

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
349-1200, Town Hall Room
TUESDAY, MAY 21, 2002, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Treasurer Hunting, Trustees Brixie, Stier, Such, Woiwode
ABSENT: Clerk Helmbrecht
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, Personnel Director/Assistant Manager
Paul Brake, Attorney Mike Woodworth

1. CALL MEETING TO ORDER (See Agenda Item #10A.)
Supervisor McGillicuddy called the meeting to order at 6:10 P.M.

2. PLEDGE OF ALLEGIANCE
Supervisor McGillicuddy led the pledge of allegiance.

Supervisor McGillicuddy opened Public Remarks.

Jo Anderson, 215 W. Newman, Okemos, discussed accident rates at the intersection of Jolly and Okemos Roads.

Supervisor McGillicuddy closed Public Remarks.

3. ROLL CALL
Supervisor McGillicuddy called the roll of the Board.

A. Introduction of Facilities Superintendent
Director Severy introduced Facilities Superintendent Dennis Antone.

4. PUBLIC REMARKS*(See Agenda Item #2)
Supervisor McGillicuddy opened and closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES⁰
Supervisor McGillicuddy reminded the Board of the May 23, 2002 Joint Meeting with the Ingham County Road Commission.

Trustee Such reported the postponement of the Library Task Force meeting to Thursday, May 23, 2002 at 5:00 P.M.

A. Treasurer's Report
Treasurer Hunting reported on the current fixed and non-fixed maturity investments for the Township. He reported on the 2001 annual cash flow excluding funds collected for other governmental agencies.

B. Other Reports (See Agenda Item #5)

6. APPROVAL OF AGENDA — OR CHANGES
Supervisor McGillicuddy reviewed the revised agenda.

Trustee Brixie moved to approve the agenda as amended with the addition of Agenda Item #11B. (Appeal of CR #02013 (Jakovac)). Seconded by Treasurer Hunting.

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the proposed consent agenda.

Trustee Woiwode moved to adopt the Consent Agenda with the following correction to the May 7, 2002 Regular Meeting Minutes:

Agenda Item #10A, page 5, para 2, bullet 6:

Change " The current PUD Ordinance has never been used for development of apartments" to "The current PUD Ordinance has never been used for commercial development or apartments

Seconded by Trustee Brixie.

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

NAYS: None

Motion carried 6-0.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Deliberation (BD)

- 9A-1 Scott R. Knapp, Dickinson Wright PLLC, 215 S. Washington Sq., Suite 200, Lansing; RE: Support for the Appeal of CR #02013 (Jakovac)
- 9A-2 Jon E. Caterino, P.E. Boss Engineering Company, 3121 E. Grand River, Howell, MI; RE: Objection to the Appeal of CR #02013 (Jakovac)
- 10B-1 David Haynes & Carlene Hooker, 3663 Kansas Road, Okemos; RE: Support for Rezoning #02010 (Township Board)
- 10B-2 Harold Jacobson, 3939 E. Sunwind Drive, Okemos; RE: Opposition to Rezoning #02010 (Township Board)
- 10B-3 Dan C. Wertz, Superintendent of Schools, 4406 N. Okemos Road, Okemos; RE: Support for Rezoning #02010 (Township Board)
- 10B-4 Loretta M. Nichols, 2862 Bennett, Okemos; RE: Opposition to Rezoning #02010 (Township Board)
- 10B-5 Eleanor V. Luecke, President, L.I.N.C.; RE: Opposition to Rezoning #02010 (Township Board)
- 10B-6 Jeffrey S. Theuer, 2161 Quarry Road, East Lansing; RE: Support for Rezoning #02010 (Township Board)
- 10B-7 Ken & Brenda Miller, 3681 Kansas Road, Okemos; RE: Opposition to Rezoning #02010 (Township Board)
- 10B-8 John T. Anderson, 215 W. Newman Road, Okemos; RE: Opposition to Rezoning #02010 (Township Board)

(2). Board Information (BI)

- BI-1 Eckhart Dersch, Trustee, Anna Louise Kelley Trust, 2203 Butternut Drive, Okemos; RE: Incomplete Pedestrian/Bicycle Pathway on Mount Hope Road
- BI-2 Joyce M. Harding, 1044 Haslett Road, Haslett; RE: Concerns Regarding the Ingham County Road Commission Haslett Road Improvement Project
- BI-3 Helen L. Ramsey, 2236 Tamarack Drive, Okemos; RE: Opposition to Rezoning #98010 (Hodney)
- BI-4 Michigan Liquor Control Commission, Licensing Division; RE: Denial of Request for License for Rite Aid of Michigan, Inc.
- BI-5 Ruth Pecic, 5099 Wardcliff Drive, East Lansing; RE: Inspection Fees for Rental Units Occupied by Owners and Tenants

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BI-6 Plante & Moran; RE: "Revitalizing Communities Through Brownfield Redevelopment"

(3) Commission Linkage (CL)

CL-1 Stephen O. Schultz, Meridian Township Representative to the Capital Area Rail Council; RE: Resignation from term ending December 31, 2002

CL-2 Mark W. Harbison, P.E., East Lansing-Meridian Water & Sewer Authority Board Member; RE: Resignation from term ending June 30, 2003

(4). Staff Communication/Referral (SC)

SC-1 John Engler, Governor, state of Michigan; RE: Memorial Day Weekend National Safety Belt Enforcement

SC-2 Bureau of Regulatory Services, Department of Consumer & Industry Services; RE: Action Taken Regarding Laura Margaret Adult Foster Care Home I

SC-3 Bureau of Regulatory Services, Department of Consumer & Industry Services; RE: Action Taken Regarding Laura Margaret Adult Foster Care Home II

SC-4 Bureau of Regulatory Services, Department of Consumer & Industry Services; RE: Action Taken Regarding Birchwood Manor Adult Foster Care Home

SC-5 Michigan Townships Association Legislative Fax May 3, 2002 Edition

SC-6 Michigan Townships Association Legislative Fax May 10, 2002 Edition

SC-7 Michigan Townships Association Capitol Currents May 2002 Edition

SC-8 Mike Bryanton, Ingham County Clerk; RE: Request for Verification of an Annexation Petition for Three (3) Parcels on the Southeast Corner of the Lake Lansing Road and Old M-78 Intersection

Trustee Woiwode moved that the communications be received and placed on file; that the Board accept the resignation of Stephen O. Schultz from the Capital Area Rail Council; that the Board accept the resignation of Mark W. Harbison from the East Lansing-Meridian Water and Sewer Authority Board; and that any communications not already assigned for disposition be referred to the Township Manager or Supervisor for follow-up. Seconded by Trustee Brixie.

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

B. Minutes

(1) February 5, 2002 Regular Meeting Amended

Trustee Woiwode moved to ratify the corrected minutes of the February 5, 2002 Regular Meeting with the following amendments:

Agenda Item #10A, Motion to Deny, Page 6,

Strike: "#01140 from RAA (Single Family-Low Density) to RC (Multiple Family-Medium Density)"

Add: "#01130 from RAAA (Single Family-Low Density) to RAA (Single Family-Low Density)"

Seconded by Trustee Brixie.

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

(2) May 7, 2002 Regular Meeting Draft II

Trustee Woiwode moved to approve and ratify Draft II of the minutes of the May 7, 2002 Regular Meeting as amended with the following correction:

Agenda Item #10A, page 5, para 2, bullet 6:

Change " The current PUD Ordinance has never been used for development of apartments" to "The current PUD Ordinance has never been used for commercial development or apartments

Seconded by Trustee Brixie.

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

C. Bills

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

General Fund/Special Revenue	\$ 307,712.07
Public Works	\$ 25,673.76
<u>Total Checks</u>	<u>\$ 333,385.83</u>
<u>Credit Card Transactions</u>	<u>\$ 12,218.20</u>
Total Purchases	<u>\$ 345,604.03</u>

Seconded by Trustee Brixie.

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

[Bill list in Official Minute Book]

D. Ratify Police Officer Appointments

Trustee Woiwode moved ratification of James Raymond Every and Andrew Gene Tobias to the positions of Police Officer contingent upon successful completion of those items stipulated in the conditional offer of employment. Seconded by Trustee Brixie.

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

E. Comprehensive Development Plan Editing

Trustee Woiwode moved to authorize the Township Manager to retain the professional services of an editor for the Comprehensive Development Plan. The contract for professional services shall be in a form approved by the Township Attorney and signed by the Township Manager. The cost for the editing shall not exceed \$10,000. Seconded by Trustee Brixie.

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

F. Rental Housing Code Amendments - Set Public Hearing

Trustee Woiwode moved to schedule a public hearing on the proposed amendments to the Rental Housing Code, Section 92-6 of the Code of Ordinances for the Township Board's Regular Meeting on June 18, 2002. Seconded by Trustee Brixie.

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

- G. Pedestrian/Bicycle Pathway Master Plan Amendments - Set Public Hearing (June 4)
Trustee Woiwode moved to schedule a public hearing on proposed amendments to and review of the Pedestrian/Bicycle Pathway Master Plan for the Township's Regular Meeting on June 4, 2002. Seconded by Trustee Brixie.

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

- H. Lake Lansing Watershed Special Assessment District Resolution #1 & 2
Trustee Woiwode moved to approve Lake Lansing Watershed Management Special Assessment District (2003-2007) - Resolution #1 and Resolution #2, which tentatively approves the proposed watershed improvements, and files the proposed special assessment roll with the Township Clerk, and sets the date for a public hearing on June 18, 2002. Seconded by Trustee Brixie.

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

- I. Environmental Commission Appointment
Trustee Woiwode moved that Roger Eberhardt be appointed to fill a vacant position on the Environmental Commission for a term to expire December 31, 2004. Seconded by Trustee Brixie.

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

8. QUESTIONS FOR THE ATTORNEY (See Agenda Items #9A., 10A. & 11B.)

Criteria for Consideration of CR #02013 (Jakovac):

- Q. What are the issues before the Board with respect to the Municipal Planning Act and the appeal of Commission Review #02013 (Jakovac)
- A. The Board is considering an appeal of a request to amend the Comprehensive Development Plan to include approval of three (3) infrastructure improvements. The Municipal Planning Act provides the criteria¹ to guide this Board's decision. It is suggested the Board focus on the aforementioned criteria tonight.

Implications of Board Authority over the Comprehensive Development Plan:

- Q. Does the Board's authority over approval of the Comprehensive Development Plan as provided in revisions to the Municipal Planning Act also apply to amendments to the plan?
- A. Although Board consideration of CR #02013 (Jakovac) is characterized as an appeal, in light of the new legislation, the Board is the ultimate legislative body now charged with the responsibility for amendments; and to consider those criteria previously enumerated having assumed the responsibility for the ultimate approval of the plan.

¹ See the list of criteria supplied by Attorney Woodworth dated May 21, 2002 in the Official Minute Book under Agenda Item #9A.

Transitional Period:

- Q. Is the consideration of CR #02013 (Jakovac) as an appeal a consequence of the transition of approval authority for the Comprehensive Development Plan?
- A. The Board needs to consider all of the evidence and all of the public record pertaining to these issues and not be limited to what may or may not have been produced before the Planning Commission.

9. HEARINGS

- A. Appeal of CR #02013 (Jakovac), Request to Add Extensions of a Sanitary Sewer Line/Force Main and Water Line, as well as New Sanitary Lift Station to the Comprehensive Development Plan (See Agenda Item #8)

Supervisor McGillicuddy opened the public hearing at 6:30 P.M.

- Staff Introduction
Director Kieselbach introduced Commission Review #02013 (Jakovac).
- Appellant(s) Argument (Total of 15 minutes)
Supervisor McGillicuddy summarized the hearing process and opened the floor to the appellants.

William I. Jakovac, 2441 S. Wild Blossom Ct, East Lansing, spoke as an appellant in support of the appeal for the following reasons:

- Assertion that the Planning Commission did not consider the location, character & extent of the request
- The Planning Commissions approval would only indicate the extension of water and sewer on the Comprehensive Development Plan rather than approve the proposed project
- The issues before the Planning Commission were to be limited to discussion of location, character and extent rather than need
- The public hearing was extended to sixty (60) days at the Planning Commission
- Assertion that staff represented the application process as the initiation of review of the requested extensions by the Township Board and its various commissions
- Assertion that members of the Planning Commission denied the property and civil rights of the applicants
- Assertion that the appellants have health, safety and welfare issues that have been ignored
- The Ingham County Health Department and MDEQ have requested a permanent resolution to the health, safety and welfare issues of the appellants
- Assertion that a Municipal sewer and water service is the only permanent solution for the applicants' and Winslow's Mobile Home Terrace health, safety and welfare issues
- The request has no impact on the rural character of the area
- Assertion that the Township is obligated to extend water and sewer service to the appellants
- Assertion that current staff positions and information are contrary to those supplied to the applicant initially
- Assertion that staff provided assurances of sufficient capacity and feasibility of the proposed water and sewer extensions
- The appellants would pay the entirety of the cost
- Assertion that substantial and unusual procedural delays have damaged the appellants financially
- Assertion that the majority of residents have no opposition to the extension of public utilities to the eastern edge of the Township
- Assertion that this request provides the most environmentally sound solution

Salvatore Spagnuolo, 4601 Nakoma Drive, Okemos, representing the appellants, spoke in support of the appeal for the following reasons:

- The drain field servicing Spagnuolo's Restaurant can no longer handle the amount of sewage produced

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- The Ingham County Health Department declared intent to shut down the restaurant if there is no permanent solution to the sewage problem
- Spagnuolo's Restaurant provides a valuable service to its employees and customers

Todd Lekander, Convenience Depot, Inc., 743 W. Grand River Avenue, Okemos, representing the appellants, spoke in support of the appeal for the following reasons:

- Documented evidence of the migration of groundwater contamination from Winslow's Mobile Home Terrace to the Shell station parcel
 - Incurring a significant expense to replace the existing fuel system on site to protect the environment
 - Recognition of the need for municipal sewer and water
 - Township engineering staff prepared the plan with assurances of functionality
 - The appellants would pay the entirety of the cost
 - The request addresses health, safety and welfare needs of the Township
- Questions from the Township Board of staff, Planning Commission and Appellant(s) Supervisor McGillicuddy opened the floor for questions.

Trustee Brixie asked the result of the vote on this request at the Planning Commission.

Director Kieselbach answered the vote on the resolution to amend the Comprehensive Development Plan was three (3) in the affirmative and six (6) in the negative.

Trustee Woiwode commented part of the appellant's argument is that the Township has no authority to deny a request once located and engineered. Is there any basis for this argument?

Attorney Woodworth answered Section 11 of the Act uses the terms: location, character, and extent. The question then becomes what standards are to be applied against the location, character, and extent. Those standards are included in the criteria previously enumerated from Section 7 of the Act. He stated, in a way the applicant is correct as to the focus on the location, character and extent; however, the question becomes: what standards apply to location, character and extent; which is answered by the criteria from Section 7.

Trustee Woiwode asked for confirmation that engineering feasibility is not a sufficient argument for approval.

Attorney Woodworth answered this is a planning function under the statute intended to address the planning function. Simply whether it is possible to do something is not the end of the inquiry, as the planning issue must be addressed.

Treasurer Hunting asked who is the applicant.

Director Kieselbach answered the request was received by Mr. Jakovac for these extensions.

Treasurer Hunting asked for confirmation that the other speakers for the appellant represent businesses supporting the applicant's request.

Director Kieselbach answered this is correct. He stated there were several signatories to the appeal letter beside the initial applicant.

Trustee Stier asked for confirmation that the criteria presented for Board deliberations were the same as used by the Planning Commission in denying the request.

Director Kieselbach answered the resolution considered by the Planning Commission was to approve the request with the associated rationale for the appropriateness of the extension. The Public record of the Planning Commission demonstrates concern from the Act regarding the appropriateness of the extension. He answered the Planning Commission did not go through the list of criteria line by line as presented tonight.

Trustee Woiwode asked for confirmation that the request involves an extension from St. Martha's special use permit authorized sewage line.

Director Kieselbach commented that St. Martha was required to provide sewer to serve the church facility. St. Martha brought a four-inch (4") force main along the north side of Grand River with a lift station on site to satisfy this requirement. He answered that the proposal is to connect at the lift station and extend the line to the east.

Trustee Woiwode asked if the proposal is to connect to a public sewer system or a private system as existing line is not included on the master plan.

Director Kieselbach stated the issue with the force main is that it is within the Grand River Avenue right-of-way, and therefore is required to be a public line by MDOT. He stated the Township provides the maintenance of the line with reimbursement from the church. He stated the lift station is a private facility.

Trustee Woiwode commented that the application might be inappropriate as it proposes a connection to a private facility short of the public line.

Director Severy commented the existing force main is a private main to be maintained by the Township by agreement with MDOT.

Trustee Woiwode asked for confirmation that the Township is serving as a contractor in this capacity.

Director Severy stated this is correct.

Trustee Woiwode asked why the proposal does not start at the public line. She commented there were no materials from St. Martha's Church to show any involvement.

Director Severy stated he understands the applicant intended to seek approval from St. Martha's to approve conversion of the private line to a public line as part of the request. He stated the only way the Township could extend the line is for it to become a public line.

Trustee Woiwode commented there is a series of actions required before the application becomes germane. She requested clarification on this point before the Board acts on this request.

Supervisor McGillicuddy asked what engineering problems or concerns are related to lift stations.

Director Severy answered that the general Township position is to service the entire Township by gravity sewer. He commented that lift stations have a much higher maintenance cost than a gravity system.

Supervisor McGillicuddy asked for clarification of comments in Director Severy's May 17, 2002 memorandum that this should only be considered a temporary fix, and would require two (2) separate assessments.

Director Severy referenced the 1993 study of the Mud Lake lift station service area. He stated the Mud Lake lift station was designed to serve a large portion of the east portion of the Township including the area surrounding the Grand River Avenue and Van Atta Road intersection. He stated once the gravity sewer is extended to service the area around the intersection, the lift station would no longer be necessary; and as such should be considered a temporary solution over the long term. He stated if the proposed system were constructed, it would be paid entirely by the applicant through special assessment to reimburse the Township for the construction costs. He stated once the gravity system is constructed, the properties serviced by the force main should have some responsibility for the expense of the gravity system.

Supervisor McGillicuddy asked if the temporary lift station would need to be removed once the gravity system was constructed.

Director Severy answered the lift station should then be removed.

Supervisor McGillicuddy commented the removal of the lift station would represent additional costs. She asked about Inflow/Infiltration.

Director Severy stated there are areas with significant Inflow/Infiltration into the sanitary sewer system contributing to basement backups, which is a source of liability. He stated Inflow/Infiltration, the completion of interceptor projects, and system studies represent a higher priority for Township expenditures than creating new extensions into other areas of the Township.

Supervisor McGillicuddy commented the appellant's attorney makes claim that this request is no different from previous extensions to Park Lake and Perry Roads. She asked what differences there might be between the current and referenced requests.

Director Severy answered the Perry Road extension was an extension of water main. The Park Lake Road extension was of significantly less scope in providing sewer service to a single residential property 150 feet from the sewer main. He stated it has been the practice to extend sewer to properties within 200 feet of the system; and is recommended under the ordinance for residential properties.

Supervisor McGillicuddy asked for comment regarding the appellant's attorney's assertion that staff made representations as to the feasibility of the extension of service.

Director Severy stated the feasibility of the extension was discussed in meetings with the applicant. He stated from an engineering standpoint the lift station and force main could be designed. He stated the question that remained unanswered was whether there was sufficient downstream capacity to handle the added flow. He stated there is a section near the Meridian Mall with questionable capacity. He stated there has been additional development since the 1993 study necessitating a new capacity study. He stated he has no recollection of making any representations as to system capacity.

Supervisor McGillicuddy asked if the proposed system would place a burden on the Township and Master plan if constructed.

Director Severy answered a study would need to be completed to determine available capacity.

Supervisor McGillicuddy asked if the recommended study would be a metered-flow study.

Director Severy stated flow monitors would be necessary to determine existing flow. He stated a theoretical flow amount could be calculated based on the service area, but this would not take into account the amount of Inflow/Infiltration present. He stated the primary concern is related to wet weather peaks, which produce basement backups.

Trustee Brixie asked if there are health and safety issues related to building beyond capacity.

Director Severy stated the first potential problem would be sewer backups.

Trustee Brixie asked where sewer backups would occur in the system.

Director Severy answered sewer backups normally occur just upstream of whichever section of the downstream end of the sewer exceeded its capacity. He stated properties upstream of the lift station would not have sewer backups as long as the system backup occurred downstream from the lift station. He stated the properties located near the Grand River Avenue and Van Atta Road intersection would not be subject to backups.

Trustee Brixie asked for confirmation that the added flow would go through the Hamilton Road lift station with downstream properties potentially experiencing sewer backups.

Director Severy stated this is correct.

Trustee Brixie asked for confirmation that such sewer backups would only occur during significant rain events.

Director Severy stated that is theoretically correct.

Trustee Brixie asked if the theoretical calculation of sewer flow is based on how much water is used and metered.

Director Severy stated the Ten-State Standard for design is based on a historical average of 100 gallons/person/day; based on the number of homes and businesses in the service area to determine the theoretical flow.

Trustee Brixie asked for confirmation that the system flow to the treatment plant exceeds known sources.

Director Severy stated the Township sends more flow to the treatment plant during wet weather than is accounted for by water usage.

Trustee Woiwode asked how the progression of the sewer infrastructure is anticipated under the existing plan.

Director Severy stated the Mud Lake lift station would extend a main east to Van Atta Road, south on Van Atta Road to the Grand River Avenue intersection. He stated the lift station is designed to carry a flow based on a population of 9,000 persons in residential and commercial districts within the service district

Supervisor McGillicuddy asked if there is an estimate for future maintenance costs to service the proposed project in comparison to the long-range plan.

Director Severy answered he does not have numbers, but there is more maintenance associated with a mechanical lift station vs. the biennial cleaning of a gravity sewer main.

Trustee Woiwode asked if the request for both water and sewer could be separated or if there is a requirement to consider them together.

Director Severy answered there is no requirement to relate the extension of water service with that for sewer.

Trustee Brixie asked if it would be possible for the beneficiaries of the proposed force main also to be assessed for the gravity system extension within the repayment period of the proposed system. She asked if the assessment for the gravity system would be voluntary or mandatory.

Director Severy stated an assessment becomes voluntary until there is a connection to the sewer. He stated if the Township extended the sewer at its own initiative, there would not be an assessment until such time as a property connected to the sewer.

Treasurer Hunting asked: if the Board determined all criteria were satisfied and approved the extension of the sewer system; what position would the Township be in to consider requests to connect to the new system in excess of available capacity.

Attorney Woodworth stated the problem would be the line would be a public line with the presumption of mandatory connections to properties within 200 feet by ordinance. He stated

the issue of insufficient capacity would present a quandary.

Treasurer Hunting asked what obligation the Township would have in the above situation.

Director Severy answered the lift station proposed must have demonstrable capacity before construction to handle everything upstream. He stated downstream from the lift station there could not be connections into the line, as it is a force main with no reasonable way to connect except through an additional lift station pumping into the force main. He stated there would not be a simple way to hook into this system.

Treasurer Hunting asked for confirmation that the Township could reasonably deny a connection downstream from the lift station based on capacity, and if this would be the case for a request to extend the line further east.

Director Severy stated if the request were to extend the sewer without the requisite capacity, the Township could deny such a request.

Attorney Woodworth commented this situation presents a difficult issue that was also considered at the time of the St. Martha extension. He stated it was for this reason, as understood from the record, that the connection was limited to serving only St. Martha's with no additional connections permitted. He stated consideration of the St. Martha extension was done in the context of a special use permit process and in response to some of the issues raised at this meeting.

Supervisor McGillicuddy asked if a four-inch line is practical.

Director Severy answered a four-inch line is practical for a force main for smaller flows. He stated there is a practical limit for any size main based on the intended flow.

Supervisor McGillicuddy asked if there is any reason that the Township would want to assume responsibility of the privately owned lift station at St. Martha's.

Director Severy stated from a design standpoint, the Township would not take over the lift station, and that the new flows would not go through this lift station. He stated the two (2) lift stations would pump into the same force main.

Supervisor McGillicuddy asked how the Township might be obligate financially if the Board grants approval of the amendment.

Attorney Woodworth stated the inclusion of the line on the map would indicate a determination by the Board as being something to be built in the future. He stated there is a presumption that this would be an improvement added to the Township.

Trustee Woiwode asked the appellant to address the question as to what reasons the Township should change its plan, as she sees no affirmative reasons in the record.

Mr. Jakovac stated the issue of the appeal is that the Planning Commission did not adhere to the prevailing rules in relation to the request. He stated the discussion so far is irrelevant to this appeal and he was not informed of the necessity to defend the whole case.

Trustee Woiwode commented that in reviewing the complete record of the request submitted by the applicant, staff, and the appellant's attorney, there is nothing based on the location, character and extent addressing why the Township should change the plan.

Mr. Jakovac answered that the proposed extension does not cost the Township money; and that the appellants were told the capacity was sufficient. He asked why Township staff would prepare two (2) petitions if there had been no inquiry into the feasibility of this project. He stated there is a dire need that was not originally presented, as it goes beyond the consideration of location, character, and extent. He disputed any assertions or statements that the Board had

no right to rule on this request. He stated the Planning Commission and the Board did not discuss those things required under due process. He stated St. Martha's has no objection to their connection to the force main. He stated the appellants have nothing to do with how the Township represents the main to the MDOT. He stated there is nothing in the SUP for St. Martha about denying the potential for extending the line. He stated the request addresses a serious health, safety and welfare issue the Township is obligated to address.

Treasurer Hunting asked the appellant what are the health and safety issues.

Mr. Jakovac stated he was never the sole applicant; and was the signatory for the application because Township staff advised that signatures from all applicants were unnecessary. He stated this request is not about his interests only, but that there is no reasonable way to handle sewage from his property after the denial of an alternative waste system.

Supervisor McGillicuddy asked if the appellant has any engineering studies.

Mr. Jakovac stated he does not have any engineering studies as staff offered to provide any studies when asked about whether they were necessary. He stated force mains are stable and reliable not requiring frequent maintenance. He stated a professional engineer has endorsed this proposal and it will function as presented.

Supervisor McGillicuddy asked the appellant if the request for sewer and water service is an all or nothing request.

Mr. Jakovac stated it makes sense to have both systems extended. He stated water service is necessary for the force main.

Supervisor McGillicuddy asked if the appellant would accept water without sewer.

Mr. Jakovac stated he would need to survey the other appellants. He stated the groundwater in the area is contaminated and requiring the drilling of new wells.

Supervisor McGillicuddy asked the appellant if the only solution is a municipal connection.

Mr. Jakovac stated yes.

Treasurer Hunting asked the applicant if his property could not support any septic system.

Mr. Jakovac stated his property could support an alternative waste system, which was approved, rescinded, and denied. He stated there is sand near Grand River Avenue to support limited absorption.

Treasurer Hunting asked the applicant if he was aware the septic problem at the time of purchase.

Mr. Jakovac stated no.

Trustee Stier asked if the Mud Lake interceptor was on the Comprehensive Development Plan.

Director Kieselbach stated yes.

Trustee Stier asked for confirmation that the Comprehensive Development Plan includes facilities to potentially service the area in the future.

Director Kieselbach stated the Mud Lake Interceptor represented a service area on the map including the specific area, rather than showing the physical location of any mains. He oriented the Board to the boundaries of the Mud Lake Interceptor.

Trustee Stier asked if it is the Board's obligation to solve this health problem.

Attorney Woodworth stated it is not particularly in the context of the Municipal Planning Act. He stated the Board is dealing with a Planning Function rather than an issue of particular need at a location.

- Public Comments

Jon Caterino, Project Manager, Boss Engineering, representing Winslow's Mobile Home Terrace, spoke in opposition to the appeal of the Planning Commission's decision for the following reasons:

- The mobile home park was outside the Urban Service Boundary when its septic system failed prohibiting a connection to the public sewer system
- His client spent \$300,000 to replace and/or upgrade the water distribution system, well house plumbing, drain field pressure distribution piping system, septic tanks, sanitary lift station, water-tight manholes
- Sanitary sewer and water improvements for the Mobile Home park have been completed and MDEQ licenses granted
- His client has no need for the service requested by the appellants
- The cost estimate for his client to comply with the mandate to connect to the proposed system would result in the closure of the park.

Joan Guy, 1083 Woodside Drive, Haslett, spoke in opposition to the appeal of the Planning Commission's decision for the following reasons:

- Recollects the issues of extent, character and location were raised as issues at the Planning Commission
- Recollects the issue of need was raised by the applicants as a financial need
- Asserts the appellants claims are inconsistent with the purpose of the Comprehensive Development Plan
- Incorporation of the utility lines in the Comprehensive Development Plan asserts the Township's intent to construct the line at an appropriate time
- The Comprehensive Development Plan delineates the eastern third of the Township as a rural area with low expectation for public services

- Appellant(s) Rebuttal

Todd Lekander, Convenience Depot, Inc., 743 W. Grand River Avenue, Okemos, rebutted as follows:

- The requested service area is within the Mud Lake service area
- Belief that the Winslow's Mobile Home Terrace improvements provide a temporary solution
- Staff representations of the feasibility of the proposed line and questionable availability of an eventual gravity system
- Estimated significant expense multiples of a gravity system over a forced main system
- User reimbursement of construction cost
- Staff recommendation to add the water system extension
- Absence of specific reasons for non-approval of the request

William I. Jakovac, 2441 S. Wild Blossom, Okemos, rebutted as follows:

- Belief that the Township is obligated to permit the appellants to incur the expense of the utility extensions
- Discussion of a gravity system as irrelevant to the current situation
- Question of purpose in requesting the engineering of an infeasible system
- Assertion that St. Martha's Church does not object to the proposed extension
- Sufficiency of existing sewer facilities and proposed connection
- Failure of the Board to provide due process
- Tape and testimony demonstrate the issue of need was originally raised by the Chair of the Planning Commission
- A main in a public right-of-way belongs to the Township as is represented to MDOT
- Discussion of St. Martha's special use permit is irrelevant to the appeal

- Failure of the Planning Commission to discuss the location, character and extent of the requested addition to the Comprehensive Development Plan
- Final Questions by the Township Board (None)

Supervisor McGillicuddy closed the public hearing at 7:56 P.M.

10. ACTION ITEMS/ENDS⁰

Supervisor McGillicuddy opened public comment.

Joan Guy, 1083 Woodside Drive, Haslett, spoke in opposition to Rezoning #02010 (Township Board).

Daria Schlega, 2446 Burcham Drive, East Lansing, spoke in opposition to Rezoning #02010 (Township Board).

Eleanor V. Luecke, President, L.I.N.C., spoke in opposition to Rezoning #02010 (Township Board).

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

David Haynes, 3663 Kansas Road, Okemos, spoke in support of Rezoning #02010 (Township Board).

John Veenstra, 320 Piper Road, Haslett, spoke in opposition to Rezoning #02010 (Township Board).

George Dike, 715 Red Cedar Road, Okemos, discussed concerns related to the design and engineering of the Van Atta Road Bridge.

Supervisor McGillicuddy closed public comment.

A. Support for Bridge Replacements on Van Atta and Hagadorn Roads

Director Severy introduced the proposed bridge replacements by the Ingham County Road Commission.

Van Atta Road Bridge

Board Members discussed the following:

- Impracticality of the installation of a desirable pre-built or historic bridge
- Placement of construction cranes
- Minimal impact on trees
- Potential request for a wooden bridge
- Significant increase in bridge width and potential increase of traffic
- Provision of a shoulder for a pedestrian/bicycle pathway

Hagadorn Road Bridge

Board Members discussed the following:

- Condition of the bridge
- Assignment of weight limits
- Potential inclusion of pedestrian/bicycle pathways on each side
- American Association of State Highway Transportation Officials standards for bridges

Township authority: (Agenda Item #8 (Questions for the Attorney))

Q. What authority does the Township have over the design of a bridge or supervision of construction?

A. While the Township may have its input considered, it is not in control of the decision making process. The conditions attached to federal funding may not give the Ingham County Road Commission much leeway in the construction of the bridge, despite its jurisdiction over the bridge.

Board Members discussed the following:

- Lack of plans or proposals
- Calhoun County research on wooden bridges
- Time line of the Ingham County Road Commission
- Potential discussion item at the May 23, 2002 Joint Meeting with the Ingham County Road Commission
- Communication of need to repair the bridges along with concerns discussed
- Use of historic bridges for the pedestrian/bicycle pathways
- Possible placement of guardrail between the roadway and shoulder pathways

Hagadorn Road Bridge

Treasurer Hunting moved that the Township Manager be authorized to send a letter of support for the replacement or rehabilitation of the Hagadorn Road Bridge over the Red Cedar River, which is under the jurisdiction of the Ingham County Road Commission. Seconded by Trustee Brixie.

Board Members discussed the following:

- Importance of stating the concerns of the Township Board in a letter to the Ingham County Road Commission.

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

Van Atta Road Bridge

Trustee Woiwode moved that the Township Manager be authorized to send a letter to the Ingham County Road Commission on behalf of Meridian Township supporting the replacement of the Van Atta Road Bridge over the Red Cedar River highlighting Board concerns. Seconded by Trustee Such.

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

Supervisor McGillicuddy recessed the meeting at 8:45 P.M.
Supervisor McGillicuddy reconvened the meeting at 8:54 P.M.

Clerk Pro Tem

Trustee Woiwode nominated Trustee Brixie for appointment as the Clerk Pro Tem for this meeting. Seconded by Trustee Stier.

VOICE VOTE: Motion carried 6-0.

- B. Rezoning #02010 (Township Board), Request to rezone Approximately 126 Acres from RR (Rural Residential) to RA (Single Family-Medium Density) - **Final Adoption**

Treasurer Hunting moved to table the matter with possible consideration at the next meeting. Seconded by Trustee Brixie.

VOICE VOTE: Motion carried 5-1 (Stier).

- C. Planned Unit Development (PUD) Ordinance Amendment to Allow a PUD in RAAA & RRA Zoning Districts - **Initiate Zoning Amendment**

Director Kieselbach introduced the proposed ordinance amendment.

Trustee Woiwode moved to amend Section 86-2.3G and Section 86-2.3G.3 of the Planned Unit Development Ordinance to include the RRA (Single Family-Suburban Estate) district and the

RAAA (Single Family-Low Density) district and for the Planning Commission to determine the appropriate density for the RRA and RAAA districts. Seconded by Trustee Brixie.

VOICE VOTE: Motion carried 6-0.

- D. Michael Street Public Road Improvement Special Assessment District #33 - Resolution #1 & 2 **Trustee Such moved to approve Michael Street Public Road Improvements District No. 33 Resolution No. 1, accepting the petition; and move to approve Michael Street Public Road Improvements District No. 33 Resolution No. 2, tentatively declaring the Township Board's intention to make the public road improvements: grade, gravel and pave Michael Street from Marsh Road to High Street; and sets the Public Hearing for June 18, 2002 for the purpose of hearing objections to the petition, the improvements and the special assessment district of Michael Street Public Road Improvements District No. 33. Seconded by Trustee Brixie.**

VOICE VOTE: Motion carried 6-0.

11. DISCUSSION ITEMS/ENDS⁰

Supervisor McGillicuddy opened and closed public comment.

A. Allocation of New Liquor Licenses

Director Brake summarized the status of current liquor licenses and the assignment of new licenses.

Board Members discussed the following:

- Impact of non-assignment of new licenses on transfer requests for resort licenses
- Assignment of liquor licenses to reduce administrative time handling requests and applications.
- Consideration of adding criteria and weighting for restoration of existing facilities for a new operation.
- Resolving differences between potentially equivalent applications

B. Appeal of CR #02013 (Jakovac)

Board Members discussed the following:

- Sufficiency of current master plan
- Lack of demonstration of suitable location, character and extent
- Consideration of errors or significant changes in an area before approving amendments
- Conflict of requested amendment with principles of orderly development

Due Process: (Agenda Item #8 (Questions for the Attorney))

Q. What is the response to the assertion that the Planning Commission and the Board failed to afford due process to the applicant?

- A. The hearings before both the Planning Commission and the Township Board comprise the process due the applicant in matters such as this. Due process was afforded through the course of both hearings. The standards as indicated initially (See Agenda Item #8) are set forth in the statute governing this Board's decision on issues such as this one. The opportunities for the applicant to be heard and to present evidence in support of the request was afforded. The Board received substantial information including information tonight from the Township Engineer, and considered questions put to the applicant. Due process was afforded the applicant as the procedure prescribed by the statute was followed.

Civil Right to Sewer Connection: (Agenda Item #8 (Questions for the Attorney))

Q. What is the response to the assertion that there is an entitlement to taxpayers for the provision of public sewer and water service?

- A. The comment believed to be referenced was: "you are not obligated to do this for use -- you are obligated to let us do this for ourselves." The implication is that if an applicant is willing to pay for construction of a connection to public sewer, it could be used and extended as deemed appropriate by private agencies. This assertion is neither stated in the law nor contemplated under the Municipal Planning Act. This may not be the exact comment in mind, but it represents a misperception in terms of the rights of residents. This misperception provides an intolerable slippery slope if anyone willing to pay could tap into any utility service provided by the Township.

Board Members discussed the following:

- Concern related to the obligation of Township funds for the maintenance of the proposed system
- The duplication of costs through construction of the currently planned system
- Request for clarification of the payment of a connection fee deposit²

12. VISION SESSION/ENDS⁰: Greenways Committee Update

Manager Richards reported on the Greenways Committee's planned meetings with the Planning Commission, Environmental Commission, Park Commission and Land Preservation Advisory Board; with a tentative report due from the Planning and Zoning Center for presentation to the Board by the first meeting in July.

13. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

John Veenstra, 320 Piper Road, Haslett, discussed the importance of the aesthetics of the Van Atta Road bridge. He spoke in support of a community septic field to resolve the issues raised by CR #02013 (Jakovac).

Bill Jakovac, 2441 S. Wild Blossom, Okemos, spoke in support of the Appeal of CR #02013 (Jakovac).

Supervisor McGillicuddy closed Public Remarks.

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:30 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

JULIE BRIXIE
CLERK PRO TEM

Paul J. Cassidy, Secretary

² See Communication 9A-1 (Knapp) page 5, footnote 5