

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, FEBRUARY 1, 2005, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting (9:43 P.M.), Trustees
Brixie, Such, Veenstra, Woiwode
ABSENT: None
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development
Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief
Dave Hall, EMS/Fire Chief Fred Cowper, Assistant Manager/Personnel Director Paul
Brake, Attorney Mike Woodworth

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:01 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.

Amy Bauer, 1113 Tihart, Okemos, spoke in opposition to Rezoning/PRD #02080 (Eyde).

Leonard Provenchur, 5824 Beuna Parkway, Haslett, spoke concerning flooding conditions on
Okemos Road between Central Park Drive and Gaylord C. Smith Court.

Teri Banas, 5606 Creekwood Lane, Haslett, spoke to the process in filling a vacancy of the Meridian
Township Park Commission.

Cathy Baird, 3720 Hulett Road, Okemos, spoke in opposition to the proposed pathway on the east
side of Hulett Road as part of the Pedestrian/Bicycle Pathway Master Plan and Wetland Use Permit
#04-04 (Denis Smith).

Lou Livingston, 5932 Potter Street, Haslett, requested an assessment for installation and/or repair of
the existing sidewalks on Potter Street.

Norman Gear, 3760 Hulett Road, Okemos, spoke in opposition to Wetland Use Permit #04-04 (Denis
Smith) and to the Pedestrian/Bicycle Pathway Master Plan.

Richard Foster, 4990 Country Drive, Okemos, spoke concerning Rezoning/PRD #02080 (Eyde).

Eckhart Dersch, 2203 Butternut Drive, Okemos, and Chair of the Park Commission, expressed Park
Commission support for the appointment of Marilyn Lieber to the Park Commission vacancy. He
also voiced support for Board consideration of Ted Black as an honorary Park Commissioner.

Will Tyler White, 4695 Okemos Road, Okemos, spoke in support of the proposed Design Meridian
concept(s) and in support of bicycle pathways.

Lynne Page, President, Briarwood Home Owners Association, PO Box 210, Okemos, spoke in
support of a public meeting with the Ingham County Road Commission concerning the Okemos Road
Widening Project.

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Mark Clouse, Chief Financial Officer and General Counsel, Eyde Co., 4660 S. Hagadorn, Suite 660, East Lansing, clarified that the request for a public hearing on Rezoning/PRD #02080 (Eyde) was made through a motion by the Eyde Co. to the presiding judge.

John Anderson, 215 W. Newman, Okemos, spoke to the alleged legal decisions regarding Rezoning/PRD #02080 (Eyde).

Mary Jo Thayer, 4084 Hulett Road, Okemos, spoke in opposition to the proposed bicycle pathway on the east side of Hulett Road between Bennett and Capeside Roads.

John Thayer, 4084 Hulett Road, Okemos, spoke in opposition to the portion of the amendment to the Pathway Master Plan relative to the east side of Hulett Road between Bennett and Capeside Roads.

Kadri Wichman, 2236 Hamilton Road, Okemos, spoke in support of the pathway along Hamilton Road, but in opposition if it is a paved shoulder.

Vincent Lyon-Callo, 4112 Hulett Road, Okemos, spoke in opposition to the planned pathway on the east side of Hulett Road.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Trustee Woiwode apprised the Board that the MDEQ has cited MSU for discharge of pollutants from the livestock facilities and will require a permit. She urged the Board to follow the permitting process as she believed some of the e coli in the Red Cedar River may have come from the MSU facility.

Manager Richards announced a public hearing will be held at 6:30 P.M. on April 7, 2005 at the Ingham County Road Commission (ICRC) as part of its 2005 Construction Program which will deal, in part, with the Okemos Road Widening Project from Jolly to Mt. Hope Road. The latest edition of the ICRC drawings is available in the Township's Engineering Department. The median portion of this project will be scheduled for 2006.

Manager Richards also noted MDOT will resurface BL-69 from the East Lansing city limits through the Township. Pedestrian signals for crossing at Park Lake/Saginaw and Lake Lansing/Saginaw and an "indirect" left turn at Lake Lansing will be part of this project.

Trustee Such inquired if Manager Richards had spoken to MDOT regarding a pathway or sidewalk across the median at both Lake Lansing and Park Lake Roads. He also requested the April 7th public hearing be posted on the Township's website.

Supervisor McGillicuddy expressed appreciation to the Michigan Townships Association for presentation of its award to Meridian Township for its Greenspace Plan at the MTA Conference.

Trustee Brixie added that the Award for Excellence given by the MTA was one of five awards given each year and noted there are over 1,200 townships in Michigan.

6. APPROVAL OF AGENDA — OR CHANGES

TRUSTEE VEENSTRA COMMENT: I noticed we have a hearing which is now Agenda Item #9B on Georgetown and then it is on the agenda as action item #10A. The motion said final adoption. First of all, I don't know if the Board rules even allow us to consider an action item the same night as a hearing. Mr. Foster, I thought, made some reference to some regulation that didn't allow that; I don't know whether the rules allow it or not or whether it requires a suspension of the rules, etc., but it certainly would seem to violate the spirit of the rule. We had a session for over four (4) hours on Policy Governance on January 22nd, and I was told that the policy was that since we don't have any committees of this Board, the procedures were that items would go on discussion items until they had been thoroughly discussed. Only after that would they be moved to action items. It seems to me there, apparently, are quite a few people here tonight that want to speak at the hearing, and I think we should

give due consideration to their comments and not just rush to reenact the same thing over again as an action item. I think it should be removed from tonight's agenda as an action item.

Public hearing and action on an item at the same Board meeting: (Questions for the attorney (See Agenda Item #8))

Q. Counsel, how do you view that?

A. Let me address, first of all, what I think Mr. Foster was alluding to in our Ordinance, Section 86-94 (6). That provides that a proposed map or text amendment shall not be adopted by the township board at the same meeting at which it is introduced. That prohibition does not apply in this case. This zoning ordinance has already previously been introduced and published, for that matter, for subsequent adoption. That rule would not apply.

Secondly, the order that was entered by Judge Manderfield on January 12th provides, "... It is further ordered that the Meridian Township Board of Trustees shall conduct a public hearing with regard to Rezoning #02080 at the earliest possible date allowing for any required notice." During the course of the hearing on January 12th, the specific question came up as to how or when that could happen. I represented to the court, after checking to see that the notification would be possible, that the earliest possible date would be February 1st, today's meeting.

I think it is also important for the Board to understand that the pivotal issue that was presented to Judge Manderfield was what the plaintiffs in this case considered the fatal defect being the failure for this Board to conduct a hearing. I think the intent of Judge Manderfield's order, as I understood it, was whatever action the Board needs to take with regard to this hearing, it will take at the earliest time, that is, the February 1st meeting. Judge Manderfield did retain jurisdiction so that she could review the proceedings if brought back to her attention following the hearing and action by the Board.

In response to Trustee Veenstra's question, I do not see the provision cited by Mr. Foster to apply to this case and I think the order indicates the expectation by the Judge, at least, that we'll move on this expeditiously, in fact today.

Trustee Woiwode moved to approve the agenda amended as follows:

- **Reletter Agenda Item #9C to #9A**
- **Reletter Agenda Item #9A to #9B**
- **Reletter Agenda Item #9B to #9C**
- **Add Agenda Item #10G – Request to Purchase Property for Land Preservation Program**
- **Remove Agenda Item #10B**
- **Move Agenda Item #10A to Agenda Item #11A and reletter the remaining discussion items respectively**

Seconded by Trustee Veenstra.

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

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

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

The adopted Consent Agenda items are as follow:

A. Communications

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(1). Board Deliberation (#9A, #9C)

9A-1 Richard B. Foster, 4990 Country Drive, Okemos; RE: Rezoning/PRD #02080 (Eyde)

9C-1 Vincent Lyon-Callo, PhD, 4112 Hulett Road, Okemos; RE: Proposed bike path on the east side of Hulett Road

9C-2 Ciney Rich, 5538 Silverleaf Court, Okemos; RE: Sidewalks on Cornell Road

(2). Board Information (BI)

BI-1 Local Technical Assistance Program, Michigan Technological University, 309 Dillman Hall, Houghton; RE: Intersection Safety Workshop Agenda for February 23 and 24, 2005

BI-2 Patrick Hug, 1740 Sashabaw, Okemos; RE: Support for Rezoning #05010 (Capstone)

BI-3 Lynne S. Page, President, Briarwood Home Owners Association, PO Box 210, Okemos; RE: Okemos Road Improvements

BI-4 Eugenia Zerbinos, 4533 Cherokee Way, Okemos; RE: Roll of the Community Resources Commission (CRC)

BI-5 Robert Bunker, 2348 Sapphire Lane, East Lansing; RE: Comments on amendments to Planned Unit Development #04-98014 (Giguere)

(3) Regional Linkage (RL)

RL-1 Tri-County Regional Planning Commission, 913 W. Holmes Road, Suite 201, Lansing; RE: Looking Glass River Watershed Notice of Public Hearing

RL-2 John W. Midgley, Managing Director, Ingham County Road Commission, 301 Bush Street, Mason; RE: Comments for the Pedestrian/Bicycle Pathway Master Plan Public Hearing

(4). Staff Communication/Referral (SC)

SC-1 Michigan Townships Association Legislative Fax January 14, 2005 Edition

SC-2 Michigan Townships Association Legislative Fax January 21, 2005 Edition

(5). On File in the Clerk's Office (OF)

Materials received at the January 18, 2005 Meeting

Joseph J. Kochan III, 3082 Summergate Lane, Okemos; RE: Opposition to Zoning Amendment #04080 (Township Board).

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

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

NAYS: None

Motion carried 6-0.

B. Minutes

(1) Trustee Brixie moved to approve and ratify the minutes of the January 18, 2005 Regular Meeting as submitted. Seconded by Trustee Such.

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

NAYS: None

Motion carried 6-0.

(2) Trustee Brixie moved to approve and ratify the minutes of the January 22, 2005 Regular Special Meeting as submitted. Seconded by Trustee Such.

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

C. Bills

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

Common Cash	\$ 481,006.19
Public Works	\$ 32,845.17
Total Checks	\$ 513,851.36
Credit Card Transactions	\$ 13,446.94
Total Purchases	<u>\$ 527,298.30</u>
ACH Payments	<u>\$ 435,109.69</u>

Seconded by Trustee Such.

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

[Bill list in Official Minute Book]

D. Revised Resolution for Utilities for 2 Lots Abutting Bath Township
Trustee Brixie moved the approval of the revised resolution to allow Bath Township to service two parcels in Meridian Township with water and sewer service as discussed in a memorandum to the Township Board dated January 28, 2005.

Seconded by Trustee Such.

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

E. Amendments to Collective Bargaining Agreement - AFSCME Professional Non-Supervisory
Trustee Brixie moved approval of the amendments as specified in the attached settlement agreement to the AFSCME-Professional Non-Supervisory Employees Collective Bargaining Agreement for 2005-2007 and authorize the Supervisor and Clerk to sign the same.

Seconded by Trustee Such.

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

F. Authorization to Enter into Grant Agreement with the State of Michigan
Trustee Brixie moved to approve the attached resolution. Seconded by Trustee Such.

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

Motion carried 6-0.

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item # 6, #9, #11A)
9. HEARINGS

Board procedures regarding public hearings: (Questions for the attorney (See Agenda Item #8))

Q. Mr. Woodworth, would you review our hearing policy? It's been a long time since we have had several hearings and what do you recommend?

A. I want to note, first of all, that this is not the first hearing that will be conducted with respect to this rezoning request. The last one was conducted before the Planning Commission, not before the Board, on June 7th. At that time, those people who wished to present were advised that they had three (3) to five (5) minutes for their presentation with some liberality, as is often the case with this Board as well. What I would suggest in terms of the procedure is that we treat tonight's hearing no differently than it was treated before the Planning Commission when it was before them.

A. Amendments to the Pathway Master Plan

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

Manager Richards noted most of the list of Master Plan amendments under review were based on written suggestions given to staff by Meridian Township residents.

Director Severy summarized the requested amendments to the Pedestrian/Bicycle Pathway Master Plan as outlined in staff memorandum dated January 28, 2005. He also outlined the policy for review of proposed additions to the Pedestrian/Bicycle Pathway Mater Plan implemented in 2002.

Ann Alchin, 2227 Hamilton, Okemos, offered history on Hamilton Road and requested the Board modify the Master Plan from a paved shoulder on Hamilton Road to a five (5) foot pathway from Liverance to Montrose Streets to preserve this historic roadway. She read a signed petition from 30 property owners on Hamilton Road requesting this change.

Leonard Provenchur, 5824 Beuna Parkway, Haslett, urged the Board to delete the amendment on the east side of Okemos Road from Central Park Drive to Gaylord C. Smith Court until the condition of the road and its related problems is rectified. He does not support the revision on the east side of Hulett Road as it is a two lane road with concerns for existing trees and wetlands. He spoke in support of the revision on the north side of Park Street (Lake Lansing Road) from Marsh Road to Shaw Street to accommodate, among other things, park visitors and in support of the revision for the north side of Hamilton Road as presented by earlier speakers.

Aaron Whiteford, 2228 Kenmore Drive, Okemos, spoke in support of a five (5) foot pathway along Hamilton Road.

Kadri Wichman, 2236 Hamilton Road, Okemos, spoke in support of a five (5) foot pathway along the north side of Hamilton Road and in opposition to a paved shoulder on that road.

Norman Gear, 3760 Hulett Road, Okemos, spoke against alleged destruction of the wetlands and the close proximity to homes if the pathway on Hulett between Jolly and Bennett Roads is implemented.

Patricia David, 3715 Hulett Road, Okemos, spoke in opposition to the proposed pathway on the east side of Hulett Road.

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Mary Jo Hayes, 2358 Sower Boulevard, Okemos, stated she represented some of the residents of Hidden Meadows as well as the Bennett Woods Parent Group and spoke in favor of the sidewalk on the east side of Hulett Road between Bennett and Capeside Roads as a safety factor for children walking to school.

Mary Jo Thayer, 4084 Hulett Road, Okemos, spoke in opposition to the proposed pathway on the east side of Hulett Road, stating adverse weather conditions would affect use of the proposed pathway and the effect on existing wetlands.

John Thayer, 4084 Hulett Road, Okemos, inquired if Hulett Road between Bennett and Capeside was considered a local road.

Director Severy responded that he believed it was considered a local road at the present time, although the Ingham County Road Commission has requested an upgrade to primary road status.

Mr. Thayer then spoke in opposition to the proposed pathway on the east side of Hulett Road.

Lee Gerard, Superintendent of Okemos Public Schools, 4406 Okemos Road, Okemos, spoke to the question of which schools the children of the proposed subdivisions along Hulett Road will attend. He addressed the issue of cutting down trees and low lying brush along Hulett Road, stating information received by the schools show it is safer for children to walk if a visual ability exists to see the children from the roadway. He believed the crossing at Capeside and Hulett is better for student safety. Dr. Gerard spoke in support of bicycle pathway construction from Bennett Road to Jolly on Hulett Road.

Cathy Baird, 3720 Hulett Road, Okemos, spoke in opposition to the bicycle/pedestrian pathway on the east side of Hulett Road as it would destroy trees and wetlands.

Supervisor McGillicuddy closed the public hearing at 7:40 P.M.

[Supervisor McGillicuddy recessed the meeting at 7:40 P.M.]

[Supervisor McGillicuddy reconvened the meeting at 7:56 P.M.]

Supervisor McGillicuddy reopened the public hearing at 7:57 P.M. due to noticing requirements and stated it would remain open until the next Board meeting.

- B. Rezoning/PRD #02080 (Louis J. Eyde LFP, George F. Eyde LFP), request to rezone approximately 131 acres of land located south of Tihart Road, east of Powell Road and west of Cornell Road from RR (Rural Residential) to RA (Single Family, Medium Density), and apply the Planned Residential Development Overlay District (PRD)

Supervisor McGillicuddy opened the public hearing at 7:58 P.M.

Director Kieselbach summarized the proposed Rezoning/PRD as outlined in staff memorandum dated January 27, 2005.

Rollie Harmes, 5120 Cornell Road, Okemos, expressed concerns with Rezoning #02080 (Eyde) as outlined in his written statement, particularly focusing on the environmental impacts to both onsite and offsite properties with regard to watershed management, flood control, the Foster Drain and related drainages and preservation of wetlands, floodplains and the wildlife habitat corridors.

Richard Foster, 4990 Country Drive, Okemos, alleged Rezoning/PRD #02080 is illegal contract zoning. He also believed the process has been unfair and residents were denied the opportunity to fully participate in the process.

ATTORNEY WOODWORTH COMMENT: I have listened to Mr. Foster since he began speaking and I have yet to hear any comment or facts that pertain to the substance of this rezoning. All I have heard about is procedure, past practices, but nothing having to do with the very purpose for which this was remanded back to this Board. Now this is his time, and this is the time for all Township residents to come forward if they have anything to say about the substance, if they want to talk about density, talk about traffic or talk about concerns that they may have if the rezoning is granted or if it is not granted; not to rehash the procedure or argue the law. That can wait for Judge Manderfield; she has retained jurisdiction in this case. So I would ask Mr. Foster to focus his remarks on the very purpose of this hearing, the substance of this rezoning request, refrain from the legal argument, get off the procedural history and move on to the merits of this rezoning request.

Mr. Foster asked a further question of the Board, one which was not relative to the proposed rezoning.

ATTORNEY WOODWORTH COMMENT: Your question is out of order and with all due respect, Madam Supervisor, again, I would ask Mr. Foster to address the merits of this rezoning request; not clock towers, not past procedures or practices, but merits. This is your opportunity to have the public hearing you said you wanted before this Board. This is the time to address the merits of this request.

Mr. Foster continued to read from his prepared statement, outlining what he believed to be flaws in the proposal, requesting a fiscal impact analysis.

Tom Voice, 5160 Cornell Road, Okemos, requested the Board look at the substantive issues and objective impacts relative to Rezoning /PRD #02080 (Eyde). He requested the Board review procedures and criteria for changing zoning classifications and apprise the public of the rationale for its conclusions.

Eleanor Luecke, President, LINC, PO Box 40, Okemos, and 1893 Birchwood Drive, alleged the proposed rezoning/PRD does not comply with Township ordinances. As President of LINC, Ms. Luecke believes proper procedure requires a new application be submitted which complies with state and local laws.

Melissa Goodnoe, 4714 Powell Road, Okemos, expressed concern that the Board was not listening to her concerns and voiced opposition to her "excessive" water and sewer assessment.

John Anderson, 215 W. Newman, Okemos, alleged the proposed "upzoning" will increase traffic, urban sprawl, taxes and fees while lowering the quality of life for Meridian Township.

Lynne Page, President Briarwood Home Owners Association, PO Box 210, Okemos, spoke in opposition to Rezoning/PRD #02080 (Eyde).

Mark Clouse, Chief Financial Officer and General Counsel, Eyde Co., 4660 S. Hagadorn, Suite 660, East Lansing, spoke to the history and timeline of the proposed rezoning/PRD over the last two and a half years. He also addressed what he believed were erroneous comments by previous speakers.

Supervisor McGillicuddy closed the public hearing at 9:02 P.M.

- C. Wetland Use Permit 04-04 (Denis Smith), request to fill approximately .26 acres of regulated wetlands in the proposed Sanctuary subdivision located east of Hulett Road and north of Jolly Road
Supervisor McGillicuddy opened the public hearing at 9:02 P.M.

Director Kieselbach summarized the proposed wetland use permit as outlined in staff memorandum dated January 27, 2005.

Cathy Baird, 3720 Hulett Road, Okemos, spoke in opposition to Wetland Use Permit #04-04 (Denis Smith), as her property is adjacent to Wetland A and approval of this WUP would change the flow of water onto her property.

Norman Gear, 3760 Hulett Road, Okemos, spoke in opposition to Wetland Use Permit #04-04 (Denis Smith), and urged the Board to look at the entire picture surrounding this project before making a decision.

Vincent Lyon-Callo, 4112 Hulett Road, Okemos, spoke in opposition to Wetland Use Permit #04-04 (Denis Smith) and urged protection of the wetland.

Patricia David, 3715 Hulett Road, Okemos, expressed concern over where the drainage would flow if Wetland A is filled in.

Supervisor McGillicuddy closed the public hearing at 9:28 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Frank MacDougall, 1854 Creek Landing, Haslett, spoke in support of his request to build a connecting deck to the two (2) which already exist on his property at 1854 Creek Landing.

Supervisor McGillicuddy closed public comment.

A. Planned Unit Development #05-88034 (MacDougall), request to amend the Pine Creek PUD to build an 8' x 20' deck at 1854 Creek Landing to connect two existing decks

Trustee Woiwode moved [and read into the record], NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby grants the amendment for Planned Unit Development #05-88034, with the following conditions:

- 1. Approval is granted in accordance with the plans received on December 16, 2004.**
- 2. Approval is subject to the applicant receiving all required permits, licenses and approvals from the Ingham County Drain Commissioner's office and the Township. A copy of each shall be forwarded to the Department of Community Planning and Development.**

Seconded by Trustee Brixie.

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

B. Resolution in Support of ICRC Proposed Roundabout

Trustee Such moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED, that the Township Board of the Charter Township of Meridian hereby endorses the installation of a roundabout at the intersection of Park Lake Road and Burcham Drive.

IT IS FURTHER RESOLVED, that the Township Clerk send a certified copy of this resolution to the Ingham County Road Commission. Seconded by Trustee Brixie.

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

C. Re-Adoption of the Board Policy Manual with Amendments

Trustee Brixie moved that the Township Board re-adopt the Board Policy Manual for the Charter Township of Meridian and make the changes to the Board Policy Manual as discussed and developed at a public meeting of the Board held on January 22, 2005, and in a memorandum from the Township Manager to the Township Board dated January 28, 2005. Seconded by Trustee Woiwode.

Board members discussed the following:

- Modifications as a result of the annual Policy Governance Review meeting
- Goal to make Meridian Township bicycle friendly as a future amendment
- Board Policy Manual as the township plan labeled the “Ends” document
- Encouragement to the citizenry to read the document by which Board decisions are made

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

D. Appointment to the Park Commission

Trustee Woiwode moved to appoint Marilyn Lieber to the Meridian Township Park Commission to fill the vacant Park Commission seat until expiration of the term of office. Seconded by Trustee Brixie.

Board members discussed the following:

- Appointment of Dr. Black as an honorary Park Commission
- Clarification as to the length of the appointment

Trustee Veenstra offered the following friendly amendment:

- **Delete the language “until expiration of the term of office”**

The amendment was accepted by the maker of the motion.

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

Trustee Such moved to appoint Dr. Ted Black as an honorary member of the Park Commission of the Charter Township of Meridian. 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. Request to Purchase Property for Land Preservation Program

Clerk Helmbrecht moved [and read into the record] NOW THEREFORE BE IT RESOLVED that the Township Board of the Charter Township of Meridian, Ingham County, Michigan, does hereby approve and forward to the Planning Commission for Section 9 Review at its first possible meeting opportunity for approval as to its location, character and extent as a public ground or open space effective this date February 1, 2005.

BE IT FURTHER RESOLVED that the Township Board authorizes the Township Supervisor, Township Clerk and Township Manager to ratify an agreement entered into with Walnut Hills and to take all further actions deemed necessary to close such transaction for acceptance of this parcel as defined by the attached legal description. 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.

Joan S. Guy, 1083 Woodside Drive, Haslett, spoke to the unintended consequences of proposals on the surrounding property owners. She also questioned the amount of greenspace saved by approval of Rezoning/PRD #02080 and spoke to the criteria needing to be met to approve this rezoning/PRD.

Supervisor McGillicuddy closed public comment.

- A. Rezoning/PRD #02080 (Louis J. Eyde LFP, George F. Eyde LFP), request to rezone approximately 131 acres of land located south of Tihart Road, east of Powell Road and west of Cornell Road from RR (Rural Residential) to RA (Single Family, Medium Density), and apply the Planned Residential Development Overlay District (PRD)

Board members and staff discussed the following:

- Current zoning as RA with a PRD overlay
- Discussion of the rezoning and the standards of the rezoning normally taken into consideration at a public hearing
- Review of the rezoning review criteria
- Great deal of change to the immediate vicinity surrounding the property
- Proposed average density consistent with the Master Plan
- Density of original request much greater
- Issues raised regarding runoff to be addressed during plat review
- Concern with alteration to the capacity of water in the holding areas addressed by protecting all the wetland and floodplain area
- Most tax beneficial developments are commercial, not residential
- Cost of paving either Powell and/or Tihart Roads should be wholly absorbed by the developer
- Project an example of smart growth
- Sketch plan is not the final design
- Existing concern with the connection across the Foster Drain due to its interference with wildlife
- No Open Meetings Act violations occurred during the process on this property
- Road across the Foster Drain required by the Ingham County Road Commission
- Project must go through the platting process
- Storm drainage and road design part of the platting process
- Significant trees were saved and wetlands meaningfully protected through this design
- Calculation used to determine possible need for additional police and fire personnel
- Sewer capacity study performed
- Revisions to the current ordinance will not require Powell Road residents to connect to sewer and water

- Possible development which could occur by right
- Substantial environmental gains achieved through discussions and the resulting sketch plan
- Requested rezoning is compatible with other uses surrounding the site
- Rezoning will incorporate clustered housing and other smart growth techniques to preserve open areas
- Adequate water and sewer capacity for this development
- Okemos schools supportive of this development
- No adverse impact on recreation or public services
- Logical and orderly development
- Goal for the Township is to reach a sustainable community
- No denial of a Freedom of Information request
- State law allows local units to require sanitary sewer hook up, but does not mandate hook up
- Approval not an authorization for expansion of the urban service boundary
- PRD requires 20% of the developable land be kept as open space, allows for greenway corridors and the flow of wildlife

Status of prior Board action on approval of the rezoning/PRD: (Questions for the attorney (See Agenda Item #8))

Q. Am I being told the approval of the rezoning and the PRD we did in October still stands?

A. At this point, it stands. I anticipate that once this is put on for action, it will replace whatever decision made before.

Q. My question is why are we acting on this? Am I being told that it is already rezoned to RA and the PRD is already adopted?

A. You are acting on this as a result of litigation. I concurred with the motion to remand back to the Board because the allegation was made that we failed to have a public hearing.

Q. I understand that, but I don't understand where the property stands right now if the rezoning we did in October is now void and we have to redo something or if it still stands. If it still stands, what are we acting on?

A. There has been no determination that the rezoning that has already been decided is void. The purpose of the Township, in concurring with the resolution to remand, was simply to put an end to the litigation, to say they're entitled to a hearing, let's conduct the hearing, let's have the Board take the action that it determines is appropriate after conducting the hearing, thereby eliminating the issues that were [inaudible] in the lawsuit [inaudible].

Q. For this RA/PRD rezoning to stand, does it need to be reenacted or not reenacted?

A. If the Board were to determine to approve the zoning, that action would take the place of the October 5th resolution. And, by the same token, if it determined not to approve the zoning, that would take the place of the October 5th resolution. This is kind of a purgatory period, if you will. It is unusual, to be sure, because it's the product of litigation. At this point, the rezoning of the property back on October 5th still stands; it has not been set aside, it has not been agreed upon by anyone that it would be set aside and Judge Manderfield has not ruled to set it aside.

Q. So if I understand you correctly, it's really uncertain. I guess if this Board wants the RA/PRD to stand, you are telling me, I believe, that we should reenact it.

A. That's right; that is what I am telling you. In order to make a public hearing meaningful, it should lead to a conclusion and it was the intent of the Township in concurring with the motion that it would conduct...we did not agree and we still do not agree that another public hearing was necessary, but we did agree that we would conduct a meaningful public hearing.

Q. Normally, we have a public hearing and then we do a preliminary adoption and a final adoption. So, part of my question was trying to find out if we are suppose to reenact this, do we need to reenact both the preliminary adoption and the final adoption?

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- A. The introduction and publication for subsequent adoption has already been done. There would not be any changes to the ordinance; at least I don't anticipate there would be any changes to the resolution by way of substance. If the Board were to make some material changes, and I can't anticipate what those would be, it might require reintroduction and publication for subsequent adoption. But I can't anticipate how that could occur.
- Q. By the same token, final adoption was already done, so if the introduction of September...you're saying that stands, but we need to reenact the October final adoption? I don't understand the difference.
- A. That is what I am saying, Trustee Veenstra. And the reason I'm saying that is this. The issue that was presented by the litigants primarily revolved around this issue of public hearing; didn't conduct one and we want a public hearing. We have serious questions, frankly, as to whether that case was ever posited correctly, whether it was filed procedurally correctly; that was some of this discussion about whether Judge Manderfield had or did not have jurisdiction. Instead of fighting about all of that and instead of creating litigation issues, we said here's what we'll do, we'll agree to go back and have a public hearing. The issue did not center around the introduction and publication for subsequent adoption; that was not touched upon. As a matter of fact, I asked the litigants that were there with Judge Manderfield that if there were any other issues, please let's hear them, hear what they are. I didn't receive anything further and, of course, their complaint describes their issues.
- Q. But what I don't understand is if this Board refuses to readopt the RA and the PRD, where are we?
- A. At that point...and again, if this is going to be a meaningful public hearing and you refuse to adopt it, I think the rezoning request is denied and then my guess is we'll be invited to a different dance.
- Q. You think if we deny it, it would go back to being RR, then?
- A. The rezoning request being denied, it would go back, revert back to its zoning before the Board action of October 5th.
- Q. Which is RR?
- A. Its not all RR, I don't believe. O.K. Well, it would revert back, Trustee Veenstra, to its classification before the vote of October 5th.

Statutory rezoning/PRD relationship: (Questions for the attorney (See Agenda Item #8))

- Q. There were comments made tonight suggesting that the PRD does not somehow permanently encumber this parcel and that it could be thrown off and simply become an RA parcel. I would like to make sure that's clear; I believe our attorney could speak to that.
- A. Not only in our ordinance is the rezoning actually tied to the PRD, but in this particular case the Board, I think, is in possession of a letter from the attorney representing the developer acknowledging that they're bound to follow the PRD; bound to follow that sketch plan. So we have first our ordinance and, secondly, the reaffirmation in expression on behalf of the developer that they are bound.

Definition of contract zoning: (Questions for the attorney (See Agenda Item #8))

- Q. As I read these memos, there was a lot of discussion about whether this was contract zoning or not, which, of course, was illegal last year. The Supervisor was quoted as warning about contract zoning, the attorney was said in a memo to warn that contract zoning was illegal and so on. Could you tell us what contract zoning is?
- A. Contract zoning conventionally, although as indicated tonight we now have legislation that permits what is now called conditional zoning. Historically, contract zoning was, you do the

following for us in the Township and we will give you this particular zoning classification. Our ordinance, with this PRD, we've got a program whereby there are certain benefits to the Township, some of which have been alluded to here today. Absent a PRD, for example, you might have pieces of wetlands in individual residential lots rather than a collected wetland or open area. In exchange for that, there are also benefits with regard to densities that the developer can obtain. This is not a case-by-case sit down and hammer out with this particular individual contract zoning; this would be available to anyone in the township. Now the legislature has given us yet some more flexibility to actually talk on a case-by-case basis with the new legislation.

- Q. As I read all the memos on this, there was a lot of allusions and I guess it sort of gave the appearance that in return for getting the RA we were asking the developer to agree to the PRD. Also, there were a lot of references to a sketch plan that, apparently, the developer was agreeing to. As I say, in my layman's looking at it, it certainly seemed to look something like contract zoning. I guess I am wondering, now that contract zoning is legal, is this in enough danger of being found to be contract zoning that maybe we should start over and do it legally as contract zoning now that it is legal?
- A. There's nothing, John, in my review that was done illegally; there was no unlawful contract zoning that occurred here. Again, I want to underscore that even before Judge Manderfield and before we agreed to come back to this hearing, we made it very clear that we complied with our ordinances and the PRD approach is something that is permissible under state law; clustered development is permissible under state law and now, with the new legislation, we have conditional zoning. It is not as though we can't proceed with our PRD ordinance because now there is this new thing that we have to implement.

Trustee Brixie moved to close discussion on this item. Seconded by Trustee Woiwode.

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

Supervisor McGillicuddy announced that due to the lateness of the hour, Agenda Items #11D, #11E, #11F and #11G would be moved to the next Board meeting.

- B. Wetland Use Permit 04-04 (Denis Smith), request to fill approximately .26 acres of regulated wetlands in the proposed Sanctuary subdivision located east of Hulett Road and north of Jolly Road

[Clerk Helmbrecht left the room at 10:50 P.M.]

Director Kieselbach summarized the proposed wetland use permit as outlined in staff memorandum dated January 27, 2005.

Board members discussed the following:

- Need for information on the boundary of Wetland C
- Effect of Wetland C on adjacent properties
- Road connection to the east suggested by the Ingham County Road Commission
- Road alternative to crossing the wetland
- Concern with stormwater discharge into the wetlands
- Stormwater runoff will flow into four (4) pretreatment areas prior to discharge into the wetlands
- Disagreement between the Township's consultant and the applicant's consultant regarding delineation of Wetland C
- Possibility of the Township consultant redelineating during wet weather to determine if it is within the setback and subject to the ZBA
- Planning Commission recommendation for approval is only for the preliminary plat
- Township consultant's recommendation for denial based on location of the pathway
- Water and sewer connection to the interceptor at the Smith Drain

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- Possible use of open bottom boxed culvert instead of 15” pipe to protect the habitat
- Polishing ponds volume calculated and required by the Ingham County Drain Commissioner (ICDC)
- All of the property is within the Smith Drain Drainage District
- Drainage requirements from the ICDC will address concerns over negative impacts on homes of adjacent property owners
- Staff to investigate water runoff from the high school football field onto nearby properties

C. Preliminary Plat #04052 (Bud Nilson), Sanctuary, a proposed 48 lot single family subdivision east of Hulett Road and north of Jolly Road

Board members discussed the following:

- Leave stub street to the east to relieve traffic congestion
- Find ways for more usability of the open space
- Plat created without cutting down any trees
- Wildlife corridor movement would be enhanced by open-bottom boxed culverts
- Possibility of extending the stub street out to Kansas Street
- Movement of the road to the south away from the Gear property would go into the wetland
- Use of buffer near adjacent properties
- Drain Commissioner statement contained in its September 16th letter that the preliminary plat was not acceptable in its present form until there is detention for the runoff of the entire site
- Applicant’s willingness to move the pathway in to the east side of the wetland
- Concern with the location of the pathway relative to the school’s recommendation regarding safety for children walking to school
- Possible opportunity to place a sidewalk between this property and subdivision to the south
- Possibility for easement between lots which abut Loon Lane for connection through Meridian Meadows to the school

The consensus of the Board was to place this item on for action at the February 15, 2005 Board meeting.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Cathy Baird, 3720 Hulett Road, Okemos, spoke to the possibility of having the road connect to the adjacent neighborhood before emptying out onto Hulett Road.

Norman Gear, 3760 Hulett Road, Okemos, urged the Board to consider a sidewalk that aligns with the school. He felt there were other alternatives and solutions to the safety concern of school aged children which would not be cost prohibitive.

Supervisor McGillicuddy closed Public Remarks.

13. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 11:28 P.M.

SUSAN McGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Sandra K. Otto, Secretary