

CHARTER TOWNSHIP OF MERIDIAN  
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -  
5151 Marsh Road, Okemos, MI 48864-1198  
853-4000, Town Hall Room  
TUESDAY, DECEMBER 20, 2005, **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Hunting, Trustees Brixie, Such, Veenstra (6:03 P.M.), Woiwode  
ABSENT: None  
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief Dave Hall, EMS/Fire Chief Fred Cowper, Attorney Andria Ditschman

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:01 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.

Deb Nolan, Ingham County Commissioner, PO Box 319, Mason, expressed appreciation to the Board, Supervisor McGillicuddy and Township Manager Richards for helping to host the public forums on the Okemos Road Median Project during October, 2005.

John Quiring, 1212 White Oaks Drive, Okemos, submitted a petition with over 60 signatures requesting the Township install a concrete or bituminous pathway which would connect the existing pathway system along Dobie Road with the trail system located within Legg Park and Harris Nature Center. This would allow the Okemos Cross Country team a safe place to run.

[Petition in Official Minute Book]

Ghulam Sumbal, 2143 White Owl Way, Okemos, spoke in opposition to the inclusion of his single family residential lot within the boundary of the Downtown Development Authority.

Will Tyler White, 2142-1/2 Hamilton Road, Okemos, thanked the Board for the public forums regarding the Okemos Road Median Project. He also spoke in support of the Downtown Development Authority (DDA), with the boundaries no smaller than published. Mr. White provided a list of potential DDA Board members.

Vance Kincaid, 4530 Nakoma Drive, Okemos, expressed a desire to learn more of the history on the property proposed for development as Mixed Use Planned Unit Development #05054 (DTN Investment Co./Hamptons of Meridian) before Board action on this parcel.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Treasurer Hunting reminded citizens who wish to take advantage of tax payments prior to year end that Township offices will be closed December 23, 26 and December 30, 2005. He noted there is a curb side drop box outside of the Municipal Building available for taxpayers when Township offices are closed. Treasurer Hunting stated that winter tax payments by December 31, 2005 are not a requirement of the Township, but a requirement of the IRS for those who wish to declare payments on their 2005 taxes.

Supervisor McGillicuddy expressed appreciation to Planning Commissioners Al Wolfe and Eldon Clark, Zoning Board of Appeals Alternate #2 Mary Doering, and Environmental Commissioners Ted Black and Economic Development Corporation member Barry Tons.

6. APPROVAL OF AGENDA — OR CHANGES

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

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

**Trustee Veenstra offered the following friendly amendment:**

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

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

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

NAYS: None

Motion carried unanimously.

The adopted Consent Agenda items are as follow:

A. Communications

(1). Board Deliberation (BD)

- 7F Doug and Pamela Winkler, 5892 Shaw Street, Haslett; RE: Request for appeal of Special Use Permit #05-85021 (Winkler)
- 7G Doug and Pamela Winkler, 5892 Shaw Street, Haslett; RE: Request for appeal of Wetland Use Permit #05-07 (Winkler)
- 10B-1 Eleanor Luecke, President, LINC, PO Box 40, Okemos; RE: Mixed Use Planned Unit Development #05054 and Special Use Permit #05061
- 10B-2 Joycelyn B and Robert J. Deans, 2177 and 2191 Clinton Street, Okemos; RE: Inclusion of their side yard within the DDA boundary

(2). Board Information (BI)

- BI-1 Steve York, 2320 Kewanee Way, Okemos; RE: "The Destruction of Okemos"
- BI-2 Eldon L. Clark, 2415 Sapphire Lane, East Lansing; RE: Request to be considered to serve a second term on the Planning Commission
- BI-3 Sara Ballard, 2151 Woodleaf Court, Okemos; RE: Request for proclamation from the Board for Jaycee week January 15-21, 2006 and inauguration of Meridian Junior Chamber International

(3). Regional Linkage (RL)

- RL-1 Bill Rieske, Interim Planning Manager, Lansing Department of Planning and Neighborhood Development, 316 N. Capitol Avenue, Suite D-1, Lansing; RE: Notice of Intent to Amend the City of Lansing's North East Area Comprehensive Plan

(4). Staff Communication/Referral (SC)

- SC-1 Michigan Townships Association Legislative E-Report December 2, 2005 Edition
- SC-2 Michigan Townships Association Legislative E-Report December 9, 2005 Edition
- SC-3 Memorandum from Human Services Specialist Mourey to Supervisor McGillicuddy; RE: Community Resources Commission (CRC) Resignation

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- SC-4 Memorandum from Human Services Specialist Mourey to Supervisor McGillicuddy; RE: Community Resources Commission (CRC) Resignation
- SC-5 Letter from Jerry Richards to Drain Commissioner Patrick Lindemann; RE: Status of all proposed drainage projects in Meridian Township
- SC-6 Letter from Mark Kieselbach, Director of Community Planning and Development to the Board; RE: Emerald Lakes Condominium Floodplain
- SC-7 Memorandum from Luann Maisner, Director of Parks and Recreation; RE: Information on the Forest Stewardship Grant Award

**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 Such.**

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

B. Minutes

**Trustee Brixie moved to approve and ratify the minutes of the December 6, 2005 Regular Meeting as amended. Seconded by Trustee Such.**

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

C. Bills

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

Common Cash	\$ 496,809.74
Public Works	\$ 572,631.86
Total Checks	\$1,069,441.60
Credit Card Transactions	\$ 12,787.28
Total Purchases	<u>\$1,082,228.88</u>
ACH Payments	<u>\$ 407,361.57</u>

**Seconded by Trustee Such.**

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

[Bill list in Official Minute Book]

E. Wood Valley #3 Amended Street Light Special Assessment District, Resolution #1

**Trustee Brixie moved to approve Wood Valley #3 Amended Streetlighting District, Resolution #1, tentatively declaring its intention to install and maintain one (1) additional streetlight and defray the cost of operation and maintenance by special assessment against the 32 parcels and setting a public hearing for January 17, 2006. Seconded by Trustee Such.**

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

- F. Appeal of Special Use Permit #05-85021 (Winkler), Set Public Hearing Date (January 17, 2006)  
**Trustee Brixie moved to schedule a hearing on the appeal of the Planning Commission's decision on Special Use Permit #05-85021 for the regular Township Board meeting on January 17, 2006. The hearing will address the appeal filed by Doug and Pamela Winkler. Seconded by Trustee Such.**

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

- G. Appeal of Wetland Use Permit #05-07 (Winkler), Set Public Hearing Date (January 17, 2006)  
**Trustee Brixie moved to schedule a hearing on the appeal of the Planning Commission's decision on Wetland Use Permit #05-07 for the regular Township Board meeting on January 17, 2006. The hearing will address the appeal filed by Doug and Pamela Winkler. Seconded by Trustee Such.**

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

8. QUESTIONS FOR THE ATTORNEY (See Agenda Item # 11A, #11E)

9. HEARINGS

- A. Mixed Use Planned Unit Development #05054 (DTN Investment Co./Hamptons of Meridian), request to develop approximately 17,700 sq. ft. of office and commercial and 24 apartments on the southeast corner of Mt. Hope and Hagadorn Roads

Supervisor McGillicuddy opened the public hearing at 6:26 P.M.

Director Kieselbach summarized the proposed mixed use planned unit development as outlined in staff memorandum dated December 15, 2005.

APPLICANT

Allen Russell, DTN Management, 1690 Mack Avenue, Haslett, discussed history of this MUPUD proposal. He noted that two (2) additional conditions were added at the Planning Commission level and expressed concern over the 175 foot setback from the railroad right of way. Mr. Russell provided Board members with an Engineering Report and Opinion on Setback Requirements from Harvey A. Crouch.

PUBLIC

Joel Lowery, 2872 Mt. Hope, Okemos, expressed concern over additional traffic generated by this development and the impact upon residents living in the area.

John Anderson, 215 W. Newman, Okemos, spoke in opposition to this project as he alleged: 1) it would increase density and urban sprawl; 2) property is a wetland; 3) the wetland delineation was fraudulent; and 4) property was promised to this Township as open space when Berry Tree Apartments were built. He expressed concern with the applicant's desire to withdraw the 175 foot setback and views this issue as a public safety concern.

Vance Kincaid, 4530 Nakoma Drive, Okemos, alleged the Mt. Hope and Hagadorn intersection is one of the busiest intersections in Ingham County. He stated the Board should not waiver from the Township's 175 foot setback and believed the applicant should be held to the same standard as the site plan which was approved thirty (30) years ago. Mr. Kincaid stated a special use permit is not an entitlement, nor a right.

Supervisor McGillicuddy closed the public hearing at 6:54 P.M.

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

John Anderson, 315 W. Newman, Okemos, spoke regarding the Township budget. He expressed concern over the cost of the Towar Gardens drainage projects over the next twenty (20) years.

Supervisor McGillicuddy closed public comment.

A. 4<sup>th</sup> Quarter Budget Amendments

**Trustee Brixie moved that the Township Board approve the 2005 amended budget as reflected on page 2 of the memorandum to the Township Board from the Finance Director, dated December 20, 2005, and the reallocation of funds for the Cable Fund. Seconded by Trustee Such.**

Manager Richards responded to earlier public comment by stating the Township has a projected \$3.3 million of fund balance available at the end of 2005, after all bills are paid. This equates to 2.5 months of reserve and the Township looks for revenues where available. The Township monitors costs carefully and conservatively budgets expenditures. Revenue sharing from the state this year remains the same as it has for the last two (2) years. Manager Richards indicated planning projects are looked at on an individual basis and are not viewed as a source of revenue.

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

B. Downtown Development Authority (DDA) Ordinance, Final Adoption

**Trustee Brixie moved [and read into the record] NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, that the Township Board hereby finally adopts, Ordinance No. 2005-12, entitled "Ordinance to Establish the Charter Township of Meridian Downtown Development Authority and Designate the Boundaries of the Downtown District Pursuant to Act No. 197, Public Act of Michigan, 1975, as Amended" and directs the Clerk of the Charter Township of Meridian 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 Such.**

Board members discussed the following:

- Good for the old Okemos Village area
- Inclusion of the residential property in the southern boundary primarily to provide uniform streetscape treatment down to Mt. Hope Road
- Two mill taxation clause left out of the language makes inclusion of residential property less significant
- Concerned residents should apply to serve on the DDA Board of Directors
- DDA will allow application for grant monies to improve the downtown Okemos area
- DDA will improve the value of included properties
- DDA Board members will be residents who live within the DDA

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

C. Purchase of Land Preservation Parcel

Supervisor McGillicuddy requested she be recused as she lives adjacent to the subject property.

**Trustee Woiwode moved to recuse Supervisor McGillicuddy. Seconded by Trustee Such.**

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

Supervisor McGillicuddy handed the gavel to Clerk Helmbrecht and left the meeting.

**Trustee Such moved [and read into the record] NOW THEREFORE BE IT RESOLVED that the Township Board of the Charter Township of Meridian, Ingham County, Michigan, does hereby approve the expenditure of \$1,650,000 plus closing costs, taxes due and possible miscellaneous expenses, from the Land Preservation Acquisition Fund;**

**NOW THEREFORE BE IT FURTHER RESOLVED that the Township Board of the Charter Township of Meridian, Ingham County, Michigan, does hereby approve and forward to the Planning Commission for Section 9 Review at its first possible meeting opportunity for approval as to its location, character and extent this date, December 20, 2005; and**

**BE IT FURTHER RESOLVED that the Township Board authorizes the Township Supervisor, Township Clerk and Township Manager to ratify an agreement entered into with Larry and Sylvia Davis and to take all further actions deemed necessary to close such transaction for acceptance of this parcel as defined by the attached legal description.**

**Seconded by Trustee Woiwode.**

Board members discussed the following:

- Fulfills the intent of the Land Preservation Act
- Remarkable commitment to the community for preservation of the Township's heritage in perpetuity
- Part of the property east of Van Atta is farm fields and will need a plan to manage the fields to become natural
- Property has never been owned by anyone outside of the Davis' family
- Each property purchased through Land Preservation has an environmental stewardship plan written to provide information for stewardship and management of those lands
- Attainment of ecological diversity through Land Preservation program
- Provisions within the Land Preservation ordinance which allows for payment of maintenance for the parcels
- Appreciation to Clerk Helmbrecht and the Land Preservation Board for their work
- Appreciation to taxpayers for their vote on the Land Preservation millage and for recognizing the need to preserve natural areas within the Township.

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

Supervisor McGillicuddy returned to the Board meeting.

D. Wetland Fee Schedule Amendment

**Trustee Woiwode moved [and read into the record] NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby adopts the attached wetland fee schedule effective January 1, 2006. Seconded by Trustee Such.**

**Trustee Brixie offered the following friendly amendment:**

- Change “by” to “that” after **RESOLVED** in the **NOW THEREFORE** clause

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

Board members discussed the following:

- Foresight of the Township to have its own wetland ordinance in place several years ago
- Objection to administrative fee charged if there are no wetlands on the property
- Fee should be based on the size of the project, not on total acres contained in the parcel
- Not the Township’s responsibility to bear the cost of wetland verification
- Fact that the wetland map of the Township is not complete and detailed is similar to the situation at the state level
- Uniqueness of returned unused fees
- Charge for work the staff and consultants actually perform
- Government wetland maps are general and protection of wetlands requires verification
- Generality of government wetland maps does not constitute an error on the part of government
- Same fees charged for the last fifteen (15) years

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

[Fee Schedule in Official Minute Book]

**E. Appointments to Boards and Commissions**

**Clerk Helmbrecht moved that the Township Board approve the attached list of appointees to various Boards/Commissions dated December 20, 2005. Seconded by Trustee Such.**

Board members discussed the following:

- Appreciation to the Supervisor for her time and effort spent on finding volunteers who are willing to be involved in local government
- Supervisor as the sole person responsible for nomination of Planning Commission members

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

**11. DISCUSSION ITEMS/ENDS**

Supervisor McGillicuddy opened public comment.

John Anderson, 315 W. Newman, spoke in opposition to Mixed Use Planned Unit Development #05054 (DTN Investment Co./Hamptons of Meridian).

Supervisor McGillicuddy closed public comment.

- A. Mixed Use Planned Unit Development #05054 (DTN Investment Co./Hamptons of Meridian), request to develop approximately 17,700 sq. ft. of office and commercial and 24 apartments on the southeast corner of Mt. Hope and Hagadorn Roads.

Board members and staff discussed the following:

- Original SUP which was approved for Berry Tree Apartments allowed for two additional buildings on the site
- Former owner of the site proposed rezoning to NS and the Board at that time approved PO
- Board kept the eastern 20 feet as RC during the lot split in 1988
- Subject site sold in 1990

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- Twenty feet (20) "open space" language as a result of separation during lot split to accompany future use
- Township wetland consultant reviewed submitted packet material prior to his recommendation
- Last major derailment in the Township occurred in 1988
- Change to 175 feet setback intended to protect residents from high speed CN Grand Trunk Railroad
- Most trains (passenger trains excluded) haul hazardous material railroad cars
- 112 foot setback adjacent to the CSX railroad tracks appropriate for this site
- Meridian Township Fire and Police personnel have received HAZMAT rescue training
- Building A is 65 feet from the right-of-way line
- Request for staff to provide pervious/impervious surface ratio of Berry Tree Apartments
- Staff to provide pervious/impervious calculation without the eastern strip
- No setback from railroad tracks required for non-residential districts
- Possibility of multi story office development on the end unit would generate concern by the developer over subsequent parking requirements
- Distance from the Berry Tree Apartments to the railroad to be provided by staff at the next meeting where this MUPUD is discussed
- Railroad cars traveled 145 feet during train derailment in 1988 in Haslett
- Township's railroad setback requirement went into effect in 1990 as a result of the derailment in Haslett
- Staff to provide copies of the 1990 amended setback language for the next Board meeting where this MUPUD is discussed
- Board should decide setbacks based on individual MUPUD projects
- Request for staff to provide information on historical, current and potential future use of the CSX Railroad tracks as it relates to speed on this track
- Cautious approach to altering setbacks placed for public safety reasons
- Proposed exit next to the railroad track would be blocked in the event of a derailment
- Maximum length of a building is 200 feet in any direction for multiple family districts
- Maximum length limitation set for fire safety reasons
- Appropriate use for this site as it is in close proximity for students to bicycle or ride the bus to Michigan State University
- Adherence to the 175 foot setback would place the project in the center of the proposed south building and would run parallel to the railroad tracks
- Staff to provide accounting on the number of variances granted regarding the 175 foot setback
- Series of variances given for subdivision lots along the railroad tracks in Riverwood, Woods of Herron Creek after the adoption of the 175 foot setback
- Previous setback exemption was for a property which had one entrance/exit
- Emergency vehicle access to the building is directly off a street
- Staff to provide scale of other buildings approved on the site as it relates to setbacks from the railroad tracks
- Possibility of amending ordinance to reflect setback distance from the edge of the railroad tracks as opposed to the right of way line

Waiver of railroad setback for mixed use planned unit development: (Questions for the Attorney (See Agenda Item #8))

We have the railroad setback ordinance. Is it because we are looking at the special use permit for the MUPUD that all setback ordinances are waived so we are not actually required to follow that?

A. My understanding, and I don't have it in front of me tonight, is that because you are looking at that specific type of development, you have the ability to waive (and it is written right in the ordinance) all setbacks.

Q. So if this was a special use permit for an apartment building, we would still have to abide by our setbacks. Because it is mixed use, part of our mixed use is that there are no setbacks required. Correct?

A. I believe so, that's correct.

Granting of a variance: (Questions for the Attorney (See Agenda Item #8))

- Q. Knowing there may or may not have been variances given in the past, does granting a variance to this subject us to future challenges to uphold the 175 foot setback requirement?
- A. No. The exception for setbacks is based upon the concept that you are looking at the plan as a whole and you are going to make decisions that some setback may not be necessary because you are doing something else in some other area on the plan; more open space, more greenspace, some change in another requirement. I don't think it sets up a precedent for you to have to waive the 175 feet in the future.

**The consensus of the Board was for staff to provide the requested information prior to the January 17<sup>th</sup> Board meeting and to place this item on for action at the January 17, 2006 meeting.**

- B. SUP #05061 (DTN Investment Co.), request to develop two buildings totaling more than 25,000 sq. ft. in size approximately 48,000 sq. ft. on the 2.4 acre PO (Professional and Office) zoned portion of a 3.13 acre site located at the southeast corner of Mt. Hope and Hagadorn Roads in Section 29.

Director Kieselbach summarized the SUP request as outlined in staff memorandum dated December 15, 2005.

Board members discussed the following:

- Perfect example of a MUPUD project
- Size of buildings are of a good design
- Formula for calculating parking spaces established by the ZBA several years ago
- Twenty (20) percent of a building is determined as unusable space and should not be included in the formula when determining parking standards
- Based on the standard ordinance, the applicant has proposed less parking spaces than required
- Two small non-regulated wetlands on this property (.19 acre and .237 acre)
- Appropriate area to grant a special use permit as it is an anti-sprawl development
- In-fill project
- Attractive project and a good use of the property

**The consensus of the Board was to place this item on for action at the January 17, 2006 Board meeting.**

- C. Mobile Home Park Regulations and Zoning

Director Kieselbach summarized the mobile home regulations and zoning ordinances as outlined in staff memorandum dated December 16, 2005.

Board members and staff discussed the following:

- Merit to reviewing the Township's code as mobile home park regulations appear in different parts of the code
- Review by the Planning Commission for possible rezoning of two (2) existing mobile home parks
- Both mobile home parks have valid licenses through 2006
- Setback requirements would be enforced as established when each trailer park was approved
- Possible adoption of the Mobile Home Commission Act by reference
- Belief that the Mobile Home Commission will not approve language beyond the scope of the state act

**The consensus of the Board was to forward this item on to the Planning Commission for review of the Winslow Mobile Home Park and possible rezoning.**

- D. Fee Schedule for Mixed Use Applications

Director Kieselbach summarized proposed changes in the Planning Division's Fee Schedule as outlined in staff memorandum dated December 15, 2005.

**The consensus of the Board was to place this item on for action at the January 17, 2006 Board meeting.**

E. Lighting Ordinance Revision

Township Attorney Ditschman summarized the draft outdoor lighting ordinance as outlined in packet item #11E.

Board members and the attorney discussed the following:

- Difficulty in regulating residential porch lights
- Possible different standards for Land Preservation and park property
- Possible consideration on the limitation of the sale of non conforming fixtures within the Township
- No compliance deadline in current draft; lights are grandfathered in
- Need for compliance deadline
- Extension of decorative holiday lighting to include Chinese New Year on January 28<sup>th</sup>
- Inclusion of "family" after "multiple" in Standards for Residential Zones (b) on page 8
- Change terminology for (d) "borosilicate prismatic glass" on Page 10, Signs and Billboards for purposes of explanation
- Language contained in section (e) on Page 11 does not allow the Board any flexibility regarding future installation of streetlighting within subdivisions
- Waiver process provided within the ordinance
- Provide examples of lumen measurements from well known places for comparative purposes
- Consistency in language throughout the document
- Daily fines for illegal fixtures would be subject to actual use of the light
- Recessed lighting around the perimeter of the light would eliminate glare
- Need to address flood lights within residential lighting

Mercury-vapor/quartz lights: (Questions for the Attorney (See Agenda Item #8))

Q. Are the mercury-vapor/quartz lights the ones they put in the expensive new cars that blind you when come at you as you are traveling down the road?

A. My understanding of mercury-vapor/quartz lights are lights that were used in the past that are generally not put into new lighting. Most of these are old lights which should be replaced as soon as possible.

Q. Is it an environmental issue with them, then?

A. Not from what I have read. Basically, they are not up to date, don't provide the shielding you need and stay one forever and slowly burn out. They are not a recommended type of lighting to include in our ordinance. I can obtain more information on them as far as exactly what all the negatives are and why you might not want them in there.

Possible appeal to the ZBA: (Questions for the Attorney (See Agenda Item #8))

Q. Are the things in here appealable to the ZBA?

A. No, they are not.

Clarification of general provisions: (Questions for the Attorney (See Agenda Item #8))

Q. From the general provisions, are you suggesting that we wouldn't prohibit an overwhelming glare from a porch light?

A. What I am suggesting is that maybe they are not fully shielded, but again, that they wouldn't directly shine into the neighbor's vision or yard. It may be difficult, and I have not gone out and checked at the store, but it may be difficult for residential owners to buy closed shielded porchlights.

Q. So if someone has, basically, a globe or something like that, as long as it is not super bright and shining into their neighbor's windows, then that would be viewed as OK?

A. Yes.

Security lighting: (Questions for the Attorney (See Agenda Item #8))

Q. Is there some sort of exemption in here for security lighting around the house? Does that provide a loophole?

A. I think there is a loophole, because security lighting can be a huge floodlight on the back of your house that lights the entire yard and floods your neighbor's yard. [Tape inaudible]

**The consensus of the Board was to place this item on for further discussion at the January 17, 2006 Board meeting.**

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Vance Kincaid, 4530 Nakoma Drive, expressed his feeling that although MUPUD #05054 is a nice project, it is not appropriate in the proposed location. He believed the Planning Commission erred in its recommendation of the special use permit which conflicts with its requirement for the 175 foot setback.

Supervisor McGillicuddy closed Public Remarks.

13. POSSIBLE CLOSED SESSION

**Trustee Such moved that the Township Board go into a closed session to discuss the purchase of real property and ongoing litigation. Seconded by Trustee Woiwode.**

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

NAYS: None

Motion carried unanimously.

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

**Trustee Such moved to return to open session. Seconded by Trustee Brixie.**

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

NAYS: None

Motion carried unanimously.

**Trustee Such moved to go forward as discussed in closed session. Seconded by Treasurer Hunting.**

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

NAYS: None

Motion carried unanimously.

**Trustee Such moved to adopt the resolution to accept donation from "8.8 Acre LLC". Seconded by Treasurer Hunting.**

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

NAYS: None

Motion carried unanimously.

[Resolution in Official Minute Book]

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:05 P.M.

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SUSAN MCGILlicUDDY  
TOWNSHIP SUPERVISOR

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MARY M. G. HELMBRECHT  
TOWNSHIP CLERK

Sandra K. Otto, Secretary