Bickert, 2291 Hamilton Road, Okemos, spoke in opposition to the Downtown Development Authority Boundaries Amendment.

Judy Kindel, 2915 Margate Lane, East Lansing, encouraged the Board to make energy efficiency a priority in 2008 by development and implementation of a Climate Action Plan.

Allen Russell, 1690 Mack Avenue, Haslett, spoke in support of Rezoning #07060 (DTN Investment Co.). He iterated certain limitations have been voluntarily agreed to as a result of citizen input and concern.

Deborah Canja, 3920 Sheldrake Avenue, Okemos, requested support as a candidate in the upcoming November election for Lansing Community College's Board of Trustees.

Edward Woods, III, 6942 Abbey Lane, Grand Ledge, requested support as a candidate in the upcoming November election for Lansing Community College's Board of Trustees.

Judge Tom Boyd, 55th District Court, 700 Buhl Avenue, Mason, announced October as Domestic Violence Awareness Month, and noted the Court has committed to speeding up the process to address domestic assault cases.

Bruce Little, 5015 Meridian Road, Williamston, commended the Board for its deliberation of the Lake Lansing Watershed Management SAD and spoke in opposition to the local street maintenance millage.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Trustee Such requested the Township Manager prepare a recommendation on the request for increased funding of Meals on Wheels.

Clerk Helmbrecht noted the November 6th election will have 12 candidates for the Lansing Community College Board of Trustees positions, a CATA millage and the local street maintenance millage. She added absentee ballots will be mailed on October 9th for those who have already requested one through the application process.

Trustee Veenstra expressed support with additional funds for the Meals on Wheels Program.

Trustee Woiwode expressed support for creation of a committee to implement a Climate Action Plan.

Township Manager Richards stated the recycling event held on Saturday, September 29th at the Delta Dental facility was a success with more than 350 participants.

Manager Richards noted two opportunities for additional information regarding road maintenance preservation options including the millage. The first will be a HOM-TV call-in program scheduled for Thursday, October 4th at 7:00 P.M. A televised forum will also be held on Thursday, October 11th in the Town Hall Room of the Municipal Building.

Trustee Brixie also indicated the desire for a future meeting date where the Board discusses its long range plans to begin the process of implementing standards for global warming reductions.

6. APPROVAL OF AGENDA — OR CHANGES

Trustee Brixie moved to approve the agenda amended as follows:

- **Remove Agenda Item #11G**
- **Reletter Agenda Item #11E to #11G**
- **Reletter Agenda Item #11F to #11E**
- **Reletter Agenda Item #11H to #11F**
- **Rename Agenda Item #7F as Hulett Road Water Main Benefit Charge & Reimbursement**

Seconded by Treasurer Hunting.

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

Trustee Brixie moved to adopt the Consent Agenda. Seconded by Trustee Such.

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

NAYS: None

Motion carried unanimously.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Determination (BD)

BD11G-1 Christine G. Beavers, 5125 E. Brookfield, East Lansing; RE: Opposition to Rezoning #06090 (Meridian Four Seasons LDHA LP)

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- BD11G-2 Barbara Allyn, 2703 Roseland Avenue, East Lansing; RE: Opposition to Rezoning #06090 (Meridian Four Seasons LDHA LP)
- BD11G-3 Petition from Seniors living in Meridian Stratford Place, 2790 Sirhal Drive, East Lansing; RE: Opposition to Rezoning #06090 (Meridian Four Seasons LDHA LP)
- BD11G-4 Daniel Unkefer, 5195 East Brookfield Drive, East Lansing; RE: Opposition to Rezoning #06090 (Meridian Four Seasons LDHA LP)
- BD11G-5 Frederic Svodoba, 2761 Roseland Avenue, East Lansing; RE: Opposition to Rezoning #06090 (Meridian Four Seasons LDHA LP)
- BD11G-6 Ruth Pecic, 5099 Wardcliff Drive, East Lansing; Opposition to Rezoning #06090 (Meridian Four Seasons LDHA LP)
- BD11G-7 Christine Goodrick Beavers, 5125 E. Brookfield, East Lansing; RE: Opposition to Rezoning #06090 (Meridian Four Seasons LDHA LP)

(2). Board Information (BI)

- BI-1 Walt P. Goff, President, Sapphire Lake Homeowners Association, 2347 Sapphire Lane, East Lansing; RE: Appreciation for Director Kieselbach's assistance regarding resolution of development issues within Sapphire Lakes
- BI-2 Katie Kim, 6231 Pine Hollow Drive, East Lansing; RE: Opposition to Special Use Permit #07-06051 (Giguere)

(3) Regional Linkage (RL)

- RL-1 Deborah L. Bellows, Secretary to the Ingham County Road Commission Board, 301 Bush Street, Mason; RE: Policy on Township Local Road Cost Sharing Program and Carryover

(4). Staff Communication/Referral (SC)

- SC-1 Michigan Townships Association Legislative E-Report, September 14, 2007 Edition
- SC-2 Michigan Townships Association Legislative E-Report, September 21, 2007 Edition
- SC-3 Memorandum from Cindy Cummings, Police Records Supervisor; RE: Current list of licensed vendors and non-licensed persons or nonprofit organizations engaged in soliciting or canvassing dated September 14, 2007
- SC-4 Letter from Troy Langer, Senior Planner; RE: Interpretation of ZBA Case No. 07-09-12-3

Trustee 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 Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

B. Minutes

Trustee Brixie moved to approve and ratify the minutes of September 18, 2007 Regular Meeting as submitted. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

C. Bills

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

Common Cash	\$ 284,661.14
Public Works	\$ 88,435.62
Public Safety Bldg. Debt Fund	
Check #1107 – Bank of New York	
Interest Payment	\$ 13,750.00
Total Checks	\$ 386,846.76
Credit Card Transactions	\$ 18,135.82
Total Purchases	<u>\$ 404,982.58</u>
ACH Payments	<u>\$ 534,294.39</u>

Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

[Bill list in Official Minute Book]

D. Human Resources Commission Vacancies

Trustee Brixie moved that the Township Board accept the resignation of Jason Jorkasky as stated in a memorandum to the Board dated September 27, 2007. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

E. Gaming License - Okemos Education Foundation

Trustee Brixie moved approval of a request from the Okemos Education Foundation of Meridian Township, Ingham County, asking that they be recognized as a non-profit organization operating in the community for purposes of obtaining a gaming license or registration and be considered for approval. Further, that the Township Clerk be authorized to execute the resolution from the State of Michigan. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

F. ~~College Fields Water Main Payback Request~~ Hulett Road Water Main Benefit Charge & Reimbursement

Trustee Brixie moved to approve the Hulett Road Water Main Benefit Charge & Reimbursement Resolution which determines the service area; the cost of water main construction; establishes the Hulett Road Water Main Benefit Charge with immediate effect; the time period for the benefit charge; the method for payment of the benefit charge; and the method for reimbursement to Jones Property Development, LLC. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item #10D)

- Q. I have a question for you, Andria, and it's regarding Item #10D which is the DTN Rezoning. Is it more appropriate for us as a Board to deny the request for a rezoning first and then refer it back to the Planning Commission regarding amending the PO or MUPUD to include small commercial uses?
- A. Yes, the Board should address the rezoning issue first and then if it wants to take further action on that same request, it can do so.

9. HEARINGS

A. 2008 Budget

Supervisor McGillicuddy opened the public hearing at 6:41P.M.

Director Hasse gave a brief overview of the 2008 proposed budget. She announced the total budget document is available on the Township website, www.twp.meridian.mi.us.

Elizabeth LeGoff, 5189 E. Brookfield Drive, East Lansing, expressed concern with the proposed increase in ambulance fees and hoped the Board would keep the fee at the current rate.

John Anderson, 215 W. Newman Road, Okemos, alleged there is continued decline in the Township's fund balance, was concerned with Meridian Township's portion of the Okemos Road Enhancement Project and the effect of an increase in ambulance fees on individuals who have no health insurance.

Bruce Little, 5015 Meridian Road, Williamston, urged citizens to vote no on the local street maintenance millage.

Supervisor McGillicuddy closed the public hearing at 6:52 P.M.

B. Hearing Appeal – Summit Bank Lighting

Supervisor McGillicuddy opened the public hearing at 6:52 P.M.

Director Kieselbach summarized the appeal as outlined in staff memorandum dated September 28, 2007.

John Peckham, President, Martin Property Development, 1111 Michigan Avenue, Suite 303, East Lansing, noted the sign was constructed in compliance with the zoning ordinance. He indicated part of the focus was to direct the light to hit the sign and not "go off" the sign through baffling. He stated there is no penetration off site of any lighting.

Supervisor McGillicuddy closed the public hearing at 6:59 P.M.

C. Ember Oaks II and III Streetlighting SAD

Supervisor McGillicuddy opened the public hearing at 6:59 P.M.

Director Severy summarized the proposed streetlighting special assessment district as outlined in staff memorandum dated September 28, 2007.

Supervisor McGillicuddy closed the public hearing at 7:00 P.M.

D. Cameron Oaks Streetlighting SAD

Supervisor McGillicuddy opened the public hearing at 7:00 P.M.

Director Severy summarized the proposed streetlighting special assessment district as outlined in staff memorandum dated September 28, 2007.

Supervisor McGillicuddy closed the public hearing at 7:01 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

John Anderson, 215 W. Newman Road, Okemos, spoke in opposition of Rezoning #07060 (DTN Management Co.).

Supervisor McGillicuddy closed public comment.

- A. Regional Business Retention Program Memorandum of Understanding for Lansing Economic Area Partnership (LEAP, Inc.)
Assistant Manager/Personnel Director Brake summarized the integrated business retention program through a statement of commitment to the region.

Trustee Such moved approval of the Regional Business Retention Program Memorandum of Understanding for the Lansing Economic Area Partnership and authorize the Township Supervisor to sign the same. Seconded by Trustee Woiwode.

Board members and staff discussed the following:

- Support for the region
- Intent is to not encourage businesses to relocate from one neighboring community to another
- REDTeam (Regional Economic Development Team) as a group of local government and businesses coming together for educational purposes in the economic development area working under the direction of LEAP, Inc. as one of its components
- Business leads and contacts within the Tri-County area which originated in Meridian Township will be handled through the umbrella organization of LEAP and its staff
- Meridian Township does not have representation on the LEAP Board
- LEAP, Inc. is comprised of private organizations, utilities and governments
- LEAP, Inc. is not a governmental organization and segments of the operation are not subject to the same rules from a governmental standpoint as Meridian Township
- Commitment is non-binding but an understanding of how the process will work
- Cost of a seat on the LEAP Board will be part of the budget discussion

Supervisor McGillicuddy called the question.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

- B. Final Preliminary Plat #07012 (Giguere Homes, Inc.), request to plat Sanctuary #2 a five lot subdivision on six RAAA (Single Family-Low Density) zoned acres located east of Hulett Road and the Sanctuary subdivision, and north of Kansas Street

Clerk Helmbrecht moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby grants approval of the final preliminary plat for a single family subdivision of five lots, commonly known as Sanctuary 2, located east of the Sanctuary subdivision and Hulett Road, and north of Kansas Road with the following conditions:

1. **Approval is granted in accordance with the revised final preliminary plat prepared by Fred White Engineering Company, dated September 21, 2007, indicating five single family lots, subject to revisions as required. Any revisions to the layout of the plat shall be subject to the Township's approval.**
2. **Construction shall not commence until the applicant has obtained all necessary permits and approvals from the Ingham County Drain Commissioner, Ingham County Road Commission, and the Township. Copies of all permits and approval letters shall be submitted to the Department of Community Planning and Development.**
3. **Final utility plans shall be subject to the approval of the Director of Public Works and Engineering and shall be completed in accordance with Township Engineering Design and Construction Standards.**

4. Storm sewer leads shall be provided to each lot in the subdivision. The final location of the leads shall be subject to the approval of the Director of Public Works and Engineering. All residences constructed in the subdivision shall be connected to the leads.
5. An overall grading plan for the subdivision shall be required with detailed construction plans, prior to issuance of any building permits.
6. Prior to any construction or grading on the site, the applicant shall install silt fencing at the upland edge of the water feature setback. The silt fencing shall be removed after construction once the area is stabilized and vegetation has been established.
7. A seven foot wide concrete pathway shall be constructed along the north side of Robins Way. The final location of the pathway shall be subject to the approval of the Director of Public Works and Engineering. The design and construction of the pathway shall be constructed in accordance with Township Engineering Design and Construction Standards.
8. A five foot wide concrete sidewalk shall be constructed along the south side of Robins Way and from the south side of Robins Way to the right of way line of Kansas Road. The final location of the sidewalk shall be subject to the approval of the Director of Public Works and Engineering. The design and construction of the sidewalk shall be constructed in accordance with Township Engineering Design and Construction Standards.
9. The 50 foot wide strip of land located west of Lot #2 and north of Robins Way shall be deeded to the Township prior to the applicant submitting the Final Preliminary Plat.
10. The natural vegetation strip shall be clearly identified with permanent markers. The size, number, and location of the markers, and the language on the markers, shall be subject to the approval of the Director of Community Planning and Development.
11. The applicant shall apply for and receive a Land Clearing Permit for the removal of trees and vegetation on the site. All maple trees 12 inches dbh or greater shall be preserved.
12. Street trees shall be required along both sides of Robins Way within the subdivision. Species and location of the trees shall be subject to the approval of the Director of Community Planning and Development and the Ingham County Road Commission.
13. The applicant shall provide a 10 foot landscaped area at the east end of Robins Way, as depicted on the revised final preliminary plat, prepared by the Fred White Engineering Company, dated September 21, 2007.
14. If a development entry sign is planned for the subdivision, a detailed drawing to scale shall be provided to the Department of Community Planning and Development for review and approval prior to final plat submittal showing the location and dimensions of the sign, as well as depicting the easement location for the sign.
15. Any wellhead(s) located on the site shall be properly closed and abandoned per the requirements of the Ingham County Health Department and the Township, prior to the issuance of any permit for construction activity, including grading permits.
16. A copy of the information that exists on computer for the plat and construction plans shall be provided to the Township Engineering staff in an Auto Cad compatible format.

Seconded by Trustee Brixie.

Board members discussed the following:

- Revision contained in condition #13
- Good development design even though there is no connectivity to Kansas Street

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

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

Trustee Brixie moved [and read into the record] NOW THEREFORE BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby FINALLY ADOPTS Ordinance No. 2007-09, entitled “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 86, Article IV, Division 3, Section 86-403 by amending Section 86-403(c), Section 86-403(d) and Section 86-403(e), and Chapter 86, Article IV, Division 3, Section 86-404 by amending Section 86-404(c), Section 86-404(d), and Section 86-404(e).”

BE IT FURTHER RESOLVED the Clerk of the Charter Township of Meridian is directed to publish the Ordinance in the form in which it is finally adopted at least once prior to the next regular meeting of the Township Board.

Seconded by Trustee Such.

Board members discussed the following:

- Concern with elimination of all size limitations

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

- D. Rezoning #07060 (DTN Investment Co.), request to rezone 3.13 acres from PO (Professional and Office) and RC (Multiple Family-Medium Density) to C-1 (Commercial) located on the southeast corner of Mt. Hope and Hagadorn Roads

Treasurer Hunting 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 Zoning District Map of Meridian Township Pursuant to Rezoning Petition #07060” PO (Professional and Office) and RC (Multiple Family-Medium Density) to C-1 (Commercial) conditioned on prohibiting all drive-through uses (except banks), gas stations with or without convenience stores, and veterinary clinics and animal boarding; limiting alcohol sales to restaurants and cafes; and reserving a minimum of 25 percent of the rentable first floor area for office use.

BE IT FURTHER RESOLVED that 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 Such.

Board members and staff discussed the following:

- Creation of this neighborhood concept is consistent with Board goals of walkability

- Several residential neighborhoods close to this development would benefit from nearby services
- Willingness by the developer to eliminate “potentially offensive” C-1 uses expressed by nearby residents
- Restrictions under a previously approved MUPUD stay with the property despite the zoning category
- Concern with altering the Professional and Office ordinance for the entire Township

Supervisor McGillicuddy called the question.

ROLL CALL VOTE: YEAS: Trustee Such, Treasurer Hunting
NAYS: Trustees Brixie, Veenstra, Woiwode, Supervisor McGillicuddy,
Clerk Helmbrecht
Motion failed 2-5.

Trustee Woiwode moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby denies Rezoning Petition #07060 PO (Professional and Office) and RC (Multiple Family-Medium Density) to C-1 (Commercial) conditioned on prohibiting all drive-through uses (except banks), gas stations with or without convenience stores, and veterinary clinics and animal boarding; limiting alcohol sales to restaurants and cafes; and reserving a minimum of 25 percent of the rentable first floor area for office use.

Seconded by Trustee Veenstra.

Board members discussed the following:

- Open to request by applicant to provide proposed specific uses in the PO district
- Possible split of the site and rezone only a portion of the site
- Concern with accurate reflection of Board thoughts contained in the language of the resolution to deny
- Appropriate use at the appropriate scale
- Request comes under the conditional rezoning statute
- In a conditional rezoning, if the use changes, the rezoning reverts back to the previous zoning category
- Possible amendment to the MUPUD ordinance
- Clarification of the MUPUD and C-1 zoning

Conditional rezoning with a mixed use overlay: (See Agenda Item #8 (Questions for the Attorney))

- Q. The interaction of the MUPUD and the conditional rezoning is something we haven't faced here before. It does need to be clarified. Andria, can you shed some light on what's here before the Board?
- A. As you talked about, there's two entirely different situations here. The conditional rezoning remains a conditional rezoning even if there's no mixed use overlay unless you put a time limit on it. Then it would revert back, after that time limit passed, if something wasn't done pursuant to the conditional rezoning. If nothing's put on that site pursuant to the conditional rezoning, it just remains conditionally rezoned, just like any other zoning category.

And, it is also correct, when you talked about the conditional rezoning, it was not conditioned on the mixed use overlay, but Mr. Kieselbach is also correct in saying that there would have to be some activity taken with the Board to take the mixed use out of the picture at this point.

Q. Which any future Board could do, in either case?

A. Correct, as long as nothing had been built on the property and realized upon that mixed use.

Q. If a future Board took away the mixed use overlay...what's confusing me is that you said if nothing were built. Well, half of these buildings are already there. If the motion to approve was “tweaked” to have the conditional rezoning based on the mixed use...the applicant has to do that; I'm sorry.

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

Procedure when both the motion to approve and deny have failed: (See Agenda Item #8 (Questions for the Attorney))

Q. Now we have two motions that have both been denied?

A. The rezoning fails for lack of votes. There is no rezoning.

Q. So, from here, I guess they would have to reapply then, because now we have also lost our ability to send it back to the Planning Commission?

A. Or you can read a motion to reconsider it. Because no action has been taken...you can't add conditions to it that haven't been offered by the applicant. If something changed in your conversations tonight that you think you can pass it in another format, you could do that, but conditions can't be placed that aren't submitted from the applicant.

Q. Why is it in this particular case we can't send it to the Planning Commission unless we pass or deny this motion? Why do we have to pass or deny a resolution to send this to the Planning Commission?

A. I apologize I missed the first part of your question, but in general, the Board can send its own initiated review of a change in the zoning ordinance to the Planning Commission to review that. It just isn't a part of this specific rezoning request, but you can always initiate that and send it to the Planning Commission.

Q. Can we still go ahead and read the motion to initiate a zoning amendment even though we did not uphold the Planning Commission resolution to deny the C-1?

A. I view your question as can the Board act on it at this time. I don't see any issue as to why the Board can't initiate and send to the Planning Commission to begin the process to have them look at that issue.

Q. So we can still read that final zoning amendment motion to send this back to the PC?

A. I believe so, yes. I don't see any violation of due process by doing that at this point.

Clerk Helmbrecht moved to initiate a zoning amendment to amend the type of neighborhood retail and personal service uses permitted by special use permit in the Mixed Use Planned Unit Development, and refer the proposed amendment to the Planning Commission for public hearing and recommendation, and return to the Township Board in no more than 60 days. Seconded by Trustee Woiwode.

Board members discussed the following:

- No change in the fundamental philosophy of a MUPUD being site specific
- Planning Commission discussion for expansion of allowed uses
- Allow the applicant the opportunity to bring back this application with different conditions
- Preference to consider each MUPUD on its own merits when presented by an applicant for his/her specific piece of property

Trustee Brixie moved to table the motion.

The motion died for lack of support.

Reconsideration of the rezoning with changes offered by the applicant: (See Agenda Item #8 (Questions for the Attorney))

Q. Since the zoning was neither approved nor denied, can the applicant bring back a change in his conditions and present it to us again, and can we reconsider it? How would that work?

A. The zoning was denied for lack of sufficient votes. I don't know; is there a waiting period, Mr. Kieselbach? Is there a year waiting period? So, there's a year waiting period.

Q. Okay. So, could you explain the reconsideration to me? How does that work if someone here who voted wanted to change their vote on the zoning. How do we reconsider that?

A. The motion for reconsideration is made and then as long as there's been no action taken on that and someone has changed their vote, you can reconsider the vote to approve the first step that was made tonight. It has to be some....

Q. The question has come up can we rescind the vote, and I do not understand why we have to vote on this motion before we can have this discussion; clearly, all of us are quite confused.

A. If I understand your question, it is: Why did you have to vote on the rezoning question before you voted on the motion to refer it to the Planning Commission to make changes to zoning districts. Is that correct?

BOARD MEMBER RESPONSE: Yes

CONTINUED ATTORNEY COMMENT: Because the issue on the agenda was to deal with the rezoning question. That's what's on the agenda. And you need to deal with that; whether to approve it or deny it. That is what the applicant has given to you tonight.

Then the question was can we go forward with another issue. And I said that I don't believe you're infringing on any due process on that issue. You can go ahead and refer that to the Planning Commission because you are going to have a public hearing and much more notice from this point on. If the Board doesn't want to refer it, they don't have to; you don't have to act on it, it wasn't on the agenda. But you do have to act on the rezoning and that is why I recommended you act on it first, which you did. You denied it.

Supervisor McGillicuddy called the question.

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

NAYS: Trustees Brixie, Veenstra, Treasurer Hunting
Motion carried 4-3.

[Supervisor McGillicuddy recessed the meeting at 8:31 P.M.]

[Supervisor McGillicuddy reconvened the meeting at 8:47 P.M.]

Clerk Helmbrecht moved to reconsider the previous vote on the motion to approve PO & RC to C-1. Seconded by Trustee Woiwode.

Treasurer Hunting moved to table the motion. Seconded by Trustee Such.

ATTORNEY COMMENT: You have to vote on reconsidering first. You are voting right now...the motion to reconsider is shall you even reconsider or not. You need to vote on whether you want to reconsider first.

Treasurer Hunting withdrew his motion to table.

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 postpone the motion for reconsideration until the next meeting of the Township Board. Seconded by Treasurer Hunting.

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

NAYS: Trustee Veenstra
Motion carried 6-1.

- E. Rezoning #07080 (Planning Commission), request to rezone two parcels from C-1 (Commercial) to PO (Professional and Office) located on the west side of Marsh Road, south of Pike Street
Trustee 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 Zoning District Map of Meridian Township Pursuant to Rezoning Petition #07080” C-1 (Commercial) to PO (Professional and Office).

BE IT FURTHER RESOLVED that 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 Veenstra.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

- F. Rezoning #07100 (Planning Commission), request to rezone five parcels from C-1 (Commercial) to RN (Multiple Family-Mixed Residential) on Lake Lansing Road, Edson Street and Potter Street
Trustee Such 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 Zoning District Map of Meridian Township Pursuant to Rezoning Petition #07100” C-1 (Commercial) to RN (Multiple Family-Mixed Residential).

BE IT FURTHER RESOLVED that 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 Brixie.

Board members discussed the following:

- Only four (4) of the five (5) original properties will be rezoned

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

- G. Zoning Amendment #07120 (Planning Commission), request to amend multiple sections of the zoning ordinance to comply with P.A. 110 of 2006, the Michigan Zoning Enabling Act

Trustee Woiwode 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 I, by amending Section 86-4, Section 86-5, and Section 86-7; Article II, Division 2, by amending Section 86-2; Article II, Division 2, by adding Section 86-65; Article II, Division 3, by amending Section 86-92, Section 86-93, Section 86-94; Article II, Division 4, by amending Section 86-125; Article II, Division 4, by adding Section 86-127; Article II, Division 5, by amending Section 86-155; Article II, Division 6, by amending Section

286-187; Article II, Division 6, by amending Section 86-188; Article II, Division 6, by amending Section 86-189; Article II, Division 7, by amending Section 86-220; Article II, Division 7, by amending Section 86-221; Article IV, Division 4, by amending Section 86-439; Article IV, Division 4, by amending Section 86-440; Article V, Division 1, by amending Section 86-471; Article V, Division 6, by amending Section 86-622; Article VI, by amending Section 86-658.”

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 Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

Trustee 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 2, Article VI, Division 5, Section 2-289 by amending Section 2-289(g).”

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 Woiwode.

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.

Philip Dwyer, 2327 Hamilton Road, Okemos, spoke in opposition to the Downtown Development Authority Boundaries Amendment.

Vance Kincaid, 4530 Nakoma Drive, Okemos, Okemos Community Church Board member, spoke in support of Zoning Amendment #06010 (Planning Commission).

John Anderson, 215 W. Newman Road, Okemos, reiterated his earlier comment on the alleged decline in the Township’s fund balance. He also spoke in opposition to amending the Downtown Development Authority boundaries.

Supervisor McGillicuddy closed public comment.

A. 2008 Budget

Director Hasse responded to earlier public comment by stating the fund balance grew from 2003 to 2007. She noted Meridian Township is slated to receive its budgeted amount of state shared revenue. Director Hasse indicated Blue Cross/Blue Shield would currently reimburse the Township \$583.00 for ALS II (advanced life support) services which the Township is billing at \$550.00.

Manager Richards noted the Governor has consistently stated she will not approve cuts to local government revenue sharing which she considers a public safety issue. Regarding an increased contribution to the Meals and Wheels Program, he indicated that as federal, state and county money gets tighter, the decision filters down to local government and must be weighed on its merits.

Board members discussed the following:

- Okemos Road Enhancement Project is not reflected in the fund balance rolled forward
- Need to match revenues and expenditures for 2008 budget year
- Budget items previously approved which were not spent can be rolled forward through a budget amendment
- Suggestion to wait until the state budget is passed before voting on the Township's budget
- State revenue sharing is received approximately every other month
- Board goal to address hardship needs through partnering with private foundations
- Opposition to expending \$35,000 for membership in LEAP, Inc.
- Contribution to Meals on Wheels Program
- Meals program as part of the Tri-County Office on Aging that is served at the Senior Center
- Possibility of the Senior Center charging an additional amount for its meals to help fund the Meals on Wheels Programs

The consensus of the Board was to place this item on for action at the October 16, 2007 Board meeting.

B. Hearing Appeal - Summit Bank Lighting

Board members and the applicant discussed the following:

- Base of sign is brick
- Discussion with the sign company regarding interior lighting
- Interior lighting would preclude showing the landscape features
- Illumination of the interior lighting does not give optimum lighting on the address
- Possibility of using the same type of triangular brass lights currently on the building on top of the sign
- Lighting ordinance created to eliminate light pollution which comes from "up lights"
- Use of baffled lighting proposed by the electrical engineer
- Affirmation of the Director's enforcement of the Lighting Ordinance

The consensus of the Board was to place this item on for action at the October 16, 2007 Board meeting to affirm the decision of the Director of Community Planning and Development.

C. Ember Oaks II and III Streetlighting SAD

Board members discussed the following:

- Streetlighting assessment is based on the number of lights and the number of lots
- Cost per lot per year is based on the amount the Township is billed for the lights by Consumers Energy

The consensus of the Board was to place this item on the consent agenda at the October 16, 2007 Board meeting.

D. Cameron Oaks Streetlighting SAD

The consensus of the Board was to place this item on the consent agenda at the October 16, 2007 Board meeting.

- E. Zoning Amendment #06010 (Planning Commission), request to amend Sections 86-2 Definitions, 86-404 C-2 (Commercial), 86-432 PO (Professional and Office), and 86-434 RP (Research Park) to remove "Churches and similar places of worship ..." as uses permitted by right from the C-2 district; add "Religious Institutions" as uses permitted by Special Use Permit in the C-2, C-3, PO and RP districts, and add a definition of "Religious Institution" to Section 86-2

Director Kieselbach summarized the proposed zoning amendment as outlined in staff memorandum dated September 28, 2007.

The consensus of the Board was to place this item on for action at the October 16, 2007 Board meeting.

F. Downtown Development Authority (DDA) Boundaries Amendment

Paul Brake, Executive Director of the Downtown Development Authority summarized the proposed amendments as outlined in staff memorandum dated September 28, 2007.

Board members and staff discussed the following:

- Concern with creating a linear strip along Grand River Avenue
- Goal is to capture as many resources as possible
- Use of Policy Governance language
- Original concept was created for the downtown four corners of Okemos
- DDA district public improvements may encourage property/building owners to make private improvements
- DDA does not need to expand in order to succeed
- Purpose of the DDA is to help redevelop the deteriorating area
- Cohesiveness of site specific design features can be achieved through site plan review

[Trustee Such left the room at 10:07 P.M.]

- Expenses involved for the boundary amendment through staff time and preparation
- Funds could be used for streetscape improvements and other amenities within the public right of way to create a cohesive element of the downtown area
- Advantage of having architectural design standards to create a uniform look for the downtown area
- Ultimate strategic plan for the DDA is to create a sense of place, promote a walkable community and provide a unique place where commerce and small businesses are promoted
- The Tax Increment Financing (TIF) plan calls for physical improvements (street lights, street pavers, park benches, etc.) in all areas of the DDA
- Board ability to change the tax structure by adding an assessment feature to the DDA
- Properties along Grand River Avenue don't need the DDA to redevelop
- Possible two mill assessment to the property owners within the DDA in lieu of expanding the district
- Funds captured from the Township will have a county match
- Proposal for public improvements are within the right of way
- First improvements will be in the downtown four corners
- As money allows, improvements will move out into the other areas
- Inclusion of Summit Bank to capture the taxes generated in 2008

The consensus of the Board was to place this item on for action at the October 16, 2007 Board meeting with motions prepared for approval and denial of the proposed amendment for expansion and one motion for a larger expansion area.

G. Lake Lansing Watershed Management SAD

Board members discussed the following:

- No decision from the county regarding an increase in its contribution
- In the past, assessments have been based on no contributions and then if contributions are received, it will be recalculated accordingly

The consensus of the Board was to place this item on for action at the October 16, 2007 Board meeting for Tiers I and II only.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

CHARTER TOWNSHIP OF MERIDIAN, REGULAR MEETING, OCTOBER 2, 2007 *APPROVED*

Doris Schwartz, 2209 Kent Street, Okemos, spoke regarding the Downtown Development Authority Boundaries Amendment's potential to divert funds from other worthy causes.

Manager Richards clarified that the article read by Ms. Schwartz referenced DDA's which were implemented prior to Proposal A. He added that the only tax monies taken for the Township's TIF are Township monies and county general fund monies. All of the other taxing authorities chose whether to opt in to opt out, a requirement when a DDA with TIFA is now created.

Supervisor McGillicuddy closed Public Remarks.

13 ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:45 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT, CMC
TOWNSHIP CLERK

Sandra K. Otto, Secretary