

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, JANUARY 15, 2013 **6:00 P.M.**

PRESENT: Supervisor LeGoff, Clerk Dreyfus, Treasurer Brixie, Trustees Scales, Styka, Veenstra, Wilson
ABSENT: None
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Public Works and Engineering, Police Chief David Hall, Director of Finance Diana Hasse

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.

Mike Lewis, 5332 Burcham, East Lansing, expressed appreciation for the managed deer hunt and commended Jane Greenway for her administration of the program. He expressed his desire for continuation of the program in the future.

Leonard Provencher, 5824 Buena Parkway, Haslett, requested the Board direct the other Boards and Commissions to have their agendas and packets available to the public on line the Friday before their meeting.

Andrew Lathrop, 1220 Ascot Place, Haslett, introduced himself and expressed his desire for Board appointment to the Cable Communications Commission.

Mark Burzych, 4396 Alderwood, Okemos, requested the Board focus on medical marihuana regulation by prohibiting all uses within 1,000 feet of school property, except by special use permit.

Steve Parker, President, Lansing Curling Club, 253 Oakland Drive, East Lansing, announced a curling demonstration will take place at the Family Winter Sports Weekend in Central Park South on January 26th and thanked Director Maisner for including the club in this event.

William Fahey, Fahey Schultz Burzych & Rhodes, PLC, 4151 Okemos Road, Okemos, indicated he had submitted a proposed ordinance to the Board last month regarding medical marihuana issues in connection with the Township's zoning ordinance. He stated the proposed ordinance includes limiting distance to schools, parks, libraries, playgrounds, churches and places where families and children congregate. Mr. Fahey added the draft ordinance also includes provisions to control where medical marihuana certification facilities are located and under what circumstances they can operate, conform to state law which bans dispensaries and a prohibition on multiple caregiver growing facilities.

Neil Bowlby, 6020 Beechwood, Haslett, announced LINC will meet Thursday, January 17th at 6:45 P.M. in the Haslett Community Room of the Haslett Library. He noted the Michigan Medical Marihuana Act (MMMA) clearly states the relationship between a registered patient and registered caregiver is a private one and no stipulation should be placed on a private registered user. Mr. Bowlby stated the MMMA is a set of guidelines which allows citizens to use medical marihuana without having to “suffer” from Michigan drug control acts. He believed there to be more important safety issues in the Township which need to be addressed.

Kim Burczykertz, 4396 Alderwood, Okemos, requested that medical marihuana certification clinics and dispensaries not be allowed near churches, libraries, schools, playgrounds, etc.

Tom Deits, 4045 Van Atta Road, Okemos, thanked the Board for his reappointment to the Planning Commission. He availed himself as a resource during the urban services management area (USMA) discussion later in the meeting.

David VanderHaagen, 4789 Ardmore, Okemos, requested the Board honor the intent of voters relative to location of any type of medical marihuana facility in the Township. He asked the Board to be conservative in its approach by not creating an “overly friendly” environment to medical marihuana.

June Hicks, 4442 Satinwood Drive, Okemos, expressed support for the draft ordinance submitted by William Fahey regarding setbacks for medical marihuana dispensaries and certification clinics from schools, parks, libraries, churches, etc.

Supervisor LeGoff closed Public Remarks.

5. BOARD COMMENTS & REPORTS

Treasurer Brixie reported her attendance at the Land Preservation Advisory Board meeting last week where the long term management program for land preservation properties was discussed.

Trustee Scales attended the East Lansing School Board’s organizational meeting last night and indicated Meridian Township’s intent to stand with them in a commitment to strong schools. He also reported his attendance at the Sparrow Urgent Care Grand Opening and Ribbon Cutting Ceremony in Meridian Township today.

Trustee Veenstra spoke to Board communications which praised the Township’s Deer Management Program and supported a suggestion in one which desired qualified hunters to have the ability to hunt antlered deer.

Clerk Dreyfus attended the Economic Development Corporation (EDC) meeting as the board representative where placemaking, branding and the role of township staff in assisting economic development was discussed. He indicated new business welcome packets are now available from the EDC.

Trustee Wilson attended the Economic Development and Downtown Development Authority (DDA) meeting where the theme of reinventing Meridian Township was discussed. She recognized the strong public/public and public/private partnerships as well as the work of the Police Department and Fire Departments in their efforts to assist schools and other organizations with safety concerns. Trustee Wilson expressed appreciation to the Communications Department for their in-kind media contribution to the Parkinson’s Foundation Walkathon. She voiced her commitment to achieve the goal of repairing the Township’s reputation with residents and the business community and indicated her support for all Board and Commission appointees who are dedicated to that goal.

6. APPROVAL OF AGENDA

Trustee Scales moved to approve the revised agenda as submitted. Seconded by Trustee Styka.

VOICE VOTE: Motion carried unanimously.

7. CONSENT AGENDA

Supervisor LeGoff reviewed the consent agenda.

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

Board members discussed the following:

- Process for inclusion of Board communications in the Board packet

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

NAYS: None

Motion carried unanimously.

The adopted Consent Agenda items are as follows:

A. Communications

(1) Board Information (BI)

BI-1 Pam Harb, IT Risk Managers, PO Box 504, Okemos; RE: Business inspections

BI-2 Neil Bowlby, 6020 Beechwood Drive, Haslett; RE: Planning Commission appointments

BI-3 Conlan Adams, 6285 Sunhollow Lane, Haslett; RE: 2013 Meridian Township Deer Management Program

BI-4 John P. Gardner, Government Affairs Manager, Comcast, Heartland Region, 1401 E. Miller Road, Lansing; RE: Addition to Comcast's channel lineup

BI-5 Deborah M. Orloff, Chief Executive Officer, Michigan Parkinson Foundation; 30400 Telegraph Road, Suite 150, Bingham Farms; RE: Appreciation for HOMTV/CAMTV's in-kind donation of media sponsorship for the Michigan Parkinson Foundation's Walkathon & 5K Run held on October 6, 2012

BI-6 Walt Goff, President, Sapphire Lake Homeowners Association, 2347 Sapphire Lane, East Lansing; RE: Support for the 2012 Deer Management Program

(2) Commission Linkage (CL)

CL-1 Dante Ianni, 3800 Viceroy Drive, Okemos; RE: Letter of resignation from the Zoning Board of Appeals as an alternate member

CL-2 Tom Kissling, 1480 Sylvan Glen Drive, Okemos; RE: Letter of resignation from the Elected Officials Compensation Commission

(3) On File in the Clerk's Office

Material received at the January 9, 2013 Board Meeting

Neil Bowlby, 6020 Beechwood Drive, Haslett; RE: Addition to the "Ideal Candidate" Profile Worksheet for the Township Manager Position

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

Treasurer Brixie moved to approve and ratify the minutes of the January 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.

C. Bills

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

| | |
|--------------------------|----------------------|
| Common Cash | \$ 207,446.34 |
| Public Works | \$ 360,792.02 |
| | |
| Total Checks | \$ 568,238.36 |
| Credit Card Transactions | \$ 6,243.60 |
| Total Purchases | <u>\$ 574,481.96</u> |
| | |
| ACH Payments | <u>\$ 867,672.53</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]

D. 2013 Order to Maintain Sidewalk, Special Assessment District No. 14 - **Resolutions #1 and #2**
 (Set Public Hearing Date for February 19, 2013)

Treasurer Brixie moved to approve 2013 Order to Maintain Sidewalk Special Assessment District #14 – Resolutions #1 and #2, which tentatively approves the improvements and the cost of estimates of the proposed improvements, and sets the date for a public hearing on February 19, 2013. Seconded by Trustee Styka.

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

E. Proposed Brownfield Plan for Douglas J Redevelopment – Set Public Hearing for February 5, 2013

Treasurer Brixie moved that a public hearing be set on February 5, 2013 for the purpose of taking public comment on the proposed Brownfield Plan for the Douglas J redevelopment project. Seconded by Trustee Styka.

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

8. QUESTIONS FOR THE ATTORNEY (None)

9. HEARINGS (None)

10. ACTIONS ITEMS

Supervisor LeGoff opened Public Remarks.

Leonard Provencher, 5824 Buena Parkway, Haslett, addressed the Board process used when Board and Commission appointments are made. He requested there be deliberation on appointments prior to a Board vote.

Supervisor LeGoff closed Public Remarks.

A. Beginning of Year Budget Amendments

Trustee Brixie moved that the Township Board approve the 2013 amended budget as reflected on Page 3 of the memorandum to the Township Board from the Finance Director dated January 11, 2013. Seconded by Trustee Scales.

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

NAYS: None

Motion carried unanimously.

B. Amendment to Legal Services Agreement with Hubbard Law Firm -

Clerk Dreyfus moved approval of the first amendment to the revised agreement for legal services which extends the term of the agreement for two additional years at the current retainer amount of \$10,000 per month and authorize the Supervisor and Clerk to sign the agreement on behalf of the Township. Seconded by Trustee Scales.

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

NAYS: None

Motion carried unanimously.

C. Appointments to Boards & Commissions

Trustee Scales moved to appoint Deborah Federau as an alternate to the Board of review for a two year term expiring December 31, 2014. Seconded by Treasurer Brixie.

VOICE VOTE: Motion carried unanimously.

Trustee Veenstra moved to appoint Andrew Lathrop to the Cable Communications Commission for a three year term ending December 31, 2015. Seconded by Trustee Scales.

VOICE VOTE: Motion carried unanimously.

Clerk Dreyfus moved to appoint Renee Korrey to the Downtown Development Authority Board for a four year term ending December 31, 2016. Seconded by Trustee Scales.

VOICE VOTE: Motion carried unanimously.

Treasurer Brixie moved to appointment Adam Carlson to the Economic Development Corporation as a youth member for a one year term ending December 31, 2013. Seconded by Trustee Styka.

VOICE VOTE: Motion carried unanimously.

Trustee Scales moved to appoint Michael Huerta to fill a vacancy on the Elected Officials Compensation Commission for a term ending December 31, 2014. Seconded by Trustee Wilson.

Board members discussed the following:

- Appointment is for a vacancy created by the resignation of Thomas Kissling

VOICE VOTE: Motion carried unanimously.

Trustee Styka moved to appoint Richard Searl to the Environmental Commission for a three year term ending December 31, 2015. Seconded by Trustee Scales.

VOICE VOTE: Motion carried unanimously.

- D. Zoning Amendment #12020 (Twp. Board) Modification to the C-1 Zoning District to Allow Physical Fitness Facilities, **Final Adoption**

Trustee Veenstra moved [and read into the record] NOW THEREFORE BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby FINALLY ADOPTS Ordinance No. 2013-01, entitled “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 86, Article IV, Division 3 by amending Section 86-403(b), and by adding Section 86-403(c)(9), and Section 86-403(e)(6).”

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 finally adopted at least once prior to the next regular meeting of the Township Board. Seconded by Treasurer Brixie.

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

- E. Final Plat #03012 (Sierra Ridge Estates No. 2)

Trustee Scales moved and into the record] NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN approves the Final Plat of Sierra Ridge Estates No. 2 with the following conditions:

- 1. All conditions placed on Preliminary Plat #03012 Sierra Ridge Estates subdivision shall remain in effect.**
- 2. Prior to issuance of a grading or building permit for Lots 35 through 40, a wetland delineation shall be prepared and verified in accordance with the Meridian Township Wetland Protection Ordinance to establish the extent of wetlands and the location of wetland setbacks and the natural vegetation strip.**
- 3. The natural vegetation strip on or adjacent to Lots 35 through 40 shall be clearly identified with permanent markers. The size, number and location of markers, and the language on the markers shall be subject to the approval of the Director of Community Planning and Development.**

Seconded by Trustee Styka.

Board members and staff discussed the following:

- Pathway along Lake Lansing has been built
- Pathway on Newton Road has not been built as the area has not been final platted
- 34 of the 99 original lots have been final platted, one lots was abolished and 15 are subject to final plat approval through this resolution
- Inquiry if the preliminary plat has been extended for the remaining 49 lots
- Preliminary plat extension will come before the Board at a future meeting
- Frontage of lot #35 is 229 feet

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

Motion carried unanimously.

F. Extension of Preliminary Plat #06012 – Whitehills Lakes South

Trustee Wilson moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby grants the extension of Final Preliminary Plat #06012, Whitehills Lakes South, for a period of two years, from December 19, 2012 to December 19, 2014, with the following condition:

- 1. All previous conditions placed on the final preliminary plat approval shall remain in effect.**

Seconded by Treasurer Brixie.

Board members and staff discussed the following:

- Pathways on Park Lake and Lake Lansing Roads have not been built as the portion under consideration for the extension has not been final platted
- Inquiry as to when the pathway on Park Lake Road will be built as there is a “gap”
- Park Lake Road section of pathway will have to be a boardwalk and will be expensive
- Board did not set the pathway on Park Lake Road as a priority last year
- Economy necessitates an extension be granted

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

NAYS: None

Motion carried unanimously.

G. Township Manager Search Process

Township Manager Richards spoke to input he received regarding modification of the draft candidate profile.

Treasurer Brixie moved to approve the candidate profile and the community profile with the following change:

- **Change first minimum requirement of the candidate profile to: A Master’s degree is required and a Master’s degree in public administration or closely related field is preferred. Seconded by Trustee Wilson.**

Board members discussed the following:

- Recollection that previous Board discussion resulted in a Bachelor’s degree being required, but no requirement that it be in public administration
- Understanding that the Board decided on the requirement of a Master’s degree and there would be no need to require a Bachelor’s degree
- Recollection that the requirement for the Master’s degree was in public administration or a closely related field
- Preparation to be the person in “charge” is accomplished through the definition of success: Opportunity meeting preparation, preparation meaning fulfilling your education requirements to lead the people of this township organization
- Recollection that previous Board discussion allowed for a candidate with considerable experience who was working on a Masters degree

Treasurer Brixie withdrew her motion.

Treasurer Brixie moved to approve the candidate profile and the community profile with the following change:

- **Change the first minimum requirement of the candidate profile to: A Master’s degree in Public Administration or a closely related field is required.**

Seconded by Trustee Scales.

Board members discussed the following:

- The Board must be clear in the candidate minimum requirements to be sent to the Michigan Municipal League (MML) to use in the recruiting process
- Masters preferred was the language agreed upon at the January 9th Board meeting
- Preference not to require a bachelor’s degree in public administration as life takes people down other paths after receiving a bachelor’s degree

Trustee Veenstra offered the following amendment:

- **Amend the motion by deleting “required” and inserting “strongly preferred”**

Seconded by Clerk Dreyfus.

Continued Board discussion:

- Amendment would allow for no degree at all

ROLL CALL VOTE: YEAS: Trustee Veenstra, Supervisor LeGoff, Clerk Dreyfus
 NAYS: Trustees Scales, Styka, Wilson, Treasurer Brixie
 Motion failed 3-4.

Trustee Scales called the question on the main motion.

Trustee Scales withdrew his motion.

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

Trustee Scales moved to amend the second candidate minimum requirement to read as follows:

- **Ten or more years of progressively more responsible experience in local government, including a minimum of five years as a municipal manager is required.**

Seconded by Clerk Dreyfus.

Continued Board discussion:

- Preference not to require five years as a municipal manager, but have it as a strong preference

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Wilson, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus
 NAYS: Trustee Veenstra
 Motion carried 6-1.

Trustee Scales moved requirement #3, #4 #5, #6, #7 and #8 as follows:

- **Requirement #3: Proven experience working successfully with an elected body is required.**
- **Requirement #4: Proven experience in successfully managing finance and budget issues with creative solutions is required.**
- **Requirement #5: A consensus builder with advanced communication skills is required including the ability to remain even-tempered and congenial with diverse interests under challenging circumstances; and a demonstrated ability to handle very difficult, complex or controversial issues, including emotionally charged situations, with diplomacy and tact.**
- **Requirement #6: Advanced analytical ability to translate very complicated issues or data into understandable options, present well-researched alternatives and make effective recommendations is required.**

- **Requirement #7: A visionary leader and effective problem solver with the ability to build and develop and effective management team is required.**
- **Requirement #8: A strong understanding of a wide range of municipal operations and issues to successfully manage diverse services and programs is required.**

Seconded by Treasurer Brixie.

Trustee Veenstra offered the following amendment:

- **Amend Requirement #4 by deleting “with creative solutions”**

The maker accepted the amendment.

Continued Board discussion:

- Given budgetary constraints of municipalities, it was necessary to be creative in finding solutions to “get things done”
- Consensus was reached at the January 9th meeting for the language in Requirement #4 as presented by the MML handout dated January 14, 2013
- During the previous discussion, the MML facilitator indicated he will be looking for behavioral based examples of creative solutions when conducting the screening

Trustee Scales withdrew his acceptance of the amendment.

The motion died for lack of a second.

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Wilson, Supervisor LeGoff, Treasurer Brixie, Clerk Dreyfus
 NAYS: Trustee Veenstra
 Motion carried 6-1.

Clerk Dreyfus moved the additional preferred qualifications as written. Seconded by Treasurer Brixie.

Board members and staff discussed the following:

- Language covers what the Board discussed and reached consensus on during the January 9, 2013 work session
- Environment is a strong core value in the Township and the new Manager will need to consider that core value as he/she moves the Township forward

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

Clerk Dreyfus moved to accept the community profile as provided by the executive search facilitator. Seconded by Trustee Scales.

Board members discussed the following:

- MML handout dated January 14, 2013 succinctly captured Board consensus reached at the January 9th meeting

Trustee Veenstra offered the following amendment:

- **Add “of 742 acres” after “with 17 properties” in first arrowed bullet regarding quality of life**

The amendment was accepted by the maker of the motion.

Trustee Styka offered the following amendment:

- **Amend the third sentence in the community profile by deleting the comma after “staff” and inserting a “.”; capitalize the next word “we”**

The amendment was accepted by the maker of the motion.

Trustee Veenstra offered the following amendment:

- **Insert “Native American” before “learning center” in the sixth arrowed bullet**

The amendment was accepted by the maker of the motion.

Continued Board and staff discussion:

- Staff will work with the MML to delineate the specifics included in the overall quality of life

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

NAYS: None

Motion carried unanimously.

Trustee Styka moved to go with Option 1: Targeted Outreach. Seconded by Treasurer Brixie.

Board members discussed the following:

- Need for a targeted outreach
- Concern with hiring someone outside of the community to talk to staff and community members
- Concern with limited amount of time to include a targeted outreach
- \$1,500 is a small amount of money to receive input from stakeholders as to who will run the Township
- Opposition to the proposed process as it will cause a two-week delay
- Board member belief, while in favor of public input into the process, there is not time for MML to perform the targeted outreach
- Sufficient avenues for public input without delaying the timeline through a series of meetings

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

NAYS: Trustees Scales, Veenstra, Wilson, Clerk Dreyfus

Motion failed 3-4.

Continued Board and staff discussion:

- In house targeted outreach will also take time
- Board may require more time at the end of the process to account for the situation of the preferred candidate
- Continued input regarding the candidate profile makes it a draft candidate profile
- Suggestions for seeking additional input while the Board moves through the process

Trustee Scales moved the adopted candidate profile be submitted to MML immediately and request it be posted posthaste. Seconded by Clerk Dreyfus.

Board members discussed the following:

- Board approved candidate profile will not change regardless of community input
- Possible invitation for community input through the Township’s website
- Suggestion to hold a Town Hall meeting
- Assumption that the motion includes the community profile as well

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

NAYS: None

Motion carried unanimously.

Supervisor LeGoff recessed the meeting at 8:00 P.M.

Supervisor LeGoff reconvened there meeting at 8:10 P.M.

11. BOARD DISCUSSION ITEMS

Supervisor LeGoff opened Public Remarks.

Neil Bowlby, 6020 Beechwood Drive, Haslett, spoke against the proposed draft ordinance from Mr. Fahey as he believed the language singles out a group of people with a special need and places restrictions on their treatment. He believed the language also projects an image of the Township as being a paranoid and reactionary community. Mr. Bowlby spoke to the differences between the Planning Commission and Board renditions of the urban services management area.

Michael Thomas, Vice-Chair, Environmental Commission (EC) 2555 Capeside, Okemos, noted the EC does not have official responsibility to review, comment or offer recommendations on the urban services management area amendment but created a consensus to support the amendment. He added the EC's current focus is on placemaking and invited Board members and others to attend the placemaking presentation tomorrow night at 7:00 P.M. in the Township Hall.

Leonard Provencher, 5824 Buena Parkway, Haslett, requested the Board consider only what was contained in the Board packet relative to agenda item #11A: medical marihuana regulations.

Supervisor LeGoff closed Public Remarks.

A. Medical Marihuana Regulations – Andria Ditschman, Hubbard Law Firm

Andria Ditschman, Hubbard Law Firm and Township Attorney, clarified there is no formal medical marihuana ordinance in front of the Board to be voted upon. She explained the Michigan Medical Marihuana Act provided protections for patients who go through a registration and certification process to have the ability to use marihuana for medical purposes as well as providing protections for caregivers. Ms. Ditschman outlined the process as written in the act, indicating some activities which resulted from creative interpretation of this law over the last four (4) years. She noted the reason municipalities passed ordinances to regulate medical marihuana was because there are no regulations in state law. Ms. Ditschman indicated municipalities have regulated this area in a variety of ways. She addressed the concept of moratoriums. Ms. Ditschman recommended that this Board determine what, if anything, it wants to regulate and outlined a process to move forward after discussion.

Board members and the Township Attorney discussed the following:

- Draft ordinance amendment proposed by Mr. Fahey has several provisions consistent with other communities' regulations
- Vagueness of patient-to-patient sales and dispensaries
- Upon registration, the patient must designate a specified caregiver or state the patient is growing for themselves
- The term "medical use" in the MMMA is very broad
- Patient-to-patient sale v. transfer
- Many municipalities handle medical marijuana under their zoning ordinances and are skeptical and uncomfortable with including inspections
- MMMA does not provide enforcement measures
- Reminder that the medical marihuana law was brought forth through public initiation
- Concern with any regulation which would require police inspections
- Appreciation for the opportunity to have discourse with the Township Attorney who will take both Board and public feedback and incorporate it into a proposed ordinance
- Appearance of the Township Attorney at tonight's meeting is part of the current retainer
- Wisdom in having the Township Attorney involved "early on" in the process
- Preference for an ordinance to be created similar to the draft provided by Mr. Fahey
- Most municipalities were proactive because of concern with what might occur and not as a result of criminal complaints
- No ordinances have been enacted for several months by municipalities
- Based upon case law, patient to patient sales are not authorized by state statute
- No legal definition of a dispensary

- Attorney General opinion stated “growing together” is not authorized by state law because a caregiver or patient must grow in an enclosed locked facility
- Enclosed locked facility is one of the definitions modified in the recent legislation passed in December, 2012 (effective date of April, 2013)
- Individuals attempting to come up with creative ideas as an alternative to growing facilities
- A large transfer of medical marihuana still exists
- Communication from the Okemos Schools Board of Education requesting the Board establish regulations to ensure medical marihuana facilities not be allowed to operate within 1,000 feet of public school property
- Other entities within the Township have also requested the 1,000 foot limit
- Township Attorney not aware of any test case which supports the 1,000 feet limit or supports a municipal ordinance that regulated the 1,000 foot limit
- Township Attorney “less inclined” to regulate a patient’s activity relative to distance from school property and other entities as noted in federal and state law, while not hesitant when it relates to caregiver or dispensary settings where medical marihuana is transferred to others
- Dispensaries do not fit into the quality of life Meridian Township residents have come to expect
- “Creep effect” in apartment buildings located in blight areas of Meridian Township
- How can the Board ensure unqualified individuals do not have access to medical marihuana when it is grown by patients
- Need for a balance in the regulations to be implemented by the Board which protects the quality of life in Meridian Township while allowing patients access to medical marihuana
- 500 foot distance from schools for bars v. 1,000 foot distance being proposed through the draft ordinance prepared by a member of the public
- Municipalities have the right to regulate, through zoning, where certain activities can take place
- Township Attorney interpretation that a qualifying patient may grow up to twelve (12) plants
- Board member clarification regarding the circumstances surrounding the rezoning referendum on the August, 2012 ballot
- Property which was the subject of the rezoning referendum was originally rezoned from residential to Professional Office (PO) by the Board and a medical marihuana clinic would not have been allowed on that property under the PO zoning designation
- Concern with the “hysteria” and “fear” which surrounded the rezoning referendum for this property
- Every doctor in Meridian Township can make a recommendation for their patient to obtain medical marihuana
- Inquiry regarding medical marihuana complaints made to the Meridian Township Police
- Township Police have not had serious problems with medical marihuana patients, although there have been complaints
- Board member belief there is no medical marihuana problem in the Township and the Board should not spend time creating regulations because of a fear of the unknown
- Board members received letters from neighbors appreciating the fact that one dispensary was located on property within the Township, although it is now shut down and a vacant storefront
- No Board member is trying to prevent patients from having access to medical marihuana and there must be balance in the Board’s approach to this topic
- Board member belief that perception is reality, and a significant number of residents made a statement with their vote on the rezoning referendum that they want to see medical marihuana regulation in the Township
- Township Attorney to come back to the Board in the near future with proposed language
- Concern with Meridian Township being a “sitting duck” as many, if not all, surrounding municipalities have regulations
- Wisdom of the Board being proactive rather than reactive because once something becomes established, it can be a non-conforming use and remain
- Board member preference to have the Township Attorney incorporate a distance requirement between medical marihuana establishments into the language to be drafted

B. Amendment to the 2005 Master Plan – Urban Services Management Area

Harmony Gmazel, Land Use Planner, Tri-County Regional Planning Commission (TCRPC), 3135 Pine Tree Road, Suite 2C, Lansing, gave an overview of the Urban Services Management Committee and its function. She spoke to action by various municipalities in the tri-county area regarding urban service management area planning.

Board members and the Planning Commission representative discussed the following:

- Ultimate bus tour will be hosted by the Urban Services Management Committee for elected officials in mid-late April to visit land uses in the tri-county area
- Timeline for working with the Ingham County Health Department to commence a public health impact assessment of planning an urban service management area with monies obtained through a Robert Wood Johnson Foundation grant

Tom Deits, Planning Commission representative, 4045 Van Atta Road, Okemos, gave historical background to date on Meridian Township's proposed urban services management area (USMA).

Board members discussed the following:

- Planning Commission desire to set a process by which legally defensible changes to the USMA can be made
- Ten criteria from TCRPC was used by the Planning Commission when making the recommendation for the urban services boundary to the Board
- Packet does not contain any coverage of the payback district in the northeast corner of the Township
- Suggestion for Board members to read the legal opinion regarding the payback district
- Explanation of a payback district and how a developer may be paid back for his/her investment
- Georgetown payback district was adopted in 2009 by a 6-1 vote of the Township Board
- For the benefit of new Board members, suggestion to invite Jim Wilson from the Ingham County Health Department to give a presentation on the negative impact s to health and the environment of failed septic systems
- Point of sale process required by the County each time a home is sold
- Township is under no obligation to provide, by right, water and sewer to all properties within the Township
- Ingham County retains records on failed septic systems and staff is not recently aware of any homes where the septic system could not be repaired
- Point of an USMA is for it to be used as a planning tool
- Entire point of a sewer system is to protect public health
- Part of the Board's job is to examine why it protects public health and if there are areas in the Township which are vulnerable to public health threats
- Board member recollection that the Township has had several emergency connections to its sewer system as a result of failed septic systems over the last 12 years
- Planning Commission has submitted to the Board both a procedure and a map of the USMA
- Board member preference to adopt the procedure and the map which was sent by the Board to the Planning Commission
- Issue before the Board is not whether there should be an USMA, but where the boundary should be located
- Township Board option is to either approve or reject the Planning Commission's amendment to the Master Plan
- USMA has nothing to do with water quality drawn from the Saginaw Aquifer
- Not having public sewer and water does not equate to a safety hazard
- Issue of the payback district needs to be addressed
- Explanation of the sequence of events regarding the payback district agreement
- The Township must honor its agreement with the developer
- Possibility of repaying the developer for the extra expense involved in installing a larger sewer system
- Payback district is a mechanism through which the Township's sewer system is built
- Urban services district is a useful planning tool which helps conserve resources
- Financial picture must be considered in this discussion as the USMA allows for cost savings
- USMA is not a growth prevention tool

- Belief negotiations for full repayment would be of more benefit to the developer than the current agreement

It was the consensus of the Board to continue discussion of the USMA at a future meeting.

12. PUBLIC REMARKS

Supervisor LeGoff opened Public Remarks.

Neil Bowlby, 6020 Beechwood Drive, Haslett, suggested review of the Board meeting video of Jim Wilson's presentation over a year ago regarding the proposed Greenwood subdivision sewer to aid the Board in its deliberations on the urban services management area. He stated the urban services boundary does not prevent sewer from going into those areas as a mechanism exists for residents to request sewer. Mr. Bowlby believed the least restrictions placed on medical marihuana the more inviting the Township will be to young people.

Leonard Provencher, 5824 Buena Parkway, Haslett, suggested Policy Governance be included in the packet for Township Manager candidates to review. He thanked both Commissioner Deits and Harmony Gmazel for their attendance at tonight's meeting.

Supervisor LeGoff closed Public Remarks.

13. FINAL BOARD MEMBER COMMENT

Trustee Scales announced the Haslett Athletic Boosters will hold its Annual Outback Steakhouse Fundraising Dinner in the Haslett High School cafeteria on February 1, 2013 from 4:30 PM until 6:00 PM.

Trustee Veenstra reported the beginning of the year budget amendments revealed a healthy fund balance which could have been used to give employees at the bottom of the wage scale more than \$250 and, instead, give all employees a \$1,000 raise.

14. ADJOURNMENT

Supervisor LeGoff adjourned the meeting at 10:38 P.M.

ELIZABETH LEGOFF
TOWNSHIP SUPERVISOR

BRETT DREYFUS
TOWNSHIP CLERK

Sandra K. Otto, Secretary