

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

PRESENT: Supervisor LeGoff, Clerk Dreyfus, Treasurer Brixie, Trustees Scales, Styka (8:14 P.M.) Veenstra, Wilson (6:03 P.M.)

ABSENT: None

STAFF: Township Manager Frank Walsh, Director of Community Planning & Development Mark Kieselbach, Director of Public Works and Engineering Ray Severy, Fire Chief Fred Cowper, Director of Human Resources Deb LaPine, Director of Finance Gretchen Gomolka

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.

Bill Persons, 2028 Central Park Drive, Okemos, spoke in opposition to the proposed new central fire station, stating he was not properly notified of the Planning Commission's August 26, 2013 public hearing.

Richard Lepeer, 2109 Lac DuMont, Okemos, voiced support for the Human Relations Ordinance.

Neil Bowlby, 6020 Beechwood Drive, Haslett, announced the next LINC meeting will be held this Thursday, October 17, 2013 in the Haslett Library Community Room at 6:45 P.M. He addressed a letter contained in Board communications relative to Board member comment at the October 9, 2013 Zoning Board of Appeals Meeting.

Supervisor LeGoff closed Public Remarks.

5. TOWNSHIP MANAGER REPORT

Township Manager Walsh reported the following:

- Meeting held with interested parties regarding a possible reuse of the former Haslett Library
- Planning Commission public hearing was held last night on construction of a Residence Inn next to the Hannah Lofts property; approval will be before the Board on November 7, 2013
- Negotiations with the eight (8) bargaining units are moving forward
- Interest in a possible United Way campaign for the Township
- Meeting was held with the Department of Management and Budget on vehicle fleet maintenance
- Lease renewal for the Meridian Area Resource Center (MARC)
- Meeting next week with Capital Area Transportation Authority (CATA) regarding Redi-Ride

6. BOARD COMMENTS & REPORTS

Treasurer Brixie reported her volunteerism last Sunday in the restoration efforts at the Northwest Meridian Uplands Preserve to remove the invasive buckthorn species.

Clerk Dreyfus attended Tri County Regional Planning Commission's (TCRPC) Urban Services Management Area Committee where discussion took place regarding regional efforts in the area. He reported the Clerk's office mailed 2,206 absentee voter applications for the November 5<sup>th</sup> Okemos Public Schools Election and sent out nearly 2,000 ballots on those applications returned. Clerk Dreyfus reported the laptops used at our twenty (20) election polling locations have been updated with Windows and McAfee antivirus updates. He noted testing of the voting equipment has been conducted and precinct kits have been assembled for the upcoming election.

Clerk Dreyfus reported his attendance, as the Board representative, at the most recent Economic Development Committee (EDC) meeting, where discussion on revitalizing the Michigan Avenue/Grand River Corridor from downtown Lansing to Webberville focused on ways to improve traffic and usage on both sides of Grand River. He noted the monthly update contained information regarding five (5) police runs to Hannah Lofts for the month of September. Clerk Dreyfus stated the land upon which Phase 3 will be located has been clear cut with the exception of a handful of trees.

Trustee Veenstra expressed desire for a functioning federal government and hoped members of Congress could come to an agreement to pass a resolution so the federal government can reopen.

Trustee Wilson announced her submission of the Lansing Economic Area Partnership (LEAP) report this month to the EDC. She reported her attendance at the most recent Groundwater Management Board meeting where the East Lansing Meridian Water and Sewer Authority (ELMWSA) received a \$70,000 Wellhead Protection Grant from the Michigan Department of Environmental Quality (MDEQ), slated to be used to expand its Byproduct Synergy Program. Trustee Wilson reminded Okemos voters the Okemos Public Schools Technology, Security and Transportation Bond will be on the November 5<sup>th</sup> ballot, adding more information is available at [www.voteyesforops.com](http://www.voteyesforops.com).

Trustee Veenstra inquired as to the rationale for demolishing the brick house located on Land Preservation's Davis/Foster Preserve.

Treasurer Brixie responded the Land Preservation Advisory Board (LPAB) determined it was not in the best interest of township taxpayers to use land preservation dollars to make the necessary repairs to maintain structures located on the Davis/Foster Preserve. She noted one of the challenges is that if the buildings were utilized for another use on the site, such use can have implications for the land preservation program. Treasurer Brixie added the money spent on building maintenance "takes away" from money available to preserve land. She added that as a result of this issue, LPAB members have been more interested in having any on site buildings demolished prior to purchase of additional properties.

Trustee Scales added there is federal money available for the ELMWSA plant through Homeland Security grants at the US Environmental Protection Agency. He also inquired about the timing of the resignation letter of an Environmental Commission member appearing in tonight's packet.

7. APPROVAL OF AGENDA

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

VOICE VOTE: Motion carried 6-0.

8. CONSENT AGENDA

Supervisor LeGoff reviewed the consent agenda.

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

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

NAYS: None

Motion carried 6-0.

A. Communications

(1) Board Deliberations (BD)

- BD11C-1 Brett DeGroff, 4224 Shoals Drive, Okemos; RE: Draft Human Relations Ordinance
- BD11C-2 Tari Muniz, 526 Allen, Lansing; RE: Draft Human Relations Ordinance
- BD11C-3 Kathleen and John Herrick, 2113 Long Leaf Trail, Okemos; RE: Draft Human Relations Ordinance

(2) Board Information (BI)

- BI-1 John P. Gardner, Government Affairs Manager, Comcast, Heartland Region, 1401 E. Miller Road, Lansing; RE: Change to Comcast’s channel lineup effective October 23, 2013
- BI-2 Kim Dickinson, 4820 Mohican Lane, Okemos; RE: Behavior of two Township Board members during debate on MUPUD #13014 (Hannah Lofts)
- BI-3 Walt Goff, 2347 Sapphire Lane, Okemos; RE: Request for censure of Township Board member for his actions at the October 9, 2013 Zoning Board of Appeals Meeting

(3) Commission Linkage (CL)

- CL-1 Kathy Donahue, 2221 Burcham Drive, East Lansing; RE: Letter of resignation from the Environmental Commission

(4) On File in the Clerk’s Office

Material handed out at the October 1, 2013 Regular Board Meeting

- Pam Fraker, 351 Newman Road, Okemos; RE: Draft Human Relations Ordinance
- Stacy Hickox, 4291 Indian Glen Drive, Okemos; RE: Draft Human Relations Ordinance
- Elisa Ramos, 1811 Nemoke Court, Apt. 6, Haslett; RE: Draft Human Relations Ordinance
- Lee Tilson, 4141 Commonwealth, Detroit; RE: Draft Human Relations Ordinance
- Laura Ashlee, 1031 Yuma Trail, Okemos; RE: Draft Human Relations Ordinance

**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 Veenstra.**

ROLL CALL VOTE: YEAS: Trustees Scales, Veenstra, Wilson, 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 October 1, 2013 Regular Meeting as submitted. Seconded by Trustee Veenstra.**

ROLL CALL VOTE: YEAS: Trustees Scales, Veenstra, Wilson, 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	\$ 245,844.89
Public Works	\$ 431,501.94
Total Checks	\$ 677,346.83
Credit Card Transactions	\$ 10,333.88
Total Purchases	<u>\$ 687,680.71</u>
ACH Payments	<u>\$ 650,032.09</u>

**Seconded by Trustee Veenstra.**

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

[Bill List in Official Minute Book]

9. QUESTIONS FOR THE ATTORNEY (See Agenda Item #10 A, #11C, #12A)

10. HEARINGS

A. Appeal of Special Use Permit #13121 – Construction of the New Fire Station

Supervisor LeGoff opened the public hearing at 6:26 P.M.

Director Kieselbach summarized the special use permit and its appeal to construct a new fire station on a vacant 28.5 acre parcel owned by the Township located on the south side of Central Park Drive, east of Okemos Road and west of the Okemos Post Office.

Fire Chief Cowper noted the current central fire station was in need of significant repairs and time volunteered by Wieland Davco and Hobson Black to inspect the current building resulted in a memorandum to the Board from the previous Township Manager which indicated the current fire station was structurally deficient, operationally obsolete and warranted replacement. He indicated it was subsequently determined that the additional equipment and significant traffic on Okemos Road precluded rebuilding on the current site. Chief Cowper offered a chronology of events which led to the decision to place the new fire station on the subject property.

Chief Cowper addressed concerns expressed by Autumn Park Condominium owners. He spoke to the Fire Department's response procedure (which mirrors Michigan's Motor Vehicle Code), noting the department can operate its vehicles on an emergency call without turning on sirens in the evening. He believed that ability addresses noise concerns expressed by residents in the Autumn Park Condominiums during the public hearing. Chief Cowper indicated a 2010 and 2012 call volume analysis showed calls significantly drop off during the early morning hours. He addressed the 58% voter approval for construction of the new fire station on the November, 2012 ballot.

APPELLANTS' REPRESENTATIVE

Lawrence Nolan, Nolan, Thomsen & Villas, P.C., 239 South Main Street, Eaton Rapids and attorney for the appellants, spoke to the issue of where the new central fire station is proposed to be placed and questioned whether due process was followed. He noted the lack of an identified address or location for the land designated in the November, 2012 ballot proposal, adding the ballot language referred to a parcel in the southeast corner of Okemos Road and Central Park Drive where two parcels are actually located. Mr. Nolan noted he has been informed that the land tied to the millage money appropriated by the ballot proposal for the new fire station includes both parcels. He asked if voters knew the ballot proposal included both parcels. Mr. Nolan addressed the 2005 Master Plan where the RDD designation (multiple family, low density) showed the subject area to be residentially zoned. He spoke to the members of the Autumn Park Condominium Association purchasing their homes with the understanding the area would remain zoned residential.

Mr. Nolan indicated on August 2, 2013 the Township submitted an application for a special use permit and questioned conformance with the noticing requirement and whether the Township followed its own process relative to the public hearing for this special use permit request. He spoke to the mechanics of Planning Commission consideration of this special use permit request at its August 26, 2013 and September 9, 2013 meetings. Mr. Nolan indicated he was in possession of affidavits from some of the Autumn Park Condominium Association property owners stating they never received notice of the public hearing.

Mr. Nolan stated the public hearing scheduled for August 26, 2013 opened and closed, with no decision being made. He alleged it was postponed until the Planning Commission's September 9, 2013 meeting, requiring new notices to be sent if a public hearing is adjourned for more than 36 hours. Mr. Nolan also alleged the application process was not complete when the Planning Commission approved the special use permit on September 9, 2013.

Mr. Nolan stated the way this whole process has been handled is not right, and the obvious way to correct the situation relative to the notice requirement is to send it back to ensure everyone receives notice.

#### PLANNING COMMISSION REPRESENTATIVE

Planning Commissioner representative Dante Ianni, 3800 Viceroy Drive, Okemos, spoke to the process followed by the Planning Commission when Special Use Permit (SUP) #13121 came before it on August 26, 2013. He spoke to the procedure of the Planning staff placing site plans which are received and approved on Planning Commission agendas as a method to transmit the information to the public and the Commissioners. Commissioner Ianni stated there was a lack of evidence to support property owners' assertions their property values would decrease if the fire station was constructed at the proposed location, indicating assessments were studied by the Township for parcels near the south fire station and no correlation between property values and proximity to the fire station could be ascertained. Commissioner Ianni noted there is a government use directly to the east and south, as well as property directly to the east designated commercial. He stated the Planning Commission believed the proposed project met all the qualifications for a special use permit and commissioners granted it through passage of a resolution on September 9, 2013.

#### PUBLIC COMMENT

Susan Simkin, 2032 Central Park Drive, Okemos, stated she would be affected by the fire station as presently configured and believed the project could be done "in a better way" without much of a change in plans. She expressed concern the noise from the sirens may have an adverse effect on individuals who have a medical condition. Ms. Simkin indicated there are traffic concerns on Central Park Drive sporadically throughout the day.

Marie Persons, 2028 Central Park Drive, Okemos, spoke in opposition to the proposed fire station as she believed the Autumn Park Condominium owners have not received their due process. She stated Meridian residents were misled when they voted on this ballot issue which, she believed, was not properly put before them by the Township. Ms. Persons spoke to the "rush" with which this project is moving forward, speculating that it may be due, in part, to the Shared Public Service Initiative, an Ingham County fire department merger. She inquired as to why the Township can "ignore" its own ordinances as the property in question is zoned residential. Ms. Persons believed her previous experience as a real estate agent qualified her to state that property values in the area will diminish as a result of construction of the proposed new central fire station.

Betsy Strobl, 2056 Central Park Drive, Okemos, stated she was not properly noticed for the Planning Commission meeting relative to SUP #13121 on September 9, 2013.

Lawrence Nolan, Nolan, Thomsen & Villas, P.C., 239 South Main Street, Eaton Rapids, inquired if the owners at Autumn Park Condominium Association were ever given written notice by mail as required by Meridian Township's Code of Ordinances. He spoke to the location of the current central fire station as deemed appropriate in the Master Plan adopted in 2005, noting that two additional fire stations were added later. Mr. Nolan believed an accepted application of this \$3.5 million project was not received until August 12, 2013, with Planning Commission approval 28 days later on September 9, 2013, although he alleged the subject application did not comply with Township rules regarding submission for an approved site plan.

Leonard Provencher, 5824 Buena Parkway, Haslett, believed there is merit to the appeal if the appellants were not properly noticed. He noted the appellants did not involve themselves over the last two (2) years while the proposed project was under discussion.

Vance Kincaid, 4530 Nakoma Drive, Okemos, believed the previous Board erred in its decision to place this issue on the November, 2012 ballot as the requisite zoning for the proposed new central fire station was not in place at that time. Mr. Kincaid held the public was not afforded a community wide in-depth discussion about the pros and cons of the various options. He believed the Township “stacked the deck” about what has not been said, alleging the previous Township Manager was planning on closing the central fire station in order to move to a two fire station system. Mr. Kincaid questioned building a traditional fire station with large bays to house federal equipment which has “dubious use” when 85% of the calls at the central fire station are EMS related. He concluded that due diligence was not exercised for this special use permit request.

Dr. David Strobl, 1320 Cove Court, Okemos, addressed cardiovascular risks of noise to health as it relates to the proposed location of new central fire station. He addressed concerns with the “startle reflex” which may be experienced by residents of the Autumn Park Condominiums when sirens are used. Dr. Strobl spoke to the standard which states, “The project will not adversely affect or be hazardous to existing neighboring uses” and did not believe a road to be a sufficient barrier to noise which would be experienced by the residents in Autumn Park Condominiums.

Bill Persons, 2028 Central Park Drive, Okemos, believed it is obvious on its face that construction of the proposed fire station will effect nearby property values.

Planning Commissioner Ianni stated Director Kieselbach’s memorandum indicated proper notice was sent to all property owners within 300 feet of the subject property’s boundary as required by ordinance.

Lawrence Nolan indicated none of his clients received written notice of the Planning Commission’s September 9, 2013 meeting. He added a 15-day notice is required and there are not 15 days between August 26, 2013 and September 9, 2013. He asked if the Township Board wanted a fire station that would compromise the ability of the firefighters and EMT personnel to perform their job by not using the sirens, subsequently placing other drivers at risk.

Director Kieselbach clarified the original public hearing on August 26, 2013 was properly noticed, adding the Township created a mailing affidavit listing all of the property owners within 300 feet of the subject parcel who were sent notification letters. He added the ordinance states that if the public hearing is continued for more than 36 hours, then a new notice is required. Director Kieselbach stated the Planning Commission minutes of August 26, 2013 indicate the public hearing on this issue was opened and closed at that same meeting, and the September 9, 2013 meeting had the proposed fire station on its agenda as a discussion item for possible action.

Fire Chief Cowper responded to Mr. Nolan’s earlier statement by noting Meridian Township’s emergency response mirrors Michigan’s Motor Vehicle Code for response of emergency vehicles. He stated there are exceptions in state law which indicates sirens do not have to be turned on if there is no need to do so. He indicated fire staff would never compromise the safety of a Township resident when responding to an emergency. Supervisor LeGoff closed the public hearing at 7:32 P.M.

#### 11. ACTION ITEMS

Supervisor LeGoff opened Public Remarks.

Phil Parmalee, 1592 Haslett Road, Haslett, urged the Board to support the proposed Human Relations Ordinance. In response to Board member rationale at the last meeting, he indicated that giving the Lesbian, Gay, Bisexual and Transgender (LGBT) community “something is better than nothing” and noted “less is not more” and certainly “nothing is not more.”

Joel Meredith, 1732 Cambria Drive, East Lansing, urged the Board to pass the proposed Human Relations Ordinance. He addressed the significance of every step forward, noting that every moment of inaction is a step backward.

Cody Gore, 110 E. Point Lane, East Lansing, expressed appreciation for the careful action the Board has taken to update its fair housing ordinance. He urged the Board to continue moving in the direction of further expansion of these protections to include employment and public accommodations for the LGBT community.

Neil Bowlby, 6020 Beechwood Drive, Haslett, spoke in support of the proposed Human Relations Ordinance and believed “something” is better than “nothing.” He offered several grammatical and typographical critiques to the ordinance language.

Leonard Provencher, 5824 Buena Parkway, Haslett, expressed appreciation for the Township Manager’s development of the 2014 recommended budget and the transparency with which it was presented to the public. He also spoke in support of the proposed Human Relations Ordinance concept, but expressed concern with the insufficient amount of Township staff to facilitate claims. Mr. Provencher believed the \$75 fine was inappropriate.

Supervisor LeGoff closed Public Remarks.

A. 2014 Recommended Budget

**Treasurer Brixie moved that the Township Board approve the 2014 Recommended Budget resolution. Seconded by Trustee Wilson.**

Board members and staff discussed the following:

- \$485,000 cost in the 2018 Capital Improvements Program (CIP) to abandon the Sundance Lift Station
- Cost is to build the 1,700 foot gravity sewer necessary to abandon the lift station
- Money would need to be placed in the 2018 budget and the project would be analyzed at that time to determine if it would be cost effective

**Treasurer Brixie called the question.**

**The motion died for lack of a second.**

Continued Board and staff discussion:

- Infrastructure improvements in the CIP need to be approved by the Planning Commission according to state law
- Township Board has delegated the responsibility to the Township Manager to prepare the CIP for Board approval

CIP Approval: (Questions for the Attorney (See Agenda Item #10))

Q. If the state law requires Planning Commission approval, could we turn around and delegate that to the Manager?

A. I believe, and I’ll look it up here, but I think Section 61 approval has to go to the Planning Commission, but it can be overridden by the Board.

Continued Board discussion:

- There must be a two-thirds vote of the Board to overrule the Planning Commission
  - Central Fire Station is on the 2014 CIP list
- Q. Does state law require this infrastructure improvement to be approved by the Planning Commission and, if so, has that happened?
- A. I think that has already been answered, and the answer was it has not happened. It has not gone to the Planning Commission, and it does need to go to the Planning Commission and can be overruled by the Board. I think that is the answer I just heard.

Continued Board discussion:

- Board member preference to follow the spirit and letter of the state law

- Planning for the upcoming year by including CIP projects in the budget and then allowing the natural approval process to unfold
- No negative impact on the budget if a CIP project on the list is not approved
- Preference to be financially prepared for the budget year
- New CIP list on Page 47 has been modified for the 2014 recommended budget on tonight's agenda
- Board member preference to pay only \$5,000 of the \$15,000 for Lansing Economic Area Partnership (LEAP) dues

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

B. Third Quarter Budget Amendments

**Treasurer Brixie moved to approve the 2013 Third Quarter Budget Amendments with an increase in fund balance for the General Fund in the amount of \$310,335 which projects a use of fund balance of \$383,535. The projected fund balance at December 31, 2013 is \$5,572,804. Seconded by Trustee Veenstra.**

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

C. Human Relations Ordinance – **Introduction**

**Trustee Wilson 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, Ingham County, Michigan By Amending Chapter 30, Articles I and II and adding Articles III through VIII, Sections 30-1, 30-2, 30-3, 30-10, 30-11, 30-12, 30-13, 30-14, 30-15, 30-16, 30-20, 30-21, 30-25, 30-30, 30-35, 30-40, 30-41, 30-42, 30-43, 30-44, and 30-45.”**

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

**Seconded by Trustee Veenstra.**

Board members discussed the following:

- Need for correction of a typographical error (“or” to “of”) in the definition of *National origin*
- Belief the corrected language should be “...or the national origin of an...” in the definition of *National origin*

Proper wording for the definition of *national origin*: (Questions for the Attorney (See Agenda Item #10))

Q. I guess I would like to be advised by our Attorney as to what she thinks the proper wording.

A. I think the second explanation is correct.

Continued Board discussion:

- Citizen's proposed correction of the definition of *physical limitation*

Proper wording for the definition of *physical limitation*: (Questions for the Attorney (See Agenda Item #10))

Q. Again, I would defer to our Attorney as to what she thinks is the proper wording.

A. Are you referring to the fourth line where it says mental capabilities? It is supposed to be mental.

Continued Board discussion:

- Preference to change the age on page 5 from 55 to age 50 as recommended by the Township Attorney
- Maker of the main motion changed the proposed resolution language to accurately reflect the articles which are being amended and added

**Treasurer Brixie moved to change Section 30-2 as outlined on the first page of the October 11<sup>th</sup> memo, add the 1, 2 and 4<sup>th</sup> bullet to Section 30-3, and throughout the ordinance add references to code provisions, cross references, and state law references. Seconded by Clerk Dreyfus.**

Necessity of adding language referencing code provisions, cross references and state law references: (Questions for the Attorney (See Agenda Item #10))

Q. Does the attorney have any additional comments?

A. We want to make sure we also add all the code provisions and section provisions. Those are normally in the ordinance and were taken out for specific purposes. That was also at the end of the memo so I want to make sure that's clear that we'll add those into it.

Board members discussed the following:

- Amendment clarifies potential conflict with other state laws
- Board is not mandating that employers in Meridian Township provide same sex benefits

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

NAYS: None

Motion carried 6-0.

Continued Board discussion:

- Preference to make this ordinance consistent with other Township ordinances and use the standard penalty for civil infractions

[Trustee Styka entered the room at 8:14 P.M.]

Standard penalties for civil infractions: (Questions for the Attorney (See Agenda Item #10))

Q. Perhaps our Attorney is prepared to tell us what those are and, if she is, we could hear it.

A. Under the current ordinance (Section 1-8), the fines are \$75.00, then \$150.00 for the first repeat offense and \$250.00 for a second repeat offense or any subsequent repeat offense.

The way I read the ordinance, it states that the following provisions apply to municipal civil infractions in the absence of provisions to the contrary. So if this ordinance that's being passed now is not inconsistent or contrary to this language, all of this language will apply.

Trustee Veenstra offered the following amendment:

- **Amend Section 30-45 (a) to state these municipal civil infractions are punishable by a fine of \$75.00 for the first offense, \$150.00 for the second offense, and \$250.00 for the third offense.**

**The motion died for lack of a second.**

Continued Board discussion:

- The proposed language will be compatible with existing municipal civil infraction language

ATTORNEY COMMENT: Supervisor, if I might make a recommendation. We could just say in here that Section 1-8 (and cite the Code) is applicable if we're concerned. I think that what Trustee Veenstra is referring to says "\$75.00 for each infraction", so there might be some misunderstanding at some point whether each infraction means each new infraction or each infraction that follows the original infraction. What he suggested is that we make sure that these increasing fines are applicable. If we make a reference back to Section 1-8 (c) and (d), we'd cover the fines.

Continued Board discussion:

- Preference to spell out the dollar amounts of the fines for clarity in reading the ordinance

**Trustee Wilson offered the following amendment:**

- **Amend infraction schedule to start at \$150 for the first offense, then go to \$250 and then go to \$500. Seconded by Trustee Styka.**

Continued Board discussion:

- Increased monetary fine structure will give the proposed ordinance some "teeth"
- Mediation between the two parties could result in no fine being imposed
- Board member concern with the Township's basic authority in this area
- Authority of a city v. authority of a Township
- Concern with deviation from the state language or the current ordinance in similar areas (i.e., standard fee structure)

Relevance of the Bolt decision in terms of fees: (Questions for the Attorney (See Agenda Item #10))

- Q. I am wondering if our Attorney knows of case law on this, if the Bolt decision in terms of fees has any relevance on this, or if you have an opinion on our tinkering with the fee structure in this section of our ordinance.
- A. I don't think the Bolt decision has an effect on the fees and I am aware of establishing different fees for different types of violations. I don't have an opinion whether it should be \$75.00 or \$250.00, but I don't think there is a Bolt issue with making it higher.

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

Continued Board discussion:

- Language states that "each day upon which a violation occurs shall constitute a separate violation" and could add up to thousands of dollars in fines
- Ability of a judge to issue a writ for enforcement of the judgment is the "teeth" of the ordinance
- Board member belief several years will transpire before the state legislature amends state law to address this issue
- The proposed ordinance will add discrimination in employment to the list of actions which are "illegal"
- Pleading guilty to a "ticketable" offense does not go before a judge
- Hearings can take place at a level which adjudicates the case, but still is not brought before a judge
- Only pleading not guilty can bring a case before a judge
- Board member suggestion for proponents to collect signatures for a ballot initiative
- Board member belief this ordinance remains "symbolic"
- The proposed ordinance is not equal protection under the law for LGBT community members
- Proposed ordinance affords the LGBT community a process to have the complaint looked at and have the issues discussed by an independent third party
- Board member belief this ordinance sends a message to the state legislature that Meridian Township stands behind all its citizens
- Preference for the Township Board to lead by taking action as allowable under state law

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

- D. Public Art Sculpture at the Marsh/Hamilton Road Roundabout  
**Treasurer Brixie moved to authorize the Township Manager to draft and execute a contract with artist Tim Higgins to produce and install the selected sculpture at the Marsh Road and Hamilton Road roundabout for an amount not to exceed \$10,000 in accordance with the provisions of the Public Art in Communities grant. Seconded by Trustee Wilson.**

Board members discussed the following:

- Name of the sculpture and the concept of geography and balance ties into something unique to Meridian Township

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 8:37 P.M.]

[Supervisor LeGoff reconvened the meeting at 8:50 P.M.]

## 12. BOARD DISCUSSION ITEMS

Supervisor LeGoff opened Public Remarks.

Leonard Provencher, 5824 Buena Parkway, expressed appreciation for the three (3) Board members who worked on streamlining the medical marihuana ordinance to make it more understandable to the public.

Neil Bowlby, 6020 Beechwood Drive, Okemos, expressed appreciation to the three Board member subcommittee for making the medical marihuana ordinance more concise. He spoke to the lack of penalties contained in the proposed language, noting state law contains monetary fines for violations of the medical marihuana act.

Vance Kincaid, 4530 Nakoma Drive, Okemos, believed the Township Board erred when they placed the ballot initiative for the new central fire station before the voters as the requisite zoning was not in place. He addressed the deteriorating condition of the existing central fire station. Mr. Kincaid believed a traditional fire station does not need to be built, as most of the Township's needs are for EMS.

Lawrence Nolan, Nolan, Thomsen & Villas, P.C., 239 South Main Street, Eaton Rapids, concurred with Mr. Kincaid's comment that the use of the property would have been illegal at the time the central fire station millage proposal was placed on the ballot, as it was not zoned for the proposed special use. He expressed concern that it took the Township only 28 days to approve this \$3.5 million project. Mr. Nolan believed the Township did not follow proper noticing requirements relative to the proposed fire station special use permit request.

Supervisor LeGoff closed Public Remarks.

### A. Appeal of Special Use Permit #13121 – Construction of the New Fire Station

Board members discussed the following:

- Importance of following the Township's processes
- Township erred in not including language in the legal notice which stated where written comments would be received
- Board member preference not to discuss the other merits of the appeal if it is going to be referred back to the Planning Commission

Referral back to the Planning Commission: (Questions for the Attorney (See Agenda Item #10))

- Q. If we were to refer this matter back to the Planning Commission, does that mean it would come back to us again for final determination of the appeal by the Township Board?
- A. My interpretation would be that if you remand it back to the Planning Commission for further information for whatever it is that you are asking them to do, then they would make another decision and then it would be appealable, and I imagine, Mr. Kieselbach, that you would agree with that.

Continued Board and staff discussion:

- Township Manager recommendation that the Board refer the matter back to the Planning Commission
- Proper notice would allow for due process as designed
- Need for consistency in how our ordinances are applied
- Site plan was included as part of the application process for the fire station and was dated the same day as the application
- Site plan provided to the Planning Commission v. final site plan
- Once the Planning Commission approves a special use permit, the next step is to go through site plan review
- Final site plan approval falls under the responsibility of the Director of Community Planning and Development
- Site plans listed as received and approved on Planning Commission agendas are for informational purposes as they are a function performed by staff
- New applications are listed on Planning Commission agendas to inform Commissioners what will be taken up at future meetings
- Property which is the subject of this special use permit is zoned RDD
- Publicly owned and operated buildings (e.g., fire station) are a use permitted by special use permit in the RDD residential zoning district (multiple family, low density)
- Service Center was mentioned as a possible location for the central fire station, which is also zoned residential

Timing of the millage language and the SUP request: (Questions for the Attorney (See Agenda Item #10))

- Q. Was there any invalidation or questionability with the millage language to naming the site before the site has gone through a review process? In your opinion, is there any other process needed when you put language on a millage that actually specifies an area where there is going to be Board action needed to be taken before it can actually even be designated as that usage?
- A. I see those as two separate processes. The SUP is zoning; the millage is a vote by the people. I am not aware of any requirement that the Board/Township have gone through the SUP process first.

Site specific millage language: (Questions for the Attorney (See Agenda Item #10))

- Q. Under what circumstances can a millage be invalidated based on the site being specified in the millage? Is there any case law?
- A. I'm not aware of any case law. Most of the time a millage will be invalidated due to procedural issues. I can check that further, but I'm not aware of a case that has invalidated a millage based on similar circumstances.

Continued Board and staff discussion:

- Three (3) story training tower will not require any variances
- Training tower is part of the special use permit
- Training tower will be 30 feet high and the building will be 28 feet in height
- Board member belief the training tower was not part of the original proposal
- Inclusion of the training tower was predicated on whether the budget would allow for its construction
- Facility will be used for regional fire training and community meetings and functions

- Number of anticipated training events where all 59 parking spaces will be used
- Concern with the additional parking spaces requested
- Preference to retain the amount of parking required in the ordinance and add additional parking if necessary
- Concept of a community room would be for residents to have a space for meetings, gatherings, etc.
- Bids need to be let for 30 days after a final decision is made, so it appears groundbreaking will not take place until Spring, 2014

Implications of specific millage language: (Questions for the Attorney (See Agenda Item #10))

Q. Given the ballot language specified the location of this new fire station, are we in a box that if we don't go ahead and approve it at this location, we have to go back to the voters for approval?

A. Just so we are clear, that issue is absolutely separate from the SUP. The SUP needs the Planning Commission and then the Board to make a determination on the zoning issue separate from the millage, no matter how the millage comes out, or doesn't, or however you can use it or can't use it. I think that is a question that I don't have a definitive answer for; however, there could be a question as to where the money is used, since specific location language was in the millage. There is a chance that you would need to not use the money that's been approved in that millage if it was a different location. But that, I think, needs more research and I'm not so sure there's even a very specific case on that issue.

Continued Board and staff discussion:

- If the Board believes this issue should be referred back to the Planning Commission, the current line of questioning serves no purpose at this time

**Trustee Brixie moved to refer the matter back to the Planning Commission for further hearings or other action prior to final determination of the appeal by the Township Board. Seconded by Trustee Scales.**

Continued Board and staff discussion:

- If the Township erred, the situation needs to be made right
- Board member belief the process is flawed since the SUP should have been requested and acted upon prior to placing the millage language on the ballot

**Trustee Scales called the question. Seconded by Trustee Wilson.**

ROLL CALL VOTE: YEAS: Trustees Scales, Styka, Wilson, Supervisor LeGoff, Treasurer Brixie  
NAYS: Trustee Veenstra, Clerk Dreyfus  
Motion carried 5-2.

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

B. Medical Marihuana Ordinance

Director Kieselbach summarized the proposed ordinance language as outlined in staff memorandum dated October 10, 2013.

Clerk Dreyfus summarized the issues considered by the committee charged with working out changes to the draft ordinance as outlined in the October 10<sup>th</sup> staff memorandum.

Board members and staff discussed the following:

- Draft language is a compromise proposal
- Board member belief the 1,000 feet from a public or private K-12 school should be amended to be consistent with the state law requirement for distance of a bar from a school (500 feet)

- Board member belief 1,000 feet is too far and the distance is measured from the property line, not the building
- Caregiver in a home must treat the service as a home occupation with no signage
- School buildings are frequently located more than 500 feet from the edge of the property
- Herbal Center previously located at the northwest corner of Lake Lansing and Birch Row was zoned C-1
- No complaints were filed against the Herbal Center
- Conditional use in C-1 zoned district means it must meet certain standards ( e.g., 1,000 feet from a school, 500 feet from another facility)
- Necessity of limiting the number of plants allowed under home occupation guidelines
- Board member preference to reinstate the 72 plant maximum in a residential district from the original draft ordinance
- Committee was made of members who had opposing viewpoints, but developed a synergistic ordinance
- Adding amendments to the proposed ordinance defeats the purpose of the committee process
- Michigan Medical Marihuana Act defines the amount of square footage in a home which can be dedicated for growing and will effectively limit the number of allowed plants
- Permitted conditional uses v. uses permitted by right in the C-1 commercial district
- C-1 commercial district has limited hours of operation (6:00 AM until midnight)

**It was the consensus of the Board to place this item on for action at the November 7, 2013 Board meeting.**

13. PUBLIC REMARKS

Supervisor LeGoff opened Public Remarks.

Marie Persons, 2028 Central Park Drive, Okemos, expressed appreciation that the Board is taking time to carefully deliberate the appeal of SUP #13121, but believed the Township must find a different location for the new central fire station.

Vance Kincaid, 4530 Nakoma Drive, Okemos, believed the process surrounding the new central fire station has shown that the public cannot trust Township government.

David Strobl, 1320 Cove Court, Okemos, expressed concern that the “genie is already out of the bottle.” He believed it will be difficult to make the process pure with the financial investment that has already been made. He requested the Township Attorney deliver a decision on whether the millage language can stand by itself.

Lawrence Nolan, Nolan, Thomsen & Villas, P.C., 239 South Main Street, Eaton Rapids, thanked Board members for their attention to all the issues surrounding SUP #13121.

Supervisor LeGoff closed Public Remarks.

14. FINAL BOARD MEMBER COMMENT

Trustee Veenstra believed it necessary to obtain a Township Attorney’s opinion if the Board has authority to change the location of the proposed fire station without going back to the voters.

Clerk Dreyfus requested Planning Commission members vote on SUP #13121 independent of the millage.

15. CLOSED SESSION

**Treasurer Brixie moved that the Township Board go into closed session to discuss collective bargaining strategies pursuant to MCL 15.268 (c). Seconded by Trustee Styka.**

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 9:59 P.M.

The Board adjourned to the Administrative Conference Room for a closed session.

**Treasurer Brixie moved to return to open session. Seconded by Trustee Scales.**

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

NAYS: None

Motion carried unanimously.

Supervisor LeGoff reconvened the meeting at 10:22 P.M.

Supervisor LeGoff adjourned the meeting at 10:23 P.M.

---

ELIZABETH LEGOFF  
TOWNSHIP SUPERVISOR

---

BRETT DREYFUS  
TOWNSHIP CLERK

Sandra K. Otto, Secretary