

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
853-4000, Town Hall Room  
TUESDAY, MARCH 6, 2007 **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Trustees Brixie, Such, Veenstra, Woiwode  
ABSENT: Treasurer Hunting  
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development  
Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Attorney Andria  
Ditschman

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:02 P.M.

2. PLEDGE OF ALLEGIANCE

Supervisor McGillicuddy led the Pledge of Allegiance.

3. ROLL CALL

Supervisor McGillicuddy called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Doug Carr, Executive Officer, Greater Lansing Homebuilders Association, 5781 Whisperwood Drive, Haslett, spoke in opposition to the Tree Protection Ordinance.

Bob Wasserman, 2796 Bugler's Way, East Lansing, invited Board members to attend activities which advocate a more responsible Iraq policy from March 18-20, 2007 on the MSU Campus.

Jerry Fedewa, 5570 Okemos Road, East Lansing, spoke in opposition to the Tree Protection Ordinance.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

A. Land Preservation Program Power Point Presentation

Michael Thomas, 2550 Capeside Drive, Okemos, and member of the Land Preservation Advisory Board, gave a Powerpoint presentation update on the Land Preservation Program, which will be placed on the Township's website.

Clerk Helmbrecht added it is the hope of the Land Preservation Advisory Board to have neighborhood groups which surround land preservation properties be stewards of those properties.

6. APPROVAL OF AGENDA — OR CHANGES

**Trustee Brixie moved to approve the agenda amended as follows:**

- **Remove Agenda Items #7D and #10C**

**Seconded by Trustee Such.**

**VOICE VOTE: Motion carried 6-0.**

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

**Trustee Brixie moved to adopt the Consent Agenda amended as follows:**

- **Move Agenda Item #7G to Agenda Item #10D**

**Seconded by Trustee Woiwode.**

**Trustee Veenstra moved to amend the Consent agenda as follows:**

- **Move Agenda Item #7B to Agenda Item #10E**
- **Move Agenda Item #7E to Agenda Item #10F**
- **Move Agenda Item #7F to Agenda Item #10G**

**Seconded by Clerk Helmbrecht.**

Board members discussed the following:

- Alleged Township attorney opinion that parliamentary procedure allows a member to remove a consent agenda item upon request

Parliamentary procedure on the consent agenda: (Questions for the Attorney (See Agenda Item #8))

Q. Andria, I am going to ask your thoughts on that.

A. That is not what the legal opinion says. I don't want to discuss the specifics of the legal opinion because they are confidential so, if the Board wants me to send that again, I can forward that. They should not be discussed here in an open forum; they are confidential legal advice. However, if you are asking me, at this point, I think what the Supervisor should do is to make a decision as far as whether something needs to be moved or not. If there's a general consensus that it be moved somewhere else if it can't be dealt with easily under consent, then it can be moved. If it can easily be dealt with under consent, then that's where it should be voted on. I can send that legal opinion again if you prefer to have that.

**Trustee Veenstra's motion to amend died for lack of support.**

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

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Determination (BD)

- 10A-1 Brock and Debi Walker, 4095 Hulett Road, Okemos; RE: Wetland Use Permit #07-01 (Champion Woods)
- 11B-1 Douglas S. Carr, Chief Executive Officer, Greater Lansing Home Builders Association, 6240 W. Mt. Hope Highway, Lansing; RE: Tree Protection Ordinance
- 11B-2 Wayne G. Baum, Customer Relations, All Terrain Alterations, Inc., 510 E. Grand River Avenue, Williamston; RE: Tree Protection Ordinance

(2). Board Information (BI)

- BI-1 Carl Harmon, Vice-President, LINC., PO Box 40, Okemos; RE: Annexation
- BI-2 Charles Willems, PO Box 184, Haslett; RE: Lakefront Classification of Mrs. Willems' Property #33-02-11-176-002
- BI-3 Vincent Lyon-Callo, 4112 Hulett Road, Okemos; RE: Environmental Stewardship of the Township

(3) Regional Linkage (RL)

- RL-1 John W. Midgley, PE., Managing Director, Ingham County Road Commission (ICRC), 301 Bush Street, Mason; Ingham County Road Commission's 2007 Operating Budget (**NOTE:** The 2007 ICRC Budget is on file in the Clerk's Office)

(4). Staff Communication/Referral (SC)

- SC-1 Memorandum from Cindy Cummings, Police Records Supervisor; RE: Current list

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of licensed vendors and non-licensed persons or nonprofit organizations engaged in soliciting or canvassing dated February 19, 2007

SC-2 Michigan Townships Association Legislative E-Report, February 16, 2007 Edition

SC-3 Michigan Townships Association Legislative E-Report, February 23, 2007 Edition

(5). On File in the Clerk's Office (OF)

Materials received at the February 20, 2007 Board Meeting

Meridian Township Environmental Commission; RE: Wetland Use Permit #07-01 (Champion Woods)

Chris T. Thelen, Area Manager, Consumers Energy, 530 West Willow Street, Lansing; RE: Outdoor Lighting Ordinance

Phil Ballbach, 2723 E. Lake Lansing Road, East Lansing; RE: Comments on the Outdoor Lighting Ordinance

Michael Mead-O'Brien, 4199 Hulett, Okemos; RE: Wetland Use Permit #07-01 (Champion Woods)

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

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

B. Minutes

**Trustee Brixie moved to approve and ratify the minutes of the February 20, 2007 Regular Meeting as amended. Seconded by Trustee Woiwode.**

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

C. Bills

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

Common Cash	\$ 295,478.27
Public Works	\$ 237,383.59
Total Checks	\$ 532,861.86
Credit Card Transactions	\$ 9,975.67
Total Purchases	<u>\$ 542,837.53</u>
ACH Payments	<u>\$ 339,833.98</u>

**Seconded by Trustee Woiwode.**

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

[Bill list in Official Minute Book]

E. Section 9 Review – Proposed Land Preservation Parcel

**Trustee Brixie moved to forward Parcel #33-02-02-06-276-001 (East Lansing School Property) to the Planning Commission for the purpose of Section 9 Review and subsequent**

**adoption of a resolution by the Township Board for its purchase. Seconded by Trustee Woiwode.**

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

- F. US Department of Agriculture Grant Application for Land Preservation Property  
**Trustee Brixie moved to approve submission of an application to the USDA (United States Department of Agriculture) for a WHIP (Wildlife Habitat Incentives Program) Grant, and acceptance of the grant funding if awarded, for the purpose of developing and implementing a plan for stewardship activities, consistent with the original intent of the Land Preservation Program, on the Van Atta Road parcel. Seconded by Trustee Woiwode.**

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

- H. 2007 Order to Maintain Sidewalks SAD #9, **Resolution #3**  
**Trustee Brixie moved to approve 2007 Order to Maintain Sidewalk Special Assessment District #9, Resolution #3 which approves repair and maintenance of sidewalk in portions of the following subdivisions: Cornell Woods No.1, Cornell Woods No.3, Cornell Woods No.4, Cornell Woods No.6, Cornell Woods No.8, Cornell Woods North, Whispering Oaks, Whitehills Lakes, Whitehills Lakes No.2, Whitehills Lakes No.3, Whitehills Lakes No.4, Whitehills Woods, Whitehills Woods No.2, Whitehills Woods No.3, Whitehills Woods No.4, and Whitehills Woods No.5, and to defray the cost by special assessment; approves the cost estimate of \$15,077.99; determines the special assessment district; directs the making of an assessment roll, including a certificate; and authorizes notices be sent to the property owners giving 20 days notice to replace defective sidewalk.**

**Seconded by Trustee Woiwode.**

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

- I. The Sanctuary Streetlighting SAD, **Resolution #2**  
**Trustee Brixie moved to approve Sanctuary Streetlighting Special Assessment District Resolution #2, which confirms the plans and estimate of costs for the Sanctuary Streetlighting Special Assessment District; directs the Supervisor to make a special assessment according to the roll submitted to the public hearing and confirms the assessment amount of \$6,702.00 for the first year, and \$2,247.00 annually thereafter, and directs that amount to be assessed against the lands on that roll; orders the special assessment roll filed with the Township Assessor for spreading annually on the tax roll; authorizes Consumers Energy to proceed with the installation of the twenty-one streetlights, with cut-off fixtures; and authorizes the Township Supervisor and the Clerk to sign the Authorization for Change in Streetlighting Contract. Seconded by Trustee Woiwode.**  
**Sanctuary Streetlighting Special Assessment District Resolution #2, which confirms the plans and estimate of costs for the Sanctuary Streetlighting Special Assessment District; directs the Supervisor to make a special assessment according to the roll submitted to the public hearing and confirms the assessment amount of \$6,702.00 for the first year, and \$2,247.00 annually thereafter, and directs that amount to be assessed against the lands on that roll; orders the special assessment roll filed with the Township Assessor for spreading annually on the tax roll; authorizes Consumers Energy to proceed with the installation of the twenty-one**

**streetlights, with cut-off fixtures; and authorizes the Township Supervisor and the Clerk to sign the Authorization for Change in Streetlighting Contract. Seconded by Trustee Woiwode.**

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

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item #7, #10A, #11B)

Q. Is the Outdoor Lighting Ordinance an ordinance under our police power?

A. My understanding is that, as proposed this time, it is a police power ordinance, not zoning.

Q. Is there a requirement that ordinances adopted under the police power be published before final adoption?

A. It's required to have two (2) publications; one as introduced and one as finally adopted.

**Trustee Brixie called a point of order, as the questions being asked were regarding an item not on the agenda for this evening's meeting.**

9. HEARINGS

A. Okemos Preserve Streetlighting Special Assessment District  
Supervisor McGillicuddy opened the public hearing at 6:42 P.M.

Director Severy summarized the streetlighting special assessment district as outlined in staff memorandum dated March 2, 2007.

Supervisor McGillicuddy closed the public hearing at 6:43 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

A. Wetland Use Permit #07-01 (Champion Woods)

**Trustee Brixie moved [and read into the record] NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, pursuant to Section 22-156 of the Township Code of Ordinances, hereby identifies Wetland #29-11 as essential to the preservation of the natural resources of the Charter Township of Meridian. Seconded by Trustee Woiwode.**

**Trustee Veenstra offered the following amendment:**

- **Amend the "NOW THEREFORE" clause by deleting the word "by" after "resolved" and inserting "that"**

Grammatical use of language contained in the resolution: (Questions for the Attorney (See Agenda Item #8))

Q. Andria, I'm going to defer to your judgment on that.

A. That's fine; I don't see a problem with it if the Board's agreeable to that change.

**The amendment was accepted by the maker and seconder.**

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

**Trustee Such moved [and read into the record] NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, pursuant to**

**Article 4 of Section 22 of the Township Code of Ordinances, hereby approves Wetland Use Permit #07-01 (Champion Woods) with the following conditions:**

- 1. Approval is based upon the plans, documents, and materials prepared by KEBS, Inc., submitted in conjunction with Wetland Use Permit #07-01, subject to revisions as required.**
- 2. The applicant shall obtain all necessary permits, licenses, and approvals from the Michigan Department of Environmental Quality and the Ingham County Drain Commissioner's office prior to any construction beginning on the site related to Wetland Use Permit #07-01. Copies of all permits, licenses, and approvals shall be forwarded to the Department of Community Planning and Development.**
- 3. The final design and location of the bio-retention trenches, including the stormwater discharge, shall be subject to the review and approval of the Director of Community Planning and Development.**
- 4. Filtering shall be incorporated into the stormwater design, with the installation of downturned inlet pipes within each catch basin or separate downstream sump units provided. Alternative filtering systems may be proposed subject to the review and approval of the Director of Community Planning and Development.**
- 5. The applicant shall redesign the stormwater discharge into Township Wetland #29-11 (Wetland G) to reduce the impact to the wetland due to the increase in water levels. The final design shall be subject to the review and approval of the Director of Community Planning and Development.**
- 6. The applicant shall submit a design which equalizes the stormwater discharge to the two lobes of Township Wetland #29-1 (Wetland M) or direct the stormwater discharge to another wetland on the site to reduce the impact to the wetland due to the increase in water levels. The final design shall be subject to the review and approval of the Director of Community Planning and Development.**
- 7. The final design of the culvert(s) for the road crossing shall be subject to the review and approval of the Director of Community Planning and Development.**
- 8. No filling or construction related to the road crossing of Township Wetland #29-1 (Wetland F) shall take place until a special use permit has been issued by the Township to allow for work in the 100-year floodplain.**
- 9. The wetland boundary for the wetlands shall be flagged in those areas adjacent to the proposed construction. The flagging shall be clearly evident throughout the duration of the project.**
- 10. The applicant shall ensure the appropriate soil erosion and sedimentation control best management practices are installed and maintained until natural stabilizing vegetation has been established.**
- 11. Prior to construction, erosion control fencing shall be installed to prevent sedimentation from infiltrating into the wetlands. The installation and location of the erosion control fencing shall be subject to the approval of the Director of Community Planning and Development. The erosion control fencing shall be removed after construction is completed and the area is stabilized.**

12. No straw bales shall be used for erosion control, unless in conjunction with sediment erosion control fencing.
13. The applicant shall submit a detailed wetland mitigation plan. The final design and location of the wetland mitigation area shall be subject to the review and approval of the Director of Community Planning and Development.
14. A performance guarantee in the amount of \$10,000 shall be provided in an acceptable form to the Township to ensure completion of the wetland mitigation.
15. Construction of the wetland mitigation area shall be overseen by the applicant's wetland consultant. Deviations from the approved mitigation plan shall be first reviewed and approved by the Director of Community Planning and Development.
16. Should the wetland mitigation area fail to establish wetland vegetation after one (1) growing season, or fail to progress satisfactorily to a self-sustaining wetland as designed, the applicant shall conduct corrective measures as directed by the Township's environmental consultant to ensure successful wetland establishment.
17. The wetland mitigation area shall be monitored annually by the applicant's wetland consultant for five (5) years with a status report provided to the Department of Community Planning and Development each year.
18. The applicant shall monitor the bio-retention trenches and stormwater discharge for one (1) year following the completion of construction and shall remediate any problems which develop to the satisfaction of the Director of Community Planning and Development.
19. Prior to any construction related to the wetland use permit the applicant shall provide to the Department of Community Planning and Development written notice of commencement.
20. A copy of the approved wetland use permit containing the conditions of issuance shall be posted on the site in a conspicuous manner such that the wording of the permit is available for public inspection. Posting of the site shall be done prior to commencement of work on the site and continue throughout the duration of the project.
21. The applicant shall notify the Department of Community Planning and Development in writing when construction related to the wetland use permit has been completed so the site can be inspected to ensure compliance.

Seconded by Trustee Veenstra.

The seconder offered the following amendment:

- Amend the "NOW THEREFORE" clause by deleting the word "by" after "resolved" and inserting "that"

Grammatical use of language in the resolution (cont'd): (Questions for the Attorney (See Agenda Item #8))

- Q. Andria, it's in the middle of the page on Page 2 where it states, "NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD...." I don't see where it makes.....
- A. If you look at some of the other resolutions, he's just suggesting that "BE IT RESOLVED BY THE TOWNSHIP BOARD...." that the Board will do something. If you take out the "by" and

put the “that” in there, then it’s an action and going forward. Otherwise, it will say, “BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, pursuant to....that the Township hereby.....” does something...approves wetlands. So, you can put “BE IT RESOLVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, hereby approves...”; it reads more correctly.

**Trustee Brixie offered the following amendment:**

- Amend the “NOW THEREFORE” clause by deleting the word “by” after “resolved”

**The maker and seconder accepted the amendment.**

**The maker of the first amendment withdrew his amendment.**

Board members discussed the following:

- Appropriate place in the process to require permanent “no dumping” signage at rear lot lines adjacent to the wetlands

**Supervisor McGillicuddy offered the following amendment:**

- Add condition #22 to read: **The applicant shall install permanent signage concerning protection of the wetlands with size and location subject to the approval of the Director of Community Planning and Development.**

**The amendment was accepted by the maker and seconder.**

Continued Board discussion:

- Culvert will be two round 18 inch concrete culverts
- Addition of sidewalk more appropriate during site plan review
- Support by at least one Board member for placement of the sidewalk in the wetland setback

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

- B. Rezoning #06050 (Newton Road), BL-69 request to rezone approximately 26.17 acres located at 6276 Newton Road and the parcel to the east from RR (Rural Residential) to C-2 (Commercial) conditioned on site being developed as a MUPUD

**Clerk Helmbrecht 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 Zoning District Map of Meridian Township Pursuant to Rezoning Petition #06050” from RR (Rural Residential) to C-2 (Commercial) conditioned on the property being developed under the Township’s mixed use planned unit development ordinance, and limiting the types of permitted uses and the residential density of the development as attached to and fully incorporated into this resolution as Attachment “B” and Attachment “C”.**



**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 introduced at least once prior to the next regular meeting of the Township Board. Seconded by Trustee Veenstra.**

Board members discussed the following:

- Planning Commission original division of property into three (3) categories
- Appreciation to staff for its work on creating a reverse translation of this resolution to specify what can be done on the property

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

D. Revision to Water and Sewer Fees

Director Severy summarized the revised water and sewer fees as outlined in staff memorandum dated March 2, 2007.

Board members discussed the following:

- Possible notice of public hearing for citizen input in the future
- Our current fee schedule is not equated to Township costs
- Suggestion for water and sewer fees to be part of the annual budget process
- Industrial pre-treatment program for sewage
- Water and sewer funds as enterprise funds
- Rates set based on revenue received and cost of services provided

**By unanimous consent, Supervisor McGillicuddy will hold this item over for action at the March 20, 2007 Township Board meeting to allow citizens an opportunity to provide input and public comment.**

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

A. Okemos Preserve Streetlighting SAD

**It was the consensus of the Board to place this item on the consent agenda for the March 20, 2007 Board meeting.**

B. Tree Protection Ordinance

Director Kieselbach summarized changes from the last Board meeting as outlined in staff memorandum dated March 2, 2007.

Board members discussed the following:

- Environmental Commission recommendation for a multi-stakeholder group to be appointed which would review proposals currently under consideration
- Clarity of the ordinance's intent through appropriate management
- Possible educational brochure prepared by the Environmental Commission for care and maintenance of a wood lot
- Meaning of "economic use of the parcel"

Focus of Board intent: (Questions for the Attorney (See Agenda Item #8))

Q. Andria, do you have any suggestions? I don't mean to put you on the spot.

A. I don't have any language to suggest at this point. I hear some different views and I think that's what we've heard as we've gone through this whole process of changing this for a very narrow purpose and/or changing it to address larger issues. I don't have language specifically for you; I can look at that, but I think that is the key to where the Board wants to go with this. I think the Supervisor is correct; we started with a much broader change and it's been very narrowed now to just minor modifications. I will look at the language with staff.

Q. Do we need to have review criteria?

A. There were criteria before.....there has to be some standards applied.

Continued Board discussion:

- Ordinance was an attempt to prevent clear cutting of property prior to application of a development
- Objective to exempt the individual homeowner
- Ordinance in its current form will regulate homeowners
- Need to simplify the ordinance using number of trees allowed to be cut per year per acre and size of trees allowed to be cut per year per acre for ease in understanding
- Lack of endorsement by the Environmental Commission after its review
- Simplify the definition of clear cutting as it is currently very "sweeping"
- Possible educational box in the Meridian Monitor to show residents the types of trees, including heritage trees, on their respective properties if consensus cannot be reached
- Need for a simple ordinance which allows residents to cut trees on their property while protecting the Township's landmark trees which are irreplaceable
- Lack of Board consensus on language

Specificity of language to reflect Board intent: (Questions for the Attorney (See Agenda Item #8))

Q. I'm just wondering if, Andria, there is still as yet a simpler way to do this without adding the yardage in there and getting into all of that complication. Is there not just some simple way to have in here that all parcels shall come under site plan review prior to development? Except then if we did that, then I wouldn't want to see homeowners that are wanting to expand their homes have to come under site plan review.

A. I think that both staff and the attorneys understand what the Board's basic intent is. I think we're having difficulty coming up with language that will be upheld as reasonably related to a governmental interest on the same lot, depending on the intent and who owns it. That's where we're having difficulty. I would be glad to take it back and have a few other people look at it and say, "Can you come up with anything we haven't thought about; a way to regulate almost based on intent of use as opposed to...?" We haven't been able to do that yet. We can continue to take another two weeks and look at it again. We know what you are looking for; it's difficult to come up with that and make it usable.

[Trustee Veenstra left the room at 7:55 P.M.]

Q. Can we apply this...by zoning district, or is that something that won't be upheld? Can we exempt the rural residential zoning districts, RA, RAA, RAAA? Can we exempt the residential?

A. It's not currently written as zoning, so you can differentiate (and I think we've discussed this before to some extent) as to how it is implied as long as there is a reasonable basis for doing that. That is what's difficult, coming up with....

Q. So would there be a reasonable basis for applying it to rural residential parcels or groups of parcels larger than one acre, but not smaller than? In other words, if you live in a rural residential subdivision, but you happen to have five (5) lots and you only have one (1) house so you have five acres, you can apply it on one acre, but not the other four (4)? So that would be a size application combined with the zoning district?

A. Just sitting here today, I have difficulty understanding how the Township would rationally relate that type of regulation to five (5) acres or one (1) acre. The difficulty is when it gets into specifics which the Board has asked not to go in that direction because size of a lot or parcel doesn't mean that the number of trees is the same as opposed to another one. There are ways to get to this issue, perhaps, but it may mean rewriting the ordinance and making it much more involved. For example, if you have a lot that's a certain size and it has a house or some type of building on it, it didn't fall under land clearing. The idea was to make regulations now that will limit taking trees off of that lot. The difficulty is how do you say it depends on who owns it or it depends on what you want to do with it. If it's O.K. to take down trees when there's one house there and it's three (3) acres, and it's not O.K. to do it now that a developer owns it, that's the difficulty.

- Q. I'm not saying who owns it, I'm saying the size. It's O.K. to take down trees on one (1) acre of it, but not the rest of it. You get a one (1) acre or smaller "pass", but if you have more than an acre, then you're restricted.
- A. In a way, which is what the one hundred (100) feet around the house was supposed to be.
- Q. But if doesn't actually do that; that is the problem with it, that it doesn't actually.....I can think of four (4) people that I just know that it is going to partially apply to some of their yard, but not all of it. It seems confusing to me.

[Trustee Veenstra entered the room at 8:01 P.M.]

**The consensus of the Board was to have the Township Board meet with the Environmental Commission and the Township's environmental consultant at a future date. Supervisor McGillicuddy indicated that the current draft would no longer be under consideration.**

C. Murals as Public Art

Director Kieselbach summarized the issue as outlined in staff memorandum dated March 1, 2007. Board members and staff discussed the following:

- Public art as an amenity in the mixed use ordinance
- Definition of art is problematic
- Six criteria for definition of a mural
- Two buildings in the Township which have murals painted on them
- Problems for communities which choose not to regulate murals
- No need for a regulatory "fix" for murals
- Possible application process and permit to determine appropriateness
- Nature and placement of murals
- Designations of allowed zoning district

**The consensus of the Board was to direct staff to provide appropriate language for addition to the Township's ordinance at a future date.**

D. C-1 and C-2 Zoning Amendments (Size of Use)

Director Kieselbach summarized the size limitations in the C-1 zoning district in comparison to the C-2 zoning district as outlined in staff memorandum dated March 2, 2007.

Board members discussed the following:

- Option for a business to expand its use as long as the building size does not expand
- Staff to review doubling of C-1 size across the board to see how many businesses would come into compliance
- Doubling of the C-1 size across the board would result in a loss of uniqueness in the downtown Haslett area
- Requirement of a special use permit to expand C-1 uses beyond the current allowed size by right
- Support for option of rezoning single family residential properties used for residential purposes to a residential zoning classification
- Concern that an across the board change in size will result in everyone automatically increasing to the largest size when redevelopment occurs
- Developers will respond to the market regarding expansion
- Cost of square footage for an existing business
- Request for Planning Commission recommendation regarding areas where properties are zoned differently than their respective uses
- Businesses in the C-1 district are in unbuffered areas surrounded by residential; hence the current size limitations

[Trustee Veenstra left the room at 8:45 P.M.]

- Controls presently in place provide for some buffering
- Possible approval for expansion of business through staff review
- Caution with the burden placed on the business owner who wants to expand
- Biggest issue is with current vacant space vs. existing businesses which desire to expand
- Board goal of promoting a thriving business community
- Possible waiver for existing buildings
- Staff recommendations based on who comes to the Planning Department and what sizes/range of sizes are being requested

[Trustee Veenstra entered the room at 8:50 P.M.]

**The consensus of the Board was to continue discussion of this issue at the March 20, 2007 Board meeting.**

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Carl Harmon, 1924 Birchwood, Okemos, believed education and the Land Clearing Ordinance are the best places to address tree protection, spoke in support of community standards for murals as public art and requested the Board look at the parking issue when discussing the size of use in C-1 and C-2 zoning districts.

Will Tyler White, 2142 ½ Hamilton Road, Okemos, spoke in opposition of the Tree Protection Ordinance, in support of murals as public art and in support of removal of size limitations in C-1 and C-2 zoning districts.

Township Manager Richards reminded citizens that the Meridian Area Business Association (MABA) Expo will be held at Haslett High School on Saturday, March 10, 2007 from 10:00 A.M. until 3:00 P.M.

Supervisor McGillicuddy closed Public Remarks.

13. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 9:13 P.M.

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SUSAN MCGILLICUDDY  
TOWNSHIP SUPERVISOR

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MARY M. G. HELMBRECHT, CMC  
TOWNSHIP CLERK

Sandra K. Otto, Secretary