

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, DECEMBER 4, 2012 **6:00 P.M.**

PRESENT: Clerk Dreyfus, Treasurer Brixie, Trustees Scales, Styka, Veenstra, Wilson
ABSENT: Supervisor LeGoff
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development
Mark Kieselbach, Director of Engineering & Public Works Ray Severy

1. CALL MEETING TO ORDER

President Pro Tem Brixie called the meeting to order at 6:00 P.M.

2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS

President Pro Tem Brixie led the Pledge of Allegiance.

3. ROLL CALL

The secretary called the roll of the Board.

4. PUBLIC REMARKS

President Pro Tem Brixie opened Public Remarks.

Vance Kincaid, 4530 Nakoma Drive, Okemos, welcomed new Board members. He urged the new fire station be named the North Central Fire Station to reflect geographical location. Mr. Kincaid addressed safety concerns associated with roundabouts, reading excerpts from the October issue of the *State News*. He believed tonight's agenda item titled "Medical Marihuana Regulations" is a dead issue and neither staff effort or taxpayer dollars should be spent on this matter.

Neil Bowlby, 6020 Beechwood Drive, Haslett, spoke to the governing responsibility of the Township Board as protecting the health, safety and welfare of Township residents. He outlined the important health, safety and welfare issues facing the Township as a result of reviewing candidate interviews from the 2012 Primary and General Elections. Mr. Bowlby inquired as to when the Planning Commission packet will be available online.

President Pro Tem Brixie closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Clerk Dreyfus apprised new Trustees that his office has placed a folder at their seats which will house Applications for Public Service for potential Board appointments.

Trustee Veenstra continued to express concern over the type of products going through the Wolverine Pipeline in the Ember Oaks subdivision. He noted Wolverine's response to staff was that the pipeline delivered refined petroleum products (e.g., gasoline and diesel). Trustee Veenstra believed a 60 foot setback from the pipeline is not sufficient due to the highly flammable nature of the material which travels through the pipeline, urging the Board consider a greater setback for safety reasons.

Trustee Scales attended the Site Plan Review for the Douglas J development yesterday and was impressed. He also met with the Director of the Ingham County Department of Transportation and Roads and the Director of Operations and received a brief update on the Advisory Board. Trustee Scales noted the purpose of the Advisory Board, made up of members of various townships within Ingham County, is to advise the Board of Commissioners on county road matters, including strategic and long-term planning for road improvements, etc. He stated there is a list of proposed projects in the Transportation Improvement Plan (TIP) and the new Board may want to revisit those projects, adding the Director stated the Township has opportunity to make such changes.

President Pro Tem Brixie noted the East Lansing Public Schools announced they will be closing an elementary school building and more information is available on their website. She reported her participation in following the personal property tax elimination being proposed during the lame duck session of the Michigan Legislature. President Pro Tem Brixie indicated it appears there will be legislation which will have a negative impact on revenues to Meridian Township. She added there will be opportunity to budget for these changes as they will not take place next year.

6. APPROVAL OF AGENDA

Trustee Veenstra moved to approve the agenda amended as follows:

- **Move Agenda Item #11A, titled “December Meeting Schedule” to Agenda Item #10A**

Seconded by Trustee Scales.

Board members discussed the following:

- Changing the second Board meeting in December to the 18th would allow the new Supervisor an opportunity to return from overseas and properly prepare for the meeting

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA

President Pro Tem Brixie reviewed the consent agenda.

Trustee Wilson moved to adopt the Consent Agenda. Seconded by Trustee Styka.

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

The adopted Consent Agenda items are as follows:

A. Communications

(1) Board Deliberation (BD)

BD 11C-1 Lynn Ochberg, 4383 Maumee, Okemos; RE: Article from the *New York Times* titled, “Give Pot a Chance”

(2) Board Information (BI)

BI-1 Tim Potter, 4632 Van Atta Road, Okemos; RE: Van Atta Road Bridge Project Request

BI-2 John P. Gardner, Government Affairs Manager, Comcast, Heartland Region, 1401 E. Miller Road, Lansing; RE: Price Changes effective January 1, 2013

BI-3 Clerk Brett Dreyfus; RE: Article titled, “The Power of Art in Place”

(3) Regional Linkage (CL)

RL-1 Susan Pigg, Executive Director, Tri-County Regional Planning Commission; 3135 Pine Tree Road, Suite 2C, Lansing; RE: Expiration of Board representative term to the Tri-County Regional Planning Commission

RL-2 Susan Pigg, Executive Director, Tri-County Regional Planning Commission; 3135 Pine Tree Road, Suite 2C, Lansing; RE: Appointments to regional committees facilitated and hosted by Tri-County Regional Planning Commission

(4) Staff Communication (SC)

SC-1 Township Manager Gerald Richards; RE: Notice of Resignation

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

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

B. Minutes

Trustee Wilson moved to approve and ratify the minutes of the November 20, 2012 Regular Meeting as submitted. Seconded by Trustee Styka.

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

C. Bills

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

| | |
|--------------------------|----------------------|
| Common Cash | \$ 228,422.38 |
| Public Works | \$ 36,337.30 |
| Total Checks | \$ 264,759.68 |
| Credit Card Transactions | \$ 8,129.30 |
| Total Purchases | <u>\$ 272,888.98</u> |
| ACH Payments | <u>\$ 405,828.54</u> |

Seconded by Trustee Styka.

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

[Bill list in Official Minute Book]

D. Assessing Stipulation

Trustee Wilson moved that the Township Attorney be authorized to sign a stipulation with JCC Properties, LLC in accordance with the revised assessed and taxable values stated as follows:

**JCC PROPERTIES, LLC
PROPOSED STIPULATION FIGURES**

Original Values

| Parcel Number | Address | Year | Original Assessed Value | Original Taxable Value |
|---------------------|-------------------|------|-------------------------|------------------------|
| 33-02-02-15-400-027 | 5140 Times Square | 2010 | \$782,000 | \$782,000 |
| 33-02-02-15-400-027 | 5140 Times Square | 2011 | \$764,500 | \$764,500 |
| 33-02-02-15-400-027 | 5140 Times Square | 2012 | \$746,200 | \$746,200 |

Proposed Revised Values

| Parcel Number | Address | Year | Revised Assessed Value | Revised Taxable Value |
|---------------------|-------------------|------|------------------------|-----------------------|
| 33-02-02-15-400-027 | 5140 Times Square | 2010 | \$637,500 | \$637,500 |
| 33-02-02-15-400-027 | 5140 Times Square | 2011 | \$637,500 | \$637,500 |
| 33-02-02-15-400-027 | 5140 Times Square | 2012 | \$637,500 | \$637,500 |

Seconded by Trustee Styka.

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

- E. Approval of Two Streetlights at Park Lake Road and Burcham Drive
Trustee Wilson moved to approve the Roundabout-Burcham & Park Lake Road Public Streetlighting Improvements Resolution, authorizing the installation, operation and maintenance of two (2) 150W high pressure sodium cobra head streetlights: one (1) to be located at the NE quadrant and one (1) to be located at the SE quadrant of the roundabout at Park Lake Road and Burcham Drive; and authorize the Clerk and Supervisor to sign the Authorization for Change in Streetlighting Contract as prepared by Consumers Energy Company. Seconded by Trustee Styka.

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

8. QUESTIONS FOR THE ATTORNEY (None)
 9. HEARINGS (None)
 10. ACTIONS ITEMS

A. December Meeting Schedule

Manager Richards summarized the December, 2012 Meeting Schedule as outlined in staff memorandum dated November 30, 2012.

Trustee Veenstra moved to change the December 11, 2012 meeting to December 18, 2012. Seconded by Clerk Dreyfus.

Board members and staff discussed the following:

- Preference for the Supervisor to have sufficient time to review applications prior to appointments
- Some appointments are made by the Supervisor with Board confirmation
- Some appointments are made by the Board as a whole
- Preference for most of the appointments to be made when there is a full complement of the Board
- December 11th meeting was set by the previous Board in November, 2011
- December 11th meeting has been on the Township website for approximately a year
- No compelling reason to change the meeting date
- Changing the Board meeting to December 18th allows the Supervisor a full week to review the agenda and reasonably discuss appointments
- Schedule at the end of the year is typically lighter and usually does not contain controversial issues
- Public expectation for Board meetings to be held on the 1st and 3rd Tuesdays of each month
- Concern with only a week for staff to prepare items to be placed on the agenda
- Ability for more items to be placed on the agenda with at least a two week period between meetings
- Many individuals have set their schedules based on the adopted Board meeting schedule

- Board member belief the adopted meeting schedule recognizes year end responsibilities for staff and the desire by staff to take time off
- Personal scheduling reasons for Board members to keep the schedule as adopted

VOICE VOTE: Motion failed 2-4. (Trustees Scales, Styka, Wilson, Treasurer Brixie)

11. DISCUSSION ITEMS/ENDS

President Pro Tem Brixie opened Public Remarks.

Neil Bowlby, 6020 Beechwood Drive, Haslett, did not believe citizens have expressed concern with medical marihuana regulation, as medical marihuana dispensaries are illegal in the State of Michigan. He asked for an explanation as to how a medical marihuana dispensary is different from a business which is involved in the commercial transfer of prescription drugs. Mr. Bowlby stated prescription drugs are a greater danger than medical marihuana and there currently are no regulations for pharmacies and drugstores relative to distance from child care centers, residential properties, parks, schools, etc. He expressed concern with the message sent that distribution of one prescription drug is treated differently than any other prescription drug.

President Pro Tem Brixie closed Public Remarks.

B. Township Manager Replacement Process

President Pro Tem Brixie noted information was provided in the Board packet regarding the replacement process for the Township Manager.

Board members and staff discussed the following:

- Importance of being thorough in the selection process
- Michigan Municipal League (MML) is the only association in Michigan which provides this type of service for local government managers
- Outside of Michigan, International City/County Management Association provides a listing that contains a number of firms which offer placement services
- MML performs searches outside of Michigan's borders, through use of an electronic website which would go nation wide
- MML has a set fee for its services
- Because Meridian Township is a MML member, there is a discount on the fee for services
- Targeted outreach of interested parties and groups in the selection process
- Importance of having as much input from as many sources as possible
- Recommendation for a committee of 2-3 Board members to create selection criteria
- Suggestion for Trustee Styka to chair the committee (subject to the consent of the Supervisor) in order to capitalize on his prior experience
- Concern there needs to be a charge of the committee
- Board operates under Policy Governance, not subsets of the Board
- Preference for different groups in this business to present proposals to the entire Board
- Committee would develop selection criteria in alignment with the selected consultant
- Committee should not narrow the candidate field
- Consultant would eliminate unqualified candidates and then provide options to the Board as a whole
- Committee would help eliminate candidates and not leave the elimination process to an outside consultant who is not part of the community
- Concern there would be a lack of transparency with a committee which would serve as a filter
- Concern members of the public will be disenfranchised with the use of the committee
- Committees have been used in the past for the purpose of hiring (e.g., public relations firm)
- Advantages to using MML's service is that the league is familiar with the types of issues, struggles, and desires of a community the size of Meridian Township
- Michigan Townships Association (MTA) sometimes caters to the smaller units of government
- Preference for the consultant to first hold a series of meetings with the Township Board to establish desired qualifications in a Township Manager
- Preference for the new Township Manager to be adept at interfacing with the public and addressing their concerns in a thoughtful and careful manner

- Many applicants request confidentiality and do not want their current employer to know they are looking for another job
- Names of candidates are not released until applicants are interviewed
- Ten percent (10%) of the annual salary is the standard consultant fee
- Possibility of representatives of the Township assisting the consultant in the screen out process
- Strong selection criteria developed by the Board will direct the consultant in screening applicants
- Process will assist new Board members in understanding all the duties of the Township Manager
- Need for a budget amendment to cover the cost of the recruitment process
- Merits of spending additional money to have the new hire shadow the Township Manager
- Possibility of the Township Manager serving as a consultant to the new Manager on an as-needed basis
- Suggestion for Board members to bring their calendars to set time(s) to discuss the criteria for a Township Manager
- Timing of the various steps in the process (advertising, etc.)
- Consultant will lay out the timeline for the Board
- Township Manager to contact MML to have a representative at the next Board meeting

It was the consensus of the Board to place the Michigan Municipal League proposal for executive search services on the December 11, 2012 Board agenda for action.

C. Medical Marihuana Regulations

Director Kieselbach summarized the Planning Commission's proposed ordinance on medical marihuana regulations from February, 2011 as outlined in staff memorandum dated November 30, 2012.

Board members and staff discussed the following:

- Township Attorney has drafted ordinances for other communities
- Staff is unaware of any problems associated with the two dispensaries which operated in the Township until the Court of Appeals ruled that marihuana dispensaries conducting patient to patient sales were illegal
- Board member belief the Planning Commission's decision to take no further action after the Court of Appeals ruling was the correct one
- Board action would need to be in compliance with the Supreme Court decision when it is made
- Township Attorney should not be paid to work on an issue which is, in effect, "nonexistent"
- Existing ordinances adequately protect neighborhoods in the Township and require facilities be located in the proper commercial zoning district
- As stated in the draft ordinance from the Planning Commission, The Herbal Center would not comply with the 500 foot setback from other dispensaries, churches, schools, etc. as it was neighbor to a church
- Purpose for placing this item on the agenda was to discuss possible regulations in the residential district
- Township Attorney attendance at a future meeting to give the Board a presentation
- Work by the Township Attorney on ordinances is typically covered under the retainer
- Township Attorney attendance at a Board meeting would incur additional charges
- Language contained in the section on growing facilities was in the industrial district
- Attorney General opinion stated growing facilities are illegal; however, there has not been a test case to date
- An individual, certified as a caregiver, can grow for their patients
- Definition of a group
- Suggestion in the ordinance was to not limit the number of caregivers who may live in a household, but limit the number of plants
- Insert language to designate setbacks from churches, schools, playgrounds, etc. in residential areas
- Churches, daycares, etc. are an allowed use in the residential district by special use permit

- No enforcement or fines listed in the proposed language for regulation violations
- Language proposed was to be placed in the zoning section of the ordinance
- Violation of the zoning ordinance is a municipal civil infraction, which carries a \$75 fine for the first violation, with increasing penalties for continued infractions
- By law, the only compensation to caregivers for medical marihuana is for costs, not profit
- Ways to protect the patient to ensure caregiver compliance with the law regarding prices charged
- Need for all Board members to have access to the same information relative to this issue
- Township Attorney is considered an “expert” on this subject matter
- Board member belief the first course of action is to determine if there is consensus to consider the ordinance language
- Two-thirds of all Meridian voters approved a medical marihuana law in 2008
- Need to separate medical marihuana from recreational drug use
- According to Meridian Township’s Police Chief, no criminal activity associated with medical marihuana use in the Township
- Township staff has not received any complaints concerning medical marihuana caregivers, providers, growers or users
- No legal reason to change the ordinance
- Concern with spending Board, Township Attorney and staff time to consider implementing rules and regulations to solve a problem which does not exist
- Concern with spending Board and staff time to consider implementing restrictions which only serve to circumvent the intent of the medical marihuana law
- Township has the legal right to adopt an ordinance which regulate locations
- Public vote on the rezoning indicated these types of businesses should not be located near schools
- Reactive v. proactive government
- Existing Township zoning ordinance makes it illegal to run a dispensary in a Professional Office (PO) zoning district as a dispensary is a store, and stores can only be legally located in commercially zoned districts
- Intent behind the Planning Commission’s lack of ordinance adoption could have been due to the Board’s refusal to pass a medical marihuana moratorium and the Board’s repeated statements that it did not want to regulate medical marihuana
- Moratorium could be used if the Supreme Court made a decision which placed communities “at risk” for having dispensaries
- Moratorium could be put in place while additional legislation is drafted
- Draft ordinance contained a component which addressed growing in a residential district
- Meridian Township is subject to state law which allows any registered patient the right to grow medical marihuana
- Examples of intense uses in the residential district stray away from the intent of the law
- Medical marihuana law is silent on many topics
- Opposition to a moratorium as several communities which found themselves in a legal bind were those which issued moratoriums
- Statement by the Township Attorney that the risk of litigation is greatest when a municipality imposes a complete prohibition on medical marihuana
- Information from the Township Attorney will limit the issues which the Board desires to be addressed
- Creating regulation to address imagined concerns and fear of the unknown leads to bad policy decisions
- While the state law contains criteria, it is vague and, subsequently, allows individual municipalities to regulate in the manner they see fit
- Preference for the Board to minimize the prospect of the “bad players” within our community which will be in our neighborhoods next to our homes and children
- Belief the Board did not implement regulations because it deemed sufficient regulations existed, and the proof is what happened when there were no regulations implemented (i.e., no problems surfaced)

It was the consensus of the Board to have the Township Attorney attend a future Board meeting to provide additional information and answer questions on this topic.

12. PUBLIC REMARKS

President Pro Tem Brixie opened Public Remarks.

Neil Bowlby, 6020 Beechwood Drive, Haslett, spoke to personal biases of some Board members towards medical marihuana and believed many comments were narrow minded and prejudiced. He inquired as to how medical marihuana was different from any other prescription drug, noting the board allows pharmacies to sell and distribute drugs within 500 feet of schools. Mr. Bowlby added the sewer issue is vital and more critical, as half of the sewers which were cleaned were because of problems with the sewers in the system. He spoke to government transparency and requested each Board member begin thinking independently, expressing concern for the future of Meridian Township

Vance Kincaid, 4530 Nakoma Drive, Okemos, noted many substances are abused (e.g., Adderall) and is dispensed next to schools, hospitals, churches, etc. He believed regulation of this type of prescription drug is more of an issue than medical marihuana. Mr. Kincaid expressed concern that if the Board singles out issues in such a way that they become divisive, nothing will be accomplished. He urged Board members to place their personal agendas aside when entering the Town Hall Room for a Board meeting, focusing on what is best for the community.

Leonard Provencher, 5824 Buena Parkway, Haslett, asked for transparency in the selection of a new Township Manager and requested knowledge of the criteria which will be used. He asked for information as to the starting salary and salary range for the new Township Manager.

President Pro Tem Brixie closed Public Remarks.

13. FINAL BOARD MEMBER COMMENT

Trustee Veenstra agreed with previous public comment regarding Planning Commission packets and agendas being placed online for the public.

Trustee Styka requested information be provided new Board members regarding the condition of the Township's sewer system. He voiced his support for being as open as possible with regard to the Planning Commission packets and agendas.

Trustee Wilson believed it a good policy to have as many Board and Commission packets available to the public as possible.

Trustee Scales thanked the citizens for attending tonight's Board meeting and sharing their views with the Board.

14. ADJOURNMENT

President Pro Tem Brixie adjourned the meeting at 8:02 P.M.

JULIE BRIXIE
PRESIDENT PRO TEM

BRETT DREYFUS
TOWNSHIP CLERK

Sandra K. Otto, Secretary