

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, APRIL 19, 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, Director of Engineering & Public Works Ray Severy

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, spoke to the continued overly restrictive nature of the wind energy ordinance and to the need for a reasonable ordinance regarding the raising and keeping of chickens and rabbits in residential districts.

Ann Alchin, 2227 Hamilton Road, Okemos, encouraged the Board to approve the recommendation of the Elected Officials Compensation Commission.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

A. Tonia Olson, Granger Container Service

Ms. Olson gave an update on recycling activity in Meridian Township. She offered the following:

- No additional cost street-side recycling tub service was implemented in May, 2006 for single family households who subscribe to Granger's trash services
- Participation and volume has increased annually since the street-side recycling program began
- Volume has increased annually approximately five percent (5%)
- 1.3 million pounds of material collected street-side in 2010 from Meridian Township
- Single stream recycling commenced in 2010, which moved sorting of materials from street-side to a recycling center
- Probability of adding additional items for recycling in the future
- Announcement that a new service option (Curby Recycler) to large volume recyclers will commence mid-May

Supervisor McGillicuddy announced the Township's Recycling Event scheduled for Saturday, April 30, 2011, to be held at both Nancy Moore Park and the Municipal Building.

Trustee Ochberg attended the Economic Development Corporation (EDC) meeting where a Meridian Township community profile publication is being created to present to potential business owners looking to locate in Meridian Township. She noted the EDC consolidated its recommendation for

amending the Home Occupation ordinance to two recommendations. Trustee Ochberg indicated the EDC also presented recommendations for the mixed use planned unit development (MUPUD) and the commercial planned unit development (CPUD) ordinances.

Trustee Veenstra attended the April 13th Transportation Review Committee of Tri County Regional Planning Commission (TCRPC) where the pathway along Waverly Road was not recommended for placement on the list of unfunded future projects, as the pathway was opposed by the Lansing Township Board. He noted, however, this project will be before TCRPC next week as it was recommended by the Capital Area Regional Transportation Study (CARTS) Technical Committee. Trustee Veenstra indicated the Michigan Avenue extension in Delta Township from Crypts to Canal Road was also a controversial topic at the meeting, as the project will cost several million dollars and comes within 30 feet of the back of some residents' homes.

Trustee Dreyfus reported the Meridian Time Bank officially launched with six (6) members. He explained the function of this community resource and urged residents to contact meridiantimebank@gmail.com if interested in additional information.

Treasurer Brixie reported her attendance at the EDC Meeting and the Michigan Municipal League (MML) Capital Conference. She also noted her attendance at the meeting of the Groundwater Management Board where recommendations for wellhead protection were presented for communities involved with the board. Treasurer Brixie requested a meeting be scheduled for Tri-County's Environmental Programs Planner, Christine Spitzley, to give a presentation to the Township Board on the implementation recommendations.

Treasurer Brixie reported she attended the Ingham County Parks Board Meeting last week where she presented a \$675,000 check from Land Preservation for purchase of Lake Lansing Park North trails property.

Clerk Helmbrecht reported circulators of the petition on the rezoning of 4133 Okemos Road handed in over 300 petition sheets with nearly 2,800 signatures. She noted they needed to have just fewer than 2,400 valid signatures which they did achieve. Clerk Helmbrecht indicated letters containing the results will be mailed to both parties involved. She added those results will be presented at the next Board meeting for discussion.

Trustee LeGoff reported her attendance at the Michigan Municipal League conference on April 6th where several topics were discussed; e.g., the state budget, legislation focusing on state revenue sharing, completing complete streets, etc.

Supervisor McGillicuddy reported her attendance at the Michigan Municipal League conference April 5th and 6th. She noted the urban service boundary committee met last week and is waiting for TCRPC's approval of the study at its next meeting. Supervisor McGillicuddy announced her intent to place this item on the Township Board's agenda as a discussion item at the May 5, 2011 meeting. She explained that once the Board moves to adopt the study, it will be referred to the Planning Commission for adoption along with a request for the Planning Commission to designate the boundary on the map and send it back to the Township Board. She explained the action would allow the Planning Commission to make an amendment to the Master Plan with the boundary identified.

6. APPROVAL OF AGENDA

Clerk Helmbrecht moved to approve the agenda amended as follows:

- **Move Agenda Item #10D to Agenda Item #10A and reletter the remaining action items accordingly**

Seconded by Treasurer Brixie.

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

Trustee Ochberg moved to adopt the Consent Agenda amended as follows:

- **Amend Agenda Item #7D (Bills) to remove number 37 from the list of authorized bills, it being the dues to a private service organization.**

Seconded by Supervisor McGillicuddy.

Board members discussed the following:

- Several members of the Board are members of service organizations and it is inappropriate to have only some Board members' dues paid by the Township's taxpayers
- Dues are for the Treasurer and Police Chief's membership in the Haslett-Okemos Rotary Club and were part of the approved budget
- Importance of the Treasurer's participation in business group organizations and service clubs as it aids in obtaining information regarding changes within businesses in the community (e.g., going out of business, moving the business, change in the business) which assists in collecting delinquent personal property taxes
- Generosity of the Haslett-Okemos Rotary Club to Meridian Township over the last 15 years
- Recent \$10,000 donation by the Haslett-Okemos Rotary Club to the Haslett Library move
- Importance of active local government participation in service clubs within the community

Trustee Veenstra moved to divide the question.

Continued Board discussion:

- Justification for separating out dues paid for an elected official v. a staff person
- Importance of the Police Chief having contact with members of the Rotary Club
- Treasurer is involved in the aspects of the community's businesses
- Concern the Haslett-Okemos Rotary Club is not the right venue for the Police Chief
- Suggestion that the right venue is for either the Assistant Township Manager or the Township Manager to attend instead of the Police Chief
- Certain aspects of the Treasurer's position are worth the investment
- Attendance at Rotary meetings by the Treasurer to connect with the business community and having the Police Chief attend are excellent tools to keep the community cohesive
- Issue of equity in picking out one service organization which receives taxpayer support is unfair
- Board member belief that it is the Board's responsibility, as positions in public office, to be a member of service organizations on their own time with their own money
- Dues for some state organizations warrant expenditures
- Dues for the Treasurer are in the budget detail of the Treasurer's office
- Members of the Haslett-Okemos Rotary Club include the school district's superintendents
- Several members of the Haslett-Okemos Rotary Club have access to the Police Chief to engage in private conversations to receive advice after rotary meetings

The motion was accepted by the maker.

Trustee Ochberg moved to remove the payment of \$125.00 for second quarter dues to the Haslett-Okemos Rotary Club for Treasurer Brixie. Seconded by Supervisor McGillicuddy.

ROLL CALL VOTE: YEAS: Trustees Ochberg, Veenstra, Supervisor McGillicuddy
NAYS: Trustees Dreyfus, LeGoff, Clerk Helmbrecht, Treasurer Brixie
Motion failed 3-4.

Trustee Ochberg moved to remove the payment of \$125.00 for second quarter dues to the Haslett-Okemos Rotary Club for Police Chief Hall. Seconded by Supervisor McGillicuddy.

ROLL CALL VOTE: YEAS: Trustees Ochberg, Supervisor McGillicuddy
NAYS: Trustees Dreyfus, LeGoff, Veenstra, Clerk Helmbrecht, Treasurer
Brixie
Motion failed 2-5.

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

The adopted Consent Agenda items are as follows:

A. Communications

(1). Board Deliberations (BD)

- BD 11B-1 Aron Sandler, 14610 Balfour Street, Oak Park; RE: Belle Tire Flag
- BD 11B-2 Roland R. Tindle, D.O., President and CEO, Complete Care Center, 8401 Holly Road, Grand Blanc; RE: Belle Tire Flag

(2). Board Information (BI)

- BI-1 Fred W. Hipshear, Right-of-Way and Claims Specialist, Wolverine Pipe Line Company, 8075 Creekside Drive, Suite 210, Portage; RE: Upcoming pipe line activities in Meridian Township
- BI-2 Barb Ringlein, 5030 Park Lake Road, East Lansing; RE: Opposition to a medical marihuana clinic in Meridian Township at 4133 Okemos Road
- BI-3 Paul Quinlan, 6084 Oak Park Trail, Haslett; RE: Suspension of approval for Rezoning #10070 (Wiggins)
- BI-4 Conlan Adams, 6285 Sunhollow Lane, Haslett; RE: Petition for Medical Marihuana
- BI-5 Jim Westerlund, 1019 Cliffdale Drive, Haslett; RE: Recycling Center
- BI-6 Thomas Harpstead, 2411 Indian Hills Drive, Okemos; RE: Meridian Township deer population
- BI-7 Brian K. Trimble, 2715 Coreopsis Court, Okemos; RE: Meridian Township and The Meadows Subdivision
- BI-8 Deborah Guthrie, President, Michigan Chapter of the National Association of Telecommunications Officers and Advisors, 5151 Marsh Road, Okemos; RE: News release titled, "Michigan's Cable Competition Still Stagnant"

(3). Staff Communication (SC)

- SC-1 Memorandum from Cindy Cummings, Police Records Supervisor; RE: Current list of licensed vendors and non-licensed persons or nonprofit organizations engaged in soliciting or canvassing dated April 4, 2011
- SC-2 Memorandum from Cindy Cummings, Police Records Supervisor; RE: Current list of licensed vendors and non-licensed persons or nonprofit organizations engaged in soliciting or canvassing dated April 5, 2011
- SC-3 Memorandum from Cindy Cummings, Police Records Supervisor; RE: Current list of licensed vendors and non-licensed persons or nonprofit organizations engaged in soliciting or canvassing dated April 12, 2011

Trustee Ochberg 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 Supervisor McGillicuddy.

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

B. Minutes

Trustee Ochberg moved to approve and ratify the minutes of the April 15, 2011 Regular Meeting as submitted. Seconded by Supervisor McGillicuddy.

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

C. Authorization to Establish Election Receiving Boards for May 21, 2011 through May 1, 2012
Trustee Ochberg moved that the Township Board authorize the appointment of Receiving Boards for each election conducted in the Township beginning May 2, 2011 through May 1, 2012. Seconded by Supervisor McGillicuddy.

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

D. Bills

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

Common Cash	\$ 2,117,168.67
Public Works	\$ 321,090.13
Total Checks	\$ 2,438,258.80
Credit Card Transactions	\$ 4,756.11
Total Purchases	<u>\$ 2,443,014.91</u>
 ACH Payments	 <u>\$ 322,443.95</u>

Seconded by Supervisor McGillicuddy.

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]

E. Assessing Stipulations

Trustee Ochberg moved that the Township Assessor be authorized to sign a stipulation with Thomas and Nancy Klug in accordance with the revised assessed and taxable values stated as follows:

**MICHIGAN TAX TRIBUNAL DOCKET NUMBER 353699
 THOMAS AND NANCY KLUG
 PROPOSED STIPULATION FIGURES**

Original Values

Parcel Number	Address	Year	Original Assessed Value	Original Taxable Value
33-02-02-34-155-014	3779 Yosemite	2008	\$225,600	\$181,767
33-02-02-34-155-014	3779 Yosemite	2009	\$190,000	\$189,764
33-02-02-34-155-014	3779 Yosemite	2010	\$189,200	\$189,194
33-02-02-34-155-014	3779 Yosemite	2011	\$165,700	\$165,700

Proposed Revised Values

Parcel Number	Address	Year	Revised Assessed Value	Revised Taxable Value
33-02-02-34-155-014	3779 Yosemite	2008	\$187,500	\$181,767
33-02-02-34-155-014	3779 Yosemite	2009	\$162,500	\$162,500
33-02-02-34-155-014	3779 Yosemite	2010	\$150,000	\$150,000
33-02-02-34-155-014	3779 Yosemite	2011	\$150,000	\$150,000

Seconded by Supervisor McGillicuddy.

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

Trustee Ochberg moved that the Township Assessor be authorized to sign a stipulation with Sower Boulevard Investments, LLC, on the following property:

<u>YEAR</u>	<u>DOCKET NO.</u>	<u>ADDRESS OF PROPERTY</u>
2010	0391223	2289 Sower, Okemos
<u>Assessment</u>	2010	<u>AV/TV</u> \$195,500/\$195,500
<u>Proposed Assessment</u>	2010	<u>AV/TV</u> \$187,500/\$187,500

Seconded by Supervisor McGillicuddy.

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

Trustee Ochberg moved that the Township Assessor be authorized to sign a stipulation with Sower Boulevard Investments, LLC, on the following property:

<u>YEAR</u>	<u>DOCKET NO.</u>	<u>ADDRESS OF PROPERTY</u>
2011	0391223	2289 Sower, Okemos
<u>Assessment</u>	2011	<u>AV/TV</u> \$180,400/\$180,400
<u>Proposed Assessment</u>	2011	<u>AV/TV</u> \$174,400/\$174,400

Seconded by Supervisor McGillicuddy.

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

Trustee Ochberg moved that the Township Assessor be authorized to sign a stipulation with Genex Investments, LLC, on the following property:

<u>YEAR</u>	<u>DOCKET NO.</u>	<u>ADDRESS OF PROPERTY</u>
2010	0385454	1500 Haslett Road, Haslett
<u>Assessment</u>	2010	<u>AV/TV</u> \$252,000/\$252,000
<u>Proposed Assessment</u>	2010	<u>AV/TV</u> \$150,000/\$150,000

Seconded by Supervisor McGillicuddy.

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

Trustee Ochberg moved that the Township Assessor be authorized to sign a stipulation with Genex Investments, LLC, on the following property:

<u>YEAR</u>	<u>DOCKET NO.</u>	<u>ADDRESS OF PROPERTY</u>
2011	0385454	1500 Haslett Road, Haslett
<u>Assessment</u>	2011	<u>AV/TV</u> \$225,600/\$225,600
<u>Proposed Assessment</u>	2011	<u>AV/TV</u> \$150,000/\$150,000

Seconded by Supervisor McGillicuddy.

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

9. HEARINGS (None)

10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Leonard Provencher, 5824 Buena Parkway, Haslett, spoke in opposition to Zoning Amendment #09070, the wind energy ordinance, as it is overly complex, needs to be simplified and anti-progressive. He also believed chickens and rabbits are agricultural animals and believed the language contained in Zoning Amendment #11030 defining the raising and keeping of chickens and rabbits as a non-agricultural use is a conflict of terms and inappropriate in this document. Mr. Provencher also expressed concern with leaving sanitary conditions undefined and believed standards should be established.

Jon Chester, 383 Shoesmith Road, Haslett, expressed appreciation to the Board for initiating Zoning Amendment #11030, while noting concerns with certain aspects of the amendment as written. He believed the Township's policy should be comparable to what is required for dogs and cats.

Vance Kincaid, 4530 Nakoma Drive, Okemos, questioned the definition of sale as it relates to the act of bartering.

Supervisor McGillicuddy closed public comment.

A. Retainer Agreements with Bodwin & Stover PC

(1) Retail Fraud

Trustee Ochberg moved that the retainer agreement for prosecution of Charter Township of Meridian’s Retail Fraud Third ordinance and diversion program be continued with Bodwin & Associates, P.C. for the amount of \$15,000 with the option to extend the agreement an additional two years. Seconded by Treasurer Brixie.

Board members and staff discussed the following:

- Revenues from these services exceed the outgoing costs by greater than a factor of two
- Amount of time spent by the law firm on these issues
- \$80,00 (total cost of services for prosecution of retail fraud and Uniform Traffic Code) is excessive for a part-time job
- Costs include participation by multiple individuals in the firm
- \$41,000 in revenue for retail fraud diversion stays in Meridian Township
- Improved communication for Township staff as it now deals directly with our attorney v. the prosecuting attorney’s office in the past
- Request by the law firm for its rate to be increased
- Possibility of adding diversion programs in the future to be handled by the law firm without additional compensation
- Attorneys assist in teaching the Citizens Police Academy course
- Reimbursement for attorneys cost in addition to the retainer agreement are a relatively small percentage of the monthly bills

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

NAYS: None

Motion carried unanimously.

(2) Uniform Traffic Code (UTC)

Trustee Ochberg moved that the retainer agreement for the Uniform Traffic Code prosecution services with the law firm of Bodwin and Associates, P.C. be extended for a period of one year for the amount of \$65,000 with the option to extend the agreement an additional two years. Seconded by Treasurer Brixie.

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

NAYS: Trustee Veenstra

Motion carried 6-1.

B. 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

Treasurer Brixie moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION Ordinance No. _____, entitled “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 86, Article I by amending Section 86-2, and Article IV, Division 4 by adding Section 86-443.”

BE IT FURTHER RESOLVED that the Clerk of the Charter Township of Meridian is directed to publish the Ordinance in the form in which it is introduced at least once prior to the next regular meeting of the Township Board.

Seconded by Supervisor McGillicuddy.

Board members discussed the following:

- Mr. Eisensmith’s current system would be allowed under this ordinance
- Continued concern with excessive regulation

Trustee Veenstra moved to delete Section 86-443(e) (5) Tower design.

The motion died for lack of a second.

Continued Board discussion:

- Any flaws in the ordinance will surface as technology advances
- Prohibition of guy wires for monopoles as a public safety issue

Trustee Ochberg moved to remove the first sentence in Section 86-443(e) (5) c. Supported by Trustee Veenstra.

Continued Board and staff discussion:

- Belief that most Meridian Township residents installing wind energy systems will install roof based structures
- Meridian Township residents’ continued awareness of their landscaping environment
- Unnecessary guy wires can be avoided
- Guy wires will not be seen from the street
- Guy wires are the most practical and economical way to stabilize a vertical construction
- Smaller sized lots will not have room for guy wires
- In most cases, guy wires are not needed on a monopole
- Guy wires are unsightly and visible on small lots
- Issue on guy wires is one of cost as a monopole not supported by guy wires must have a deeper foundation

Trustee Ochberg amended her motion as follows:

- **Amend language in Section 86-443(e) (5) c. to read: Guy wires may be used. All anchors for the guy wires shall be located on the same parcel as the tower.**

The amendment was accepted by the seconder.

ROLL CALL VOTE: YEAS: Trustees LeGoff, Ochberg, Veenstra
 NAYS: Trustee Dreyfus, Supervisor McGillicuddy, Clerk Helmbrecht,
 Treasurer Brixie
 Motion failed 3-4.

Trustee Veenstra offered the following amendments to Section 86-443 (c) (1) b:

- **Delete “The maximum height shall be ten feet” and insert “The maximum height shall be 20 feet”**
- **Delete “The maximum height may be extended to 20 feet” and insert “The maximum height may be extended to 40 feet”**

Seconded by Trustee Ochberg.

Board members discussed the following:

- Increased height is less restrictive
- Trees in the community have an average height between 70-95 feet
- Height limit of buildings in residential districts is 35 feet

- Total height (building height plus 20 feet if allowed by the Director of Community Planning and Development) is far below tree height and would not have access to any wind
- Movement of a wind energy system attracts attention
- Concern with cluttering the visual landscape with tall “visually attracting elements”
- Desire to err on the side of caution
- Ability to amend the ordinance over time

ROLL CALL VOTE: YEAS: Trustees LeGoff, Ochberg, Veenstra
NAYS: Trustee Dreyfus, Supervisor McGillicuddy, Clerk Helmbrecht,
Treasurer Brixie
Motion failed 3-4.

Trustee LeGoff offered the following friendly amendment:

- **Amend Section 86-443 (g) (2) b. by adding the word “tower” after “anemometer”**

The amendment was accepted by the maker of the motion.

ROLL CALL VOTE ON THE MAIN MOTION: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
NAYS: Trustee Veenstra
Motion carried 6-1.

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

Trustee LeGoff moved [and read into the record] NOW THEREFORE BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION Ordinance No. _____, entitled “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 86, Article II, Division 4 and Division 5, by amending Section 86-128 and Section 86-158.”

BE IT FURTHER RESOLVED the Clerk of the Charter Township of Meridian is directed to publish the Ordinance in the form in which it is introduced at least once prior to the next regular meeting of the Township Board.

Seconded by Trustee Veenstra.

Board members discussed the following:

- The extension is a logical approach to allow businesses to proceed with their plans in difficult economic times

Trustee Veenstra offered the following amendment:

- **Amend Section 6. Repeal of the ordinance by deleting “one year” and inserting “two years”**

Seconded by Treasurer Brixie.

Continued Board and staff discussion:

- The sunset clause stays in effect until it is amended or taken out of the ordinance
- Adding another year makes the “speculation” four years from inception and conditions may have changed where other business persons may be in a position to make investments “more immediately”
- The amount of capital an individual business person can raise in this community is not equal
- Creation of these extensions actually impose impediments on those members of the business community who are prepared to invest immediately

- Lending market is still tight for developers
- Appreciation that the extension notice is sent to all parties who own property within 300 feet of the boundary of the subject property
- Concern the Board should not be gauging its ten-to-thirty year land use decisions based on economic swings
- Explanation that the amendment to change the sunset period to two years does not change the twelve month extension period
- Value in bringing special use permits back before the Board for review instead of continuing to delay them
- Projects may change in scope during the four (4) year time period

ROLL CALL VOTE: YEAS: Trustees LeGoff, Veenstra, Clerk Helmbrecht, Treasurer Brixie
NAYS: Trustee Dreyfus, Ochberg, Supervisor McGillicuddy
Motion carried 4-3.

ROLL CALL VOTE ON THE MAIN MOTION: YEAS: Trustees LeGoff, Veenstra, Clerk Helmbrecht, Treasurer Brixie
NAYS: Trustee Dreyfus, Ochberg, Supervisor McGillicuddy
Motion carried 4-3.

- D. 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

Trustee Veenstra moved [and read into the record] NOW THEREFORE BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION Ordinance No. _____, entitled “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 86, Article IV, Section 86-368, by adding Section 368(b)(8).”

BE IT FURTHER RESOLVED the Clerk of the Charter Township of Meridian is directed to publish the Ordinance in the form in which it is introduced at least once prior to the next regular meeting of the Township Board.

Seconded by Trustee Ochberg.

The maker offered the following amendment:

- **Amend Section 86-368 (8) by deleting b. 4: The sale of chickens, rabbits and eggs on the property is prohibited.**

The amendment was seconded by the seconder of the main motion.

Board members and staff discussed the following:

- Reminder that the comment from the Economic Development Corporation (EDC) on the home occupation ordinance strongly recommended the ban on sales from a resident’s home be deleted
- Reminder that the Township Attorney expressed concern that the sale of chickens, rabbits and eggs is in conflict with the Right to Farm Act
- The proposed amendment does not give permission to sell chickens, rabbits and eggs but eliminates the prohibition on sales
- Allowing sales encourages people to have a business
- Basic right to slaughter chickens and rabbits on site
- Understanding of the Township Attorney’s opinion was that the sale of chickens, rabbits and eggs broadens the Right to Farm Act into the RA, RAA, RRA and RAAA zoning districts
- Concern removing this language opens subdivisions and vacant lots in the RA, RAA, RRA and RAAA zoning districts up to further expansion of unregulated and polluting agricultural processes
- No mention of the sale of chickens, rabbits and eggs makes it a non-issue

- While the proposed language does not allow roosters, there is no restriction on the gender of rabbits
- Right to Farm Act was originally established so that farmers would not be subject to nuisance complaints when individuals moved into rural areas due to dust, odor or noise
- Pending lawsuits regarding the right to farm as communities have allowed this activity into a zoning district where it was not previously permitted
- Concern if sales are not prohibited, someone could start a farm in one of the allowed districts and under the Right to Farm Act, as long as best management practices established by the state are used, the Township cannot state they are in violation of the Township ordinance

ROLL CALL VOTE: YEAS: Trustees Dreyfus, Ochberg, Veenstra
NAYS: Trustee LeGoff, Supervisor McGillicuddy, Clerk Helmbrecht,
Treasurer Brixie
Motion failed 3-4.

The seconder offered the following amendment:

- **Amend Section 86-368 (8) by deleting b. 3: The slaughtering of chickens and rabbits on the property is prohibited.**

The amendment was seconded by the maker.

ROLL CALL VOTE: YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra
NAYS: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie
Motion carried 4-3.

The maker offered the following amendments:

- **Amend Section 86-368 (8) by deleting a.**
- **Amend Section 86-368 (8) by deleting the first clause of b. *Standards* which reads: “In addition to registering with the Township,”**

Seconded by Trustee Dreyfus.

Continued Board discussion:

- Registration does not accomplish anything and is unnecessary
- Normal enforcement procedures can be used in the event of a complaint
- Without registration, code enforcement will have no way to monitor compliance
- Explanation of how complaints would be handled without the registration process in place
- Concern no registration would preclude education about the “specifics”
- The registration process would provide information for compliance to those residents interested in raising chickens and rabbits
- The registration process would be a way to prevent individuals from investing money before they ascertain if they reside in an allowed zoning district or if their subdivision regulations or homeowners association allows the raising and keeping of chickens and rabbits
- No rationale for registering chickens and rabbits when the Township does not require registration for dogs, cats, ferrets, gerbils, hamsters, etc.
- Possible segments on HOM-TV to educate residents on our ordinances

ROLL CALL VOTE: YEAS: Trustees Dreyfus, Ochberg, Veenstra
NAYS: Trustee LeGoff, Supervisor McGillicuddy, Clerk Helmbrecht,
Treasurer Brixie
Motion failed 3-4.

Continued Board discussion:

- Concern chickens in RA subdivisions shows disrespect for neighbors who don’t wish to live next door to “barnyard animals”
- Health concerns with histoplasmosis

- Concern with ambience of the community
- The reason subdivisions evolved and people chose to live in urban areas was that they no longer wished to live in the country
- Chickens can get loose and wander in the streets

The maker offered the following amendment:

- Amend Section 86-368 (8) b. 1 by adding “each “ after “four (4)”

The amendment was seconded by the seconder of the main motion.

Continued Board discussion:

- Amendment would allow for up to four (4) chickens and four (4) rabbits
- Statement by a resident how a 4H project with three rabbits for his child was “illegal”

ROLL CALL VOTE: YEAS: Trustees Ochberg, Veenstra
NAYS: Trustees Dreyfus, LeGoff, Supervisor McGillicuddy, Clerk
Helmbrecht, Treasurer Brixie
Motion failed 2-5.

ROLL CALL VOTE YEAS: Trustees Dreyfus, LeGoff, Ochberg, Veenstra, Treasurer Brixie
ON THE MAIN NAYS: Clerk Helmbrecht, Supervisor McGillicuddy
MOTION: Motion carried 5-2.

11. DISCUSSION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Leonard Provencher, 5824 Buena Parkway, Haslett, requested the Board adopt the findings of the Elected Officials Compensation Commission (EOCC), believed the flag itself, is the flag, nothing more or nothing less. He spoke in support of the federal flag standards. Mr. Provencher believed the home occupation ordinance is a good thing to come to Meridian Township and urged Board adoption of the proposed amendment.

Supervisor McGillicuddy closed public comment.

A. Findings of the Elected Officials Compensation Commission (EOCC)

Board members discussed the following:

- Briefing on the findings of the EOCC contained in the Board packet
- No action needed by the Board for the recommendations of the EOCC to be implemented
- Part time positions for the Clerk and Treasurer
- Discussion by the Supervisor with the Supervisor of Saginaw Township regarding the comparison of the two townships
- Population of Saginaw Township is over 41,000
- Saginaw Township is a full service Township
- Saginaw Township has a Township Manager and a police department with 43 employees
- Saginaw Township’s fire department employs six (6) people in administration
- Saginaw Township does not have EMS services, but part-time call firefighters
- Saginaw Township has private EMS services provided
- Saginaw Township has a full Parks and Recreation Department
- Saginaw Township contracts for its library services
- Saginaw Township’s Manager makes \$120,000 per year
- Saginaw Township employs an Assistant Manager
- Saginaw Township’s Clerk and Treasurer work a maximum of eight (8) hours per week with a salary of \$15,737 and do not receive benefits
- Saginaw Township’s Deputy Clerk works full time
- Saginaw Township Deputy Clerk’s salary is between \$45,000-\$50,000
- Saginaw Township Deputy Clerk has a part-time deputy
- Saginaw Township’s Deputy Treasurer works full time

- Saginaw Township Deputy Treasurer's salary is between \$45,000-\$50,000
- Saginaw Township Treasurer's office has additional staff which works 32 hours per week and one who works 8 hours per week
- Supervisor has a call into Georgetown Township to make a comparison with Meridian Township
- Georgetown Township has a larger population than Saginaw Township
- Comparisons by the Supervisor using averages were "apples and oranges"
- Board member statement that two members of the EOCC indicated at the public hearing that they had already made their decision irrespective of comments made by the public or attending trustees
- Data using averages promoted as facts by members of the EOCC was comparing "apples and oranges"
- Disappointment with recommendation of the EOCC Chair to allow members of the public only three (3) minutes to speak
- Board member preference to eliminate the EOCC
- Appreciation to the EOCC for its investigation, research and findings
- EOCC members approached the Clerk and Treasurer to ascertain their functions within the Township
- Board members who wish to reduce the Clerk and Treasurer positions to part-time have not asked the Clerk or Treasurer how their time is spent
- Responsibilities of Clerk and Treasurer are different in every community
- In the case of Saginaw Township, the Deputy Clerk has a deputy and so no money has been saved; the elected Clerk is just not responsible for carrying out the duties
- Portrayal to the public by other Board members that the Clerk and Treasurer have no hours, no responsibilities, do not have to "show up" is also true for the President of the United States, members of the state legislature, city council members, every elected official
- EOCC looked forward for the community by recommending a reduction in salary for all positions
- Acknowledgment that all Board members will take a reduction makes a statement to the public and sets a good precedent
- Michigan Townships Association's Compensation Survey comparables look at population and state equalized values
- Saginaw Township's general fund revenue is a little over \$6 million, Georgetown Township's general fund revenue is almost \$9 million, Delhi Charter Township's general fund revenue is almost \$7 million, Delta Township's general fund revenue is almost \$16 million where Meridian Charter Township's general fund revenue is approximately \$17 million
- Aforementioned communities being used as examples are not good comparisons as the amount of money is very different from Meridian Township
- In the Michigan Townships Association's Compensation Survey, three (3) of the townships which are larger and three (3) that are smaller than Meridian Township are paying their clerk and treasurer more than Meridian Township
- Comments made at the EOCC meetings regarding Delta and Delhi Townships' efficiency models reveal that even though they have part-time Treasurers, they are spending more money than Meridian Township even though they are smaller
- Budget breakdown for Saginaw and Georgetown Townships are not in the same format as Meridian Township and therefore difficult to decipher
- Saginaw and Georgetown Townships do not offer the same services as Meridian Township
- Request to make a formal motion to accept the EOCC's recommendation
- Clerk and Treasurer are Meridian Township department heads
- Some departments in Meridian Township are smaller than the Clerk and Treasurer's departments
- All other department heads in Meridian Township make significantly more in salary than the Clerk and Treasurer
- If the Clerk and Treasurer were not elected, as department heads they would be paid \$85,500 per year
- Clerk and Treasurer are being paid considerably less because they are elected officials
- No logical reason for elected officials who are department heads to be paid less than other department heads in the township

- Department heads who are not elected officials are subject to the personnel policies in Meridian Township
- Department heads who are not elected officials are required to have set hours
- Elected officials in Michigan do not have the same set of office hours or the same adherence to the same personnel policies as department heads
- Philosophical basis behind the aforementioned points is that elected officials are considered to be on the job “24/7”
- Public needs access to the Board aside from Board meetings
- Full time representation of Board members at an administrative building is important
- Opposition to a reduction in salaries for trustees
- Disparity of salaries among department heads due to the fact that all departments are not equal
- Reduction in Board member salaries makes a statement that the value of these positions is decreasing and not important
- Token wage v. living wage for Board positions
- A reasonable salary for Board positions attracts talented individuals
- Suggestion to look at Township salaries as a whole
- Suggestion to look at how other communities function as a vision for the future of Meridian Township during the upcoming budget deliberations
- Reductions across the board at the supervisory level should be considered during budget deliberations in order to retain the current size of the Township’s police force

B. Flag Standards

Director Kieselbach summarized the Township’s flag standards as outlined in staff memorandum dated April 15, 2011.

Board members and staff discussed the following:

- Flag standards for the commercial district have been in place since the early 1990’s
- Inquiry if there is merit in opening the sign ordinance to change flag standards
- Current ordinance states the flagpole has to be ten (10) feet back from the right of way
- Zoning Board of Appeals voted unanimously to deny the request from Belle Tire to fly a larger flag than currently allowed by ordinance
- Suspicion that once size restrictions are “loosened”, businesses will use flags under the guise of patriotism for commercial purposes
- Suggestion to follow federal standards of a 1 to 1.9 ratio
- Preference to leave flag standards as currently written
- Belle Tire’s website states its flag standard is the 20’ x 30’ flag in 46 of its stores, but the company has 80 stores indicating slightly under half of the communities in which its stores are located have a regulation in place regarding flag standards
- Meridian Township considers “visual space” as part of its natural landscape
- Belief some individuals who sent e-mails to the Board were mistaking patriotism with commercialism
- 600 square feet of flapping material is visually distracting, clutter and is an attempt to sell Belle Tires
- The exception for Belle Tire would be unfair to other Michigan based businesses who must comply
- Board member belief that shaming and embarrassing people who disagree with Belle Tire’s request by insinuating they are unpatriotic is offensive
- Belle Tire amended its request to a flag size of 8’ x 12’ feet
- Suggestion to amend our ordinance to allow 6’ x 12’ flag on an approximately 48 foot pole
- Belle Tire allowed its flag to hang in the rain and not be treated respectfully
- Safety concern when large flags are flown at half mast
- A 5’ by 8’ flag is a standard commercially available size
- Diagonal of the flag is what should be considered as it is that dimension that hangs at the bottom of the flag pole
- Suggestion for an entrepreneur in the mid-Michigan area to manufacture American flags complying with the federal standard of a 1 to 1.9 ratio with the total square feet equaling 35
- Belle Tire has been flying a flag over the last two weeks with dimensions of 8’ x 12’ feet

It was the consensus of the Board to have staff initiate a zoning amendment to increase the maximum size of a flag from 35 to 40 square feet.

- C. Zoning Amendment #10010 (Township Board), a request to amend Section 86-368 (b)(2) Home Occupations to update the allowed uses and standards for home occupations

Director Kieselbach summarized the proposed zoning amendment as outlined in staff memorandum dated April 13, 2011.

Board members discussed the following:

- Support for recommendations from the Economic Development Corporation (EDC) and Meridian Area Business Association (MABA) of one outside employee and to delete the prohibition on direct sales of goods
- Home based business owners will circumvent a prohibition on employees by hiring independent contractors
- Independent contractors will not receive social security payments from an employer as it is not required
- Neighborhood associations are not in support of allowing an outside employee
- Reword Section 86-368 (b) (2) b. 9 to allow merchandise or supplies to be sold that is ancillary to provided services
- Meridian Township is an aging community and prohibiting in-home day care providers is inhumane
- Concern residential homes will be turned into semi-commercial office spaces
- Many complaints involve contractors, e.g., painters, landscapers, etc., where an individual comes to a residential home, leaves a vehicle, picks up a company vehicle and performs the reverse in the evening
- Medical marihuana caregiver as a home occupation
- Request to add a condition under Section 86-368 (b) (2) b. which states “Only one medical marihuana caregiver shall be allowed as a home occupation per dwelling unit”
- Concern the suggested condition may violate the spirit of state law
- Suggested condition is not in conflict with state law
- A medical marihuana caregiver performs a service; it is not a home occupation
- Adoption of the suggested condition would create problems relative to equal protection of the law guaranteed in the 14th amendment of the U.S. Constitution
- Need to look at the impact employees and clients would have on the residential character of a neighborhood

It was the consensus of the Board to continue discussion of this item at the next Board meeting.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened Public Remarks.

Dr. Scott Eisensmith, 5847 Bois Isle, Haslett, requested the Board revisit the proposed geothermal ordinance he wrote and submitted two years ago.

Leonard Provencher, 5824 Buena Parkway, Haslett, suggested Board members look at the section on flags in the US Code. He noted that although there are both all weather and general purpose flags, it has not been his experience that flags are taken down in the rain. Mr. Provencher stated flags can be displayed 24 hours a day, with illumination at night. He expressed concern with an earlier Board member reference to the flag as “clutter.”

Supervisor McGillicuddy closed Public Remarks.

13. FINAL BOARD MEMBER COMMENT

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:03 P.M.

SUSAN McGILLICUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT, CMC
TOWNSHIP CLERK

Sandra K. Otto, Secretary