

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, JUNE 18, 2002, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Stier, Such, Woiwode
ABSENT: None
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief Gary Gibbons, EMS/Fire Chief Fred Cowper, Director of Parks & Recreation LuAnn Maisner, Attorney Mike Woodworth

1. CALL MEETING TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Police Officer James Every led the pledge of allegiance.

3. ROLL CALL

A. Introduction of New Police Officers

Chief Gibbons introduced new Police Officer James Every.

Supervisor McGillicuddy presented a certificate of appreciation to Chief Cowper on behalf of the Meridian Township Fire Department from State Representative Susan Tabor and Governor John Engler for service during the Potterville train derailment.

Chief Cowper discussed the role of the Meridian Township Fire Department in assisting with the Potterville derailment.

Supervisor McGillicuddy announced the Lake Lansing Watershed Management Special Assessment District tier designations were noticed incorrectly and the hearing would be held open until July 2, 2002.

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Joe Moyer, 1941 Danbury West, Okemos, spoke in opposition to the proposed Rental Housing Code Amendments.

Clark Berry, 2066 Lac Du Mont, Haslett, representing Lakeside Village and Lakeside Village South, North and West Associations, spoke in support of the proposed Rental Housing Code Amendments. He submitted a letter from Rita D. Freeman, President Lakeside Village Condo Association.

Tim McCarthy, 6076 Columbia Street, Haslett, spoke in support of the Lake Lansing Watershed Management Special Assessment District.

G. H. Sumbal, 2143 White Owl Way, Okemos, spoke in opposition to the Township's rental housing fees.

Jo Anderson, 215 W. Newman Road, Okemos, spoke in opposition to Rezoning #02010 (Township Board)

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John Anderson, 215 W. Newman Road, Okemos, spoke in opposition to Rezoning #02010 (Township Board).

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Trustee Such reported the Library Task Force would meet Thursday, June 20, 2002 at 5:30 P.M.

Clerk Helmbrecht reported the permanent absentee voters should have received their combined applications for the August 6, 2002 Primary and November 5, 2002 General Elections. She reported the absentee ballots would be mailed out by July 5, 2002.

6. APPROVAL OF AGENDA — OR CHANGES (See Agenda Item #10B.)

Trustee Such moved to approve the agenda amended as follows: Add Agenda Item #7F (Resolution for Setting a Public Hearing for Act 425 Agreements with the City of East Lansing). Seconded by Trustee Brixie.

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the proposed consent agenda:

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

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

NAYS: None

Motion carried unanimously.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Deliberation (BD)

- 9A-1 Larry Hennessey, 4548 Manitou Drive, Okemos; RE: Proposed Manitou Drive Pathway
- 9A-2 Shelley Lowe, 1860 Yosemite Drive, Okemos; RE: Pedestrian/Bicycle Pathway Master Plan Proposed Amendments
- 9A-3 A. S. Aniskiewicz, Ph.D., 3591 Van Atta Road, Okemos; RE: Pedestrian/Bicycle Pathway Master Plan Proposed Amendments
- 9A-4 Bong Ho, 4598 Manitou Drive, Okemos; RE: Pedestrian/Bicycle Pathway Master Plan Proposed Amendments
- 9A-5 Roberta & Peter Fugazzi, 1943 Tahoe Circle, Okemos; RE: Proposed Manitou Drive Pathway
- 9A-6 Pete Kumar, 3582 Breezy Point Drive, Okemos; RE: Support for Pedestrian/Bicycle Pathway Master Plan
- 9A-7 Stuart Lowe, 1860 Yosemite Drive, Okemos; RE: Recommendation of Briarwood/Van Atta Task Force
- 9A-8 Shelley Lowe, 1860 Yosemite Drive, Okemos; RE: Recommendation of Briarwood/Van Atta Task Force
- 9A-9 Tim & Susan Biehl, 9644 Coleman Road, Haslett; RE: Green Road Pathway
- 9A-10 Sally & John Ellinger, 4528 Manitou Drive, Okemos; RE: Proposed Manitou Drive Pathway
- 9A-11 Annette King, 3543 Breezy Point Drive, Okemos; RE: Recommendation of Briarwood/Van Atta Task Force
- 9A-12 Henry Smith, 2343 Hulett Road, Okemos; RE: Okemos Road Pathway
- 9A-13 Kelsey Moore, 3705 W. Hiawatha, Okemos; RE: Opposition to Pathway

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- 9A-14 Gary P. Boszak, 3796 Viceroy Drive, Okemos; RE: Support for Pedestrian/Bicycle Pathway Master Plan
 - 9A-15 William J. Cleary, 1896 Danbury East, Okemos; RE: Pedestrian/Bicycle Pathway Master Plan
 - 9A-16 Keith B. Hanna, 4518 Manitou Drive, Okemos; RE: Opposition to Hamilton Road Pathway
 - 9A-17 John & Carol Voss, 4558 Manitou Drive, Okemos; RE: Opposition to Manitou Drive Pathway
 - 9A-18 Marylou Hanna, 4518 Manitou Drive, Okemos; RE: Opposition to Manitou Drive Pathway
 - 9A-19 John Hood, Principal, Edgewood Elementary School, 1826 Osage Drive, Okemos; RE: Manitou Drive Pathway
 - 9A-20 Deb Wieber, 4490 Manitou Drive, Okemos; RE: Manitou Drive Pathway
 - 9A-21 H. R. Smith, 2343 Hulett Road, Okemos; RE: Support for Okemos Road Pathway
 - 9A-22 Anita G. Fox, Government Liaison, Briarwood Homeowners Association; RE: Pedestrian/Bicycle Pathway Master Plan
 - 9A-23 Phill & Denise Carbonell, 4199 Hulett Road, Okemos; RE: Support for Hulett Road Pathway
 - 9A-24 Sherry Mirasola, 3896 Breckinridge Drive, Okemos; RE: Recommendation of Briarwood/Van Atta Task Force
 - 9A-25 Jerry R. Crandall, 3715 W. Hiawatha, Okemos; RE: Pedestrian/Bicycle Pathway Master Plan
 - 9A-26 Paul W. Cowan, 3721 West Hiawatha Drive, Okemos; RE: Pedestrian/Bicycle Pathway Master Plan
 - 9B-1 Curtis J. Armbruster, 6411 East Reynolds Road, Haslett; RE: Lake Lansing Watershed Management Special Assessment District
 - 9D-1 William Trier, 5686 School Street, Haslett; RE: Rental Housing Code Amendments
 - 9D-2 Molly Wingrove, 2649 Melville Drive, East Lansing; RE: Rental Housing Code Amendments
 - 9D-3 Thomas & Jane Kamlay, 81 Chalmers Drive, Rochester Hills, MI; RE: Rental Housing Code Amendments
 - 9D-4 David Murley, 5099B Wardcliff Drive, East Lansing; RE: Rental Housing Code Amendments
 - 9D-5 James G. Coyle, 2205 Raby Road, East Lansing; RE: Rental Housing
 - 10A-1 Robert Bunker, 2348 Sapphire Lane, East Lansing; RE: Rezoning #02040 (Rysberg)
 - 10A-2 Keith Wilson, 2539 Bruin Drive, East Lansing, President, Wildwood Lakes/Bear Lake Property Owners Association; RE: Rezoning #02040 (Rysberg)
 - 10A-3 Kevin J. Roragen, Loomis, Ewert, Parsley, Davis & Gotting, PC, 232 S. Capitol Ave, Ste 1000, Lansing; RE: Rezoning #02040 (Rysberg)
- (2). Board Information (BI)
- BI-1 Laura Shuart, 1213 Buckingham, Haslett; RE: Purchase of Street Cleaner
 - BI-2 Sally Sproat, 2161 Quarry Road, East Lansing; RE: Support for Rezoning #02010 (Township Board)
 - BI-3 Article "No-Church Zoning District Faces a Challenge" by Adam Liptak
 - BI-4 Jennifer Brooke, William White & Stan Letts, Travelers Club, 2138 Hamilton Road, Okemos; RE: Support for Liquor License for AKAGI Restaurant
 - BI-5 Michigan Liquor Control Commission; RE: Notice of Request for Transfer of 2002 SDD-SDM License to Kahan and Sons LLC
 - BI-6 Article "Honey, I Shrunk the Store" by Daniel McGinn, Newsweek, June 3, 2002, pp. 36-37
 - BI-7 Article "Portland Voters Endorse Curbs on City Growth" by Timothy Egan, New York Times, May 23, 2002

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BI-8 Article "Wal-Mart Abandons Orange Beech" by Christmas McGaughey

(3) Commission Linkage (CL)

CL-1 Supervisor's Response to the Planning Commission's Request for Clarification of Rezoning #02020 (Township Board)

(4) Regional Linkage (RL)

RL-1 David W. Bertram, Legislative Liaison, Michigan Townships Association; RE: State Legislature Consideration of Budget Cuts

RL-2 Betty Robinson, Administrative Assistant, East Lansing-Meridian Water & Sewer Authority; RE: Meridian Township Appointment

RL-3 Robert J. Chaprnka, Michigan Railroads Association; RE: Model Zoning Ordinance

(5). Staff Communication/Referral (SC)

SC-1 John T. Anderson, 215 W. Newman Road, Okemos; RE: Notice of Intent to File Petition Regarding Rezoning #02010 (Township Board)

SC-2 Michael S. Brenton, Murphy, Brenton, & Spagnuolo, PC, 4572 S. Hagadorn, Ste 1A, East Lansing; RE: Commendation to Parks & Recreation Department

SC-3 Kay Dunn, Police Records Supervisor; RE: Current List of Licensed Vendors and Non-Licensed Persons or Nonprofit Organizations Engaged in Soliciting or Canvassing

SC-4 Mark K. Clouse, Financial & Legal Counsel, Eyde Company, 4660 S. Hagadorn Rd, Ste 660, East Lansing; RE: Powell Road Paving Petition

SC-5 Michigan Townships Association Legislative Fax, May 31, 2002 Edition

SC-6 Michigan Townships Association Legislative Fax, June 7, 2002 Edition

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, Stier, Such, Woiwode,
Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting
NAYS: None
Motion carried unanimously.

B. Minutes - June 4, 2002 (See Agenda Item #10C)

Trustee Brixie moved to approve and ratify the minutes of the June 4, 2002 Regular Meeting as submitted. Seconded by Trustee Woiwode.

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

C. Bills

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

General Fund/Special Revenue	\$ 307,081.39
Public Works	\$ 132,853.81
<u>Total Checks</u>	<u>\$ 439,935.20</u>
Credit Card Transactions	\$ 11,825.44
<u>Total Purchases</u>	<u>\$ 451,760.64</u>

Seconded by Trustee Woiwode.

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

[Bill list in Official Minute Book]

D. 2nd Quarter Budget Amendments

Trustee Brixie moved that the 2002 Amended Budget as reflected on Page 2 of the memorandum to the Township Board from the Finance Director, dated June 18, 2002 be approved. Seconded by Trustee Woiwode.

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

E. Consent for the Transfer of Cable Television Franchise

Trustee Brixie moved approval of the resolution consenting to the transfer of control of the Cable Television Franchise to AT&T Comcast Corporation. Seconded by Trustee Woiwode.

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

F. Resolution for Setting a Public Hearing for Act 425 Agreements With the City of East Lansing
Trustee Brixie moved THEREFORE, BE IT RESOLVED, that a public hearing on the intergovernmental agreements which may be entered into between the Charter Township of Meridian and the city of East Lansing pursuant to Public Act 425 of 1984 with respect to the parcels of land referenced in this Resolution shall be scheduled for, and conducted at, the regular meeting of the Meridian Township Board on July 2, 2002, with notice of said public hearing to be given in the manner provided by the Open meetings Act, Public Act 267 of 1976. Seconded by Trustee Woiwode.

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

G. 2002 Local Law Enforcement Block Grant (LLEBG)

Trustee Brixie moved to approve Township application and acceptance of Local Law Enforcement Block Grants Funds for Federal Fiscal Year 2002 and to authorize the Township Manager and staff to process required paperwork and forms. Seconded by Trustee Woiwode.

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

H. Lake Street Abandonment Request

Trustee Brixie moved to authorize the Township Manager to request the Ingham County Road Commission to abandon the Lake Street right-of-way, and reserve easements for public utilities, from west of 1623 Lake Street west to Marsh Road. Seconded by Trustee Woiwode.

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

I. List of Surplus Vehicles and Equipment

Trustee Brixie moved to approve the sale of the above listed surplus Township vehicles and equipment at public auction or by sealed bid. Seconded by Trustee Woiwode.

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

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item #11B. & 11C.)

9. HEARINGS

A. Pedestrian/Bicycle Pathway Master Plan Proposed Amendments (Continuation)
Supervisor McGillicuddy opened the public hearing at 6:35 P.M.

Director Severy introduced the Pedestrian/Bicycle Pathway Master Plan and the proposed amendments.

John Hoehn, 4341 Van Atta Road, Okemos, spoke in opposition to the proposed Van Atta Road pathway for the following reasons:

- There is a significant gap in the Master Plan along Hamilton Road to serve commercial areas
- The proposed pathway represents a significant economic commitment compared to the expected use
- The proposed pathway is unnecessary for park access
- A Meridian Road pathway could better connect four (4) different parks
- The proposed pathway would not be used
- The area residents are significantly opposed to the proposed pathway

June Easley, 4597 Manitou Drive, Okemos, spoke in opposition to the proposed amendment adding a Manitou Drive pathway for the following reasons:

- Resident opposition to the proposed amendment
- Potential destruction of mature trees and character of neighborhood
- Necessity for property owner compensation for destruction of trees outside of the right-of-way by construction
- Tree protection methods implemented by Lansing
- Possible alternate route from the end of Oneida

She submitted a petition in opposition to the pathway. [Petition in Official Minute Book]

Harry M. Trebing, 4568 Manitou Drive, Okemos, spoke in opposition to the proposed amendment adding a Manitou Drive pathway for the following reasons:

- Concur with Ms. Easley
- Need for a traffic study from Hamilton Road to Osage Drive
- Need for a cost benefit study
- The proposed pathway creates a gap along Manitou Drive between Osage Drive and Birchwood
- Unknown costs to homeowners for the restoration of yards, lights and landscaping
- Need to address resident concerns before proceeding
- A connection across Hamilton Road is required to connect Tacoma Hills to the rest of the community through the pathway system

Les Puretz, 3901 Van Atta Road, Okemos, spoke in opposition to the proposed Van Atta Road pathway for the following reasons:

- Pathways would be inconsistent with the desired rural character
- The easiest park access is through Meridian Road
- Flooding would prohibit bicycle access many times during the year

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- The pathway significantly encroaches on the front yards of area residents

Deb Wieber, 4490 Manitou Drive, Okemos, spoke in opposition to the proposed amendment adding a Manitou Drive pathway for the following reasons:

- Children safety could be served as well through the construction of a sidewalk
- A pedestrian/bicycle pathway represents a significant encroachment on front lawns
- The pathway would significantly increase non-resident pedestrian traffic through the subdivision
- The pathway would serve recreational rather than child safety purposes
- The proposed pathway would essentially cause the removal of most trees to Oneida
- Moving the proposed pathway closer to the road could create snow removal issues
- The proposed pathway does not serve school children from many other areas
- School buses may be a better option during winter months
- The absence of sidewalks and streetlighting is part of the appeal of area homes

Alan Sliker, 4330 Hulett Road, Okemos, spoke in Hulett Road pathway

- A pathway on both sides of the street is excessive
- A pathway potentially negatively impacts property values through the removal of mature trees
- An alternative would be to construct sidewalk on the east-west portion and widened shoulder on the north-south portion

Leonard Provenchar, 5824 Buena Parkway, Haslett, commented on the Pedestrian/Bicycle Pathway Master Plan as follows:

- There should be no deletions from the Pedestrian/Bicycle Pathway Master Plan at any time
- Support for the Briarwood/Van Atta Task Force recommendation:
 - Represents a good-faith effort on part of residents to consider varied community interests
- Oppose the Van Atta Task Force recommendation:
 - Represents residents self-interest rather than community interests
 - Residents oppose a pathway through the Consumers Energy right-of-way
 - Residents oppose a near-road and widened shoulder pathway
 - Voter approval and reapprovals of the pedestrian/bicycle pathway millage serves as a mandate
 - The roadway is unsafe for pedestrians and bicyclists
 - The diagonal railroad crossing is unsafe
 - Does not reflect the ongoing changes in the Township

Vincent Bartley, 2120 Belding Court, Okemos, read from a written statement by Sally E. Bartley, in opposition to the proposed pathway on the south side of Kinawa Drive. [Statement from Sally E. Bartley in Official Minute Book]

William C. Rieske, 2130 Belding Court, Okemos, read from a written statement in opposition to the proposed pathway on the south side of Kinawa Drive. [Statement in Official Minute Book]

Lynne Page, President Briarwood Homeowners Association, 3912 Raleigh Drive, Okemos, commented on the Pedestrian/Bicycle Pathway Master Plan as follows:

- Support for extension of the continuation of the Kinawa Drive pathway over use of the Consumers Energy right-of-way
- The Ingham County Road Commission plans to build bicycle lanes on both sides of Kinawa Drive
- There are three pathways proposed between Tamarack and Kinawa Drive
- Opposed to any pathway bisecting a residential neighborhood
- The association retains a license with Consumers Energy for park use in the right-of-way and has expended significant funds developing and maintaining the licensed area
- Support the deletion of the Consumers Energy right-of-way from the Master Plan

Valerie Von Frank, 1995 Cimarron Drive, Okemos, spoke in opposition to the Briarwood cross-country pathway for the following reasons:

- Support the concept of a pedestrian/bicycle pathway throughout the Township

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- Support the deletion of the alternate "greenway" bisecting the neighborhood for public safety reasons
- The Kinawa Drive pathway is sufficient to serve this area

John Bondarenko, 1932 Belwood, Okemos, read from a written statement with petition, in opposition to the construction of a pedestrian/bicycle pathway along the rear yard.
[Statement/petition in Official Minute Book]

Margie Carr, 4254 Hulett Road, Okemos, spoken in opposition to the Hulett Road pathway for the following reasons:

- The proposed pathway would necessitate the removal of 100 year old trees characterizing the area

Barry Carr, 2321 Hulett Road, Okemos, commented on the Pedestrian/Bicycle Pathway Master Plan as follows:

- Pedestrian/bicycle pathways generally improve public safety
- The pathway through Briarwood is probably extraneous as pathway(s) currently serve the area
- The Okemos Road pathway would invite pedestrian crossing without a traffic light
- There is insufficient space to widen Hulett Road to accommodate a pathway
- Support the closure of Hulett Road at the railroad tracks to improve safety

Greg Grady, 1840 Cimarron Drive, Okemos, spoke in opposition to the Briarwood pathway for the following reasons:

- Personal experience shows an increase in vandalism, loitering, personal injury and theft associated with the presence of pathways
- Existing sidewalks sufficiently service the neighborhood
- The Ingham County Road Commission plans to construct bicycle lanes on Kinawa Drive

Ben Schwendener, 4084 Van Atta Road, Okemos, spoke in support of the Van Atta Task Force recommendation for the following reasons:

- The charge of the task force proposal is based on the assumption that a pathway would be constructed
- The proposed Van Atta Road pathway would be constructed on private land vs. the Briarwood pathway on Consumers Energy right-of-way and park land
- Recommended conditions provide the basis of a contract between the Township and the property owners granting an easement.
- The pathway should be constructed of aggregate material rather than asphalt to limit runoff into the river

Dan Ilgen, 1975 Cimarron, Okemos, spoke in support of the Briarwood/Van Atta Task Force recommendation for the following reasons:

- The task force represents residents and individuals with special interests
- Originally unconvinced of ability to reach a consensus
- The task force used various topical experts to develop this recommendation
- The recommendation is the best outcome of a ten (10)-year debate
- The existing pathway is in high use

Ron French, 1995 Cimarron Drive, Okemos, spoke in opposition to the Briarwood/Van Atta Task Force recommendation for the following reasons:

- The existing pathway is in high use and increased use is a concern
- The proposed pathway provides access to the rear yard
- Internet studies demonstrate an associated increase in burglaries with pathways

He submitted a petition in opposition to the pathway. [Petition in Official Minute Book]

Heidi DeCamp, 3623 Van Atta Road, Okemos, spoke in opposition to the Van Atta Task Force recommendation for the following reasons:

- Resident support is significantly for "no pathway" over the recommended pathway
- Unfeasibility of the construction of a pathway harmonious with the natural features

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- Preference for a Meridian Road pathway to connect Township parks
- Importance of preserving the historic character of Van Atta Road

Peggy Ostrom, 3663 Van Atta Road, Okemos, spoke in opposition to the Van Atta Task Force recommendation for the following reasons:

- The task force did not represent resident views opposed to any pathway
- The pathway would be unlikely to succeed based on the cost
- Need for a balance between new and old characters of the Township
- The vote for the pedestrian/bicycle pathway millage does not represent support for the adverse impacts of the pathway system
- Pathway construction presents unmitigable damage to the natural environment
- The choice is between preservation or destruction of the significant character of the road

Lawrence Hennessey, 4548 Manitou Drive, Okemos, spoke in support of the proposed pathway on Manitou Drive for the following reasons:

- Concerned about the danger of high-speed traffic to children walking to Edgewood Elementary School
- The loss of his trees near the road is an acceptable tradeoff for increased safety
- Interested residents adjacent to Manitou Drive were not notified of this proposal
- A pathway is safer for children than walking in the roadway
- A sidewalk may be preferable to a seven-foot (7') wide pathway
- The proposed pathway should not be constructed through the natural area
- Children north of Hamilton Road attend Central Elementary School by bus and would not cross Hamilton Road
- The safety of children is a greater priority than any concern about property values

Marna Wilson, 1905 Tomahawk Drive, Okemos, spoke in opposition to the proposed pathway on Manitou Drive for the following reasons:

- The submitted petition represents properties most impacted by the pathway [See petition submitted by Ms. Easley]
- Unknown source of recommendation for this pathway
- Availability and practice of safe alternatives to a pathway
- Desire the preservation of the rural character in an increasingly urban area
- Township resources may be better used in filling in gaps along arterial streets

Anna Miller, 4251 Hulett Road, Okemos, spoke in opposition to the proposed Hulett Road pathway for the following reasons:

- The pathway was found to be unfeasible and undesirable five (5) years ago
- Twenty to Thirty (20-30) large trees would need to be removed to accommodate a pathway
- Significant tree removal would change the character of the road
- There are significant grade changes along the edges of Hulett Road
- Significant engineering would be required for such a pathway
- Residents chose to live on Hulett road based on the existing character
- Hulett Road has a paved shoulder pathway south of the railroad track

She submitted a communication opposing the pathway [Communication in Official Minute Book]

Jean Doss, 2276 Hulett Road, Okemos, spoke in opposition to the proposed Hulett Road pathway for the following reasons:

- The Board needs to look at the road before deciding on this addition
- She would lose half of her front lawn to such a pathway
- Equal accessibility is important and automobiles should not be given excessive weighting

Alex Taylor, 4638 Manitou Drive, Okemos, speaking on behalf of Mrs. Taylor, in support of a sidewalk on Manitou Drive for the following reasons:

- Desire the construction of sidewalks for unrestricted pedestrian access to school rather than a pedestrian/bicycle pathway
- Requested the amendment to initiate discussion with the homeowners association

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- Petition opposing the pathway not generally circulated through neighborhood [See petition submitted by Ms. Easley]
- Proposed amendment to the Master Plan came as a surprise
- Lack of consensus within the homeowners association as to a solution
- Children walking on or close to a road is inherently unsafe

He submitted a communication from Julia Taylor in support of a sidewalk. [Communication in Official Minute Book]

Charlotte Smith, 2069 Tamarack Drive, Okemos, spoke in opposition to a Briarwood pathway

- The existing Briarwood pathway is frequently used
- Her yard is used as a cut-through to the pathway
- A paved pathway would increase the cut-through traffic over her property to Tamarack Drive
- Cut-through traffic presents a safety concern for her children
- A pathway increases public access to unlit and unplaced areas behind neighborhood homes
- Need to restrict rather than increase public access to the Consumers Energy right-of-way

Stephen Moore, 3705 W. Hiawatha, Okemos, spoke in opposition to a pathway for the following reasons:

- A pathway would harm the natural beauty of the area
- A pathway presents a safety concern for his children and neighborhood children

Kelsey Moore, 3705 W. Hiawatha, Okemos, spoke in opposition to a pathway for the following reasons:

- A pathway would harm the natural beauty of the area
- A pathway would attract people to her back yard

Supervisor McGillicuddy closed the public hearing at 7:47 P.M.

B. Lake Lansing Watershed Management Special Assessment District
Supervisor McGillicuddy opened the public hearing at 7:48 P.M.

Director Severy introduced the special assessment district and noted an error in the assessment roll and subsequent notices as detailed in the June 14, 2002 staff memorandum to the Board.

Tom Page, Chair, Lake Lansing Advisory Committee, summarized the new assessment district as presented in the Lake Lansing Watershed Advisory Committee Watershed Management Plan Executive Summary

Donald Kaufman, 6097 E. Lake Drive, Haslett, President, Lake Lansing Property Owners Association, speaking also on the behalf of the Lake Lansing Advisory Committee, in support of the proposed special assessment district for the following reasons:

- The work products of the Advisory Committee demonstrate the success of the program
- Continued stewardship is necessary to the health of Lake Lansing
- The estimated assessments represent the maximum assessment based on no contributions from the County or Township and would be reduced assuming such contributions

Charles Louis Willems, 1387 Hickory Island, Haslett, representing Mary Willems, objected to the special assessment district as follows:

- His homestead is not lakefront according to the MTT and should not be designated as Tier 1
- Tier 1 was redefined in the original assessment district as having a view of the lake

He submitted his written objections to the special assessment district. [Written Objection in Official Minute Book]

Lily Gee, 6068 Columbia Street, Haslett, spoke in support of the special assessment district as follows:

- Tier 2 is not large enough to include the responsible properties for fertilizer runoff into the lake

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Liz Kaufman, 6097 E. Lake Drive, Haslett, spoke in support of the special assessment district as follows:

- The Lake Lansing Property Owners Association unanimously supported the special assessment district.

Supervisor McGillicuddy recessed the public hearing at 8:00 P.M. to be reconvened at the July 2, 2002 Regular Meeting.

Supervisor McGillicuddy recessed the meeting at 8:00 P.M.

Supervisor McGillicuddy reconvened the meeting at 8:14 P.M.

C. Michael Street Public Road Improvement Special Assessment District #33

Supervisor McGillicuddy opened the public hearing at 8:14 P.M.

Director Severy introduced the proposed public road improvement.

Sean McNatt, 1786 Michael Street, Haslett, spoke in support of the proposed public road improvement for the following reasons:

- All property owners less three (3) which could not be contacted, support the paving
- The paving would not increase traffic based on the subdivision layout

Keith Hicks, 1789 Michael Street, Haslett, spoke in support of the proposed public road improvement for the following reasons:

- Michael Street is the only unpaved street in the subdivision
- The paving would not increase traffic based on the subdivision layout
- All property owners less three (3) which could not be contacted, support the paving

Manager Richards commented the new owners of the home at 1794 Michael Street are known to him and support the paving.

Supervisor McGillicuddy closed the public hearing at 8:18 P.M.

D. Rental Housing Code Amendments

Supervisor McGillicuddy opened the public hearing at 8:18 P.M.

Trustee Woiwode stated she needed to recuse herself because of her ownership of a single rental unit.

Trustee Such moved to excuse Trustee Woiwode from consideration of this matter. Seconded by Trustee Brixie.

VOICE VOTE: Motion carried unanimously.

[Trustee Woiwode left the room at 8:20 P.M.]

Director Kieselbach introduced the proposed Rental Housing Code amendments.

Cathy Iansiti, 5340 Van Atta Road, Okemos, spoke in opposition to the previously adopted Rental Housing fees for the following reasons:

- Rental housing fees are a result of problems with a few rentals and should not harm the responsible rental property owners
- The fee increases are significant

Daria N. Schlega, 2446 Burcham Drive, East Lansing, discussed the proposed Rental Housing Code amendments as follows:

- The Township should treat all landlords equally including condominiums
- Section 92-6.5(A) has unclear purpose
- Functional Family must clearly exclude owner occupied homes with unrelated rent payers

Joyce Wildenthal, 1468 Oscoda Road, Okemos, spoke from a prepared statement in support of amending Section 92-6.5 to exclude owner occupied rental properties. [Prepared statement in Official Minute Book]

Sam Makhoul, 5010 Park Lake Road, East Lansing, spoke in opposition to the limitation on the number of occupants for the following reasons:

- His property has sufficient rooms to house many more than two (2) unrelated persons
- His property could accommodate fifteen (15) automobiles
- His property is surrounded by commercial zoning
- His property would generate a financial loss if the number of renters were limited to two (2)

Eleanor V. Luecke, President, L.I.N.C. spoke regarding the proposed Rental Housing Code amendments for the following reasons:

- Mr. Makhoul represents a valid exception based on the purposes of rental regulation
- Provides component for protection and enhancement of neighborhoods
- Consider replacing the term "registering" with "licensing"
- The code should require code compliance before rental of the property
- Consider adding a section for "sleeping rooms"

John Scott-Craig, 5244 Wardcliff Drive, East Lansing, spoke in support of the proposed Rental Housing Code amendments for the following reasons:

- The Wardcliff neighborhood has been impacted by the increase in rental housing
- Provides protection to single-family owner-occupied housing
- Consider replacing the term "registering" with "licensing"

Molly Wingrove, 2649 Melville Drive, East Lansing, read a written statement suggesting amendments to the proposed Rental Housing Code. [Written statement in Official Minute Book]

Jerry Swartz, 335 Chimney Oaks Drive, Okemos, stated concerns related to the proposed Rental Housing Code amendments as follows:

- May 23rd correspondence requesting proof of occupancy compliance may represent an arbitrary loss of property rights constituting a taking
- Property rights taken at the point of sale diminish the value of the property
- Rental issues to be addressed are ordinance enforcement issues specific to tenant behavior

Jo Ann Kistler, 1604 River Terrace, East Lansing, spoke in support of the proposed Rental Housing Code amendments for the following reasons:

- Rental properties in the River Terrace area significantly exceed available off-street parking
- The River Terrace area is vulnerable to becoming a "student ghetto"
- Rental properties in the River Terrace area are not maintained as well as the owner occupied homes
- Concern related to Michigan State University owned property advertised with two (2) mother-in-law apartments
- Enforcement of the amended Rental Housing Code would be as important as it is now

Supervisor McGillicuddy closed the public hearing at 8:45 P.M.

[Trustee Woiwode entered the room at 8:45 P.M.]

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Robert Bunker, 2348 Sapphire Lane, Representing Sapphire Lake Homeowners, spoke in opposition to Rezoning #02040 (Rysberg).

Mark K. Clouse, Financial & Legal Counsel, Eyde Company, 4660 S. Hagadorn Rd, Ste 660, East Lansing, spoke in support of Preliminary Plat #02022 (Eyde).

Supervisor McGillicuddy closed public comment.

- A. Rezoning #02040 (Rysberg), request to rezone approximately 60 acres located on the west side of Okemos Road from RAAA to MP

Trustee Woiwode 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 #02040 from RAAA (Single Family-Low Density) to MP (Mobile Home Park). Seconded by Trustee Such.

Board Members discussed the following items:

- Lack of need for rezoning
- Manufactured housing is permitted throughout the Township providing affordable housing
- Denial of the rezoning does not create a barrier to the use of the property
- Significant public safety issues associated with the potential density and location of the single ingress/egress within the railroad track setback
- Inconsistency of the proposed zoning with the Comprehensive Development Plan
- Planning Commission vote

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

- B. Preliminary Plat #02022 (Eyde), request for preliminary plat approval for 14 lots in the Braemoor Subdivision located south of Grand River Avenue, in Section 25, Okemos

Trustee Such moved [and read the resolution into the record] THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, that the request for preliminary plat approval for a single-family subdivision of fourteen (14) lots commonly known as Braemoor, located south of Grand River Avenue, west of Van Atta Road and north of the Red Cedar River is hereby granted with the following conditions:

1. Approval is granted in accordance with the revised Preliminary Plat dated April 8, 2002, prepared by KEBS, Inc., indicating fourteen (14) single-family lots, subject to revisions as required.
2. An overall grading plan for the subdivision shall be required with detailed construction plans, prior to issuance of any building permits. The elevation of each lot corner shall be indicated on the plan.
3. Storm sewer leads shall be provided to each lot in the subdivision. The final location of the lead shall be subject to the approval of the Director of Public Works and Engineering. All residences constructed in the subdivision shall be connected to the leads.
4. If determined necessary by the Director of Public Works and Engineering and the Ingham County Road Commission, edge drains shall be installed along streets within the subdivision.
5. Street trees shall be required throughout the subdivision. Species and location of the trees shall be subject to the approval of the Director of Community Planning and Development and the Ingham County Road Commission.
6. The Planning Commission hereby grants a variance from Section 101-4.52 of the Township's Subdivision Regulations for the minimum block length of Glen Eyrie Drive between Candacraig Drive and River Glen Drive to be less than 500 feet because the road was designed to be consistent with the existing roads on the site.
7. The applicant shall obtain all necessary permits and approvals from the Ingham County Drain Commissioner, Ingham County Road Commission, Ingham County Health Department, Michigan Department of Transportation, Michigan Department of

- Environmental Quality (MDEQ), and the Township. Copies of all permits and approval letters shall be submitted to the Department of Community Planning and Development.**
- 8. Should a permit be required from the Michigan Department of Environmental Quality, no grading or construction work shall be conducted until the permit is final and unappealable at the MDEQ.**
 - 9. Prior to issuance of grading or building permits for single-family homes within the subdivision, the applicant shall provide the Department of Community Planning and Development with copies of required well and septic permit(s) for the applicable lot.**
 - 10. Prior to construction activities, including grading, erosion control fencing shall be installed along the perimeter at the upland edge of the required water features setback, subject to the review approval of the Ingham County Drain Commissioner and the Township.**
 - 11. Prior to issuance of a building permit for Lots 1, 2, and 13, written certification shall be provided to the Township that no grading or construction work will take place in the regulated wetland(s) as well as the required setbacks. Upon completion of the dwellings on Lots 1, 2, and 13, a similar as-built certification shall be provided to the Township.**
 - 12. A copy of the information that exists on computer for the plat and construction plans shall be provided to the Township Engineering staff in an Auto Cad compatible format.**
 - 13. The subdivision covenants and restrictions shall be corrected to indicate correct authority over the regulated wetlands and ownership/maintenance of the private park(s).**
 - 14. The approximate two (2) acres located southeast of Lots 3 and 4 shall be combined with a parcel or parcel(s), which have street frontage and access.**

Seconded by Clerk Helmbrecht.

Board Members discussed the following items:

- Consistency of the proposed plat with the existing zoning and Comprehensive Development Plan
- Use of curb and gutter on the plat
- Requirement for storm sewer leads
- Drainage to the Red Cedar River
- Potential for replenishing groundwater through percolation rather than drainage to streams

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

- Revision to Agenda
Trustee Such moved to revise the agenda by adding Agenda Item #10C (Amendments to Board Minutes - June 4, 2002). Seconded by Clerk Helmbrecht.

VOICE VOTE: Motion carried unanimously.

- C. Amendments to Board Minutes - June 4, 2002
Trustee Brixie moved to amend the June 4, 2002 Regular Board Meeting Minutes as follows:
Page 8, Agenda Item #10A (Rezoning #02010):
Add after the motion to refer (paragraph 1): "[This rezoning is only for the 74 acres "Netzloff property"]"

Seconded by Treasurer Hunting.

VOICE VOTE: Motion carried unanimously.

11. DISCUSSION ITEMS/ENDS
Supervisor McGillicuddy opened public comment.

Eleanor V. Luecke, President, L.I.N.C. spoke in support of a moratorium on consideration of any rezonings and zoning amendments until the Community Viz GIS system is operational.

Andrew Abood, Attorney, 117 E. Allegan, Lansing, representing Rockwood Development, spoke in opposition to the proposed Act 425 Agreement including the parcel owned by his client.

John Anderson, 215 W. Newman, Okemos, discussed traffic issues at the intersection of Okemos and Jolly Roads.

Supervisor McGillicuddy closed public comment.

A. Pedestrian/Bicycle Pathway Master Plan Proposed Amendments (Continuation)

Board Members discussed the following items:

- Need to address policy and criteria for consideration of resident initiated amendments
- Briarwood/Van Atta Task Force recommendation:
 - Apparent confusion of previous proposals and task force recommendation
 - Establishment of a greenway rather than a pathway
 - Formation of "friends" organization independent of Board action
 - Long term nature of master plan and construction program
 - Board options to do nothing, add conditions, or remove from the master plan
 - Inconsistency of task force recommendation with original and current definition of a pathway under the millage
 - Necessity for additional categories to accommodate such pathways
- Intent of Pedestrian/Bicycle Pathway Program to develop pathways along main streets to serve public safety interests
- Appropriate priority of the construction program to complete pathway gaps
- Van Atta Task Force recommendation:
 - Board options to do nothing, add conditions, or remove from the master plan
 - Replacement of the paved shoulder designation with a near-road pathway designation
 - Consideration of the modification of millage language to accommodate new concepts
 - Consideration of Van Atta and Briarwood pathway classification equivalency
- Opposition to the removal of large trees along the roadway
- Demonstrated community support for the pathways
- Need to consider pathways through a broader perspective
- Inappropriateness of current process for consideration of master plan amendments
- Community benefit from an extensive pathway system
- Resident overstatement of potential impacts to public safety and property values
- Importance of the development of community interests
- Difference between the master plan and construction program
- Support for review of the master plan every three (3) year
- Staff recommendations for the annual construction program
- Establishment of a task force to consider master plan amendments

Trustee Such requested individual motions for each of the proposed amendments at the time for Board Action.¹

Board Members discussed the following items:

- Need to address general concepts
- Diverse methods to accomplish a desired end
- Reduction of automobile traffic to increase walkability without additional paving
- Consideration of narrowing overbuilt roadways to accommodate pathways as an approach to Manitou Drive
- Need for focus on Board Goals in consideration of pathways

¹ Township Board Rules & Procedures, As Amended December 19, 2000, Rule 14.1

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- Possible precedence in constructing subdivision pathway to serve as sidewalks
- Construction of master plan pathways do not require funding from the millage
- Staff assessment of the feasibility of the closure of Hulett Road
- Specifications for the Van Atta near-road pathway
- Need for professional evaluation of the best of the two (2) alternatives presented for Van Atta Road
- Appropriate time for staff evaluations
- Probability of Van Atta Task Force conditions blocking construction
- Van Atta Task Force conditions based on assignment of pathway easements
- Possible expansion of the scope of the master plan beyond millage funded pathways
- Support for Task Force recommendations to support resident efforts and the concept of a task force to develop consensus
- Board consideration of the task force recommendations before the proposed additions
- Need for the elimination of the current rigid standards for pathways
- Need to name new pathway designations created by the task forces
- Potential to consider task force recommendations in pieces
- Potential for federal grant matching funds for five-foot (5') wide ADA compliant surface pathways
- Potential renaming of the Pedestrian/Bicycle Pathway Master Plan to eliminate reference to specific types of pathways
- Clarification of millage language and construction limitations

- B. 425 Agreements with City of East Lansing
Manager Richards introduced the proposed Act 425 Agreements.

Conservation Easement: (Agenda Item #8 (Questions for the Attorney))

Q. What is a conservation easement?

- A. A conservation easement strips off any development rights to the parcel. The actual title to the property itself would not transfer to the Township, but there would be by way of the easement, the prohibition against any impairment of the wetland or any development within the wetland. This conservation easement would be permanent.

Board Members discussed the following items:

- General provisions for conditions of Act 425 Agreement

Contract Zoning: (Agenda Item #8 (Questions for the Attorney))

Q. Would the provision for a conservation easement make the property owner a party to the agreement, and what mechanism allows the Township to do this? What is the difference between the requirement for a conservation easement and contract zoning?

- A. No property owner would be a signatory to this agreement. No one will be a third-party beneficiary to this agreement. There would be specific exclusion in the contract. The 425 agreement would provide the zoning would remain as Township zoning unless this conservation easement is given. If the conservation easement is given, the contract provides for the reversion. This is an agreement between the two (2) governmental entities, not as between the property owner and the government. Therefore, we do not have that situation ordinarily concerned about with contractual zoning.

Board Members discussed the following items:

- Future development of land under the agreement
- Limitations on the RM-8 zoning in the agreement

Tie Vote in Consideration of Rezoning: (Agenda Item #8 (Questions for the Attorney))

Q. What happens in case of a tie vote in the consideration of rezoning and is this stipulated in the agreement?

- A. The statute requires a majority vote to amend the zoning.

Automatic Renewal: (Agenda Item #8 (Questions for the Attorney))

Q. Please comment on the provisions for an automatic renewal or lack thereof.

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- A. There is an automatic renewal provision in the agreement. This agreement may be renewed for a second term of fifty (50) years, as provided by the Act, except that the renewal of this agreement shall automatically occur unless both the Township and the city agree in writing not to renew at least sixty (60) days in advance. That provision would be anticipated to be an automatic renewal. If either party decides the agreement should remain in place, then by operation of this paragraph it would stay in place. This paragraph is not new to renewal provisions in Act 425 agreements.

Board Members discussed the following items:

- Taxation provision for 150% of Police and Fire operational funding
- Proportional state revenue sharing and voting provisions
- Joint development jurisdiction

Incorporation of Township Recommendations for Site Plan Review: (Agenda Item #8 (Questions for the Attorney))

Q. Please provide an interpretation "to the fullest extent practical."

- A. It would be read into this provision an element of good faith; that obviously is not a concrete term to the extent practicable. If there was a determination made by Township Officials that the city was not seriously considering input, the Township would have the ability to seek the imposition of a good faith standard. This particular provision is still subject to negotiations in the interest of strengthening it from the perspective of the Township. As part of the agreement, the Township has aggrieved party status for appeal purposes from decisions made by East Lansing's Zoning Board of Appeals. What is being negotiated is similar standing as aggrieved parties for discretionary land use permits such as special use permits. Communication and negotiation have gone well to date. If all that is left in the agreement is "to the fullest extent practicable," it will rely a great deal on the good faith of East Lansing and the eagerness of the Township to seek enforcement in the Court.

Provision for Repeal of Act 425: (Agenda Item #8 (Questions for the Attorney))

Q. Is there any provision in the agreement for the potential elimination of the Act?

- A. The only thing that is addressed is by the mutual consent of the parties if the basis underlying the agreement were to disappear. The other contingency is the nature of any repeal or legislation of the Act 425 would likely provide for the reaffirmation by both parties or disaffirmation by either party. Any repeal would be done under the knowledge of the existence of such agreements and it could be assumed the legislature would address the issue of what happens to such agreements entered into under the prior law.

Board Members discussed the following items:

- Public hearing and potential action at July 2, 2002 meeting

Amendments to Agreement Before Next Meeting: (Agenda Item #8 (Questions for the Attorney))

Q. Please confirm that some provisions of the agreement may be changed before action by the Board.

- A. It is expected that there would be modifications in the current draft before the public hearing and Board action.

Board Members discussed the following items:

- Provisions for severability under section 5.6
- Critical element for input in the zoning of the parcels

At 10:30 P.M. the Board suspended Rule 2.7² by unanimous consent to discuss Agenda Items #11C (Rental Housing Code Amendments) through #11E. (Zoning Amendment #02050).

- C. Rental Housing Code Amendments

[Trustee Woiwode left the room at 10:34 P.M.]

² Township Board Rules & Procedures, As Amended December 19, 2000

Licensing v Registration: (Agenda Item #8 (Questions for the Attorney))

- Q. Please address the issues raised during the public hearing as regards licensing v. registration; requiring off-street parking, provision of names of tenants, etc...
- A. To address first the concept of non-conforming uses: Amendments to the Rental Housing Code must make provisions for the continuation of non-conforming uses. One of the speakers as a landowner discussed receipt of a letter from the Township, which was interpreted as a notice of removal of property rights. This speaker misses the point of the letter as the request is: if you intend to claim a non-conforming use and intend to continue this non-conforming use, the burden of establishing this type of use prior to the adoption of the ordinance is on the property owner. If the property owner is able to establish a legally non-conforming use, this use would be permitted to continue, as the Township has no alternative to permit such use. If there were any change in the use, the right to continue the non-conforming use would extinguish. There were questions by those supporting the ordinance to abolish the grandfathering clause. The answer is that the Township must make accommodation for non-conforming uses.

Transfer of Legally Non-Conforming Uses: (Agenda Item #8 (Questions for the Attorney))

- Q. Is a non-conforming use transferable with the sale of the property.
- A. Yes. As long as the use of the property is not changed. The ownership is not used as a basis to terminate the non-conforming use.

Clarity of Notice: (Agenda Item #8 (Questions for the Attorney))

- Q. Should the letter to the landlords be revisited considering the interpretation represented by the two (2) attorneys?
- A. As understood the attorneys' advise was that should the Township take away a property right, it must compensate for the property right it is taking away. This is true, except this does not go to the point.

Regulation vs. Licensing: Agenda Item #8 (Questions for the Attorney))

- Q. See above.
- A. Regarding the distinction between regulation and licensing, the ordinance must be read as a whole. The conditions for registration, the conditions for licensing, are set forth in the ordinance. Whether it is designated registration may give rise to an argument of a different connotation, but the choice of words used are to be interpreted with regard to the ordinance as a whole. The Code of Ordinances clearly set forth the conditions to registration and licensing of the property. In agreement with one of the speakers, one of the tasks, and one of the reasons justifying the fee, is in the enforcement of the code, such as the monitoring of properties and parking. This monitoring can now be addressed through the employee funded by the fees.

Board Members discussed the following items:

- Apparent confusion as to consideration of current Rental Housing Code amendments and previously adopted fees

Limitation of Parking to Driveways: (Agenda Item #8 (Questions for the Attorney))

- Q. Could the Township limit parking to the driveway?
- A. Parking in the yard is not currently permitted in the ordinance. The issue is a matter of enforcement monitoring rather than a matter of the legal authority to prohibit parking on lawns. This is why driveways are designated as parking areas.

Sufficiency of Categories: (Agenda Item #8 (Questions for the Attorney))

- Q. Are there sufficient categories to classify an owner-occupied rental or a bed and breakfast?
- A. There are certainly enough categories to make the ordinance enforceable and avoid any problem with validity. The question becomes to what extent should the Township get into more detailed regulation. The understanding from staff was that the current categories are those necessary to accomplish the objectives. If for example, in considering the inclusion of East Lansing's definition of sleeping rooms; it is uncertain that sleeping rooms are a phenomenon concerned about in the Township, but one likely to already be covered within the provisions such as the number of unrelated persons.

5010 Park Lake Road: (Agenda Item #8 (Questions for the Attorney))

- Q. Might concerns about the continuation of the use at 5010 Park Lake Road could be satisfied by demonstrating a non-conforming use?
- A. Correct. The non-conforming use could be continued until the use changes. The owner would need to establish historically the use prior to the passage of the ordinance. This is what landlords are being generally asked to do now. If there is a claim to a grandfathered use, establish this now.

Board Members discussed the following items:

- Notification of registered rentals and requirement for classification as legally non-conforming
- Zoning Board of Appeals interpretation of the number of unrelated persons permitted in the case of room rentals in an owner-occupied property
- Rental registration fees in single-unit vs. multi-unit rentals
- Reconsideration of rental fee schedule for owner-occupied rentals following adoption of the code

[Trustee Woiwode entered at 10:45

D. Michael Street Public Road Improvement Special Assessment District #33

Board Members discussed the following items:

- Consideration for action at next Board meeting

E. Zoning Amendment #02050 (Township Board), amendment to the C-1 zoning district to allow gasoline stations by special use permit (excluding repair service and car washes)

Director Kieselbach introduced the proposed zoning amendment.

Board Members discussed the following items:

- Appropriateness of the provision for number of pumping stations

F. Township-wide Traffic Impact Analysis (See Agenda Item #10B.)

G. Clustered Housing Ordinances (PUD & PRD), and Statutory Compliance (See Agenda Item #10B.)

H. Subdivision Control Ordinance (See Agenda Item #10B.)

12. VISION SESSION/ENDS: (None)

13. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Henry Henson, 2117 Tamarack Drive, Okemos, spoke in support of the Briarwood pathway and asked to withdraw his name from any petition opposing the same.

Supervisor McGillicuddy closed Public Remarks.

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:52 P.M.

SUSAN McGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT
TOWNSHIP CLERK

Paul J. Cassidy, Secretary