

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING – **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, NOVEMBER 15, 2011 **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie, Trustees Dreyfus,
LeGoff, Ochberg, Veenstra (6:03 P.M.)
ABSENT: None
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development
Mark Kieselbach

1. CALL MEETING TO ORDER

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

2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS

Supervisor McGillicuddy led the Pledge of Allegiance.

3. ROLL CALL

The secretary called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, spoke in support of Zoning Amendment #11050 as a proper compromise and accommodation to the community. He spoke to Zoning Amendments #11070, #11080 and #11090, and believed all three (3) of these zoning amendments come under the first amendment right of free speech.

Kate Moss, Meridian Community Band, 1300 Pulaski, Lansing, spoke in support of the Meridian Community Band's application to obtain a Gaming License for a 50-50 Raffle.

Cullen Harkness, Bodwin & Associates, 5240 Madison Avenue, Apt. B-5, Okemos, introduced himself as the Township Prosecutor, and spoke briefly on his firm's administration of the Township's diversion program.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

A. Treasurer's Quarterly Report

Treasurer Brixie reported her participation two weeks ago in the state legislative process by giving testimony in the House of Representatives on House Bill 4446, dealing with principal residence exemptions being prorated on a daily basis instead of one day of the year. She noted this unfunded mandate would have negative impacts to local governments. Treasurer Brixie added she was then invited by the Michigan Municipal League (MML) to proxy for the organization at a smaller work group meeting and will subsequently address the Michigan Senate on November 16th regarding this issue.

Treasurer Brixie reported her attendance at the Economic Development Corporation (EDC) and Meridian Area Business Association (MABA) meetings last week. She indicated the MABA Board voted on the takeover of the Meridian Asset Resource Center (MARC), currently operating under the EDC. Treasurer Brixie announced her office will be mailing out winter tax bills on December 1, 2011, and noted a new payment option for residents is an automatic ACH payment. She added enrollment forms offer a variety of payment dates and are available either on the Township website or in the Treasurer's Office.

Treasurer Brixie gave an update on current fixed maturity investments, non-fixed investments (as of October 31, 2011), delinquent personal property tax collections for 2006-2010 and 2011 distribution totals as of November 1, 2011. Treasurer Brixie noted the fixed and non-fixed investments as of October 31, 2011 total slightly over \$10 million.

Treasurer Brixie clarified the figure of \$396,495.42 for Meridian Township are fees for collecting summer taxes and Township taxes are placed on the winter tax bill.

B. Election Report – Clerk Mary Helmbrecht

Clerk Mary Helmbrecht reported a voter turnout of 20% for the Williamston, Okemos and East Lansing Schools Elections. She announced Marci Scott and Larry Ward won election for the four year terms on the Williamston School Board. Clerk Helmbrecht noted that Damian Fisher and Melanie Lynn were elected to four year terms on the Okemos School Board, while Vincent Lyon-Callo won the seat for the partial term ending December 31, 2013. She indicated the millage renewal for the Okemos Schools Building and Site Sinking Fund passed by more than 77%.

Trustee Ochberg reported her attendance at the last EDC meeting where concern was expressed regarding elimination of the expenditure for Township dues to LEAP, Inc. from the 2012 budget. She noted a majority of EDC members voted to ask the Township Board to reconsider its contribution to membership in LEAP, Inc. and wanted to invite the new Executive Director to speak at a future Township Board meeting. Trustee Ochberg reported the Zoning Board of Appeals (ZBA) granted variances for signs for the new drive-through pharmacy window and bottle return at the Okemos Meijer. She indicated it was a public safety measure to permit these requested signs, as they eliminate confusion for drivers in the fire lane in front of Meijer. ZBA members also granted a variance to build a front porch for a home on Okemos Road built in 1929, long before the existence of Meridian Township zoning ordinances.

Trustee Veenstra reported the regular November meeting of the Tri-County Regional Planning Commission has been cancelled.

Clerk Helmbrecht pointed out to Board members that six (6) new applications for public service were placed at their seats. She announced that an ad was also placed in the Towne Courier letting the public know of existing openings on the various Boards and Commissions.

6. APPROVAL OF AGENDA

Trustee LeGoff moved to amend the agenda as follows:

- **Add Agenda Item #10F: Reconsideration of the Rental Housing Registration Fees**

Seconded by Treasurer Brixie.

VOICE VOTE: Motion carried 4-3. (Dreyfus, Ochberg, Veenstra)

Treasurer Brixie moved to approve the agenda as amended. Seconded by Clerk Helmbrecht.

Trustee Ochberg moved to amend the agenda as follows:

- **Move Agenda Item #10B: “Zoning Amendment #11070, amend section 86-687 of the Code of Ordinances to establish regulations for murals in commercial zoning districts” to Agenda Item #11A**

Seconded by Trustee Veenstra.

VOICE VOTE: Motion carried 5-2. (Brixie, LeGoff)

Treasurer Brixie moved to amend the agenda as follows:

- **Delete Agenda Item #10E: Resignation and Appointment to the Planning Commission**

Seconded by Trustee Veenstra.

VOICE VOTE: Motion failed 3-4. (Dreyfus, Helmbrecht, McGillicuddy, Ochberg)

VOICE VOTE ON THE MAIN MOTION: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

Supervisor McGillicuddy offered the following amendment:

- **Remove “Joint” and “with School Districts and Local Governments” from the description of the Thursday, November 8, 2012 Board Meeting**

Seconded by Trustee Dreyfus.

Board members discussed the following:

- The Board could set a specific date for the Joint Meeting with School Districts and Local Governments at the January 10th Policy Governance Meeting
- If the Joint Meeting is deleted for November 8, 2012, it should be added for another date certain; otherwise, the joint meeting will occur periodically
- Importance of holding Joint Meetings with neighboring communities and school districts on a yearly basis
- November 8th meeting is two days after the presidential election and could result in a poor turnout

Treasurer Brixie moved to adopt the Consent Agenda as amended. Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

The adopted Consent Agenda items are as follows:

A. Communications

(1) Board Information (BI)

- BI-1 Nancy Williams, 4383 Elmwood Drive, Okemos, RE: Ill effects of leaf blowing
- BI-2 John P. Gardener, Government Affairs Manager, Comcast, Heartland Region, 1401 E. Miller Road, Lansing; RE: Creation of a webpage showing upcoming Comcast programming contract expirations: www.xfinitytv.com/contractrenewals
- BI-3 Laryssa Kaufman, 6212 W. Reynolds Road, Haslett; RE: Concern with constructing a dog park in Legg Park
- BI-4 Jim Clark, 3510 Apple Valley Road, Okemos; RE: Pathway at 1998 Jolly Road

(2) Commission Linkage (CL)

- CL-1 Paula Johnson, 3758 Chippendale, Okemos; RE: Letter of intent not to seek reappointment to the Elected Officials Compensation Commission

(3) Staff Communications (SC)

- SC-1 Mark Kieselbach, Director of Community Planning and Development; RE: Planning Commission approval of Commission Review #11043, extension of the sewer system from the end of the gravity sewer line serving Okemos High School west along Jolly Road to Hagadorn Road
- SC-2 Memorandum from Cindy Cummings, Police Records Supervisor; RE: Current list of licensed vendors and non-licensed persons or nonprofit organizations engaged in soliciting or canvassing dated October 27, 2011

- SC-3 Memorandum from Cindy Cummings, Police Records Supervisor; RE: Current list of licensed vendors and non-licensed persons or nonprofit organizations engaged in soliciting or canvassing dated November 7, 2011
- SC-4 Deborah Guthrie, Communications Director, RE: Memorandum titled National EAS Test Could Bring Calls from Your Constituents
- SC-5 Deborah Guthrie, Communications Director, RE: Press release titled meridian Farmers' Market Pre-Thanksgiving Day Event

Treasurer 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 Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

B. Minutes

Treasurer Brixie moved to approve and ratify the minutes of the November 1, 2011 Regular Meeting as submitted. Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: Trustee Veenstra
 Motion carried 6-1.

C. 2012 Regular Board Meeting Schedule

Treasurer Brixie moved to adopt the 2012 Township Board Meeting Schedule Resolution as amended.

Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

D. Bills

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

Common Cash	\$ 283,017.52
Public Works	\$ 458,877.62
Retainage	
Check #1036 - Eastlund Concrete (Okemos Road Pathway)	\$ 7,941.15
Check #1037 - Barnhart & Sons (Herron Acres W/S Main)	\$ 5,019.03
Total Checks	\$ 754,855.32
Credit Card Transactions	\$ 11,221.02
Total Purchases	<u>\$ 766,076.34</u>
ACH Payments	<u>\$ 326,967.36</u>

Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
 McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

[Bill list in Official Minute Book]

- E. Renewal of Computer Purchase Program
Treasurer Brixie moved approval of the renewal of the Employee Computer Purchase Program until December 31, 2012. Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
 McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

- F. Approval of Gaming License for Raffle, Meridian Community Band
Treasurer Brixie moved approval of a request from the Meridian Community Band of Meridian Township, Ingham County, asking they be recognized as a non-profit organization operating in the community for purposes of obtaining a gaming license or registration and further, that the Township Clerk be authorized to execute the resolution from the State of Michigan. Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
 McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

- G. Appointment to Lake Lansing Advisory Board
Treasurer Brixie moved that Mr. Ronald Rowe, 6247 E. Lake Drive, be appointed as a Tier One representative to the Lake Lansing Watershed Advisory Committee for a term ending April 30, 2013. Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
 McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

- H. 2011 Sidewalk Replacement Program, Resolution #4, Set Public Hearing Date for December 13, 2011
Treasurer Brixie moved to approve the 2011 Order to Maintain Sidewalk Special Assessment District #12 – Resolution #4, which files the proposed final special assessment roll with the Township Clerk and sets the date for a public hearing on December 13, 2011. Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
 McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

- I. Amendments to Pathway Master Plan, Set Public Hearing Date for January 17, 2012
Treasurer Brixie moved to schedule a public hearing for the Township’s regular meeting on January 17, 2012, to review the Pedestrian/Bicycle Pathway Master Plan and hear comments regarding whether the Master Plan should be amended. Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie

NAYS: None

Motion carried unanimously.

8. QUESTIONS FOR THE ATTORNEY (None)

9. HEARINGS (None)

10. ACTIONS ITEMS/ENDS

Supervisor McGillicuddy opened Public Remarks.

Mike Bess, Director of Baseball, Court One Athletic Club, 2291 Research Circle, Okemos, spoke in support of Zoning Amendment #11090, which provides standards for banners for outdoor sports fields in the C-3 and RP zoning districts. He addressed concerns raised by Board members at the last meeting.

Supervisor McGillicuddy closed Public Remarks.

A. Zoning Amendment #11050 (Township Board), request to amend Section 86-402(3) pertaining to size and display of flags in commercial zoning districts, **Final Adoption**

Trustee Ochberg moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby FINALLY ADOPTS Ordinance No. 2011-14, entitled “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 86, Article IV, Division 3, Section 86-402 by amending Section 86-402(3).”

BE IT FURTHER RESOLVED that the Clerk of the Charter Township of Meridian is directed to publish the Ordinance in the form in which it is finally adopted at least once prior to the next regular meeting of the Township Board. Seconded by Trustee Veenstra.

Board members discussed the following:

- Appreciation for the entire Board’s positive manner on this issue
- No compelling Township interest in limiting the size of the US flag to 35 square feet

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie

NAYS: None

Motion carried unanimously.

C. Zoning Amendment #11080 (Township Board), amend Section 86-686 to increase the maximum free standing size from 25 square feet to 28 square feet to include the site address; and, to permit free-standing directional signs in the PO (Professional and Office) district, **Introduction**

Trustee Dreyfus moved [and read into the record] NOW THEREFORE BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION Ordinance No. _____, entitled “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 86, Article VII, Section 86-686 by amending Section 86-686(1), Section 86-686(2), and Section 86-686(3).”

BE IT FURTHER RESOLVED the Clerk of the Charter Township of Meridian is directed to publish the Ordinance in the form in which it is introduced at least once prior to the next meeting of the Township Board. Seconded by Treasurer Brixie.

Board members discussed the following:

- Reasonable amendment to allow residents to have easier access to building locations
- Appreciation that Board members recognized that the Information brought to them by the Zoning Board of Appeals will help facilitate the ZBA’s workload

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie

NAYS: None

Motion carried unanimously.

- D. Zoning Amendment #11090 (Township Board), amend Section 86-687 to provide standards for signs (banners) for outdoor sports fields in C-3 (Commercial) and RP (Research Park) zoning districts, **Introduction**

Trustee Ochberg moved [and read into the record] NOW THEREFORE BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION Ordinance No. _____, entitled “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 86, Article VII, Section 86-687 and Section 86-688 by adding Section 86-687(16) and Section 86-688(4).”

BE IT FURTHER RESOLVED the Clerk of the Charter Township of Meridian is directed to publish the Ordinance in the form in which it is introduced at least once prior to the next regular meeting of the Township Board. **Seconded by Trustee Veenstra.**

Trustee Veenstra offered the following friendly amendment:

- **Change the date in Section 86-687 (16) g. and Section 86-688 (4) g. from September 30th to November 30th**

The friendly amendment was not accepted by the maker.

Trustee Veenstra offered the following amendment:

- **Change the date in Section 86-687 (16) g. and Section 86-688 (4) g. from September 30th to November 30th**

Seconded by Trustee LeGoff.

Board members discussed the following:

- Rationale for adding this amendment to include fall sports events (e.g., soccer)

ROLL CALL VOTE: YEAS: Trustees LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy

NAYS: Trustee Dreyfus, Clerk Helmbrecht, Treasurer Brixie

Motion carried 4-3.

Continued Board discussion:

- Proposed ordinance opens a “can of worms” in terms of implementation within park programs throughout the Township
- Banners can be a visual distraction
- Laws made by the Board impact more than one entity in the Township
- This ordinance allows for the potential over commercialization in the Township
- Negative impact to the community at large
- No support to expand to private venues
- Use of markings on banners as a coaching technique
- Banners on outside fences of ball fields are traditional
- Township parks are not zoned C-3 or RP
- Township could help pay for its programs by allowing sponsorship banners
- Schools not required to adhere to Township regulations

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy

NAYS: Clerk Helmbrecht, Treasurer Brixie
Motion carried 5-2.

- E. Resignation and Appointment to the Planning Commission - Lynn Hildebrandt
Trustee Ochberg moved to approve the resignation of Wayne Beyea, Planning Commission, effective September 12, 2011 and approve the appointment of Lynn Hildebrandt to fill the open position with the term ending December 31, 2011. Seconded by Supervisor McGillicuddy.

Board members discussed the following:

- Need for the full nine (9) member complement on the Planning Commission in order to avoid 4-4 votes which result in no action on an issue
- Township Board relies on the Planning Commission to take action first on many types of procedures
- Under state law, Planning Commission appointments are the exclusive prerogative of the Township Supervisor
- Delay in voting on this appointment is unfair to the Supervisor's prerogative and unkind to the applicant
- Applicant has been a member of the business community for approximately 30 years
- Applicant lives in the same geographic area in the Township as her predecessor
- Geographic representation is a criterion outlined in state law for Planning Commissioners
- Planning Commission "enjoys" consensus on most issues before it and other Board members do not share the concern voiced earlier regarding a tie vote
- A tie vote on the Planning Commission could be an indicator that more discussion may result in resolution of the differences
- Geographic diversity on the Planning Commission has been lost over time
- Several members who sit on the Planning Commission represent the rural part of the Township, although the majority of Township residents live in the more heavily urbanized areas
- Preference for an applicant who is reflective of the more urbanized portions of the Township (i.e., someone living in a more centralized area or an area of higher density)
- Preference for the greatest variety of opinions from different types of people throughout the Township rather than fewer types of opinions from Commissioners with similar backgrounds
- Concern with delay "tactics" on this appointment
- Proper and appropriate for the Board to approve the Supervisor's appointment unless there is a grievous reason not to support the appointment
- Township Board is wasting taxpayer money through political gamesmanship
- While state law allows the Supervisor to make Planning Commission appointments, the law also requires the Township Board to ratify the appointment through a majority vote
- Suggestion that the Supervisor consult with other members of the Board on prospective appointees
- With three remaining Planning Commission meetings scheduled for 2011, appointment of this Planning Commission member would not be a "cosmic" event
- History over the last two years with the ultimate Planning Commission appointees actually "ruined" the geographic distribution
- Supervisor judiciously looks for proper geographic distribution in appointing Planning Commission members

ROLL CALL VOTE: YEAS: Trustees Dreyfus, Ochberg, Veenstra, Supervisor McGillicuddy
NAYS: Trustee LeGoff, Clerk Helmbrecht, Treasurer Brixie
Motion carried 4-3.

- F. Reconsideration of Rental Housing Registration Fee Schedule

Board members and staff discussed the following:

- Impact to the budget based on 2011 rental registrations to date would have been a reduction of \$30,000-35,000 in fees

Trustee LeGoff moved to amend the rental housing initial registration fee schedule for 2012 from the previously approved \$800 back to the 2011 fee of \$1200. Seconded by Treasurer Brixie.

Board members and staff discussed the following:

- Importance for renters to have the properties carefully inspected
- Several residents expressed concern that the Board previously reduced the registration fees
- Initial registration fee helps subsidize the work which goes into preparing the file and the many inspections which could occur through the process
- Registration fee is less than the fee charged by East Lansing
- Concern that relatively high fees discriminate against individuals who go into the business of being a “landlord”
- Inspection fees place a burden on the landlord and does not encourage participation of renters to make repairs and then deduct the cost of those repairs from the rent
- When a well or septic system fails, a homeowner can install a new well or septic field with an expensive purchased county permit or have the home condemned by the county
- Individuals who find themselves in the situation described above have the option to move to another state or move to an area served by public water and sewer
- Only immediately available home for residents who find themselves in this unfortunate situation is a rental home
- Importance for maintaining rental opportunities for these individuals
- Belief that the initial registration fee is arbitrary and based partly on the fee charged by East Lansing
- The amount of time for each initial inspection should be approximately the same; therefore the fees are the same and unrelated
- Belief that fees are prohibitive and reflect a policy regarding rentals, not reflective of costs and associated expenses incurred by the Township
- Philosophy in Meridian Township regarding rentals is worthy of further Board discussion in the future
- Whether the goal of the 60/40 split is being maintained with the recent additions of high density student complexes
- Township has a process in place within the Department of Community Planning and Development whenever a property which was previously owner occupied becomes a rental property
- Amount of staff time spent on each rental varies significantly
- Staff looks at building standards for a home coming into the rental programs for renter safety
- Staff may need to revisit the home numerous times under the initial fee
- Many communities charge a flat fee, an additional charge for every inspection and an “all trades” inspection fee
- Reminder that an applicant can divide the initial registration fee into partial payments
- Some applicants are in the process of selling the home and if it sells before a year passes, some of the registration fee is refunded
- Reminder that the Township has two (2) part-time rental housing inspectors and, when necessary, building inspectors must “fill in”
- Township can incur additional staffing costs in an effort to accommodate applicants
- Loss of \$30,000-\$35,000 in fees would require changes to staffing; e.g., elimination of early and late inspections, elimination of using other staff, etc.
- Rental housing program is not a money-maker
- Director’s recommendations are based on legally defensible fees as opined in the Bolt decision
- \$1,200 rental registration fee has not changed since 2003
- Employee work costs have significantly increased since 2003
- East Lansing charges approximately twice as much for its rental registration process
- Earlier comment regarding discrimination also applies to the difference between the sale of a home vs. rental of a home
- “Good” business people do not require repeated reinspections

Treasurer Brixie called the question. Seconded by Trustee LeGoff.

ROLL CALL VOTE: YEAS: Trustee LeGoff, Supervisor McGillicuddy, Clerk Helmbrecht,
Treasurer Brixie

NAYS: Trustees Dreyfus, Ochberg, Veenstra
Motion failed 4-3.

[This motion requires a 2/3 majority vote.]

ROLL CALL VOTE YEAS: Trustee LeGoff, Supervisor McGillicuddy, Clerk Helmbrecht,
ON THE MAIN Treasurer Brixie

MOTION: NAYS: Trustees Dreyfus, Ochberg, Veenstra
Motion carried 4-3.

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public remarks.

Rex Harrington, 820 Piper Road, Haslett, expressed appreciation that the resolution contains language which states the proposed zoning amendment is consistent with "...Board Policy 1.4 to encourage the arts community and artisans by providing additional opportunities for community art in the forms of murals" and "Goal 3 of the 2005 Maser Plan to maintain the viability of township businesses by allowing flexibility with regards to design options on commercial structures." He expressed concern with several provisions of the proposed ordinance as written and offered recommendations to the language.

Supervisor McGillicuddy closed public remarks.

A. Zoning Amendment #11070 (Township Board), amend Section 86-687 of the Code of Ordinances to establish regulations for murals in commercial zoning districts

Board members and staff discussed the following:

- Previous public comment stating this ordinance is unnecessary
- Potential violation of the first amendment
- Reminder that the proposed ordinance would make the mural on the east side of the Preuss Animal House building in north Lansing "illegal"
- Murals on blank walls within the community create a "sense of place"
- Proposed ordinance has "arbitrary and capricious" restrictions
- Ordinance has the potential to have fees charged which would discourage murals
- Continued concern that murals would be allowed on only one exterior wall
- Possibility that someone would want a mural on a building in PO zoned property
- Issue is how public art can best be encouraged in a manner which protects the community
- Appreciation for earlier public comment that the ordinance should contain a definition that murals should be considered community art
- Fees for allowing murals are not appropriate
- Second wall for a mural could be obtained through a variance from the Zoning Board of Appeals
- Blank walls viewed as a nuisance and an opportunity for graffiti
- Proposed ordinance as a starting point in the process
- Murals as an asset to the Township
- All signs in the Township require a permit
- Director's responsibility to explain to the Board how much it will cost the Township to perform the work covered by the proposed fee
- Press release should be issued once the proposed ordinance is approved and invite business owners to paint murals on their buildings
- Request for an update by the Planning Department after one-year of experience, e.g., desire by business owners to have a mural on more than one wall
- Ordinance should be passed to encourage, not regulate, murals
- Public art should include public sculpture, fountain design, etc.

- Murals are not the only form of public art and should not be singled out for regulation within the constraints of the sign ordinance
- Art is a flexible and ever changing, ever evolving concept
- Fees do not encourage murals and are a disincentive
- “Tagging” is a form of art
- Preference to create a separate section in the Code of Ordinances titled Community Art
- Board has discussed this topic since early 2007
- Communities either create a stand alone ordinance and set criteria for community art or treat murals as signs
- Cities of Lansing and East Lansing have public art standards and, if used as advertising, is considered as a sign
- Suggestion to hold vision sessions to receive input if the Board chooses to create a separate section in the Code of Ordinances titled Community Art
- Stand alone ordinances do not need to go before the Planning Commission
- Preference to pass the proposed ordinance, revisit the issue once there has been experience, and possibly delete this section when and if a stand alone ordinance is implemented
- Creation of an Arts Commission
- Arts Commission would regulate the content of art
- Arts Commission would judge art treated as a sign and is the “ultimate” in censorship
- Reminder that the Downtown Development Authority (DDA) wanted to organize a mural painting activity for its Art Walk on the Hicks Building at the corner of Okemos and Hamilton
- The proposed ordinance must come before the Board twice, once for introduction and then for final adoption
- Board member intent to ask for an amendment to have either no fee or a reasonable flat fee as a condition of approval
- Township currently has three (3) murals in existence

It was the consensus of the Board to place this item on for action at the December 6, 2011 Board Meeting.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Rex Harrington, 820 Piper Road, Haslett, thanked the Supervisor for her initiative on the possibility of creating a community art initiative.

Supervisor McGillicuddy closed Public Remarks.

13. FINAL BOARD MEMBER COMMENT

Trustee Veenstra spoke to an article from a resident included in the Board packet regarding the banning of gas engine leaf blowers.

Trustee Ochberg noted the resident to whom Trustee Veenstra referenced had no problem with electric leaf blowers.

Trustee LeGoff inquired if attention could be given to the potholes on Wardcliff Drive.

Trustee Veenstra spoke in opposition to paying our Township Attorney an hourly fee of \$185.00. He also addressed the letter from a resident contained in the Board packet regarding completion of the pathway in front of 1998 Jolly Road to alleviate hazardous conditions.

14. POSSIBLE CLOSED SESSION

Trustee Ochberg moved that the Township Board go into closed session to discuss the personnel evaluation of the Township Manager pursuant to MSA 4.1800(18)a. Seconded by Treasurer Brixie.

Board members discussed the following:

- Concern that last year's renewal of the Township Manager's contract was conducted in a "secret" meeting and a violation of the spirit of the Open Meeting Act
- Legal requirement to have minutes of closed sessions and Board approval of those minutes

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Brixie

NAYS: Trustee Veenstra

Motion carried 6-1.

Supervisor McGillicuddy recessed the meeting at 8:40 P.M.

The Board adjourned to the Administrative Conference Room for a closed session.

Treasurer Brixie moved to return to open session. Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Brixie

NAYS: None

Motion carried unanimously.

Supervisor McGillicuddy reconvened the meeting at 9:40 P.M.

Treasurer Brixie moved to extend the current contract of the Township Manager for an additional year (through December 31, 2013). Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Brixie

NAYS: Trustee Veenstra

Motion carried 6-1.

15. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:42 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT, CMC
TOWNSHIP CLERK

Sandra K. Otto, Secretary