

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED**
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, APRIL 26, 2016 **6:00 P.M.**

PRESENT: Supervisor LeGoff, Clerk Dreyfus, Treasurer Brixie, Trustees Scales, Styka, Veenstra
ABSENT: Trustee Wilson
STAFF: Township Manager Frank Walsh, Assistant Township Manager/Director of Public Works and Engineering Derek Perry, Director of Community Planning & Development Mark Kieselbach, Assistant Police Chief Ken Plaga, Communications Director Deborah Guthrie, Finance Director Miriam Mattison, Associate Planner Peter Menser, Township Attorney Stephen Schultz

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. PRESENTATION (None)
5. PUBLIC REMARKS
Supervisor LeGoff opened Public Remarks.

Peter Holz, 2215 Burcham Drive, East Lansing, spoke in support of quiet zones, one item on the list of Board goals. He believed enacting quiet zones (no train whistle blown at a railroad crossing crossing) could work well in tandem with the branding campaign currently taking place as he viewed quiet zones as a better lifestyle for residents. Mr. Holz requested a meeting with township staff to work on quiet zones in Meridian Township.

Leonard Provencher, 5824 Buena Parkway, Haslett, reported the new Meridian Monitor has been mailed to households in the Township. He spoke to the upcoming pathway millage renewal, citing continued decline in revenue due to the Headlee rollback. Mr. Provencher offered several calculations in computing the cost per resident for the pathway millage, making cost comparisons to the Capital Area Transportation Authority (CATA) millage. He requested the Board consider placing a .33 millage request on the August, 2016 ballot for twelve (12) years.

Supervisor LeGoff closed Public Remarks.

6. TOWNSHIP MANAGER REPORT
Assistant Township Manager Perry reported on the following:
 - Continued investigation regarding construction of a pole barn for the central fire station
 - Meeting held with residents of Grange Acres and an investigation is underway
 - Meeting with contractors for review of projects for the Kiwanis Room of the Haslett Library
7. BOARD COMMENTS & REPORTS
Clerk Dreyfus reported the following candidates filed nominating petitions for the August 2, 2016 Primary election in Meridian Township:

Supervisor: Tom Klunzinger (R), Milton L. Scales (D), Ronald J. Styka (D)

Clerk: Brett Dreyfus (D), Gayelord Mankowski (D)

Treasurer: Julie Brixie (D)

Trustee: Brian Czubak (R), Debra Lee Piper (R), Jared S. Wilson (R), Brett DeGroff (D), Philip Deschaine (D), Patricia Herring Jackson (D), Dan Opsommer (D), Kathy Ann Sundland (D), John R. Veenstra (D)

Park Commissioner: Richard J. Baker (D), Amanda A. Lick (D), Michael McDonald (D), Annika Brixie Schaeztl (D), Mark Stephens (D)

Clerk Dreyfus reported his attendance at the recent stakeholder focus group for the branding committee to begin dialogue on this issue with Township Board members. He also reported his attendance at the Township Master Plan work session, as an invitation was sent from the Planning Commission to Township Board members requesting their input into the Master Plan update.

Trustee Veenstra reported that at the most recent Redi-Ride Committee meeting, an article was handed out from the *Boston Globe* which addressed a switch of some of Boston's paratransit services from The Massachusetts Bay Transportation Authority (MBTA) to either taxis or Uber. He indicated the article mentioned a savings of millions of dollars through that switch and believed this article brings an important concept to the table relative to the Red-Ride considerations.

Trustee Scales reported the next meeting of the Redi-Ride Committee will be held on May 10th beginning at 3:00 P.M. in the Town Hall Room of the Municipal Building. He noted the committee is working through a three (3) phase discussion period: 1) What was Redi-Ride established to do; 2) Is the goal relevant today; and 3) What is needed today as we move forward. He explained the committee has completed the first phase and is in the middle of Phase 2. Trustee Scales stated it was agreed Redi-Ride was established to provide services and be available to all residents in Meridian Township. He stated Redi-Ride was not meant to be the primary mode of transportation to provide rides to school aged children since it does not commence until 9:00 A.M. Trustee Scales stated Redi-Ride was also established to provide travel within the boundaries of Meridian Township as well as provide a demand response option for public transportation. He identified the following issues to be discussed at the May 10th meeting:

- Subscriptions to Redi-Ride for recurring appointments
- Expansion of hours
- Evaluation of "in-vehicle" time to determine efficiency of routing
- Continued discussion on capacity

Trustee Scales added any agreed-upon recommendations to the Township Board will include cost estimates.

Trustee Styka reported all four school districts in Meridian Township were ranked within the .6% top schools in Michigan, contained in the top 50. He conveyed both Okemos and Haslett school districts have received exceptions from the state and will begin the school year before Labor Day. Trustee Styka stated Haslett schools are in the final interview stage for a new Superintendent of Schools and a vacancy currently exists on the Okemos School Board. He announced the Okemos High School musical, *Big Fish*, will be performed this Friday and Saturday.

Treasurer Brixie reported the following new businesses in Meridian Township: Whole Foods and A Wig and a Prayer. She stated the Economic Development Corporation met and approved a \$1,500 sponsorship for Celebrate Meridian. She announced her attendance, along with Trustees Scales, Styka and Veenstra, at the Legacy of Emmett Till civil rights symposium hosted by the Okemos Education Foundation (OEF) to raise awareness of the impact Emmett Till's murder had on the civil rights movement.

Trustee Scales offered accolades to English teacher Jane Phillips who was the catalyst in working with the OEF to bring the Emmett Till symposium to Meridian Township. He added that residents can meet the last three (3) candidates participating in interviews for the Haslett School Superintendent position on Monday, May 2nd beginning at 4:30 P.M. in the School Administration Building. Trustee Scales announced the grand opening of Haslett's Hot Yoga on Friday, April 30th at 11:00 A.M. on Haslett Road near the railroad tracks.

Trustee Styka voiced his pleasure at being part of the OEF's hosting of the Legacy of Emmett Till civil rights symposium with two (2) presentations for the student body during the day and one in the evening for adults. He requested the Township consider a similar event like Celebrate Meridian for the Haslett area in August, based on input received from Haslett business owners.

8. APPROVAL OF AGENDA

Trustee Veenstra moved to approve the agenda amended as follows:

- **Move Agenda Item #13D to Agenda Item #9F**

Seconded by Treasurer Brixie.

VOICE VOTE: Motion carried 6-0.

9. CONSENT AGENDA (SALMON)

Supervisor LeGoff reviewed the consent agenda.

Treasurer Brixie moved to adopt the Consent Agenda. Seconded by Clerk Dreyfus.

ROLL CALL VOTE: YEAS: Trustee Scales, Styka, Veenstra, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus

NAYS: None

Motion carried 6-0.

A. Communications

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

ROLL CALL VOTE: YEAS: Trustee Scales, Styka, Veenstra, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus

NAYS: None

Motion carried 6-0.

B. Minutes

(1) Treasurer Brixie moved to approve and ratify the minutes of the March 24, 2016 Joint Meeting as submitted. Seconded by Clerk Dreyfus.

ROLL CALL VOTE: YEAS: Trustee Scales, Styka, Veenstra, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus

NAYS: None

Motion carried 6-0.

(2) Treasurer Brixie moved to approve and ratify the minutes of the April 5, 2016 Regular Meeting as submitted. Seconded by Clerk Dreyfus.

ROLL CALL VOTE: YEAS: Trustee Scales, Styka, Veenstra, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus

NAYS: None

Motion carried 6-0.

C. Bills

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

Common Cash	\$ 811,934.43
Public Works	\$ 954,183.40
Trust & Agency	\$ 8,074.89
Total Checks	\$ 1,774,192.72
Credit Card Transactions	\$ 12,134.51
Total Purchases	<u>\$ 1,786,327.33</u>
ACH Payments	<u>\$ 3,571,789.74</u>

Seconded by Clerk Dreyfus.

ROLL CALL VOTE: YEAS: Trustee Scales, Styka, Veenstra, Supervisor LeGoff,
Treasurer Brixie, Clerk Dreyfus
NAYS: None
Motion carried 6-0.

[Bill list in Official Minute Book]

D. Pathway Master Plan (Set Public Hearing Date for May 17, 2016)

Treasurer Brixie moved to schedule a public hearing for the Township's regular meeting on May 17, 2016 to review the Pedestrian/Bicycle Pathway Master Plan and hear comments regarding additions or deletions from the plan. Seconded by Clerk Dreyfus.

ROLL CALL VOTE: YEAS: Trustee Scales, Styka, Veenstra, Supervisor LeGoff,
Treasurer Brixie, Clerk Dreyfus
NAYS: None
Motion carried 6-0.

E. Outdoor Gathering Permit Approval-Celebrate Meridian Event

Treasurer Brixie moved to approve the outdoor assembly license for the Meridian Township Downtown Development Authority's Celebrate Meridian Event to be held on June 11, 2016. Seconded by Clerk Dreyfus.

ROLL CALL VOTE: YEAS: Trustee Scales, Styka, Veenstra, Supervisor LeGoff,
Treasurer Brixie, Clerk Dreyfus
NAYS: None
Motion carried 6-0.

F. Cable Communications Commission Name Change Request

Treasurer Brixie moved to adopt the resolution of support regarding renaming the Cable Communications Commission to Communications Commission. Seconded by Clerk Dreyfus.

ROLL CALL VOTE: YEAS: Trustee Scales, Styka, Veenstra, Supervisor LeGoff,
Treasurer Brixie, Clerk Dreyfus
NAYS: None
Motion carried 6-0.

10. QUESTIONS FOR THE ATTORNEY (See Agenda Item #12D)

11. HEARINGS

- A. 2015 Order to Maintain Sidewalks, Special Assessment District No. 16
Supervisor LeGoff opened the public hearing at 6:29 P.M.

Director Perry summarized the proposed 2015 Order to Maintain Sidewalk Special Assessment District No. 16 as outlined in staff memorandum dated April 20, 2016.

Board discussion:

Supervisor LeGoff inquired as to how the Wardcliff neighborhood could obtain sidewalks.

Director Perry responded such a request would be handled through the special assessment process typically driven by residents of the neighborhood.

Supervisor LeGoff closed the public hearing at 6:31 P.M.

12. ACTION ITEMS

Supervisor LeGoff opened Public Remarks.

David Baylis, Provision Living, 1630 Desperes Road, St. Louis, Missouri, spoke to the need for the proposed Home for the Aged (HFA) state regulated assisted living community in this township which has 3,000 seniors living within its borders. He noted there are currently three HFA communities within the Township all of which are full. Mr. Baylis stated the senior population within the Township is growing at a rate of 14%, more than twice the national average of 6%; adding only 42 beds in the Township provide for patients with dementia, all of which are filled. He addressed the location, noting there has not been much interest in development of this property, zoned commercial and multi-family. Mr. Baylis believed the proposed rezoning would have less impact next to Land Preservation property and senior housing would be a good transitional use. He believed this type of development would spur development in the area. He noted seniors like to walk and with access to the nature preserve, there are several places to walk.

Supervisor LeGoff closed Public Remarks.

- A. Rezoning #16-14060 (Meridian Hospitality, LLC) – Amend Condition of Rezoning #14060
Trustee Veenstra moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION Ordinance No. _____, entitled “Ordinance Amending the Zoning District Map of Meridian Township pursuant to Rezoning Petition #16-14060” (Meridian Hospitality, LLC) to amend the voluntarily offered condition of Rezoning #14060 to read: “conditioned on limiting development on the site to a hotel with no more than 135 rooms, subject to the standards applying to hotels in the C-2 district and all requirements of Chapter 86 of the Code of Ordinances for special use permit, site plan review, or variance, if any; commencement of construction within three years from the effective date of the rezoning; and, reversion to PO (Professional and Office) zoning if construction of a hotel has not commenced.”

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

Seconded by Clerk Dreyfus.

Board and staff discussion:

- New applicant does not want to limit the rooms to be all suites
- Number of rooms will not change
- Applicant cannot increase the number of units
- Plan has not yet been submitted to know if the number of rooms within a unit will change

- Construction must commence 3 years from the effective date of the original rezoning passed on August 19, 2014

ROLL CALL VOTE: YEAS: Trustee Scales, Styka, Veenstra, Supervisor LeGoff,
Treasurer Brixie, Clerk Dreyfus
NAYS: None
Motion carried 6-0.

B. Rezoning #16010 (Provision Living)

Trustee Veenstra moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION Ordinance No. _____, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #16010” from PVL Investments, LLC to rezone approximately 8.66 acres located at 2267 BL-69 and 6217 and 6219 Newton Road from RA (Single Family-Medium Density), C-2 (Commercial) and PO (Professional and Office) to RD (Multiple Family-8 units per acre) with the voluntary offer of a condition that the rezoning, if approved, revert back to the original rezoning if a purchase agreement between the property owner and PVL Investments, LLC is not finalized by December 31, 2017.

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

Seconded by Trustee Styka.

Board discussion:

- There is a need for an assisted living facility in Meridian Township
- Residential use is a better neighbor for the Land Preservation property to the south
- Board member belief Land Preservation property is a good neighbor for the assisted living facility
- Board member preference for staff to work with the owners of the facility to design a pathway from the assisted living facility into the nature preserve
- Recent Board member contact from a resident of Grange Acres complaining about the lack of access to a close public transportation bus stop
- The location would not provide for public transportation for seniors living on this site
- Land Preservation property is an attractive neighbor for most any use
- Rezoning is inconsistent with the Township’s Future Land Use Map (FLUM)
- Board member belief a commercial use would be a better neighbor to adjacent Hammond Farms
- Board member concern with what happens when the baby boomers move through senior housing and the Township is left with an excess of homes for the aged
- Board member inquiry as to what types of Township services are required for this type of facility (e.g., ambulance services)
- Board member question regarding placement of this type of facility in an area where it may not receive rapid emergency response services
- FLUM calls for the land to be zoned residential, but the Board rezoned the frontage on Saginaw to commercial several years ago
- Most of Meridian Township is not served by bus service
- Board member belief lack of bus service is why Redi-Ride was implemented
- Existing Board goal of 60% single family home ownership in the Township
- Board member belief single family home ownership is valued at a higher premium, has a greater impact on the community, and has an impact on schools through providing school aged children

- Board member belief residents from single family households are more civically engaged and have a greater impact on the community than residents from an assisted living facility, mainly due to health concerns
- Proposed location for this facility is on BL-69, a major arterial and a thoroughfare regulated by the state
- Board member belief the existing zoning is appropriate

ROLL CALL VOTE: YEAS: Trustee Veenstra, Supervisor LeGoff
NAYS: Trustees Scales, Styka, Treasurer Brixie, Clerk Dreyfus
Motion failed 2-4.

C. Corridor Improvement Authority (CIA)

Treasurer Brixie moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves the establishment of a CIA and designates as the development area the real property as depicted on the attached map (Exhibit A) and associated legal description (Exhibit B) subject to the following condition:

1. **The CIA shall not pursue tax increment financing (TIF) for as long as the CIA is in existence.**

BE IT FURTHER RESOLVED the Clerk of the Charter Township of Meridian is directed to file the resolution with the Secretary of State and to publish the resolution at least once in a newspaper of general circulation in the Township.

Seconded by Trustee Styka.

Board discussion:

- Economic Development Corporation (EDC) vetted this issue for approximately 18 months prior to it being before the Board for consideration
- CIA will provide additional flexibility in joint planning with neighboring municipalities
- A study by the Capital Area Transportation Authority (CATA) on formed based code is currently being conducted, with possible future recommendations regarding adoption of amendments to the Township's zoning ordinance relative to the commercial corridor

Trustee Scales offered the following amendment:

- **Amend condition #1 by inserting "or similar financing under a different name utilizing tax capture" after "(TIF)"**

Seconded by Trustee Styka.

Continued Board discussion:

- Amendment would ensure any change concerning the tax capture nomenclature would still prohibit that activity
- Concern with language in the amendment prohibiting a brownfield within the Township's established CIA
- Board member belief the original condition was included to prevent the entire corridor from becoming a TIF
- Board member belief the proposed amendment would preclude a property owner within the CIA from receiving a brownfield development if requested
- Board member belief individual property owners could still seek a brownfield as his interpretation is the condition prohibits the CIA, itself, from pursuing any tax capture
- Board member explanation that a brownfield is a tax capture, as it is the increase in value above the baseline which pays for the cleanup

Treasurer Brixie offered the following amendment:

- **Amend condition #1 by adding “This does not prevent individual property owners from pursuing tax capture on their individual properties.” as a second sentence.**

Seconded by Trustee Styka.

Continued Board discussion:

- Board member preference to use the term brownfield tax credits if the intent is to allow for them
- Concern by the maker of the amendment the nomenclature for “brownfield” could also change

ROLL CALL VOTE YEAS: Trustee Styka, Treasurer Brixie
ON THE BRIXIE NAYS: Trustees Scales, Veenstra, Supervisor LeGoff, Clerk Dreyfus
AMENDMENT: Motion failed 2-4.

ROLL CALL VOTE YEAS: Trustees Scales, Styka, Veenstra, Clerk Dreyfus
ON THE SCALES NAYS: Supervisor LeGoff, Treasurer Brixie
AMENDMENT: Motion carried 4-2.

Continued Board and staff discussion:

- Opposition to earlier Board member statement the creation of the CIA provides additional flexibility in zoning
- CIA will be an advisory committee and zoning will have to follow the currently established process for approval
- Creation of a CIA allows opportunity to obtain grant funds
- Concern with proposed boundary for the CIA includes a number of apartment complexes which will not be redeveloped in the future
- Board member preference to change the language “development area” in the resolved clause to “area of the CIA”
- The term “development area” is the term used in the state act
- Inquiry of staff as to how approval of a CIA enhances the opportunity for a BRT
- Staff response the CIA and the BRT are two distinct issues and not directly related
- CIA provides a more formalized framework in which to work with neighboring municipalities in the future
- CIA is a planning tool which would provide consistency with the region at large

ROLL CALL VOTE YEAS: Trustee Scales, Styka, Veenstra, Supervisor LeGoff,
ON THE MAIN Treasurer Brixie, Clerk Dreyfus
MOTION: NAYS: None
Motion carried 6-0.

D. Medical Marihuana

Trustee Styka 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, Ingham County, Michigan, Chapter 86, Article I by amending Section 86-2 and Section 86-5, Chapter 86, Article IV, Division 2 by adding Section 86-368 (b)(2) a.5 and amending Section 86-368 (b)(2) b.4, Chapter 86, Article IV, Division 3 by adding Section 86-403 (d)(5) and Section 86-404 (c)(15), and Chapter 86, Article IV, Division 4, by adding Section 86-435 (b)(4).

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

Seconded by Clerk Dreyfus.

Board discussion:

- Township Board and the subsequent appointed Board subcommittee spent a great deal of time working towards this compromise
- Proposed compromise provides for acceptable regulation
- Board member belief the pending state legislation would support the language contained in this zoning amendment
- Language contained in condition #7 is contained in the home occupation code

Treasurer Brixie offered the following amendment:

- **Amend Section 86-368(b)(2)b.(4) by adding a sentence which reads “There will be a limit of 144 plants per residence.”**

Seconded by Supervisor LeGoff.

Continued Board discussion:

- Amendment to the home occupation ordinance would allow 2 caregivers in a single residence with the maximum number of patients to grow 72 plants each
- Board member belief the proposed amendment would address the “attractive nuisance” medical marihuana creates in attracting crime
- There have been two (2) separate instances in the last two years in the Township regarding armed robbery in homes where there were medical marihuana growing operations
- Board member belief the limits contained in the compromise do not adequately address the impact to the residential neighborhood
- Inquiry if there has been armed robberies associated with other home occupations (e.g., tailor, music repair, real estate offices, attorneys, etc.)
- Inquiry if armed robbery is a crime which occurs in the residential portions of Meridian Township on a regular basis
- Response from police personnel armed robberies in residential neighborhoods have been drug related
- Staff preference to return the proposed amendment back to the attorney for proper placement within the document

TOWNSHIP ATTORNEY COMMENT: Mark has pointed out subsection a.5 which defines the medic al marihuana home occupation. Just so the Board understands, the way we define the home occupation consists of one primary caregiver which means the maximum number of plants that could be grown by that caregiver in a home occupation is 72. What it doesn't address is that if there are other cardholders (patients) living in that home, they can each grow 12 without restriction because they reside there. The question is what would be the maximum number of plants grown by a single caregiver in a home occupation, plus other residents of the home you don't want to exceed because you cross over from basically being personal use to quasi-commercial agricultural type of use.

The home occupation is limited to 72 plants. The issue is whether we should put some other “cap” so that we don't go over that number in a residential district. This would be the section where I think you put that cap so that you understand what the maximum number of plants are under any circumstances in a residential district. We can work that language out if that's what the Board's pleasure is.

Continued Board discussion:

- Zoning amendment must comply with state law
- Michigan Medical Marihuana Act does not appear to have a limit
- Board member belief the Board cannot place a limit of one primary caregiver within a residence

- Subcommittee agreed the 500 square foot maximum area noted in the ordinance for a home occupation would, in effect, be the limiting factor
- Area defined in the home occupation ordinance states 25% or 500 feet, whichever is less
- Primary caregiver v. caregiver
- State law uses the term primary caregiver

TOWNSHIP ATTORNEY COMMENT: The actual definition that's in the ordinance is taken right from the act. You'll see that on Page 2 at the top.

Continued Board discussion:

- Limit of one caregiver per home is located on Page 3 at the top

TOWNSHIP ATTORNEY COMMENT: You can have more than one caregiver residing in the house, but only one can grow as part of the home occupation

Continued Board discussion:

- Number of plants which would be allowed in a residence if the proposed amendment is not adopted

TOWNSHIP ATTORNEY COMMENT: There are a number of ways to answer. I think Clerk Dreyfus has made an excellent point that you are going to be constrained by the square footage within whatever residential dwelling you are in. I don't know enough about growing medical marihuana to know how many plants that would be. In terms of the individuals and what they could conceivably grow if you had enough square footage, the primary caregiver can grow up to 72 plants; 12 for him or herself, and 12 for each of up to five (5) patients to which that caregiver is connected. Any other cardholders in the dwelling could go up to 12 for their own personal use. Depending on how many other cardholders you had as a member of the family, (and they would have to be adults over the age of 21), they could grow 12 plants for each of them. So it could be 72, could be 84, could be 96 dependent upon how many cardholders you have.

Continued Board discussion:

- Inquiry of police staff how a limit on the number of plants be enforced
- Enforcement of the number of allowed plants would be a code enforcement issue
- Law enforcement agencies would follow the Michigan Medical Marihuana Act (MMMA)
- By law, each caregiver has to have their own separate locked growing area accessible only to the grower
- Each plant must be identified for whom it is being grown
- Feasibility of code enforcement monitoring the number of plants growing in a residence

ROLL CALL VOTE YEAS: Trustee Scales, Supervisor LeGoff, Treasurer Brixie
ON THE BRIXIE NAYS: Trustees Styka, Veenstra, Clerk Dreyfus
AMENDMENT: Motion failed 3-3.

Continued Board discussion:

- Board member belief the proposed language allows for grow and transfer operations in the Township's commercial and industrial districts
- Board member preference to confine commercial growing operations to industrially zoned areas
- Example of the City of Lansing's growing number of dispensaries in its commercial areas to the point the Mayor is considering placing a moratorium on them

Treasurer Brixie offered the following amendment:

- **Delete subsections E and F**

Seconded by Trustee Scales.

Continued Board discussion:

- Proposed amendment would allow growing operations only in industrially zoned districts
- Board member concerns is based on observation of what is occurring in the City of Lansing
- Business owner comments concerning the negative impact The Herbal Center had on their businesses in the Towar neighborhood strip mall due to the strong odor emanating from the business
- Board member preference for medical marihuana to be handled through a pharmacy
- Subcommittee members operated under the assumption if there was not language as addressed in subsection E and F, there was no regulation in those zoning districts
- Intent by members of the subcommittee to ensure there was some regulation by ensuring they were not within 500 feet of one another and not within 1,000 feet of a school

TOWNSHIP ATTORNEY COMMENT: Let me address two (2) issues. The first observation by Trustee Styka is a correct one. If we don't adopt some form of regulation, then it is wide open. As to the ordinance as a whole, in the absence of adopting any of these amendments, we will have no regulation at all in residential, commercial or industrial zones. So to the extent that you want to provide for appropriate uses in appropriate districts, you need to do something. Then the question is what do you do?

With the amendment that's proposed, these grow and transfer facilities would be permitted as a right in industrial districts, but then would not be a permitted use in any commercial districts. They would not be permitted either by right or by permit, so they would not be allowed. You have provided for them in industrial; they would not be allowed in commercial, nor would these operations be allowed in a residential district because they are not provided for in a residential district. The effect of the amendment proposed by Treasurer Brixie would be to provide for these types of grow and transfer facilities only in industrial districts.

I do agree with your observation that in the absence of some regulation, then it is "free for all."

Continued Board discussion:

- Board member understanding in order to grow in a commercial district, the proper patient/caregiver ratio in state law must be followed
- Board member opinion allowing grow facilities in residential districts does not make sense if you are going to prohibit them in commercial areas
- The Township makes exceptions (e.g., noise) in commercial districts that are regulated in residential districts
- There is little industrial zoned land within Meridian Township
- Board member belief C-1 has the greatest impact on neighborhoods and under the proposed ordinance, the applicant would have to work through the review process with the Planning Department to determine the impact of the proposed site on residential neighborhoods
- Board member belief C-2 zoned districts contain larger sized operations
- Proposed ordinance does not limit the number of caregivers in a commercially zoned area
- Difference of opinion among Board members regarding the effect The Herbal Center had on the neighborhood
- Proposed ordinance does not limit the number of caregivers within a facility
- 500 square foot limitation is contained only in the home occupation portion
- Letter from the Okemos High School Parent Group to the Board included suggestions for regulating medical marihuana (i.e., temporary moratorium on new dispensaries, collaboration with neighboring communities, require licensing, 1,000 foot setback from schools and day care facilities in residential districts, etc.)
- Board member offer of excerpts from several letters voicing opposition to the establishment of medical marihuana facilities in Meridian Township
- Dispensaries popping up throughout the City of Lansing is a question of law enforcement within that city and has nothing to do with Meridian Township
- Reminder that the dispensary issue brought up during every discussion on medical marihuana is not an issue here in Meridian Township as they are illegal

- Concern the discussion tonight is the same as two years ago which will result in no regulation whatsoever
- Subcommittee worked diligently to effectuate a compromise that all Board members could support in an effort to begin the process of regulating medical marihuana
- Board member reminder the proposed ordinance is about regulating medical marihuana caregivers, not dispensaries
- Board member visit to The Herbal Center revealed a well-run operation and the member did not detect any odor on site
- Board member reminder the Board received letters in favor of The Herbal Center
- Board member belief the Board is fighting against the tide of history

Michigan Supreme Court Opinion in Tur Beek v. City of Wyoming: (Questions for the Attorney (Agenda Item #10))

- Q. The City of Wyoming borders the southwest corner of Grand Rapids. The city government in Wyoming wanted to restrict caregivers and their ordinance went to the Michigan Supreme Court in the case of Tur Beek v. City of Wyoming. Please describe what the Michigan Supreme Court said in Tur Beek v. Wyoming.
- A. There is a lot of confusion about what that case said and didn't say. What that case essentially said is that in terms of a local ordinance that attempted to prohibit and criminalize the use of medical marihuana, that ordinance is preempted by state law. You may not totally ban medical marihuana within your boundaries. What the court was very careful to say, and I'll read from the conclusion it's a footnote and it's a very, very important footnote at the end of the opinion. The court wrote, "Contrary to the city's concern, this outcome does not create a situation in the State of Michigan where a person, caregiver or a group of caregivers would be able to operate with no local regulation of their cultivation and distribution of marihuana. Tur Beek does not argue, and we do not hold, that the MMMA forecloses all local regulation of marihuana, nor does this case require us to reach whether and to what extent the MMMA might occupy the field of medical marihuana regulation." They left open the possibility and, in fact, the probability, that local regulation is permissible. They simply said in this case, you can't ban the use of medical marihuana within your boundaries. So Tur Beek stands for the proposition that you can adopt local regulation and no court has held since Tur Beek came down in early 2014 that you cannot. I want to make real clear the ordinance before you does not regulate caregivers. To be very clear, it regulates land use. It provides what land uses are permissible in what districts, what is a permissible use in residential districts, in commercial districts and in industrial districts, which we do with all types of uses through home occupation or through other regulations with respect to commercial operations and the like. I don't want anybody to misunderstand that we are not attempting to regulate what people want to do with medical marihuana. That is their right under the law. The issue, as I reviewed this ordinance, is we are regulating the use and the impact on residential, commercial and industrial districts.

Continued Board discussion:

- Medical marihuana law has been in effect since 2008
- Acknowledge there has been two (2) serious incidents in the Township involving armed robbery, one of which is believed more than just robbery surrounding medical marihuana
- Board member assertion eight years of experience with medical marihuana in Meridian Township shows nothing of note
- Board member belief there are many grow operations in residential areas throughout the Township
- Township is unaware of the number of grow operations within its borders as neighbors are not contacting the Township with complaints
- Board member concern the Township Board is reverting back to "reefer madness" and highlighting extreme cases to instill fear
- Board member belief "boogey man" arguments are being presented during discussion of this issue

- Polls taken show people's perception nationally towards medical marijuana and recreational marijuana is changing
- The role cannabis will play in our society is similar to the role alcohol played in effecting the development of the United States
- Board member belief this is a reasonable compromise
- Board member belief the legalization of marijuana will be before the voters this year
- Four (4) industrial zones located within Meridian Township
- Board member concern with one other Board member who is in opposition of medical marijuana holding up this compromised proposal
- Board member assertion the sole dissenter is an obstructionist on this issue
- Concern the well intentioned amendment before the Board has the unintended effect of no regulation in Meridian Township as the Board has not yet been able to reach a decision
- Compromise addresses parents' concern with the 1,000 requirement from schools
- Current state law prohibits dispensaries
- Regulations will exist in residential neighborhoods through the creation of a home occupation in the proposed ordinance
- Board member belief there needs to be more protection in neighborhoods while cannabis grow operations are illegal at the federal level
- Board member offer of a scenario which could occur during an armed robbery in an attempt to steal medical marijuana grown in a residential district
- Language regarding distance between facilities and distance from schools pertains to industrial districts
- The two (2) reported armed robbery incidents in residential districts involving marijuana were related specifically to medical marijuana grow operations
- Extensive preparation to obtain the active ingredients in the buds of a marijuana plant

Clerk Dreyfus called the question.

ROLL CALL VOTE YEAS: Trustee Scales, Supervisor LeGoff, Treasurer Brixie
ON THE BRIXIE NAYS: Trustees Styka, Veenstra, Clerk Dreyfus
AMENDMENT: Motion failed 3-3.

Treasurer Brixie moved to table. Seconded by Trustee Veenstra.

ROLL CALL VOTE: YEAS: Trustee Scales, Styka, Veenstra, Supervisor LeGoff,
Treasurer Brixie
NAYS: Clerk Dreyfus
Motion carried 5-1.

E. Employee Appreciation Compensation

Treasurer Brixie moved to authorize allocation of a one-time \$400 employee appreciation payment to be paid to all full and permanent part-time employees of Meridian Township. Seconded by Clerk Dreyfus.

Board discussion:

- While the stated growth was not met, some growth was realized and this "bonus" is meant to share in that growth with our loyal employees who have made many sacrifices since the "great recession"
- Appreciation for the lump sum v. percentage for each employee
- Part-time employees will receive the same lump sum payment as full-time employees

ROLL CALL VOTE: YEAS: Trustee Scales, Styka, Veenstra, Supervisor LeGoff,
Treasurer Brixie, Clerk Dreyfus
NAYS: None
Motion carried 6-0.

13. BOARD DISCUSSION ITEMS

Supervisor LeGoff opened Public Remarks.

Scott Fairmont, 4429 Apache Drive, Okemos, availed himself for Board questions on Tentative Preliminary Plat #16012.

Supervisor LeGoff closed Public Remarks.

A. Tentative Preliminary Plat #16012 (Mayberry)

Director Kieselbach summarized the tentative preliminary plat as outlined in staff memorandum dated April 20, 2016.

Board discussion:

- Applicant moved the road outside of the drip line to preserve an existing 72” oak tree on the property
- Some lots were reconfigured to preserve other oak trees by placing them on the lot line so there would be 20 feet of protection for them
- Inquiry if the applicant has had a conversation with the Ingham County Road Department (ICRD) concerning the approach to Powell Road to preserve the 18” walnut tree
- Applicant has met with the ICRD, but the Road Department will not provide official comment until approval of the tentative preliminary plat (TPP) is received
- ICRD comment noted the proposed layout is preferable to a cul de sac, one of the earlier renditions of the subdivision
- Applicant has kept the drip line of the trees outside of the road right of way
- The Township’s subdivision regulations require an additional 20 foot buffer near the intersection of the new street contained in the subdivision to be used for landscaping
- Board member request for staff to contact the ICRD regarding mature trees in the approach
- Sidewalks will be constructed within the subdivision which will also have dark sky streetlights
- Subdivision is estimated to be approximately 2,000 feet south of Georgetown
- Board member inquiry as to how the proposed subdivision would be serviced by public water and sewer
- The southern cul de sac of Central Park Estates contains a sanitary sewer with an easement to Powell Road
- Applicant intends to follow the direction of the Township’s engineering staff regarding the construction of 1,000 feet of sewer necessary to connect to the public sewer
- Other residents along Powell Road will have availability to connect to public water and sewer if they so desire
- Township requires a 20 foot landscape buffer along Powell Road Lots 2 and 23 as part of its subdivision regulations
- Landscape buffer is not required for Lots 1, 24 and 25 which adjoin Powell Road
- Lots 1, 24 and 25 front onto Powell Road, a collector street and have their access onto Powell Road
- Applicant is requesting a waiver for Lots 1, 24, and 25 to be included as part of the subdivision
- Applicants intends to extend the landscaping buffer along Powell Road with appropriate breaks for the driveways in an effort to hide the houses on Lots 1, 24 and 25 from Powell Road
- North stub of the subdivision extends into adjacent school property

It was the consensus of the Board to place this item on for action at the May 3, 2016 Board meeting.

B. 2015 Order to Maintain Sidewalks, Special Assessment District No. 16

It was the consensus of the Board to place this item on the consent agenda for the May 3, 2016 Board meeting.

C. MUPUD Review Process

Director Kieselbach summarized the review of the Mixed Use Planned Unit Development ordinance as outlined in staff memorandum dated April 21, 2016.

Board discussion:

- Board member preference for members to have an opportunity to review the extensive information offered and place this item on for discussion at a future meeting

It was the consensus of the Board to allow Board members additional time for review and bring this item back for discussion at a future meeting.

~~D. Cable Communications Commission Name Change Request~~

E. Pathway Millage Renewal

Assistant Township Manager Perry summarized the Pedestrian/Bicycle Pathway Millage renewal as outlined in staff memorandum dated April 20, 2016.

Board discussion:

- Without a renewal, the Township will not have an available funding source to maintain the existing pathways or any potential future construction
- Ingham County Commission voted this evening to place .24 mills on the August 2nd ballot for the animal shelter millage
- Board member preference to restore the millage renewal to the full 1/3 mill on the August ballot for a 12 year period
- One v. two ballot questions
- Board member belief the county is also considering millage questions regarding the jail and 911 but uncertain when they will appear on a ballot in 2016
- Board member belief it is easier to run a campaign for the millage renewal if it is placed on the August ballot
- Board member belief a larger number of residents vote in the November Election
- Evidence shows popularity for the pathways and should be placed on the August ballot when there will be fewer millage renewals
- Staff to prepare the documents for the August primary to be voted on when there is a full complement of the Board

It was the consensus of the Board to pursue a millage renewal for the full 1/3 mill for a 12 year period to be placed on the August ballot.

14. FINAL PUBLIC REMARKS

Supervisor LeGoff opened Public Remarks.

Kay Lockwood, 2695 Teri Terrace, East Lansing, compiled and read comments from several residents in opposition to the Bus Rapid Transit (BRT).

Supervisor LeGoff closed Public Remarks.

15. FINAL BOARD MEMBER COMMENT

Trustee Veenstra explained the BRT will consist of two traffic lanes with a dedicated bus lane in the center. He indicated cars wishing to make left hand turns at a signal light will need to cross the dedicated bus lane. Trustee Veenstra added the median will be replaced with a left turn lane at signal lights at which left hand turns are allowed. He voiced concern with the number of cars stacked in the left turn lane being greater than the length of the lane which, in effect, would block the dedicated center running bus lane. He reminded Board members the Township Board has gone on record in favor of the BRT and must pass a resolution in opposition to change the current position.

Treasurer Brixie thanked the residents who volunteered their time to participate in the Meridian Recycling Event and Love a Park Day held on April 23, 2016.

Trustee Scales reported his attendance yesterday at a meeting of residents, business owners and the Lansing Chamber of Commerce held in response to petitions submitted to the Board in opposition to the BRT. He noted the response from business owners was productive, indicating they are considering funding a traffic study to ascertain the effects of a potential BRT. Trustee Scales relayed the discussion covered topics such as a BRT design to slow the traffic down and the resulting unintended outcomes of diverting traffic to Mt. Hope, Haslett and Lake Lansing Roads and, consequently, the bleed out into neighborhoods. He urged the Board to be proactive in its review of any proposal of the BRT, adding the prevailing opinion was in opposition to the BRT system.

16. CLOSED SESSION – Annual Township Manager Performance Review

Trustee Styka moved, at the request of the Manager, that the Township Board go into closed session to discuss the personnel evaluation of the Township Manager pursuant to MCL 15.268(a). Seconded by Clerk Dreyfus.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus
NAYS: None
Motion carried 6-0.

Supervisor LeGoff recessed the meeting at 9:30 P.M.

The Board adjourned for a closed session.

Clerk Dreyfus moved to return to open session. Seconded by Trustee Scales.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus
NAYS: None
Motion carried 6-0.

Supervisor LeGoff reconvened the meeting at 9:59 P.M.

17. ADJOURNMENT

Supervisor LeGoff adjourned the meeting at 10:00 P.M.

ELIZABETH LEGOFF
TOWNSHIP SUPERVISOR

BRETT DREYFUS
TOWNSHIP CLERK

Sandra K. Otto, Secretary