

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, APRIL 5, 2011 **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie, Trustees Dreyfus,
LeGoff, Ochberg, Veenstra
ABSENT: None
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development
Mark Kieselbach, Assistant Manager/Human Resources Director Paul Brake

1. CALL MEETING TO ORDER

Supervisor McGillicuddy called the meeting to order at 6:00 P.M.

2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS

Supervisor McGillicuddy led the Pledge of Allegiance.

3. ROLL CALL

The secretary called the roll of the Board.

4. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Vance Kincaid, 4530 Nakoma Drive, Okemos, addressed the petition drive relative to Rezoning #10070 (Wiggins). He spoke to excessive restrictions on the Wind Energy Overlay Ordinance and in support of Zoning Amendment #10030.

Michael Leon, 4890 Chipping Camden Lane, Okemos, requested his appeal application be preserved regarding Special Use Permit #10-09081 (Grand Petro Mart). He believed the initial special use permit was based on false information. Mr. Leon expressed appreciation to the Township Board for upholding the Planning Commission's denial on a water main extension to 743 Grand River Avenue and requested the Board revisit the Township's ordinance relative to who has the right to appeal an special use permit.

Leonard Provencher, 5824 Buena Parkway, Haslett, spoke to Zoning Amendment #11030, noting the language should distinguish the type of chickens; egg layer or dual purpose chickens.

Deb Canja, Chair, Lansing Community College (LCC) Board of Trustees, 3920 Sheldrake Avenue, Okemos, spoke to summer college academic enrichment programs for grades 2-12 at LCC. She noted classes for grades 2-3, 4-5 and 6-8 are offered at the east campus near the Michigan Athletic Club, a new drama program for students in grades 9-12 offered at the main campus and a program at the Howell campus for gifted students who wish to "test out" of classes. She announced LCC also offers Science Technology, Engineering and Math (STEM) courses and class registration is now open for classes scheduled to begin in June.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Supervisor McGillicuddy noted the Community Partners in Health awarded \$750 to Meridian Township for residents' participation in walking and exercising for a ten week period and will be used by the Parks & Recreation Department on its trail ways. She indicated the Downtown Development Authority met on Monday and new sculptures will be installed on April 25th in the DDA area. Supervisor McGillicuddy reported her attendance at a two-day Michigan Municipal League conference dealing with bills introduced by the Legislature relative to township issues. She noted she received a number of calls from members of the Veterans of Foreign Wars (VFW)

regarding the flag at Belle Tire and inquired if Board members wished to discuss the Township's current flag ordinance. Supervisor McGillicuddy announced she attended last evening's Elected Officials Compensation Commission (EOCC) public hearing, where the EOCC voted to reduce all Board member salaries in 2012 and believed they were not the appropriate Board to determine whether the Clerk and Treasurer's position should be reduced to part-time. Supervisor McGillicuddy indicated there is ambiguity in the law regarding the issue and inquired if the Board should have a discussion on the topic, inviting representatives from other Townships where their clerk and treasurer positions are part-time. She announced her intention to hold a discussion later in the meeting on this issue.

Trustee Ochberg noted the Zoning Board of Appeals (ZBA) will be hearing a case where Belle Tire has requested a variance for flag size and urged the Board to consider amending the flag ordinance to allow for a larger flag or a taller pole.

Trustee Dreyfus expressed his concern with large oversized flags where the patriotic aspect is overshadowed by a commercial interest, using the flag as a symbol to attract attention to the business. He indicated the Township has been questioned for twenty years about its stringent adherence to aesthetic standards contained in its sign ordinance and believed the standards to be reasonable.

Trustee Veenstra inquired of staff if the size of the American flag is labeled by the Township's sign ordinance. Director Kieselbach stated flags and banners are labeled as signs in the commercial district of the Township's ordinance. Trustee Veenstra felt the Township's sign ordinance violates the first amendment of the US Constitution. He spoke to placing a reasonable limit on the size of flags to be flown.

Treasurer Brixie expressed no interest in amending the Township's sign ordinance, as there are more significant priorities which the Board needs to address. She reported her attendance at the Lansing Regional Chamber Intergovernmental Meeting and the Spring seminar of the Michigan Government Finance Officers Association. Treasurer Brixie invited Board members and residents to a Michigan State University Urban Planners presentation on a wellhead protection plan to be held April 7, 2011 at 10:00 A.M. at the Ingham County Human Services Building. She spoke to a fraud prevention and delinquent tax collection method employed by personally signing her name to each check for bills incurred by the Township.

Clerk Helmbrecht announced her office is in receipt of 300 pages of signatures for the Notice of Intent to File a Petition with respect to Ordinance #2011-01 (also known as Rezoning #10070).

Trustee Veenstra spoke in support of earlier public comment requesting the Board look at the Township's ordinance relative to broadening the scope of residents who have the right to appeal the granting of a special use permit. He spoke to WKAR's radio broadcast today where erroneous information was given that if sufficient signatures were validated for the petition referendum on Rezoning #10070, the rezoning could be placed on the May 3, 2011 ballot.

Trustee LeGoff suggested it would be democratic for Board members to limit their remarks to the three (3) minutes allowed for each public comment.

Treasurer Brixie voiced support to limiting Board member remarks to three (3) minutes, but indicated it would need to be applied to everyone on a fair basis.

6. APPROVAL OF AGENDA

Trustee Ochberg moved to amend the agenda as follows:

- **Add Discussion Item #11D on setting a public hearing to examine and decide the question of whether to adopt a policy of part time Clerk and Treasurer, the decision to be made this calendar year with sufficient time to refer our decision to the EOCC for compensation determination effective November 20, 2012.**

Seconded by Supervisor McGillicuddy.

Board members and staff discussed the following:

- Board member preference for placing this item on the next Board meeting agenda so the public receives notification
- Discussion, public hearing and a decision would take several Board meetings and the Elected Officials Compensation Commission (EOCC) must make its report within 45 days
- Discussion is about the function of the Board and Township in the future
- Changing the Clerk and Treasurer’s position from full time to part time is a policy decision the Township Board should make in a timely fashion by year’s end for residents who are contemplating on running for those positions in 2012
- The time frame for making the decision on changing the Clerk and Treasurer’s position to part time is not constrained by the report from the EOCC
- Forty-five (45) day time frame commenced when the EOCC first met on February 22, 2011
- The determination of the EOCC becomes effective 30 days following its filing with the Clerk’s office
- The only action which can be taken by the Township Board is to reject the determination by a 2/3 vote of the entire Board
- If the Board rejects the determination, all salaries would remain status quo until the EOCC reconvenes in 2013
- If the Board decided to change a “de facto” full-time Board position to part time, the elected official would receive the EOCC’s full time salaries for the first two-years of the next term
- Concern with the “obscurity” of the law relative to the EOCC
- Politics surrounding this issue highlight the desirability of having an objective third party evaluate the salaries of elected officials in the Township
- Thirty days to accept or reject the recommendations of the EOCC has no bearing on whether the Clerk and Treasurer’s position continue to be full time or change to part time
- While the Treasurer voluntarily reduced her salary in 2009, the EOCC recommendation officially reduces her salary

The maker of the motion withdrew her amendment.

Trustee Ochberg moved to approve the agenda as submitted. Seconded by Treasurer Brixie.

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie

NAYS: None

Motion carried unanimously.

The adopted Consent Agenda items are as follows:

A. Communications

1). Board Information (BI)

BI-1 Jim Brazier, 4185 Cornell Road, Okemos; RE: Board member proposal to reduce the compensation of the Clerk and Treasurer positions

BI-2 Jim Brazier, 4185 Cornell Road, Okemos; RE: Sinecure proposal to reduce the compensation of the Clerk and Treasurer positions

BI-3 Harriet Squier, 1150 Cliffdale Drive, Haslett; RE: Elected Officials Compensation Commission

BI-4 Peggy Ostrom, 3663 Van Atta Road, Okemos; RE: Urban service boundary, public survey and dog park

BI-5 Bennett Shulman, 118 Woodwind Trail, Haslett; RE: U.S.-Canada Military Agreement

- BI-6 Ron Rivard, 3655 Ponderosa Drive, Okemos; RE: Deer problem
- BI-7 Rich Sabatowski, 2123 Clinton Street, Okemos; RE: Dangerous dead tree
- BI-8 Matthew C. Taylor, 4511 S. Crawford, Mount Pleasant; RE: CA of Okemos Proposal
- BI-9 Beth Hubbell, 1158 Woodside Drive, Haslett; RE: Park Lake Roundabout

(2). Staff Communication (SC)

- SC-1 Jane Rose, Historical Village, 4249 Hidden Meadows Court, Okemos; RE: Support for the Five-Year Parks and Recreation Master Plan
- SC-2 LuAnn Maisner, Director of Parks and Recreation; RE: Transmittal of a certificate from the Michigan Farmers Market Association to Christine Miller for successful completion of the 2011 Farmers Market Manager Program
- SC-3 Treasurer Brixie; RE: Article from the *Michigan Messenger* entitled "Medical marijuana dispensaries vs. the IRS"
- SC-4 Township Manager Gerald Richards; RE: E-mail to Board members regarding 2010 census data regarding an increase in Meridian Township population
- SC-5 Mark Kieselbach, Director of Community Planning and Development; RE: Letter withdrawing request for drive-through window for Grand Petro Mart
- SC-6 Diana Hasse, Director of Finance; RE: E-mail from Meridian Community Band

(3). On File in the Clerk's Office (OF)

Material received at the March 15, 2011 Board Meeting

- OF-1 Dorothy A. Kunisada, 2149 Quarry Road, East Lansing; RE: Concern with Rezoning #10070 (Wiggins)

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 Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

B. Minutes

(1) Treasurer Brixie moved to approve and ratify the minutes of the February 22, 2011 Intergovernmental Meeting as submitted. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

2) Treasurer Brixie moved to approve and ratify the minutes of the March 15, 2011 Regular Meeting as submitted. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

C. Bills

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

Common Cash	\$ 479,777.21
Public Works	\$ 47,419.48

Total Checks	\$ 527,196.69
Credit Card Transactions	\$ 12,059.20
Total Purchases	<u>\$ 539,255.89</u>
ACH Payments	<u>\$ 806,413.99</u>

Seconded by Clerk Helmbrecht.

Board members discussed the following:

- Possible reconsideration of the timetable for cleaning police officer and fire fighter uniforms to accommodate the need for trustees to have internet service
- Increased amount of information received by Board members via e-mail or the internet through the Township’s e-mail system
- Belief the Township is not performing an equal service to elected officials by not providing internet service to those elected officials who do not have internet service in their homes
- Reconsideration of providing internet service in next year’s budget

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

[Bill list in Official Minute Book]

D. Assessing Stipulation

Treasurer Brixie moved that the Township Assessor be authorized to sign a stipulation with Muhn Investments, LLC on the following property:

<u>YEAR</u>	<u>DOCKET NO.</u>	<u>ADDRESS OF PROPERTY</u>
2009	0378335	2645 Mansfield, East Lansing, MI 48823
2010		
<u>Assessment</u>		
	2009	AV/TV \$89,800/64,866
	2010	\$80,500/64,095
<u>Proposed Assessment</u>		
	2009	AV/TV \$83,900/64,866
	2010	\$80,500/64,095

Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

E. Liquor License Transfer, Marvelanes

Treasurer Brixie moved to approve Como, LLC’s application to transfer ownership of a 2010 Class C liquor licensed business with Dance Permit, from Vei-Marvelanes Bar, Inc., located at 2120 M-78, East Lansing, Michigan, Meridian Township, Ingham County, Michigan to Como, LLC, and, further, authorize the Township Clerk to execute the resolution for local approval of this transfer. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
 McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

F. Sale of Surplus Equipment

Treasurer Brixie moved to approve the sale of the surplus Township water meter remote radio read units to the City of Perry or to another governmental unit after receiving price quotes. Seconded by Clerk Helmbrecht.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
 McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

8. QUESTIONS FOR THE ATTORNEY (None)

9. HEARINGS (None)

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened and closed public comment.

A. First Quarter Budget Amendments

Trustee Ochberg moved that the Township Board approve the 2011 amended budget as reflected on Page 3 of the memorandum to the Township Board from the Finance Director, dated April 1, 2011. Seconded by Supervisor McGillicuddy.

Board members and staff discussed the following:

- Budget reflects the increased costs being proposed for the upgrade of the control room and cable technology equipment replacement
- Approving the budget amendment will give the Cable Division the “green light” to move forward with four phased replacement process
- Proposed seven (7) year payback plan
- Future motion to approve the mechanics regarding the interest rate and identification of the funding source
- No presentation by the Cable Department outlining this proposed loan

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
 McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried unanimously.

B. Amendments to AFSCME Professional Non-Supervisory Collective Bargaining Agreement

Board members and staff discussed the following:

- Article 25, Section C should contain a statement that the Supervisor must respond to the request within a specified period of time (e.g., 48 hours)
- Language contained in Section C states personal leave days shall be approved in advance by the department head
- If circumstances are not spelled out in a collective bargaining agreement, Personnel refers to its policy which, often times, has more information
- Requests for personal leave days are generally acted upon almost immediately
- Board member preference that a time frame for a Supervisor’s response to a request for use of personal leave days be written into a collective bargaining agreement

Treasurer Brixie moved approval of the amendments as specified in the memorandum dated March 30, 2011, and the attached settlement agreement to the AFSCME Professional Non-Supervisory Employees Collective Bargaining Agreement for 2011-2013 and authorized the Supervisor and Clerk to sign the same. Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Supervisor
McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
NAYS: None
Motion carried unanimously.

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Dr. Scott Eisensmith, 5847 Bois Isle, Haslett, displayed the wind propeller used at his home and spoke to the overly restrictive language contained in Zoning Amendment #09070 (Wind Energy Overlay District), while noting progress has been made from the original draft ordinance.

Supervisor McGillicuddy closed public comment.

- A. Zoning Amendment #09070 (Township Board), a request to add Section 86-443 Wind Energy Overlay District and amend other applicable sections of the Code of Ordinances to establish regulations pertaining to wind energy systems

Director Kieselbach summarized the proposed zoning amendment as outlined in staff memorandum dated March 31, 2011.

Board members discussed the following:

- Importance of allowing wind energy in Meridian Township
- Affordable systems are available for purchase within the region
- Thousands of renewable energy devices have been marketed
- Performance does not always meet the advertised promotion of less expensive wind energy systems
- Latest draft ordinance is a vast improvement over the original version
- Appreciation to Dr. Eisensmith for his input and expertise on this topic
- Requirements in the current draft remain overly restrictive
- Request to delete language relating to an impact analysis on Native American religious sites
- Continued request to remove all regulations with respect to anemometers
- Language in the draft ordinance refers to a temporary tower used for testing which holds an anemometer
- Temporary tower can be in place for one year, with a one-year extension
- Residents can place an anemometer on a pole with a total height up to 35 feet
- Logic in placing an anemometer on the wind turbine to determine the amount of wind
- Anemometers are prohibited in the front yard of a property
- Cost of building permits is based on the value of construction (\$60/first \$5,000 and then \$10/\$1,000 thereafter)
- Building permit required for installation on a roof ridge line
- Ability of residents to request a variance from this ordinance relative to placement of the anemometer in the front yard
- Existing wind energy device on Dr. Eisensmith's property would fall within the proposed regulation
- Consideration of grandfathering Dr. Eisensmith's existing wind energy system
- Request for staff to visit Mr. Eisensmith's home and look at his system prior to passage of this ordinance
- Current system at Dr. Eisensmith's residence generates 400 watts
- Continued concern with the restrictive language on Page 5, (5) a. and c. which makes the tower more expensive for the homeowner
- Concern that lattice towers cannot be free-standing, but must be building mounted
- Dr. Eisensmith's wind energy system is mounted on a tilt-up tower using a sectional pole consisting of five ten-foot sections and one five-foot section located one foot from his home
- A monopole tower is considered building mounted if it is connected to the building for support
- Concern with crafting an ordinance for the specific benefit of a single individual with an existing wind energy system

- Ability for the resident with an existing wind energy system to obtain a variance

It was the consensus of the Board to place this item on for action at its April 19, 2011 Meeting.

- B. Zoning Amendment #11010 (Planning Commission), to retain the ability to extend Special Use Permit (Section 86-128) and site plan (Section 86-158) approvals

Director Kieselbach summarized the proposed zoning amendment as outlined in staff memorandum dated March 31, 2011.

Board members discussed the following:

- Body who approves the special use permit (SUP) approves the extension
- Site plans are approved by the Director of Community Planning and Development
- The approving body would have the ability for review to ensure it still meets the criteria for the granting of the special use permit
- Site plan extensions would go before the Director of Community Planning and Development
- Concern affected residents may not necessarily know when an extension is requested
- SUP for Grand Petro Mart expires in December, 2011
- The same residents who received notification of the public hearing on the original SUP should be notified when a request is made by an applicant for an extension
- If an original SUP is subject to appeal, the extension request should be subject to the same rights of appeal
- Any decision by the Planning Commission can be appealed by an aggrieved person to the Township Board
- In the case of the Grand Petro Mart, the Planning Commission would be the body to consider an extension to the original SUP
- An aggrieved party to the Grand Petro Mart SUP could appeal the extension to the Board
- The applicant could also appeal if he was denied the extension
- If the Township Board granted a SUP, the appeal would have to be filed in Circuit Court
- Request to have language written into the proposed zoning amendment on the right of appeal on the extension as well as the appeal on the original SUP
- In most cases, the extension of SUPs and site plans should be a “rubber stamp” process
- Reminder that the extension was implemented because of financial constraints in difficult economic times and the Board felt it would be a business friendly approach
- Suggestion to remove the sunset clause
- Suggestion for a two-year time period for the sunset clause
- Consensus to leave the sunset clause as written
- Consensus to add a notice requirement
- Enforcement procedure for the language which states “...all construction related to the special use permit shall be completed within 48 months from the effective date of the special use permit”

It was the consensus of the Board to place this item on for action at its April 19, 2011 Meeting.

- C. Zoning Amendment #11030 (Township Board), amendment to Section 86-368 (b) to allow the raising and keeping of chickens and rabbits as a non-agricultural accessory use in residential districts

Director Kieselbach summarized the proposed zoning amendment as outlined in staff memorandum dated March 3, 2011

Board members discussed the following:

- Keeping of a 100 pound dog v. a three (3) pound rabbit
- Inquiry if a permit is required to keep a 100 pound dog
- Dog are required by Ingham County to be licensed
- Planning Commission rationale for requiring a permit
- Concern with expanding into zoning districts with lot sizes which range from 8,000 to 13,000 square feet

- Reminder for residents to check their subdivision deed restrictions or homeowner association regulations
- Proposed ordinance will not supersede subdivision deed restrictions or homeowner association regulations
- Concern with the one-time fee of \$50
- On-site visit by staff will be required
- Township has a limit of four (4) dogs on any one property within a subdivision
- Proposed ordinance is overly restrictive
- Less regulation would be less costly to administer
- Legality of having a pet rabbit in the home
- Proposed ordinance does not address pets
- Term household pet is not defined
- Slaughtering of chickens and rabbits as a service allowed in agricultural districts
- Suggestion to change permit and application process to a registration process, having the standards include the items listed as permit requirements in the draft
- Reminder that the Board sets fees when it prepares the budget
- Code Enforcement Work Group members could inform staff if chickens and rabbits are allowed in their respective subdivisions
- Public health concern with fungal lung diseases from chicken feces, e.g., histoplasmosis
- Concern that the concentric configuration of a subdivision plat could allow a property owner to be entirely surrounded by lots raising chickens and rabbits
- Concern with moving the coops during winter
- Use of straw to absorb chicken feces
- Potential to decrease property values in certain residential neighborhoods
- Request to delete Section 86-368 (b) (8) b. 3. and 4. which deals with a prohibition on slaughtering chickens and rabbits and the sale of chickens, rabbits and eggs on the property
- Reminder there are current lawsuits regarding the Michigan Right to Farm Act
- Provision regarding the slaughtering of chickens and rabbits on the property is likely to be a direct result of the Township Attorney's review of the proposed zoning amendment
- Reminder that staff always makes judgment calls on the enforcement of an ordinance
- Consensus to change the permitting process to a registration process
- Average size of an RA lot between 10,000 and 12,000 square feet
- Consensus to remove the RB district

Without objection, the Supervisor placed this item on for action at the Board's April 19, 2011 Meeting.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened and closed Public Remarks.

13. FINAL BOARD MEMBER COMMENT (None)

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 8:55 P.M.

SUSAN MCGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT, CMC
TOWNSHIP CLERK

Sandra K. Otto, Secretary