

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, OCTOBER 17, 2006, **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, Assistant Police Chief Russell Wolff, 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 6:02 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.

Ody Norkin, 3803 Sandalwood, Okemos, representing Michigan Flyer, announced the kick-off of coach service from this area to Detroit Metropolitan Airport.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Supervisor McGillicuddy commended staff on the progress of the sidewalk in Cedar Bend Heights. She announced the Downtown Development Authority (DDA) is hosting a Pumpkin Carving event on October 28th from 10:00 A.M. until 1:00 P.M. at the Meridian Activity Center (MAC). The Meridian Township Fire Department will also be hosting its Halloween Open House during the same time frame at its three (3) fire stations.

Trustee Brixie indicated she attended a seminar on the effects of the recently enacted large water users legislation and forwarded her notes to staff.

Clerk Helmbrecht announced absentee ballots for the November 7th General Election are available, and that applications for these ballots will continue to be accepted until 2:00 P.M. on Saturday, November 4, 2006. Please stop in or call the Clerk's office at 853-4300 to request an application.

Township Manager Richards noted a motion will be added to the consent agenda to allow construction on Sundays for work on the Towar Gardens Drain Project given the current weather conditions.

6. APPROVAL OF AGENDA — OR CHANGES

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

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

Trustee Woiwode moved to amend the minutes of the September 19, 2006 Township Board meeting, page 11, Agenda Item #11C, to reflect a 5-1 (Veenstra) vote on the question of my being recused from the discussion to pave Powell Road because I did not cast a vote. Seconded by Clerk Helmbrecht.

VOICE VOTE: Motion carried unanimously.

Treasurer Hunting offered the following friendly amendment:

- **Amend Agenda Item #7H by deleting the words “for the above listed institution(s)” in the motion and insert “at Mercantile Bank of Michigan”**

The amendment was accepted by the maker and seconder.

TRUSTEE VEENSTRA COMMENT: Where the September 19, 2006 minutes state that the motion carried 5-1, it should read “motion failed 5-1” because state law requires the motion to pass by unanimous consent and I have a copy of the state law here that says, “...unless excused by the unanimous consent of the other members present”. I think it is quite clear that the motion failed to pass because it requires unanimous consent by state law and I would like to the minutes corrected to obey the state law.

ATTORNEY RESPONSE TO COMMENT: I think we are referring to 42.7 of the Charter Township Act and I think it speaks for itself. At this point, there wasn't a vote on an issue; at that time, it was on discussion. I think it is moot; I would not recommend that you change it to failure to pass. There was a vote, and you all put in your opinions and you decided which way you were going to move on that. Should the issue come up again in the future, I think at that point, you can discuss how it should be taken, if there's another request to be recused or to not vote. At this time, I would not make that change.

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

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Determination (BD)

- 9A/11A-1 Douglas S. Carr, Chief Executive Officer, Greater Lansing Home Builders Association, 6240 W. Mount Hope Highway, Lansing; RE: Proposed Outdoor Lighting Ordinance
- 9B/11B-1 Art C. Baryames, 2423 South Cedar, Lansing; RE: Opposition to SUP #06-99091 (Wal-Mart), request to add 49,427 square feet and a drive-thru pharmacy to existing building located at 5110 Times Square Drive
- 9B/11B-2 Lester V. Manderscheid, 2372 Burcham Drive, East Lansing; RE: Opposition to SUP #06-99091 (Wal-Mart), request to add 49,427 square feet and a drive-thru pharmacy to existing building located at 5110 Times Square Drive
- 9B/11B-3 Carl Harmon, Vice-President, LINC, PO Box 40, Okemos; RE: Opposition to SUP #06-99091 (Wal-Mart), request to add 49,427 square feet and a drive-thru pharmacy to existing building located at 5110 Times Square Drive
- 9B/11B-4 Stephen D. Fuller, 1045 W. Woodside Drive, Haslett; RE: Opposition to SUP #06-99091 (Wal-Mart), request to add 49,427 square feet and a drive-thru pharmacy to existing building located at 5110 Times Square Drive
- 9B/11B-5 S. R. Heisey, 2055 Sheldrake Avenue, Okemos; RE: Opposition to SUP #06-

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99091 (Wal-Mart), request to add 49,427 square feet and a drive-thru pharmacy to existing building located at 5110 Times Square Drive

9B/11B-6 Robert and Frances Deatrick, 1166 Teakwood Circle, Haslett; RE: Opposition to SUP #06-99091 (Wal-Mart), request to add 49,427 square feet and a drive-thru pharmacy to existing building located at 5110 Times Square Drive

9B/11B-7 Robert and Frances Deatrick, 1166 Teakwood Circle, Haslett; RE: Opposition to SUP #06-99091 (Wal-Mart), request to add 49,427 square feet and a drive-thru pharmacy to existing building located at 5110 Times Square Drive

9B/11B-8 Ann Alchin, 2227 Hamilton Road, Okemos; RE: Article from No. 68, Spring, 2006 Issue of *Co-op America Quarterly* entitled "There is no place for today's Wal-Mart in a Sustainable Society"

(2). Board Information (BI)

BI-1 Molly Wingrove, 2649 Melville Drive, East Lansing; RE: Appreciation for Board support for Rezoning #06060

BI-2 Michael Hudson, 6009 Skyline Drive, East Lansing; RE: Opposition to the Outdoor Lighting Ordinance

BI-3 Sumita Chakravarty, 5580 Marsh Road, Haslett; RE: Response to Citizen Service Complaint

(3). Regional Linkage (RL)

RL-1 Paul Steinman, Manager, Lansing Transportation Service Center, Michigan Department of Transportation, 1019 Trowbridge Road, East Lansing; RE: Response to Supervisor McGillicuddy's request to review the signal timing at Northwind Drive and Grand River Avenue

RL-2 Timothy J. Hudson, Supervisor, Charter Township of Comstock, 6138 King Highway, Comstock; and Gary L. Cramer, Supervisor, Charter Township of Kalamazoo, 1720 N. Riverview Drive, Kalamazoo; RE: Charter Townships of Comstock and Kalamazoo v. Michigan Department of Environmental Quality lawsuit with regard to Phase II Urban Store Water Discharge Permitting Process (MS4)

(4). Staff Communication/Referral (SC)

SC-1 Copy of communication from Tyler D. Tennent to Director Kieselbach RE: Request for continuation of hearing on SUP #06-99091 (Wal-Mart)

SC-2 Michigan Townships Association Legislative E-Report, September 29, 2006 Edition

SC-3 Michigan Townships Association Legislative E-Report, October 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 Trustee Brixie.

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

B. Minutes

- (1) **Trustee Such moved to approve and ratify the minutes of the September 19, 2006 Regular Meeting as amended. 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 (Veenstra).

- (2) **Trustee Such moved to approve and ratify the minutes of the October 3, 2006 Regular 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 (Veenstra).

C. Bills

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

Common Cash	\$ 270,138.72
Public Works	\$ 370,560.98
Total Checks	\$ 640,699.70
Credit Card Transactions	\$ 16,285.44
Total Purchases	<u>\$ 656,985.14</u>
ACH Payments	<u>\$ 279,725.25</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 (Veenstra).

[Bill list in Official Minute Book]

D. 3rd Quarter Budget Amendments

Trustee Such moved that the Township Board approve the 2006 amended budget as reflected on page 2 of the memorandum to the Township Board from the Finance Director, dated October 13, 2006. 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 (Veenstra).

E. Resolution Authorizing Township Manager to Prepay Installment Purchase Agreement for Property Located at 4321 Okemos Road

Trustee Such moved NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY, MICHIGAN, the Township Board hereby authorizes the Township Manager to prepay the outstanding balance and interest of approximately \$475,000 on the Installment Purchase Agreement with National City Bank entered into for the purchase of property located at 4321 Okemos 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 (Veenstra).

- F. POAM – Police Officer Association of Michigan Contract Amendments
Trustee Such moved approval of the amendments to the collective bargaining agreement with the Police Officers Association of Michigan for 2006-2008 as described in the October 13, 2006 staff memorandum and authorize the Supervisor and Clerk to sign the same. 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 (Veenstra).

- G. Assessing Stipulations
Trustee Such moved that the Township Assessor be authorized to sign a stipulation with Lake of the Hills Limited Partnership, on the following property:

YEAR	DOCKET NO.	ADDRESS OF PROPERTY	
2005	0317170	2102 Lac Du Mont, Haslett	
<u>Assessment</u>	2005	<u>AV/TV</u>	\$978,100/645,211
<u>Proposed Assessment</u>	2005	<u>AV/TV</u>	\$800,000/645,211

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 (Veenstra).

- Trustee Such moved that the Township Assessor be authorized to sign a stipulation with Lake of the Hills Limited Partnership, on the following property:**

YEAR	DOCKET NO.	ADDRESS OF PROPERTY	
2005	0317170	2102 Lac Du Mont, Haslett	
<u>Assessment</u>	2005	<u>AV/TV</u>	\$1,214,800/926,319
<u>Proposed Assessment</u>	2005	<u>AV/TV</u>	\$956,500/926,319

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 (Veenstra).

Trustee Such moved that the Township Assessor be authorized to sign a stipulation with Lake of the Hills Limited Partnership, on the following property:

YEAR	DOCKET NO.	ADDRESS OF PROPERTY	
2006	0317170	2102 Lac Du Mont, Haslett	
<u>Assessment</u>	2006	<u>AV/TV</u>	\$908,600/666,502
<u>Proposed Assessment</u>	2006	<u>AV/TV</u>	\$826,400/666,502

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 (Veenstra).

Trustee Such moved that the Township Assessor be authorized to sign a stipulation with Lake of the Hills Limited Partnership, on the following property:

YEAR	DOCKET NO.	ADDRESS OF PROPERTY	
2006	0317170	2102 Lac Du Mont, Haslett	
<u>Assessment</u>	2006	<u>AV/TV</u>	\$1,151,800/956,887
<u>Proposed Assessment</u>	2006	<u>AV/TV</u>	\$988,000/956,887

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 (Veenstra).

H. Resolution for Adding Financial Institution

Trustee Such moved to adopt a resolution entitled "Authority to Open an Investment Account" at Mercantile Bank of Michigan. 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 (Veenstra).

I. Herron Creek Sanitary Sewer SAD #50, **Resolution #2**, Set Public Hearing Date (November 21, 2006)

Trustee Such moved to approve Herron Creek Sanitary Sewer Special Assessment District #50 Resolution #2 tentatively declaring the Township Board's intention to construct approximately 6000 ft of sanitary sewer, east of Hagadorn Road, south of the CSX railroad tracks, then across several parcels to Hulett Road at approximately 1900' north of Bennett Road; in Section 29, Meridian Township; and to defray a portion of the cost by special assessment; tentatively designates the district; and set a public hearing for November 21, 2006. 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 (Veenstra).

- J. Waive of Ban on Sunday Construction for Work on the Towar Gardens Drain Project
Trustee Such moved that the Township Board temporarily waive the ban on Sunday work for V.I.L. Construction, Inc. to continue working on the Towar Drain construction projects in October through December 2006, between 8:00 A.M. and 5:00 P.M. 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 (Veenstra).

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

9. HEARINGS

A. Proposed Outdoor Lighting Ordinance

Supervisor McGillicuddy opened the public hearing at 6:14 P.M.

Director Kieselbach summarized the proposed outdoor lighting ordinance as outlined in staff memorandum dated October 11, 2006.

Chris Thelen, Area Manager, Consumers Energy, 530 West Willow Street, Lansing, summarized the points outlined in his October 11, 2006 letter to Director Mark Kieselbach.

Larry Moore, Moore Electrical Design, LLC, 5439 W. Hidden Lake Drive, East Lansing, and voluntary Township consultant, expressed concern with the change in street lighting to cut-off due to liability issues. He indicated there were nine points of information on outdoor lighting design outlined in his packet dated October 16, 2006.

PUBLIC

Doug Carr, 5781 Whisperwood, Haslett, spoke in opposition to the proposed outdoor lighting ordinance and any assessments which would result from it.

Ira Ginsburg, 2745 Southwood Drive, East Lansing, representing the Michigan Athletic Club (MAC) as its Senior Vice-President, indicated five (5) years ago lighting in the MAC parking lot was increased due to requests by members for increased safety. He also spoke regarding unknown costs to change lighting in the parking lots of businesses and expressed his opposition to any idea contain in the proposed lighting ordinance which would create a safety issue.

Mark Clouse, Eyde Co., 4660 S. Hagadorn Road, Suite 660, East Lansing, stated this ordinance affects every residence within the Township. He also indicated many of the business leases require a specific amount of lighting within the parking lots. Mr. Clouse believed the ordinance would discourage any upgrades or renovations within the Township, would increase costs for compliance, and expressed concern with monitoring procedures.

Philip Dwyer, 2327 Hamilton Road, Okemos, spoke in support of compromising on the proposed outdoor lighting ordinance.

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

B. SUP #06-99091 (Wal-Mart), request to add 49,427 square feet and a drive-thru pharmacy to existing building located at 5110 Times Square Drive

Supervisor McGillicuddy continued the public hearing from April 18, 2006 at 6:40 P.M.

Director Kieselbach summarized the special use permit request as outlined in staff memorandum dated October 13, 2006.

APPLICANT

WAL-MART REPRESENTATIVE GARRETT: Good evening, my name is Damon Garrett. I am with Atwell-Hicks. I am an authorized agent for Wal-Mart and with me tonight I have Frank Duff from Atwell-Hicks; I've got Nick Infante from Wal-Mart Public Relations, Tyler Tennant as legal counsel and I have the store and district managers.

I would like to, first of all, thank the Board and the staff for allowing us to keep the public hearing open for quite some time. It took us some time as there were a number of questions that were posed by the Board and by the citizens and we wanted to take time to do our best in answering those, so I would like to thank the Board for that.

What's happened since we were here last, as I alluded to, we tried our best to answer the questions. We hired an economic consultant to put together an impact study. There were several questions regarding economics by both the Board and the Township residents and we wanted to try to address those. We had a groundwater recharge study which was also submitted. I would also like to talk about our proposal. Mark alluded to it; we would like to have the expansion and the hours of operation linked together; we would like to separate out the drive-through pharmacy at this time.

We had three (3) studies that we submitted; I don't want to go into detail about those, but basically what we found in the economic assessment is that there was a surplus of available grocery in the Township, in the general vicinity, and we would not exceed the available capacity.

The groundwater recharge study submitted concluded the groundwater recharge area...we don't impact...there's an impervious layer; clay area...we do not impact the drinking wells that are several hundred feet below the bottom of the site. There will be some impact to the groundwater recharge in the Mud Lake Drain which we think we can mitigate. We would propose to maybe take some roof drainage and treat that which would be cleaner water and the surface water from the parking lot would go to the regional detention facility where there is a sediment basin.

We had an opportunity to sit down with the Ingham County Road Commission over the past few months to discuss our revised study. I think when we were here before we gave a lot of information with regards to the traffic and didn't really speak specifically to the solutions. Since then, we have had a chance to have some correspondence with the Township traffic consultant and we understand what he is requesting us to do. So, we propose to put a traffic signal at Times Square and Marsh Road. Of course, that would have to be permitted through the Road Commission and we would also propose to do some timing of the signals along Marsh Road and the general vicinity to try and improve the traffic flow. There was correspondence that was submitted to the Board and staff from your consultant regarding right turn lanes and I just want to say that Wal-Mart is prepared to put in right turn lanes as well as a proposed signal. There has been some discussion with them and we can provide them some additional information to satisfy them on what we are proposing to do.

At this time, I would like to open up for questions or let the public speak on the project.

BOARD MEMBER: First I'd like you to clarify what you meant by you wanted to separate the drive-through at this time. In what capacity?

WAL-MART REPRESENTATIVE GARRETT: The drive-through pharmacy? I was saying that our primary focus is the extended hours of operation and the expansion. The drive-through pharmacy would be something that we could discuss in detail later this evening, keeping or removing that from our proposal, that's what I meant by that. Our preference would be, of course, to keep it, but we're prepared to have that discussion with you this evening.

BOARD MEMBER: Is that the total of your presentation tonight?

WAL-MART REPRESENTATIVE GARRETT: That is. There was a lot of information that was submitted to the Township; it's a pretty thick book. I didn't really want to go on and on about that. If there are questions in some of that material, I'll do my best to answer those or my consultants that are here with me.

PUBLIC

Nikki Hart, Vice-President, Meridian Futures Coalition, 2717 E. Grand River, Lansing, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

Matt Brinkley, Meridian Futures Coalition, 2717 E. Grand River, Lansing, read from a prepared statement in opposition to Special Use Permit #06-99091 (Wal-Mart).

[Prepared statement in Official Minute Book]

Dawn Homer, 1584 Downing Street, Haslett, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

Jean Nicholas, 6232 Brookline Court, East Lansing, read from a prepared statement in opposition to Special Use Permit #06-99091 (Wal-Mart).

[Prepared statement in Official Minute Book]

Ersin Bayraktar, General Manager, L & L Food Centers, 1619 W. Grand River, Okemos, expressed a desire for L & L Food Centers to grow in this community for many years to come.

Theresa Kenaga, 5613 Cornell Road, Haslett, read from a prepared statement in opposition to Special Use Permit #06-99091 (Wal-Mart).

[Prepared statement in Official Minute Book]

Brenda Lytle, 2265 West Parks Road, St. Johns, employee of the Haslett L & L Food Center, read from a prepared statement in opposition to Special Use Permit #06-99091 (Wal-Mart).

[Prepared statement in Official Minute Book]

John Anderson, 215 W. Newman, Okemos, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

Jeff Persico, Oral Surgery Associates of Lansing, 4201 Okemos Road, and 4451 Satinwood, Okemos, read from a prepared statement in opposition to Special Use Permit #06-99091 (Wal-Mart).

[Prepared statement in Official Minute Book]

Joan Guy, 1083 Woodside Drive, Haslett, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

Shane Goodale, 1223 Tihart Road, Okemos, read from a prepared statement in opposition to Special Use Permit #06-99091 (Wal-Mart).

[Prepared statement in Official Minute Book]

Art Baryames, Owner, Haslett Village Square, 2423 S. Cedar Street, Lansing, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart), noting the loss of sales for other businesses in the community.

Mike Mattice, Vice-President, Green Timbers Condo Association, 6962 Timberview Drive, Greenville, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart), specifically his experience with the impact a Wal-Mart Supercenter has on a community.

Carolyn Baumgart, 5539 S. Aurelius Road, Lansing, read from a prepared statement in opposition to Special Use Permit #06-99091 (Wal-Mart). She also submitted a packet of information for the record by Dr. Leonard Silverman as well as several letters from area business owners, all in opposition to this special use permit.

[Prepared statement in Official Minute Book]

Donald Twohy, 2202 Haslett Road, East Lansing, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

Chuck Maniaci, 2553 Sundance Lane, Okemos, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

Marlene Osborn, 1494 Forest Hills Drive, Okemos, read from a prepared statement in opposition to Special Use Permit #06-99091 (Wal-Mart).

[Prepared statement in Official Minute Book]

Kristin Batdorf, 1770 E. Grand River, East Lansing, read from a prepared statement in opposition to Special Use Permit #06-99091 (Wal-Mart).

[Prepared statement in Official Minute Book]

Pat Hagen, 4315 Wabaningo, Okemos, read from a prepared statement in opposition to Special Use Permit #06-99091 (Wal-Mart).

[Prepared statement in Official Minute Book]

Michael Osborn, 1494 Forest Hills, Okemos, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

Carl Harmon, 1924 Birchwood, Okemos, encouraged the Board to vote what they felt was best for the community.

Harold Schmidt, 4086 Dobie Road, Okemos, stated that Wal-Mart is here and must live within the framework of the law of this community.

Kathryn Ringstad, 13711 Alabama Drive, Eagle, and an employee of Wal-Mart, spoke in support of Special Use Permit #06-99091 (Wal-Mart).

Stephen Fuller, 1045 Woodside Drive, Haslett, spoke in opposition to Special Use Permit #06-99091 (Wal-Mart).

APPLICANT'S REBUTTAL:

WAL-MART REPRESENTATIVE GARRETT: Madam Supervisor, I do have some general responses to the public, but I don't know if you would like to hear those during the public hearing or if you would like to have those during discussion.

BOARD MEMBER: I think it is probably more appropriate to have it during our hearing, to get your responses. Maybe the Board might have other questions and would like other information from you.

WAL-MART REPRESENTATIVE GARRETT: O.K. Listening to all of the residents, as we did last time, it seems there are several concerns that they have; traffic (obviously), economic viability, hours of operations, consistency with the Master Plan and groundwater recharge. I would like to talk briefly about the traffic.

I believe the criteria in the ordinance states that we must produce a traffic study if our proposed expansion is to generate more than 100 trips, which I believe we've done. We have revised, and we have done some due diligence with the Township consultant and the county. I would just like the residents to know that we are trying to mitigate for our expansion. We cannot mitigate for problems that already exist. I believe we have met the criteria with the trip generation and then we come up with some solutions. We are open to suggestions on how to mitigate for our expansion. I would like to do that.

There was a gentleman that talked about trip generations and the way the study was generated. We do have our traffic consultant here, and I believe the last time we discussed the ITE method vs. taking trips. I don't know how familiar you are with the ITE Book, but it has several case studies that are done on different types of uses; supercenters, discount stores and so on and so forth. What I believe our traffic consultant would support is that the most accurate way to count the trips is to actually go out and put a counter out and count the trips, which would generate more accurate information than is in the ITE Book. We are familiar with it and we do reference it, at times, but I think what we have done is a little more accurate than ITE.

With response to the economic study that was submitted, I would like to point out some things in that. I did not prepare that personally; I wouldn't stand here and pretend that I am an economic professional. But there are some charts that you may or may not have had a chance to look at. I would like to just briefly point those out; I think the information is clear, but if I may, I might even put some on the projector here to share with some of the residents.

I believe one of the residents mentioned why were the areas studied that we put together. I would like to say that we tried to not only look at what would happen locally, but try to look at the Midwest. That was the reason that we chose these areas. There are charts and tables in here that show similarities; demographics, household incomes, some of these things, even the types of uses such as a Meijer and some other mid-range commercial establishments that we looked at. That is how we tried to come up with the areas that we studied.

This is just to point out that we looked at the Lansing area, we looked at Elkhart, we looked at Fort Wayne and we looked at South Bend. As I just alluded to, there is household income, median household age, even some other things like race and ethnicity. We tried our best to compile some information over a broad area. There were several questions that were asked over the U.S. by, I believe, some of the members of the Board, so we tried to look at markets that were similar to this.

This diagram here shows, I think someone did have a chance to read and comment on, the sixteen percent (16%) and this map that you see here is the trade area and the dark bold line up here was the area that was studied. That sixteen percent (16%) was happening outside of that dark area. I did want to show that to the residents.

There were some comments about hours of operation and I would like to talk briefly about the lighting. I don't know if people know the lights there are 24 hours now even though the hours of operation are limited. They are sensory operated and operate between dusk and dawn. Those lights stay on in that particular time frame. We have been to the Township several times and looked through all the information that is here and, to my knowledge, I don't know that's there been complaints on glare from the existing store. That was one thing that I wanted to mention.

There were questions about truck deliveries and how they would be incorporated into the 24 hour operation. Also, a gentleman talked about negotiating. The truck deliveries...at this time, we would be prepared to keep those during the hours of the current operation. That means we wouldn't have truck deliveries at three (3) in the morning. They would happen during the hours that the store currently operates. I wanted to put that out there and give you some time to think about that.

As far as the number of trips that would be created by the expansion, what we have found is that there would probably be about two (2) to three (3) additional truck deliveries to the store. A lot of the distributors here are local and they service some of the existing establishments here and they would send additional trips to our operation. We do have the store manager and the district manager here that would probably be a little more well versed than myself to talk about the specifics regarding trucks, but I know there have been questions about how many and I think that they could answer that.

I believe someone commented about crime statistics and I do believe we submitted some crime statistics in the two (2) inch binder that you have. Again, I know that there's a lot of information, but we did do our best to try and answer many of questions that were asked by the Board and the residents.

One resident spoke about omitting some information from the traffic study. What we prepared was an amendment to the existing, so those trips on the other roads that were in the study still apply. What this was was an addition to that study, so I wanted to clarify that.

That's pretty much it. Like I said, there's a lot of information and we would like to do our best to answer any questions you may have or things that you have heard through the residents that you would like to pass on to us. I could bring our traffic consultant up and he could speak on some of the other things in the traffic study...the traffic issue, if you would like at this time, or we can do that during discussion. Roger, if you would like to speak, maybe just a little bit, about the derivation of the report, and maybe fill the people in on your correspondence with the Township consultant and meeting with the County Road Commission. So, if he could have a couple of minutes here just to go over that, it would be appreciated.

WALMART REPRESENTATIVE WALTHER: Thank you for permitting me to talk and address the Board. Traffic study based on the comments that the Board made at the last meeting that I was here at, I guess was in April...from that time until now, we've endeavored to collect additional information, to engage the Road Commission in conversations regarding their traffic signal operations on Marsh Road, and I had a brief conversation with your traffic consultant, who professionally I go back in association with him for many years and a highly respected individual, I might add.

Our discussions revolved around his comments in the last review that he did for you back in April. It dealt particularly with recommendations he was making with regard to right turn lanes and also a comment regarding his review of the trip generation as compared to the methodology that was used. As I believe I said the last time on that matter, the SITE is an accepted practice. It is also an accepted practice if you have an existing store. You are obviously going to get counts at that store; you go out and physically count the traffic that is particular to the Okemos Wal-Mart store. In that regard, I think that as of recently, he has indicated that he believes that those were accurate counts, and we would support that, saying we would have no reason not to believe it, because we hired [inaudible] to do that work for us.

In that regard, I think any further information that we need to provide you or your consultant to satisfy your concerns with regard to traffic; in particular the Road Commission was concerned that if the traffic signal was supportive at the Marsh Road/Times Square intersection, that they would like to see some studies on the coordination of signals. Again, your consultant indicated concern about the space signals. We have done some preliminary work along those lines which we did provide to the Road Commission on what the progressive signal system would look like there given the progressive movement of traffic. We believe with some changes in the timing and some consistency in the cycle lengths of those signals, that is a possibility, a very real possibility. We would like to suggest that that would be an improvement along Marsh Road.

In doing that particular study, we were cautioned by the state (MDOT) not to suggest changes at Grand River. They spent a lot of time down in that little triangle trying to get the timing right and they feel that they've got it as good as they could get it with the three or so signals in that triangle. We, in fact, did do our analysis of Marsh Road based on no changes at Grand River.

I don't know what else I could offer you along those lines, other than to say that we will provide what yourselves, your staff and your traffic consultant need to properly render an opinion to you.

BOARD MEMBER: Roger, I didn't quite get your last name. What is your last name?

WALMART REPRESENTATIVE WALTHER: Walther.

BOARD MEMBER: W-a-l-t-h-e-r?

WALMART REPRESENTATIVE WALTHER: Correct.

BOARD MEMBER: Does that encapsulate the rest of your ...?

WALMART REPRESENTATIVE WALTHER: Yes.

BOARD MEMBER: I am going to open it for questions from you. I would like to remind you again that the questions posed need to pertain to the facts and criteria as issued in this review. We have our SUP criteria, and try to make your questions pertain to that.

BOARD MEMBER: I have a more logistical question. I would like to see if we could obtain an electronic version of this information to put on the website, perhaps as a PDF, so people can actually view it. I have been concerned that we only had a week, and a lot of folks clearly have not had a chance to look at it or offer comments.

BOARD MEMBER: I don't know how difficult that is, but I'm sure our staff can look into that.

WALMART REPRESENTATIVE GARRETT: If the Township has an FTP site, we could upload those documents. Sending an e-mail would be several e-mails and would be quite large, so we can try to coordinate with the Township IT staff. I don't know who that is, but we would be more than happy to make that digitally available for the residents and the Board.

BOARD MEMBER: Thank you; we appreciate it. Other questions from the Board? Remember to keep it pertaining to our SUP standards and I will try to keep you on tact and, if you're not, I will interrupt you.

BOARD MEMBER: Unfortunately, this document here, for the most part, doesn't have page numbers which makes it a little hard to refer to. I would have preferred to have page numbers. But, using my own numbering system, on the second page there is the statement numbered one to the effect that there are not other previous resolutions by the Township Board and Planning Commission, which limited the hours of operation of a proposed special use. I guess Mr. Kieselbach could answer this, but didn't Farmer Jack's have a limit on its hours of operation?

DIRECTOR KIESELBACH: It did have a limit on its operation; also, a limit on the time for truck deliveries.

BOARD MEMBER: So you would say this statement in here is incorrect, then?

DIRECTOR KIESELBACH: Yes, because the SUP was granted for Farmer Jack's with those limitations.

BOARD MEMBER: That's the one that occurred to me. Are there other stores in the Township where there were special use permits that had limits on their hours of operation?

DIRECTOR KIESELBACH: That's the only one I'm aware of.

BOARD MEMBER: Buddies?

DIRECTOR KIESELBACH: Buddie's wasn't part of the special use permit; it was part of the liquor license.

BOARD MEMBER: Following up on Trustee Veenstra's question, I would like to ask Mr. Kieselbach about the market analysis and if he could explain to us what other special use permit applications involved applicant's providing market analyses....economic impact studies, I'm sorry.

DIRECTOR KIESELBACH: I don't know if you want to call them market analyses, but the two hotels, Hampton Inn and Staybridge Suites both provided to the Planning Commission, because the question came up if we needed another hotel in the Township, and they provided information to the Planning Commission for the need of additional hotel space in the Township.

BOARD MEMBER: Madam Supervisor, are you wanting for us to wait until the discussion portion to respond to Wal-Mart answers or how are you wanting to divide that up?

BOARD MEMBER: Actually, I am trying to see how much information the Board actually is looking for to answer the questions. I want to make sure that the Board members have all the information that you need to make a decision based on our SUP criteria. Depending on how many questions and how much more information you need, if you need a lot more information, then I am going to suggest we not have discussion tonight. If you feel that you don't have enough, then I would feel more comfortable not having it. On the other hand, if you feel you have enough information at this point to render a decision in the future, then we'll be finished and we can have some discussion and render a decision at our next meeting.

BOARD MEMBER: I do have some questions about the information that was provided to us and I would like to ask some questions about a few of their answers. If you think at any point that something I'm asking should wait until the discussion portion, I would be glad to wait until then. But I'll start, if I might. One of the questions that I asked in April had to do with dark stores. I appreciate your response to me, but I do certainly take issue with the preface of your answer which says that this question isn't related to the special use criteria. I prefaced my comments in April with the fact that my questions were going to be related to Section 86-126(4) and (5), (4) having to do with adversely affecting existing neighborhood uses and (5) was that the project will not be detrimental to the economic welfare of surrounding properties of the community. My questions regarding dark stores and refilling them and so on, I thought, were clearly related to the criteria that are included in the SUP criteria.

That being said, you mentioned that you had eight (8) stores currently. Is that as of today, or is that as of last month, or in April? Do you have an idea if that is a pretty current number; I guess is what my question is.

WALMART REPRESENTATIVE GARRETT: If I may call on Mr. Infante, who is our public relations person for Wal-Mart. He might be more prepared to answer that question.

WALMART REPRESENTATIVE INFANTE: Those are the current numbers right now, so there's currently I think eight (8) stores.

BOARD MEMBER: And 345 nationally?

WALMART REPRESENTATIVE INFANTE: Across the country, right.

BOARD MEMBER: I think anyone who looks at the concept of a dark store, whether it is in the neighborhood plaza or whether it is a stand alone building, obviously, it is going to have some effect on the economic welfare of the surrounding property. So, I think we are clearly within the area of discussing the SUP criteria here when we talk about....

WALMART REPRESENTATIVE INFANTE: I'll be glad to answer any questions you have about dark stores.

BOARD MEMBER: You mentioned in your answer to the dark store issue that you had no policy that is automatically applied to every empty store and you look at each one on a case by case basis and try to determine what would be in the best interest of Wal-Mart. I guess it would beg the question that do you, in fact, sell your buildings to other grocery retailers when you have Wal-Marts in the local vicinity?

WALMART REPRESENTATIVE INFANTE: We have a division called Wal-Mart Realty and their job is to dispose of those properties. Sometimes they're leases; sometimes we don't own the property so we can't get rid of the property, as it is not ours to get rid of. If there's time left on the lease, it is in our best interest to get someone to sell that property out. We will sell dark stores or sub these properties out to anyone who is willing to come and get in there. Even if it is a competitor, a Farmer Jack or whomever; we are looking to have that property off our portfolio. It doesn't do us any good to keep that property dark and to keep paying for it.

BOARD MEMBER: I have very little business background, which may already be obvious, but it would seem to me that you wouldn't want to sell your empty Wal-Mart to a competing business, especially a grocery retailer.

WALMART REPRESENTATIVE INFANTE: I'm not saying it has ever happened before. I don't know that it has ever happened before, but from policies I've read and information I've received, the goal is to get rid of the property, because when you have a dark store that says Wal-Mart on it, it reflects poorly on Wal-Mart.

BOARD MEMBER: In your leases, do you have restrictions, if you don't own the building, on who the owner of the building could sublease to during the periods of your leases?

WALMART REPRESENTATIVE INFANTE: Unfortunately, I'm not the best person to answer that question; I don't deal in leases. I apologize.

BOARD MEMBER: The question came up with respect to how long stores remain dark. Once again, your (I'm referring to the collective you, of course) your response was that this isn't related to the special use criteria, so I would like to reiterate one more time that I think it is pretty obvious that a question related to how long a store is going to be boarded up, empty or dark is certainly going to be related to the economic welfare of the surrounding area. Once again, I think this does relate to the SUP criteria pretty clearly.

When you were asked the question on how long does a store remain dark (I was asking for some averages or maybe some specifics) and I didn't get an answer to that question.

WALMART REPRESENTATIVE INFANTE: It's hard to determine. What I can tell you is that when we know that, for example, if we're going to relocate a store, what typically happens with our stores and the reason they become dark is relocation to another area in another section of town. Maybe the site is not big enough. Maybe we can't expand because the site won't contain the expansion to a supercenter. If we know that in advance, our realty team works immediately to try and fill that in. The goal is to hopefully have a tenant in there by the time we leave; when we leave, that new person can come in.

BOARD MEMBER: O.K., well, I'll ask you a specific question then. With respect to the St. Johns situation, where it is my understanding, and correct me if my understanding is false here, that you had a regular Wal-Mart store in the area and you moved into the next adjoining municipality which was a relatively short distance in terms of travel. I don't exactly know how far; a quarter of a mile, or half a mile, and I was just wondering, is that regular Wal-Mart still dark?

WALMART REPRESENTATIVE INFANTE: I don't know the answer to that. I will find out.

WALMART REPRESENTATIVE STEVE VAN ELLS: Good evening, my name is Steve Van Ells and I actually live in St. Johns. The old Wal-Mart store that was located in St. Johns is being occupied by a People's Clothing Store that is slated to open this week. According to our local newspaper, I believe it is the *Clinton County News*, there is also going to be a Dunham's property that will open in that building soon. That property has been filled by two (2) businesses.

To give you a time frame of how long the building sat dark to answer your question, The old Wal-Mart moved out in January '06 and People's, which is a clothing store, is slated to open this week. So, nine (9) months.

BOARD MEMBER: Thank you very much. That was the kind of information that I was sort of looking for, hoping to maybe get some specifics.

WALMART REPRESENTATIVE STEVE VAN ELLS: I only know that because I live there and my wife was excited about a new clothing store.

BOARD MEMBER: I understand. I get information about this sort of thing from other sources. I just wanted to get some corroboration, if it was possible, from Wal-Mart with respect to how long these stores remain dark as a general rule.

One other thing that was curious to me, and maybe you can explain it. With respect to the public benefit in financial terms to the community...several times, I think three (3), in your answers you refer to an additional \$1.1 million dollars in state tax revenue would be generated as a result of the proposed expansion. I did some speculating, but I couldn't come up with what I thought was a reasonable way of figuring out how you would get \$1.1 million additional dollars into the state tax revenue by this 50,000 square foot addition. Maybe you can give me some information.

WALMART REPRESENTATIVE INFANTE: I'm not an economic expert either. I can just tell you what I think would be the answer. What we're talking about is if this store goes to a supercenter, it will generate about \$2.5 million dollars a year in taxes. So that's where you get the \$1.1 million additional, by expanding.

You're asking how we got to those numbers? I would assume by estimating the sales of those products coming from another store.

BOARD MEMBER: I did some casual figuring here since I collect taxes here. I noted that you paid in education taxes, county and local taxes in 2005 about \$395,000 locally. I am just wondering if sales tax was included in your idea there? If sales tax was included, I was thinking that you had to do somewhere in the neighborhood of \$18 million in additional business to generate \$1.1 million dollars in sales tax. So I was just looking for some other factors that I might be leaving out or might not be aware of.

WALMART REPRESENTATIVE INFANTE: Unfortunately, I'm not able to answer that question. I don't know the economics and I would be a poor choice to answer that question.

BOARD MEMBER: I'm just pointing out that these were your answers and based on the answers that you've given, if you can't explain them (and I can guess, but I really don't think that's fair to you to guess), all I'm saying is that the credibility of this answer seems to be in doubt.

I think, finally, some comments tonight and also some of my own personal experience would suggest me asking this question. This will give you a chance to publicly state yes or no on this issue. Do you have a policy, either unwritten or written, that includes saturating an area with Wal-Mart stores and using predatory pricing to put competitors out of business and then close one or more of those local stores, which are the least producing Wal-Mart in that general area and then leave those stores dark, refusing to sell or lease to a competing business. I know that is a big question.

WALMART REPRESENTATIVE INFANTE: This isn't related to the SUP that we're talking about.

BOARD MEMBER: It absolutely is. It absolutely is related to the economic welfare of our community. And, if that is a policy of yours.....

WALMART REPRESENTATIVE INFANTE: It is not a policy of ours.

BOARD MEMBER: It is not? Which part? The saturating an area with stores?

WALMART REPRESENTATIVE INFANTE: The entire question.

BOARD MEMBER: So saturating an area with stores is not a Wal-Mart policy?

WALMART REPRESENTATIVE INFANTE: Correct.

BOARD MEMBER: Using predatory pricing is not a Wal-Mart policy?

WALMART REPRESENTATIVE INFANTE: Every question you asked me, the answer is no.

BOARD MEMBER: O.K. I just want to make sure. So, you do not have a policy of predatory pricing, you do not have a policy of saturating an area with stores in order to put other people out of business and you do not have a policy of leaving stores dark and not allowing competitors to lease them or use them?

WALMART REPRESENTATIVE INFANTE: That is correct.

BOARD MEMBER: O.K., well we have that out in the open. If it's not a written or public policy, it certainly, based on my limited research, would appear to be a de facto policy, because that is what's happening in a number of areas and I'm concerned about our community's economic welfare with respect to the historical precedents that your company set in some other locations. I'm worried about that in our community and that is related to 86-126(5).

WALMART REPRESENTATIVE INFANTE: I would disagree with that.

BOARD MEMBER: The last thing I would like to mention, and I will admit up front, if the Supervisor would allow me thirty (30) seconds, that being a good business neighbor and violating the state's pricing laws is really not specifically identified in the review criteria. However, you have and were found guilty of pricing law violations in 2006 and were fined \$1.5 million. You were also found in violation in 1999 and 1994, and the Attorney General, Mr. Cox, who is certainly not an anti-business person, said that Wal-Mart was far and away the problem child in this pricing law situation. With respect to being a good business neighbor, this doesn't establish that you have been or that you would be in the future.

WALMART REPRESENTATIVE GARRETT: Could I respond to some of Mr. Hunting's comments now, or should I wait?

BOARD MEMBER: No, now would be fine.

WALMART REPRESENTATIVE GARRETT: You had some very eloquent questions, I might add. I want to tell you what I know about some of the saturation. I'm not privy to all the market analysis and all the proprietary information that they have, but what I can tell you is that when they look to relocate a store, they look at a mile radius, and they set the existing stores in the community where they would like to go and they focus on those areas of influence. Obviously, they don't want to put one of their own stores out of business by locating it too closely to an existing store, and I don't believe their intent is to put any other business out. I don't know how much you got into the economic study; maybe you studied it pretty well; it sounds like it. There is some information here... Table 3.3 kind of speaks to some of the economic viability. Your question was a little complex, but this may provide some insight into some of that.

There's some percentages on the share of market; there's Meijer, these are existing....again, this was prepared by our professionals and this is their professional opinion...but there's Meijer, there's Wal-Mart, there's Aldi, Kroger, L&L, Save-A-Lot and some miscellaneous. So there are some percentages of the share of market that are there now. There's also a figure in there that I think of your astute residents pointed out, that 16% being out of the trade area. There's also some numbers in here that correlate that percentage to an available square footage for capacity. The number comes out somewhere around 54,000 to 72,000 available square footage. Again, I don't know how much time you had to get into that and I don't want to get too much into these numbers because I didn't prepare this. I am just letting you know that there may be some information here that may shed some light on some of your topics.

I want to let the Board know, too, that there were several comments about existing customers and going to other stores for groceries and things of this matter. The grocery business, and I'm not a grocer either, but I know that the grocery business is very competitive. What Wal-Mart's philosophy is that they intend to get people to the store with the groceries. The price of eggs... you can't take that up or down...I think if you went there and compared the milk and eggs and some of these things, you would find they're pretty comparative to what's at some of the other existing

establishments. I hope that shed a little more light. I realize you may have not been getting the specific answers, but I did want to give you the information that I had this evening.

BOARD MEMBER: I would like to follow up on the economic analysis. I have a number of questions regarding some of the assumptions that were made. The first one is that on page 15, of the economic analysis there was an assumption for a supermarket/supercenter/store space per capita level of 4.1. I am just wondering why do you assume that level? It is pretty much a fundamental part of this whole analysis is that you are saying that that's the number of square feet per capita. How do you make that assumption?

GARRETT: I'm sorry, I'm not the one; I don't really want to get into the numbers because I didn't compile the report, but what I can do is take that specific question down and have our professional consultant who prepared this respond to you in writing. I don't want to start getting into it should be 4.3 or 4.4, because that's not really my area of expertise. That is why we went out go get this person, but I will make sure that your question is answered.

BOARD MEMBER: O.K., if I might continue with a few other questions along these same lines. You know, we don't often see this type of report, either. We see a lot of traffic studies and groundwater studies, but we don't see these types of studies as much. So, it is a little bit more difficult for me to comprehend them and understand the science behind it.

My second question is you are making these comparable markets based on demographics. I noticed that all of the markets that you are looking at that are comparable on, well, you don't have a page number, but on Table 3.2 you look at the average household incomes of the four (4) areas that you are studying in your Comparable Midwest Markets Selected Demographic Characteristics. Three of them are very similar and one of them is a little bit lower, South Bend. Then, if you go to Table 4.2 where you look at the Lansing-East Lansing demographics, you break down the Lansing/East Lansing area into Meridian Township, Delta Township, Charlotte trade areas and make some comparisons. I noticed in there that the average household income in Meridian is considerably higher than the other areas and I am wondering what impact does a higher income level have on grocery shopping? Does a higher income level mean that people do less grocery shopping because they eat out more meals, or does it mean that they buy more expensive groceries? I don't know the significance of it, but I noticed that it stood out for me in the demographic analysis in terms of I have some concerns about the assumptions that are made in the study because our area appears to be demographically different than some of the other areas that we're being compared to.

WALMART REPRESENTATIVE GARRETT: That's a very valid concern and I would have to give you the response I gave you before about not being the person who prepared it. You are absolutely right, that area at \$100,000+ does appear to be larger than the other communities studied. But there's several numbers that are presented here and there are some that are very similar. I can certainly look at that and find out what that means.

BOARD MEMBER: My next question is for our manager or for our attorney and perhaps for our Board. As I looked over this economic study, I had a lot of questions about what is the relevance of it, what does it really mean, how can I take this information that's in here and apply it to our special use permit criteria that goes toward the economic sustainability of our community. I started realizing as I was looking over these numbers that when we receive our traffic studies from Wal-Mart and from all our other applicants, we don't take them at their word. We send them to our traffic consultant, he looks them over and then sends us a little comment and tells us things that we should be aware of in the report that are, perhaps, problematic. The same when we are looking at our wetland determinations and our wetland impacts. The applicants will often hire a consultant, prepare a study, give it to us and then we then take that study and send it to our wetland consultant and have them review the study and notify us of any sorts of deficiencies or concerns that we might want to be aware of. I'm wondering if it would be appropriate for us to have some sort of economic consultant look at the study and do the same sort of review of the study and let us know if there's.....I just don't know enough about this. There are some things I am very concerned about and I don't know if I should be concerned about them or not because I don't have a degree in economics.

TOWNSHIP ATTORNEY: In answer to your question, yes. The Board has the ability to ask for another consultant to either evaluate the report or do something similar to this and see what assumptions they would like to make, not only on an economic analysis or a market study, but some other areas; traffic issue. Somebody brought up driving through the back; I don't know if that has been addressed in any traffic study. There are several things that have been brought up that you can have someone else look at and give you their evaluation or evaluate what the applicant has submitted to you; noise study, the crime statistics, and I think that is most of them. There are several things that have been raised, questions answered by Wal-Mart. You have the ability, if you feel you don't have enough information or don't understand that information or you need to make sure that the information is consistent with what the facts are, to ask to have your own study prepared. As well, I would think that at some point, it would probably be good to have access to the person or group that prepared the study, so you can ask your questions to them directly. I don't know if you can do that.

WALMART REPRESENTATIVE GARRETT: If I may, we can make Mr. Carlson available. We felt that our conclusion was that there was available capacity, and I thought that it was clearly stated here. But, apparently this evening, there are still several questions that we would like to make sure get answered. We can get Mr. Carlson in touch with someone that you might select. I will forward these specific questions on to him and make sure that you get a specific answer to those questions.

TOWNSHIP ATTORNEY: If you choose to do that, then what I would recommend is that I know that everyone wants to make this happen one way or another as soon as possible. But, if you are going to need further information, you would continue to hold this open, you wouldn't discuss it, and you would get the rest of the information before you started evaluating it and determining what's real and what's not; what's factual, what's questionable.

BOARD MEMBER: First of all, I take issue with what Wal-Mart thinks that a lot of our questions or the answers are not relevant to our special use criteria and I, like the Treasurer, construe our special use criteria far broader than Wal-Mart does. So, I think a lot of these questions are very relevant and should be answered. I have a specific question on what would be, apparently, page 3, number 5, which says, "There are no documents identifying that the area above the elevation of the floodplain on Wal-Mart's property is within a designated groundwater recharge area." It still begs the question is it, in fact, a groundwater recharge area, or not? Do you know the answer to that question, because I'm not really bound by whether there's a document; I'm concerned about if there's something going to go into our groundwater, I don't want it to pollute the groundwater.

DIRECTOR KIESELBACH: We're still reviewing the information. The ordinance makes that distinction subject to our Director of Public Works and Engineering.

BOARD MEMBER: So it doesn't depend solely on whether there's a document in the file that says it a groundwater recharge area; it's really based on the facts of whether water goes into the ground at that point, as determined by our Director of Public Works. Is that correct?

DIRECTOR KIESELBACH: Yes.

BOARD MEMBER: Along the same lines, same page, point 8, it says, "No person has complained in writing to the Township nor has the Township taken any action regarding any noise issues, lighting or glare concerns, or any nuisance claims relating to the existing Wal-Mart store. There are no documents which identify that Wal-Mart's current operations during daytime or nighttime hours (which I guess is prohibited) pose any problem for nearby residential area. Again, there might be things that are bothering neighbors greatly but they may not have complained in writing. I think this analysis is somewhat too narrow and too legalistic and there may be genuine issues even though there are not documents in the file.

WLMART REPRESENTATIVE GARRETT: If I could respond. That point is well taken about the documents. If you might recall, we did have some sort of a public outreach meeting which, I believe Ms. Nicholas was there; there were a couple of other people that I have seen at a couple of meetings here that did attend. I believe it was in the paper; I was there, Nick Infante was there with open arms to address some of those concerns. I guess we can only respond to what we know about.

We have heard some things this evening about noise; there was a lady tonight who talked about noise. What I would say is there is a noise ordinance that is here that the Township has and that we feel we comply with it. The noise study was submitted under our previous submittal and I haven't gotten anything (and Ms. Brixie talked about it), but there hasn't been any response from the staff or anyone stating that we are in violation of that noise ordinance. The same thing with the lighting; the lighting is 24 hours and this evening I heard someone say there was some glare in, I believe, some residential units that are in the general vicinity of the site. That was this evening; that's the first I have heard of that, so we haven't had a chance to respond to that. I am sure we will put something together; there is an existing photometric plan for the existing store. We can look at that, and try to draw some conclusions about foot candles exceeding the property line and getting into those residential units.

You also talked about groundwater and the Township attorney or Mr. Kieselbach may be able to speak to this about the ordinance. Our interpretation of that was that was impacting the drinking water. While there isn't a map to point specifically to the areas, we did do a study and it has been submitted. We haven't received any comments from the Township or any of their consultants specifically. He alluded that they are still reviewing the report and we do acknowledge that there is drinking water that is several feet below the site. There is a clay layer there; the permeability of clay is not that good as it retains moisture. To quote our groundwater recharge consultant, he says that the probability of water getting through that is like water getting through steel. If you know anything about steel, it is permeable, but it would take a whole heck of a long time to get the water through.

There is the Mud Lake Drain there and I briefly talked about it and about taking some roof water drainage, as it is usually cleaner than what you would get from surface runoff in a parking lot. I believe there is mention in here about polishing ponds and things of that nature from the last meeting by Mr. Such. We are looking into that and what we have found thus far is that an appropriate recharge for the Mud Lake Drain in the basin would be from the roof that we could then take to some rain gardens that could mitigate the impervious surface that will be covering the pervious surface with the expansion of the parking lot.

All of the details and the particulars about the rain gardens, they haven't been designed. The surface runoff from the actual parking lot itself would go into the detention basin that is located up by PetSmart here and there is a sediment forebay that, I believe, meets the county drain commissioner's standards for design to which the surface drainage from the parking lot would go. I understand the Township is reviewing that groundwater recharge that we have provided in the report. Again, I'm not the groundwater guy, but I have to coordinate all these guys; the traffic guy, the economic guy and I try to bring that all together and give you a simplified version. Once there are comments available on the groundwater recharge, we will respond to those.

BOARD MEMBER: Finally, just on page 4, the bottom paragraph about the traffic study talks about the problems at the intersection of Marsh Road and Times Square Drive. At midway it says "...Township has not required other recent developments (Kohl's, Culvers, PetSmart) to mitigate the traffic problems..." apparently at Marsh Road and Times Square Drive Well, I would submit that Kohl's is far enough way so people don't get onto Marsh Road at Times Square. They get on down at Central Park with a signal light at Marsh. I think the word Kohl's probably out to be struck out of that sentence.

BOARD MEMBER: I have a few questions. Is Wal-Mart requesting an expansion of hours without increasing the store size?

WAL MART REPRESENTATIVE GARRETT: If I may try to make sure I answer that properly. Are you suggesting that the hours of operation would go to 24 hours, but there be no expansion in square footage? Is that...

BOARD MEMBER: It is a separate issue. If you did not have your expansion of the building, would you be requesting an expansion of the hours?

I would suggest that there would be no request for expanded hours with no expansion.

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WAL MART REPRESENTATIVE GARRETT: O.K., I've got it now. It takes a minute there. What is typical is the 24 hour request is attached to the supercenter and the grocery box being open, so I would say there would be no request for 24 hours with the store in its existing state. I don't know of any 24 hour stores, maybe you do, that are Division 1 24 hour stores, meaning without the grocery box. Is that inaccurate or an accurate statement?

WAL MART REPRESENTATIVE INFANTE: I think this question is something that I would have to go back and talk to the design manager and the operations manager about whether or not that would be next. At this point right now, our request is attached to 24 hours for the expansion of the store. Any request other than that is something that would have to be separate.

BOARD MEMBER: Has Wal-Mart assisted giving any monetary or other help to any Michigan community or agreed to give in the future, to address the closing of a Wal-Mart store? Have you given dollars to communities when stores have closed?

WALMART REPRESENTATIVE INFANTE: No, I'm not aware of any situation where we've given money to a community because a store has closed. As part of our discussion with Mr. Hunting, with a dark store, our goal is to fill that; to get a tenant in there. That is our number one priority with a store that closes.

BOARD MEMBER: Will any additional lighting be proposed with this proposed expansion of size and hours?

WALMART REPRESENTATIVE GARRETT: What I can tell you now is that we do have a draft copy of the lighting ordinance that our consultants are reviewing. At this time, we're not complete with that study, but what we have seen thus far doesn't seem like it would be too hard to comply. Our intent to comply with the ordinance.

BOARD MEMBER: You would comply with the ordinance?

WALMART REPRESENTATIVE GARRETT: That would be our intent. We are reviewing the draft ordinance and when the final ordinance becomes available, we will have to reevaluate it at that time. Wal-Mart's agenda is to be a good corporate citizen.

BOARD MEMBER: I have one of your maps, but can you explain the location of your lighting?

WALMART REPRESENTATIVE GARRETT: I don't believe we have here this evening....let me check one thing before I answer that. Are you asking in the parking lot or on the building?

BOARD MEMBER: The whole parking scheme.

WALMART REPRESENTATIVE GARRETT: What we do show in the parking lot for proposed right now, is light here, here. These symbols are proposed lights in the expansion area. I don't have the details about the lighting on the wall; that would be an architectural question. But, I don't have that this evening, so to answer your question, I would say [inaudible] these bulbs here that are on the diagram that Mr. Kieselbach provided is our proposed lighting scheme. I think you are aware of this, but part of the final site plan requirements is to do a photometric study and we are prepared to do that. Also, we've made some calls to some of the staff this week to inquire about the existing lighting that's out there today.

BOARD MEMBER: Are the additional employees at the Wal-Mart site full-time? In the proposal, there's additional employees; I think you said in here it would be 180 more employees. Are they suppose to be full-time?

WALMART REPRESENTATIVE INFANTE: It would be a mixture, just like it is now at that store. It would be the same type of mixture which would probably be, I would guess, 65% full time, 35% part-time. That's about what it is right now. It would probably, and I would assume, remain the same if we were to achieve the expansion.

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BOARD MEMBER: On number 13 in your response, and the question was, "What is the make-up of stormwater being "recharged", i.e., how much from the roof and how much from the parking lot? Could you better explain your answer that's in your written statement?"

WALMART REPRESENTATIVE GARRETT: I think this is somewhat of a reiteration of what I tried to articulate here this evening is, that the portion of the roof water we will use that to recharge the base flow in the Mud Lake Drain. The exact quantity of that is not...I don't have those numbers here this evening, but our intent is to take what some people call clean water, because it gets on the roof, treat that water and allow it to migrate over to the base flow in the Mud Lake. The surface is the stuff in the parking lot that would fall out of the sky and would go to the sediment basin in the existing detention facility. If you are not satisfied with that response, Mr. Austin, who prepared the report, can maybe elaborate on that a little more. If you would like, I can follow up with him and get you something in writing that tries to address that a little better.

BOARD MEMBER: O.K. I'm almost through with my questions here. Will the expansion of the store size, as requested, reduce the existing open space on the site and would it reduce the number of trees on the site?

WALMART REPRESENTATIVE GARRETT: The expansion, as proposed, would actually increase the open space to, I believe, 31.7% and the trees, I don't see that we're going to impact any existing trees. I know there was a request, I think it was by Ms. Brixie before or maybe it was even by Township staff, but there were some trees that were planted when the store was built that weren't doing so well. I believe they are in the berm area back in the northeast part of the store. We are prepared to replace those with new trees.

BOARD MEMBER: Can you explain to me how you are going to increase open space when you only have so many acres. You're not increasing acres, you're increasing store size. How do you increase open space?

WALMART REPRESENTATIVE GARRETT: I'm going to have to look into that a little more. I haven't received any feedback from the staff, not the Board, on that so I haven't spent enough time. Mr. Duff, who is the engineer for our office may be able to address that a little better.

WALMART REPRESENTATIVE DUFF: My name is Frank Duff; I'm with Atwell Hicks. I've been working on a lot of the engineering portions of this site and we are not increasing open space on this site. We are actually decreasing open space in the amount of our expansion. I don't have the exact numbers in front of me; it is on the cover sheet of our plan set the exact amount of open space that we are removing from this site. I believe we are adding trees to the site because there are not existing trees out there right now that are going to be removed as part of the expansion.

BOARD MEMBER: But you don't have a number as far as how much the open space is going to decrease?

WALMART REPRESENTATIVE DUFF: If you will give me a second, I will go figure it out. Currently, there are 11.06 acres of pervious surface on the site, which is open space. We would reduce that to 7.15 acres which would be a reduction of 3.91 acres.

BOARD MEMBER: My final question is on page 9 of your document that you submitted, you stated that L & L Centers show sixteen percent (16%) of the market share. Would you consider that a large or a small percentage of the market share?

WALMART REPRESENTATIVE GARRETT: I can't answer that question. I would have to forward that on to our economic consultant.

BOARD MEMBER: Under Tab 4, the letter from the traffic consultant says they did an operational analysis of Marsh Road from Grand River through Times Square Drive. I would submit that you didn't go far enough north and we need to look further north at the problems involved with Tihart, the high school and Nemoke, so the analysis probably should go all the way from Grand River up to Haslett Road.

WALMART REPRESENTATIVE GARRETT: How those traffic studies and those limits of impact typically come about, is we actually meet with the Road Commission and we ask them what are the limits of impact that we should be studying. And, Roger, correct me if I'm wrong, that phone call was made to the Road Commission and that's what we do typically on all traffic studies, not only here, but in all the communities we go. We try to make that call so that we know what the study is so that we make sure we're studying the correct area of impact.

BOARD MEMBER: I understand. You're not local, so you probably weren't aware of this, but I am a Haslett resident, and as you heard from several people tonight, I do come out that Tihart/Marsh Road intersection getting over to this building. I tell you, more traffic at Wal-Mart onto Marsh Road makes it harder for me to get out of Tihart and make a left turn onto Marsh Road. As you heard, it affects a lot of other people; at Tihart, the high school a little further north. I mean, it's already known as a problem traffic area and adding more traffic would only make the problem worse. I think I'm correct in saying you were misled on how narrow the traffic study area should be.

BOARD MEMBER: It looks like the questions of the Board have come out to you and it sounds like you have information to yet give back to the Board that you would like to reply. What would you like to do with this hearing? Would you like to keep it open or would you like it to close?

WALMART REPRESENTATIVE GARRETT: My preference would be to close the public hearing, but I do want to adequately address the concerns that the Board has presented here this evening. While I would like to close it, I think we would like to leave it open so that we can respond in writing to the comments that we've received here this evening. That would be what I would like to do.

BOARD MEMBER: That would be your preference?

WALMART REPRESENTATIVE GARRETT: Yes, please.

BOARD MEMBER: I feel like I haven't even gotten to the point of knowing whether there are comments from the public that would raise additional questions based on the information provided. Clearly only a handful of the people commented had actually had a chance to even flip through this document and we received an extraordinary amount of information originally from the public based on their research. So I haven't asked any questions tonight, because I am, frankly, not sure what questions I may still have when we hear more from the public. So, I am very eager to see this stay open so that the public has a chance to actually review this two (2) inches of document and give us some feedback on it; not expect that they would have picked up every thing they needed tonight in a cursory presentation in our discussion.

BOARD MEMBER: It sounds like listening to the Board here, there are a lot of questions that need to be answered. So, what I would like to suggest is our applicant here would also like to keep the hearing open...I would like to suggest that we not have any discussion tonight on Wal-Mart as #11B and continue to keep our hearing open. Our next possible meeting when we could discuss this would be November 21st as our following meeting on November 9th is our intergovernmental meeting and it would not be the right format for this. We can continue this on November 21st; it is right before the holidays and I don't know how that impacts you. Would you like to get back with staff and let us know if that's going to be adequate time for you to answer these questions?

WALMART REPRESENTATIVE GARRETT: Certainly, that would be my preference. Also, I would hope within that time that we would be able to receive some comments from either staff or outside consultants with regard to our recharge study and our economic study so that we can come back and, hopefully, the Board would have another opinion and they could make an informed decision. If we can get that information before the 21st, then I would certainly like to have that meeting, but I am going to have to go back and call some people down in Arkansas and talk about it.

BOARD MEMBER: O.K. Knowing that we need two (2) weeks notice ahead so that we can have things noticed in the paper, would you kindly let us know? I think Mark kept pretty good track with

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your staff previously, so that we've held this hearing over for you to get your study in. I have no idea how much time it's going to take you, but if you would kindly call our staff ahead of time so we can rearrange our agenda, I would appreciate it.

WALMART REPRESENTATIVE GARRETT: We'll do that.

BOARD MEMBER: So we will hold this hearing open and we will not discuss it later this evening under #11B.

BOARD MEMBER: Madam Supervisor, I was saving just one (1) more easy question for the discussion, and I am sure they won't have to go back on this one to answer.

BOARD MEMBER: If Mr. Garrett would entertain it?

BOARD MEMBER: Actually, it's a follow-up on your question regarding the 180 new additional jobs and I didn't hear part of it. Then I needed a definition for the second part of my question. Was it ball park figure 65% full-time and 35% part-time? Was that the general sort of....

WALMART REPRESENTATIVE INFANTE: That's correct, 65% full-time and 35% part-time.

BOARD MEMBER: That's the part I didn't hear.

WALMART REPRESENTATIVE INFANTE: I'm sorry.

BOARD MEMBER: Thank you for verifying. The part I want defined is your definition of full-time. Is that a forty hour job?

WALMART REPRESENTATIVE INFANTE: Thirty four.

BOARD MEMBER: Thirty four? And once they're at thirty four, is thirty four considered with benefits, or how does that work?

WALMART REPRESENTATIVE INFANTE: All of our associates have access to benefits.

BOARD MEMBER: Have access if they pay for it.

WALMART REPRESENTATIVE INFANTE: Correct. Exactly, like I do.

BOARD MEMBER: And that's the same with full-time and part time?

WALMART REPRESENTATIVE INFANTE: Correct.

BOARD MEMBER: They have the same accessibility to benefits?

WALMART REPRESENTATIVE INFANTE: Correct.

BOARD MEMBER: You certainly can see how that would be related to the economic welfare of the community here, so that was why I wanted that follow-up.

Supervisor McGillicuddy announced there will be no discussion at the Board level for SUP #06-99091 as the hearing will remain open.

[Supervisor McGillicuddy recessed the meeting at 9:40 P.M.]

[Supervisor McGillicuddy reconvened the meeting at 9:52 P.M.]

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

John Anderson, 215 W. Newman Road, Okemos, alleged the budget will incur a deficit for the fourth year in a row. He also expressed concern regarding the potential annexation to East Lansing.

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Carl Harmon, 1924 Birchwood, Okemos, expressed concern over the potential annexation of property to East Lansing and expressed support for the Board's effort.

Dennis J. Forsberg, President, T. A. Forsberg, Inc., 2422 Jolly Road, Suite 200, Okemos, expressed a desire for the Board to send Rezoning #99020 back to the Planning Commission for reconsideration.

Supervisor McGillicuddy closed public comment.

A. 2007 Budget Resolution

Trustee Such moved that the Township Board approve the 2007 recommended budget resolution as presented with the memorandum to the Board dated October 13, 2006. Seconded by Trustee Brixie.

Board members discussed the following:

- Appreciation to staff for its good job in the budget preparation
- Alleged "running in the red"
- Review of the 2005 audit refutes earlier public comment regarding a budget deficit for a fourth consecutive year as there was actually a net increase in fund balance
- Staff works with the Township's auditors to ensure consistency with generally accepted practices of governmental accounting
- False and misleading statement made during public comment as the Board does not have a voice in determining its salary or an increase
- Decrease in health care costs for its employees

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

B. Rezoning #99020 (Forsberg), request to rezone approximately 4.24 acres located northwest of Jolly Oak Road and southwest of the Coyote Creek Condominiums from RR (Rural Residential) to PO (Professional Office)

Trustee Brixie moved to refer Rezoning #99020 (Forsberg) to the Planning Commission to consider the applicant's request to rezone approximately 4.24 acres, located north of Jolly Road and west of Jolly Oak Road from RR (Rural Residential) to PO (Professional Office) with the condition to develop the site as a mixed use planned unit development. The Planning Commission shall provide the Township Board with its recommendation within ninety (90) days. Seconded by Trustee Veenstra.

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

C. Zoning Amendment #06070 (Planning Commission), revision of Section 86-2 Definitions, Section 86-474 Visibility and Section 86-506 Fences, Walls and Screens

Trustee Brixie moved [and read into the record] NOW THEREFORE BE IT RESOLVED THAT 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, by amending Section 86-2, Section 86-474, and Section 86-506."

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 Clerk Helmbrecht.

Board members discussed the following:

- Obstructions within the sight triangle in the road right-of-way under the jurisdiction of the Ingham County Road Commission
- Opposition to fence as decorative posts would need to be included in the measurement and is unreasonable

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

NAYS: None

Motion carried 6-1 (Veenstra).

D. Final Plat #96022, Central Park Estates (Eyde)

Trustee Woiwode moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN approves the Final Plat of Central Park Estates. Seconded by Trustee Such.

Board members discussed the following:

- Recent financial guarantee in the form of a check
- Additional conditions added after the original preliminary plat are part of final plat approval

ATTORNEY COMMENT: If I may, Supervisor McGillicuddy, I would suggest that with what Trustee Woiwode is saying that the second WHEREAS be amended, because it does go to the issue, consistent with the preliminary plat approved by the Township Board on October 29, 1996 “and any modifications to that approval”

Trustee Woiwode offered the following amendment:

- **Amend the second WHEREAS clause by inserting after 1996 “and any modifications to that approval thereafter”**

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

NAYS: None

Motion carried unanimously.

E. Rezoning #06060 (Planning Commission), request to rezone 27 platted lots in the Wardcliff neighborhood from RA (Single Family-Medium Density) and RC (Multiple Family-Medium Density) to RX (One and Two Family Residential), **Final Adoption**

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. 2006-05 entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #06060” RA (Single Family-Medium Density) and RC (Multiple Family-Medium Density) to RX (Duplex).

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 finally adopted 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.

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Ken Gillespie, Lansing Imports, 2186 Jolly Road, Okemos, spoke in opposition to the proposed outdoor lighting ordinance.

Supervisor McGillicuddy closed public comment.

A. Proposed Outdoor Lighting Ordinance

Board members, staff and the lighting consultant discussed the following:

- Ordinance does not require business owners to turn off lights at the close of business which are used for security purposes
- Light pole height for parking lots is a maximum of thirty (30) feet
- Repair or maintenance is allowed for non-conforming lighting under the current ordinance
- Language regarding landscape lighting, decorative lighting, floodlights and spotlights does not currently make a distinction between commercial and residential property
- New bulb must meet the requirements of illumination for the new ordinance
- Maintaining v repairing a light
- Possible definitions of repair and maintenance
- Multiple opportunities for compliance
- Compounded challenge for total compliance at the end of the (ten) year period without active enforcement
- Amend page 3 (b), by removing the word “only” from the first line
- Allowance for minor repair under the grandfather exemption
- Technology exists for less costly fixtures which would satisfy the intent of the ordinance relative to distribution angle
- Angle of 20 degrees is only for adjustable light fixtures
- Enforceability of only wall-mounted lights will take care of most of the light pollution
- Midland lighting ordinance principally addressed the commercial area
- Redirection and proper distribution of lighting allows for less lighting and energy consumption
- Science of light dictates that more lighting is needed everywhere to improve visibility when you have a glaring source
- Proper lighting design allows for less light with more security
- Lighting ordinance should only apply to new installations in commercial areas and new streetlighting districts while exempting the remaining residential lighting
- Possible incentive program for businesses to comply
- Ease and inexpensive nature of bringing adjustable outdoor light fixtures into compliance
- Many outdoor recreational facilities utilize timer switches
- Requiring compliance by the “low hanging fruit” would satisfy critics and pacify proponents who desire action sooner than ten (10) years
- Compliance of lighting patterns for new construction
- Less restrictive grandfathering in residential districts
- Shielding the top of light fixtures as a partial solution to the retrofit

The consensus of the Board was to direct the Township Attorney and the Director of Community Planning and Development to meet with lighting consultant Larry Moore to provide changes to the draft ordinance for Board review.

~~B. SUP #06-99091 (Wal Mart), request to add 49,427 square feet and a drive thru pharmacy to existing building located at 5110 Times Square Drive~~

12. PUBLIC REMARKS

Supervisor McGillicuddy opened the floor for Public Remarks.

Ken Gillespie, Lansing Imports, 2186 Jolly Road, Okemos, expressed concern that subsection (b) and (d) under Grandfathered Nonconforming Outdoor Lighting are in conflict with one another.

Supervisor McGillicuddy closed Public Remarks.

13. POSSIBLE CLOSED SESSION

Treasurer Hunting moved that the Township Board go into a closed session to discuss strategy related to ongoing litigation. Seconded by Trustee Woiwode.

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

The Board adjourned to the Administrative Conference Room for a closed session.

Trustee Such moved to return to open session. Seconded by Trustee Woiwode.

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

Trustee Such moved to go forward as discussed in closed session. Seconded by Trustee Woiwode.

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

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 11:41 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary