

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING – **APPROVED AS AMENDED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, DECEMBER 6, 2005, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such (6:26 P.M.), Veenstra, Woiwode (6:03 P.M.)
ABSENT: None
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief Dave Hall, Personnel Director/Assistant Manager Paul Brake, Attorney Andria Ditschman

1. CALL MEETING TO ORDER

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

2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS

New Police Officer Jonté Slack led the Pledge of Allegiance.

A. Introduction of New Police Officer

Police Chief Hall introduced Officer Jonté Slack for presentation to the Board as a new law enforcement officer.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Karen Conroy, Ingham County Property Tax Coordinator, P.O. Box 215, Mason, presented the Board with the official Financial Hardship Policy for Ingham County and two lists of parcels scheduled for property tax foreclosure. She requested the Board pass on the hardship application to any Township resident who could benefit from this program.

Eric Schertzing, Ingham County Treasurer, P.O. Box 215, Mason, spoke concerning the Ingham County Land Bank Authority. This authority consists of five (5) individuals who sit on a Board, four (4) of which are Ingham County Commissioners. The land bank is a vehicle for managing the disposition of public property to return it to a taxable condition. When the parcels are foreclosed on March 31, 2005, the local units have the option to acquire the parcels for taxes owed by the first Tuesday in July. There will be an advisory group which will focus mainly on housing and Mr. Schertzing welcomed recommendation of a Township representative to serve on this committee.

Trustee Woiwode noted that the Land Bank Authority would be the owner and potential developer, as well as possibly conglomerate parcels into larger pieces for development.

Treasurer Schertzing added that the Authority can hold, purchase and aggregate property for development purposes. The Land Bank has some of its own self-funding, so there is an interest in obtaining property to place in the Land Bank.

Stephen Boyd, 2567 Heather Circle, East Lansing, introduced himself and volunteered his services to serve on the Environmental Commission. He indicated he was interested in environmental issues which impact Meridian Township and his education and background would serve the Commission well.

Vance Kincaid, 4530 Nakoma Drive, Okemos, spoke in support of the Downtown Development Authority (DDA) Ordinance with boundaries as originally proposed.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Trustee Veenstra expressed concern over an envelope marked confidential which included a resolution to go into closed session. He stated the motion in question must be made in open session.

Township Manager Richards responded that inclusion of the closed session motion was a staff error and items to be placed into a confidential envelope will personally be reviewed by him.

Trustee Veenstra also expressed concern over the inclusion of a motion in the confidential envelope which would allow an increase in salary for the Township Manager.

Treasurer Hunting pointed out that despite the “envelope” error, both of these actions would have been taken in public and were not secretive.

6. APPROVAL OF AGENDA — OR CHANGES

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

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

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

NAYS: None

Motion carried 6-0.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Deliberation (BD)

10A-1 William K. Fahey, Foster, Swift, Collins & Smith, 313 S. Washington Square,
Lansing; RE: Request by Robert and Joycelyn Deans, 2177 and 2191 Clinton Street,
Okemos, to be excluded from the Downtown Development Authority Area

(2). Board Information (BI)

BI-1 Vance Kincaid, 4530 Nakoma Drive, Okemos; RE: Explanation by Police Chief
Hall regarding the recent incident involving two CMU photographers and Meridian
Township police at the Meridian Mall

BI-2 Betty J. Caldwell, 2718 Heather Drive, East Lansing; RE: Request for written
withdrawal of Capstone Development’s rezoning request and application for a
planned unit development

BI-3 Carl Harmon, LINC, 1924 Birchwood, Okemos; RE: Board approval for funding of
the design phase of the Okemos Road Median Project

BI-4 Rick Bresnahan, 401 Shoemith, Haslett; RE: Letter to Raymond Severy, Director
of Public Works and Engineering; RE: streetlight installation request on Shoemith

BI-5 David E. Pierson, McClelland and Anderson, 1305 S. Washington Avenue, Suite
102, Lansing; RE: Letter to Mark Kieselbach, Director of Community Planning and
Development withdrawing Capstone Development’s request for rezoning and
application for planned unit development

BI-6 Molly Wingrove, 2649 Melville Drive, East Lansing; RE: Request for written
withdrawal of Capstone Development’s rezoning request and application for a
planned unit development

BI-7 Dennis J. Forsberg, President, T.A. Forsberg, Inc., 2422 Jolly Road, Suite 200,

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Okemos; RE: Letter to Mark Kieselbach, Director of Community Planning and Development on SUP #05-99071 and the Completion of Jolly Oak Road

(3). Staff Communication/Referral (SC)

- SC-1 Michigan Townships Association Legislative E-Report November 10, 2005 Edition
- SC-2 Michigan Townships Association Legislative E-Report November 18, 2005 Edition
- SC-3 Letter from Lynn Meikle, Cable TV Coordinator to John Noud, 2131 Long Leaf Trail, Okemos; RE: Appreciation for service on Meridian Township's Cable Communications Commission

Trustee Brixie moved that the communications be received and placed on file, and any communications not already assigned for disposition be referred to the Township Manager or Supervisor for follow-up. Seconded by Trustee Woiwode.

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

B. Minutes

Trustee Brixie moved to approve and ratify the minutes of the November 15, 2005 Regular Meeting as submitted. Seconded by Trustee Woiwode.

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

C. Bills

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

Common Cash	\$ 353,128.73
Public Works	\$ 204,678.37
Public Safety Bldg. Debt-Check #10969	\$ 512.50
JP Morgan Chase. – Admin Fees	
Total Checks	\$ 558,319.60
Credit Card Transactions	\$ 13,636.48
Total Purchases	<u>\$ 571,956.08</u>
ACH Payments	<u>\$ 717,661.92</u>

Seconded by Trustee Woiwode.

ROLL CALL VOTE: YEAS: Trustees Brixie, Veenstra, Woiwode, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None

[Bill list in Official Minute Book]

D. Approval of Township Manager's Employment Agreement

Trustee Brixie moved that the employment agreement between the Charter Township of Meridian and Gerald J. Richards be amended to extend until December 31, 2007, and the salary for the Manager for 2006 be increased by 2.5% over the 2005 salary. Seconded by Trustee Woiwode.

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

NAYS: None
Motion carried 6-0.

- E. Amendments to the Meridian Township Pension Plan and Trust
Trustee Brixie moved approval of the Pension Board's recommendation of Amendment #1 to the Meridian Township Employee Pension Plan and Trust. Seconded by Trustee Woiwode.

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

- F. Resolution Supporting Regional Collaboration Efforts - Centers for Regional Excellence
Trustee Brixie moved [and read into the record] NOW, THEREFORE BE IT RESOLVED that the Charter Township of Meridian agrees to participate in the Centers for Regional Excellence program to pursue the potential for regional collaboration in our area.

BE IT FURTHER RESOLVED that the Charter Township of Meridian will send a representative to participate in these discussions.

BE IT FURTHER RESOLVED that the citizens of the Charter Township of Meridian will be kept fully informed and provided opportunities for input into the process.

Seconded by Trustee Woiwode.

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

- G. Herron Creek Interceptor Sanitary Sewer SAD #50, **Resolution #1**
Trustee Brixie moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED The Township Engineer is hereby ordered to prepare plans showing the improvements, the location therefore and estimates of the cost thereof, pursuant to the project as set forth in the petition of landowners and as previously set forth in this resolution.

Seconded by Trustee Woiwode.

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

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

9. HEARINGS (None)

10. ACTION ITEMS/END

Supervisor McGillicuddy opened public comment.

Will White, 4142-½ Hamilton Road, Okemos, spoke concerning the proposed changes in the DDA and suggested the affected property owners be contacted to see if they are in agreement with removal of their property from the DDA. He believed the uses of the Sumbal Natural Area should be reviewed before a decision is made on whether to include or exclude this property from the DDA.

- A. Downtown Development Authority (DDA) Ordinance

Trustee Brixie moved [and read into the record] NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, that the Township Board hereby introduces for publication and subsequent adoption, Ordinance No.

_____, entitled “**Ordinance to Establish the Charter Township of Meridian Downtown Development Authority and Designate the Boundaries of the Downtown District Pursuant to Act No. 197, Public Act of Michigan, 1975, as Amended**” and directs the Clerk of the Charter Township of Meridian to publish the Ordinance in the form in which it is introduced at least once prior to the next regular meeting of the Township Board.

Seconded by Treasurer Hunting.

Board members discussed the following:

- Dates of staff memorandums contained in the resolution indicate extensive Board discussion of the proposed ordinance
- Ordinance will spur redevelopment of the area
- Two resolutions required for passage of this ordinance
- Including property in the DDA does not mean that the Township wants to see each included parcel commercially developed
- Inclusion of park land and floodplain property within the DDA to obtain streetscape improvements in front which are uniform and consistent with the rest of the downtown area
- One of the changes from the original proposal was removal of the Land Preservation parcel which should be included to allow eligibility for improvements
- Twenty five percent (25%) of Land Preservation funds are for enhancements to Land Preservation properties
- Opposition to having Land Preservation piece included as the whole purpose of Land Preservation is to have parcels remain in their natural state
- Land Preservation parcel has unusual plants on the property which could be jeopardized by allowing a foot bridge to be built wherever designated

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

B. Street Lighting Policy

Treasurer Hunting moved that the Board Policy Manual be amended to add:

1.1 NATURAL ENVIRONMENT ENDS

- 6. Preserving dark skies through the careful design, installation and use of outdoor lighting.**

1.2 HEALTH AND SAFETY ENDS

- 6. Minimize the negative impacts of outdoor lighting.**
a. Residential street lights will use fully shielded cut-off fixtures, wherever feasible.

Seconded by Trustee Veenstra.

Board members discussed the following:

- General policy statements and more specifics will be dealt with within the ordinance
- Undesirability of light pollution

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

C. Resolution on Emerald Lakes Floodplain

Trustee Brixie moved [and read into the record] NOW, THEREFORE, THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN RESOLVES as follows:

- 1. The buildings located upon the properties described in the attached Exhibit A are hereby declared to be nonconforming uses and nonconforming structures, subject to the requirements of Section 16 of the Township Zoning Act, as amended, MCLA 125.286, as well as the provisions of Sections 86-616, 86-617, 86-618, 86-619, 86-620, and 86-621 of the Code of Ordinances of the Charter Township of Meridian, pertaining to the use, alteration, expansion, enlargement, extension, reconstruction, change of use, or modernization of nonconforming uses and nonconforming structures.**
- 2. The Township Clerk and the Director of Community Planning and Development are hereby directed to file this Resolution in their offices in such a manner as to achieve compliance with all requirements pertaining to nonconforming uses and structures.**
- 3. All prior resolutions or parts of resolutions are repealed to the extent that they are inconsistent herewith.**

Seconded by Trustee Woiwode.

Rebuilding within the floodplain: (Questions for the Attorney (See Agenda Item #8))

Q. If they do not rebuild with a basement that goes down into the floodplain, can they not rebuild? Does this allow them to rebuild if there is a fire?

A. Based on the way the ordinance is stated with non-conforming uses, if there was a fire, they can build it back as long as they don't build it back with the non-conformity again. They can build it back if it was consistent with the requirements and not in the floodplain. They couldn't build it back exactly the way it was at this point. As long as they build it back in conformity, they can build it back.

Board members discussed the following:

- Need for specific addresses to be included in the resolution for the Township's records
- Each of the affected property owners sent a registered letter
- Each of the affected properties will have an recorded affidavit specifically for each unit along with an affidavit for the master deed

Inclusion of addresses within the resolution: (Questions for the Attorney (See Agenda Item #8))

Q. Is it a good idea to include the addresses or is it not necessary?

A. I don't think it is necessary.

Q. Is there any way that the exhibit could be notified that the properties are outside of the contours, or would that make it even more confusing?

A. I think we need to add the parcel numbers, because I am still not sure. What I hear is that anything that is outside of this contour line or does not touch this contour line is subject to the nonconformity designation.

- Affected properties on the attached exhibit are totally outside the circle
- Circle on the map based on the elevation of the ground
- Properties that are totally within the dark line had basements built above the floodplain and are not subject to the nonconforming affidavit
- Any property outside the line or touching the line is considered to be within the 100 year floodplain
- Affected properties in the floodplain: Emerald Forest Circle addresses 2350, 2356, 2362,

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2364, 2366, 2368, 2370, 2376, 2379, 2380, 2381, 2383, 2385, 2386, 2391, 2392, 2397, 2398, 2403, 2404, 2409, 2410, 2415, 2416, 2420, 2415; 5531 and 5337 E. Hidden Lake Drive

- Resolution should include specific addresses
- If part of a duplex is within the floodplain, the entire building is affected
- Direct staff to rewrite the resolution for clarity prior to the next meeting

Jerry Lawler, 6218 Bridgewater Circle, East Lansing, owner of one of the condos, urged Board action as quickly as possible.

Supervisor McGillicuddy held this agenda item over for staff to rewrite the resolution to include specific addresses.

***Without objection, Trustee Brixie withdrew her motion.**

- D. Preliminary Plat #00012 (SBI Limited Partnership), request to extend preliminary plat approval for the 157-lot Ember Oaks Subdivision located north of Jolly Road and east of Dobie Road

Clerk Helmbrecht moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby grants the extension of Preliminary Plat #00012, Ember Oaks, for a period of two years, from November 19, 2005 to November 19, 2007, with the following condition:

- 1. All previous conditions placed on the preliminary plat and preliminary plat extension approvals shall remain in effect.**

Seconded by Trustee Brixie.

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

- E. Preliminary Plat #96022 (Eyde Limited Family Partnership), request to extend preliminary plat approval for the 81-lot Central Park Estates Subdivision located north of Newman Road and east of Central Park Drive

Trustee Brixie moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby grants the extension of Preliminary Plat #96022, Central Park Estates, for a period of two years, from October 29, 2005 to October 29, 2007, with the following condition:

- 1. All previous conditions placed on the preliminary plat and preliminary plat extension approvals shall remain in effect.**

Seconded by Trustee Such.

Board members discussed the following:

- Update by staff on progress of this project
- Most of the sewer system has been replaced

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

- F. Wetland Use Permit #04-03 (SBI Limited Partnership), request to extend the wetland use permit for the Ember Oaks Subdivision located north of Jolly Road and east of Dobie Road
Trustee Woiwode moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby grants the extension of Wetland Use Permit #04-03, for a period of two years, from November 19, 2005 to November 19, 2007, with the following condition:

1. All previous conditions placed on the wetland use permit shall remain in effect.

Seconded by Trustee Such.

- Motion as a complement to the motion on the preliminary plat during this meeting
- No fee charged for receiving required status report by the applicant's wetland consultant

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

11. DISCUSSION ITEMS/ENDS

A. Wetland Fee Schedule Amendment

Director Kieselbach summarized the proposed fee schedule amendment as outlined in staff memorandum dated November 30, 2005.

Township Manager Richards noted that nearly every project received by the Township has some impact upon a wetland due to the nature of the undeveloped properties. Consequently, the Township incurs increasingly greater costs with the Township's wetland consultant.

Board members and staff discussed the following:

- Yearly review of the mitigation areas involves the Township's wetland consultant walking the site and sending the Township a report on the progress
- Possibility of adjusting fees, if necessary, after a year
- Cost of administration of escrow accounts
- Township consultant currently records his time and expenses
- Escrow accounts would be treated similar to performance guarantees
- Provision to return user fees if not used
- Annual report to the Board which would include breakdown of all costs involved
- Most remaining undeveloped land in the Township is marginal land with wetlands on it
- Staff time spent on wetland impacted properties will continue to increase
- Developer should absorb cost
- Cost to administer the wetland verification program includes Township staff time
- Service cost for wetland verification has been the same for the last 14 years
- Township not recouping out of pocket expenses with current wetland fees
- Proposed wetland fees based on past averages
- Wetland verification requested by the applicant
- Township consultant verifies either the work of the Michigan Department of Environmental Quality (MDEQ) or applicant's consultant's work in the wetland delineation process
- Acreage based on parcel size
- Change fee schedule to reflect actual staff cost if there is a determination of no wetland
- Mitigation will not take place if not monitored

The consensus of the Board was to place this item on for action at the December 20, 2005 meeting.

12. 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 Brixie.

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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 Upstairs 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 reopen and return to Agenda Item #10C*. 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 Brixie.

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

13. PUBLIC REMARKS

Supervisor McGillicuddy opened and closed Public Remarks.

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:05 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary