

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, JUNE 16, 2015 **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 Derek Perry, Director of Community Planning & Development Mark Kieselbach, Police Chief David Hall, Director of Communications Deborah Guthrie, Interim Attorney John Dewane

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. MOMENT OF SILENCE FOR VIRGINIA WHITE

Brian Beauchine offered a few words regarding recently deceased Virginia White, Clerk for Meridian Township from 1972 to 1997.

5. SPECIAL PRESENTATION

A. Dr. William Porter and Dr. Joanne Crawford – Michigan State University (MSU) Department of Fisheries and Wildlife

Dr. Joanne Crawford offered a brief update on MSU's urban deer management for Meridian Township, explaining the social structure of deer and their family units in suburban landscapes. She indicated MSU began mapping deer families and their home range area in two focal areas within the Township in 2013 by collecting approximately 1,000 fecal samples. Dr. Crawford added those samples (as well as other samples from hunters in the Township's deer management program) were taken to MSU's laboratory from which individual deoxyribonucleic acid (DNA) fingerprints were constructed through forensics. Dr. Crawford stated once a fingerprint is constructed, individual deer can be identified, a count can be obtained and relatedness can be researched, mapping family groups within the Township. She noted preliminary results showed such a social structure exists in Meridian Township and localized management might be possible.

Dr. Crawford mentioned MSU is finished with the lab analyses and is currently working on the statistical analyses related to genetics. She confirmed there is evidence to support the theory of related groups occupying approximately a ¼ square mile area. Dr. Crawford added when the chronic wasting disease (CWD) issue surface within Meridian Township, MSU was poised to assist the Department of Natural Resources (DNR) in providing a preliminary population estimate for deer as of 2013 (approximately 59 deer per square mile in the focal areas within a 10.5 square study area).

Board, MSU and DNR representatives' discussion:

- Study areas were two smaller "circles" within the 10.5 square study area in the Township, one near the Municipal Building and one south of Grand River Avenue
- Study area did not encompass the area where the CWD deer was found
- MSU is exploring options with the DNR to collect tissue samples of the harvested deer which would provide more of the genetic profile of the individual deer than fecal samples
- In the last year of the current MSU study which will focus on the statistical analyses and report writing

- If MSU decides to use tissue samples, it will have to contract for “new” work
- Desirous to freeze the tissue samples until a decision is made regarding a new contract which would fund analyzing the samples
- Three major ways for a disease to be introduced into an area
 - Infected animal walks over the border – Indiana and Ohio have no reported cases in their free range deer population
 - Deer to deer contact
 - Indirect contact primarily through urination and defecation on land which contains the prions (protein)
- Wisconsin has reported many cases of CWD since 2002
- Infectious agent is a “mutated” prion with the ability to continually replicate
- Prion accumulates within the deer and begins attacking its central nervous system
- Deer can shed prions while otherwise appearing healthy
- No determination known as to the length of transmission (can exist in the environment for years)
- Appreciation for the study performed by MSU
- Appreciation to Jane Greenway by MSU for her assistance in coordinating the effort for Township hunters to collect samples

6. PUBLIC REMARKS

Supervisor LeGoff opened Public Remarks.

Shari Middlewood, 5562 Canoga Lane, Vice-President of the Haslett Beautification Association (HBA), voiced her support for Township acquisition of 6201 Lake Drive, offering their assistance to help maintain the parcel upon Township acquisition.

Henry Kwok, 2643 Melville Drive, East Lansing, introduced himself for Board consideration of appointment as an alternate to the Zoning Board of Appeals.

Neil Bowlby, 6020 Beechwood Drive, Haslett, voiced concern the public notices which were published in the June 14, 2015 edition of the Towne Courier were premature and requested clarification on whether a motion to approve which fails to pass constitutes a denial. He addressed information included in a press release regarding a recent home invasion/robbery in the Township, questioning whether the included information violated the Michigan Medical Marihuana Act (MMMA).

Supervisor LeGoff closed Public Remarks.

7. TOWNSHIP MANAGER REPORT

Manager Walsh reported on the following:

- Opening of the Okemos Pedestrian Pathway Bridge at 11:00 AM tomorrow
- 24 deer removed through the hunt to address the CWD, all of which have tested negative
- Deer taken through road kill and other means all have tested negative
- Okemos Boys LaCrosse Team played in the state championship title and will be invited to receive acknowledgment at a Board meeting
- Kinawa Pedestrian Safety Project is underway with contracted work to begin soon
- Central Fire Station is on schedule and under budget, with commencement of vertical construction
- Rain has had an impact on the central fire station’s December 15th opening
- Update on the 2015 infrastructure improvements approved by the Township Board
 - New roof on the Service Center is complete
 - Bids for the north central fire station roof have been opened and one bid is under the budgeted amount
- 90-120 days for completion of the Municipal parking lot repavement areas and streetlight replacement
- Township Hall renovation to begin tomorrow with a finish date by July 7th

Board and staff discussion:

- Review of the level of achievement for sports teams to be acknowledged before the Board

8. BOARD COMMENTS & REPORTS

Treasurer Brixie announced summer tax bills are being prepared and will be mailed out July 1st. She noted there is an option for automatic electronic payment, with signup information on the Township's website, www.meridian.mi.us. She reminded residents the white drop box in front of the Meridian Municipal Building is available for 24 hour drop off of tax payments. Treasurer Brixie urged residents not to mail their tax bill at the post office the day before tax bills are due, as it can take up to 10 days to arrive at the Township.

Clerk Dreyfus announced he received his Certified Michigan Municipal Clerk (CMMC) certification, a three year process through the Clerk's Institute. He reported his attendance at a June 3rd legislative reception sponsored by the Michigan Association of Municipal Clerks (MAMC) to discuss issues relevant to Clerks with various state legislators. Clerk Dreyfus noted Representative Sam Singh shared with him the Michigan Legislature allocated \$5 million to update election equipment, with Meridian Township to receive a small portion of the state-wide distribution. He stated Representative Singh indicated the state legislature plans to introduce legislation to obtain an additional \$10 million to fund more of the turnover in equipment which will occur in 2016 and 2017. Clerk Dreyfus indicated a decision was made not to have Meridian Township sign up for the pilot program to test the new equipment in order to avoid potential risk.

Clerk Dreyfus reported his attendance at the June 4th Meridian Economic Development Corporation (MEDC) meeting where business development topics were discussed, including the future of the Meridian Area Resource Center (MARC), how to improve the Celebrate Okemos event and improvements to the Okemos and Haslett downtown areas as well as the Grand River corridor. He noted his attendance at the Tri County Regional Planning Commission's (TCRPC) Urban Services Management Subcommittee where information was shared that the Tri-County region (including Meridian Township) will have a one-year access to receive assistance through an urban sustainability partnership on targeted ways to develop public/private partnerships. He added assistance would also be available during that one year period to develop partnerships with non-profits, work on the Master Plan, evolution of retail corridors, complete street analyses, adaptive reuse of buildings and issues relative to parking constraints. He also reported his attendance at the Harris Nature Center's (HNC) annual Nature Friend's barbeque on June 10th which honored volunteers.

Trustee Styka voiced his pleasure at the success of the Celebrate Downtown Okemos Event. He reported Music in the Village begins Wednesday, June 16th for six (6) Wednesdays at 7:00 P.M. in the Historical Village. Trustee Styka announced the Farmers Market will open on Wednesdays beginning July 1st. He reported the annual Meridian Township fireworks display will take place on July 4th, adding Culvers will host a fundraiser on June 24th with a percentage of the proceeds to be donated to the fireworks event.

Trustee Veenstra addressed the communication contained in the Board packet from Noel Walker regarding the improved appearance of the face of the former's Travelers Club. He spoke to the issue of whether a failure to approve is or is not a denial, requesting an opinion from the new Township attorney. Trustee Veenstra requested an explanation as to the purpose of revealing in a recent press release regarding a home invasion that the home housed a medical marihuana caregiver operation. He offered his opinion on a recent Township press release regarding grass height, stating the Township's vegetation ordinance is poorly written. Trustee Veenstra critiqued the verbiage "other vegetation" by stating trees, shrubs and flowers would not be subject to the eight (8) inch height requirement.

Trustee Scales congratulated the police department on its press release regarding a home invasion and robbery where the home was occupied by its residents. Trustee Scales attended the last two Planning Commission meetings to understand ways to develop a “win-win” for nearby residents and the developer of Ember Oaks. Trustee Scales brought forth a request mentioned at last month’s neighborhood leadership meeting for a streetlight at the intersection of Tihart and Marsh Roads to assist with increased bicycle traffic along Marsh Road. He reported his attendance at a meeting held at the Meridian Senior Center where Representative Sam Singh provided information on a variety of topics relevant to seniors. Trustee Scales also reported his attendance, along with other members of the Board, at the retirement party of Ray Severy, the Director of Public Works and Engineering, who served the Township over the last 14 years.

Trustee Scales noted meetings with owners of taxi cab companies in the area revealed owners prefer to have an age limit of 23 for their drivers due to the insurance costs and added insurance risk. These meetings were held in response to Trustee Veenstra’s concern that individuals 18 years of age were being denied the ability to be a taxi operator.

9. APPROVAL OF AGENDA

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

VOICE VOTE: Motion 6-0.

10. CONSENT AGENDA

Supervisor LeGoff reviewed the consent agenda.

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

ROLL CALL VOTE: YEAS: Trustees 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 Trustee Styka.

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

B. Minutes

Treasurer Brixie moved to approve and ratify the minutes of the June 2, 2015 Regular Meeting. Seconded by Trustee Styka.

ROLL CALL VOTE: YEAS: Trustees 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	\$ 1,723,641.98
Public Works	\$ 323,306.29
Total Checks	\$ 2,046,948.27
Credit Card Transactions	\$ 7,822.48
Total Purchases	\$ 2,054,770.75
ACH Payments	<u>\$ 684,056.78</u>

Seconded by Trustee Styka.

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

(Bill list in Official Minute Book)

- D. Firework Permit – Meridian Township 4th of July Display
Treasurer Brixie moved to approve the Fireworks Permit for the Meridian Township 4th of July Celebration on July 4, 2015 by pyrotechnic operator Night Magic Displays. Rain date will be July 5, 2015. Seconded by Trustee Styka.

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

11. QUESTIONS FOR THE ATTORNEY (See Agenda Items #13A, #13F)

12. HEARINGS (None)

13. ACTION ITEMS

Supervisor LeGoff opened Public Remarks.

Neil Bowlby, 6020 Beechwood Drive, Haslett, offered grammatical critique to language contained in Agenda Items #13B (Investment Policy) and #13F (Freedom of Information Act Procedures and Guidelines).

Leonard Provencher, 5824 Buena Parkway, Haslett, spoke in opposition to the selection of the Fahey Firm as Township counsel because of past “biases” expressed by the chief lawyer relative to certain medical marihuana issues which may surface in the general state election by referendum. He expressed doubts that the lawyer can separate his personal values from representing the Township with a clear legal voice. Mr. Provencher expressed appreciation that the Township fought for the retention of five (5) PEG channels as contained in the Comcast Uniform Agreement.

Supervisor LeGoff closed Public Remarks.

A. Okemos Road Redevelopment Agreement

Trustee Veenstra moved to authorize the Township Manager to sign the attached purchase agreement with Evergreen Companies for the purchase of the former Central Fire Station (2150 Clinton Street) and the MARC (4675 Okemos Road). Seconded by Trustee Scales.

Treasurer Brixie offered the following friendly amendment:

- Add “and addendum” after “Agreement”

The friendly amendment was not accepted by the maker.

Board and staff discussion:

- Addendum sets a ceiling of \$75,000 on the amount of “defects” in the building to be repaired by the Township
- Addendum was attached to the Buy and Sell Agreement and is, therefore, included in the Agreement
- The original motion covers any addendum as addendums are part of the Agreement
- Request for Proposal (RFP) included a condition on the maximum commission of 5%
- Developer has committed to a cash deal

Necessity of including the paragraph regarding new mortgage if the buyer is paying cash: (Questions for the Attorney (See Agenda Item #10))

Q. Is the paragraph about a new mortgage superfluous and ought to be deleted?

A. The agreement does provide for cash. The second provision about the mortgage also provides that the payment will be in cash, but it gives the purchaser the opportunity to get a mortgage by the time the closing comes about. If he doesn't have the money otherwise, it gives the Township the right to cancel. The closing is October 1st, so the cash wouldn't be exchanged until the closing, in any event. That's an opportunity to give the purchaser a chance to get the financing put in place to pay in cash, which he has agreed to do.

Q. I believe the closing is by October 1st, not necessarily on October 1st; it may be sooner.

A. It may be later, as he has an opportunity to extend that, too.

Continued Board and staff discussion:

- Township purchased the Meridian Area Resource Center (Marc) property several years ago for \$500,000, approximately half of the land included in this purchase
- Net price of \$525,000 is a good sale price given the appraisal of the property
- Proposed use on the property will be an attractive development for downtown Okemos and will hopefully stimulate other redevelopment near the intersection of Okemos and Hamilton Roads
- Language in the contract includes a \$35,000 credit to have the owner show the first physical improvement by no later than December 31, 2015 and remove the old fire station building no later than April 30, 2016
- Appreciation the Township was able to obtain a full price offer for the subject property
- Township will obtain a great local restaurant in the downtown Okemos area
- Proposed development has generated excitement among nearby residents
- Proposed project will "kickstart" the downtown Okemos area

Need for penalty provisions for non-compliance of deadlines: (Questions for the Attorney (See Agenda Item #10))

Q. One of my big concerns, and I know it is the concern of many citizens, is that we not have another property in downtown Okemos which just sits there, not being developed even though someone has purchased it or has proposed that they are going to develop it. I don't see any penalty for violation of Paragraph 9 of the Addendum, which is that they will actually begin no later than December 31, 2015 or completed by December 31st of the following year. Is there no penalty in this that I could find?

A. There is none.

Q. There is nothing in here about getting an apartment building built; it could just end up being an empty field behind the restaurant. There was nothing at all that I could find; am I correct?

A. Yes.

Continued Board and staff discussion:

- Penalty provisions should be included for non-compliance
- A condition regarding construction of an apartment building should be included in the agreement
- Appreciation to the redevelopment committee members for their hard work
- Concern with additional punitive conditions
- Offer on the table exceeded all other offers by several hundred thousand dollars
- \$35,000 credit will dissipate if deadlines are not met (language included in addendum 1st)
- Agreement met the concerns previously expressed by the Board
- Purchaser does have plans to build on the back of the property
- Property owner intends to save the large tree on the property
- Ability of a Board member to abstain from voting

Ability of a trustee to abstain from voting: (Questions for the Attorney (See Agenda Item #10))

Q. I don't have a literal conflict of interest, but my son worked for one of the other bidders, so it is an appearance of a conflict of interest. I would ask the attorney whether I can abstain or not.

Continued Board discussion:

- Recusing oneself from a vote v. abstaining

- Q. As a member of the Board and having an obligation to vote, as you declare a conflict of interest, then you declare it to the members of the Board and they vote on whether or not that is a conflict. Am I correct?
- A. I think that a trustee who feels he has a conflict of interest can abstain from voting.

Continued Board discussion:

- Request for the parliamentarian to research this question
- Board member suggestion to temporarily table this issue for the attorney to review the procedure for someone to recuse themselves
- If the Board is satisfied there is no conflict, the Board member will vote on this issue

Without objection, a straw vote was taken on whether Trustee Styka should vote on the Okemos Road redevelopment agreement, the results of which were a majority was in favor.

TOWNSHIP ATTORNEY COMMENT: Let me just add if I could. There is a Michigan Supreme Court case, back in 1939 or so, that says a spouse can vote on another spouse's contract.

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

B. Investment Policy

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 updated Meridian Township Investment Policy. Seconded by Trustee Scales.

Board discussion:

- No language in the investment policy that the Township should only deposit money in banks and credit unions which are insured
- Specifics in the law were not included because the entire law is very lengthy, but depository only in insured institution is covered under the law

TOWNSHIP ATTORNEY COMMENT: The Deposit of Public Monies Act specifically requires it to be in an insured institution, the principal office or branch office of which is in the state.

- Insured institution vs. insured funds
- There is a \$250,000 limit on Federal Deposit Insurance Corporation (FDIC) insured money
- This policy is sent to every institution with which the Township invests

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

C. Agreement for Legal Services – Fahey Firm

Trustee Styka moved to authorize the Township Manager to sign the attached legal services engagement letter with Fahey Schultz Burzych Rhodes PLC. Seconded by Trustee Scales.

Board discussion:

- Length of agreement is for three (3) years
- \$5,000 monthly retainer will be reviewed by both parties after six (6) months
- List of included and non-included charges is not a comprehensive list
- Firm does not charge for computerized legal research
- Steve Schultz to act as Township Attorney
- Although the attorney will not have regular office hours at the Municipal Building, the Township has the ability to have legal counsel attend meetings on an as needed basis
- Clause for termination included in the agreement

- All non-discrimination language included
- If outside counsel is necessary for specialized legal services, they would be under the guidance of Mr. Schultz
- When the Township is sued, the Township's insurance company provides legal representation
- Appreciation for the firm's presentation to the Board when it was interviewed
- Appreciation to the representation provided by the Hubbard Law Firm's for the past decade
- Appreciation for Judge Dewane's service as the Township's interim attorney
- Board member concern with the firm's action on an issue before the Township in 2012
- During the interview process, the firm indicated it will represent the Township's interest if it is in opposition to the firm's own beliefs
- Appreciation to the legal services committee for their hard work
- Concern the monthly retainer does not include attendance at any depositions
- Litigation would be over and above the retainer, as charged by the Township's former legal counsel
- Suggestion for the legal services committee to convene in six (6) months to review the cost of the monthly retainer
- \$5,000 monthly retainer does not take actual billable hours into consideration
- Cap of \$200 per billable hour
- Board member belief this firm made false statements during the proposed rezoning of the adjacent property from RR to PO and the ensuing referendum

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

- D. Appointment of Alternate Members to the Zoning Board of Appeals
Treasurer Brixie moved to appoint Henry Kwok and Ken Lane to the Charter Township of Meridian Zoning Board of Appeals as an alternate. Seconded by Trustee Scales.

Board discussion:

- Mr. Kwok is a business owner who returned to the Township to run the family business
- Mr. Lane is with the law firm of Clark Hill
- Preference to allow the Clerk to substitute a correctly worded motion
- Board member preference to divide the question into two separate motions

Clerk Dreyfus offered the following friendly amendment:

- **moved to appoint Henry Kwok as Alternate #1 and Ken Lane as Alternate #2 to fill vacancies on the Charter Township of Meridian Zoning Board of Appeals for terms ending December 31, 2017.**

The amended motion was accepted by the maker and seconder.

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

- E. Comcast Uniform Agreement

Director of Communications Deborah Guthrie summarized events which have transpired relative to the Michigan Uniform Video Service Local Franchise agreement between Comcast and Meridian Township over the last few months. She noted the uniform franchise agreement was delivered by Comcast on May 12th with a 30 day deadline for response. Through negotiations, the Township was able to obtain a 1% PEG fee (equates to \$100,000/year in revenue) and a letter of authorization to allow public, educational and government (PEG) channels to be on the program guide system.

Board discussion:

- Appreciation for all the hard work by Director Guthrie
- Cable Commission was fully behind staff

- Sacrifice of a HD station to retain five (5) PEG channels
- Franchise Agreement can contain any language agreeable to both parties
- Uniform Agreement did not allow for any discussion of equipment, service drops, etc
- Previously, there were no PEG fees obtained by the Township
- Inquiry if the uniform agreement provides for a reduction of the monthly bill paid to Comcast by the Township
- Comcast does not provide the software for the program guide software
- Third party vendor who manages the channel guide will charge the Township an unknown fee

F. Freedom of Information Act (FOIA) Procedures and Guidelines

Clerk Dreyfus move to adopt the submitted documents (Meridian Township FOIA Procedures and Guidelines, Summary of Meridian Township Procedures and Guidelines, and FOIA Request – Detailed Fee Itemization Form) as components of Meridian Township’s Freedom of Information Act written policies. Seconded by Trustee Veenstra.

Board discussion:

- Clerk overview of the new state amendments passed this year
- According to state law, the Board must adopt procedures and guidelines
- More specific itemization of costs were written into state law
- Changes were made to what a municipality could legally recover in terms of cost
- Changes were made to how labor charges are calculated
- Michigan Townships Association (MTA) and the Michigan Municipal League (MML) provided templates which were then customized for Meridian Township
- Judge John Dewane and the Township’s new legal firm have both reviewed the documents before the Board
- Law offers a provision for modification in the future
- State law goes into effect July 1, 2015
- Board member concern the public has not had an opportunity to comment on these policies
- Question on status as an action item v. discussion item

Recommendations from counsel regarding the FOIA procedures and guidelines: (Questions for the Attorney (See Agenda Item #10))

Q. In reading this, it says that the procedures and guidelines were reviewed by the law firm and our current attorney. Are there any recommendations that you had that are not included in here.

A. I was asked to do one opinion on one specific item which I did and it is included in there. That had to do with whether it was lawful to have the Township Manager act in an appellate capacity. The only other thing that I encountered was the reference, when I initially read it, to excluding people who were incarcerated. That is not what the statute says. The statute says people under sentence of imprisonment. There is a big difference there, because you can be in jail on bond and/or you can’t pay your bond; you are not sentenced, but you are still incarcerated. So that was cleaned up and that was the only comment I had.

The other things mainly had to do with the fees and that is just what’s in the statute.

Continued Board discussion:

- Concern with the appropriateness of including language mentioning the FOIA coordinator as the developer of the FOIA Request Form as part of the policy (Paragraph 2 of Section 2)
- Appreciation to the Clerk for his work on this issue
- Appreciation for the first paragraph in the public summary of the procedures and guidelines
- Board member request for the word “verbal” to be substituted by “oral” in all instances
- Language being critiqued was taken directly from state statute

Use of language consistent with state law: (Questions for the Attorney (See Agenda Item #10))

Q. I would ask Judge Dewane to confirm that the Michigan act does use the term verbal, not written, and as a result, our policy should follow that format in order to be implemented.

A. I can’t recall off the top of my head, but if it uses verbal, we should use verbal. It is what the Legislature said.

Continued Board discussion:

- First drafts were distributed by MTA to Clerks in May
- If the policy is not adopted by July 1st, the Township could not charge FOIA fees until adoption
- Many FOIA requests will qualify for no charge under the new law as many of them are under 15 minutes of research time
- If the Board chooses, it can wait until the July 7th Board meeting to adopt the new FOIA Procedures and Guidelines with minimal financial consequence
- Procedures and Guidelines were customized for Meridian Township using a compilation of material from the MTA, MML, and the City of Kalamazoo
- Board member preference for Board members to have been provided with the old policy for comparative purposes
- There was no previous written policy
- Guidelines previously used to handle FOIA requests were taken directly from the FOIA statute
- Offer by the Clerk to provide Board members with a copy of the current FOIA response form sent to the requestor by the Clerk's office
- Request for the Clerk to provide Board members with a list of changes
- Most of the changes deal with the fee structure
- New Freedom of Information Act Request Detailed Fee Itemization was included in the Board packet
- Township previously charged .10 per sheet for copying and the minimum hourly rate for the person capable of fulfilling the request times the estimated number of hours, requiring a 50% deposit if the cost calculated exceeded \$50.00
- Separation of contracted labor from non-contracted labor is new and changes the hourly multiplier rate
- When using specialized contract labor, the Township can charge up to six (6) times the minimum wage
- Board member concern that people might make new labor-intensive FOIA requests if the Board does not adopt the procedures and guidelines tonight
- Addressing transparency for the public by including information offered by the Clerk in the next Board packet
- Commitment by the Clerk to email Board members the current FOIA request form and a printout of the Powerpoint presentation given by a legal firm contracted by the Michigan Association of Municipal Clerks (MAMC)

Incarcerated individuals prohibited from submitting FOIA requests: (Questions for the Attorney (See Agenda Item #10))

Q. On the third page, right above Section 3 there is a paragraph which says, "A person serving a sentence of imprisonment in a local, state or federal correctional facility is not entitled to submit a request for a public record." I don't understand that, as a person sitting in prison may need some kind of record to try to prove his innocence. What on earth is the rationale to say people serving a prison sentence can't make a FOIA request?

A. Again, that's what in the statute. That is what the Legislature provided.

Q. Does anyone know why they put it in the statute?

A. Yes, because if you've ever been in the position of the Clerk (it probably doesn't happen in Meridian Township, but it happens in many municipalities), prisoners who have nothing else to do are constantly making FOIA requests. They have no money and they go under the indigent provision.

Township Manager serving as the head of the public body: (Questions for the Attorney (See Agenda Item #10))

Q. My second question would be to you, Judge Dewane. You said one of the legal issues usually asked is whether someone could appeal the denial of a FOIA request (I think the statute says) to the head of the public body, which I thought would have been the Supervisor. Meridian Township adopted a policy that it was the Manager. How did you rule on that question?

A. If you read only the FOIA statute, that's the conclusion you come to. But if you read in conjunction with the FOIA statute the Township Manager provision in the Charter Township statute, you'll see that the Township Manager can be vested with any power that could lawfully be performed by anybody else.

Continued Board discussion:

- Board member concern with transparency in order for Township residents to understand the ramifications when significant changes to Township policies and procedures are adopted
- Current FOIA request is on the Township website
- Policies and guidelines being voted on was uploaded to the Township website on Friday as part of the packet and was available for public perusal prior to tonight's Board meeting

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

14. BOARD DISCUSSION ITEMS

Supervisor LeGoff opened Public Remarks.

Teri Banas, 5606 Creekwood Lane, Haslett, President of the HBA, gave a brief history on the property located at 6201 Lake Drive and voiced her support for Township acquisition of this tax foreclosed property. She noted the HBA has offered to help improve the gardens currently on the property and create a redesign contest for the parcel.

Leonard Provencher, 5824 Buena Parkway, Haslett, requested the Board commence the 2015 Citizen Survey process right after Labor Day to have greater participation by Township residents.

Neil Bowlby, 6020 Beechwood Drive, Haslett, addressed items regarding the 2015 Citizen Survey, among them the number of people who did not respond and civic involvement. He posed several suggestions for customized questions (.e.g., pension liability funding, marijuana, possible dog ordinances, etc.) He drew attention to the importance of how the customized questions are framed.

Supervisor LeGoff closed Public Remarks.

A. Tax Foreclosed Properties

Treasurer Brixie summarized the two (2) parcels of land noticed by Ingham County Treasurer Schertzing which were foreclosed for unpaid property taxes as outlined in staff memorandum dated June 11, 2015.

Ingham County Treasurer Schertzing explained action taken by Ingham County to date on the parcel located at 6201 Lake Drive. He stated the structure, asphalt and any hard surface will be removed by the county at its cost (\$6,000-\$7,000) within 30-60 days. Treasurer Schertzing noted this parcel will be included in the bundle of tax auctioned properties around the county designated as blighted. He stated it can be turned over to the Township prior to year's end.

Board discussion of the parcel at 6201 Lake Drive:

- Water to the property has been turned off at the curb
- Township met with members of the HBA and the Lake Lansing Property Owners Association (LLPOA)
- LLPOA submitted a letter in unanimous support of the project between Ingham County and Meridian Township
- Suggestion to have the ICRD abandon the road to bring more greenspace to the area

- Only one drive is being serviced on Lake Drive
- ICRD concern with the acute angle on Reynolds Road relative to installation of a right turn lane
- Bundle in which the parcel would be included will not likely be purchased during the auction process
- Subject parcel belongs in the public trust
- Township has the right of first refusal and could obtain the parcel by paying back taxes
- Suggestion to let all the taxing authorities share in the tax burden
- Once the subject parcel has been sent to auction twice, it will be turned over to the Township at no cost unless the Township objects
- Appreciation to the Ingham County Treasurer for suggesting the process by which the Township can obtain this parcel
- Appreciation for the collaborative effort of the Ingham County and Meridian Township Treasurers

B. 2015 Township Citizen Survey

Assistant Township Manager/Director of Public Works Derek Perry provided the 2012 Citizen Survey results as requested by the Board at its June 2, 2015 meeting.

Board and staff discussion:

- Past four citizen surveys have been conducted in the month of May
- Board member belief local firms can provide this type of survey service
- Suggested custom question which can be asked could be whether citizens support an increase in the local road tax
- Preference to keep with the existing surveyor for benchmarking purposes
- Suggestion to schedule some informal public gatherings to glean information by asking the same questions
- Board member preference to change firms conducting the survey this time
- Survey has limited response rate and the 330 respondents offer skewed responses
- General questions are too generic
- Four (4) customized questions specific to Meridian Township are not enough
- Information technology is very different than what existed in 2003, the first year a citizen survey was conducted
- Many aspects of the township have changed since 2003
- Board member support to expend some additional funds to use MSU for a survey specifically customized for Meridian Township, using detailed questions which drill down and get to the “heart” of the matter
- New benchmarks would be created which would all be specific to Meridian Township
- The new survey process could use generic questions which compare to the benchmarks used in the national survey and then have specific questions for Meridian Township
- Topic for discussion could be the time frame used between surveys

15. PUBLIC REMARKS

Supervisor LeGoff opened Public Remarks.

Neil Bowlby, 6020 Beechwood Drive, Haslett, stated whatever method is used for the citizen survey will produce bias. He suggested some incentive be provided (e.g., sweepstakes) to solicit increased return of responses. He objected to medical marihuana being mentioned in a recent press release that speculated on why the reported home invasion had occurred.

Supervisor LeGoff closed Public Remarks.

16. FINAL BOARD MEMBER COMMENT

Treasurer Brixie responded to the previous speaker regarding why she believed the home invasion took place at that specific residence (medical marihuana operation). She believed the inclusion of identifying the residence as a medical marihuana operation in the press release was a service to the Township and all the neighbors. She asked if there was Board interest in placing the medical marihuana issue on a future Board agenda.

Trustee Styka was puzzled as to why zoning regulations with respect to medical marihuana have not come before the Board for final action, as the Board spent a great deal of time on this issue. He believed because the home invasion included the use of a firearm and residents were held at gunpoint, it is a different scenario than a simple home invasion and the public needed to be aware and wary. Trustee Styka also believed it important for medical marihuana providers to be aware of the reason for the home invasion and take necessary precautions.

Clerk Dreyfus stated the Michigan Medical Marihuana Act (MMMA) has strict provisions on confidentiality and believed it a violation of the act for anyone to publicly speculate whether someone is a caregiver, user or provider. He asked for a legal opinion from the new legal services firm if the police department is allowed to reveal whether or not a home or person is a caregiver, provider or user under the MMMA. Clerk Dreyfus added the medical marihuana issue was debated by the Board over many meetings, and a subcommittee was formed which provided a reasonable compromise accepted by the Board and then sent to the Planning Commission. He believed the Planning Commission has not taken action on the medical marihuana issue to date.

Trustee Scales requested the Township Manager urge the Planning Commission to move the medical marihuana issue up on its agenda.

Trustee Veenstra inquired as to why the Township would only get four local questions on the citizen survey when there were six (6) on the last survey in 2012. He believed citizens are most concerned about the condition of roads, and suggested one of the questions should be to ask if residents favor an increase in the gas tax. Trustee Veenstra suggested one of the new questions to be asked could be regarding the use of recreational marihuana. He did not believe it necessary to spend much time on a discussion of the square footage allowed in order to grow 12 marihuana plants, believing it is already covered by state law.

17. ADJOURNMENT

Supervisor LeGoff adjourned the meeting at 9:15 P.M.

ELIZABETH LEGOFF
TOWNSHIP SUPERVISOR

BRETT DREYFUS, CMMC
TOWNSHIP CLERK

Sandra K. Otto, Secretary