



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES
IRVIN J. POKE
DIRECTOR

STEVE ARWOOD
DIRECTOR

STATE BOUNDARY COMMISSION

Meeting Location:
2501 Woodlake Circle - Conference Room 3/First Floor
Okemos, Michigan 48864

MINUTES
June 12, 2013

MONTCALM COUNTY

MEMBERS PRESENT

Mr. Dennis Schornack, Chairman
Ms. David Doyle, State Commissioner
Mr. James Stewart, State Commissioner
Mr. Ronald Blanding, Local Commissioner

MEMBERS ABSENT

Mr. S. Michael Scott, Local Commissioner

DEPARTMENT PERSONNEL ATTENDING

Mr. Kevin O'Brien, P.S., Office of Land Survey and Remonumentation
Mrs. Angela Sanderson, Secretary, Office of Land Survey and Remonumentation
Mr. Christopher Beland, P.S. Director of the Office of Land Survey and Remonumentation
Mr. Patrick Fitzgerald, Assistant Attorney General

OTHERS IN ATTENDANCE

Mr. William Beach, Attorney for Mersen
Ms. Kristie Walls, Controller for Mersen
Mr. Jeff Sprague, Material Manager for Mersen
Mr. George Bosanic, City Manager of Greenville
Mr. Rodney Shermer, Attorney for the City of Greenville
Mr. Jeff Sluggett, Attorney for Eureka Charter Township
Mr. Tom Faussett, Zoning Administrator for Eureka Charter Township
Mr. Duane Putnam, Eureka Charter Township

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1. **CALL TO ORDER AND DETERMINATION OF QUORUM**

Chairman Schornack called the meeting to order at approximately 10:07 a.m. and read the Opening Statement. A quorum was determined present at that time.

2. **APPROVAL OF AGENDA**

A **MOTION** was made by Commissioner Doyle and seconded by Commissioner Stewart to approve the Agenda for the meeting. **MOTION CARRIED UNANIMOUSLY.**

3. **APPROVAL OF DRAFT MINUTES**

A **MOTION** was made by Commissioner Stewart and seconded by Commissioner Doyle to approve the Draft Minutes from the December 12, 2012 meeting. **MOTION CARRIED UNANIMOUSLY.**

4. **DOCKET 12-AP-2 – ADJUDICATIVE MEETING (FINAL RECOMMENDATION)**

a. **Staff Review of Docket:**

There were no questions or comments on the docket activity.

b. **Questions, Answers and Discussions with Involved Parties:**

Mr. William Beach, Attorney for the petitioner Mersen, spoke about moving forward as quickly as possible with this annexation because the general manager of the Mersen plant in Greenville is currently trying to secure money for the 2014 budget year. He said this is a good petition, a good use of the property and that there is no reason why they shouldn't be awarded the annexation.

Ms. Kristie Walls, Controller for Mersen, said the process the general manager for Mersen is going through right now is presenting to North American Headquarters, and also to International Headquarters, why Mersen in Greenville would be the best location for investment for expansion. They are in competition with sites in other states and countries for this investment money. One of the questions that the corporate management is asking is if they need to report to more than one jurisdiction. They need to know if this annexation is approved in order to move forward with this expansion.

Chairman Schornack wanted to clarify that the law requires that a petitioner owns 75% of property - in this case the petitioner owns 100% of property. He asked how essential is the pond that's on the property to be annexed is to production on this site.

Mr. Jeff Sprague, Material Manager for Mersen, answered saying it is not essential and is not used for cooling water.

Chairman Schornack asked if one of the key reasons that Mersen wishes to make this parcel a part of the City is because the City provides water and sewer services.

Ms. Walls answered that the city provides all the services to their site.

Commissioner Blanding, said the City of Greenville is in a unique position in that the City is almost completely surrounded by one Township. He said there have been several annexations in this area in the past, usually with good cooperation. He ended by saying that Greenville can't grow without the cooperation for this annexation and that it's to the benefit of the City of Greenville that Mersen be allowed to expand.

Discussion Ensued.

Mr. George Bosanic, City Manager of Greenville, spoke saying that the petitioner (Mersen) very much needs the City services and the City is willing to extend them to Mersen so that they can create jobs in the community. He ended by saying that the City whole-heartedly supports the petition and can't wait to get started.

Mr. Jeff Sluggett, Attorney for Eureka Charter Township, said there are obviously fundamental disputes between the parties. Two things he wanted to emphasize – first, in terms of the urgency of the development of this site, he said at this meeting it is the first time he's heard that there are specific plans for development of this parcel. He said in the transcript from the public hearing, Mersen said if things develop as they have in the past they would intend or expect to expand in 2014 or 2015. He questioned the Commission if there is a need to expand now, or if it can be in the future. Current need should be taken into account with respect to the statutory criteria. His second point of emphasis was to the parcels that front on Backus Road. He said Backus Road is a residential road and if this annexation goes through and includes the Backus Rd. properties, the Township will lose control over that road (or at least a portion of the road). The Township will be the party that is responsible for upgrades for that road to be able to be used for commercial and industrial trucks.

Chairman Schornack responded to the question on the urgency of expansion saying that the Commission is indifferent to timing. He stated that they evaluate whether it is a proper and legitimate petition, and decide if it meets the criteria – timing is not part of the criteria. He also received confirmation that the Backus Road parcels that were being referred to are parcels that are currently owned by Mersen.

Mr. Tom Faussett, Zoning Administrator for Eureka Charter Township, said they met with Mersen and the City on December 6, 2012, and they discussed a lot of these issues. At that point, Mersen indicated that the reason for expansion was for budgeting issues. Mersen did expand into the Township in 2007 and they worked with them on the pond for storm water retention that had been discussed earlier in this meeting. He said the big issue with Backus Rd. is that it is a Class B road and the residents are asking that it

remain as a residential area. In previous discussions with Mersen, they would never confirm that they would not use that road. At one point they said they would not use it for 10 years, but never confirmed. He spoke on several possible 425 Agreements and 108 agreements for this area, but stated they have not been able to come to terms on anything. He said the Township feels that Mersen hasn't really demonstrated that they need the services that the City provides. He ended by saying the Township would like to see the Backus Rd. parcels kept in the Township as residential.

Commissioner Stewart asked if the annexation petition is approved as presented would all of Mersen's land be in the City or do they currently own other land that's in the Township.

Mr. Beach answered saying that if the petition is approved all of Mersen's property would be in the City.

Discussion ensued regarding the Backus Road parcels.

Mr. Duane Putnam, a member of the Eureka Charter Township Planning Commission, said that he feels the whole annexation is based on a fallacy that Mersen cannot expand because the Township is holding them back. He said there is no reason they could not continue to do their expansion without the annexation. If the City wants to be a good neighbor, they would allow them to use their utilities and pay for those utilities.

Chairman Schornack confirmed that the Commission has looked through all of the criteria for this petition. He briefly went through the criteria with commissioners to make sure they have covered everything.

Mr. Faussett, responded to earlier comments about the City being "pinned in" and said that the City has close to 400 acres vacant where they can expand. He said that because the Township stands to lose revenue, they don't see a real reason or need for Mersen to expand into the City at this point in time. If they expand, the property value goes up and the Township loses revenue.

Chairman Schornack, said he thinks that if there is an expansion, both the City and Township are winners because the new employees that come to work for Mersen as a result of the expansion could potentially choose to acquire homes near there and that would be a benefit to the Township.

c. Commission Deliberation and Action:

A **MOTION** was made by Commissioner Doyle and seconded by Commissioner Blanding that the Boundary Commission recommends to the Director that the annexation petition in Docket #12-AP-2 be approved as presented. **MOTION CARRIED UNANIMOUSLY.**

5. ADJOURNMENT

A **MOTION** was made by Commissioner Stewart and seconded by Commissioner Doyle to adjourn the session on Montcalm County at approximately 10:55 a.m. **MOTION CARRIED UNANIMOUSLY.**

APPROVED:


Dennis Schornack, Chairman
State Boundary Commission

8/13/13
Date