

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, JANUARY 17, 2006, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Treasurer Hunting, Trustees Brixie, Such, Veenstra, Woiwode
ABSENT: Clerk Helmbrecht
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development
Mark Kieselbach, Police Chief Dave Hall, EMS/Fire Chief Fred Cowper, Personnel
Director/Assistant Manager 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.

Judy Linn, 5435 N. Van Atta, Okemos, expressed appreciation for the Land Preservation acquisition of the Davis Farm property.

Ann Alchin, 2227 Hamilton Road, Okemos, voiced disappointment that a representative from the Cedar Bend Heights Neighborhood Association was not appointed to the DDA Board of Directors.

Bob Homan, 923 S. Lansing Street, Mason, expressed concern with the cost of dark sky streetlights for Cider Mill Place Streetlighting Special Assessment District.

John Anderson, 215 W. Newman, Okemos, spoke regarding the alleged 2007 budget deficit.

Thomas Valli, 2767 Eastway Drive, Okemos, expressed concern over the detail already incorporated in the Mixed Use Planned Unit Development #05054 (DTN Investment Co./Hamptons of Meridian) plans as presented. He believed some of the detail should have been left for site plan review.

Will Tyler White, 2142-1/2 Hamilton Road, Okemos, voiced disappointment that a representative from the Cedar Bend Heights Neighborhood Association and Meijer were not appointed to the DDA Board of Directors.

Marilyn Aronoff, 2248 Kent Street, Okemos, voiced disappointment that a representative from the Cedar Bend Heights Neighborhood Association was not appointed to the DDA Board of Directors.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES (None)

6. APPROVAL OF AGENDA — OR CHANGES

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

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

Trustee Such moved to adopt the Consent Agenda. Seconded by Treasurer Hunting.

Trustee Brixie offered the following friendly amendment:

- **Move Agenda Item #7D to Agenda Item #10E**

The amendment was accepted by the maker and seconder.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Treasurer Hunting
NAYS: None
Motion carried 6-0.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Determination (BD)

10B-1 Lynn Ochberg, 4383 Maumee, Okemos; RE: Railroad right of way setback requirements for MUPUD #05054 (DTN Investment Co./Hamptons of Meridian)

10B-2 John Anderson, 215 W. Newman, Okemos; RE: Opposition to MUPUD #05054 (DTN Investment Co./Hamptons of Meridian)

(2). Board Information (BI)

BI-1 Molly Wingrove, 2649 Melville Drive, East Lansing; RE: Planning Commission review of Winslow Trailer Park

BI-2 Christine Hnatiw, Executive Director, Regional Economic Development (RED) Team, 913 W. Holmes Road, Suite 201, Lansing; RE: February 2, 2006 RED Team Meeting with Panel of Township Supervisors to Discuss Regional Cooperation in Economic Development

BI-3 Meridian Community Band, P.O. Box 542, Okemos; RE: Appreciation to the Township for its continued annual financial support of the Meridian Community Band

BI-4 Government Finance Officers Association, 203 N. LaSalle Street, Suite 2700, Chicago, IL; RE: Certificate of Achievement for Excellence in Financial Reporting for Meridian Township's 2004 Comprehensive Annual Financial Report

(3). Staff Communication/Referral (SC)

SC-1 Letter from Director Kieselbach to Lansing Board of Zoning Appeals; RE: Comments on the variance request by Jones Property Development to reduce the front yard setback for site condominium units within the Village of College Fields development

SC-2 Michigan Townships Association Legislative E-Report January 6, 2006 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 Treasurer Hunting.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Treasurer Hunting
NAYS: None
Motion carried 6-0.

B. Minutes

Trustee Such moved to approve and ratify the minutes of the December 20, 2005 Regular Meeting as **submitted. Seconded by Treasurer Hunting.**

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ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Treasurer Hunting
NAYS: None
Motion carried 6-0.

Trustee Such moved to approve and ratify the minutes of the January 3, 2006 Regular Meeting as submitted. Seconded by Treasurer Hunting.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Treasurer Hunting
NAYS: None
Motion carried 6-0.

C. Amendments to the 2006 Board Meeting Schedule

Trustee Such moved to amend the 2006 Board Meeting Schedule to change the February 21, 2006 Regular Meeting to Thursday, February 23, 2006 to reflect the Special Primary Election conflict and move the January 21, 2006 Policy Governance Review meeting to January 28, 2006 at 9:00 A.M. Seconded by Treasurer Hunting.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Treasurer Hunting
NAYS: None
Motion carried 6-0.

E. Bills

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

Common Cash	\$ 497,918.57
Public Works	\$ 296,672.84
Total Checks	\$ 794,591.41
Credit Card Transactions	\$ 10,712.55
Total Purchases	<u>\$ 805,303.96</u>
ACH Payments	<u>\$ 277,629.82</u>

Seconded by Treasurer Hunting.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Treasurer Hunting
NAYS: None
Motion carried 6-0.

[Bill list in Official Minute Book]

F. Ratify Police Officer Appointment

Trustee Such moved ratification of the appointment of Kyle K. Royston to the position of Police Officer contingent upon successful completion of those items stipulated in the conditional offer of employment.

Seconded by Treasurer Hunting.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Treasurer Hunting
NAYS: None
Motion carried 6-0.

- G. Reopen Employee Computer Purchase Assistance Program
Trustee Such moved to reopen the Employee Computer Purchase Program until December 31, 2007. Seconded by Treasurer Hunting.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Treasurer Hunting
NAYS: None
Motion carried 6-0.

- H. Assessing Stipulation
Trustee Such moved that the Township Assessor be authorized to sign a stipulation with Target Corporation on the following property:

YEAR	DOCKET NO.	ADDRESS OF PROPERTY
2005	0316033	1710 Newman Road
Assessment	2005	AV/TV \$7,862,300/7,862,300
Proposed Assessment	2005	AV/TV \$3,350,000/3,350,000

Seconded by Treasurer Hunting.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Treasurer Hunting
NAYS: None
Motion carried 6-0.

- I. Cider Mill Place Streetlighting Special Assessment District-Resolution #1
Trustee Such moved to approve Wood Valley #3 Amended Streetlighting District - Resolution #1 tentatively declaring its intention to install and maintain one (1) additional streetlight and defray the cost of operation and maintenance by special assessment against the 32 parcels and setting a public hearing for January 17, 2006. Seconded by Treasurer Hunting.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Treasurer Hunting
NAYS: None
Motion carried 6-0.

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item # 11A/B, #11D, #11E)

9. HEARINGS

- A. Appeal of Special Use Permit #05-85021 (Winkler) and
B. Appeal of Wetland Use Permit #05-07 (Winkler)
Supervisor McGillicuddy opened the public hearings at 6:20 P.M.

Director Kieselbach summarized the appeal of this special use permit and wetland use permit as outlined in staff memorandums dated January 12, 2006.

APPLICANT

Doug Winkler, 5892 Shaw Street, Haslett, showed photos of an established lawn during late summer/fall, 2003 and a water-covered back yard in spring, 2004. He gave a history of cooperation with the Michigan Department of Environmental Quality (MDEQ) for wetland restoration/mitigation, and Mr. Winkler stated he was issued a permit for fill and the boardwalk.

Mr. Winkler noted he was able to procure a six (6) foot wide boardwalk previously used by a sail club on Lake Lansing which was put into place. Mr. Winkler went through the process with the MDEQ, Ingham County Drain Commissioner's (ICDC) office, Ingham County Health Department and the Township's Environmental Commission and was also issued a Drain Commissioner's permit.

Mr. Winkler stated the Planning Commission's approval, with the condition for the boardwalk, put him in violation with the updated MDEQ conservation easement. He also noted that one of Wetland Coastal Resource's letters stated there seemed to be some confusion over the location of the boardwalk. Wetland Coastal showed the boardwalk at the north part of the property, in conflict with the Township's permit which showed the boardwalk off the deck. This is approximately a twenty (20) foot difference, and eight to ten (8-10) feet away from the placement of the conservation easement. Following the route approved by the Planning Commission runs into two (2) cottonwood trees.

Mr. Winkler said that he did not knowingly fill a wetland and is not trying to create a new yard. He is attempting to repair an existing yard. The area already mitigated/restored in an agreement with the state is twice as large as the area he is requesting to keep. He believed the net environmental productivity of the property is greater than it was before mitigation. He also pointed out his lot is the lowest on Lake Lansing. He added that Wetland Coastal Resources, the MDEQ and the ICDC have stated there is no environmental impact from his proposal.

Trustee Veenstra read the applicant's objective as stated in his letter. He asked the applicant if he considered the fill issue settled as he believed the letter and permit were contradictory.

Mr. Winkler responded that he requested clarification from staff as he did not want to violate the Township's ordinances in this regard.

Trustee Veenstra asked Director Kieselbach for clarification.

Director Kieselbach stated Mr. Winkler was required to remove fill that had been placed on the site before the MDEQ would consider his permit request. The Planning Commission stated that no additional requested fill would be approved.

Trustee Brixie inquired if the alternative proposal containing compensating cut meets the Township's requirements.

Director Kieselbach responded that alternative was to allow fill as requested and approved by the MDEQ to go into the designated area. He noted that the Township's ordinance requires mitigation. The wetland consultant recommended that if the Board accepted this proposal, it be conditioned on more detail and further review.

Trustee Veenstra noted the MDEQ approved placement of the boardwalk where it is currently shown on the site plan. He inquired if the boardwalk could be placed in the location proposed by the Planning Commission without disturbing the two (2) large cottonwood trees.

Mr. Winkler responded if you follow the condition(s) placed by the Planning Commission, the two (2) cottonwood trees would be affected.

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

- C. Wood Valley #3 Amended Street Light Special Assessment District
Supervisor McGillicuddy opened the public hearing at 7:01P.M

Director Kieselbach outlined the amended streetlighting special assessment district as outlined in staff memorandum dated January 13, 2006.

Supervisor McGillicuddy closed the public hearing at 7:04 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Thomas Valli President, Eastgate Neighborhood Association, 2767 Eastway Drive, expressed reservations with the scale of the development for Mixed Use Planned Unit Development #05054 (DTN Investment Co./Hamptons of Meridian).

Marilyn Aronoff, 2248 Kent Street, Okemos, and an officer of Cedar Bend Heights Neighborhood Association, voiced disappointment that a representative from the Cedar Bend Heights Neighborhood Association was not appointed to the DDA Board of Directors.

John Anderson, 215 W. Newman, Okemos, spoke in opposition to Mixed Use Planned Unit Development #05054 (DTN Investment Co./Hamptons of Meridian).

Allen Russell, 1690 Mack Avenue, Haslett, representative for DTN Investment Co., provided documentation that the CSX Railroad averages only eight (8) trains per day, with speeds from 27 to 30 miles per hour. He quoted Mr. Crouch, an alleged national expert, who stated a thirty (30) foot setback is the norm.

Supervisor McGillicuddy closed public comment.

A. Beginning of Year (2006) Budget Amendments

Trustee Brixie moved that the Township Board approve the 2006 amended budget as reflected on Page 3 of the memorandum to the Township Board from the Finance Director, dated January 13, 2006, and the reallocation of funds for the motor pool. Seconded by Trustee Such.

Board members discussed the following:

- Additional cost of two (2) special elections called by the Governor
- Need to immediately look at affordability of the Okemos Road median project in 2007 and, if not affordable, cease design expenditures
- Response to earlier public comment that the Township is not responsible for 100 percent of the subdivision roads (Township does not own any roads)
- Township does not collect monies for subdivision roads
- Clerk's office to file for special election reimbursement

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

NAYS: None

Motion carried 6-0.

B. COPS Interoperability Grant

Township Manager Richards outlined the grant request as summarized in staff memorandum dated January 13, 2006.

Board members discussed the following:

- Radio system which will tie all Ingham County public safety units onto one (1) frequency is the first step in regional response cooperation and scheduled to be in place within the next two (2) months
- COPS grant is another step in the regional cooperation effort and will piggyback onto the new radio system
- COPS grant includes Fire dispatch and Police and Fire record management system

Treasurer Hunting moved to authorize Township officials to sign a memorandum of agreement, in a form approved by the Township attorney, for the purpose of participating in the COPS Interoperable Communications Technology Grant Program, thereby committing \$68,000 from the general fund as Meridian Township's share of the program cost. Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Veenstra, Woiwode, Supervisor
McGillicuddy, Treasurer Hunting
NAYS: None
Motion carried 6-0.

- C. Mixed Use Planned Unit Development #05054 (DTN Investment Co./Hamptons of Meridian), request to develop approximately 17,700 sq. ft. of office and commercial and 24 apartments on the southeast corner of Mt. Hope and Hagadorn Roads

Trustee Such moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby grants planned unit development approval for Planned Unit Development #05054, subject to the following conditions:

1. **Approval is granted based on the site plans prepared by KEBS, Inc. and dated October 12, 2005 for P. U. D. submittal, and building elevations and floor plans prepared by Callaway Design, Inc. and dated October 5, 2005 and subject to revisions as required.**
2. **Approval of the mixed use planned unit development is subject to the provision of the following four amenities for structures that exceed 10,000 square feet in area: a clock tower/gathering area or public art, a bicycle pavilion, picnic area, and decorative sidewalk inserts. The size, capacity, and location of amenities shall be subject to the approval of the Director of Community Planning and Development.**
3. **Site Accessories such as railings, benches, trash receptacles, exterior lighting fixtures, and/or bicycle rack shall be of commercial quality, and complement the building design and style. Design samples shall be made available for the Township Board's comment. Final design and location shall be subject to the approval of the Director of Community Planning and Development.**
4. **The radius and entrance width of the Hagadorn Road access shall be redesigned as recommended by the Township's traffic consultant in the letter dated November 10, 2005.**
5. **Prior to receiving a certificate of occupancy, access agreements prepared in a format acceptable to the Township, shall be executed and recorded for the two proposed drives connecting Berry Tree apartments to the site.**
6. **The design and location of public sanitary sewer and water services shall be subject to the approval of the Director of Public Works and Engineering in accordance with the Township Engineering Design and Construction Standards.**
7. **The applicant shall work with the Director of Public works and Engineering to provide a mutually acceptable location for the seven foot wide pedestrian-bicycle pathway on Hagadorn Road. The pathway shall extend to the site's south property line. The applicant shall grant an easement to the Township for the location of the Hagadorn Road pathway.**
8. **The design of the 90° parking spaces along the southernmost property line adjacent to the CSX railroad right-of-way shall be revised to allow a setback sufficient to prevent vehicles from extending into the railroad right-of-way. If deemed necessary during site plan review, a wall or landscaping shall be located in the setback.**
9. **The bike shelter shall be moved from its proposed location within an existing and proposed water main easement.**

10. The number of parking spaces on the site shall be subject to the approval of the Township Board in accordance with the Mixed Use Planned Unit Development ordinance.
11. The parking lot shall be designed in accordance with the requirements of Section 86-756 Design and Construction Requirements.
12. A land clearing permit shall be required at the time of site plan review clearly indicating which trees are to be preserved.
13. Where practical, street trees shall be installed along Mt. Hope and Hagadorn Roads. 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.
14. Lighting shall comply with Article VII in Chapter 38 of the Code of Ordinances and shall be subject to the approval of the Director of Community Planning and Development. Street lights shall not exceed 15 feet in height.
15. The applicant shall submit a plan for the site's trash removal. If an outside dumpster is proposed, it shall be enclosed on four sides and screened with landscape material subject to the approval of the Director of Community Planning and Development.
16. Families as defined in the zoning ordinance, or no more than three unrelated persons, shall occupy a residential unit.
17. All mechanical, heating, ventilation, and air conditioning and like systems shall be screened from view by an opaque structure or landscape material (if at street level) selected to complement the building. Such screening is subject to approval by the Director of Community Planning and Development.
18. The applicant shall obtain all necessary permits, licenses, and approvals from the Ingham County Drain Commissioner, Ingham County Road Commission, and the Township. Copies of all permits, licenses, and approval letters shall be submitted to the Department of Community Planning and Development.
19. Final storm drainage, grading, and utility plans for the site are subject to approval of the Director of Engineering and Public Works and shall be in accordance with the Township Engineering Design and Construction Standards.
20. Prior to applying for Site Plan Review, the applicant shall consult with Department of Community Planning and Development staff for information regarding the requirements of the procedure.
21. A copy of the information that appears on computer for the project and construction plans shall be provided in an AutoCAD compatible format.

Seconded by Supervisor McGillicuddy.

Trustee Veenstra moved to amend the motion by adding condition #22 to read:

- 22. The residential units shall be no closer to the railway tracks than 175 feet from the right-of-way as all other residential uses are required to be for public safety.

Seconded by Trustee Woiwode.

Board members, staff and the applicant discussed the following:

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- Need to follow Planning Commission recommendation for a 175 foot setback for public safety reasons
- Setback based on safety should have an amended ordinance in lieu of exceptions on a site-by-site basis
- Need to look at setbacks on a case-by-case basis as conditions of different railroad tracks vary
- MUPUD allows a waiver based on design and Board review of the project
- No setback requirement until 1988 when 175 foot setback applied to all new residential units
- Current non conforming homes built prior to adoption of the 175 foot setback
- Distinction made in our ordinance between individuals in commercial establishments from residential homes where the 175 foot setback safety issue was concerned
- Several exceptions currently within the Township to the 175 foot setback requirement
- Possible physical barriers with the addition of berms and tree plantings
- Noise/sound as a factor for the 175 foot setback in a residential area
- Exceptions to the 175 foot setback were Zoning Board of Appeal cases
- Shipping of liquids and gases on railroads have greatly improved since 1988
- Chemical tankards now manufactured to a certain standard with improved safety factors
- According to the quoted *New York Times* article, over half of the railroad cars do not meet 1989 standards as old tankards are still in use
- Substantial change in the design of the development would come back to the Board

ROLL CALL VOTE: YEAS: Trustees Veenstra, Woiwode
NAYS: Trustees Brixie, Such, Supervisor McGillicuddy, Treasurer
Hunting
Motion failed 2-4.

Supervisor McGillicuddy recessed the meeting at 8:12 P.M.

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

Treasurer Hunting offered the following friendly amendment:

- **Add condition #22 to read: The developer shall work with the CSX railroad and the Township's Department of Community Planning and Development to design and construct, if feasible, a natural barrier of vegetation and soil that will provide a measure of safety and noise reduction. The barrier shall be subject to the approval of the Director of Community Planning and Development.**

The amendment was accepted by the maker and seconder.

Continued Board discussion:

- Berry Tree Apartments is currently non-conforming with the Township's ordinances
- Intent of amendment to provide additional safety
- Two (2) dumpster locations near the north and south crossdrives between Berry Tree and the Hamptons
- Placement of the dumpsters on the Berry Tree side of the lot line so no encroachment on the open space
- Net zero parking impact on Berry Tree Apartments
- Enclosed dumpsters on all four (4) sides will be looked at during site plan review
- Materials to be used to enclose dumpsters will be similar to material used on the buildings for the Hamptons

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Supervisor McGillicuddy, Treasurer
Hunting
NAYS: Trustees Veenstra, Woiwode
Motion carried 4-2.

- D. SUP #05061 (DTN Investment Co.), request to develop two buildings totalling more than 25,000 sq. ft. in size approximately 48,000 sq. ft. on the 2.4 acre PO (Professional and Office) zoned portion of a 3.13 acre site located at the southeast corner of Mt. Hope and Hagadorn Roads in Section 29

Trustee Brixie moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves Special Use Permit #05061, to construct a group of buildings over 25,000 square feet in gross floor area on the subject site, subject to the following conditions:

- 1. Approval is granted based on the site plans prepared by KEBS, Inc. and dated October 12, 2005 for P. U. D. submittal, and building elevations and floor plans prepared by Callaway Design, Inc. and dated October 5, 2005 and subject to revisions as required.**
- 2. Special Use Permit #05061 is subject to all conditions of Mixed Use Planned Unit Development #05054.**

Seconded by Trustee Such.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, Woiwode, Supervisor McGillicuddy,
Treasurer Hunting
NAYS: Trustee Veenstra
Motion carried 5-1.

Trustee Such requested that the Supervisor include a discussion as soon as possible on the building and zoning railroad setbacks and a discussion on how conditions are enforced for various zoning and PUDs.

- E. Board Commission Appointments

Trustee Such moved that the Township Board approve the list of appointees to various Board/Commissions as read earlier in this meeting by the Supervisor and included in the memo dated January 13, 2006 as distributed to the Board prior to this meeting.

Seconded by Trustee Veenstra.

Board members discussed the following:

- Request for Supervisor's consideration to include a representative of the Cedar Bend Heights neighborhood on the DDA Board of Directors
- Both Cedar Bend Heights and the downtown area were developed at the same time
- All appointments are property owners who have a vested interest in the DDA
- Three of the appointees are residents who live within the DDA
- Preference to start with smaller numbers of Board members
- Law allows appointment of eight (8) to twelve (12) members
- Addition of a ninth person would allow all neighborhoods to be represented
- Possible addition of a Meijer representative
- Need for additional person to be appointed soon to be involved in the critical decision making early on
- Request for a Cedar Bend Heights neighborhood representative to receive agendas, minutes and information on action under consideration until an official appointment is made

VOICE VOTE: Motion carried 5-1 (Brixie).

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

John Anderson, 215 W. Newman, Okemos, spoke in opposition to the Property Maintenance Code.

Supervisor McGillicuddy closed public comment.

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- A. Appeal of Special Use Permit #05-85021 (Winkler) and
- B. Appeal of Wetland Use Permit #05-07 (Winkler)

Board members discussed the following:

- Applicant inherited the existing problem
- Change in lake level situation not the fault of the homeowner
- Applicant recycling used lumber with purchase of an existing boardwalk
- Request has the support of the Environmental Commission
- Two (2) cottonwood trees should be preserved
- All enforcement and advisory commissions approved this request with the exception of the Planning Commission
- State unwilling to revisit the conservation easement issue
- Request for Supervisor to ask Planning Commission chair to send representative to the Board meeting where this item is considered for action to explain the Planning Commission's rationale on this SUP
- Request for Supervisor to ask Environmental Commission chair to send representative to the Board meeting where this item is considered for action to explain the Environmental Commission's rationale on this SUP
- Intent by the applicant to elevate the boardwalk
- Director Kieselbach to work with the applicant to present the necessary paperwork for Board action
- Township and MDEQ citation for illegal fill on the site
- Legal obligation for Board approval to fill in the wetland and fill in the floodplain
- Wetland use appeal will be similar situation if the Board will allow what was left to remain and make that amount as part of the approval, specifying no additional fill after this approval will be allowed in this area

Approval of existing fill/additional fill: (Questions for the Attorney (See Agenda Item #8))

- Q. Andria, can you help us procedurally? Are we setting ourselves up for problems in the future?
- A. I will agree with Trustee Woiwode. If there is fill that we are approving that was there before, then yes, it needs to come back before the Board. I am not clear if that is the case or not, so I think it is a good idea to have the Director look at this and determine if there will be anything added that isn't allowed by the ordinance and, therefore, needs approval. If that is the case, yes, it needs to come back for discussion. It also needs to come back to the Board for approval.

The consensus of the Board was to place these items on for action at the February 7, 2006 Board Meeting.

- C. SUP #05-86291 (St. Luke's Church), request to amend the existing SUP to add approximately 24,100 sq. feet of space and seek a new SUP for a structure greater than 25,000 sq feet in size
Director Kieselbach summarized the special use permit request as outlined in staff memorandum dated January 11, 2006.

Board members discussed the following:

- No intent to use any part of the church as a regular school
- Configuration of the addition different than an earlier request
- Current sanctuary will become a multi-purpose room
- Appreciation for public service by allowing the church to be used as a polling location
- Written agreement with Judy Linn to avoid trespassing on her property to the south
- Proposal meets the setback requirements with the exception of the existing retaining wall

The consensus of the Board was to place this item on for action at the February 7, 2006 Board Meeting.

D. Property Maintenance Code

Director Kieselbach summarized the proposed property maintenance code as outlined in staff memorandum dated January 12, 2006.

Board members discussed the following:

- Several proposed deletions to the International Property Maintenance Code address earlier public comment
- Definition of infestation in Section 302.5 (Rodent harborage)
- Definition for infestation in the definition chapter
- Any staff decision is appealable under the ordinance
- Presentation of these sections within the Code of Ordinances will show the International Property Maintenance Code adopted by reference
- Difficult for individuals to understand what is intended
- Construction codes and fire codes are adopted by reference
- Current copies of the code(s) are made available to the public
- Possibility of placing the Property Maintenance Code on the Township's website with deletions removed
- Copies will be available throughout the Township
- Have copies of the maintenance code available at the public hearing with deletions struck out

Interpretation of rodent harborage: (Questions for the Attorney (See Agenda Item #8))

Q. Can you shed some light on what is meant by rodent harborage?

A. I haven't looked at the definitions if there are definitions in here, but I would assume that it means something that becomes dangerous to people living there or the property. As with all the ordinances in the Township, there will be some interpretation that will be necessary. If that interpretation comes across as too strict, then that is something that can be appealed and will be addressed at another level. I am assuming that the Board is not putting this into effect, and that the Director or whoever will enforce it is not going to require every rodent on every property in the Township to be taken off the property.

The consensus of the Board was to have staff provide members with a copy of the property maintenance code with deletions struck out and to schedule a public hearing.

E. Mobile Home Park Regulations and Zoning

Director Kieselbach summarized the mobile home regulations and zoning ordinances as outlined in staff memorandum dated January 13, 2006.

Board members discussed the following:

- Adopt Mobile Home Commission (MHC) standards by reference which relate to existing parks
- Township cannot be more or less restrictive than MHC standards
- Wait for model ordinance by the MHC, tentatively scheduled to be released this summer
- Save money and staff time to wait for model ordinance
- Potential problems with invalid Township regulations in place
- Valid enforcement through the Township's mobile home ordinance for the two (2) existing parks
- Township mobile home ordinance contains items which are more restrictive than what the MHC allows

Adoption of the Mobile Home Commission standards by reference: (Questions for the Attorney (See Agenda Item #8))

Q. Andria, do you have a recommendation for us to proceed by adopting what the state provides?

A. My recommendation would be to wait and see the model ordinance and what is included in it. Then you can either write your own at that point and submit it to the Commission, or adopt the state ordinance if that is acceptable and, at the same time, set aside some of the ordinances that are in our code at this time. I don't see an immediate benefit to adopt by reference the Mobile

Home Act or rules which already give your police and fire authority to go in and cite when there are dangerous issues there, already allow the planning department to deal with permitting issues as far as building permits. It is not going to give any more authority in the existing parks, as I see it, at this time. If there is a specific question as to what can we regulate and what we can't, I can look into that further, but I don't see an immediate benefit to adopting by reference.

The consensus of the Board was to wait until state adoption of a Mobile Home Commission model ordinance.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

John Anderson, 215 W. Newman, Okemos, spoke in opposition to Board passage of the MUPUD #05054 (DTN Investment Co./Hamptons of Meridian).

Supervisor McGillicuddy closed Public Remarks.

13. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:43 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary