

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, JULY 9, 2013 **6:00 P.M.**

PRESENT: Supervisor LeGoff, Clerk Dreyfus, Treasurer Brixie, Trustees Scales, Styka, Veenstra, Wilson
ABSENT: None
STAFF: Township Manager Frank Walsh, Director of Community Planning & Development Mark Kieselbach, Director of Public Works and Engineering Ray Severy, Police Chief David Hall, Fire Chief Fred Cowper, Director of Information and Technology Stephen Gebes, Human Resources Director Deb LaPine, Director of Finance Gretchen Gomolka

1. CALL MEETING TO ORDER
Supervisor LeGoff called the meeting to order at 6:00 P.M.
2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS
Supervisor LeGoff led the Pledge of Allegiance.
3. ROLL CALL
The secretary called the roll of the Board.
4. PUBLIC REMARKS
Supervisor LeGoff opened Public Remarks.

Ann Alchin, 5972 Cypress, Haslett, spoke to problems with home delivery of the Towne Courier and questioned whether the Township is fulfilling its public notice legal responsibility with publication in this newspaper.

Leonard Provencher, 5824 Buena Parkway, Haslett, expressed concern with recent newspaper articles regarding tax assessments made by previous Township staff. He suggested quality control checks relative to assessments be performed in an effort to avoid bad press for Meridian Township.

Danelle Lofton, New Life International Church, 5130 Wexford, Lansing, requested the Board expedite a proposed zoning amendment to allow adult day care centers in residential districts subject to a special use permit.

Kathleen Pavona, 4726 Arapaho, Okemos, spoke in opposition to the Capstone project.

Neil Bowlby, 6020 Beechwood Drive, Haslett, announced the next Liaison for Inter-Neighborhood Cooperation (LINC) meeting will be held on Thursday, July 18, 2103 at 6:45 PM in the Community Room of the Haslett Library. He spoke to the lack of sewer cleaning/maintenance in the Township and believed the maintenance is relevant to the Georgetown Sewer Payback District and, ultimately, to the urban services boundary. Mr. Bowlby requested clarification on funding for the Cornell Road Improvement Project. He expressed concern with the magnitude of the fine contained in the Fireworks Ordinance. Mr. Bowlby voiced appreciation for the Human Relations Ordinance and suggested labor relations and domestic partner benefits be a goal for the future.

Supervisor LeGoff closed Public Remarks.

5. TOWNSHIP MANAGER REPORT
Township Manager Walsh introduced the new Finance Director, Gretchen Gomolka. He offered an update on current projects.
6. BOARD COMMENTS & REPORTS
Supervisor LeGoff stated she observed the initial "start" of the Ember Oaks project yesterday.

Trustee Styka attended the June 24th placemaking curriculum seminar hosted by the Michigan Townships Association. He commended the Township for a well done display of July 4th fireworks.

Trustee Wilson reported her attendance at the July 1st Okemos Downtown Development meeting and offered an update on its current undertakings. She expressed appreciation to sponsors, residents and Township staff for a successful July 4th fireworks display.

Treasurer Brixie reported tax payments were mailed July 1st and reiterated the variety of ways in which residents may make payment. She reminded citizens that taxes are due Monday, September 16th by 5:00 P.M.

Clerk Dreyfus reported his office has processed 792 absentee voter ballots for the August 6th Haslett School election and will continue to process ballots as they are returned by residents. He reported his attendance at the July 1st DDA meeting and the July 4th fireworks display.

Trustee Veenstra reported his attendance at the June 26th regular meeting of the Tri County Regional Planning Commission (TCRPC) where Commission members approved adding the Michigan Flyer Grant Project to the Transportation Improvement Plan (TIP). He clarified that this action allowed the Michigan Flyer to receive the \$597,000 federal grant which enables the business to increase its daily runs.

7. APPROVAL OF AGENDA

Trustee Scales moved to approve the agenda amended as follows:

- **Move Agenda Item #12 A to Agenda Item #7A: Ember Oaks Drain Assessment**

Seconded by Treasurer Brixie.

VOICE VOTE: Motion carried unanimously.

- A. Ember Oaks Drain Assessment - Pat Lindemann, Ingham County Drain Commissioner
- Ingham County Drain Commissioner (ICDC) Lindemann offered extensive history on the drainage district. He noted an easement was obtained from the Township and construction commenced yesterday. Mr. Lindemann indicated construction will include the use of a series of stilling bays, ripples and rebuilding of the drain corridor. He indicated the banks will be armored with wood and rock to prevent further erosion. Mr. Lindemann stated an eight (8) foot walking bridge will be built on the pathway close to the railroad tracks. He stated the Township's percentage of assessment will be 4% (approximately \$1790 per year, plus interest). Mr. Lindemann stated final completion is scheduled for November 1st.

Board members and the Drain Commissioner discussed the following:

- Provisions for equipment washing to prevent the spread of invasive species
- Contractor is washing delivery equipment off-site; other equipment is remaining on site
- Equipment inspection process being performed by Anderson, Eckstein and Westrick

ICDC Lindemann offered a report on the Red Cedar River logjam removals. Removal of three (3) log jams has lowered the water level in that area nearly three (3) feet. He apprised the Board he will provide a full report on the hydrology of the Hannah Drain in approximately one week.

Board members discussed the following:

- Log jam removal will be assessed to all seven (7) drainage districts involved
- Cost incurred by ICDC for the first log jam removal was \$32,025 plus engineering costs
- Request for costs to be included in the Drain Commissioner's report
- Necessity of citizens monitoring the river in the future for falling trees and then apprising the ICDC's office

- Capstone Collegiate Communities and the Eyde Co. contributed \$40,000 towards the first logjam removal

8. CONSENT AGENDA (SALMON)

Supervisor LeGoff reviewed the consent agenda.

Trustee Scales moved to adopt the Consent Agenda. Seconded by Treasurer Brixie.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,
Treasurer Brixie, Clerk Dreyfus
NAYS: None
Motion carried unanimously.

A. Communications

(1) Board Deliberation (BD)

- BD 11D-1 Gina Calcagno, Field, Organizer, One Capital Region, 22226 Bach Street, Warren; RE: Appreciation for Board consideration of a Human Relations Ordinance
- BD 11D-2 Jackson Buddingh, 2073 Hamilton Road, Okemos; RE: Appreciation for Board consideration of a non-discrimination ordinance
- BD 11D-3 Tammy Lemmer, 5950 Buttonwood, Haslett; RE: Support for a non-discrimination ordinance

(2) Board Information (BI)

- BI-1 Renee Korrey, 4633 Okemos Road, Okemos; RE: Bus Rapid Transit Project
- BI-2 John P. Gardner, Senior Manager, Government Affairs, Comcast, Heartland Region, 1401 E. Miller Road, Lansing; RE: Channel and price changes effective July 24, 2013
- BI-3 Sandeep Gatla, 2643 Coreopsis Drive, Okemos; RE: Request for cricket fields
- BI-4 Ody Norkin, Michigan Flyer, 333 Albert Street, Suite 110, East Lansing; RE: Appreciation for the Township Board's Resolution of Support for inclusion of the Michigan Flyer's TCSP grant in our region's Transportation Improvement Plan

(3) On File in the Clerk's Office

Material from the June 18, 2013 Regular Board Meeting

Laurie Blosser, 9349 Coleman Road, Haslett; RE: Nonconforming structures/uses

Trustee Scales 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 Treasurer Brixie.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,
Treasurer Brixie, Clerk Dreyfus
NAYS: None
Motion carried unanimously.

B. Minutes

Trustee Scales moved to approve and ratify the minutes of the June 18, 2013 Regular Meeting as amended. Seconded by Treasurer Brixie.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,
Treasurer Brixie, Clerk Dreyfus
NAYS: None
Motion carried unanimously.

C. Bills

Trustee Scales moved that the Township Board approve the Manager’s Bills as follows:

Common Cash	\$ 376,060.48
Public Works	\$ 331,743.12
Total Checks	\$ 707,803.60
Credit Card Transactions	\$ 8,879.42
Total Purchases	<u>\$ 716,683.02</u>
ACH Payments	<u>\$ 965,693.89</u>

Seconded by Treasurer Brixie.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,
 Treasurer Brixie, Clerk Dreyfus
 NAYS: None
 Motion carried unanimously.

[Bill List in Official Minute Book]

D. Ratification of Part-Time Paramedic/Firefighter Appointment

Trustee Scales moved ratification of the appointment of Christopher Dinsdale to the position of part-time paramedic/firefighter pending completion of a successful background investigation and physical examination. Seconded by Treasurer Brixie.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,
 Treasurer Brixie, Clerk Dreyfus
 NAYS: None
 Motion carried unanimously.

9. QUESTIONS FOR THE ATTORNEY (see Agenda Items #11C, #12C, #14)

10. HEARINGS (None)

11. ACTION ITEMS

Supervisor LeGoff opened Public Remarks.

Charles Veverka, 5266 Cornell Road, Haslett, expressed appreciation for the compromise proposal on the Cornell Road Improvement Project. He expressed concern with cyclists being in a pinch point between a guardrail and oncoming traffic and requested the use of guardrails in all areas be reviewed to determine necessity. Mr. Veverka requested workers be required to apply special care during construction to prevent tree damage on the natural beauty road.

Mark Clouse, Chief Financial Officer and General Counsel, Eyde Co., 4660 S. Hagadorn Road, Suite 660, East Lansing, availed himself for Board questions regarding the Georgetown Payback District.

Eckhart Dersch, 2203 Butternut Drive, Okemos, read into the record LINC’s opposition to the Georgetown Sewer Payback District.

Don Frank, 5277 Cornell Road, Haslett, commended the Board on the proposed compromise plan for Cornell Road. He requested the Board look at the necessity of guardrails in all locations on the plan.

Ann Alchin, 5972 Cypress, Haslett, believed fireworks should be limited to a time earlier than 1:00 AM as outlined in the proposed Fireworks Ordinance.

Leonard Provencher, 5824 Buena Parkway, Haslett, expressed concern with the precedent set by the first Georgetown Sewer Payback District. He believed trees are only one element of a natural beauty road and the Township should strive for a 35 miles per hour speed limit. Mr. Provencher requested the “elements” which do not keep the speed limit down on Cornell Road be taken out of the proposal. He spoke in support of a Fireworks Ordinance being set in place in Meridian Township.

Neil Bowlby, 6020 Beechwood Drive, Haslett, spoke in opposition to the proposed Georgetown Sewer Payback District and suggested the Township pay the developer back for the first payback district. He requested costs be provided for the Cornell Road Improvement Project and questioned the need for any guardrail.

Supervisor LeGoff closed Public Remarks.

A. Resolution for Georgetown Sewer Payback

Treasurer Brixie moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED by the Township Board of the Charter Township of Meridian, Ingham County, Michigan, as follows:

- 1. The Georgetown sanitary sewer interceptor service area, exclusive of the Georgetown subdivision, has been determined to include 1,213 residential equivalent units (REU).**
- 2. The Georgetown sanitary sewer interceptor estimated cost of construction for Phases 3 & 4 to be reimbursed to the Eyde Company shall be set at \$270,600, subject to revision to actual construction cost.**
- 3. Therefore, the estimated Phase 3 & 4 Benefit Charge for connection to a sanitary sewer within the Georgetown sanitary sewer interceptor service area is hereby established at \$223.08 per REU, plus 3% flat rate (\$6.70) annual increase. This estimated Phase 3 & 4 Benefit Charge will be revised after construction is complete to reflect actual construction cost. This benefit charge is for the above described sanitary sewer interceptor only and is in addition to any benefit charge for previously constructed sewer mains or interceptors or the construction of additional sanitary sewer mains or interceptors.**
- 4. The Georgetown Sanitary Sewer Interceptor Phase 3 & 4 Benefit Charge will be collected by the Township for a period of fifteen years from the date of this resolution.**
- 5. The Georgetown Sanitary Sewer Interceptor Phase 3 & 4 Benefit Charge will be paid as follows:**

All existing and future developments and all existing and future single and multi-family homes shall pay the Georgetown Sanitary Sewer Interceptor Benefit Charge when obtaining their sewer permit.

- 6. The Georgetown Sanitary Sewer Interceptor Phase 3 & 4 Benefit Charge will be reimbursed as follows:**
 - A. The reimbursement period will be for a total of 15 years from the date of this resolution.**
 - B. The Township shall pay the reimbursement to the Eyde Company in quarterly installments, each installment to be equal to the Georgetown Sanitary Sewer Interceptor Benefit Charge collected by the Township each calendar quarter from the Georgetown Sanitary Sewer Interceptor service area (see attached map).**

AND, BE IT FURTHER RESOLVED, by the Township Board of the Charter Township of Meridian, Ingham County, Michigan, as follows:

- 1. The collection and reimbursement period for the Georgetown Sanitary Sewer Interceptor Phase 1 & 2 Benefit Charge adopted by the Township Board July 7, 2009, will be for a total of 15 years from the date of this resolution.**
- 2. The flat rate annual increase for the Phase 1 & 2 Benefit Charge for connection to a sanitary sewer within the Georgetown sanitary sewer interceptor service area will reduce from 5% to 3% beginning in 2014.**

The motion died for lack of a second.

B. Cornell Road Improvement Project

Treasurer Brixie moved to approve the conceptual design for Cornell Road as described in the Cornell Road Task Force Recommendation at a cost not to exceed \$900,000 with the amount over the 2013 budget to be paid from the General Fund fund balance and that the General Fund be reimbursed from the 2014 road millage revenues. Seconded by Trustee Scales.

Director Severy provided an update on the Cornell Road Improvement Project. He indicated bids submitted to the Ingham County Department of Transportation and Roads (ICDTR) were opened this morning and the low bid of \$1,339,896.51 included a \$186,000 reimbursement from Michigan State University for use of crumb rubber. Director Severy stated the guardrail cost, as proposed, is \$268,000 and the bid includes earth and drainage work. He noted bids are based on estimated construction quantities. Director Severy specified one recommendation from ICDTR is to postpone the project and rebid next spring.

Board members discussed the following:

- Cost and analysis of critical and optional guardrail placement
- Too many variables and unknown costs for each variable
- Large cost overruns
- Preference for the project to be postponed until Spring and allow for a redesign
- Township receives slightly under \$400,000 annually from the local road repaving millage
- Concern with nearly three (3) years of local road repaving project funds being used on one road project
- Common on other roads in Meridian Township to have large trees within a few feet of the edge of the pavement
- County plans to use millings from Marsh Road as a base for Cornell Road
- Financial implications to store millings on Tihart Road on an interim basis in order to be used next year
- Request for cost estimate if Marsh Road millings are not used
- Bid of \$44,000 for placing material taken off Marsh Road onto Cornell Road
- Cost of hill cutting is approximately \$100,000
- Removing guardrails from the project would save \$268,000
- County evaluates the roads in the Township each year and sends a list of recommended road improvements to the Township
- Road budget is approximately \$630,000 per year
- Road must be resurfaced this year
- Preference to remove the guardrails
- Bid for Cornell Road is a portion of a county wide bid
- Interest in obtaining information on whether the bid includes overtime costs due to a busy construction season

- County's initial commitment to perform the hill cut
- County intent to perform the earthwork in June of this year; now moved until after Labor Day which is too late for this project
- Consultant will require the Township to sign a waiver as the road design is not to American Association of State Highway Transportation Officials (AASHTO) standards
- Reminder that the high cost estimate is due to road widening
- Use of the estimate for the average road life span would be a good starting point
- Suggestion to reduce the sloping of the ditch sides, hill cutting and guardrails would allow an affordable project which could be completed this year
- Resurfacing only will preclude reduction of speed on the road
- Suggestion to make Cornell a one-way road
- Board member impetus to serve on the task force was to make provisions for pedestrians and bicyclists and to make improvements on good aspects of the road
- Suggestion to use some pathway funds
- Use of pathway funds will delay other Board designated projects into the future
- Direction for staff to move forward to make modifications needed to come within the \$900,000 that are consistent with the intent of the task force while maintaining a way for pedestrians and bicyclists to traverse the road
- Opposition to the use of pathway funds for this project
- Board member belief there are incongruent statements contained in the motion
- Suggestion for the revised Cornell Road design to be considered at a special meeting on the Master Plan Goals and Objectives within a "week or so"
- Special Meeting on the Master Plan Goals and Objectives should be limited to that one specific issue
- Project to resurface Cornell Road started with the need for motorists to have a safe road on which to travel
- Secondary point which emerged during the conversation regarding resurfacing was to reduce the speed for safety reasons
- Third point which emerged was due to the status of Cornell Road as a natural beauty road, there would be higher repair costs to maintain trees
- Changes on Cornell Road for pedestrians and bicyclists surfaced at the very end of the discussions on this issue
- Many of the measures being considered will decrease safety (e.g., hill cutting, smooth asphalt)
- Concern initial cost estimates for Cornell Road are low given the bid opening and resulting overall higher costs
- Lack of information to make a decision at tonight's meeting
- Need for some drainage improvement in order for the resurfacing to last
- Narrowing the traffic lanes to nine (9) feet would allow for some shoulder
- Township is responsible for approximately \$600,000 of the \$900,000 cost

Trustee Scales called the question. Seconded by Supervisor LeGoff.

ROLL CALL VOTE: YEAS: Trustee Scales, Supervisor LeGoff
 NAYS: Trustees Styka, Veenstra, Wilson, Treasurer Brixie, Clerk Dreyfus
 Motion failed 2-5.

Treasurer Brixie offered the following substitute motion:

- **moved to approve the conceptual design for Cornell Road as close as possible as described in the Cornell Road Task Force Recommendation at a cost not to exceed**

\$900,000 with the Manager, the Director of Engineering and the Ingham County Department of Transportation and Roads working together for solutions.

Seconded by Trustee Scales.

Trustee Veenstra moved to table the motion. Seconded by Clerk Dreyfus.

ROLL CALL VOTE: YEAS: Trustee Veenstra, Clerk Dreyfus
NAYS: Trustees Scales, Styka, Wilson, Treasurer Brixie, Supervisor LeGoff
Motion failed 2-5.

Trustee Scales called the question on the substitute motion. Seconded by Trustee Wilson.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Wilson, Treasurer Brixie, Clerk Dreyfus
NAYS: Trustee Veenstra, Supervisor LeGoff
Motion carried 5-2.

ROLL CALL VOTE ON THE MAIN MOTION: YEAS: Trustees Scales, Styka, Wilson, Treasurer Brixie, Supervisor LeGoff
NAYS: Trustee Veenstra, Clerk Dreyfus
Motion carried 5-2.

C. Fireworks Ordinance

Clerk Dreyfus moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION Ordinance No. 2013-___ entitled “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 26, Article I By Repealing and Replacing Section 26-1.”

BE IT FURTHER RESOLVED that the Clerk of the Charter Township of Meridian is directed to publish the Ordinance at least once prior to the next regular meeting of the Township Board.

Seconded by Trustee Scales.

Board members discussed the following:

- Complexity of this issue on who and what should be regulated
- Need for consistency with state law
- Outlawing consumer fireworks over 90% of the year is not responsible regulation
- Nothing in the Michigan Fireworks Safety Act requires the Township to place a total ban 90% of the year

Trustee Veenstra offered the following amendment:

- **Amend Section 26-5 by inserting “not more than” after “civil fine of”**

Seconded by Clerk Dreyfus.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus
NAYS: None
Motion carried unanimously.

Continued Board discussion:

- Previous Board discussions on local regulation limiting the use of low impact fireworks the remaining 335 days per year as allowed by state law

Trustee Styka offered the following amendment:

- **Amend section 26-2 by adding subsection (d) to read: A person shall not ignite, discharge or use low impact fireworks between the hours of 1:00 am and 8:00 am.**

Seconded by Clerk Dreyfus.

Limitations on low impact fireworks: (Questions for the Attorney (See Agenda Item #9))

- Q. In the Michigan Fireworks Safety Act (Act 256 of 2011), Section 28.453 Novelties states “this act does not apply to novelties.” My understanding of novelties under all the definitions were those low impact fireworks. Is that correct? Can we make that amendment?
- A. So you want to limit low impact fireworks as far as hours on all the days? I think the answer is you can. I’m just trying to make sure there is nothing that limits the municipality from regulating.

Continued Board discussion:

- Low impact fireworks include “whistle” fireworks
- Limitation on hours would be consistent with hours outlined in state law for the other 30 days of the year

Trustee Scales called the question on the amendment. Seconded by Clerk Dreyfus.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Wilson, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus
 NAYS: Trustee Veenstra
 Motion carried 6-1.

Continued Board discussion:

- Preference to add “on any day of the year” at the end of the amendment for clarity

Effect of local regulation on low impact fireworks: (Questions for the Attorney (See Agenda Item #9))

- Q. Did the attorney get that?
- A. No. I will say this, that one of the problems with the legislation and the change to the fireworks state statute is that it appears that the intent was that the state would preempt, except for consumer fireworks. So, you are moving into an area that does not have a clear answer right now because the intent was, and that’s why they even limited it further and said you can regulate consumer fireworks and you can regulate certain hours. I would say at this point that I can’t give you a clear answer if that also meant you can’t regulate low impact fireworks at all and that would be tested if we try to write a ticket and it goes to court.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Wilson, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus
 NAYS: Trustee Veenstra
 Motion carried 6-1.

Trustee Veenstra offered the following amendment:

- **Amend section 26-2(b) by adding after “8:00 am” the language “and on the other days between 9:30 pm and noon”**

The motion died for lack of a second.

Clerk Dreyfus called the question on the main motion. Seconded by Treasurer Brixie.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Wilson, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus
NAYS: Trustee Veenstra
Motion carried 6-1.

ROLL CALL VOTE ON THE MAIN MOTION: YEAS: Trustees Scales, Styka, Wilson, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus
NAYS: Trustee Veenstra
Motion carried 6-1.

D. Human Relations - Policy Manual and Chapter 30, Article II, of Fair Housing Ordinance
Trustee Veenstra moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby amends its Board Policy Manual, Section 1.5 entitled “Policy Title: Diversity Ends” by adding the following item 7:

A complaint procedure to reconcile any claimed discrimination because of actual or perceived race, color, religion, national origin, sex, age, marital status, familial status, sexual orientation, or gender identity or expression in areas of housing and public accommodations.

Seconded by Trustee Wilson.

Board members discussed the following:

- Complaint procedure is contained in the Fair Housing ordinance
- Concern with writing legislation which deals with an individual employee’s experience

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus
NAYS: None
Motion carried unanimously.

Trustee Wilson moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION Ordinance No. _____ entitled “Ordinance Amending the Code of the Charter Township of Meridian, Michigan Chapter 30, Article II By Amending Sections 30-51, 30-53, 30-81, 30-82(a), 30-82(b), 30-84(a)(1), 30-84(a)(2), 30-84(b), 30-85(a) and 30-86.

BE IT FURTHER RESOLVED that the Clerk of the Charter Township of Meridian is directed to publish the Ordinance at least once prior to the next regular meeting of the Township Board.

Seconded by Treasurer Brixie.

The maker offered the following amendments:

- Amend each subsection title of the ordinance by inserting “the” prior to “Charter Township”
- Amend each subsection title of the ordinance by inserting “Ingham County,” prior to “Michigan”
- **Include subsection H: Amendment to Section 30-88 of Chapter 30, Article II, Division 3. Section 30-88 entitled Plan of the Code of the Charter Township of Meridian, Ingham County, Michigan, is hereby amended to read as follows:**

- Delete the word “or” after origin, and insert “sexual orientation, or gender identity or expression” after “sex”

Seconded by Trustee Scales.

Trustee Veenstra offered the following friendly amendment:

- Amend Section 30-88 by deleting the three (3) references to the word “commission” and inserting the phrase “Human Resources Director”

The friendly amendment was accepted by the maker of the motion.

Trustee Scales called the question. Seconded by Treasurer Brixie.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Wilson, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus
NAYS: Trustee Veenstra
Motion carried 6-1.

Continued Board discussion:

- Appreciation to staff for the quick turnaround time for this ordinance

ROLL CALL VOTE YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff, ON THE MAIN Treasurer Brixie, Clerk Dreyfus
MOTION: NAYS: None
Motion carried unanimously.

[Supervisor LeGoff recessed the meeting at 8:21 P.M.]

[Supervisor LeGoff reconvened the meeting at 8:36 P.M.]

12. BOARD DISCUSSION ITEMS

Supervisor LeGoff opened Public Remarks.

Neil Bowlby, 6020 Beechwood Drive, Haslett, spoke to Board enactment of an ordinance even when there is no proven problem to address, adding lack of a problem isn't sufficient reason to not look at ordinances that might prevent infractions in the future.

Supervisor LeGoff closed Public Remarks.

B. Master Plan Goals and Objectives

- Request by the Planning Commission for a joint meeting with the Township Board is a separate issue
- Sole purpose for this item on tonight's agenda is to set a date for a special Board meeting on this issue

It was the consensus of the Board to hold a special meeting for the sole purpose of discussing the master plan goals and objectives on Monday August 19, 2013 at 6:00 P.M.

C. Medical Marihuana Update

Board consideration of a medical marihuana ordinance: (Questions for the Attorney (See Agenda Item #9))

Q. Do you have any comments?

A. The ordinance will come back. It was pushed back with other priorities that were put ahead of it so, now, it becomes one of the top priorities again. I think that we can have it back in August. It will go to Mark Kieselbach to look it over as well, and then it will come back to

the Board and we can move forward from there. At this point, it's addressing residential areas, patients, caregivers, potentially clinics, distance from schools; everything that was talked about previously. There's been some changes. I think at the time we talked previously, I'm not sure if we already had the decision from the Supreme Court dealing with dispensaries and the fact that dispensaries were held to be nuisances. I think we talked about it at the prior meetings, but I'm not sure.

The courts have now decided that no patient-to-patient transfers are legal and that patient to caregiver or caregiver to patient transfers that are not caregiver to patient relationships through the state are also not protected by the act. There's been some modifications to the act and there's also a proposed change right now which, we understand, may have some movement. It has to do with municipalities being able to regulate and allow dispensaries. But, again, that's not been passed yet, but I would expect it to start moving within the next month or two.

Board members discussed the following:

- Preference for language to be fairly restrictive
- Preference for language to include a total ban on dispensaries
- Same protections for residential neighborhoods that exists for all other occupations
- Distance from schools should not impact a patient's ability to use medical marijuana for a medical condition
- Preference that dispensaries not be regulated
- History showed the Township received no complaints regarding dispensaries once they were in business
- Many studies and research showed there was no disproportionate correlation with crime in residential areas based on dispensaries
- Preference to take a fact based approach and not address the issue of dispensaries until the state further acts
- Board member belief the highly restrictive approach is not needed, based on data and facts which have been brought to the Board by the Police Chief
- Citizens have shown a lack of interest regarding regulation since there have been no speakers or letters
- Overzealous regulation will cost taxpayers, legal time, fees and portray a negative image in the community
- Reference to postponement of a medical marijuana ordinance vote by the Jackson City Council after public opposition
- Caution in violating medical marijuana patients' constitutional rights
- Reminder that 52% of the nation favors full legalization of marijuana
- Need for clarification of regulations for dispensaries as three (3) Meridian Township residents are spending three (3) years in federal prison relating to medical marijuana
- Reminder that letters of "praise" were submitted to the Board regarding the dispensary in the Township named *The Herbal Center*
- Quote from the Michigan State University's *Planning and Zoning News* which states that municipalities do not need to have local regulations in place for dispensaries since they violate both state and federal law
- Preference for the Township Attorney to stop all work in this area
- Concern with a possible change in state law in the future regarding dispensaries and the Township having no regulations in place
- Support for language which defines the distance from parks, schools, libraries, etc.

It was the consensus of the Board to continue efforts to draft an ordinance.

13. PUBLIC REMARKS

Supervisor LeGoff opened Public Remarks.

Neil Bowlby, 6020 Beechwood Drive, Haslett, noted the Township's home occupation ordinance does not require the home occupation to be income generating. He spoke in support of a restrictive draft medical marijuana ordinance to allow residents to come to a Board meeting and give their

opinion. He addressed the fine contained in the draft Fireworks Ordinance, noting general penalties within Meridian Township's Code of Ordinances for a municipal civil infraction is set at \$75.00. He questioned the rationale for making this fine up to \$500, and requested the fine be consistent with the rest of the general penalties.

Supervisor LeGoff closed Public Remarks.

14. FINAL BOARD MEMBER COMMENT

Trustee Scales requested staff research the Georgetown Sewer Payback District, Phases 3 and 4, which should include the payback timeframe that is consistent with the timeframe in the resolution passed in 2009.

Trustee Styka suggested a rewrite of the Georgetown Sewer Payback District resolution and suggested the possibility of amending the previous resolution from 2009.

Georgetown Sewer Payback District: (Questions for the Attorney (See Agenda Item #9))

Q. Did you have any comments about it?

A. I didn't prepare this resolution; however, I understand the situation with this resolution. Basically they have asked for a payback district. This is a resolution to set up a new payback district and include the old as well, but it is their request to do it. The Board doesn't have to enter into a payback on the second request; however, they already have entered into it on the first request. So, my opinion would be that you can't modify the first request unless there is an agreement with them to do so. Now it is like a contract, of sorts. In the second one, you don't have to address the payback of the new request, but there are ramifications to that. I think if there are ongoing questions, you may need a legal opinion on the payback, but I don't know if that's where you're going or if that's what you're looking for. I wasn't aware that there were legal questions still about the payback.

Trustee Dreyfus requested the Georgetown Sewer Payback District be brought back to the Board as a discussion item. He spoke to the complication of combining the resolution passed in 2009 with the 2013 request before the Board, adding that the Board does not have to compound the problem by requiring the developer to install a second 18" sewer pipe. Trustee Dreyfus indicated the Board is not prohibiting the developer from installing an 18" sewer pipe if they so desire. He suggested the Board focus its energy on solving the implications of passage of the 2009 Georgetown Sewer Payback District.

Fines for municipal civil infractions: (Questions for the Attorney (See Agenda Item #9))

Q. Did I understand from our attorney that our municipal infractions are limited to a fine of \$75.00?

A. The Township ordinance states that a municipal civil infraction first offense is \$75.00 if not otherwise addressed in the ordinance. So today, when you made it a maximum of \$500.00, my opinion would be you therefore refer it back to the general provisions in the ordinance which is \$75.00 first offense, \$150 second offense, \$250 third offense. If you go with the \$500, you need a dollar amount, but that is a whole different discussion.

Trustee Veenstra agreed with earlier public comment that the first offense for violation of the Fireworks ordinance should be limited to \$75.00 for the first offense and requested the ordinance be amended as such before final passage. He requested an amendment from the Attorney as to Board options in this area. Trustee Veenstra voiced opposition to the creation of a second Georgetown Sewer Payback District, and believed the solution was not to require the oversizing of the sewer. He believed it up to the developer if he wishes to voluntarily oversize the sewer.

It was the consensus of the Board to place the Georgetown Sewer Payback District on the next agenda as an action item.

15. ADJOURNMENT

Supervisor LeGoff adjourned the meeting at 9:08 P.M.

ELIZABETH LEGOFF
TOWNSHIP SUPERVISOR

BRETT DREYFUS
TOWNSHIP CLERK

Sandra K. Otto, Secretary