

**CHARTER TOWNSHIP OF DELTA**  
Public Meeting Room A  
Delta Township Administration Building  
7710 West Saginaw Highway  
Lansing MI 48917

**TOWNSHIP BOARD REGULAR MEETING MINUTES FOR  
MONDAY, MARCH 1, 2010**

**I. CALL TO ORDER**

Supervisor Fletcher called the meeting to order at 6:00 p.m.

**II. OPENING CEREMONIES – Pledge of Allegiance**

**III. ROLL CALL**

Members Present: Supervisor Ken Fletcher, Clerk Janice Vedder, Treasurer Howard Pizzo, and Trustees Jan Cunningham, Jeff Hicks, Barb Poma, and Cara Spagnuolo

Members Absent:

Others Present: Planning Director Mark Graham, Lt. Jeff Campbell, Assessing Director Brian Thelen, Building Official Jerry Harkness, Code Enforcement Officer Kelly Figueiredo, Fire Chief Vic Hilbert, and Manager's Assistant Jenny Wohlfert.

**IV. PRESENTATIONS AND PROCLAMATIONS**

**1. Leo Frazee Retirement**

- a. Full-time Firefighter and 20 year employee

Supervisor Fletcher read a proclamation on behalf of the Delta Township Board thanking Leo Frazee for his 20 years of outstanding service to the residents of Delta Township and wished him well in his retirement.

**2. Nabil Kanezeh and Family Recognition & Proclamation**

- a. Khalil Joseph Adsit Kanazeh Day

Supervisor Fletcher read a proclamation thanking Deputy Kanezeh for his service to the Township and Eaton County Sheriff Department. Supervisor Fletcher congratulated Deputy Kanezeh and his wife on the birth of Khalil and proclaimed December 19, 2009 as Khalil Joseph Adsit Kanazeh Day.

**V. SET/ADJUST AGENDA**

TRUSTEE CUNNINGHAM MOVED THAT THE AGENDA BE APPROVED AS PRESENTED.

TRUSTEE POMA SUPPORTED THE MOTION. MOTION PASSED 7 TO 0.

**VI. PUBLIC HEARINGS - None**

**VII. COMMUNICATIONS**

**VIII. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

Kyle O'Connell identified himself as a masonry contractor who employed a significant number of union workers. Mr. O'Connell said he supported the Prevailing Wage ordinance that was being considered by the Township Board because it leveled the playing field. He said the proposed ordinance would help families and encourage jobs which are needed.

**IX. INTRODUCTION OF ORDINANCES**

**3. Introduction of Amendments to the Delta Township Zoning Ordinance, Case No. 1-10-2** – The Planning Department recommends the Township Board introduce amendments to the Delta Township Zoning Ordinance as they pertain to prohibiting the parking of vehicles with three or more axles, vehicles with a gross vehicle weight rating exceeding 10,000 lbs., vehicles that exceed a height of 12 feet or a length of 35 feet and a list of other selected vehicles from parking on a residentially zoned property.

Trustee Poma inquired as to whether the weight ratings had previously been discussed.

Mr. Graham confirmed that the Board had previously discussed whether to set the gross vehicle weight rating at 10,000 lbs. or 15,000 lbs. He said that when the Township Board sponsored the amendments, they had chosen the 10,000 lb. limit.

Trustee Cunningham indicated that the amendments were merely being introduced at this time and that further discussion regarding the weight limits could take place when the amendments appeared before the Board for final action.

TRUSTEE CUNNINGHAM MOVED THAT THE DELTA TOWNSHIP BOARD INTRODUCE AMENDMENTS TO THE DELTA TOWNSHIP ZONING ORDINANCE IDENTIFIED AS CASE NO. 1-10-2. THE PROPOSED AMENDMENTS WOULD PROHIBIT THE PARKING OF VEHICLES WITH

THREE OR MORE AXLES, VEHICLES WITH A GROSS VEHICLE WEIGHT RATING EXCEEDING 10,000 LBS., VEHICLES THAT EXCEED A HEIGHT OF 12 FT. OR A LENGTH OF 35 FT. AND A LIST OF OTHER SELECTED VEHICLES FROM PARKING ON A RESIDENTIALLY ZONED PROPERTY. THE TOWNSHIP CLERK IS HEREBY DIRECTED TO ADVERTISE THIS INTRODUCTION IN LOCAL NEWSPAPERS. FINAL ACTION ON THE PROPOSED AMENDMENTS IS SCHEDULED FOR MARCH 15, 2010 BY THE TOWNSHIP BOARD.

TRUSTEE HICKS SUPPORTED THE MOTION. MOTION PASSED 7-0.

4. **Introduction of Amendments to the Delta Township Zoning Ordinance, Case No. 1-10-1** – The Planning Department recommends the Township Board introduce amendments to the Delta Township Zoning Ordinance as they pertain to the regulation of the placement of Portable Storage Units and Dumpsters on residentially zoned properties.

TREASURER PIZZO MOVED THAT THE DELTA TOWNSHIP BOARD INTRODUCE AMENDMENTS TO THE DELTA TOWNSHIP ZONING ORDINANCE IDENTIFIED AS CASE NO. 1-10-1. THE PROPOSED AMENDMENTS WOULD REGULATE THE PLACEMENT OF PORTABLE STORAGE UNITS AND DUMPSTERS ON RESIDENTIALLY ZONED PROPERTIES. THE TOWNSHIP CLERK IS HEREBY DIRECTED TO ADVERTISE THIS INTRODUCTION IN LOCAL NEWSPAPERS. FINAL ACTION ON THE PROPOSED AMENDMENTS IS SCHEDULED FOR MARCH 15, 2010 BY THE TOWNSHIP BOARD.

TRUSTEE SPAGNUOLO SUPPORTED THE MOTION. MOTION PASSED 7-0.

5. **Introduction of Amendments to the Delta Township Code of Ordinances, Parking** – The Planning Department recommends the Township Board introduce amendments which would delete the existing text in Section 17-49 of the Delta Township Code of Ordinances.

TRUSTEE SPAGNUOLO MOVED THAT THE DELTA TOWNSHIP BOARD INTRODUCE AMENDMENTS WHICH WOULD DELETE THE EXISTING TEXT IN SECTION 17-49 OF THE DELTA TOWNSHIP CODE OF ORDINANCES. THE PROPOSED TEXT IN SECTION 17-49 WOULD PROHIBIT THE PARKING OF VEHICLES ON PUBLIC STREETS WHICH HAVE THREE OR MORE AXLES, A GROSS VEHICLE WEIGHT RATING EXCEEDING 10,000 LBS., OR EXCEED A HEIGHT OF 12 FT. OR A LENGTH OF 35 FT. THE TOWNSHIP CLERK IS HEREBY DIRECTED TO ADVERTISE THIS INTRODUCTION IN LOCAL NEWSPAPERS. FINAL ACTION ON THE PROPOSED AMENDMENTS IS SCHEDULED FOR MARCH 15, 2010 BY THE TOWNSHIP BOARD.

CLERK VEDDER SUPPORTED THE MOTION. MOTION PASSED 7-0.

**X. PASSAGE OF ORDINANCES - None**

**XI. CONSENT AGENDA**

TRUSTEE POMA MOVED THAT THE CONSENT AGENDA BE APPROVED AS SUBMITTED.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION.

ROLL CALL:

AYES: TRUSTEE HICKS, TRUSTEE POMA, CLERK VEDDER,  
TRUSTEE CUNNINGHAM, TREASURER PIZZO, TRUSTEE  
SPAGNUOLO, AND SUPERVISOR FLETCHER

NAYS: NONE

ABSENT: NONE

MOTION PASSED 7 TO 0.

**6. Minutes** – February 1, 2010 Regular Board Meeting, February 8, 2010 Committee of the Whole Meeting, and the February 15, 2010 Regular Board Meeting.

TRUSTEE POMA MOVED THAT THE FEBRUARY 1, 2010 REGULAR BOARD MEETING, FEBRUARY 8, 2010 COMMITTEE OF THE WHOLE MEETING, AND THE FEBRUARY 15, 2010 REGULAR BOARD MEETING MINUTES BE APPROVED AS SUBMITTED.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 7-0.

**7. Bills and Financial Transactions**

TRUSTEE POMA MOVED THAT THE BILLS & FINANCIAL TRANSACTIONS IN THE AMOUNT OF \$1,583,638.31 BE APPROVED.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 7-0.

**XII. ITEMS REMOVED FROM CONSENT AGENDA FOR DISCUSSION - None**

**XIII. ITEMS ADDED TO AGENDA UNDER SECTION V. SET/ADJUST AGENDA**

- 8.
- 9.

**XIV. ITEMS OF BUSINESS**

- 10. **Set Public Hearing to Consider a Request to Transfer a 2009 Resort Class C Liquor License** – The Manager’s Office recommends the Township Board set a public hearing for March 15, 2010 to consider a request from Outback Steakhouse of Florida, LLC to transfer a 2009 Resort Class C liquor license from Outback/Detroit-I, Limited Partnership to Outback Steakhouse of Florida, LLC.

TRUSTEE HICKS MOVED THAT THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF DELTA SET A PUBLIC HEARING FOR MARCH 15, 2010 TO CONSIDER A RESOLUTION APPROVING THE REQUEST BY OUTBACK STEAKHOUSE OF FLORIDA, LLC TO TRANSFER OWNERSHIP OF A 2009 RESORT CLASS C LICENSED BUSINESS LOCATED AT 707 BROOKSIDE, LANSING, MICHIGAN 48917, DELTA TOWNSHIP IN EATON COUNTY; AND FURTHER, THAT THE TOWNSHIP CLERK SHALL ADVERTISE SAID PUBLIC HEARING.

TRUSTEE SPAGNUOLO SUPPORTED THE MOTION. MOTION PASSED 7-0.

- 11. **Set Public Hearing for Air Lift Company, L.L.C. Request for IFT** – The Manager’s Office recommends the Township Board set a public hearing for March 15, 2010, to consider a request from Air Lift Company, LLC, for an Industrial Facilities Exemption Certificate.

Supervisor Fletcher asked if there was anyone present from Air Lift Company to discuss the IFT request.

There was no one.

Supervisor Fletcher requested that someone from Air Lift Company be present at the March 15<sup>th</sup> hearing.

Trustee Poma said that she would like to have more information available regarding this request.

Trustee Hicks indicated that he would also like to have more details before taking action on this request.

Supervisor Fletcher suggested that the Board set the public hearing date and that the Manager's Office provide additional information prior to the Board taking final action on the IFT request.

CLERK VEDDER MOVED THAT THE TOWNSHIP BOARD SET A PUBLIC HEARING FOR MARCH 15, 2010 TO CONSIDER A REQUEST FROM THE AIR LIFT COMPANY, L.L.C. FOR AN INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE AND THAT THE MANAGER'S OFFICE PROVIDE ADDITIONAL INFORMATION REGARDING THE IFT REQUEST TO THE TOWNSHIP BOARD.

TRUSTEE CUNNINGHAM SUPPORTED THE MOTION. MOTION PASSED 7-0.

- 12. Proposed Amendments Pertaining to Crushing Operations, Case No. 12-09-11** – The Planning Commission recommends the Township Board deny amendments to Sections 2.2.0, 14.3.0, 15.3.0, 16.3.0, 17.3.0, 18.15.0, 18.16.0, 18.17.0, and 18.18.0 of the Delta Township Zoning Ordinance.

Supervisor Fletcher asked Don Cuthbert, representing the applicant, Land One L.L.C., if he wished to make any comments.

Don Cuthbert said that he was an employee of Land One. He indicated that they had drafted the proposed zoning ordinance amendments in an effort to permit them to bring material to their West Saginaw development site in order to reduce costs. He noted that the proposed crushing operation on the West Saginaw property wouldn't be a permanent installation. Mr. Cuthbert said that the Planning Department had recommended approval of the proposed amendments.

TRUSTEE POMA MOVED THAT THE DELTA TOWNSHIP BOARD DENY AMENDMENTS, IDENTIFIED AS CASE NO. 12-09-11, TO SECTIONS 2.2.0, 14.3.0, 15.3.0, 16.3.0, 17.3.0, 18.15.0, 18.16.0, 18.17.0 & 18.18.0 OF THE DELTA TOWNSHIP ZONING ORDINANCE. THE AMENDMENTS, PERTAINING TO CRUSHING OPERATIONS ARE DENIED FOR THE FOLLOWING REASONS:

1. THE AMENDMENTS WOULD PERMIT CRUSHING OPERATIONS IN COMMERCIAL ZONING DISTRICTS WHICH IS CONTRARY TO THE "PURPOSE" SECTION (1.2.0) OF THE DELTA TOWNSHIP ZONING ORDINANCE AS FOLLOWS:
  - a. THE REGULATIONS WOULD NOT PROMOTE THE PUBLIC HEALTH, SAFETY & WELFARE. CRUSHING OPERATIONS ON COMMERCIAL ZONED PROPERTIES COULD IMPOSE

NEGATIVE IMPACTS INCLUDING, BUT NOT LIMITED TO, DUST, NOISE, TRUCK TRAFFIC, AND UNSIGHTLY STOCKPILES, ON ADJACENT RESIDENTIALLY ZONED PROPERTIES.

- b. THE REGULATIONS WOULD NOT ENSURE THAT THE USE OF LAND IS SITUATED IN APPROPRIATE LOCATIONS AND RELATIONSHIPS. CRUSHING OPERATIONS ON COMMERCIAL ZONED PROPERTIES COULD HAVE DELETERIOUS EFFECTS ON ADJACENT RETAILERS INCLUDING, BUT NOT LIMITED TO, DUST, NOISE, TRUCK TRAFFIC AND UNSIGHTLY STOCKPILES.
  - c. THE REGULATIONS WOULD NOT PROMOTE THE ORDERLY DEVELOPMENT OF THE TOWNSHIP. CRUSHING OPERATIONS COULD CONTINUE ON COMMERCIAL ZONED PROPERTIES FOR YEARS AND LARGE AMOUNTS OF USED CONCRETE & ASPHALT COULD BE ACCUMULATED AWAITING CRUSHING WHICH WOULD BE UNSIGHTLY.
2. THE AMENDMENTS ARE CONTRARY TO THE INTENT SECTION OF THE B-1, LOCAL SERVICE COMMERCIAL, ZONING DISTRICT WHICH STATES THAT “THE REGULATIONS FOR THESE COMMERCIAL AREAS ARE DESIGNED TO ENSURE COMPATIBILITY WITH SURROUNDING LAND USES BY LIMITING THEIR INTENSITY AND IMPACT ON ADJOINING STREETS AND PROPERTIES”.
  3. THE AMENDMENTS WOULD CONFLICT WITH THE TEXT OF THE DELTA TOWNSHIP ZONING ORDINANCE. THE AMENDMENTS WOULD PERMIT CRUSHING ON A PROPERTY FOR TWO PERIODS OF THIRTY DAYS EACH WITHIN A ONE YEAR CALENDAR PERIOD. SECTION 18.4.0 D (5) OF THE ZONING ORDINANCE MANDATES THAT ANY USE FOR WHICH A SPECIAL LAND USE PERMIT HAS BEEN GRANTED BE CONTINUOUSLY OPERATED.

CLERK VEDDER SUPPORTED THE MOTION. MOTION PASSED 7-0.

## **XV. COMMITTEE OF THE WHOLE**

### **13. Michigan Mutual Aid Box Alarm System (MABAS) Agreement**

Chief Hilbert provided an overview of the MABAS agreement by noting that the agreement was intended to provide mutual aid for fire protection, suppression, rescue, emergency medical assistance, hazardous materials control, technical support, and support for an emergency, disaster, or other serious threats to

public health and safety. In the event of an emergency, natural disaster or serious threat to public safety, the MABAS agreement would provide effective and efficient response by requesting equipment and or personnel from other communities to the scene of a disaster. He noted that the MABAS agreement was a policy and a tool that the State of Michigan could draw upon if there was an emergency. The plan established a response and assistance to a community in need in accordance with the system established and maintained by MABAS members. Mr. Hilbert noted that the agreement was State wide and that it wasn't unique just to the City of Lansing and those municipalities such as Battle Creek, Kalamazoo, Muskegon, and Grand Rapids would all be asked to become partners so that resources from any one area would not be exhausted.

Trustee Hicks questioned whether the Township's participation in a major fire within the City of Lansing beyond the first eight hours at the scene fell under the mutual aid agreements the Township already had.

Mr. Hilbert felt Mr. Hicks's example would be considered a local emergency or disaster and that the MABAS agreement would be used at a catastrophic level. Mr. Hilbert said he didn't envision Township personnel having to assist other communities very often, but the MABAS system was something the State had put in place to arrange for mutual aid. He noted that this system would provide the resources needed to backfill the Township's stations when personnel got tired or were out of resources.

Treasurer Pizzo said the Township already had mutual aid agreements with other local municipalities.

Mr. Hilbert said that was correct and that this system was outside of the Township's immediate area. He said the system would be a mechanism put in place that would have to go through Homeland Security and that Emergency Management would also have to be activated through the Governor's office in order for the Township to participate. He said the Township's services would be funded beyond the first initial eight hours.

Trustee Cunningham said as Mr. Hilbert had just explained, the only reason the Township would be leaving the geographic area beyond its normal mutual aid response area would be pursuant to some type of catastrophe and that there would be a declaration of whether it was either a State or National emergency. Ms. Cunningham said if the Township sent personnel, the Township would be paying for the first eight hours and then after that, the agreement didn't address it. She said if the Township wouldn't be sending personnel unless it was a State emergency, she questioned why the language was in the agreement.

Mr. Hilbert said the MABAS system was designed as a process of calling up people and that it was not designed to pay bills. However, he said Ms. Cunningham had referenced a clause in the agreement that provided for some reimbursement over a longer period of time. He said if the Township were to contact the City of Detroit and requested additional fire trucks when there were fire trucks available between here and Detroit, who was to say who was going to go and who was not going to go. He reiterated the fact that this was a management system that would be manned by the Emergency Management Division and that an emergency operations center would be making all of the decisions based on a call out for equipment as needed.

Trustee Hicks felt Trustee Cunningham was correct in that the agreement was silent with respect to how the Township would recover their costs after eight hours. He said the agreement stated that absent a State or Federal declaration of emergency or disaster shall be at no charge of the requesting party of the first eight hours. Mr. Hicks said the agreement was silent with respect to anything after the initial eight hours.

Trustee Poma said she understood that the MABAS system was a process the Governor would use to declare an emergency which required mutual aid. Ms. Poma also agreed that having organization and a process in place was crucial to providing better services.

Trustee Hicks said section eight of the agreement only applied in the absence of a Federal or State emergency.

Trustee Cunningham said there was a process in place if there was a State declared emergency.

Mr. Hicks said the Board wasn't concerned about getting reimbursed if the Township had a National or State emergency. He said the agreement only talked about absent a Federal or State declaration of emergency, the first eight hours shall be gratis.

Mr. Hilbert said the agreement also contained a clause that the Township was not mandated to respond if they were tending to their own needs first. He said there would be communities who were stretched to the limit and even if they participated in the MABAS system, they would not be a player. Mr. Hilbert said one of the problems that had existed in the State of Michigan for many years was that there was no process or call out for mutual aid State wide. Mr. Hilbert used the example of the six firefighters who lost their lives in a warehouse fire in western Massachusetts which not only shut down the entire city of 14 or 15 fire stations who had responded to the fire, but the aftermath of that event was horrific and that personnel from three sections of Massachusetts provided mutual aid to those fire stations over a period of 8 to

10 days. Mr. Hilbert said he didn't know whether those stations were reimbursed, but the State of Massachusetts made a commitment and put an orderly system in place. He felt the MABAS agreement was a system that could come to the aid of any community in the State if they were overwhelmed and were beyond their ability to perform. He noted that the Federal level was a different issue and that the Township could be activated if it was part of the MABAS agreement and be reimbursed. Mr. Hilbert said the State of Michigan had never gotten their arms around mutual aid programs and that the State had taken this agreement from the State of Illinois which had become a model for the United States. Mr. Hilbert said he viewed this as a positive thing without draining all of the resources of every community.

Mr. Hicks said he didn't think anyone disagreed with the impetus behind the agreement and that he felt it was clearly well thought out. However, he felt the time to delve into the details was part of the process in determining whether or not the Township wanted to execute the agreement as it exists. He felt Trustee Cunningham raised an extremely valid point and that it was probably one that there was an answer to, but that one where the details had not been hammered out in respect to that.

Supervisor Fletcher requested that Mr. Hilbert return at a later date with more information on this issue.

**14. Proposed Fee for the Filing of a Sidewalk Variance Application**

Supervisor Fletcher said based on information the Board had been provided with on this matter, there was a considerable amount of staff time that went into processing a sidewalk variance application and that the Board was being asked to consider establishing a fee for variance applications.

Mr. Graham said the Township Board recently reviewed a sidewalk variance application for Tim Lea who had requested relief from installing sidewalks in the Crawford Cove subdivision. He noted that when the Township adopted the sidewalk variance amendments in 1993, it was anticipated that variance requests would be rare. Mr. Graham noted that he had estimated that the Township's cost was approximately \$250.00 to process the recent variance request and suggested that the Township attempt to recover that cost and establish an application fee.

Trustee Poma inquired as to whether the establishment of a variance fee would help alleviate some of the gaps that the Township currently had in their sidewalk system where someone had requested a variance from having to install sidewalks during new construction.

Mr. Graham said the gaps in the sidewalk system typically resulted from a property owner refusing to provide the Township with an easement.

Treasurer Pizzo indicated the recommended fee was reasonable and would assist in the Township's efforts to provide a walkable community, as well as insure that builders/developers fulfilled their responsibilities.

It was the consensus of the Board to bring this matter back for adoption at a future Board meeting.

**15. Sign Ordinance Amendment Proposal**

Supervisor Fletcher said when this item was first discussed by the former Administrative Committee; it had been recommended that this item be presented to the full Board for discussion due to the many issues involved with temporary signage.

Mr. Graham said the Township's Building Official, Jerry Harkness, as well as the Township's Code Enforcement Officer, Kelly Figueiredo had been involved in the process of reviewing proposed amendments to the Sign Ordinance in regards to temporary signage. Mr. Graham said the first item he would like to talk about was real estate "open house" signs which had been an issue for the past several years. He noted that these types of signs were typically displayed over the weekend and taken down on Monday. However, he noted that at the present time, the Sign Ordinance didn't contain any provisions specifically related to "open house" signs. Mr. Graham said the Township had provisions regarding real estate signage that was placed in front of a house, but the Township didn't have any regulations pertaining to open house signs.

Mr. Graham said the Sign Ordinance prohibited the placement of all signs within the road right-of-way which included open house signs. He noted that representatives of the real estate industry had indicated that temporary signage was an integral part of their marketing. He made reference to a study that had recently been done in 2008 which indicated that 48% of people still used open house signs in order to find properties for sale. Mr. Graham felt the Township also needed to consider people in the community who were trying to sell their house and who supported the use of temporary signage, especially during these difficult economic times. Mr. Graham noted that staff had also discovered that open house signs that were traditionally displayed on Sunday afternoons for a couple of hours were now being used more during the week and were being displayed for longer periods of time. Mr. Graham noted that the complaints staff had received were primarily concerns expressed about clutter blocking the clear vision area near intersections where temporary signage tends to proliferate. He noted that the Board had been provided with provisions that other communities had used in regulating temporary signage.

Mr. Graham strongly suggested that the Board move forward on this matter and representatives of the real estate industry be involved in the process. He noted that the Township could possibly monitor temporary signage over the next year and provide better enforcement.

Supervisor Fletcher said he didn't have a problem with temporary signage being displayed for an open house for a day, but he did have concerns with "Model Home" signage for new subdivisions being displayed on a permanent basis.

Clerk Vedder said she agreed with Supervisor Fletcher and that in the past; there had been office complexes and new residential subdivisions who had displayed signage for as long as 10 years. Ms. Vedder supported proposed amendments to the Sign Ordinance and felt representatives of the real estate industry should be involved. She felt the amendment process would take several months to complete.

Mr. Hicks asked how staff would avoid the content neutral problem if the Township created a special class for real estate signs.

Mr. Graham noted that his report had referred to communities who had limited the text of real estate signs to "open house" or addresses only. He acknowledged that the content neutral problem would have to be addressed by the Township Attorney if the Township drafted regulations for open house signs.

Trustee Hicks felt the content neutral problem needed to be addressed. He used the example of when the Sign Board of Appeals ruled to allow a business owner to advertise the price of gas because it was only a number, but the Township Attorney had determined that it didn't matter whether it was numbers or text, it was not content neutral.

Mr. Graham felt this may be the reason why the Sign Ordinance didn't provide any regulations for temporary signage. He said the current Sign Ordinance was adopted approximately 10 years ago at which time the Township went through an extensive review process.

Trustee Hicks said when the Township went through the adoption process, representatives of the sign industry were invited to help draft the ordinance and provide their expertise. Mr. Hicks said if the Township created a special class by not allowing "open house" signs, it was not content neutral and that the Township would be specifying what type of language was or was not permissible.

Clerk Vedder questioned why real estate signs were exempt from the Sign Ordinance.

Mr. Graham said real estate signs were specifically referred to in the Sign Ordinance, but open house signs were not. He didn't know whether this was in violation of the content neutral or not.

Trustee Cunningham felt the Sign Ordinance already dealt with the problem, but that it wasn't being enforced.

Mr. Graham said that was part of the problem. He noted that staff had contacted the police in the past, but it wasn't the Sheriff Department's highest priority.

Treasurer Pizzo asked if the Township contacted the Sheriff's Department on a complaint basis.

Mr. Graham said the Sign Ordinance provided staff the ability to pick up illegal signs throughout the Township. He said as someone had indicated this evening, staff had had problems in the past with "model home" signs in conjunction with new subdivisions that were displayed on a permanent basis.

Trustee Hicks felt the Township attempted to work with people for compliance first before removing their signs.

Clerk Vedder felt the Sign Ordinance should be reviewed and involve representatives from the sign industry. She also felt this would be an opportunity to remind people that signs were not allowed within the right-of-way. Ms. Vedder said there were numerous signs from developments that had been displayed for several months.

Mr. Graham felt Ms. Vedder was bringing up a different issue in that construction signs were allowed to be displayed indefinitely until two years or 90% of the lots had not been sold.

Clerk Vedder said she didn't want to regulate construction signs to the point of not allowing them, but she felt some of them had become permanent advertisement. She felt the question should be asked whether they were off-premise signage depending on where they were located.

Clerk Vedder questioned whether real estate companies were regularly informed that signs were not allowed within the road right-of-way.

Mr. Graham said staff typically picked up temporary signs that had been displayed for several days and contacted the real estate companies to inform

them where their signs could be picked up. Mr. Graham said the Township could send out a reminder to the Greater Lansing Board of Realtors that the Township had received complaints and to press upon them to be good neighbors.

Ms. Figueiredo said the Township had received complaints from business owners about the Township's restrictive temporary sign regulations. She indicated that temporary signs were allowed three permits per year for 15 days each for a total 45 days. Ms. Figueiredo said businesses were struggling in today's economy and had claimed that their sales had increased significantly when they were allowed to display temporary signage. Ms. Figueiredo indicated that staff had also received concerns about the inflexibility of the temporary sign regulations and that business owners had argued that they would like to pull permits for a shorter time period more frequently rather than be limited to 45 days per year. She noted that business owners had requested that an exemption be made for "Grand Opening" and "Help Wanted" signage in order to provide them more time for their "regular" advertising. Ms. Figueiredo noted that the Board had been provided with proposed amendments to the temporary sign regulations that provided flexible options for their review.

Amendment #2 – Holiday Exemptions. Ms. Figueiredo noted that in 2009, the City of Novi passed a resolution which offered business owners a one-time waiver during the holidays. She noted that if the Board was in support of this alternative, staff could contact Novi representatives to obtain information on the strengths and weaknesses of this option.

Amendment #3 – Temporary Business Signs. Ms. Figueiredo said this proposal provided for three different options. She said the first option would be to expand the current 45 days per year allotment by exempting "Grand Opening" and "Help Wanted" signs while still maintaining size and time frame restrictions. She said this option would also maintain the 45 day limitation, but allow permits in five day increments. Ms. Figueiredo said Option #2 was basically the same structure as Option #1, but that Option #1 would increase the display period from 45 days to 60 days. She said Option #3 would allow business owners to advertise 90 days rather than 45 days per year.

Trustee Poma said Alternative #2 increased the display period from 45 to 60 days and maintained the existing temporary sign regulations. Ms. Poma said the Township may want to consider a trial period in order to determine whether this alternative would work.

Treasurer Pizzo said he supported businesses and wanted them to thrive in the Township, but he didn't feel Saginaw Highway was conducive to temporary signage because of the high speeds motorists traveled at.

Supervisor Fletcher said staff had provided the former Administrative Committee with pictures of temporary signage along Saginaw Highway when the Township didn't have sign restrictions in place which made the Saginaw Highway corridor look terrible.

Clerk Vedder said the Township had participated in a couple of programs on signage issues where well known speakers on this issue had referenced studies that had shown that sign clutter made it more difficult for people to locate businesses. Ms. Vedder felt increasing the display period from 45 days to 60 days was a good compromise.

Trustee Hicks said when the Sign Ordinance was drafted; representatives of the sign industry played a major role in drafting the ordinance. Mr. Hicks didn't feel the Township suffered from a lack of signage and he noted that the east corridor of Saginaw Highway was a perfect example of sign clutter. Mr. Hicks said he could support the 60 day time period for temporary signage, but he had a hard time amending the existing Sign Ordinance when so much time and effort was put into drafting the ordinance. Mr. Hicks said the Township had demonstrated that they provided a good business environment in the past and he used the Marketplace shopping center as an example where the owners presented the Township with a concept called a Unified Business Development which allowed a larger individual sign area in exchange for a decrease in signage throughout the establishment. He said the Township listened to the developer and implemented a new ordinance. Mr. Hicks felt people would find a business if they wanted to patronize that business, but he also recognized the need for temporary signage. He indicated that he was concerned about the possibility of staff acting as the sign police which he didn't feel was a good use of staff time.

Trustee Cunningham said drafting the Sign Ordinance had been a long process and that there had been a lot of input from not only business owners, but from realtors and the public as well. Ms. Cunningham said while she agreed that the ordinance could be "tweaked", she didn't feel the ordinance was broke. Ms. Cunningham said a good point was made this evening about how bad the Saginaw Highway corridor looked before the Township had adopted a Sign Ordinance. She felt the Township wanted to create a visually pleasing environment that would draw people to the Township who didn't already live here, but she didn't feel temporary signage created that environment.

Mr. Graham said during the 2008 election period, the Township had received a number of complaints about political signs. Mr. Graham said the Sign Ordinance contained a provision mandating that political signs be removed within 14 days after the election which they pertained. He said based on case law that he had researched, he questioned the legality of this provision. He

said compelling governmental interest was a major issue in this matter and that the Township would have to prove that there was a compelling governmental interest for the Township to specifically mandate that political signs be removed 14 days after an election. Mr. Graham said the Township was also not consistent in that there were different requirements as far as longevity for different types of signs.

Mr. Graham said most candidates picked up their political signs for future use, but he questioned whether a winner of an August primary election could claim that their sign pertained to a November election and keep the sign on display.

Trustee Poma said being a first time candidate; she had researched the regulations to make sure she was in compliance. Ms. Poma said she was under the impression that there was a gap between a primary and general election as to when signs could be posted.

Mr. Graham questioned the legality of the regulation because it had been overturned in other communities. He said the second point he wanted to discuss this evening was the fact that the Township had provisions that stated that on residentially zoned properties, there can't be more than six signs displayed on any premise over 12 feet for one sign and over a 30 square feet aggregate. However, he noted that when staff received a complaint about multiple signs being displayed on one property, he questioned who determined what signs were to be removed.

Supervisor Fletcher inquired about the complaints staff had received on political signs and whether they came from residents or whether they came from politicians.

Mr. Graham said staff received complaints when signs were displayed too close to an intersection and blocked the clear vision area. He said staff had also received complaints about the number of signs displayed on a property and the fact that the Township didn't enforce the Sign Ordinance. Mr. Graham said staff could continue to enforce political signs as they have done in the past, but he wanted to bring these examples to the Board's attention. He noted that non-residentially zoned properties were permitted an increase from 30 square feet to 64 square feet aggregate and that signs could be 32 square feet in size for a single sign which had also been a concern in the past. Mr. Graham said the one concern that he felt the Township should continue to enforce was signs within the road right-of-way. Mr. Graham said he also wanted the Board to be aware of the fact that staff was not enforcing several provisions of the Sign Ordinance because they were almost impossible to enforce at the present time.

Ms. Figueiredo said a few years ago, representatives of Lansing Community College West Campus contacted the Township's Building Department with proposals to install signage that was not in compliance with the Township's Sign Ordinance. She said LCC representatives provided the Building Department with an opinion from the attorney general's office which indicated that community colleges and public school districts should be considered exempt from the provisions of the Sign Ordinance as political subdivisions. Ms. Figueiredo said this had raised a lot of concerns because they had been exempt from installing numerous off-premise signs and large electronic message boards. Ms. Figueiredo said this exemption had been confirmed by the Township Attorney who had suggested that if it wasn't the Township's desire to provide a blanket exemption, that the Township could adopt an amendment to limit the scope of the exemption.

Ms. Figueiredo said in the past, LCC representatives had proposed a large electronic message board on their property which had been a major issue of concern. She noted that LCC also had a truck driving school with advertisement on the sides of the truck, but the Township prohibited the use of vehicles being used as signage.

Treasurer Pizzo inquired as to whether LCC's existing digital sign was in compliance with the Township's Sign Ordinance.

Ms. Figueiredo said LCC had two digital signs that were in compliance with the Township's size requirements, but in addition to those two signs, LCC wanted to install a sign that could be visible from I-496. She said staff was concerned that a blanket exemption would allow an unlimited amount of signage.

The consensus of the Board was not to move forward on these issues of signage.

**16. Preparation of Agenda – Timing and Content**

Trustee Cunningham questioned whether the Board agenda could be completed on Thursdays for distribution rather than on Fridays.

Supervisor Fletcher said this had been discussed with the Manager's Office in the past and it was felt that the Board would end up receiving a lot of late items presented to them at the time of the meeting if the deadline was moved to Thursdays.

Clerk Vedder said in the past, the deadline to submit agenda items to the Clerk's Office was Wednesday at noon so that the agenda could be prepared and distributed by Thursday. She felt staff was aware of the deadline and adjusted their calendars accordingly. Ms. Vedder said if there was information

on a case that staff was waiting, Board members were provided the backup prior to the meeting. However, she noted that now the Board had access to e-mail and could be provided with agenda backup electronically. Ms. Vedder felt providing Board members with the agenda on Thursday gave them time to visit a site or contact staff with questions prior to a Board meeting.

It was the consensus of the Board to move the agenda deadline up to Thursdays.

Ms. Cunningham asked that the computer work stations that were installed for the Board's use during meetings be checked before each meeting to make sure there weren't any technical difficulties.

Supervisor Fletcher said he received a phone call today from officials from the postal service officially notifying the Township that they had made the decision to close the postal store that was located behind the Lansing Mall and move their window service back to their facility on Michigan Avenue. It was felt that mail volume had dropped to the point where there wouldn't be the parking problems the post office had experienced in the past at their Michigan Avenue facility. Mr. Fletcher said the post office also felt there was enough staff parking at this location that would allow them to expand the public parking if needed.

**XVI. PUBLIC COMMENTS**

**XVII. ADJOURNMENT**

Supervisor Fletcher adjourned the meeting at 7:40 p.m.

**CHARTER TOWNSHIP OF DELTA**

JANICE VEDDER, TOWNSHIP CLERK

KENNETH FLETCHER, TOWNSHIP SUPERVISOR