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LEONI TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING
MINUTES

September 8, 2020

DRAFT

The Leoni Township Board of Trustees held a Regular Board Meeting on September 8, 2020 @ 6:00 PM, the meeting was held by zoom.us. Attendees participated through <http://www.zoom.us> or by telephone.

Call to Order 6:00 pm
Members Present: Supervisor Linnabary, Clerk Pickett, Treasurer Clemente and Trustees Cole, Cox, McGee and Horning
Members Absent: None
Attendance Approximately: 33

BRIEF PUBLIC COMMENT:

Public Comment Opened 6:01 pm
Public Comment Closed 6:10 pm

APPROVAL OF AGENDA

*Motion by Pickett support by Cox to **approve** the agenda as presented.*

Roll call vote: 7 Ayes Pickett, Clemente, Cole, McGee, Linnabary, Horning and Cox
0 Nays **Motion Passed**

APPROVAL OF ACCOUNTS PAYABLE:

*Motion by Linnabary, support by Clemente to **approve** Accounts payable Aug 13- Sept 1, 2020 in the amount of \$172,603.08.*

Roll call vote: 7 Ayes Linnabary, Pickett, Clemente, Cole, Horning, McGee and Cox
0 Nays **Motion Passed**

*Motion by Linnabary, support by Clemente to **approve** Accounts Payable Sept 9, 2020 in the amount of \$357,129.25*

Roll call vote: 7 Ayes Linnabary, Pickett, Clemente, Cole, Horning, McGee and Cox
0 Nays **Motion Passed**

Motion by Pickett, support by Cole to transfer \$400,00.00 from the General Fund to Public Safety.

Roll call vote: 7 Ayes Linnabary, Pickett, Clemente, Cole, Horning, McGee and Cox
0 Nays **Motion Passed**

CONSENT AGENDA:

*Motion by McGee, support by Clemente to **approve** the Consent Agenda 1 & 2 with the following changes:*

*August 11, 2020 Minutes old business #2 **strike** "Motion by Linnabary, support by Clemente to **table** for further estimates", and new business #3 **add** "Request Bethany Smith to submit a formal contract and*

then to be submitted to Township Attorney Guy Conti for review.” and also August 25, 2020 minutes new business #2 **change** (7) Ayes to (6) Ayes.

Roll call vote: 7 Ayes Linnabary, Pickett, Clemente, Cole, Horning, McGee and Cox
0 Nays **Motion Passed**

PUBLIC HEARING:

1. Max Docks Systems – Resolution to Establish and INDUSTRIAL DEVELOPMENT DISTRICT
325 Watts Rd, Jackson, Michigan

Public Comment opened:

6:25pm

Stephanie Canton – Curtis Ave. She stated she shares property lines to with the industrial lot which is being discussed and questions of any considerations of privacy of the residential street next to the industrial lot , currently there is a lot of woods and trees and wondering if it’s possible to retain at least a line of the woodlands to keep a little bit of privacy to the residents on Curtis Ave.

Public Comment Closed:

6:26 pm

Board Discussion:

Clerk Pickett explains the reason for the need for the IDD to enable them to apply for an Industrial Facilities Tax Exemption, further stating that they applied for a Site Plan Review and was approved for their Site Plan with the Planning Commission last week.

Trustee Cox: replied to Ms. Canton referring to Trustee Cole for help with the discussion that they are going to leave a good amount of that tree line that will help keep the privacy and keep the noise level down.

Trustee Cole: Agreed with Trustee Cox further stating that the property is already currently zoned industrial and the building is going to be a nice sized industrial building and is going to be built on already zoned industrial property and abuts the property of residential houses and a vacant lot directly behind it Trustee Cole also mentioned that a containment pond will be put in and leave roughly 125-foot of woods, and it’s a high land its approximately 20’ foot of high land which will be a decent hill barrier and on top of the hill is the established the tree line. That should create a descent buffer but the biggest noise will come from the highway.

Guy Conti: explains that the designation of an industrial development district, it doesn’t allow any special industrial development, it essentially allows an applicant to apply for permission to do certain industrial developments and apply for certain permits that would allow them to modernize and expand their industrial development on that lot.

Trustee Horning: reiterates what Trustee Cole has already stated that it’s currently zoned as such, just so we understand that. Trustee Cole confirms that it is an already established use for a heavy industrial parcel. Trustee Horning relays to Ms. Canton that there will be considerations going forward.

Alex from the Enterprise Group: Attending on behalf of Max Docks Systems to help them with their request, this is to allow them to ask for property tax abatement, they will be investing 2.3-2.5-million-dollars and hopes of adding 10-12 new jobs over the next 10-12 years.

*Motion by Pickett, support by Cole to **approve** the Resolution to Establish Max Docks Systems Industrial Development District #28 as presented at 325 Watts Rd. Jackson, Michigan.*

Roll call vote: 7 Ayes Linnabary, Pickett, Clemente, Cole, Horning, McGee and Cox
0 Nays **Motion Passed**

OLD BUSINESS:

1. Cabling proposals for Township Hall

*Motion by Pickett, support by Cole to **table** for further estimates.*

Roll call vote: 7 Ayes Linnabary, Pickett, Clemente, Cole, Horning, McGee and Cox
0 Nays **Motion Passed**

2. Fifth Street Bridge, curb and sidewalk engineering prints

*Motion by Pickett, support by Clemente to **allow** Trustee Cole to engage with Jack Ripstra and the Jackson County Drain Commissioner to move forward with conversations for the Fifth Street Bridge, curb and sidewalks and initiate the process to consider engineering prints:*

Roll call vote: 7 Ayes Linnabary, Pickett, Clemente, Cole, Horning, McGee and Cox
0 Nays **Motion Passed**

3. Consideration of members to be added to the Ordinance Committee.

*Motion by Pickett, support by Cox to **approve** Pamela Trammell and Lillian Carlson Ritter to the Ordinance*

Committee to be a part of the ongoing Ethics and Conduct Policy.

Roll call vote: 7 Ayes Linnabary, Pickett, Clemente, Cole, Horning, McGee and Cox
0 Nays **Motion Passed**

NEW BUSINESS:

1. Repair quote from Peerless Midwest to repair the effluent pump #3 payable from the maintenance fund \$12,895.

*Motion by Pickett, support by Linnabary to **approve** the repair quote from Peerless Midwest to repair the effluent pump #3 for \$12,895.00 payable from the maintenance fund.*

Roll call vote: 7 Ayes Linnabary, Pickett, Clemente, Cole, Horning, McGee and Cox
0 Nays **Motion Passed**

2. Milan Supply Company Quote – 12/24 Grinder Packages - \$3,850.00 plus freight (approx. \$600).

*Motion by Pickett, support by Clemente to **approve** the purchase of 12 grinder packages for \$3,850 each with freight to be approx. \$600.00 paid from the collection budget.*

Roll call vote: 7 Ayes Linnabary, Pickett, Clemente, Cole, Horning, McGee and Cox
0 Nays **Motion Passed**

3. WWTP Headworks Odor Control Improvements Change Order #1 – Building Permit \$6592.00 from the sewer fund.

*Motion by Linnabary, support by Clemente to **approve** the Change Order #1 for the Building Permit for the Headworks Odor Control Improvements in the amount of \$6,592.00*

Roll call vote: 7 Ayes Linnabary, Pickett, Clemente, Cole, Horning, McGee and Cox
0 Nays **Motion Passed**

4. Medical Marihuana Ordinance review by Cullen Harkness (language changes per Board of Trustees)

*Motion by Pickett, support by Clemente to **table** for further review and edits.*

Roll call vote: 7 Ayes Linnabary, Pickett, Clemente, Cole, Horning, McGee and Cox
0 Nays **Motion Passed**

5. JRM127 #101 – Medical Marihuana License Processor – New License – N. Dettman Rd.

*Motion by Linnabary, support by Clemente to **approve** the New Medical Marihuana License for JRM127 - Processor – located on N. Dettman Rd.*

Roll call vote: 7 Ayes Linnabary, Pickett, Clemente, Cole, Horning, McGee and Cox
0 Nays **Motion Passed**

6. Michigan Loud Flower #23 – Adult Use Marihuana Class C Grower – New License – Page Ave
*Motion by Linnabary, support by Clemente to **approve** Michigan Loud Flower #23 Adult Use Class C Grower New License located on Page Ave.*

*Roll call vote: 6 Ayes Linnabary, Pickett, Clemente, Horning, McGee and Cox
1 Nays Cole **Motion Passed***

7. Re-Zone – East Jackson Public Schools – Agricultural to Heavy Industrial – 5400 Seymour Rd
*Motion by Cox, support by Linnabary to **approve** the Re-zone of East Jackson Public Schools 5400 Seymour Rd from Agricultural to Heavy Industrial*

*Roll call vote: 0 Ayes
7 Nays Linnabary, Pickett, Clemente, Cole, Horning, McGee and Cox
Motion Failed*

8. Resolution for Sewer Rate Adjustment effective October 1, 2020
*Motion by Clemente, support by Linnabary, to **approve** the Resolution concerning rates for the provision of Sewer Service of \$3.00 per REU per month over the rates in effect as the date of this resolution to begin October 1, 2020.*

*Roll call vote: 7 Ayes Linnabary, Pickett, Clemente, Cole, Horning, McGee and Cox
0 Nays **Motion Passed***

9. Stantec Sewer revenue sufficiency analysis update proposal for services beginning March 2021.
*Motion by Clemente, support by Cole to **approve** the 2021 Stantec Sewer revenue sufficiency analysis update proposal for services of \$15,410.00 to be paid out of the sewer fund, but not until the analysis is complete.*

*Roll call vote: 7 Ayes Linnabary, Pickett, Clemente, Cole, Horning, McGee and Cox
0 Nays **Motion Passed***

10. Possible Planning Commission Meeting violations on 7/8/2020 & 7/15/2020 investigation – Closed Session.

Motion by Linnabary, support by Pickett to move into Closed session @ 7:40 pm for discussion.

*Roll call vote: 7 Ayes Linnabary, Pickett, Clemente, Cole, Horning, McGee and Cox
0 Nays **Motion Passed***

Roll call at 7:45pm to approve Sgt Steve Stowe to be included into Closed Session

*Voice Vote: 4 Ayes Linnabary, Clemente, Cole, and McGee
3 Nays Pickett, Horning and Cox **Request approved***

2 Minute break given at 7:45pm before entering into closed session at 7:49 pm.

After entering into closed session, the board decided to have Sgt. Steve Stowe be removed from Closed Session and Closed Session began thereafter.

IN CLOSED SESSION

Motion by Linnabary, support by Clemente to return to open Session at 10:44 pm

*Roll call vote: 7 Ayes Linnabary, Pickett, Clemente, Cole, Horning, McGee and Cox
0 Nays **Motion Passed***

Motion by Linnabary, support by Clemente to re-open Open Session at 10:44pm

*Roll call vote: 7 Ayes Linnabary, Pickett, Clemente, Cole, Horning, McGee and Cox
0 Nays **Motion Passed***

Motion by Pickett, support by Cole to reprimand said individual for a clear Open Meeting Act violation that 7 members agreed in closed session that there was a clear violation on July 15, 2020.

Cole asks if Pickett would amend that motion to not mention anything about closed and try that again, I might garner support. Pickett amended to make a motion to reprimand the planning commission member who violated an open meeting act on July 15, 2020 in the planning commission. Cole support.

Roll call vote: 3 Ayes , Pickett, Clemente, Cole

4 Nays Linnabary, Horning, McGee and Cox

Motion Failed

Motion by McGee, support by Clemente (Trustee McGee reads from screen what Atty Guy Conti prepared) The Board of Trustees, having discussed the allegations against the Vice-Chair of the Planning Commission, and having heard from said Commissioner, makes no formal findings of fact but expresses concerns over the Commissioner's actions in the July 8 and July 15 (2020) Planning Commission meetings and, in order to promote the proper and good order of the Township's public meetings, warns said Commissioner against the conduct alleged and directs the Township Attorney, Guy Conti, counsel said person and to certify to the Board of Trustees that he has done so.

Clerk Pickett asks for a brief discussion. Would like to read the difference between a warning and a reprimand, the warning, and this comes from Attorney Guy Conti, Warning: "The board of Trustees passes a resolution or motion warning the PC member to not repeat the prohibited action upon pain of future sanction. There is no formal finding that the PC member committed a violation of the Act". So it's saying that there is no formal finding that the PC member committed a violation of the Act, that's a warning. The reprimand states that "The board of Trustees issues a formal written reprimand of the PC member. This reprimand is placed into the minutes and the permanent records of the Township and also demands no repetition of the prohibited action. It is similar to a warning but contains an explicit finding that the PC member committed a violation." I'm just going to reiterate that the reprimand is similar to a warning but it contains an explicit finding that the PC member committed a violation. We just had seven members agree that there was a violation of an open meetings act.

Trustee Cox asks if are we discussing something that was in closed session?

Clerk Pickett, I didn't discuss names or anything, I'm not discussing anything that's in violation, we have seven members agree there was a violation, were looking at a motion that's specifically naming a position and a date and a commission. So if that's, I'm not saying any more than what that motion says right there, I'm just saying seven people agreed that we have a violation and that's clearly what a reprimand is not a warning, but you know this is what the board has decided to do is to go against what they said they were agreeing to.

Supervisor Linnabary : excuse for interrupting but the board, we've had both of the things and we uh, you know, we cast a vote and this is what the majority chose.

Clerk Pickett: Yes, you did. And roll all now I guess, right.

Trustee Cox: I'm still in discussion please.

Clerk Pickett: OK

Trustee Cox: to go along with what Ms. Pickett said, I also want the public to know that the reason we came up with warnings was we feel there was no malice and no intent, um therefore, that's why we went for a warning as opposed to the reprimand, so I just want everyone else to know that as well not just one side of the story um that how the four warnings got yeses, we felt no malice or intent and what happened was a mistake, yes, does it call for a reprimand, no, that's why we went with a warning.

Clerk Pickett: that's an opinion, we just determined a findings of fact of a clear violation, but I guess you can spin it anyway you want.

Trustee Cox: that's my opinion.

Trustee McGee asks we could please have roll call.

Trustee Cole: still has more discussion, when somebody may or may not commit a violation of law, hardly ever weighs in malice or intent, um, ya know, some very stiff crimes, you know like, I know its way outside the box for murder and malice and intent weigh in but it's the difference between lesser charges, um it doesn't matter to me, malice or intent, it just matters to me, did a violation occur and that's my opinion and um you know I was there, Ill only talk about what I seen in the meeting as it happened and clearly in the meeting as it was happening in front of me, um, it happened, um so that's just my opinion.

Roll call vote: 5 Ayes *Linnabary Clemente, Horning, McGee and Cox*
 2 Nays *Pickett, Cole* ***Motion Passed***

11. Pre Disaster Mitigation Grants – FEMA – Leoni Dam

Motion by Cole, support by Cox to take the Mitigation Grant with FEMA to Scott Schmidt to move forward in the process.

Roll call vote: 7 Ayes *Linnabary, Pickett, Clemente, Cole, Horning, McGee and Cox*
 0 Nays ***Motion Passed***

DISCUSSION:

PUBLIC COMMENT:

Public Comment Opened 11:09 pm

Public Comment Closed 11:10 pm

Motion by Linnabary to adjourn, support by Cox at 11:11 pm

Roll call vote: 7 Ayes *Linnabary, Pickett, Clemente, Cole, Horning, McGee and Cox*
 0 Nays ***Motion Passed***

Meeting adjourned at 11:11 p.m.

Kerry Pickett, Clerk