

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, SEPTEMBER 21, 2010 **6:00 P.M.**

PRESENT: Supervisor McGillicuddy, Clerk Helmbrecht, Treasurer Brixie, Trustees Dreyfus (7:20 P.M.), LeGoff, Ochberg, Veenstra
ABSENT: None
STAFF: Township Manager Gerald Richards, Director of Community Planning & Development Mark Kieselbach, Director of Engineering & Public Works Ray Severy, Police Chief Dave Hall, EMS/Fire Chief Fred Cowper, Attorney Andria Ditschman

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.

Art Langer, Vice President, Medical Weight Loss Clinic Company, announced commencement of 25 free medically supervised protein programs at each of his company's 34 clinics to aid in the fight of child obesity. He noted this week has been declared by Governor Granholm as Childhood Obesity Awareness Week in Michigan. Mr. Langer indicated more information on this free program can be obtained by visiting www.mwlc.com or calling (800) GET-SLIM.

Leonard Provencher, 5824 Buena Parkway, Haslett, spoke in opposition to placing the Medical Marihuana Moratorium on for action at tonight's Board meeting, stating he believed it has not yet been discussed by the Board.

Dr. Frank Ochberg, 4383 Maumee, Okemos, expressed concern with and general opposition to a local moratorium on medical marihuana use. He spoke to critically ill residents as the beneficiaries of this medical tool. Dr. Ochberg spoke to the 2008 township resident passage of a medical marihuana law by a 2-1 margin. He believed the proposed moratorium would limit legitimate access in the Township and urged the Board to consider the "constituency of the user and not the constituency that is afraid of the abuser."

David Caszatt, 6318 Porter Avenue, East Lansing, spoke to the benefits of medical marihuana. He spoke to potential abuse of medical marihuana and expressed specific concern with the proposed location at the corner of Towar Avenue and Lake Lansing Road. Mr. Caszatt requested the neighborhood receive notification of events as they transpire with the proposed location and asked the Board to carefully consider placement within the Township.

Vance Kincaid, 4530 Nakoma Drive, Okemos, expressed concern with the urgency behind action on the medical marihuana moratorium. He believed action tonight on this issue was not good public policy.

Mark Clouse, General Counsel and Chief Financial Officer, Eyde Co., 4660 S. Hagadorn Road, Suite 660, East Lansing, spoke in support of renewal of Georgetown's Final Preliminary Plat #05012, Georgetown's Wetland Use Permit #10-06-02, a one-year extension of Special Use Permit #08101 for Central Drive Mixed Use Planned Unit Development (MUPUD) and a one-year extension of Special Use Permit #08121 for Marsh Road MUPUD.

Will Tyler White, 2142-1/2 Hamilton Road, Okemos, expressed concern with the proposed medical marihuana moratorium. He believed this issue was a solution in search of a problem. Mr. White spoke in support of the Appeal of Planning Commission Denial of Special Use Permit #10091.

Supervisor McGillicuddy closed Public Remarks.

5. REPORTS/BOARD COMMENT/NEW WORRIES

Police Chief Hall indicated 80% of adults who suffer a heart attack have a fatal rhythm which can be impacted by the automatic external defibrillator (AED). He added all Township police officers are medical first responders and the AED will now be a required piece of equipment for them to carry. Chief Hall made note that if a police officer is first on the scene and uses the AED, the wiring and plugs are such that EMS personnel can unplug the AED and place their machine plugs into the unit.

Supervisor McGillicuddy thanked staff for the one page pamphlet on the reduction of phosphorous fertilizer use, which is available to the public in the Municipal Building lobby. She reported her attendance at the DDA and urban service boundary meetings last week.

Treasurer Brixie thanked property owners for on-time payment of summer taxes. She reported 2010 summer tax collection as of September 14th of nearly \$39.5 million, compared to nearly \$41 million in 2009. Treasurer Brixie noted the amount of uncollected tax last year was higher in both dollar amount and percent than this year. She reminded taxpayers that almost all of the summer tax collection is passed on to other entities, with the Township receiving a small administrative fee for processing payments.

Trustee Veenstra noted the Tri-County Regional Planning Commission will meet tomorrow night at 7:30 P.M. in the Ingham County Human Services Building on South Cedar. He noted agenda items include a report on the final vision for the Greening Mid-Michigan Project, a planning tool for drinking water protection and economic development projects. Trustee Veenstra stated Tri-County Regional Planning Commission is the regional planning clearinghouse for transportation planning and millions of dollars, especially federal transportation dollars, go through Tri-County planning.

Trustee Ochberg noted Consumers Energy is sending out information with its monthly bill apprising customers who complete the on-line home energy audit that they are eligible for a free energy efficiency starter kit. She indicated the kit includes two 13-watt compact fluorescent light bulbs, one low-flow showerhead, one kitchen and one bathroom low-flow faucet aerator.

6. APPROVAL OF AGENDA

Trustee Veenstra moved to reletter Agenda Item #10A to Agenda Item #11A. Seconded by Trustee Ochberg.

Board members discussed the following:

- Support for keeping 10A in its original order on the agenda as several members of the public are present to speak on the medical marihuana moratorium issue and the Township attorney is present
- Reminder that passage of the moratorium would send the issue to the Planning Commission for study
- Compelling reason to act on 10A tonight as passage
- Belief Board discussion on medical marihuana has not yet taken place
- Medical marihuana was discussed by the Board at its May 18, 2010 meeting

Opening of establishments in the Township without a moratorium: (see Agenda Item #8 (Questions for the Attorney))

Q. What effect does one dispensary opening without a moratorium have on our community, even if an ordinance was passed later?

A. My understanding is that if there is a structure that's existing, it is open and a dispensary, compassion club or any of the other entities we are talking about wants to move into that location, they do need an occupancy permit. But I believe that is, most likely, the only permit they need. I don't know the timing of that; how many days?

DIRECTOR KIESELBACH RESPONSE: If somebody comes in and applies for the occupancy, and it is not associated with the building permit, it is three to five (3-5) days.

Continued Board member discussion:

- Real possibility that a dispensary could open prior to the next Board meeting
- Neighborhood representatives have asked for the opportunity to “weigh in” on this issue
- No emergency exists to make it necessary to create an ordinance which places a moratorium on medical marihuana
- Approximately two-thirds of Township residents who voted on this issue were in support of medical marihuana legalization and its distribution

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

Trustee Veenstra moved to make Agenda Item #10A the last action item. Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy
NAYS: Clerk Helmbrecht, Treasurer Brixie
Motion carried 4-2.

Treasurer Brixie moved to approve the agenda as amended. Seconded by Trustee Ochberg.

VOICE VOTE: Motion carried 6-0.

7. CONSENT AGENDA

Supervisor McGillicuddy reviewed the consent agenda.

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

ROLL CALL VOTE: YEAS: Trustees LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Brixie
NAYS: None
Motion carried 6-0.

The adopted Consent Agenda items are as follows:

A. Communications

(1). Board Deliberations (BD)

BD 10A-1 Jim Baldwin, Government Relations & Advocacy Director, Michigan Auxiliary Police Association, 6235 Towar Avenue, East Lansing; RE: Opposition to a proposed Medical Marihuana Store at 3340 Lake Lansing Road

(2). Board Information (BI)

BI-1 Beth Bechtel, 1165 Cliffdale Drive, Haslett; RE: Weblink article on municipal governments efforts to ban phosphorus fertilizer

BI-2 Beth Bechtel, 1165 Cliffdale Drive, Haslett; RE: Toxic effect of phragmites herbicide treatment on the health of Meridian Township residents

BI-3 Jon Chester, 383 Shoemsmith Road, Haslett; RE: Opposition to the reapproved CATA millage

BI-4 John Gardner, Government Affairs Manager, Comcast’s Michigan Region, 1401 E. Miller Road, Lansing; RE: Opposition to the proposed Utility Structure Ordinance

(3) On File in the Clerk’s Office (OF)

Material received at the September 7, 2010 Board Meeting

E-mail from Ben Ide, Zoning Board of Appeals, Alternate #2; RE: Official resignation from the ZBA

Letter from Chris G. Thelen, Area Manager, Consumers Energy, 530 West Willow Street, Lansing; RE: Comments on the proposed Utility Structure Ordinance

Becky Fixel, Rusao Designs, LLC, 18530 Mack Avenue, #460, Grosse Pointe Farms; RE: Submission of sound analysis for SUP #10091 (All Shapes and Sizes)

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 Ochberg.

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

NAYS: None

Motion carried 6-0.

B. Minutes

Treasurer Brixie moved to approve and ratify the minutes of the [September 7, 2010 Regular Meeting](#) as submitted. Seconded by Trustee Ochberg.

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

NAYS: None

Motion carried 6-0.

Treasurer Brixie moved to approve and ratify the minutes of the [September 14, 2010 Budget Deliberations Meeting](#) as submitted. Seconded by Trustee Ochberg.

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

NAYS: None

Motion carried 6-0.

C. Bills

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

| | |
|--------------------------|----------------------|
| Common Cash | \$ 277,913.84 |
| Public Works | \$ 495,167.65 |
| Total Checks | \$ 773,081.49 |
| Credit Card Transactions | \$ 6,333.94 |
| Total Purchases | <u>\$ 779,415.43</u> |
| ACH Payments | <u>\$ 443,951.85</u> |

Seconded by Trustee Ochberg.

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

NAYS: None

Motion carried 6-0.

[Bill list in Official Minute Book]

D. Assessing Stipulations

Treasurer Brixie moved that the Township Assessor be authorized to sign a stipulation with Harish Tekchandani on the following property:

| <u>YEAR</u> | <u>DOCKET NO.</u> | <u>ADDRESS OF PROPERTY</u> |
|-------------|-------------------|-------------------------------------------|
| 2009 | 0364369 | 3286 Lake Lansing, East Lansing, MI 48823 |
| 2010 | | |

| | | | |
|-------------------|------|--------------|-----------------|
| <u>Assessment</u> | 2009 | <u>AV/TV</u> | \$26,600/26,600 |
| | 2010 | | \$23,900/23,900 |

| | | | |
|----------------------------|------|--------------|-----------------|
| <u>Proposed Assessment</u> | 2009 | <u>AV/TV</u> | \$25,000/25,000 |
| | 2010 | | \$20,900/20,900 |

Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Brixie
NAYS: None
Motion carried 6-0.

Treasurer Brixie moved that the Township Assessor be authorized to sign a stipulation with Harish Tekchandani on the following property:

| <u>YEAR</u> | <u>DOCKET NO.</u> | <u>ADDRESS OF PROPERTY</u> |
|-------------|-------------------|-------------------------------------|
| 2009 | 0364371 | 6211 Porter, East Lansing, MI 48823 |
| 2010 | | |

| | | | |
|-------------------|------|--------------|-----------------|
| <u>Assessment</u> | 2009 | <u>AV/TV</u> | \$31,400/31,400 |
| | 2010 | | \$28,400/28,400 |

| | | | |
|----------------------------|------|--------------|-----------------|
| <u>Proposed Assessment</u> | 2009 | <u>AV/TV</u> | \$27,500/27,500 |
| | 2010 | | \$25,200/25,200 |

Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Brixie
NAYS: None
Motion carried 6-0.

E. Reappointment to CATA

Treasurer Brixie moved that Patrick Cannon be reappointed to the CATA Board for a three-year term ending September 30, 2013. Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy,
Clerk Helmbrecht, Treasurer Brixie
NAYS: None
Motion carried 6-0.

F. Approval for Disposal of Surplus Equipment

Treasurer Brixie moved to approve the sale of the following surplus Township vehicles at public auction, internet auction, or by sealed bid:

| | | |
|------|-------------------|-------------------|
| 2007 | Ford Crown Vic | 2FAFP71W17X145552 |
| 2007 | Ford Crown Vic | 2FAFP71WX7X145551 |
| 2000 | Chevy S-10 | 1GCDD14W7YK216232 |
| 2001 | Ford F-550 | 1FDAF57SB1EC69598 |
| 1999 | Chevy S-10 Blazer | 3GNFK16T71G202253 |

Seconded by Trustee Ochberg.

ROLL CALL VOTE: YEAS: Trustees LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy,
 Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried 6-0.

- 8. QUESTIONS FOR THE ATTORNEY (Agenda Item #6, 10G)
- 9. HEARINGS (None)
- 10. ACTION ITEMS/ENDS

Supervisor McGillicuddy opened public comment.

Leonard Provencher, 5824 Buena Parkway, Haslett, spoke in opposition to condition #8 of Final Preliminary Plat #050112. He also expressed opposition to the medical marijuana moratorium.

Mark Clouse, General Counsel and Chief Financial Officer, Eyde Co., 4660 S. Hagadorn Road, Suite 660, East Lansing, availed himself for Board questions on Agenda Items #10D and 10E.

Supervisor McGillicuddy closed public comment.

- A. Amendments to the Code of Ordinance, False Alarm Fees, **Final Adoption**
Treasurer Brixie moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, INGHAM COUNTY, MICHIGAN, that the Township Board hereby FINALLY ADOPTS Ordinance No. 2010-14 entitled “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 18, Articles I and II by Amending Sections 18-1 and 18-15.”

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 Trustee Veenstra.

Board members discussed the following:

- Concern with the definition of false alarm
- Appreciation for the appropriateness of the fee schedule contained in the proposed budget
- Cost of gasoline for police to respond to false alarms
- Problem of repeated false alarms at the same location

ROLL CALL VOTE: YEAS: Trustees LeGoff, Ochberg, Veenstra, Supervisor McGillicuddy,
 Clerk Helmbrecht, Treasurer Brixie
 NAYS: None
 Motion carried 6-0.

- B. Zoning Amendment #10060 (Planning Commission), a request to amend section 86-591 of Chapter 86 Zoning, Article V, Supplementary Regulations, of the Code of Ordinances to limit the height of parapet walls, **Final Adoption**

Trustee Ochberg 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. 2010-13, entitled “Ordinance Amending the Code of the Charter Township of Meridian, Michigan, Chapter 86, Article V, Section 86-591, by amending Section 591(3) and by adding Section 86-591(4).”

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.

Board members discussed the following:

- Definition of a parapet wall as a false wall which extends above the roofline
- Maximum height of a parapet wall is five (5) feet
- Board member request to change language in the legal ads relative to ordinance introductions and final passage

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

NAYS: None

Motion carried 6-0.

C. Renewal of Final Preliminary Plat #05012, Georgetown

Treasurer Brixie moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves Final Preliminary Plat #10-05012 for the remaining 77 lots in the Georgetown subdivision, located south of Tihart Road, west of Cornell Road, and east of Powell Road with the following conditions:

1. Approval is granted in accordance with the final preliminary plat prepared by KEBS, Inc. dated February 14, 2006, indicating 158 single family lots, subject to revisions as required. Any revisions to the layout of the plat shall be subject to the Township's approval.
2. Construction shall not commence until the applicant has obtained all necessary permits and approvals from the Ingham County Drain Commissioner, Ingham County Road Commission and the Township. Copies of all permits and approval letters shall be submitted to the Department of Community Planning and Development.
3. Construction shall not commence until the applicant has obtained a Letter of Map Amendment (LOMA) from the Federal Emergency Management Agency for the subject site based on the surveyed floodplain. A copy of the LOMA shall be submitted to the Department of Community Planning and Development.
4. Final utility plans shall be subject to the approval of the Director of Public Works and Engineering and shall be completed in accordance with Township Engineering Design and Construction Standards.
5. Storm sewer leads shall be provided to each lot in the subdivision. The final location of the leads shall be subject to the approval of the Director of Public Works and Engineering. All residences constructed in the subdivision shall be connected to the leads.
6. An overall grading plan for the subdivision shall be required with detailed construction plans, prior to issuance of any building permits.

- 7. Paved shoulders shall be constructed along the frontage of the plat on Powell Road and Tihart Road and the major trees along these roadways shall be protected. The tree preservation and the actual placement of the pathways and/or paved shoulders shall be subject to the approval of the Director of Community Planning and Development. In lieu of constructing the paved shoulders, the applicant shall provide to the Township a bond in the amount of construction costs so that the paved shoulders or separate pathway can be built once the design and location have been determined by the Township. The paved shoulders shall be built in accordance with Township Engineering Design and Construction Standards.**
- 8. A seven foot wide concrete pathway is required along the frontage of the plat on Cornell Road. In lieu of constructing the pathway, the applicant shall provide to the Township a bond in the amount of the construction costs, so the pathway can be built once the design and location have been determined by the Township.**
- 9. A five foot wide concrete sidewalk shall be constructed along both sides of all streets within the subdivision. The sidewalk shall be designed and constructed in accordance with Township Engineering Design and Construction Standards.**
- 10. The applicant shall construct an eight foot wide off-road pathway, which meets the requirements of the Americans with Disabilities Act, connecting the two phases of the development between Lots 116 and 117 and Lots 153 and 154. The design and location of the pathway shall be subject to the approval of the Director of Public Works and Engineering. The pathway shall be built in accordance with Township Engineering Design and Construction Standards.**
- 11. The applicant has agreed to grant the Township a 15 foot wide easement for a pathway to run north of Township Wetland #14-19, in the southwest corner of the site, then west of Lots 82 and 83, connecting to the sidewalk south of Lot 82.**
- 12. The applicant has agreed to grant the Township a 15 foot wide easement for a pathway running along the Foster Drain. This easement shall be shown on all plans.**
- 13. Trees #1 through #7, Tree #9, Trees #17 through #22, and Trees #27 through #42, as shown on the revised Open Space Plan received by the Township on September 8, 2005, shall be preserved. All plans, deed restrictions and the subdivision's covenants, codes and restrictions shall identify these trees and the location of these trees. All trees to be preserved shall be protected during construction using the standards outlined in Section 22-179 of the Code of Ordinances. No construction shall occur until tree protection has been installed and approved by the Director of Community Planning and Development.**
- 14. Street trees, where appropriate, shall be required along Tihart Road, Cornell Road and Powell Road. Street trees shall be required throughout the subdivision along all internal roads. Species and location of the trees shall be subject to the approval of the Director of Community Planning and Development and the Ingham County Road Commission.**
- 15. Other than those areas subject to a wetland use permit, no buildings, accessory structures, structural appurtenances, or grading shall be permitted in the regulated wetlands.**

16. A deed restriction shall be recorded acknowledging the presence of the water feature setback and referencing the appropriate Township regulation on lots which contain a water feature setback.
17. The natural vegetation strip 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.
18. The preserved open space areas 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.
19. The preserved open space areas shall be designated on all plans. The preserved open space areas shall be deeded to the homeowner's association, a land conservancy, the Township or otherwise protected in a manner acceptable to the Township.
20. Prior to any construction or grading on the site, the applicant shall install silt fencing at the upland edge of the water features setback and at the floodplain elevation. After construction, the fencing shall be removed once the area is stabilized.
21. Any wellhead(s) located on the site shall be properly closed and abandoned per the requirements of the Ingham County Health Department and the Township, prior to the issuance of any permit for construction activity, including grading permits.
22. A copy of the information which exists on computer for the plat and construction plans shall be provided to the Township Engineering staff in an Auto Cad compatible format.
23. A specified route for construction traffic shall be established in cooperation with the applicant and subject to the approval of the Director of Community Planning and Development.

Seconded by Supervisor McGillicuddy.

Board members discussed the following:

- Developer's next step will be to work with the Michigan Department of Environmental Quality (MDEQ) for wetland protection and creating wetlands for future phases
- Collaborative effort by the developer and the Township for Georgetown's success
- Department of Public Works has not yet designed the pathway along Cornell Road mentioned in condition #8
- Desire for the applicant to be required to build the off-road pathway along the Foster Drain, not just grant the Township a 15 foot wide easement as noted in condition #12

Trustee Veenstra offered the following friendly amendment:

- **Amend condition #12 by requiring the applicant to also build the pathway along the Foster Drain**

The amendment was not accepted by the maker.

Continued Board discussion:

- Markers which identify the wetlands and protected areas do not seem to be in place
- Developer statement that although the markers are small and unobtrusive, they are in place
- Preference for placement of the 15 foot easement in conditions #11 and #12 to be within the 50 foot easement the Ingham County Drain Commissioner has on either side of all county drains for the purpose of maintenance

- Engineering Department has not yet designed the pathway so placement of the easement has not been determined
- Board member desire for the applicant to be required to build the pathway as noted in condition #11 as there was no way for the pathway to be on the Pathway Master Plan prior to platting of the Georgetown subdivision

[Trustee Dreyfus entered the room at 7:20 P.M.]

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

D. Wetland Use Permit #10-06-02, Georgetown

Trustee Ochberg moved [and read into the record] NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, pursuant to Article 4 of Section 22 of the Township Code of Ordinances, the Township Board hereby approves Wetland Use Permit #10-06-02 with the following conditions:

1. **Approval is based upon the plans, documents, and materials prepared by KEBS, Inc., submitted in conjunction with Wetland Use Permit #06-02 and the revised stormwater outlet design prepared by KEBS, Inc., dated May 12, 2006, subject to revisions as required.**
2. **The applicant shall amend the revised plans to address the following issues identified by the Township's Environmental Consultant in its letter dated May 25, 2006:**
 - **Direct discharge from Basin #1 more southward**
 - **Verify the discharge location of Basin #2 and if necessary, re-design to avoid impacts to steeper slopes**
 - **Plant cordgrass along with switch grass and lake sedge in the channel beds**

The revised plans shall be subject to the review and approval of the Director of Community Planning and Development.

3. **The wetland boundary for Wetlands #14-17, #14-18, #14-19, and #14-20 shall be flagged in those areas adjacent to the proposed work. The flagging shall be clearly evident throughout construction.**
4. **The applicant shall obtain all necessary permits, licenses, and approvals from the Michigan Department of Environmental Quality (MDEQ) and the Ingham County Drain Commissioner's office prior to any work beginning on the stormwater basin and outlet. Copies of all permits, licenses, and approvals shall be forwarded to the Department of Community Planning and Development.**
5. **The applicant shall monitor areas impacted by the basins and stormwater discharges for one year following the completion of construction and shall remediate any problems which develop to the satisfaction of the Director of Community Planning and Development.**
6. **Erosion control fencing shall be installed prior to construction and shall be removed after construction is completed and the area is stabilized.**

7. **No straw bales shall be used for erosion control, unless in conjunction with sediment erosion control fencing.**
8. **A copy of the approved wetland use permit containing the conditions of issuance shall be posted on the site in a conspicuous manner such that the wording of the permit is available for public inspection. Posting of the site shall be done prior to commencement of work on the site and continue throughout the duration of the project.**
9. **Subject to the approval of the Director of Community Planning and Development, Basin #1's configuration shall be re-designed to avoid impacts to the trees identified by the Township's Environmental Consultant.**

Seconded by Trustee Veenstra.

Board members discussed the following:

- Concern that erosion control fences may fail and allow sediment to flow into the basins
- Staff statement that the Township is on top of erosion control measures for this project
- Replacement of erosion control fencing if it is knocked down or destroyed during a rain event must be completed the same day it is detected
- Re-approval runs concurrent with the two-year period of the final preliminary plat
- Concerns raised in condition #2 have been addressed
- Redesign of Basin #1 to avoid impacts to the trees as noted in condition #9 has been addressed

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

NAYS: None

Motion carried unanimously.

- E. Appeal of Planning Commission's Denial of Special Use Permit #10091 (All Shapes and Sizes, LLC), a request to operate a canine day care facility at 1640 Haslett Road

Trustee Veenstra moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby reverses the Planning Commission's denial and approves Special Use Permit #10091, to operate a canine day care facility at 1640 Haslett Road, subject to the following conditions:

1. **Approval is granted in accordance with the materials submitted by the applicant dated June 1, 2010, July 1, 2010, July 21, 2010, and August 16, 2010.**
2. **All activities related to the use shall only be carried on indoors, outdoor activities are prohibited.**
3. **Overnight boarding of dogs or other animals shall be prohibited.**
4. **The tenant space occupied by the applicant shall be kept in a sanitary and healthy condition.**
5. **Prior to occupancy the applicant shall install appropriate soundproofing measures or demonstrate the space is adequately soundproofed, subject to the approval of the Director of Community Planning and Development.**
6. **The number of dogs on the site at any one time shall be limited to 30.**

Seconded by Treasurer Brixie.

Board members discussed the following:

- Office previously occupied by a pediatrician
- Placement of a phone call to the Environmental Health Division of the Ingham County Health Department (ICHD) by one Board member indicated there was no health concern with this request
- Neighboring business has its utility room adjacent to this proposed use
- Appreciation for expansion of the business within the Township
- Project supported by veterinarians and patrons of the business

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

F. Special Use Permit (SUP) #10101 (Rhodes), a request to construct an addition to a building greater than 25,000 square feet at 1839 Grand River Avenue

Trustee LeGoff moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby approves Special Use Permit #10101 for a building greater than 25,000 square feet in size and to construct an addition to the building of approximately 743 square feet located at 1839 Grand River Avenue, subject to the following conditions:

- 1. Approval is granted in accordance with the site plan submitted by the applicant dated May 5, 2010.**
- 2. The total square footage of the building on the site shall not exceed 32,343 square feet. Any future building additions will require modification to the special use permit, subject to the approval of the Township Board.**
- 3. The final site plan shall be subject to the approval of the Director of Community Planning and Development.**

Seconded by Trustee Veenstra.

Board members discussed the following:

- Expansion of a popular business within the community
- Special use permit allows enclosure of an existing patio

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

G. Medical Marihuana Moratorium/Ordinance

Board members and staff discussed the following:

- Clarification that the moratorium is not about the use of medical marihuana
- Police Department support of the moratorium as police enforcement is not clear
- Moratorium would allow the Board opportunity to more clearly see related issues
- Police Department looks to the Board for direction on Township ordinances as it limits police liability
- Township police training on this issue
- Staff receipt of calls from residents concerned with the location
- Michigan Association of Chiefs of Police discussion revealed many municipalities are enacting a moratorium

- Calls to the police department by individuals who have or wish to start a medical marihuana business noted confusion over what the business person could and could not do

Legal perspective by the Township Attorney on the moratorium: (see Agenda Item #8 (Questions for the Attorney))

Q. What have you seen or heard from the legal perspective?

A. I would agree with the Chief that moratoriums are being enacted by many municipalities. They are not all being done in the same manner; not all being done in the same intent. This moratorium was prepared with language not to prohibit a patient or a caregiver acting within their home, but to place a limit on more of a commercial type establishment until the Board had a chance to decide if you want to regulate and, if so, how and where. There are a lot of different options available.

I think the concept of an emergency ordinance is . . . , and I will agree emergency means different things to different people, and that's why you're here; the Board will decide if it is an emergency or not. Emergency ordinances are usually used in a situation where events come up that are sudden; you weren't aware of them, and you need to make a choice on the impact right away. We don't usually have an emergency such as a fire call or a police call with an ordinance; that's true. That is not what an emergency ordinance is about. It's about something that may happen that you want to slow down or consider before it happens and you get a chance to regulate or talk about it. That's the point of an emergency ordinance. What it does allow you to do is go forward without having introduced it at one meeting; publish it and then publish it again. Your requirement of two publications is limited to one and that's really the big difference. You don't publish it before and after; you actually adopt it and then you publish and post.

I don't think I can talk to the pros and cons; I'll wait and see what kinds of questions you have. I wanted to make clear that this is not a moratorium on patient and caregiver rights that are established. Whether they have a card or not, there are protections for both. That is not what this moratorium was about from what I understand. Of course, it was written without clear directive from the Board, so there may need to be adjustments in it.

Continued Board discussion:

- Supervisor has received many calls on this topic from individuals who are alarmed that the Board has not acted on this issue
- Virtually all municipalities in the greater area have enacted a moratorium
- Question at a regional meeting in August as to how the region will handle this issue
- Concern expressed by residents with location of these facilities near homes, schools and day care facilities
- Board need to be proactive v. reactive

Treasurer Brixie moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN, that for the reasons aforementioned, Ordinance No. 2010-15 entitled "Ordinance Enacting a Temporary Moratorium on the Establishment of and Permits for Dispensaries, Cooperatives, Home-based Businesses, and Other Medical Marihuana Businesses that Sell, Dispense, or Grow Marihuana, by adding Section 2-2."

BE IT FURTHER RESOLVED that Ordinance No. 2010-15 is declared to be an emergency ordinance such that it shall be effective immediately upon its publication and that the Clerk of the Charter Township of Meridian is directed to forthwith publish the Ordinance in the form in which it is adopted. Seconded by Supervisor McGillicuddy.

Continued Board discussion:

- Board consideration in May resulted in a decision to do nothing as it was not a problem
- Circumstances in the Township regarding associated business type activities have changed since the May 18, 2010 Board meeting
- Concern with the associated effects these facilities have on adjacent properties

- Confusion due to the legality of medical marihuana use for some residents and illegality for others
- Complaints from citizens have led one Board member to believe the proper course of action would be to regulate these facilities through setbacks
- Incompatibility of these facilities with residences, schools, churches and day cares
- Possible referral to the Planning Commission
- Board regulation of a large spectrum of issues within Meridian Township show thoughtful Board consideration of each concern expressed by its residents
- Concern a moratorium will require Township residents who use medical marihuana to travel outside the township to obtain it
- No complaints registered with Township police regarding marihuana activities related to this law
- Board member statement that a vocal group of people are operating on emotion and fear, not facts
- Board member statement that the #1 most abused substance in the United States is prescription drugs
- Questionable use of an emergency ordinance
- Support for a moratorium on medical marihuana dispensaries in a residential district

Placement of a medical marihuana facility in a residential district: (see Agenda Item #8 (Questions for the Attorney))

- Q. If something like this were to happen in a residential district before we act, does that remove the conversation from the Board? We wouldn't be able to do anything in the future, correct?
- A. Part of the confusion here is that there is still no clear direction from a majority of this Board, so when you get calls from people who want to set up a dispensary, compassion club or a smoke house, they don't know what to do in your township. They don't necessarily know where it fits in your ordinance. They don't know if it fits in your ordinance. They don't know where they are allowed to go legally. That's part of the confusion here, because you haven't had those discussions. The feeling was that it wasn't going to happen here. It is going to happen here because you are surrounded by moratoriums, licensing regulations and other limitations. They are moving into your area and asking where to go in Meridian Township; where can we establish? Your staff is having difficulty answering that question.

Part of the concept of a moratorium is to allow you to give direction. Maybe that direction is that there are no limitations at all. If you have a nursery definition, go wherever nurseries are allowed. If it looks like it fits in, and you want to call it a commercial entity, let it go there. If we have social gathering membership places, and they are allowed in residential, let the compassion clubs go there. It is not clear right now how to interpret that ordinance for these uses that are arising. These uses are not the same as a person using, growing or cultivating marihuana in their house as a patient or as a caregiver. They can still access their marihuana; they can still access a caregiver.

The idea of a moratorium is...and you need to understand as an attorney for this municipality, that I am not pro or con. I am telling you what is going on out there and I'm responding to what I am asked to do. However, it does not mean that everybody has to run out and find a dispensary in another location. There are other alternatives to using and getting marihuana. It could be a caregiver; it could be a patient. There's no question dispensaries serve a purpose, because not everybody can get a caregiver or knows where to get one. It takes time once you get your card to figure out who you may want as a caregiver. However, there are other options. It doesn't mean the only option is the dispensary. Dispensaries are not expressly allowed in the state law. No commercial use is mentioned in the state law. This has been a creative response to the state law. What you need to decide, or give direction to, is either that this is not an issue for this Board and tell staff to fit it in and go forward, or not. By not doing something, whether it is a moratorium or giving some direction, you are causing a problem for commercial entities that want to come to your Township. They don't know if they should, if they can, if they will be invited, or if they show up, they will then be closed.

Specifically in answer to your question, if it is somehow an allowed use in the township, and someone establishes (not in their home) a patient or caregiver, I don't think you would have the ability to say they can't do that because that is expressly a right protected. If it is a dispensary, it is a combination of caregivers and patients coming together. If it is a compassion club, smokehouse, a doctor certification; some other entity leasing out for growing, those are occurring all over. They, if they [inaudible] the ordinance right now, will go wherever your staff thinks they go. They call and ask where they are allowed to open up. Your staff will be making the call, they will tell them where to go, and once they open up, they are open and are now a legal non-conforming use, if you change the ordinance. If you don't do anything, they just fall in the ordinance and that's where they go. I think there has to be some direction as to what you want to do. The idea of a moratorium is to give you time to talk about it. Your moratorium is not broad; it is consistent with many out there in the state. Your moratorium was rewritten from East Lansing's moratorium because East Lansing's, in my opinion, had some statements in it that were not entirely factual and seemed to be a bit biased. This was rewritten to be as factual as possible, consistent with the law. These exist. Are they good or bad? Not for me to decide, but for you to decide for this township. The commercial aspect is not expressly allowed. You can decide to regulate or not regulate. The moratorium simply assists you in giving you time. If you decide you do not want to place a moratorium at all, and you are going to place this issue on for discussion down the road, just realize that when the calls come in, staff has to make a judgment call as to where they are going to place them. We will go from there.

Continued Board discussion:

- No rationale for the Board not stepping back to have a thorough discussion on this issue
- Concern "discussion" in May did not address these issues
- Township Board regulates trees, wetlands, signs in parking lots, etc., but is unwilling to "step back" and regulate this type of commercial entity
- Assumption that a dispensary near a school, church, day care center, playground or residences is going to be dangerous violates the presumption of innocence
- Language prohibiting a home based business during the length of the moratorium means the current registered caregivers cannot charge money for what they provide to patients
- Board member on-line research indicated a \$5,000 to \$10,000 investment in the equipment to grow the allowable number of marihuana plants
- Belief the moratorium violates a township goal to promote business, especially in this difficult economy
- Prohibiting this commercial entity as a home based business eliminates the current supply for resident patients and is an inappropriate use of our police power
- Board member statement that prohibiting this commercial entity "recriminalizes" something that two-thirds of Township residents approved in 2008
- One solution to discovering home based businesses are illegally growing marihuana would be to tax their personal property
- One Board member's understanding that in California and Hawaii, marihuana is the most profitable cash crop in those states
- Regulation to prevent unreasonable burden on neighbors

Explanation of a dispensary: (see Agenda Item #8 (Questions for the Attorney))

Q. I would like to find out what a dispensary actually is.

- A. There are some dispensaries that are actually combinations of caregivers and patients serving other patients and caregivers so that they are not registered and connected through the Department of Health. Some of them are. There are dispensaries that work on a patient-to-patient basis, not on a caregiver/patient basis at all where the marihuana comes in and is kept in separate locations up to the 15 ounces allowed, actually in safes. What happens is the marihuana goes down into a room, in some cases, where a bud tender meets with a patient and in a patient-to-patient transfer, up to 2.5 ounces is transferred from one patient to another.

Some of those aspects of what takes place are questionable under the law at this point. There is a Court of Appeals opinion that just came out last week that hasn't necessarily helped the situation (I think it may have confused it), but lots of these transfers are not clearly legal under the current law. There is some inference that patient-to-patient transfer is allowed, but it is not clear right now; caregiver to non-related patients is not clear; they don't seem to be supported by the law. That is how dispensaries are running. Some dispensaries are just combinations of caregivers dispensing to related patients, but not most that I'm aware of. Some dispensaries are being run by someone that is not a caregiver or a patient. There is an assumption that now marihuana is generally legal, anyone can dispense it or that if you have a card, anyone can dispense it to you. That clearly is untrue right now; you can't dispense it. It is still illegal under federal law; it is still illegal under state law. It is a controlled one substance and you are not allowed to dispense it unless you are a caregiver or a patient dispensing to yourself.

One thing that I will say with the moratorium is that it was written without direction as to where you want to go. I would suggest that, whether it is an emergency or not, you come up with areas you want to moratorium (as Trustee Dreyfus said). In other areas that you are not comfortable with, you can "tweek" it. I'll continue in responding to you, Trustee Veenstra, because as I was sitting here listening to the conversations, I realized that there is a misunderstanding on what a home based occupation is. This was written with the concept of a home based occupation not being a caregiver with five (5) patients and serving those five (5) patients. That is not an occupation unless you determine it's an occupation by your ordinance. They are not selling; you cannot sell under this law. You are transferring marihuana to your patient, only recouping the cost of getting that marihuana together. You are not selling it, it is not a business unless you designate it as a home based occupation. What was meant by home based occupation is patients and caregivers serving others, and that's not clear here.

If you want to add additional language that further protects patients and caregivers that are authorized under the act, we have language from another ordinance where medical use of marihuana to the extent made lawful by the MMMA for patients and caregivers in one, two and multiple family dwellings is not subject to the moratorium. Something like that may make you feel more comfortable with the idea that a patient and caregiver, acting out of their home growing, using and supplying, is fine. I'm here to assist you in going into the direction that you choose, obviously as a majority, to go in. There are ways to do this. Generally, in a moratorium, all of the terms are not defined. This was written to be broadly applied. Perhaps you want to just say that nothing is allowed in the commercial district, but it is all allowed in a residential district, understanding that that means that a compassion club is allowed in your residential district. You have to be very careful with the language to make sure that it does what you are intending to do. If you can give direction as to what you are intending to do, the language can be written to accommodate that.

Continued Board discussion:

- Belief that what the Township can legally and morally regulate is to prevent people from placing unreasonable burdens on neighbors
- Concern with attorney fees which would be incurred for Board study of the medical marihuana issue
- Respect for Board procedures by having a discussion of an issue before the Board moves to action
- Concern that lack of discussion at the May 18, 2010 Board meeting means this issue is not properly before the Board as an action item
- Moratorium allows residents to provide input
- Concern with cost to develop special regulations for medical marihuana
- Marihuana has been used as a medicine for thousands of years and has important medical properties
- Fourteen (14) states have made medical marihuana legal for use by residents
- Prejudice regarding marihuana use due to a 75-year campaign against it
- Quote by one Board member from Harry Anslinger (Commissioner of the Federal Bureau of Narcotics who was responsible for the Marihuana Tax Act of 1937)
- Belief that Mr. Anslinger's statements were "lies and vicious racism" relative to marihuana use

- Broadness of the proposed moratorium

Regulation of compassion clubs and smokehouses: (see Agenda Item #8 (Questions for the Attorney))

Q. These compassion clubs, smokehouses and the fact that everyone can go someplace and legally smoke “their stuff” and then, I assume, they get into their cars and drive home. Can you explain to me what those are, and do we have any regulation right now that would stop someone from being able to do that here?

A. Just like dispensaries, with smokehouses and compassion clubs, there are no rules as to how they area run and they are not mentioned in the law at all. So, there are all kinds of different combinations. It may be just a center where you can get education; you don’t ingest or smoke at all; just come to share information with others. You may be able to access seminars, you may be able to access a doctor to ask questions. They may have an attorney come in and talk about what is allowed under the law so that you are not crossing the line.

Others may allow for ingestion on site. They are all across the board. Some smokehouses allow you to come in and sit with others, purchase and use. Unless a municipality has regulated it, there are no regulations on how they should look. Many, many entrepreneurs have different business plans for how they are running them and non-profit organizations. Does that answer your question? Was that the question?

Q. No rules?

A. The state law does not address these at all. None of these commercial type establishments that are coming up are addressed. I think the question you asked was where would they go or why. I think they might fall under some of the.....maybe Mark can help with this....I believe there is some allowance for social clubs, social gathering type uses in residential by special use permit. Is that right? Can they fall under that, depending on what they are doing? I don’t know if that is a good or bad use. I’m not here to tell you if it is good or bad. I’m just saying that it is a potential.

Treasurer Brixie offered the following friendly amendment:

- **Insert the following language after the second WHEREAS clause:
The medical use of marihuana, to the extent made lawful by a patient in a one-family, two-family, and multiple-family dwelling, is exempt from this moratorium.**

Continued Board and attorney discussion:

- Amendment necessary to clarify for Board members that use within someone’s own home was allowed
- Procedures necessary for the Board in order to operate in a transparent manner so the public has ample opportunity to be involved in Board decisions/actions
- Emergency moratorium is a tool which gives municipalities a way to protect residents and allows more public input on a controversial issue than would normally be afforded to residents
- Question before the Board is whether it will allow Towar residents input about dispensaries prior to locating adjacent to the Towar neighborhood
- Compelling argument for the moratorium is that it allows more public input

The seconder accepted the amendment.

Continued Board discussion:

- People in favor of allowing dispensaries have not had an opportunity to be here at this meeting
- Concern with instituting a moratorium without “a full and balanced” public discussion is not transparency and is one sided
- Individuals who wished to locate a dispensary, compassion club or smokehouse could have done so within the last 20 months, so there is no emergency

- Board member suggested language for Section 1(a): No dispensary, cooperative and other medical marihuana business that sells, dispenses, or grows marihuana shall be established in any residential zoned district in the Charter Township of Meridian...; eliminate “home-based business” from Section 1(b)
- Belief that the amendment does not have much legal effect as that change is not reflected in the proposed ordinance
- Medical marihuana facilities must conform to the Township’s existing commercial regulations
- Concern with additional legal fees being spent to develop some form of special regulation about medical marihuana
- July edition of the *Planning and Zoning News* contained an article on medical marihuana and the issue of whether growing marihuana in a caregiver’s home constitutes a business
- Limitation of 60 plants per caregiver provides \$25,000 or less in income
- Board member statement that a moratorium on selling medical marihuana is in direct conflict with the premise proposed in *Planning and Zoning News*
- Existing zoning ordinances are adequate to regulate these business uses in commercial, office and industrial areas
- Complaints can be handled by the police
- Violations regarding mechanical, electrical, plumbing and safety codes in medical marihuana related businesses can be handled through the code enforcement process

Trustee Veenstra called the question. Supported by Trustee Dreyfus.

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

TOWNSHIP ATTORNEY STATEMENT: Supervisor McGillicuddy, there is confusion right now as to what you are voting on because, unless I misunderstood, Treasurer Brixie attempted to modify, but there is confusion as to whether it modified the ordinance or the resolution. I don’t believe you can vote on it until that is clear. Is the language she suggested a modification just to the resolution or just to the ordinance, or both. I don’t know what you are voting on.

TREASURER BRIXIE RESPONSE: My intent was to modify the ordinance and the WHEREAS in the resolution.

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

Continued Board discussion:

- Board member preference to revisit this topic after the budget is passed

[Supervisor McGillicuddy recessed the meeting at 9:11 P.M].

[Supervisor McGillicuddy reconvened the meeting at 9:25 P.M.]

11. DISCUSSION ITEMS/ENDS

It was the consensus of the Board to remove Agenda Items #11A, #11B, and #11D and carry them over to the October 5, 2010 Board Meeting.

Supervisor McGillicuddy opened public comment.

Leonard Provencher, 5824 Buena Parkway, Haslett, spoke in opposition to the following items in the 2011 recommended budget:

- Closing of the Central Fire Station
- Closing of the Lake Drive Transfer Station
- Elimination of funding for the Fourth of July Fireworks
- Any funding for LEAP
- Reduction in the number of voting precincts

- Closing of the Snell Towar Recreation Center
- Reduction in police officer and firefighter staffing

He also questioned the following:

- Benefit of the four day work week trial
- Benefit of outsourcing the payroll function
- \$10,000 appropriation for the Regional Drug Task Force
- \$5,000 revenue from narcotic forfeiture given a zero figure in 2009
- Level of service which will be provided if funding for 911 services was reduced from \$50,000 to \$36,000
- Increase in police uniform costs
- Continued increase in fire overtime over the last two years
- Significant increase in police overtime for training from 2009 figures

Supervisor McGillicuddy closed public comment.

C. 2011 Budget

Township Manager Richards provided additional budget information as outlined in staff memorandum dated September 17, 2010.

Board members and staff discussed the following:

- Reduction in charge to sewer only customers as the average water consumption per residential single-family metered customer decreased
- Staff request to receive consensus from the Board for items to be deleted from or added to the budget
- Suggestion to eliminate approximately \$5,000 of overtime for the Assistant Township Manager to serve as Executive Director of the Downtown Development Authority (DDA)
- Suggestion to eliminate the \$6,000 per year car allowance for the Township Manager
- Suggestion to eliminate the \$15,000 membership dues in LEAP, Inc.
- Suggestion to eliminate the \$10,000 for the Regional Drug Task Force
- Suggestion to eliminate the \$165,000 for the Okemos Road Enhancement Project
- 2012 assumptions indicate that if the Headlee override is not passed by voters, it will be necessary to make ten (10) position cuts and those cuts may not allow us to adequately staff three (3) fire stations
- 2011 recommended budget assumes no pay increases for any employees
- Binding arbitration could result in unexpected costs not accounted for in the budget
- Assuming passage of the Headlee override, the expectation for 2012 is that the .8 mill levy will recoup the combined tax loss for 2011 and 2012
- Appreciation for staff use of a multi-year forecasting and partial two-year budgeting approach
- Most of the recommended 2011 budget cuts are devastating for the Township's community and its residents
- Park Commission communication requesting temporary use of a portion of Township owned property at the corner of Central Park Drive and Okemos Road as a dog park
- Attorney General opinion which states the Township Board does not have the authority to interfere with the use of land under the control of the Park Commission
- Park Commission does not have the ability to mandate a ballot question for park millages
- Feasibility of a portion of Township owned land at the corner of Central Park Drive and Okemos Road being used as a dog park is still being considered
- Township should look at all the possibilities surrounding placement of a dog park
- Proposition in the Capital Improvements Program (CIP) to improve Legg Park at a cost of over \$400,000 in the portion of the park that is proposed for use as a dog park
- \$50,000 line item in the 2011 Budget under Park Millage for dog park development
- Township Manager recommendation for Board members to first look at the 2011 recommended budget without inclusion of passage of the Headlee override, then have a separate discussion if the Headlee override is approved by voters
- Fourth of July Fireworks and Senior Celebration Week Event are important functions of government and serve social and community solidification needs
- Concern with how LEAP spends funds received by its members

- Consensus to fund Fourth of July Fireworks and eliminate LEAP dues in the event both cannot be funded
- Provision that LEAP funds be released only if Board members are satisfied with full disclosure of its financial statement
- Board member request to disclose how estimated savings were calculated
- Board member request for an errata sheet on the Manager's proposed budget
- Assumption the payroll specialist will retire sometime in 2011 and then the payroll function will be outsourced
- Keep the transfer station open, but with fewer hours
- Request for incorporation of revenues generated through sale of electronic tax and assessing rolls
- Board member request for a detailed analysis of the proposed four-day work week test as it would have a significant impact on services provided to the public
- Suggestion by one Board member to place some employees on the four day work week and extend hours while other employees would remain on the five day work week to optimize service
- Board member request to the recycling coordinator for cost of this year's community garden project

It was the consensus of the Board to accept staff recommendations for the 2011 recommended budget as outlined in staff memorandum dated September 17, 2010 with the exceptions which received consensus during discussion.

Township Manager Richards provided additional budget information assuming the Headlee override ballot question passes and .3 mill is levied for the 2011 budget.

Board members and staff discussed the following:

- Recommendation that only .3 mill of the total .8 mill be levied in 2011
- .3 mill would generate \$550,000
- Six (6) of the eight (8) open positions in police and fire would be filled
- Restoration of the Fourth of July Fireworks and the Senior Celebration
- Rulings from binding arbitration would transpire after Board passage of the 2011 budget
- Half of the employees in three (3) unions have the availability of binding arbitration
- Board discussion in a future closed session regarding benefits and wages for employees who are not subject to binding arbitration in the event binding arbitration results in increased wages for the eligible employees
- Arbitrators are taking finances and the local economy into consideration when making decisions on wages and benefits
- Changes which come through the Tax Tribunal are accounted for in estimated budget figures
- Data shows overall crime statistics have dropped steadily since 2005
- Majority of the supplemental appropriations if the Headlee override passes would fund vacancies in the police and fire departments
- Board member request for arbitration date(s)
- Larger than anticipated award(s) through binding arbitration may make it necessary to adjust the number of police and fire positions which would be filled

It was the consensus of the Board to accept staff recommendations for the 2011 supplemental appropriations assuming passage of the Headlee override.

12. PUBLIC REMARKS

Supervisor McGillicuddy opened and closed Public Remarks.

13. FINAL BOARD MEMBER COMMENT

Treasurer Brixie believed the article regarding crime drop in Lansing cited by Trustee Dreyfus and another article regarding crime increase in Meridian both used crime statistics released by the Federal Bureau of Investigation (FBI).

Trustee Veenstra announced the Board will hold a public hearing on the budget at its October 5, 2010 meeting. He asked when Board members could first make amendments to the 2011 budget.

Township Manager Richards replied that staff would like to have consensus on amendments at the October 5, 2010 Meeting so that the motion and resolution for adoption has all available information with accurate budget numbers. He recommended the Board have an adopted budget before the November General election so it is clear to voters what would happen to Township services if the Headlee override fails and if it passes.

Treasurer Brixie noted there is a potential change in the amount of levy this year, and the budget must be approved before November in order to send the assessing and tax rolls to the county for approval prior to tax bills being sent out on December 1, 2010.

Trustee Veenstra requested a memo detailing legal deadlines the Township is required to meet regarding adoption of the budget.

14. ADJOURNMENT

Supervisor McGillicuddy adjourned the meeting at 10:40 p.m.

SUSAN McGILlicUDDY
TOWNSHIP SUPERVISOR

MARY M. G. HELMBRECHT, CMC
TOWNSHIP CLERK

Sandra K. Otto, Secretary