

CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD REGULAR MEETING - **APPROVED** -
5151 Marsh Road, Okemos, MI 48864-1198
853-4000, Town Hall Room
TUESDAY, NOVEMBER 17, 2015 **6:00 P.M.**

PRESENT: Supervisor LeGoff, Clerk Dreyfus, Treasurer Brixie, Trustees Scales, Styka, Veenstra (6:02 P.M.), Wilson
ABSENT: None
STAFF: Assistant Township Manager/Director of Public Works Derek Perry, Director of Community Planning & Development Mark Kieselbach, Police Chief David Hall, Fire Chief Fred Cowper, Human Resources Director Joyce Marx, Associate Planner Peter Menser, Township Attorney Steven Schultz

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. PRESENTATIONS

A. Eric Schertzing, Ingham County Treasurer – 6201 Lake Drive

Treasurer Brixie moved [and read into the record] NOW, THEREFORE, BE IT RESOLVED the Township Board of the Charter Township of Meridian hereby recognizes and celebrates Ingham County Treasurer Eric Schertzing for the successful blight removal in Haslett, Meridian Township, Ingham County, Michigan. The Township Board also looks forward to future collaborations with Treasurer Schertzing, the Haslett Beautification Association, and other volunteers who will help with placemaking for this prominent property in Meridian Township.

Seconded by Trustee Wilson.

Board discussion:

- Resolution recognizes a process utilized by the County Treasurer through provisions in state law

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

NAYS: None

Motion carried unanimously.

B. Cullen Harkness – New Forfeiture Law

Township Prosecuting Attorney Cullen Harkness updated recent changes to forfeiture statutes approved by the state legislature, four of the seven bills which are germane to Meridian Township (House Bills 4503, 4504, 4505 and 4506). He explained what each bill accomplishes, focusing on the portion which will require detailed annual reporting in 2017 to the Michigan State Police of any forfeiture activity by a municipality. Prosecutor Harkness noted House Bill 4505 raises the burden of proof in the Controlled Substances Act for forfeiture from a preponderance of the evidence to clear and convincing evidence, a higher standard.

5. PUBLIC REMARKS

Supervisor LeGoff opened Public Remarks.

Kirk Green, 5473 Okemos Road, East Lansing, spoke in support of Rezoning #15060 (McCurdy). He requested the Township revisit zoning in the surrounding area.

~~Tim McCarthy, 6076 Columbia, Haslett, offered comments relative to Board conduct at the November 3, 2015 meeting. He spoke to a lack of leadership and confusion during the meeting.~~ APOLOGIZED FOR HIS "OUTBURST" AT THE NOVEMBER 3, 2015 BOARD MEETING. HE ELABORATED HE WAS TAKEN ABACK BY THE LACK OF COOPERATION, DISTRUST AND ANGER AMONG BOARD MEMBERS. HE COMMENTED SEVERAL TIMES ON A LACK OF "TOTAL LEADERSHIP AND MUCH CONFUSION." MR. MCCARTHY STATED THAT EXCHANGES BETWEEN TRUSTEE VEENSTRA AND CLERK DREYFUS SEEMED TO BE MORE ON "UPMANSHIP" THAN ON SPECIFICS. HE FELT THE DISCUSSION AND QUESTIONS ABOUT THE DRAIN ISSUE WENT "ON AND ON" AND WENT NOWHERE. HE ENCOURAGED RESIDENTS TO WATCH HOM-TV ON A REGULAR BASIS AND TO ATTEND A BOARD MEETING "A COUPLE OF TIMES A YEAR."

Brent Forsberg, 2422 Jolly Road, Okemos, spoke in support of the proposed Smith Drain project.

Ann Alchin, 5972 Cypress, Haslett, spoke to the unknown value the Downtown Development Authority (DDA) receives from the Township through staff attendance at every DDA meeting, adding most everything accomplished by the DDA is handled by Township staff. She noted Township staff devoted \$8,000 worth of time to the latest Celebrate Downtown Okemos event, which was not reimbursed by the DDA.

Ghulam Sumbal, 1998 Jolly Road, Okemos, spoke in support of Rezoning #15060 (McCurdy). As the owner of two affected parcels, he voiced support for the Kansas Street Sanitary Sewer, SAD No. 52.

Neil Bowlby, 6020 Beechwood Drive, Haslett, addressed the fact most of the Board goals are staff duties. He suggested including only objectives the Board is responsible for promulgating and approving in order to obtain a true assessment of the Board's success.

Mr. Bowlby addressed Clerk Dreyfus' support for a solar panel project at a Meridian Township municipal building, and how Treasurer Brixie mischaracterized the Clerk's statements referring to comments he made regarding the rates of return for an investment in solar energy. He indicated he agreed with the Clerk that most Township investments have a low rate of return, adding he believed the Clerk was referring to investments with a small "i" and not a large "I". Mr. Bowlby noted it is clear the Township cannot purchase solar panels and call it an "Investment" as defined by state law.

Mr. Bowlby addressed public attendance during the goal setting meeting at 1:00 P.M. on a Monday afternoon, a meeting which was set to allow an opportunity for public input from those who cannot normally attend evening meetings. He stated the rationale used for the 1:00 PM starting time was not borne out by the fact only three members of the public attended, all of whom have previously attended evening meetings. He spoke to the Township Manager's glowing characterization of the Communications Department's ability to negotiate a public, education and government (PEG) fee which resulted in an additional \$100,000 of revenue. Mr. Bowlby clarified the PEG fee was simply passed on to the users, as noted in customers' bills, as well as the five percent (5%) franchise fee.

Suzanne Marlow, 2096 Lac Du Mont, Haslett, spoke in support of Rezoning #15060 (McCurdy).

Mike McCurdy, 5458 Okemos Road, East Lansing, spoke in support of his rezoning request, Rezoning #15060. He submitted additional petition signatures to rezone his property which would allow him to keep his pygmy goats.

Supervisor LeGoff closed Public Remarks.

6. TOWNSHIP MANAGER REPORT

Assistant Township Manager Perry encouraged members of the public to use all available methods to express their views to Board members and staff about any issues relevant to the Township.

7. BOARD COMMENTS AND REPORTS

Trustee Veenstra addressed a letter in the Board packet regarding the condition of the gravel road to the recycling center. He suggested if the road is not repaved, regular maintenance be performed by the Township.

Assistant Township Manager/Director of Public Works and Engineering clarified the Township does not have equipment to grade gravel roads, but placed additional asphalt millings and used a Township owned backhoe to do so.

Trustee Veenstra reiterated public comment that Comcast does not pay PEG fees, but those fees are passed on to its customers.

A. Treasurer's Quarterly Report

Treasurer Brixie gave an update on delinquent personal property tax collection totals for tax years 2010-2014, 2015 total tax year collections as of November 10, 2015, 2015 tax year distribution totals as of October 29, 2015, and current fixed maturity investments and non-fixed investments as of October 31, 2015. She added October, 2015 was a large investment month as the rates have changed significantly and allowed the Township to take advantage of increased rates of return. Treasurer Brixie highlighted the graph on investment diversity by maturity, a table on current investment portfolio size and a pie chart on diversity by investment type. She explained the inclusion of the DDA loan for tracking purposes and the Board's awareness, while acknowledging that it "technically" is not a Township investment.

Clerk Dreyfus reported his attendance at the last Meridian Economic Development Corporation meeting where the future of the MARC building was thoroughly vetted. He noted a guest speaker from the Fledge, an incubator located in Grand Ledge, spoke about incubators as a for profit model, and highlighted some of their qualities. He reported the MEDC gave \$1,000 to sponsor the mini-maker at Meridian Mall, and a discussion ensued about the exposure, publicity and public relations for the MEDC as a result of that sponsorship.

Clerk Dreyfus reported Michelle Reeves, a nationally recognized expert in urban revitalization from Portland, Oregon, visited the Township and she, along with several fellow Board members, traveled to key places in the Township. He indicated several issues were discussed, including life stages of strip malls, how innovative small businesses weave a tapestry of business types to create novelty and diversity and how to create a more visible and vibrant commercial area by reviewing parking, street facing buildings, facades, colors and form based code. Clerk Dreyfus announced Ms. Reeves will return in December to provide a summary of the greater Lansing area.

Clerk Dreyfus reported his attendance at a food trade show at the Lansing Centre titled "Making it in Michigan", noting Forsberg Development's effort to create a food hub in the Jolly/Okemos Road area. He offered an explanation of the purpose of a food hub which is to consolidate different types of operation from farm to table. Clerk Dreyfus announced the report from *Public Integrity* ranked Michigan 50th in the nation in a series of categories relative to state integrity.

Trustee Scales requested a moment of silence for Haslett resident Will Goodale, a ten year old who lost his battle with a malignant brain tumor. He reported Blondie's Barn, located at 5640 Marsh Road, Haslett, is offering a free meal on Thanksgiving Day from 12:00-2:00 P.M.

Trustee Styka reported the Cable Communications Commission (CCC) met two weeks ago and is looking at the feasibility of broadband for the entire community. He clarified the DDA loan mentioned earlier was for LED street lighting in downtown Okemos to provide safety for pedestrians in the area. Trustee Styka announced Detroit's City Council is preparing to enact zoning ordinances relative to medical marijuana businesses being 1,000 feet from churches, schools and child care. He urged the Board to revisit this issue, as Board members previously spent a significant amount of time developing a compromise measure to address this concern.

Trustee Veenstra expressed his support for the broadband issue being worked on by the CCC.

Trustee Wilson reported her attendance at the monthly Greater Lansing Taxi Authority (GLTA) meeting last week. She announced the Okemos Education Foundation (OEF) fundraiser will be held this Thursday.

8. APPROVAL OF AGENDA

Treasurer Brixie moved to approve the agenda amended as follows:

- **Add Agenda Item #9G: Appointment of the Redi-Ride Committee**

Seconded by Trustee Scales.

Clerk Dreyfus offered the following friendly amendment:

- **Delete Agenda Item #13D: Railroad Quiet Zone**

The amendment was accepted by the maker of the main motion.

VOICE VOTE: Motion carried unanimously.

9. CONSENT AGENDA

Supervisor LeGoff reviewed the consent agenda.

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

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

NAYS: None

Motion carried unanimously.

A. Communications

(1) Board Deliberations (BD)

- BD 12B-1 Ghulam H. Sumbal, 1998 Jolly Road, Okemos; RE: Sewer hookup and use of second home at 1998 Jolly Road
- BD12B-2 Ghulam H. Sumbal, 1998 Jolly Road, Okemos; RE: Shared driveway at 1998 Jolly Road
- BD12D-1 Ghulam H. Sumbal, 1998 Jolly Road, Okemos; RE: Kansas Street Sanitary Sewer, SAD No. 52
- BD13C-1 Mike McCurdy, 5458 Okemos Road, East Lansing; RE: Goats
- BD13C-2 Mike McCurdy, 5458 Okemos Road, East Lansing; RE: Goats
- BD13D-1 Frank Hatfield, 1578 Sylvan Glen, Okemos; RE: Train Whistles

(2) Board Information (BI)

- BI-1 John M. David and Jonelle Golding, 3578 Stagecoach Drive, Okemos; RE: Abandonment of Forsberg Drive
- BI-2 Thor Strong, 1086 Trails End, Okemos; RE: Forsberg Drive Determination
- BI-3 Will Tyler White, 13783 Main Street, Bath; RE: Annual Rental Inspections
- BI-4 John P. Gardener, Director, External Affairs, Comcast, Heartland Region, 1401 E. Miller Road, Lansing; RE: Changes to Comcast's channel lineup effective January 7, 2016
- BI-5 Donna Rose, 6207 Cobblers Drive, East Lansing; RE: FOIA Statement
- BI-6 Beth Hubbell, 1158 Woodside Drive, Haslett; RE: Entrance to the Meridian Recycling Center

(3) Staff Communications (SC)

- SC-1 Director Deborah Guthrie; RE: Press release titled “Meridian Cares Team Aims to Raise \$10,000 for Those in Need”
- SC-2 Darla Jackson, Human Services Specialist; RE: Flyer on the Meridian Cares Emergency Needs Fundraiser

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

Material handed out at the November 3, 2015 Board Meeting

- Matt Brown, 3566 Kansas Road, Okemos; RE: Opposition to sewer installation on Kansas Road
- Kevin & Monica Baker, 3596 Kansas Road, Okemos; RE: Opposition to sewer installation on Kansas Road
- Matt Brown, 3566 Kansas Road, Okemos; RE: Opposition to sewer installation on Kansas Road
- Carlene Hooker, 3663 Kansas Road, Okemos; RE: Opposition to sewer installation on Kansas Road
- Sam Kane, 3565 Kansas Road, Okemos; RE: Opposition to sewer installation on Kansas Road
- Ken and Brenda Miller, 3681 Kansas Road, Okemos; RE: Opposition to sewer installation on Kansas Road
- Ken and Brenda Miller, #33-02-02-33-351-016), RE: Opposition to sewer installation on Kansas Road
- Geraldine Morse, 3565 Kansas Road, Okemos; RE: Opposition to sewer installation on Kansas Road
- Suresh Muringathery & Sunita Joseph, 2422 Kansas Road, Okemos; RE: Opposition to sewer installation on Kansas Road
- Mark & Melody Wisniewski, 2414 Kansas Road, Okemos; RE: Opposition to sewer installation on Kansas Road
- Valerie Malcolm, 1966 Lac Du Mont, Haslett; RE: Support for Railroad Quiet Zones
- Kristine West, 200 Winterberry Lane, Okemos; RE: Support for Railroad Quiet Zones
- Richard L. Baldwin, 5547 Star Flower Drive, Haslett; RE: Opposition to Railroad Quiet Zones

Treasurer Brixie moved that the communications be received and placed on file, and any communications not already assigned for disposition be referred to the Township Manager or Supervisor for follow-up. Seconded by Trustee Styka.

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

B. Minutes

Treasurer Brixie moved to approve and ratify the minutes of the November 3, 2015 Regular Meeting. Seconded by Trustee Styka.

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

C. Bills

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

Common Cash	\$ 1,270,803.13
Public Works	\$ 357,062.77
Total Checks	\$ 1,627,865.90
Credit Card Transactions	\$ 12,439.72
Total Purchases	<u>\$ 1,640,305.62</u>

ACH Payments \$ 368,110.09

Seconded by Trustee Styka.

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

NAYS: None

Motion carried unanimously.

(Bill list in Official Minute Book)

D. Ratification of Part-Time Paramedic/Firefighter Appointment

Treasurer Brixie moved to ratify the appointment of Anthony Kozlowski to the position of part-time paramedic/firefighter. Seconded by Trustee Styka.

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

NAYS: None

Motion carried unanimously.

E. Ratification of Police Officer Appointment

Treasurer Brixie moved to ratify the appointment of Alana Jannette to the position of Police Officer contingent upon successful completion of those items stipulated in the conditional offer of employment. Seconded by Trustee Styka.

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

NAYS: None

Motion carried unanimously.

F. Amendment to the Consumers Energy Streetlight Contract

Treasurer Brixie moved to approve the installation of a street light for the Kinawa Drive Safety Project and a street light at the intersection of Marsh & Tihart Roads, and authorize the Township Manager and Township Clerk to sign the Authorization for Change in Standard Lighting Contract (Form 547) as prepared by Consumers Energy. Seconded by Trustee Styka.

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

NAYS: None

Motion carried unanimously.

G. Appointment of the Redi-Ride Committee

Treasurer Brixie moved to appoint Deb Alexander (CATA), Todd Sharp (representing the schools), Cherie Wisdom (Senior Center), Diane Engle, Dr. B. Ray Horn, Karla Hudson, Ody Norkin, Lori Reyes and Donna Rose. Seconded by Trustee Styka.

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

NAYS: None

Motion carried unanimously.

10. QUESTIONS FOR THE ATTORNEY (See Agenda Items #12D, #13A)

Q. A Board member requested to enclose - when we have a lawsuit against the Township - he believed in attaching the letter that comes [to the Township]. The letter is usually addressed to me as the Township Clerk so it's not addressed to the Board; he felt that in terms of full disclosure, since it is correspondence, that we should include this in the Board packet.

And of course that would mean that it would also be uploaded online; so there's the letter sent notifying us of a lawsuit and then there's the actual lawsuit that is an attachment to that letter. I would like to ask your opinion on the merits of including that type of correspondence or the non-merits of doing that type of notification.

ATTORNEY INQUIRY: Who is the letter from?

CLERK'S RESPONSE: This letter is from Thomas Loeb, Attorney at Law from Farmington Hills. This is regarding the recent lawsuit that was just reported in the paper.

A. First of all, there's two questions. One is the complaint or the pleadings; those are obviously a public record which have been filed with the court and there's no order that has sealed those or prevented their disclosure. Those are a public record and it is just a matter of policy for the Board whether you want to include or not include those in your packet or in the materials that you make available. As for the letter, if the letter is from an opposing attorney and does not contain any attorney/client privileged communication, it's a matter of policy whether you want to include the correspondence (a cover letter or something like that) or not. If the letter has anything to do with our insurance defense counsel, the Township attorney, or somebody representing the interests of the Township, any member of Board or any employee associated, then it would be advisable to check with us before you do anything to make sure we are not disclosing something that might be subject to the attorney/client privilege.

Q. So would it be fair to say that in any matter involving a lawsuit, we should first review it with you before we consider including it in the Board packet.

A. I would respectfully request that you do so.

Q. Should we, as a Board, deliberate and vote on a policy about whether or not to include these kinds of materials in our packet?

A. That is for the Board to decide.

Board discussion:

- Board member request and support to have legal correspondence regarding lawsuits placed on a future agenda as a discussion item to allow the Clerk to receive guidance in this area

11. HEARINGS (None)

12. ACTION ITEMS

Supervisor LeGoff opened Public Remarks.

Kevin Baker, 3596 Kansas Road, Okemos, spoke in opposition to the Kansas Street Sanitary Sewer SAD.

Carlene Hooker, 3663 Kansas Road, Okemos, spoke in opposition to the Kansas Street Sanitary Sewer SAD, as it is a dead end dirt road.

Piotr Lupa, 3575 Kansas Road, Okemos, spoke in support of the Kansas Street Sanitary Sewer SAD, believing it a basic amenity.

Larry Bryan, President, KEBS, Inc., 2116 Haslett Road, spoke in support of the reapproval of Final Preliminary Plat for Georgetown No. 3.

Ken Miller, 3681 Kansas Road, Okemos, spoke in opposition to the Kansas Street Sanitary Sewer SAD.

Steven Freemire, 3622 Kansas Road, Okemos, spoke to the Kansas Street Sanitary Sewer SAD as an environmental issue. He urged Board support for this project.

Linda Kraai, 3657 Kansas Road, Okemos, spoke in opposition to the Kansas Street Sanitary Sewer SAD.

Neil Bowlby, 6020 Beechwood Drive, Haslett, spoke to options for financing the Kansas Street Sanitary Sewer SAD, providing language from the Act which allows monies to come from the Township Improvement Revolving Fund (TIRF). He clarified that septic systems are a cost effective way to dispose of waste and are not harmful to the environment.

Brenda Miller, 3681 Kansas Road, Okemos, spoke in opposition to the Kansas Street Sanitary Sewer SAD.

Supervisor LeGoff closed Public Remarks.

A. Rezoning #00150 (St. King) – **Final Adoption**

Trustee Veenstra moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby FINALLY ADOPTS Ordinance No. 2015-07, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #00150” from RC (Multiple Family-Medium Density) to PO (Professional and Office).

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

Board discussion:

- Rezoning would allow the owner to lease to all types of tenants

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

NAYS: None

Motion carried unanimously.

B. Rezoning #15030 (Sumbal) – **Introduction**

Trustee Veenstra moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby INTRODUCES FOR PUBLICATION AND SUBSEQUENT ADOPTION Ordinance No. _____, entitled “Ordinance Amending the Zoning District Map of Meridian Township Pursuant to Rezoning Petition #15030” RR (Rural Residential) to RA (Single Family-Medium Density) with the voluntary offer of a condition which would allow the property to revert to RR (Rural Residential) if the applicant was not successful in obtaining a variance to allow a shared driveway.

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

Board and staff discussion:

- Board member belief this rezoning is unnecessary as the Township created the problem when it passed an ordinance prohibiting more than one home per parcel many years after the two homes had been built on the property
- Board member belief this property should have been grandfathered in

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- Second house has been unoccupied as the Township would not allow the available sewer to be hooked up to the second home and would not issue a rental license
- Board member understanding that because the Township would not allow occupancy for the second home, the grandfathering has lapsed
- Rezoning would allow the property to be split into two (2) parcels
- Property is served by one (1) driveway
- Ingham County Road Department would not allow more than one (1) driveway
- If the lot is split, the single driveway would be on the west parcel
- If use of the shared driveway is not permitted, the main house would have no driveway
- Clarification by staff that the prior owner had the second home registered as a rental
- Previous owner was cited in 2003 for being in noncompliance with the Building Code and repairs were necessary in order for the second home to remain habitable (some rooms did not have heat)
- Previous owner let the rental license lapse instead of repairing the second home
- Township cited the second home as uninhabitable and it has remained that way since 2004
- Rezoning request is being made to allow the second home to be on its own parcel and bring the house into compliance
- Updated Future Land Use Map (FLUM) to be adopted soon shows surrounding property is zoned RA
- Reversion to the RR zoning designation was a condition offered by the applicant in the event he is unsuccessful in acquiring the shared driveway variance
- Township ordinance states the non-conforming grandfathering lapses after 3 months
- Board member belief there are many homes in the Township in a similar situation
- Board member preference to add amending ordinances to lengthen the time of grandfathering on non-conformity to the 2016 Board goals
- Staff clarification the non-conformity on this property is because there are two (2) houses on one (1) parcel
- Issue put forth by one Board member is because the front yard footage does not meet the standard for a RR zoned parcel and is separate from abandonment of the use of the house

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

NAYS: None

Motion carried unanimously.

C. Final Preliminary Plat – Georgetown No. 3

Trustee Wilson moved [and read into the record] NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby re-approves Preliminary Plat #05012, Georgetown, for a period of two years, November 17, 2015 to November 17, 2017, with the following condition:

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

Seconded by Trustee Styka.

Board discussion:

- Michigan Department of Environmental Quality (MDEQ) was not apprised of the reapproval of the plat in a timely manner which required this subsequent action

Trustee Veenstra offered the following amendment:

- **The developer shall be required to pay for paving the pathway**

Continued Board and discussion:

- Appropriateness of placing a condition dealing with the responsible party for the financial obligation of a paved pathway during the preliminary plat reapproval process

- Discussion of this issue arose in March, 2015 during the preliminary plat approval process and the Board chose not to change the condition which required the developer to provide the easement, but did not require the developer to build the pathway
- Item before the Board tonight is simply to correct something which was not approved through the MDEQ
- Appropriate time to make changes to the preliminary plat would be when and if an extension is requested

The motion died for lack of a second.

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

NAYS: Trustee Veenstra

Motion carried 6-1.

D. Kansas Street Sanitary Sewer, Special Assessment District No. 52 – **Resolution #3**

Treasurer Brixie moved to approve Kansas Road Public Sanitary Sewer Improvement Special Assessment District #52, Resolution #3, which approves the construction; and to defray the cost thereof by special assessment against the properties specifically benefited thereby; approves the plans and estimate of cost in the amount of \$147,200; declares the petition sufficient; determines the special assessment district; and directs the Supervisor to make a special assessment roll and affix a certificate to the completed special assessment roll.

Seconded by Trustee Wilson.

Board discussion:

- Even with withdrawal of support for the project by one of the original petitioners, the validity of the petition is intact as the threshold outlined in the ordinance is still met
- Board member concern with three (3) separate properties on Kansas Street which have failed septic systems
- Testing of water on one (1) property on Kansas Street revealed a high nitrogen content, an indicator of poor soils
- Failed septic systems and poor soils contaminates surface water and ground water and a serious health risk
- Nitrogen can be fatal to infants who drink the water
- Kansas Street is located in an infill area of the Township
- The area has been on the sewer map to receive sewer in the future
- This is an aging neighborhood which has aging infrastructure
- Board member belief installation of the sewer will increase property values and enable rehabilitation of some of the homes on Kansas that are vacant due to failed septic systems
- Payback time for terms of the payments is not being determined at this time
- Resolution #4 sets a public hearing once actual costs are determined

Trustee Scales offered the following amendment:

- **The Township will pay 33% of the cost or \$47,200, whichever is less.**

Supported by Trustee Veenstra.

Continued Board and staff discussion:

- Board member acknowledgment of the necessity of the sewer, but concern over the hardship placed on several residents
- Township can help lessen some of the financial burden
- Staff concern with the precedent being set as this would be the first sewer special assessment subsidized by the Township
- Board member belief the proposed subsidy sets a bad precedent
- There is a serious human health threat on Kansas Street

- Possible need for a policy to determine how financial aid would be given to each resident required to hook up but did not believe they could afford the assessment
- Concern with subsidizing public infrastructure when only a select few would benefit
- Concern subsidizing this type of public infrastructure could lead to public desire for other infrastructure types to be subsidized (e.g., sidewalks, drains)
- One way to minimize the impact to those residents on Kansas Street who have a valid septic system would be to not require residents pay for the cost of the infrastructure until the property owner is ready to hook up
- Board member preference to seek a longer payback period for residents when that issue is properly before the Board
- Water table on Kansas Street is relatively high and many of the existing septic systems are old
- Public Act 368 of 1978 (Public Health Act) allows the local jurisdiction to amend the requirement that connection to a public sanitary sewer is required when available, which Meridian Township has done
- Meridian Township only requires residents to hook up to the public sanitary sewer if their septic system has failed
- Board member comparison of this sewer assessment to an at large drain assessment
- Board responsibility to provide health, safety and welfare to all Township residents
- Board responsibility to provide solutions to assist the citizens on Kansas Street in paying this assessment
- Need to ascertain the appropriate point in this SAD process to thoroughly vet the financial component
- Suggestion for staff to provide numbers for the various financial scenarios vetted this evening
- Law allows an interest rate of up to 5% and the Board could tie the interest rate to the rate of inflation if less than 5%, which would effectively create a “break even” situation if a resident waited ten (10) year to hook up
- Board decision to pay part of the assessment is a policy decision which would impact overall funds

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

Continued Board and staff discussion:

- Main sewer would be installed in the center of the road
- Installation of the lateral sewer connection has the potential to affect trees

Legality of the Township paying part of the cost of sewer installation: (Questions for the Attorney (See Agenda Item #10))

Q. Does the attorney concur with Director Perry’s opinion that it is legal for the Township to pay part of the cost of this sewer

A. I concur with Director Perry’s conclusion. It is a policy matter, however.

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

E. Smith Drain

Clerk Dreyfus moved [and read into the record] NOW, THEREFORE BE IT RESOLVED THAT, pursuant to Chapters 8 and 19 of Public Act 40 of 1956, as amended, a petition for the consolidation of the Smith Drain Drainage District; Sunwind Branch of the Smith Drain Drainage District; Jolly - Okemos Drain Drainage District; Smith, Jolly Oak Branch Drain Drainage District; Smith, Hiawatha Lakes Branch 7 Drain Drainage District, and the Turtle Crossing Drain Drainage District is authorized to be executed by

Meridian Charter Township, and that the Supervisor and Clerk are authorized to sign all documents necessary to effectuate the intent of this petition. The consolidated drainage district shall be known as the Smith Consolidated Drain Drainage District.

BE IT FURTHER RESOLVED THAT, pursuant to Chapters 8 and 19 of Public Act 40 of 1956, as amended, a petition for the cleaning out, relocating, widening, deepening, straightening, tiling, extending, providing structures, adding lands not within the existing drainage districts, adding branches and relief drains, relocating along a highway, adding structures and mechanical devices that will properly purify or improve the flow, adding pumping equipment necessary to assist or relieve the flow and for the consolidation of the Smith Drain; the Sunwind Branch of the Smith Drain; the Jolly - Okemos Drain; the Smith, Jolly Oak Branch Drain; the Smith, Hiawatha Lakes Branch 7 Drain; and the Turtle Crossing Drain, is also authorized to be executed by Meridian Charter Township; and that the Supervisor and Clerk are authorized to sign all documents necessary to effectuate the intent of this petition. The consolidated drain shall be known as the Smith Consolidated Drain.

BE IT FURTHER RESOLVED that the Clerk shall forward a copy of this Resolution to the Ingham County Drain Commissioner and file the petition for the consolidation of the Drains and Drainage Districts and for the maintenance and improvement of the consolidated Drain, as permitted under Public Act 40 of 1956, as amended. Seconded by Trustee Scales.

Board discussion:

- Complex issue with existing culvert problems underneath Jolly Road
- Smith Drain has capacity issues
- Consolidation is a step forward for the community
- Costs will be determined prior to the project moving forward
- Individual Township parcels will not be assessed, but the Township will be assessed an at large percentage as determined by the Ingham County Drain Commissioner (ICDC)
- The Township's at large percentage will correspond to the magnitude of the public health issue as determined by the Ingham County Drain Commissioner
- Concern the potential cost may be a considerable amount
- Primary property owner involved will continue to cooperate with the ICDC to find a solution which handles the water problems in the Jolly/Okemos Road area
- Resolution authorizes the Supervisor and the Clerk to submit the petition to the ICDC

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 8:15 P.M.]

[Supervisor LeGoff reconvened the meeting at 8:26 P.M.]

13. BOARD DISCUSSION ITEMS

Supervisor LeGoff opened Public Remarks.

Neil Bowlby, 6020 Beechwood Drive, Haslett again asked for a definition of an illegally controlled substance as mentioned in the personnel policy. He also asked if the Township maintained that medical marihuana was an illegal drug. Mr. Bowlby commented on Rezoning #15060, stating Mr. McCurdy has complied with every request from the Township. He suggested the possible use of a conditional rezoning as a solution to the concerns expressed by the Planning Commission which ultimately lead to their recommendation for denial of the rezoning request.

Supervisor LeGoff closed Public Remarks.

A. Personnel Policy Manual – Draft

Human Resources Director Joyce Marx responded to the ten (10) issues submitted to her by Board members, stating her comments were placed in the personnel policy dated October 29th in blue while the Township Attorney's comments were noted in red. She stated the Township is promoting a zero tolerance policy for the Township relative to medical marihuana. Chief Hall offered several comments as to why medical marihuana does not "fit" with law enforcement personnel, most notably that under federal law, a controlled substance (e.g., medical marihuana) user cannot possess a firearm or ammunition. He also added that under federal law, he could not transfer weapons to someone who uses controlled substances (e.g., medical marihuana), which would prohibit the Police Chief from giving a weapon to a law enforcement officer who uses medical marihuana. Chief Hall stated there is no standard for driving under the influence of drugs (e.g., medical marihuana) like there is for alcohol, so the driving pattern of a driver is analyzed and physical tests are conducted to determine whether an arrest is going to be made. He added there is no current method to determine the extent that medical marihuana is affecting a police officer's performance.

Chief Hall also spoke to various effects with types of medical marihuana provided through different sources. He emphasized the potential department liability for use of medical marihuana by police officers. Chief Hall noted police department adaptation of public use of medical marihuana and responds accordingly.

Board and discussion:

- Board member preference for police to be exempt from allowing police officers to be qualified patients in Michigan's medical marihuana program
- Appeal to federal law (except for the law enforcement component) has been tried by many communities as an attempt to invalidate Michigan's medical marihuana law, none of which have succeeded
- Federal perspective on medical marihuana is changing, as approximately half the nation now has legal medical marihuana, with five (5) states legalizing marihuana for all types of marihuana consumption
- Board member belief Michigan will have a proposal placed before voters in 2016 for full legalization of marihuana and, according to pollsters, is likely to pass
- Concern by one Board member that he takes Ambien, a controlled substance, and would be prohibited from using a weapon

ATTORNEY COMMENT: Controlled substance is a defined term under the federal law. Ambien, being a prescription drug, is not considered a controlled substance. We are talking about heroin, we are talking about marihuana, we are talking about drugs that are illegal under federal law. Obviously Ambien, once approved by the Federal Drug Administration (FDA), is no longer illegal under federal law. The term controlled substance was being used by the Chief in the context of the federal law that prohibits the use of Schedule 1 controlled substances.

Chief Cowper stated Fire Department policy allows for termination if fire personnel use alcohol while on duty. He believed the same policy would apply to drugs and the use of medical marihuana by fire personnel would be a deterrent when driving heavy equipment. Chief Cowper indicated the Township has a physician who decides which employees in suppression are fit to return to work in the event of an injury which is treated with pain killer(s). He spoke to the combined years of experience by the Fire Chief, Police Chief and Human Resources Director in knowing what is best for Meridian Township residents and police and fire personnel, believing medical marihuana has no part in employee performance of their live-saving duties.

Assistant Township Manager/Director of Public Works Perry added public works' employees must have a certified commercial driver's license (CDL), a federal government mandate which must have state compliance or incur the loss of federal road funding. He indicated a public works employee who failed a drug test by using medical marihuana would lose their CDL certification and could no longer operate equipment necessary in the performance of their job.

Board discussion:

- Public perception of medical marihuana has changed rapidly since 2008
- Passage of the personnel policy as written would prohibit a prospective employee who is a qualified medical marihuana patient from working for the Township
- Scientific research is showing positive effects of marihuana use
- Social policies on the impact of marihuana are also being researched
- Statistics regarding crime in Denver, CO revealed no difference in crime between dispensaries and provisioning centers when compared to liquor and retail stores
- Roadside testing can now detect nanograms of tetrahydrocannabinol (THC) in an individual's system and should be readily available within the next 18 months
- Police personnel, fire personnel, and public works personnel required to obtain a CDL should be required to pass a drug test and be exempt from being allowed the use of medical marihuana even if a qualified user
- Board member belief that medical marihuana users are still being demonized
- Board member suggestion to amend the second bullet point under Section IV (Workplace Safety), Subsection B (Employee Assistance and Drug-Free Awareness) by adding "except for a qualified patient in Michigan's medical marihuana program" at the end of that bullet
- Inclusion of a separate bullet point which would exclude police, fire and public works' employees who must obtain a CDL license
- Board member suggestion to amend Section IV (Workplace Safety), Subsection C (Required Testing) by adding "Applicants who are qualified patients in Michigan's Medical Marihuana Program will not be disqualified due to a positive result for the presence of marihuana." As the second sentence to the first bullet point labeled "Pre-employment"
- Board member belief that with the aforementioned suggestions, the Township is sending the signal that it is acknowledging the movement in society towards acceptance of marihuana use
- Acceptance of marihuana use is an economic boon to communities who embrace it

Testing for marihuana use: (Questions for the Attorney (See Agenda Item #10))

Q. What are the current tests available being used in the courts?

A. I'm probably not the expert on all of the testing protocols out there. Perhaps the Chief is more adept at that. It's not the testing that presents the issue; it's the fact that once you ingest marihuana, it remains in your system for a lengthy period of time. In fact, a study by the National Drug Court Institute indicated the estimated detection period for occasional users is about four (4) days; the estimated detection period for frequent users (which I think could include somebody who using medical marihuana for purposes of treatment) would be ten (10) days. The difficulty that you have with medical marihuana is the fact that if you adopt a zero tolerance policy (which we have for alcohol), it stays in your system for a lengthier period of time than alcohol does. So, that becomes the problem. There are undoubtedly ways to test (whether by blood test or otherwise), that could detect the amount that's in your system, but the issue is a practical one of it can be there for days at various levels. It is very difficult to assess from a test whether it is affecting your performance or not. Then you get into the situation the Chief raised of the kind of field testing they do to determine whether someone is impaired. That's a different issue than what we have here. We have some practical issues that we have to deal with because, I agree with Clerk Dreyfus, we are in kind of a transition period here and it creates some difficulties for us as an employer.

Continued Board discussion:

- Valid concerns raised by the three (3) directors for their employees
- Board member suggestion that the Township attorney draft language which would give accommodations for employees who perform no driving functions during their hours of employment
- Safety concern over parks and recreation employees who drive a lawnmower in an impaired state
- Board member concern with the practicality of carrying a prescription in its original container when it is dispensed in a large container
- Staff recommendation to insert "or provide other proof of the prescribed medication" after "licensed pharmacist" in the second bullet on page 15 to address the aforementioned Board member concern regarding the original container

- Board member suggestion to insert “Drug and Alcohol” in the middle of the title of subsection C on page 15 labeled “Required Testing”
- Q. What is the liability on the Township if a qualified medical marihuana user (who is also an employee) is in an accident while operating Township equipment which does not require a CDL license?
- A. Your question, Trustee Wilson, presents the dilemma we face with medical marihuana today. It certainly presents a very difficult issue for anybody that has a CDL or works in the police or fire department. It presents another greater practical issue (and its one that our liability carrier struggles with and communities like ours struggle with) and that is the decision as to whether or not the actions of our employees were reasonable or not under the circumstances or were affected or impaired by alcohol, prescription drugs or marihuana. Such an issue isn't always decided by us. It's decided by a judge or a jury when something unfortunate happens. That's the difficult situation that we face.

We checked with our insurance agent who recommends we have a zero tolerance policy for all employees. I wanted to know how other communities are dealing with this as well. One of the communities I contacted (because I know one of the Assistant City Attorneys) is the City of Ann Arbor, which has a fairly progressive view when it comes to the issue of medical marihuana and marihuana in general. Notwithstanding the situation the City of Ann Arbor is in, they have a zero tolerance policy for all employees, and they have that because they have to look at the issue of an employee with marihuana in their system from a host of perspectives; the law enforcement, the health safety issues we face with our departments and the DPW. But they also have to look from the perspective of what happens if one of their employees is involved in any kind of incident that could lead to a claim against the municipality.

I absolutely concur with Clerk Dreyfus' view that there are those who feel that marihuana has been demonized; but, there are also those that do not feel it has not been demonized. The issue comes if you have an injured member of the public and that injury was caused in whole, or in part, by one of our employees. In the eyes of a jury, where do they cast the liability and responsibility and is the defense of that claim made infinitely more difficult if it is determined that person had medical marihuana in their system. The law and public perception is evolving, but we are not there yet. That is the difficult situation we face. I hate to say it, but we are dealing with kind of the lowest common denominator type of situation. Sadly, but true, that drives us in a number of areas. It's the reason we have a zero tolerance policy for alcohol as well within our Township right now. If you tested at .02 in a liability claim, it still is going to affect the outcome of that claim which raises a difficult situation for this Board in deciding where you draw that line. Medical marihuana, and I want to be sure this is taken the proper way, is not legal under state law or federal law; but, under Michigan law, you have a defense to a prosecution for a marihuana related offense if you are a qualifying patient or a qualifying caregiver. We have not decriminalized marihuana in the State of Michigan in any respect, but what we have done is provide a defense if you meet the certain qualifications within the act.

It presents a very difficult and, in many respects, an illogical situation in which we are faced. Somebody is authorized and has a defense to a claim of illegality if they go through the process of becoming a qualifying patient or a qualifying caregiver. But, they are still utilizing something that is not legal to sell and is not legal to possess under either state or federal law. It's a challenge the legislature is dealing with today and has not yet come up with a solution which is we authorize and provide a defense for those who need to utilize marihuana for medical reasons, but we provide no legal means for them to acquire the marihuana.

When the law was initiated, it was something that people have tended to forget, but it shows the difficulty. When initiated law #1 was proposed, the drafters were very careful not to utilize the word “sale” in the law, because they knew that a law being initiated to authorize the sale of marihuana would have no chance of passing. They focused on the use without dealing with the difficult question of purchase and sale and, instead, authorized caregivers to grow limited amounts for up to five (5) patients. This created a very ambiguous and difficult situation for Boards like you and for the public, generally, because what’s happened over time is the law has been viewed as authorizing the possession and use of medical marihuana, but yet provides no legal means for acquiring it except to grow your own or have someone grow it for you. It’s a long way of coming around to the fact that we, as a society, have not yet caught up to the practical reality. Unfortunately, you are faced with having to deal with a significant group of society that still has a zero balance view of this regardless of the job you work in. For police and fire and public works employees who have to have a CDL, the federal law puts us in a situation where we can’t have anything but a zero tolerance policy. The question is what do we do with the rest of our employees who don’t need a CDL and aren’t in law enforcement but may drive for us. An employee may operate a lawn mower or other motorized equipment and if an accident occurs involving a member of the public, how are we viewed and what are the risks to the Township in terms of liability. For example, our insurance carrier still advocates a zero tolerance policy. Many communities that are struggling with this issue have said, notwithstanding their overall view, we are going to stick with the zero tolerance policy until the law catches up with society. That’s the difficulty we have in front of us.

Continued Board discussion:

- Board member concern that if a zero tolerance policy is not adopted, the Township’s insurance carriers could drop us or increase our premiums
- Insurance carrier relayed it could be detrimental to a defense for the Township if a zero tolerance policy was not adopted for employees who drive Township vehicles
- Under the influence in operating a vehicle is not defined in the Michigan Medical Marihuana Act, but would be determined by the courts in the event of a lawsuit against the Township

It was the consensus of the Board to include a zero tolerance policy for the use of medical marihuana by employees.

Continued Board discussion:

- Paid maternity leave should be viewed as a new benefit
- Preference for paid maternity leave to be covered during negotiations with the seven (7) unions
- All issues subject to negotiations should not be included in the Personnel Policy
- Paid maternity leave is a policy question
- Township Board does not have to provide only the minimum required under the Family Medical Leave Act (FMLA)
- Board member belief the United States is the only developed country which does not provide for paid maternity leave as a benefit

It was the consensus of the Board to discuss the concept of paid maternity leave during the budget process for possible inclusion as a benefit.

Board discussion:

- Page 35 – inclusion of language allowing an employee to report harassment by their direct supervisor to the Human Resources Director or any other Director
- Page 18 – Total ban on smoking across all Township properties would include Township parks and there would be a mix of the personnel policy with local ordinances
- Personnel policy to prohibit smoking applies to Township employees only on any Township properties

It was the consensus of the Board to have the language regarding a smoke-free workplace remain as presented on Page 18.

It was the consensus of the Board to include cyber harassment in all forms of harassment on Pages 34 and 35, including cyber bullying on pages 16 and 17.

It was the consensus of the Board to accept the correction on Page 20 that the conflict of interest circumstances are examples only.

Continued Board discussion:

- Page 20: Concern that an employee cannot serve on any outside Board

ATTORNEY COMMENT: I don't read that as to prohibit an employee from serving as a board member or elected official provided it does not present a conflict of interest. We have situations of incompatible offices; we have situations where people serving on an elected Board of Commission (such as the County Board) might be incompatible with the Township Board. It is more directed at situations that would put an employee in a position where they have a duty of loyalty to both and can't satisfy both.

For example, if you are a member of a corporate Board, and yet you are an employee here and that corporation was seeking some kind of benefit from the Township, you'd have an incompatibility there; not in the elected official sense, but certainly a conflict of interest. I think we wouldn't want our Planning Director to be on the Board of Directors of Delta and then have them come in for a building change or something. I think that's more what it was aimed at; maybe we can tweak the wording.

Continued Board discussion:

- Board members will allow the Township Attorney and Human Resources Director to "wordsmith" that language now that Board intent is clear
- Page 20 – Outside Employment: Board member request to include language that approvals shall expire at least annually which allow the circumstances to be reviewed

ATTORNEY COMMENT: It really is not so much annually; it's at the discretion of the administration. You could have a conflict that could come up in the middle of the annual term that you might want to withdraw the position to engage in outside employment. I would recommend that we use some language that really leaves it to administration to decide. I have never seen this applied arbitrarily, but you have situations which come up in the middle of the year and you need to address them.

Continued Board discussion:

- Insertion of the language annually causes the Township to do something affirmative
- Board member suggestion to use the verbiage "at least annually"
- Page 4 – 182 day limitation period for employment-related claims is standard language to promote quick resolution of any situations which may arise
- 182 day limitation is not a waiver of rights, but rather a condition of employment
- 182 day limitation is a policy decision which has been generally accepted in many personnel manuals over the last 30 years

ATTORNEY COMMENT: A decision of the Michigan Court of Appeals issued on September 15, 2015 involving a former employee of the Douglas J Management Company specifically upheld their policy of 182 days to bring a claim. I have written a lot of policies which include this language. The reason for this is not to deny people their rights to bring a claim, but frankly bring your claim when everyone's memory is fresh, the witnesses are available, the documents are available, as opposed to three (3) years later when memories have faded, documents are gone and witnesses may have left and taken another job out of state. It's to promote quick resolution of any issues that might arise.

Board discussion:

- Concern if an employee learns something after the 182 day period which affects their employment situation

ATTORNEY COMMENT: The policy is specifically drafted that its 182 days from the date the employee knew of the claim or could have known of the claim. So if they don't know about it, and it comes up later, that's when the clock starts to tick. If they didn't realize that they had been improperly passed over for a promotion because they didn't have the information available to them and they learned of it three (3) months later, the six month clock starts then.

Continued Board and staff discussion:

- Concern with implementation of a new condition of employment for existing employees

ATTORNEY COMMENT: Under the law, an employer has the right to issue amended policy. Employees, by continuing to work here, are assumed to accept those policies as of the date they are adopted. In fact, this will be distributed to employees and they will be asked to acknowledge they received the policy. It will apply on a go forward basis.

It was the consensus of the Board to accept the 182 day limitation period for employment related claims as presented by staff.

Continued Board and staff discussion:

- Suggestion to draft a separate IT policy
- Township currently has a network connection policy form that all employees must sign relative to appropriate use of Township networks (e.g., download of software)
- Page 6: Anniversary date relative to promotions
- Previous process to receive a step increase on the starting date with the Township even if the employee has just received a promotion has been a long term practice and contained in all union contracts
- In four recent examples, the greater increase was due to the promotion from a union position to a non-union position, not the step increases themselves
- Board member preference to reward an employee for their longevity with the Township by adhering to their original hire date as the anniversary date
- Promotion usually includes a significant salary increase
- The promotion is the reward for an employee's longevity and good work
- Anniversary date should be the date an employee starts the new position
- Possible use of a protection clause if the promotion is less than the step increase at the current job
- Time and resources are spent in training our employees and it is important to retain them
- Changing an employee's anniversary date would be a bad business practice which would affect employee morale
- Concept of "time in grade" is used by the state and the anniversary date becomes the date of the new position
- Proposed personnel policy defines the promotion date and the step increases occur annually one the date of that promotion

It was the consensus of the Board to retain the language concerning the anniversary date and the promotion date as written.

Continued Board and staff discussion:

- Drug screening policy has been in place in the Township since 1997
- Page 24: Subsection L: Employee Travel and Reimbursement
 - Rates should be established
 - Township has a form which is completed and approved by the Township Manager which designates specific meal rates and IRS mileage rates
 - Board member suggestion for the form to be reviewed

ATTORNEY COMMENT: I agree with the idea the form needs to be reviewed and is subject to change over time as conditions change. I wouldn't recommend placing the form in this handbook because you have to amend the handbook and come back to the Board every time you want to change a rate.

Continued Board and staff discussion:

- Board member suggestion to continue discussion on the personnel policy at the next meeting and move forward with the remaining agenda
- Page 27: Paid personal leave – policy is in every collective bargaining agreement and has been administered as outlined for many years
- Page 28: Bereavement leave – Board member belief the various individuals which can grant bereavement leave in excess of the allowed three (3) days lacks consistency and should rest with one person
- Page 29: Jury Duty – Board member request for clarification of language to ensure the employee turns over the jury duty payment to the Township in order to receive Township payment for time spent on jury duty
 - State of Michigan requires employees to submit payment received from jury duty minus mileage payment

It was the consensus of the Board to require employees to submit payment received from jury duty in order to receive Township payment for time spent on jury duty.

Continued Board and staff discussion:

- Page 5: Flexible work schedule and flexible work hours–Request by Directors to more clearly define flexible work schedule and flexible work hours to be consistently applied across the Township

It was the consensus of the Board to accept the new definition of flexible work schedule and flexible work hours.

Board discussion:

- Page 11: Explanation of the progressive discipline – written reprimand was not included as noted on page 37
- Need for consistent use of language throughout the document
- Page 24: non-employees distribution of literature on Township property
 - Board member belief the entire section needs to be reworded to be made constitutional

ATTORNEY COMMENT: I think what needs to be clarified here is that we are only dealing with our employees in the workplace. What this should be edited to say should maybe be: “Non-employees may not solicit employees or distribute literature to employees in the workplace.”

Treasurer Brixie moved to take up the remaining agenda items past 10:00. Seconded by Trustee Styka.

VOICE VOTE: Motion carried 6-1. (Supervisor LeGoff)

B. Corridor Improvement Authority (CIA)

Associate Planner Menser summarized the proposed CIA as outlined in staff memorandum dated November 10, 2015.

Board discussion:

- Lengthy timeline to move through the process to establish the CIA
- Preference for inclusion of language within the resolution which states the Township does not desire to establish a TIF
- Board member preference for the boundaries to be redrawn in conformity with the suggestions made in the letter from Liaison for Inter-Neighborhood Cooperation (LINC)
- Board member belief the point of the CIA isn't necessarily to redevelop every parcel contained within the CIA
- CIA has the ability to seek grants and set placemaking themes
- Township Attorney opined that residentially and industrially zoned properties can be included
- Preference to include the entire corridor as proposed to avoid gaps in the event there was implementation of streetlighting, for example

It was the consensus of the Board to accept the CIA boundary as proposed by the EDC.

C. Rezoning #15060 (McCurdy)

Director Kieselbach summarized the rezoning request as outlined in staff memorandum dated November 12, 2015.

Board discussion:

- Board member belief the pygmy goats are inoffensive
- Property borders rural residential
- Board member belief over 100 people have expressed support for retention of the goats
- Other remedies suggested by the Planning Commission would require changes to our existing ordinances
- Reminder that the rezoning stays with the property irrespective of the owner
- Board cannot limit the number of animals on RR zoned property
- Nearby properties do not meet the requirements to be rezoned to RR
- Applicant can offer conditions to place restrictions on the property which would stay with the land
- Board member preference to amend the Township's zoning ordinance for RAAA
- Property is uniquely situated and appropriate for a RR zoning designation
- Property gives the interurban pathway a destination and is part of the Township's placemaking efforts
- Other reasons exist to rezone a property which is not consistent with the Future Land Use Map (FLUM)
- Appreciation for the Planning Commission's thorough analysis
- Commercial operations for livestock require a minimum of ten (10) acres
- Property could have a maximum of four (4) livestock

It was the consensus of the Board to place this item on for action at the December 1, 2015 Board meeting.

~~D. Railroad Quiet Zone~~

E. Sale of Township Property Adjacent to 4444 River Glen Drive

Director Kieselbach summarized the request to sell Township property adjacent to 4444 River Glen Drive as outlined in staff memorandum dated November 12, 2015.

Board discussion:

- Township is limited by deed stipulation in how much it can charge in the sale
- Board member preference to include attorney costs if legally allowed to do so
- Parcel in question is isolated from the rest of the parks property
- Driveway runs across Township property and limits its use
- Easement for access to the parks from the neighborhood was not discussed by the Park Commission
- Board member request for staff to ask the Director of Parks and Recreation regarding an easement to the Township property from River Glen Drive

It was the consensus of the Board to place this item on for action at the December 1, 2015 Board meeting.

14. FINAL PUBLIC REMARKS

Supervisor LeGoff opened and closed Public Remarks.

15. FINAL BOARD MEMBER COMMENTS

Trustee Scales requested clarification about a communication in the packet relative to the fee charged for a Freedom of Information Act (FOIA) request.

Trustee Veenstra reported his attendance at the regular meeting of the Transportation Review Committee of Tri-County Regional Planning Commission on November 12th.

16. ADJOURNMENT

Supervisor LeGoff adjourned the meeting at 10:53 P.M.

ELIZABETH LEGOFF
TOWNSHIP SUPERVISOR

BRETT DREYFUS, CMMC
TOWNSHIP CLERK

Sandra K. Otto, Secretary