

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
349-1200, Town Hall Room  
TUESDAY, FEBRUARY 4, 2003, **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, Attorney Mike Woodworth, Attorney Andria Ditschman

1. CALL MEETING TO ORDER

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

2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS

Police Officer Grillo led the Pledge of Allegiance.

A. Introduction of New Police Officers

Chief Gibbons introduced Police Officers Richard Grillo and Christopher Gerard.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Craig Philips, 2130 White Owl Way, Okemos, read from a prepared statement requesting to be permitted to renew his rental registration as a current landlord. [Prepared statement in Official Minute Book]

Dr. Margaret Ostrom, 3663 Van Atta Road, read communication [10B-5 \(Anderson\)](#).

Charles Louis Willems, 1387 Hickory Island, Haslett, questioned the accuracy of his homestead's assessment based on a paved road and the legal description.

Vernon W. McLellen, 1459 Cheboygan Road, Okemos, spoke in support of the appeal of Wetland Use Permit #02-02 (Tartan Development).

Eleanor V. Luecke, 1893 Birchwood Drive, Okemos, representing herself and L.I.N.C., read from a prepared statement in support of the appeal of Wetland Use Permit #02-02a (Tartan Development). [Prepared statement in Official Minute Book]

John Veenstra, 320 Piper Road, Haslett, spoke in support of the appeal of Wetland Use Permit #02-02 (Tartan Development).

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Supervisor McGillicuddy reported the Groundwater Management Board has contracted to close select wells in the Lansing area. She noted affected property owners would be notified by mail.

Treasurer Hunting reported the collection of over \$201,800 from delinquent multi-year personal property taxes for years 1993-2000. He reported the collection of \$168,000 from delinquent personal

property taxes for 2001, with approximately \$37,000 remaining. He reported he was handling any necessary court actions for such collection actions.

Treasurer Hunting commented he would like to know the consensus of the Board on a staff review of options for the issue of a [late rental registration renewal](#).

**The consensus of the Board was that staff should consider and present options to the Board related to late rental registration renewals.**

Treasurer Hunting commented that he would like to have the matter of [Mr. Willems' legal description](#) clarified.

Trustee Stier reviewed the proceedings of the January 16, 2003 Economic Development Corp. (EDC) Meeting. He reported the EDC would be considering the draft version of its 2003 goals at the next regular meeting. He noted the statutory limitations and possible amendments related to the development of the Okemos and Haslett Downtowns.

Clerk Helmbrecht reported on the Ingham County Clerk's meeting with the county's municipal clerks to discuss the federal elections reform plan and the state's consideration of voting systems.

Supervisor McGillicuddy requested a report on the matter of [Board Communication BD-1 \(White\)](#).

Director Kieselbach summarized the matter of the time-limited variance.

Board Members discussed the application fee waiver.

**The consensus of the Board was to consider the matter for action at the next meeting.**

6. APPROVAL OF AGENDA — OR CHANGES

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

**Trustee Brixie amended the motion to move Agenda Items # 7H. (Resolution to Approve Tax Exemption and Payment In Lieu of Taxes for Housing Development) and 7I (Resolution in Support of Constructing Two Railroad Underpasses on Farm Lane) to 10C. and 10D. respectively. Amendment accepted by the seconder.**

Board Members discussed the following:

- Potential action on Agenda Item #11A. (ZA #02100 (Township Board))

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

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 Deliberations (BD)

10A-1 Larry Gruenwald, 2405 Sower Blvd., Okemos; RE: Opposition to Grand River Pilot Project.

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- 10A-2 Molly Wingrove, 2649 Melville, East Lansing; RE: Opposition to Grand River Pilot Project
- 10B-1 Wayne McLellen, 1459 Cheboygan Road, Okemos; RE: Support for appeal of Wetland Use Permit #02-02 (Tartan Development)
- 10B-2 Wayne McLellen, 1459 Cheboygan Road, Okemos; RE: Request to have name added to list of appellants/interveners regarding Wetland Use Permit #02-02 (Tartan Development)
- 10B-3 Eckhart Dersch, 2203 Butternut Drive, Okemos; RE Support for Appeal of Wetland Use Permit #02-02 (Tartan Development)
- 10B-4 Judi Pressick, 2219 Butternut, Okemos; RE: Support for Appeal of Wetland Use Permit #02-02 (Tartan Development)
- 10B-5 Jo Anderson, 215 Newman Rd, Okemos; RE: Support for Appeal of Wetland Use Permit #02-02 (Tartan Development)
- BD-1 William White, 2142 Hamilton Road, Okemos; RE: Request for Waiver of ZBA Application Fee
- BD-2 Bradley B. Brogan, P.E., 5004 Cornell Road, Okemos; RE: Opposition to Rezoning #02080 (Eyde)

(2). Board Information (BI)

- BI-1 Michigan Townships Association Legislative Fax, January 17, 2003 Edition
- BI-2 Michigan Townships Association Legislative Fax, January 24, 2003 Edition
- BI-3 Capital Area Health Alliance RE: Capital Area Health Alliance's "Refuse to Misuse" Antibiotic Campaign
- BI-4 Richard Vogt, 734 W. Grand River Ave Lot 72, Okemos; RE: Thank you for sidewalk east of Cornell Road, along Grand River Avenue.

(3). Regional Linkage (RL)

- RL-1 John Skubinna, District Representative, Department of Environmental Quality , Shiawassee District Office, 525 West Allegan Street, Lansing, MI; RE: DEQ file # 00-33-0005P - Granting of Extension of Wolverine Pipeline Company Permit Until December 31, 2003
- RL-2 John W. Midgley, P.E., Managing Director, Ingham County Road Commission, 301 Bush Street, Mason; RE: Proposed 2003 Local Road Improvement Program

(4). Staff Communication/Referral (SC)

- SC-1 Current List of Licensed Vendors and Non-Licensed Persons or Nonprofit Organizations Engaged in Soliciting or Canvassing

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

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

B. [Minutes - January 7, 2003 Regular Meeting](#)

**Trustee Such moved to approve and ratify the minutes of the January 7, 2003 Regular Meeting as submitted. Seconded by Trustee Brixie.**

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

C. Bills

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

Common Cash	\$ 301,585.93
Public Works	\$ 75,762.28
Total Checks	\$ 377,348.21
Credit Card Transactions	\$ 10,758.55
Total Purchases	<u>\$ 388,106.76</u>

**Seconded by Trustee Brixie.**

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. 2002 Order to Maintain Sidewalk Special Assessment District #4, **Resolution #5**  
**Trustee Such moved to approve the 2002 Order to Maintain Sidewalk Special Assessment District #4 - Resolution No. 5, which approves the special assessment roll; designates the projects as "2002 Order to Maintain Sidewalk Special Assessment District #4," the assessment roll as the "2002 Order to Maintain Sidewalk Special Assessment District #4," and the district as the "2002 Order to Maintain Sidewalk Special Assessment District #4;" adopts the amount of \$ 24,900.47 as the final amount for the assessment roll; and orders and directs the assessment roll to be paid and collected. Seconded by Trustee Brixie.**

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

[Signed and Sealed [Resolution](#) in Official Resolution Book]

- E. 2003 Order to Maintain Sidewalk Special Assessment District #5, **Resolution #2**, Set Public Hearing (March 4)  
**Trustee Such moved to approve 2003 Order to Maintain Sidewalk - Special Assessment District #5 - Resolution #2, which sets the date for a public hearing on March 4, 2003. Seconded by Trustee Brixie.**

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

[Signed and Sealed Resolution in Official Resolution Book]

- F. Resolutions to Establish Water Benefit Districts, Hannah/Dawn, Perry Road and White Oaks Drive  
**Trustee Such moved to approve the resolutions establishing water system benefit charges for the following water mains:**
- 1) **Hannah - Dawn water main (949 feet from existing main north of Hannah Boulevard to existing main east of Dawn Avenue) establishing a cost of \$76.36 per linear foot of frontage, plus five-percent (5%) annual increase, with a not to exceed cost of \$15,272, plus five-percent (5%) annual increase for single-family residences.**
  - 2) **Perry Road (from Lake Drive to 409 feet north) establishing a cost of \$44.34 per linear foot of frontage, plus five-percent (5%) annual increase, with a not to exceed cost of \$8,868, plus five-percent (5%) annual increase for single-family residences.**

- 3) **White Oaks Drive (from Cornell Road to 265 feet east) establishing a cost of \$25.52 per linear foot of frontage, plus five-percent (5%) annual increase, with a not to exceed cost of \$5,104, plus five-percent (5%) annual increase for single-family residences.**

**Seconded by Trustee Brixie.**

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

[Signed and Sealed Resolutions for 1) Hannah - Dawn; 2) Perry Road; 3) White Oaks Drive in Official Resolution Book]

- G. Ordinance Amending the Charter Township of Meridian Code, Chapter 66, **Final Adoption Trustee Such moved NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY, MICHIGAN, that the Township Board hereby Finally Adopts Ordinance No. 2003-03, entitled "Ordinance Amending the Charter Township of Meridian Code, Sections 66-26 and 66-28(1)" and directs the Clerk of the Charter Township of Meridian to publish the Ordinance in the form in which it is adopted at least once prior to the next regular meeting of the Township Board. Seconded by Trustee Brixie.**

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

[Signed and Sealed Resolution in Official Resolution Book]

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

Legality of "Round-Table" Discussions with Developers

- Q. Discussion at the previous meeting<sup>1</sup> suggested that it would be illegal for the Township Board to hold "round-table" discussions on development issues with developers. Please clarify the issue.
- A. There is nothing wrong with discussions between a developer and staff or the Township regarding proposed development. The concern with such discussions is the potential to degenerate into a quid-pro-quo for rezoning and the contracting of the rezoning. It is appropriate and essential that developers and Township representatives communicate with one another to promote rational and logical growth.

9. HEARINGS (None)

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Joan Guy, 1083 Woodside Drive, Haslett, spoke in support of the appeal of Wetland Use Permit #02-02 (Tartan Development).

Daria N. Schlega, 2446 Burcham Drive, East Lansing, spoke in support of the appeal of Wetland Use Permit #02-02 (Tartan Development).

Vance Kincaid, 4530 Nakoma Drive, Okemos, spoke in support of the appeal of Wetland Use Permit #02-02 (Tartan Development).

Supervisor McGillicuddy closed public comment.

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<sup>1</sup> Meridian Township Board Regular Meeting, January 21, 2003 Agenda Item #10A. [Rezoning #02080 \(Eyde\)](#)

- A. Grand River Avenue Pilot Project  
Manager Richards introduced the proposed project as outlined in staff memorandum.

**Trustee Such moved that the expenditure of up to \$14,500 from the Streets and Highways Activity of the General Fund be authorized for the Grand River Avenue Enhancement Pilot Project. Seconded by Trustee Brixie.**

Board Members discussed the following:

- Setting the example in the Grand River Avenue Corridor
- Lighting options on site
- Maximizing in-kind contributions for the project
- Setting of budget priorities

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

- B. Appeal of Wetland Use Permit #02-02 (Tartan Development)  
Supervisor McGillicuddy opened the floor to the appellants to demonstrate standing.

Jean Nicholas, 6232 Brookline Ct., East Lansing, read from a prepared statement in support of her appeal of Wetland Use Permit #02-02 (Tartan Development). [Prepared statement in Official Minute Book]

Eleanor V. Luecke, 1893 Birchwood Drive, Okemos, representing herself and L.I.N.C., continued reading from a prepared statement begun in Public Remarks, in support of the appeals of Wetland Use Permit #02-02a (Tartan Development). [Prepared statement in Official Minute Book]

Considerations Related to Standing: (Agenda Item #8 (Questions for the Attorney))

Q. Please discuss the considerations related to a determination of standing.

- A. Any legal analysis of standing starts with the language of the Code of Ordinances. It is clear from the Code of Ordinances that there are two (2) ways to establish standing: 1) by establishing property ownership within 500 feet of a regulated wetland; 2) by proving aggrieved person status. While the Wetland Protection Ordinance does not itself have a definition of "aggrieved person," it is defined within the Zoning Ordinances, which would be the applicable legal definition. The Zoning Ordinance requires special injury or damage distinct from the general population for aggrieved person status. If this definition were not contained in the Code of Ordinances, this type of definition is frequently found in Michigan case law. The term "aggrieved person" in case law requires some special injury distinct from the general population. The definition in the Code of Ordinances imposes a stricter requirement than a provision for any person.

Section 9 Review and Capital Improvements: (Agenda Item #8 (Questions for the Attorney))

Q. Please address the issues of a Section 9 review and Capital Improvements.

- A. What is important here is that the Board retain its focus on the issue before it. The question is standing under the Wetlands Protection Ordinance. That question does not go to the ultimate merits of the appeal. The decision before the Board has nothing to do with the issues that might be presented should standing be established, including the provisions of the Act 425 Agreement with the City of Lansing<sup>2</sup>. The Board must focus only on the interpretation of the standing language in the Wetland Protection Ordinance.

Special Legal Rights for Appellants with Standing: (Agenda Item #8 (Questions for the Attorney))

- Q. Would the Board be granting any special rights in a potential future lawsuit against the Township by granting standing?

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<sup>2</sup> Adopted November 3, 1999 Agenda Item #23C

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- A. Yes. Once the Board recognizes standing, this gives the appellants the ability to challenge the determination of the Board before the Circuit Court. The standing issue is not one presented or litigated at that level.

Identification of Appropriate Applicant: (Agenda Item #8 (Questions for the Attorney))

- Q. Has the appropriate applicant made application for this wetland use permit?
- A. This is a divergence as it considers an interpretation and legal rights and responsibilities under the Act 425 Agreement. Regardless of the Board's ultimate conclusion on that matter, it is recommended this not be considered in the matter of standing. In reviewing the agreement independent of this issue, the agreement makes it clear the City of Lansing was granted authority for infrastructure improvements including to the property subject to the agreement. That agreement also provides for the assigns of the City of Lansing to conduct that activity. The City of Lansing has entered into a development agreement with North American Equities, and that development agreement in part has been assigned to or recognizes Tartan Development as a subcontractor of the developer. The City of Lansing recognizes Tartan Development as the developer of the project. The agreement gives the city the right to construct the infrastructure and assign that responsibility, which has been done here. Tartan Development is no different than any contractor hired by a property owner to do work within a wetland. The Wetland Protection Ordinance is written broadly to require those contractors proposing to do work in a wetland to seek a permit, whether this is the land owner or individual contractor. In this case, Tartan Development, as the agent proposing to do work in the wetland and as the developer recognized by the City of Lansing under the authority granted under the agreement, indicates we have the appropriate entity applying for the permit.

Discussion of Related Matters Outside of a Hearing: (Agenda Item #8 (Questions for the Attorney))

- Q. Would it be permissible to discuss matters brought up related to the wetland use permit?
- A. Yes. There are a number of potential discussion topics to include: 1) the Act 425 Agreement and its provisions; 2) review of the language of the current Wetland Protection Ordinance. The Board may wish to specifically review the matter of standing and the definition of an "aggrieved person" in light of how courts have looked at "aggrieved person" status specifically in connection with wetlands and environmental issues.

Consideration of Interests in Standing Determination: (Agenda Item #8 (Questions for the Attorney))

- Q. Please discuss the considerations in determining standing for the distinct interests and appellants in this matter.
- A. In terms of determining "aggrieved person" status, and the idea of special injury or special damage; courts have considered the specific environmental resource involved and its relationship to the person claiming such status. This is a matter of demonstrating some direct connection between the individual and the environmental resource, as an example: an appellant argues use of the particular environmentally protected area to watch birds and/or walk. The court also looks at the personal and distinct harm to an individual, as an example of a rejected claim: an appellant argued against work in the floodplain because of flooding concerns. The court rejected the claim of damage as too general. In the matter of Trout Unlimited, an association was granted standing because it had bylaws specifically addressing the particular resource of cold-water fish hatcheries involved, rather than addressing general classes of resources. Courts have also looked at issues such as proximity of ownership in determining standing. In terms of standing for an association or corporate entity, the focus goes to the individual members to determine if the members have standing. In this instance there are claims that L.I.N.C. has a number of members proximate to the subject site. This Board must act on what it has before it in the public record, which does not demonstrate any participant membership property owners proximate to the subject site. The courts have considered a combination of special relationship to the specific environmental resource involved and any specific and distinct injury different from the general public. Comments related to the ongoing litigation challenging the Act 425 Agreement do not support standing in this instance as the matter does not address the subject wetland, and it deals solely with the interpretation of the Township's own Wetland Protection Ordinance rather than the City of Lansing regulations. It

is recommended the Board not rely on any status in the matter currently under litigation in considering the standing of any or all of the litigants in this case.

Availability of Standing for Organization L.I.N.C.: (Agenda Item #8 (Questions for the Attorney))

- Q. In consideration of L.I.N.C.'s appeal, would the organization be granted standing as opposed to the individual members?
- A. The organization may be granted standing, but such status would be determined based on the same criteria and receive the same benefit as an individual. If individual members of the organization came forward to demonstrate standing, or if a representative could demonstrate member standing, this would be another indication of standing. Standing may also be established if there is a bylaw provision stating the intent of the organization to protect the interconnected wetlands of the Township; and it is clear as in the case of Trout Unlimited, that the specific language relates directly to the environmental resource involved.

Appeal of Board Decision: (Agenda Item #8 (Questions for the Attorney))

- Q. Please explain the process to appeal the Board's decision on this type of appeal.
- A. If an appellant believes the Board's decision was arbitrary and capricious, they could file a circuit court action to essentially seek judicial appeal and review of the determination. If the Board determines the appellants do not have standing, the appellants could seek a judicial review of that issue, and that issue alone rather than the merits of the appeal.

Board Members discussed the following:

- Prohibition on arbitrary determinations of standing
- Preservation of right of appellants to demonstrate standing
- Need for better understanding of the implications within the Code of Ordinances
- Need for consideration of looser standards for determination of standing
- State environmental permit appeal process

Sufficiency of L.I.N.C. Demonstration of Standing: (Agenda Item #8 (Questions for the Attorney))

- Q. Has the representative of L.I.N.C. presented sufficient information to demonstrate standing?
- A. The standards for an association require the consideration of the same standing criteria as for an individual. The Board would require a showing of record evidence that those standing requirements have been met. The first consideration would be the ownership of adjacent or proximate property; although statements to this effect have been made, there has been no evidence presented to support the claim. The second consideration would be a specific purpose of protecting the resource in question articulated in the bylaws. The bylaws have not been provided or reviewed. The statement was made of a provision in the organization's bylaws addressing open space and the protection of the environment from the effects of development. This provision does not rise to the specific mention or level in the Trout Unlimited case discussed previously in establishing a direct connection. The final consideration would be the use of the specific resource different from the public at large or other residents. There were no statements making claim to a specific use to give rise to specific injury distinct from the population as a whole. The Board needs to make its own conclusion based on the information presented in its determination of standing.

Demonstration of L.I.N.C. Member Adjacency or Proximity: (Agenda Item #8 (Questions for the Attorney))

- Q. What would be the procedure to request evidence to satisfy standing criteria for ownership of adjacent or proximate property by an organization member(s)?
- A. The Code of Ordinances specifically grants standing to any property owner within 500 feet, and demonstration of such would be sufficient for Board determination of standing in and of itself. To make a determination of "aggrieved person" the Board would consider a combination of all the criteria. This meeting was set to address the matter of standing. It would be possible to postpone such a determination to another date to allow that information to be submitted. This is not required under the ordinance, but is presented as a method to accommodate this concern.

Board Members discussed the following:

- Interest in furthering the process without delay
- Minimum necessary evidence demonstrating standing for L.I.N.C.

**Trustee Such moved to deny the appeals of Wetland Use Permit #02-02 filed by Jo Anita Anderson, Jean A. Nicholas, Eleanor V. Luecke and Liaison for Inter-Neighborhood Cooperation (L.I.N.C.), as these individuals have not shown they are an aggrieved person in that their property will suffer some special damages as a result of the decision of the Director of Community Planning and Development, which is not common to other property owners similarly situated. Seconded by Clerk Helmbrecht.**

Board Members discussed the following:

- Absence of evidence demonstrating any L.I.N.C. member's ownership of adjacent or proximate property
- Interest in granting standing to those meeting criteria
- Concern related to the unnecessary promotion of litigation

**Trustee Woiwode moved to remove Liaison for Inter-Neighborhood Cooperation (L.I.N.C.) organization from the motion to deny to be considered separately. Seconded by Trustee Brixie.**

Board Members discussed the following:

- Sufficiency of opportunity provided to demonstrate standing to all timely appellants
- L.I.N.C. had the opportunity to submit the names of members to demonstrate standing
- Demonstration of standing at court level in state matters
- Sufficient demonstration of distinct interests in community
- Consideration of amendments to the standing requirements

Demonstration of Standing on State Permit Appeals: (Agenda Item #8 ([Questions for the Attorney](#)))

- Q. Please comment on the granting of a hearing in recognition of the distinct interests demonstrated by L.I.N.C.
- A. The Board acts much like a court, as the Code of Ordinances has a standing requirement and thereby is the proper forum to decide this issue. There has been no documentation submitted for legal review to demonstrate membership or the nature, requirements and parameters of the L.I.N.C. organization. The concern is that ultimately a legal opinion would be required to necessitate the requesting of a number of documents after the fact of the public record. If the Board is inclined to hold over a decision on the standing of L.I.N.C., it is recommended the Board request more than a name on a piece of paper to document membership in the organization. There is no documentation as to the operations of the organization available for review, and no reason to have such until the organization request aggrieved person status.

Board Members discussed the following:

- Failure of organization to submit documentation to demonstrate standing
- Concern related to action in violation of the Code of Ordinances
- Necessity for documentation at this meeting

Supervisor McGillicuddy opened the floor to L.I.N.C. to provide any information that may support a determination of aggrieved person status.

Ms. Luecke stated she could not provide any additional information.

Motion to Amend:

VOICE VOTE: Motion carried 4-3 (Helmbrecht, Hunting, Such)

Amended Motion:

VOICE VOTE: Motion carried unanimously.

Supervisor McGillicuddy reviewed the options for consideration of the remaining appellant.

Board Members discussed the following:

Setting of Conditional Hearing: (Agenda Item #8 (Questions for the Attorney))

Q. Could the Board schedule a public hearing with two (2) components: 1) Provide additional opportunity to establish standing; 2) Conduct a Public Hearing on the merits of the case if standing is determined?

A. Yes.

**Trustee Woiwode moved to schedule a public hearing on the appeal of the Director of Community Planning and Development's decision on Wetland Use Permit #02-02 [Tartan Development] for the regular Township Board meeting on February 18, 2003, contingent on Board determination of standing for Liaison for Inter-Neighborhood Cooperation (L.I.N.C.). The hearing would address the appeal filed by Liaison for Inter-Neighborhood Cooperation (L.I.N.C.).**

**Motion died for lack of support.**

Consideration of Late Appellants: (Agenda Item #8 (Questions for the Attorney))

Q. If L.I.N.C. should be provided additional opportunity to demonstrate a member(s) own property in the proximity of the wetland, how is this different from adding those appellants who filed after the deadline?

A. The Code of Ordinances requires appellants to file within the ten- (10) day deadline. L.I.N.C. has timely filed an appeal in representative capacity on behalf of its members residing within 500 feet authorizing the organization to act on its behalf. If L.I.N.C. were able to demonstrate prior authorization to act on the behalf of members residing within 500 feet in filing the appeal, this would be sufficient to demonstrate standing in this matter. This is not a question of adding appellants, as the individual member(s) would not become the appellant, but L.I.N.C. would remain the appellant as the authorized representative to advance the individual's interests as an association.

Board Members discussed the following:

- Necessity to set aside privacy rights in requesting legal rights
- Distinct and special damages of members of an organization vs. philosophical interests
- Board review of the subject permit and project as a matter of discussion vs. public hearing
- Clarification of appeal process

**Trustee Such moved to deny the appeals of Wetland Use Permit #02-02 filed by Liaison for Inter-Neighborhood Cooperation (L.I.N.C.), as these individuals have not shown they are an aggrieved person in that their property will suffer some special damages as a result of the decision of the Director of Community Planning and Development, which is not common to other property owners similarly situated. Seconded by Clerk Helmbrecht.**

Board Members discussed the following:

- Creation of inequity in prolonging the process
- Insufficiency of evidence of standing
- Discussion of general procedures for a decision vs. particular decision
- Desirability of resident input on merits of the wetland use permit issued

Appropriateness of Considering the Merits Following Appeal Denial: (Agenda Item #8 (Questions for the Attorney))

Q. Please comment on the appropriateness of considering the merits of the permit following a denial of the appeal.

A. Issues that surface during the course of an appeal may be discussed and be the subject of subsequent amendments to the ordinance. The Board should not consider the merits of the appeal following a denial of the appeal.

ROLL CALL VOTE: YEAS: Trustees Stier, Such, Supervisor McGillicuddy,  
Clerk Helmbrecht, Treasurer Hunting  
NAYS: Trustees Brixie, Woiwode  
Motion carried 5-2.

C. Resolution to Approve Tax Exemption and Payment In Lieu Of Taxes (PILOT) for Housing Development

Trustee Woiwode introduced the proposed resolution by summarizing the reasons for adoption as stated in the resolution, as well as the reasons stated in the resolution for final adoption of amendments to Chapter 66 Taxation.

By-Right Provision for Classes of Property: (Agenda Item #8 (Questions for the Attorney))

Q. Does this action create a class of people eligible for PILOT by right?

A. No. It gives an identified group the ability to request that treatment rather than be granted it by right. Economic feasibility would be one of the inquiries the Board might have in any case.

Board Members discussed the following:

- Discrepancy between the age of eligibility stated in the Ordinance vs. state law

**Trustee Such moved to table the matter to clarify the age issue. Seconded by Trustee Woiwode.**

VOICE VOTE: Motion carried unanimously.

D. Resolution in Support of Constructing Two Railroad Underpasses on Farm Lane  
Manager Richards introduced the proposed resolution to support the grant application of Michigan State University and East Lansing.

Board Members discussed the following:

- Imprudent use of federal funds
- Support refocusing of resources on existing infrastructure
- Need to address greater relative traffic problems of Grand River Avenue
- Allocation of federal funds specifically for rail services improvements
- Safety enhancement from separating pedestrian and automobile traffic from rail traffic
- History of fatal rail incidents on and near campus

**Trustee Such moved [and read the amended resolution into the record] THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY, MICHIGAN, that the Township Board hereby supports the design and installation of two railroad underpasses on Farm Lane as having benefits to the entire Tri-County Region. Seconded by Clerk Helmbrecht.**

Board Members discussed the design phase following:

- Potential beneficial reduction of pollution from the proposed project
- Advancing regional cooperation among neighboring communities in federal grant applications
- Benefit of regional support in Township MDOT grant applications
- Lack of alternative options presented
- Consideration of options during the

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

NAYS: Trustees Brixie, Woiwode  
Motion carried 5-2.

[Signed and Sealed Resolution in Official Resolution Book]

**By unanimous consent, the discussion items were postponed to accommodate the guests invited to participate in the vision session until February 18, 2003.**

11. DISCUSSION ITEMS/ENDS

- A. ZA #02100 (Township Board), Limitation of Rezoning Requests (Postponed to February 18, 2003)

B. Older Neighborhoods and Variance Requests (Postponed to February 18, 2003)

12. VISION SESSION/ENDS: Round Table Discussion on Mixed Use Categories  
Supervisor McGillicuddy introduced Mike Doherty and Sharon Gillette from Briarwood Realty.

Board Members discussed the following:

- Role of Greater Lansing Board of REALTORS® Political Committee
- Existing examples of mixed-use in the Township
- Example of private resident associations to support recreational opportunities
- Role in downtown development
- Example of Eastwood Mall in terms of mixed-use commercial
- Restriction of parking requirements in redevelopment of downtown areas
- Economic viability of 2<sup>nd</sup> floor residential units in office/commercial districts
- Office uses in mixed-use developments
- Function of development size in mixed-use options
- Multiple uses in a single structure vs. multiple co-located and varied single-use structures
- Enhancement of non-motorized travel options
- Encouragement of independent business ownership and small-town character
- Real estate specialty areas
- Community impression on visitors

13. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

John Veenstra, 320 Piper Road, Haslett, spoke in opposition to Wetland Use Permit #02-02 (Tartan Development).

Vernon W. McLellen, 1459 Cheboygan Road, Okemos, spoke in opposition to Wetland Use Permit #02-02 (Tartan Development).

Eleanor V. Luecke, 1893 Birchwood Drive, Okemos, President, L.I.N.C., spoke about the need to maintain the confidentiality for the membership of L.I.N.C.

Vance Kincaid, 4530 Nakoma Drive, Okemos, spoke in opposition to Wetland Use Permit #02-02 (Tartan Development).

Joan Guy, 1083 Woodside Drive, Haslett, spoke in support of Board discussion of the matters raised during the course of the appeal of Wetland Use Permit #02-02 (Tartan Development).

Supervisor McGillicuddy closed Public Remarks.

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:12 P.M.

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SUSAN MCGILLICUDDY  
TOWNSHIP SUPERVISOR

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MARY M. G. HELMBRECHT  
TOWNSHIP CLERK

Paul J. Cassidy, Secretary