

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD SPECIAL MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, AUGUST 22, 2017 **6:00 P.M.**

PRESENT: Supervisor Styka, Clerk Dreyfus, Treasurer Brixie, Trustees Deschaine, Jackson, Opsommer, Sundland
ABSENT: None
STAFF: Township Manager Frank Walsh, Assistant Township Manager/Director of Public Works and Engineering Derek Perry, Director of Community Planning & Development Mark Kieselbach, Director of Information and Technology Stephen Gebes, Township Attorney Stephen Schultz

1. CALL MEETING TO ORDER

Supervisor Styka called the meeting to order at 6:02 P.M.

2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS

Supervisor Styka led the Pledge of Allegiance.

3. ROLL CALL

The secretary called the roll of the Board.

4. CITIZENS ADDRESS AGENDA ITEMS AND NON-AGENDA ITEMS

Supervisor Styka opened Public Remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, spoke in support of medical marihuana and the need for "better" Redi-Ride. He requested the Board consider looking outside of the current provider to meet the needs of Meridian residents who utilize public transit.

Bryan Madle, 3818 Van Atta Road, Okemos; Mikhail Murshak, 1437 Cheybogan Road, Okemos and Brant Johnson, 4515 Oakwood Drive, Okemos spoke in support of Meridian Township "opting in" to the state's new licensing procedures for medical marihuana.

Supervisor Styka closed Public Remarks.

5. APPROVAL OF AGENDA

Treasurer Brixie moved to approve the agenda amended as follows:

- **Add Agenda Item #5A: Rock the Block! Douglas J Liquor License**

Seconded by Trustee Jackson.

VOICE VOTE: Motion carried unanimously.

A. Rock the Block! Douglas J Liquor License Resolution

Trustee Deschaine moved to approve the Communications Department's request to apply for a one-day liquor license from the Michigan Liquor Control Commission (MLCC) for the Rock the Block! Douglas J Event on August 26, 2017. Seconded by Treasurer Brixie.

ROLL CALL VOTE: YEAS: Trustees Deschaine, Jackson, Opsommer, Sundland, Supervisor Styka, Treasurer Brixie, Clerk Dreyfus

NAYS: None

Motion carried unanimously.

[Supervisor Styka recessed the meeting at 6:22 P.M.]

[Supervisor Styka reconvened the meeting at 6:25 P.M.]

6. BOARD DISCUSSION ITEMS

A. Marihuana Regulation

Board and attorney discussion:

- Preference to move forward on this issue
- State rules must be promulgated by the end of 2017, but the Township has several options available
- No facilities can be located in Meridian Township unless the Township “opts in”
- Township has the ability to “opt-in” after the effective date of state legislation
- Uncertainty in how the marketing and use will be enabled by state legislation
- Township does not need to take action to “opt-out”
- Majority of the 1,500 municipalities in the state have not or are not going to address the issue at this time in 2017
- Preference not to prioritize this issue over adoption of the Master Plan and a rewrite of the existing zoning ordinance
- Possibility of marihuana legalization on the 2018 ballot
- Staff will follow the direction of the Board on this issue and respond accordingly
- Belief this is a time-sensitive opportunity for significant economic benefit to the Township and the Board should not take a “wait and see” attitude
- Permit fees for five (5) different “facilities” could bring in large annual revenue to the Township
- Preference for Township staff to look at this topic over the next month or two and develop an implementation plan, taking data, available land and zoning issues into consideration
- State has empowered municipalities to take control of the issue
- Reminder that 66% of Michigan voters were in support of medical marihuana
- Holding this study session is an example of Township Board exploration on this topic
- Caution not to repeat the mistakes encountered in the City of Lansing’s rush to be the first “in the door”, demonstrated by the plethora of its medical marihuana clinics and resultant problems
- Belief it is best to take adequate time to thoroughly review state rules and regulations prior to action
- Belief medical marihuana dispensaries in the Township will be patronized whenever they open their doors
- Belief the Board can simultaneously work on both the Master Plan and medical marihuana
- Suggestion to create a citizen task force to begin discussions
- Staff suggestion to clarify the Board’s direction as to when it should begin the process on this issue, given the established Board goals at the beginning of the year
- Suggestion to hold a public hearing(s) on this topic
- Suggestion to hold community conversations around the five (5) classes of facilities to solicit public input
- Suggestion to incorporate location(s) for medical marihuana facilities in the Master Plan process
- State legislation requires medical marihuana growing facilities to be placed in Industrial and Agricultural zones which were eliminated in the draft Master Plan. but were included under business and technology in the draft Master Plan
- Request for legal counsel to review the ramifications of elimination of these two zoning designations relative to state legislation on this topic

Township Attorney Schultz spoke to his firm’s experience with the drafting of medical marihuana ordinances for multiple municipalities, noting several aspects will require extensive Planning Commission review and consideration, as well as input from the departments of Community Planning and Development, Fire and Police. He suggested the Board consider a schedule to address this topic unless the Board decides to take no action.

Continued Board discussion:

- Consideration of Industrial as the appropriate zoning for the location of medical marihuana facilities
- Under the Facilities Licensing Act (PA 281 of 2016), the Township has the ability to decide which and how many of the five (5) classes of licenses the Township wishes to authorize
- The initiated law, if passed as currently written, provides for a petition process which could override the Township's authority relative to the use of recreational marihuana
- Michigan Regulation and Taxation of Marihuana Act is the legislation which underlies the ballot question if approved
- Preference to create questions to pose to the public, since residents would have no visual point of reference on the five (5) types of facilities
 - Suggestion to ensure there is a geographically evenly distributed array of provisioning centers
 - Possible creation of a Powerpoint presentation
- Suggestion to open regular public comment at some Board meetings on questions to pose to the public
- No Board action at this time does not preclude commencement of review
- Preference to view the zoning contained in the Master Plan in the context of potential locations for medical marihuana facilities
- Planning Commission public hearing on the Master Plan will likely take place in September
- Shaping the Avenue's form based code will be back before the Planning Commission for a public hearing sometime in October
- One recommendation by the consultant for the Master Plan was to consolidate some zoning categories; e.g., combination of some existing residential categories
- Average rezoning process takes 60-120 days

It was the consensus of the Board not to move forward with development of a medical marihuana ordinance at this time.

B. Capital Area Transportation Authority's (CATA) Redi-Ride

Board and Township Attorney discussion:

- Redi-Ride renewal is scheduled for 2018
- Township cannot amend the current millage which states CATA will provide Redi-Ride services
- To avoid any challenge to the ballot language, the most conservative approach is to use the exact same statement of purpose
- Opinion by the Township Attorney that, according to state law, the millage can be called a renewal if the amount stays the same and the statement of purpose is clear, even if the language changes
- Case law indicates any municipality is required to use millage funds for the specifically approved purpose
- Statement by the Township Attorney that a renewal which contains a clear statement of purpose can have slightly different language, while the millage amount must be identical
- State statute addresses a renewal as "a new increase" for the identical amount
- Township Attorney has had experience with writing different ballot language identified as a renewal
- Transportation Commission (TC) is working on the greater issue of Redi-Ride and the service it provides
- Inquiry if the TC, should it recommend a renewal of .2, has to include CATA as the sole provider or recommend the door be opened and still consider it a renewal
- TC has the ability to recommend opening the door to other transit providers if it collectively chooses
- Township Attorney recommendation from July, 2016, used the most conservative approach
- Township Attorney statement the Board must decide ballot language to be used which achieves a specific outcome

- Belief the most transparent approach is to have a new millage
- Belief a renewal is easier to pass than a new millage
- Concern with the TC making a recommendation to the Board where fiduciary amounts are delineated
- Purpose of Boards and Commissions is to do preparatory work for the Township Board
- One approach could be to negotiate with a specific service provider prior to placing language on the ballot to gain similar benefits to removing a specific service provider from the ballot language
- Renegotiation was one of the final recommendations from the Township's Redi-Ride Committee
- Inquiry if the Township is looking for an expansion of services using the existing language
- Belief of legal counsel the ballot language appears to include expansion of service, increasing the frequency of routes and provide Redi-Ride services
- Renegotiation has been a current topic of the TC and will likely be included in its recommendations to the Board
- CATA is currently providing services which exceed the amount collected through the millage
- Concern the expectation of asking for more services without increased funding is unrealistic
- The original intent for language placed on the ballot in 2000 was to connect riders to a fixed route within the Township using curb to curb paratransit service
- Belief the reference to increased frequency is that when demand is increased on a fixed route, you increase the frequency of buses
- Possibility of state/federal paratransit grant dollars
- Meridian Township currently serviced by six (6) fixed routes
 - Recommendation by CATA to use Redi-Ride as a means to merge two (2) of these routes to realize savings and efficiencies
- Redi-Ride service restrictions prevent use to transport to/from school or use by residents who can reasonably utilize the fixed route service
- Preference to defer discussion until recommendations are received from the TC Commission
- Report from CATA which shows its \$1.58 million "supplement" to the Meridian Redi-Ride Service since its inception
- When compared to other communities (based on taxpayer millage rates), it has been noted Meridian Township has "overpaid" into CATA for all bus services provided
- Clarification that students are allowed to utilize Redi-Ride later in the evening in order to attend extra-curricular activities when school bus service is not available

It was consensus of the Board to continue discussion on this issue after recommendations are received by the Transportation Commission.

7. COMMENTS FROM THE PUBLIC

Supervisor Styka opened Public Remarks.

Steve Vagnozzi, 2144 Woodfield Road, and member of the Transportation Commission (TC), explained to the Board the topics which have been discussed by the TC. He requested the Board provide direction as to which topics the TC should focus on.

Brant Johnson, 4515 Oakwood Drive, Okemos, explained some nearby communities have passed zoning ordinances for medical marihuana businesses but have not allowed licenses, effectively positioning themselves to apply for licensure.

Mikhail Murshak, 1437 Cheybogan Road, Okemos, expressed appreciation for Board discussion and consideration of medical marihuana. He believed it beneficial for the Board to use a proactive approach.

Bryan Madle, 3818 Van Atta Road, Okemos, offered his explanation as to what happened with the issue of dispensaries in the City of Lansing. He noted the state is creating a new legal structure with an approach towards quality medical marihuana services and reminded the Board of the revenue which could be generated for the Township.

Leonard Provencher, 5824 Buena Parkway, Haslett, believed the Master Plan should be a representation of the vision for the Township and the location of medical marihuana facilities in the Township is an important component of the Master Plan. Mr. Provencher believed Redi-Ride does not currently provide enough service hours or capacity and the Board should work towards improvement in those areas while maintaining the suburban character of the community.

Ryan Basore, 6228 Brookline Court, East Lansing and employed by Michigan Marijuana Law Experts, spoke in support of medical cannabis and the ease with which a Township can “opt-in”.

Supervisor Styka closed Public Remarks.

8. OTHER MATTERS AND BOARD MEMBER COMMENTS (None)

9. ADJOURNMENT

Trustee Deschaine moved to adjourn. Seconded by Clerk Dreyfus.

VOICE VOTE: Motion carried unanimously.

Supervisor Styka adjourned the meeting at 8:10 P.M.

RONALD J. STYKA
TOWNSHIP SUPERVISOR

BRETT DREYFUS, CMMC
TOWNSHIP CLERK

Sandra K. Otto, Secretary