

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, AUGUST 20, 2002, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such, Woiwode
ABSENT: Trustee Stier
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, EMS/Fire Chief Fred Cowper, Attorney Mike Woodworth

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:03 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.

Clark Berry, 2066 Lac Du Mont, Haslett; spoke in support of the proposed amendments to the Rental Housing Code.

Charles Louis Willems, 1387 Hickory Island, Haslett, discussed his July 31, 2002 communication (See August 20, 2002 7D-3).

Joyce Grover, 3689 Van Atta Road, Okemos, commented that the Board action of July 16, 2002 Agenda Item #10F(2). approving the west-side pathway for Van Atta Road was inconsistent with the task force recommendation.

Eleanor V. Luecke, President, L.I.N.C., submitted a desired correction to the July 16, 2002 Regular Meeting Board Minutes under Agenda Item #10 (Action Items). [Request filed in Official Minute Book]

Mark K. Clouse, Financial & Legal Counsel, Eyde Company, 4660 S. Hagadorn Rd., Ste 660, East Lansing, commended the Fire Department for response to the fire at Central Park Apartments Town Homes. He requested removal of Agenda Item #10D. (Rezoning #02060 (Eyde)) from the agenda.

Molly Wingrove, 2649 Melville Drive, East Lansing, read from a prepared statement in support of the proposed amendments to the Rental Housing Code. [Statement in Official Minute Book]

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Trustee Woiwode stated a concern related to the City of Lansing's review of the Governor's Collection and the Township's opportunity to also review the plan. She asked for a staff report on the status of construction.

Manager Richards commented the Township recently received an updated preliminary site plan from the City of Lansing and staff would review and comment on the plan.

Trustee Woiwode asked staff to communicate to the City of Lansing the desire to have the site plan placed on the city's website for Township residents to view. She stated a concern the city was not taking the terms of the agreement seriously.

6. APPROVAL OF AGENDA — OR CHANGES

Trustee Such moved to remove item 10D. (Rezoning #02060 (Eyde)) from the agenda. Seconded by Clerk Helmbrecht.

Trustee Such as the maker, amended the motion to approve the agenda as amended. Amendment accepted by seconder.

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda:

Trustee Such moved to adopt the Consent Agenda. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Brixie, Such, 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 (7D)

7D-1 Mary R. Wills Willems, 1387 Hickory Island, Haslett; RE: Appeal of Lakefront (Tier I) Classification of Homestead for Lake Lansing Watershed Special Assessment District

7D-2 Charles Louis Willems, 1387 Hickory Island, Haslett; RE: Ownership of Lakefront Property West of Hickory Island Plat

7D-3 Charles Louis Willems, 1387 Hickory Island, Haslett; RE: Ownership of Land Between the Willems Homestead and Lake Lansing

(2). Board Information (BI)

BI-1 Leanor Reizen, 1915 Tomahawk Road, Okemos; RE: Appreciation for "Shakespeare in the Park"

BI-2 Eleanor V. Luecke, President, L.I.N.C.; RE: Correspondence to Planning Commission on Zoning Amendment #02070 (Township Board)

BI-3 Joe B. Torrez, 810 Mahlon St, Lansing; RE: Objections Related to Variances Granted Under ZBA Case #02-03-27-1 (Gonzales) and Letter from the Dells

BI-4 Walter P. Goff, 2347 Sapphire Lane, East Lansing; RE: Conduct of Planning Commission

(3) Commission Linkage (CL)

CL-1 Thomas Page, Chair, Lake Lansing Watershed Advisory Committee; RE: Request for Formal Adoption of the Lake Lansing Watershed Management Plan

(4) Regional Linkage (RL)

RL-1 John W. Midgley, P.E., Managing Director, Ingham County Road Commission; RE: Local Input on Speed Limits and Other Traffic Control Issues

RL-2 Doug Rothwell, President & CEO, MI EDC, 300 N. Washington Sq., Lansing; RE: October Regional Forums

(5). Staff Communication/Referral (SC)

SC-1 James K. Delaney, Vice President, Human Resources, Jacobson Stores Inc., Executive Offices, 3333 Sargent Road, Jackson, MI; RE: Notice of Okemos Store Closure Pursuant to Worker Adjustment and Retraining Notification (W.A.R.N.) Act.

SC-2 Michigan Townships Association Legislative Fax, August 14, 2002 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 Clerk Helmbrecht.

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

B. Minutes - August 8, 2002

Trustee Such moved to approve and ratify the minutes of the August 8, 2002 Regular Meeting as submitted. Seconded by Clerk Helmbrecht.

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

C. Bills

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

General Fund/Special Revenue	\$ 254,178.49
Public Works	\$ 72,173.35
<u>Total Checks</u>	<u>\$ 326,351.84</u>
<u>Credit Card Transactions</u>	<u>\$ 13,642.14</u>
Total Purchases	<u>\$ 339,993.98</u>

Seconded by Clerk Helmbrecht.

[Bill list in Official Minute Book]

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

D. Lake Lansing Watershed Management Special Assessment District 2003-07 - **Resolution #4** [Set Public Hearing (September 17)]

Trustee Such moved to approve the Lake Lansing Watershed Management Special Assessment District - Resolution #4, which files the special assessment roll with the Township Clerk, and sets the date for a public hearing on September 17, 2002. Seconded by Clerk Helmbrecht.

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

8. QUESTIONS FOR THE ATTORNEY (See Agenda Items #10B., 10C., 10F., 11A & 11B)

9. HEARINGS (None)

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Eleanor V. Luecke, President, L.I.N.C., read from a prepared statement offering comments and questions related to Rezoning #02010 (Township Board). [Statement in Official Minute Book]

Michael Martin, 2744 Brentwood Ave, East Lansing, spoke in support of the proposed amendments to the Rental Housing Code.

Supervisor McGillicuddy closed public comment.

- A. Rezoning #02010 (Township Board) [Smith Property], Request to rezone approximately 52 acres from RR (Rural Residential) to RA (Single Family-Medium Density) or RAA (Single Family-Low/Medium Density) - **Final Adoption**

Trustee Brixie moved [and read the resolution into the record] THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, the Township Board hereby Finally Adopts Ordinance No. 2002-09, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #02010” rezoning from RR (Rural Residential) to RAA (Single Family-Low Density). Seconded by Treasurer Hunting.

Board Members discussed the following:

- Sufficiency of discussion of rezoning
- Sufficiency of notice for rezoning
- Importance of public input

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

- B. Rezoning #02020 (Township Board), Proposed Rezoning of Approximately 115 Acres North of Bennett Road and South of the CSX Railroad Tracks from I (Industrial) to RAAA (Single Family-Low Density) - **Introduction**

Treasurer Hunting moved [and read the resolution into the record] THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, the Township Board hereby Introduces for Publication and Subsequent Adoption Ordinance No. ___, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #02020” rezoning from I (Industrial) to RAAA (Single Family-Low Density). Seconded by Trustee Brixie.

Board Members discussed the following:

- Inappropriateness of current I (Industrial) zoning
- Appropriateness of residential zoning
- Creates diverse residential options
- Conformance to the Comprehensive Development Plan
- Board approval authority of rezoning
- Creation of a legal non-conforming use on the site

Legal Non-Conforming Use: (Agenda Item #8 (Questions for the Attorney))

Q. How does this rezoning impact the current industrial use.

- A. The rezoning would create a legal non-conforming use. The owner has the right to continue the use, but would not have the ability to expand the use, or abandon and attempt to revert to the use.

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

- C. Rezoning #98010 (Hodney), Request to Rezone Approximately Five Acres located on Okemos Road from RA (Single Family-Medium Density) to PO (Professional Office) - **Introduction**

Trustee Brixie moved [and read the resolution into the record] THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, the Township Board hereby denies Rezoning Petition #98010" RA (Single Family-Medium Density) to PO (Professional Office). Seconded by Trustee Woiwode.

Board Members discussed the following:

- Inconsistency of rezoning with the Comprehensive Development Plan
- Lack of need for PO (Professional Office) zoning in Township
- Consistency of denial with regional approach
- Availability of non-residential uses compatible with neighboring residential uses
- Appreciation for developer's work in the community

Validity of Considering Demonstrated Community Need: (Agenda Item #8 (Questions for the Attorney))

Q. Where does the issue of community need fall in the Board's authority to accept or reject an applicant's rezoning request?

A. Community need certainly may be considered. The availability of other zoned districts and the utilization of those could be considered as a portion of the criteria.

Sufficiency of PO (Professional Office) Zoned Property: (Agenda Item #8 (Questions for the Attorney))

Q. If the Board determines the sufficiency of PO (Professional Office) zoned property, may this be part of the basis for the Board's decision?

A. In the absence of the need for additional classification of that type -- yes.

Board Members discussed the following:

- Appropriateness of the subject site for single-family development
- Conversion of Okemos Road properties to high-density multi-family residential and office
- Critical consideration of community need
- Substantial amount of vacant office space
- Consideration of available options for development of the subject site

Clerk Helmbrecht moved to postpone the matter until such time as the Board and applicant consider available options. Seconded by Trustee Such.

MOTION TO POSTPONE:

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

NAYS: Trustee Brixie

Motion carried 5-1.

Board Members discussed the appropriate time to take up the matter again.

Deadlines for Consideration of Rezoning: (Agenda Item #8 (Questions for the Attorney))

Q. Are there potential deadlines the Board may exceed through the indefinite postponement of the rezoning request?

A. There is nothing that would apply as in the case of a commission review with a ninety- (90) day deadline.

Supervisor McGillicuddy stated she anticipated taking up the matter in October.

E. Proposed Amendments to Rental Housing Code, Section 92-6 of the Code of Ordinances - **Final Adoption**

Trustee Woiwode requested to be recused based on her ownership of one rental unit.

Trustee Such moved to recuse Trustee Woiwode. It was Seconded.

VOICE VOTE: Motion carried 6-0.

[Trustee Woiwode left the room at 6:54 P.M.]

Treasurer Hunting moved [and read the resolution into the record] THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, the Township Board hereby Finally Adopts Ordinance No. 2002-07, entitled "Ordinance Amending the Code of Meridian Township, Michigan, by Amending Section 92-6 Registration and Inspection of Rental Property." Seconded by Trustee Such.

Board Members discussed the following:

- Clarifications of Ordinance language since introduction
- Preservation and protection of single-family neighborhoods
- Long term deliberations of the proposed amendments

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

NAYS: None

Motion carried 5-0.

[Trustee Woiwode reentered the room at 7:00 P.M.]

F. Millage Request for November 2002 Ballot
Manager Richards summarized the recommendation for a millage proposal and the forthcoming budget proposal to address street maintenance.

Consideration of an Either/Or Millage Proposal: (Agenda Item #8 (Questions for the Attorney))

Q. Is it possible to provide two questions on a ballot from which voters may choose?

A. The problem would be in making the language absolutely clear. It is difficult to come up with a scenario in which there is a proposal and an alternative proposal, which could be drafted with sufficient clarity. There could be some real problems in terms of making it clear that supporting one would necessarily defeat the other. It is possible to put two (2) different proposals in, but the difficulty is in tying the two together somehow.

Board Members discussed the following:

- Concern related to timing of the proposal
- Concern related to an implied Board support for the proposal by virtue of submitting the question
- Opportunity for public input to consider the question
- Concern related to lack of public interest in budget matters
- Potential for the removal of the proposal from the ballot at a future meeting

Trustee Such moved that the following ballot question be placed before the voters on the November 5, 2002 Ballot:

Proposal to provide continued funding for Senior Citizen, Recreation, and Human Service Programs throughout the Township.

Shall the limitation on the amount of taxes which may be levied against all property in the Charter Township of Meridian, Ingham County, Michigan, be increased by .1 (1/10) mills, (\$0.10 on each \$ 1,000 of taxable value) for a period of ten (10) years,

2002 to 2011 inclusive, to provide funding for Senior Citizen, Recreation, and Human Services Programs throughout the Township?

The estimate of the revenue the Township could collect if millage is approved and levied in the 2002 calendar year is approximately \$132,000.

YES

NO

Seconded by Trustee Woiwode.

Board Members discussed the following:

- Limitation to September 3, 2002 Meeting for removal of ballot language
- Differentiation between essential services and enhancements
- Creation of a restricted fund for the listed purposes
- Consequences to the programs from a failure of the millage
- Public education efforts related to the millage
- Consideration of alternative recreation and human services programs funding
- Preference for reliable funding in future planning
- Funding by other municipalities for senior services to non-Township residents
- Recognition of community function of the Senior Center
- Difficulty to calculate per-capita share of funding
- Importance of Township budget and staffing reductions
- Reduction of state revenue sharing to the Township
- Sub-inflation increase in General Fund expenditures for Township operations
- Fifteen percent (15%) health insurance premium increases
- Tax share estimate
- Test of Policy Governance Model

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

Board Members discussed the following:

- Appearance of the matter on the next agenda to consider removal of the ballot language
- Education opportunity for staff to discuss existing programs and services provided
- Potential discussion item for several meetings

Supervisor McGillicuddy recessed the meeting at 7:37 P.M.
Supervisor McGillicuddy reconvened the meeting at 7:47 P.M.

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

A. Draft Lighting Ordinance

Director Kieselbach introduced the draft outdoor lighting standards for discussion.

Provision for Legally Non-Conforming Sites: (Agenda Item #8 (Questions for the Attorney))

Q. Would existing businesses be grandfathered?

A. The draft ordinance includes a provision for legally non-conforming uses in these lighting standards. Yes there would be continuing non-conforming uses.

Addition to a Legally Non-Conforming Use: (Agenda Item #8 (Questions for the Attorney))

Q. If a gas station asked to add an addition to the rear of the structure, could the Township require the lighting to be made conforming?

A. This would be an expansion to a non-conforming use at that point, which could be subject to Township regulation.

Addition to a Legally Non-Conforming Use Without Lighting Change: (Agenda Item #8 (Questions for the Attorney))

- Q. In the above instance, if there were no proposed changes or additional lighting, could the Township still require the lighting become conforming?
- A. The expansion of the use would have to be in the context of lighting. If the physical structure is to be changed without amending the lighting plan, then the Township could not regulate the lighting to become conforming.

Expansion or Amendment to Lighting Plan: (Agenda Item #8 (Questions for the Attorney))

- Q. If a business proposes an addition or change within the structure of the lighting, would this then permit the Township to require conformance?
- A. This is correct.

Board Members discussed the following:

- Need for Township lighting standards
- Significance of lighting impact between office and residential uses
- Photometric layout of site and measurement of lighting
- Gas station photometric plans and lighting ranges
- Lighting for school athletic fields

Ability to Replace Bulbs: (Agenda Item #8 (Questions for the Attorney))

- Q. Does the provision for legal non-conforming uses permit the replacement of equivalent bulbs?
- A. Yes. The Township must permit for the maintenance of a non-conforming use. The Township does not have to permit the expansion of a non-conforming use. To change from a conventional light to a halogen light with a higher intensity, the Township may restrict this change.

Board Members discussed the following:

- Impact of light color and potential regulation
- Focus of regulation on light intensity and height of pole
- Board of Water and Light initiatives to encourage energy conservation

Enforceability of a Sunset Provision for Legally Non-Conforming Uses: (Agenda Item #8 (Questions for the Attorney))

- Q. Would it be enforceable to put a sunset provision on legally non-conforming uses?
- A. No. The law requires the Township to provide for the continuance of a non-conforming use. The Township may provide for regulation of the abandonment, cessation, or expansion of a non-conforming use. The Township may not sunset a non-conforming use. The law states the Township must provide for the maintenance of an existing non-conforming use.

Board Members discussed the following:

- Need to experience lighting contrast in more rural areas
- Evaluation of municipal lighting and move to compliance as necessary
- Value of unlit experiences
- Concern related to language requiring conformance for any non-conforming lamp replacement
- Possible exemption for seasonally used athletic fields

B. Limitations on Rezoning Requests

Director Kieselbach introduced the proposed limitation for discussion.

Board Members discussed the following:

- Method for consideration of changed conditions

Newly Discovered Evidence: (Agenda Item #8 (Questions for the Attorney))

- Q. What is the process for the determination of what constitutes new evidence?

- A. One possibility would be to have the initial determination of newly discovered evidence made by the Director of Community and Planning Development. The Director then could reject an application that did not demonstrate new evidence.

Board Members discussed the following:

- Reliance on Township staff and its recommendation to the Board
- Concern related to the creation of clutter on Township Board agenda
- Criteria for changed conditions

Changed Conditions: (Agenda Item #8 (Questions for the Attorney))

Q. What is the process for the determination of what constitutes new evidence?

- A. The initial consideration would be the first application filed and the answer to the question: "is that which is requested, now encompassed in whole or in part by the first application?" Even if the answer to the question is yes, proceed to the second question: "are there changed circumstances that would justify the consideration of it again?" This is a two-step process. In the case of a second application for a reduced density residential zoning, this was clearly denied in part in regard to the first application. If the applicant requests a different zoning classification not encompassed in the first application, the provision would probably not apply and would not be a barrier to application.

- C. Administrative Policy for Review of Pedestrian/Bicycle Pathway Master Plan Amendments
Director Severy introduced the proposed policy for discussion.

Board Members discussed the following:

- Concern related to everything being designated a "pathway"
- Preference for new classifications to include sidewalks
- Concern regarding a full prohibition to pathways through residential areas
- Define sidewalks and unpaved pathways independent of pedestrian/bicycle pathway
- Preference for the renaming of the Pedestrian/Bicycle Pathway Master Plan to encompass all non-motorized traffic infrastructure
- Necessity of definitions for routes to clarify the millage-funded, constructed and maintained system
- Review of the Administrative Policy to ensure compliance with the Policy Governance Model
- Mandated pathways under new construction

12. VISION SESSION/ENDS: Traffic Study: Paul Hamilton - Tri-County Regional Planning Comm. Supervisor McGillicuddy introduced Paul Hamilton, Chief Planner, Tri-County Regional Planning Commission.

Paul Hamilton summarized the draft Transportation Plan Update for traffic deficiencies in Meridian Township.

Board Members discussed the following:

- Regional considerations for Wise Growth Scenario
- Sharing of Wise Growth Project raw traffic data for the Township
- Potential for hiring of traffic consultant to analyze available data and conduct supplemental studies
- Various traffic studies and the intent and specificity of each
- Availability of Tri-County Regional Planning Commission staff time to performed analysis of Township specific data
- Need for the consideration of traffic models and strategies encompassing more than motorized traffic
- MDOT multi-year phased traffic improvements to corridors
- Traffic role of municipalities in managing land use
- Calculation of traffic infrastructure cost estimates for proposed developments
- Financial constraints governing the Tri-County Regional Planning Commission Traffic Plan

13. PUBLIC REMARKS (None)

14 ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:01 P.M.

SUSAN MCGILlicUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Paul J. Cassidy, Secretary