

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, SEPTEMBER 17, 2013 **6:00 P.M.**

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

1. CALL MEETING TO ORDER

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

2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS

Supervisor LeGoff led the Pledge of Allegiance.

3. ROLL CALL

The secretary called the roll of the Board.

4. PUBLIC REMARKS

Supervisor LeGoff opened Public Remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, requested Agenda Item #11C: Amendment to Customary Agricultural Operations be moved to a discussion item, as it has not previously been before the Board.

Supervisor LeGoff closed Public Remarks.

5. TOWNSHIP MANAGER REPORT

Township Manager Walsh introduced Justin Polk, Michigan State University reporter for the *Meridian Times*. He reported on the timeline for completion of the Okemos Road Streetlight Project and the Okemos Library renovation. He noted the Meridian Economic Development Corporation (EDC) is currently accepting applications for a Haslett Placemaking Mini-Grant. Mr. Walsh met with Delta Dental where a decision was made by the organization to add that property to the Deer Management Program. He indicated changes will be made to parking at the Senior Center, the Harris Nature Center will host a fundraiser on Thursday, September 26th from 5:00-8:00 PM and the Friends of the Meridian Historical Village will host the Heritage Festival on Saturday, September 21st. Mr. Walsh indicated the Township's mission statement now appears at the bottom of the Board's agenda and a public hearing on the budget is scheduled for October 1, 2013.

6. BOARD COMMENTS & REPORTS

Trustee Styka reported his attendance at the Haslett School Board meeting. He announced Okemos Public Schools are seeking a \$7 million technology bond in the November, 2013 election. Trustee Styka also reported his attendance at the medical marihuana subcommittee meeting yesterday with Trustee Wilson and Clerk Dreyfus where progress was made on the drafting of a medical marihuana ordinance.

Clerk Dreyfus reported 2,206 absentee voter applications were mailed out September 9th, and all those returned will receive a ballot for the November 5th Okemos Public Schools Technology Bond millage question. He indicated his attendance at two of the workshops at the Innovate Michigan Conference at Michigan State University. Clerk Dreyfus announced his attendance at the Meridian EDC meeting last week as the Board representative where a variety of topics were discussed, including the Grand River Design Charette, the HUD Sustainability Grant and the Haslett Placemaking Mini-Grant. He also attended the grand opening of a Gold Leadership in Energy and Environmental Design (LEED) certified state-of-the-art fertilizer production business in St. Johns.

Trustee Veenstra responded to the Township Manager's memorandum regarding the request by US Congressman Rogers, indicating he believed the Congressman should be allowed use of the Town Hall Room as it is a public facility.

Treasurer Brixie reported her attendance at last week's EDC meeting where an ambassador was named to the upcoming Whole Foods store to locate in Meridian Township, noting Dr. Christine Tenaglia will represent the Township. She also announced her attendance at the last Land Preservation Advisory Board meeting. Treasurer Brixie, on behalf of the Township Board, offered condolences to Trustee Scales on the loss of his mother.

Trustee Wilson reported her attendance at last week's DDA and EDC meetings. She also attended the last meeting held by Lansing Economic Area Partnership (LEAP) and her report is included in the Board packet. As the liaison to the Groundwater Management Board (GMB), Trustee Wilson indicated the GMB is continuing its work on byproduct synergy and wellhead protection.

Trustee Scales reported his attendance at the last Planning Commission meeting and observed there is no representation on that commission by residents in Haslett.

7. APPROVAL OF AGENDA

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

Trustee Veenstra offered the following amendment:

- **Move Agenda Item #11C to #12E: Amendment to Customary Agricultural Operations**

Seconded by Clerk Dreyfus.

Board members discussed the following:

- Preference for this to be a discussion item first
- Board members have an opportunity to discuss sending this issue to the Planning Commission for work prior to taking a vote on that referral
- Summary of the specific case which was the impetus for the proposed amendment
- Possibility that enforcement of existing rules will negate the need for the proposed amendment

VOICE VOTE: Motion failed 3-4 (Nays: Trustees Styka, Wilson, Treasurer Brixie, Supervisor LeGoff).

VOICE VOTE ON THE MAIN MOTION: Motion carried unanimously.

8. CONSENT AGENDA

Supervisor LeGoff reviewed the consent agenda.

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

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 Trustee Styka.

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

B. Minutes

(1) Treasurer Brixie moved to approve and ratify the minutes of the September 3, 2013 Regular Meeting as submitted. Seconded by Trustee Styka.

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

(2) Treasurer Brixie moved to approve and ratify the minutes of the September 10, 2013 Budget Deliberations Meeting as submitted. Seconded by Trustee Styka.

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

C. Bills

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

Common Cash	\$ 380,591.20
Public Works	\$ 625,740.37
Total Checks	\$ 1,006,331.57
Credit Card Transactions	\$ 6,036.93
Total Purchases	<u>\$ 1,012,368.50</u>
ACH Payments	<u>\$ 544,255.68</u>

Seconded by Trustee Styka.

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

[Bill List in Official Minute Book]

9. QUESTIONS FOR THE ATTORNEY (None)

10. HEARINGS (None)

11. ACTION ITEMS

Supervisor LeGoff opened Public Remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, believed the proposed Township Manager Performance Goals are the most forward and transparent goals presented over the last decade. He agreed with Trustee Veenstra’s statement that an individual who has exhibited judicial noncompliance will not come into compliance because an additional law is passed.

Supervisor LeGoff closed Public Remarks.

A. Township Manager Performance Goals

Trustee Scales moved to approve the 2013-14 Meridian Township Manager Performance Goals Plan as presented by the Board committee created to establish performance measurements for the Manager. Seconded by Trustee Styka.

Board members discussed the following:

- Subcommittee focus to provide direction to the new Township Manager and an ability to measure the output of that employee while grading him on expectations met

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

NAYS: None

Motion carried unanimously.

B. 2013 Township Millage Resolution

Treasurer Brixie moved that the 2013 Millage Rate Resolution be approved. Seconded by Trustee Scales.

Assessor Lee summarized the 2013 millage rates proposed in the 2014 Budget document as outlined in staff memorandum dated September 13, 2013.

Board members discussed the following:

- Millage rates for East Lansing are considerably higher (over 20 mills)

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

NAYS: None

Motion carried unanimously.

C. Amendment to Customary Agricultural Operations

Trustee Wilson moved to initiate a zoning amendment to Section 86-368(5)(b)(7)1, the raising and keeping of small animals. The Planning Commission shall consider the appropriate regulations to establish the size of property and/or the number of animals or poultry that may be raised or kept in the Rural Residential zoning district. The Planning Commission shall also prepare a definition of "small animal" and "poultry." Seconded by Treasurer Brixie.

Board members discussed the following:

- Board is not taking action on this issue, but referring it to the Planning Commission to initiate a zoning amendment
- Issue could become a problem in another subdivision with rural residential zoning
- Unintended consequences of enacting the "chicken" ordinance
- Zoning amendment will help with enforcement
- Approximate number of animal complaints separate from the ongoing issue is five (5)
- Exclusion of the RR zoning district from limiting the number of poultry allowed in the "chicken" ordinance
- Staff to work with the Township Attorney to address the Right to Farm Act
- Current residents who keep animals or poultry would be grandfathered in
- Belief this motion to refer to the Planning Commission is too broad
- Ordinance enforcement activity would address the existing problem without placing another regulation in the ordinance
- Zoning ordinance is not aimed at any specific individual
- Referral to the Planning Commission would not result in an immediate effect

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Wilson, Supervisor LeGoff, Treasurer
Brixie, Clerk Dreyfus

NAYS: Trustee Veenstra

Motion carried 6-1.

D. Land Preservation Land Swap

Trustee Veenstra moved to approve that the Township exchange a parcel of land 40 feet by 200 feet immediately south of the south property line of 5215 Cornell Road for an identical size parcel immediately south of the north property line of 5215 Cornell Road. Seconded by Treasurer Brixie.

Board members discussed the following:

- Explanation to the public regarding the need for the proposed equal land swap as the Ingham County Road Department is cutting down the hill and it will affect the driveway of the property owner
- Unanimous Land Preservation Advisory Board vote to approve the land swap
- Land on the north side of the house is forested
- Cutting of the hill is in the best interest of public health, safety and welfare

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

NAYS: None

Motion carried unanimously.

E. Township Board-Planning Commission Committee

Treasurer Brixie moved to approve the formation of a joint committee consisting of three members from the Township Board and three members from the Planning Commission for the purpose of discussing development issues, including the Urban Services Boundary. Seconded by Trustee Scales.

Board members discussed the following:

Appreciation to the Supervisor for appointing this joint committee

- Board member belief that the Planning Commission requested a joint meeting to ascertain Board rationale as to its decision on the Urban Services Boundary and related Georgetown Sewer Payback District
- Board member suggestion to add Clerk Dreyfus to the joint committee as he is the Board representative to Tri County Regional Planning Commission's (TCRPC) Urban Services Management Area
- Preference to reach a compromise with the Planning Commission on the Urban Services Boundary
- Adding a fourth Board member would constitute a Board quorum
- Board representation on the joint committee should be those members who reflect the majority vote on those decisions under discussion
- One main reason for the joint committee meeting is to allow the Planning Commission access to the Township Attorney to discuss confidential legal opinions and would be a closed meeting

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Veenstra, Wilson, Supervisor LeGoff,
Treasurer Brixie

NAYS: Clerk Dreyfus

Motion carried 6-1.

12. BOARD DISCUSSION ITEMS

Supervisor LeGoff opened Public Remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, objected to the Human Relations Ordinance being implemented at the Township level and enforcement could be an undue hardship on the Township. He believed the state and federal government to be the appropriate bodies to legislate this issue as they have both the history and infrastructure in place for the interpretation and enforcement of this ordinance.

Supervisor LeGoff closed Public Remarks.

A. Human Relations Ordinance Draft

Township Attorney Andria Ditschman summarized the proposed ordinance language as outlined in staff memorandum dated September 13, 2013.

Board members, the Township Attorney, Township Prosecutor and staff discussed the following:

- Draft ordinance was prepared by the Township Attorney with input by the Human Resources Director
- Unity ordinance was used as a template with modifications from East Lansing and Delta Township's proposed ordinances
- Changes made by the Board to the housing section of the Township's current ordinance several months ago were also added with some modification
- Language of many provisions taken directly from state statutes
- Many of the covered areas (age, sex, weight, etc.) are not applicable to all areas in state statutes
- Proposed ordinance was written similar to other municipal ordinances where all areas are protected from discrimination in public accommodation, employment and housing
- Enactment of legislation under the health, safety and welfare of the Township's citizens
- Delta Township has not yet passed a human relations ordinance
- Concern this draft ordinance is "overreaching" relative to employment
- Board member request for an explanation of the proposed discrimination complaint process
- Employment is a function of state government
- Housing ordinance was an equalizer
- Township Police as the entity to write a municipal civil infraction citation
- Municipal civil infraction citations are adjudicated in district court
- Two types of civil infractions: one which carries a civil fine payable at the Township Treasurer's office or, in the event of a not guilty plea, it would be referred to district court and an civil infraction appearance ticket which goes directly to district court
- No written appeal process in the proposed ordinance for an individual who is aggrieved by the decision of the Township's Human Resources Director
- Concern with the Township's financial liability with the language as proposed
- State government has the resources to handle the liability for these types of complaints
- Board member belief the Township should be helping its constituents attain the laws in state government needed to protect them
- Provision of concern currently exists in the Township's code of ordinances
- An appeal process can be written into the proposed ordinance
- An individual has the right to take any discrimination issue to the appropriate commission at the state level under state law
- Discrimination with employment should be made illegal in Meridian Township and is long overdue
- The illegality of discrimination in housing and public accommodation has existed for a decade in the Township's code of ordinances and have not placed a burden on the Township
- Board member belief that adding the employment and sexual orientation component to the existing ordinance will not place an excessive burden on the Township
- State's inability to act regarding LGBT discrimination in this arena has led to a need for local municipalities to address it
- Preference to remove Section 30-20 regarding employment as it goes beyond the Township's authority
- Offer of same sex benefits to Township employees allows it to act within its established authority
- Inquiry if there is Board interest for an opinion by the Township Attorney explaining city authority v. Township authority as it relates to the employment section of the proposed ordinance
- Concern with language in Sections 30-25 (e) and 30-44
- Human Resources Director LaPine's service on the East Lansing Human Rights Commission for three (3) years during which there were two (2) complaints, both of which were related to housing

- City of East Lansing had more resources and the Human Rights Commission could direct Human Resources staff to investigate and report back to the Commission
- Belief the City of East Lansing does not have an appeals process
- Provision in the Charter Act which allows the Township to enact any state law or detailed technical regulation as a Township ordinance, but must be adopted verbatim
- Specificity within the ordinance as to who would be allowed to write a municipal civil infraction
- Support for the inclusion of Article III. Employment
- Many businesses have already adopted policies regarding discrimination based on sexual orientation or gender identity
- Rationale for the Human Resources Director handling complaints as that person is the individual within the Township familiar with investigative techniques, hearings, etc.
- Suggestion to establish a Commission to explore this issue, which includes members of the public
- East Lansing Human Rights Commission which studied this issue was voluntary and the city provided a staff liaison to that commission
- Need to adopt an ordinance which covers all aspects of the community
- Suggestion to ask the Township Attorney for a legal opinion if the Township has the authority to include employment
- Necessity of the complainant having the ability to appeal the decision of the Human Resources Director
- Size of the Human Resources staff in East Lansing when the Human Rights Commission was formed
- Size of the Human Resources staff in Meridian Township
- Concern with the amount of work associated with staffing a committee when there may be few complaints and the purpose could be served by handling complaints at the staff level
- Inclusion of the Township's general authority in the requested Township Attorney's opinion
- Concern with the Township's fiduciary responsibilities with enactment of this proposed ordinance
- Concern with committee format within the performance of an investigation
- Township Attorney draft of the proposed ordinance was the result of a mandate by the Township Board
- Two areas under which the Township has the authority to write such an ordinance: copying state law verbatim and under the authority of protecting the public health, safety and welfare of Township citizens
- Penalty for violation of housing discrimination under state law is a civil fine and costs not to exceed \$10,000 for the first violation (Section 605 of the Elliott-Larsen Civil Rights Act)
- Penalty for violation of housing discrimination under the proposed ordinance is \$75 for the first municipal civil infraction
- Inclusion of language which does not prohibit an individual making a discrimination claim from "going to a higher authority"
- Board member belief the majority of residents who live in the Township do not work in the Township and those who work in the Township do not live in the Township, while the taxpayers who live here would be required to pay for execution of the proposed ordinance
- Board member belief the proposed ordinance is a solution in search of a problem
- Board member preference to draft a resolution to send to our state legislators requesting they broaden the Elliott-Larsen Civil Rights Act to include the LGBT community

It was the consensus of the Board to place this item on for continued discussion at the October 1st Board meeting.

B. Michigan Mutual Aid Box Alarm System Agreement

Fire Chief Cowper summarized the proposed Michigan Mutual Aid Box Alarm System Agreement as outlined in staff memorandum dated September 13, 2013.

Board members and staff discussed the following:

- Agreement allows for immediate resources from the State of Michigan and other states as well in the event of a natural disaster
- Explanation of the definition of box alarm system
- Current use of mutual aid within the local region
- Proposed agreement would provide mutual aid for a much larger area (entire State of Michigan and neighboring states)
- Explanation of the box alarm computer program system

It was the consensus of the Board to place this item on for action at the October 1st Board meeting.

C. Metro Area Fire and Arson Investigation Agreement

Fire Chief Cowper summarized the proposed Metro Area Fire and Arson Investigation Agreement as outlined in staff memorandum dated September 13, 2013.

Board members discussed the following:

- Agreement allows the Township access to additional equipment if needed
- Explanation for intent of including Standard Operating Guidelines (SOG) 106.5 in Provisions 2 and 3
- Six fire departments in Mid-Michigan do not have Police Departments in which to store arson investigation evidence
- Request for a copy of SOG 106.5
- Township would not need to adhere to Provision 7 as it has an evidence room
- Mutual Aid Agreement has been signed by the other five (5) municipalities
- Township Attorney previously suggested the recommended changes to the Fire Chief which apply directly to Meridian Township
- Concern the Township Attorney's recommended changes were not brought to the attention of the Board for this item
- Belief held by the six (6) Fire Departments and their superiors that the document be identical for all six (6) jurisdictions
- Board member preference for acronyms to be spelled out
- Explanation of the on-call Metro Team member
- Board member opposition to signing any agreement which is not in accordance with the advice of the Township Attorney
- Township Attorney to incorporate her recommended changes and bring back to the Board

It was the consensus of the Board to place this item on for action at the October 1st Board meeting.

D. Non-Conforming Properties

Trustee Veenstra addressed communications from a citizen(s) regarding the non-conforming ordinance being "too strict". He spoke to the non-conformance of his own home and offered an explanation of non-conformance.

At the request of another Board member, Director Kieselbach expounded on non-conforming properties.

Board members discussed the following:

- Significance of the three-month standard v. one year
- Staff statement that the three-month standard has been in the Township's ordinance since the 1970's
- Reminder of established Board priorities
- Non-conformities are brought about as our ordinances evolve over time
- Goal, over time, is for conformity
- Board member preference for the issue to be referred to the Planning Commission for an ordinance revision

- Concern that an individual could not reach a settlement with their insurance company within 90 days
- No provision within the ordinance to make repairs if a non-conforming home is destroyed
- Preference for this issue to be part of the Board's discussion of its goals in January, 2014 and be placed at the top of a list with the heading of Ordinance Updates
- Structural non-conformance v. non-conforming use
- Property owner always has the right to appeal to the Zoning Board of Appeals
- Concern with talking specifics when there is an issue pending before the Township

It was the consensus of the Board to postpone discussion on this item until January, 2014.

13. PUBLIC REMARKS

Supervisor LeGoff opened Public Remarks.

Laurie Blosser, 9349 Coleman Road, Haslett, expressed disappointment with lack of Board movement on the issue of non-conforming properties.

Supervisor LeGoff closed Public Remarks.

14. FINAL BOARD MEMBER COMMENT (None)

15. ADJOURNMENT

Supervisor LeGoff adjourned the meeting at 8:53 P.M.

ELIZABETH LEGOFF
TOWNSHIP SUPERVISOR

BRETT DREYFUS
TOWNSHIP CLERK

Sandra K. Otto, Secretary