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PLANNING COMMISSION MINUTES
June 5, 2019

The Leoni Township Planning Commission held a meeting Wednesday, June 5, 2019 @ 6:30 p.m. 913 Fifth Street, Leoni Township Meeting Hall, Michigan Center, Michigan.

Meeting opened to call of the Chair: 6:31 pm

Members Present: V. Beckwith, J. Spencer, L. Maurer, J. Southworth, K. Cole, & D. Helmlinger

Members absent: B. Lester

Persons in attendance: 21

Purpose of Planning Commission read by J. Spencer

*Motion by Beckwith, seconded by J. Southworth, to approve the May 23rd special meeting minutes with the amendment to add W. Lutz site plan back on the agenda. After further discussion between board members and Township attorney Guy Conti, advising board that the Site Plan for Mr. Lutz's property exceeds lot coverage making this a zoning issue and to refer to the Zoning Board of Appeals and further stating the Planning Enabling Act 125.3821 Sec. 21 Paragraph 1 on Noticing of the Board and also 125.3819 Sec. 19 regarding Planning Commission bylaws existence.. Mr. Spencer asked Mr. Conti if the board would be violating the ZBA zoning issue and the township ending up in future litigation. Ms. Southworth seconding Mr. Beckwith's motion to add the Site Plan to the Agenda. Further discussion between board members and Mr. Conti with **Mr. Beckwith retracting his motion.***

Public Comment: Open at 7:00 pm.
Closed at 8:18 pm.

Discussion: Topic of discussion was the May 23rd Special meeting minutes that was called for Lyrical LLC at 4497 Phelps Drive.

The township lawyer Guy Conti explained that the Planning Commission chairperson J. Spencer did not call the special meeting on May 23rd. The clerk, K. Pickett did not get a request to have the special meeting in writing by either the chair or two other members of the board.

K. Pickett does not believe the requirements were met to have a special meeting.

G. Conti does not believe the special meeting on May 23rd was called properly.

G. Conti requested that site plan review be sent to K. Pickett and J. Spencer.

G. Conti explained the split of the parcel for Lyrical LLC at 4497 Phelps Drive.

G. Conti stated that the Zoning Board can only approve zoning. Planning Commission has no authority to grant zoning use. G. Conti explained zoning and splitting of parcels to the Planning Commission.

G. Conti stated that there were no intentional violations on the special meeting held on May 23rd.
G. Conti recommended to the Planning Commission that the special meeting be scheduled the correct way.
G. Conti stated that the open meeting act allows the board to correct any mistakes.
G. Conti recommended that the Planning Commission invalidate anything decided at the May 23rd special meeting and suggested that the May 23rd special meeting should be defined as null and void.
G. Conti is working on by-laws for the Planning Commission.
D. Helmlinger asked G. Conti to explain why May 23rd special meeting should be valid or not.
G. Conti reiterated how the meeting was not properly called and should be null and void.
J. Southworth stated that the May 23rd meeting should be valid.
G. Conti explained the rules of calling a special meeting.
D. Helmlinger stated that the Planning Commission has done this in the past.
J. Spencer concerned about Leoni Township ending up in litigations.
G. Conti suggests once again that the last meeting should be voided.
V. Beckwith wants clarification on which board to vote on since he is on 2 boards.
G. Conti recommends to V. Beckwith that he should vote on 1 board only.
G. Conti states that the Planning Commission has final authority on site plan approval.
J. Spencer warns to be careful not to mix or match rules. Not to cross apply the rules.
D. Helmlinger stated that a judge should decide if necessary. Believes they made the right decision.
G. Conti explained lawsuits and how he cannot represent the board if they are sued personally.
J. Spencer asks V. Beckwith what the Commission is approving. Is it the special May 23rd meeting minutes?
G. Conti explains again about not approving. States that he believes there were violations on the special meeting and advises the Planning Commission to look at the site plan again to make sure they are right.
K. Cole and J. Spencer were contacted with the 2 Michigan state police officers who were questioning the May 23rd special meeting.
G. Conti stated that the 2 state police officers were at the township to clarify violations at the May 23rd special meeting.
G. Conti advised once again to void the special meeting or proceed with caution.

Motion by J. Spencer, supported by J. Southworth to approve the agenda as presented.

*Roll call Vote 4 Yays Spencer, Cole, Beckwith & Southworth
 2 Nays D. Helmlinger & L. Maurer*

Motion carried.

Note: J. Spencer notes that the site plan and 8975 Page has been done.

Motion by J. Spencer, supported by K. Cole to accept minutes of May 15th meeting.

Discussion: Suggests we accept minutes with amendment.

J. Southworth and L. Maurer stated they did not understand what Spencer proposed.

G. Conti explains approving of the minutes because J. Southworth and L. Maurer did not understand.

G. Conti states too late to change votes and suggests to add to the minutes that 2 members did not understand what they were voting on.

J. Spencer withdraws motion to accept May 15th meeting minutes.

Motion by J. Spencer, supported by J. Southworth to approve the May 15th meeting minutes with a note that L. Maurer and J. Southworth agree with the original amendment to the sports shooting ranges in AG without the additional conditions added.

Roll call Vote 6 Yays Spencer, Cole, Beckwith, Southworth, Helmlinger & Maurer

Motion carried

Motion by J. Southworth, supported by D. Helmlinger to accept the May 23rd special meeting minutes.

Roll call Vote 4 Yays Beckwith, Maurer, Southworth & Helmlinger

2 Nays Spencer & Cole

Motion carried

Discussion: Wes Lutz's Attorney Thompson disputes Township Attorney G. Conti about special meeting. Requests additional time for his comments. States that the commission did the right thing according to Law 250.501 Subsection 2.

Thompson explains law on site planning approval and no Open Meeting Act was violated and nothing improper was done. Site plan is final with zoning and setbacks.

Thompson states that special meeting was proper and there will be a lawsuit if plan is not approved.

Thompson explains laws on medical marihuana.

Thompson states that Wes Lutz does not need zoning he has one parcel.

John Kan lawyer for Carroll's has 3-point provision.

J. Chambers Building Inspector and Zoning Administrator, read laws about special meetings and stated there is a clear violation.

Old Business: 1) Discussion of Opting in/out of Recreational Marihuana Businesses.

K. Cole has a handout from Parma's Policy.

2) Discussion on Blight

No discussion

3) Discussion on Grass Lake Zoning

Guy Conti discusses agrobusiness is a growing movement, need to define what activities and conditions will be allowed. J. Spencer state the preservation of AG land, and an opportunity for AG land. Also, suggest revisiting ordinance in regards to lot coverage ceilings.

New Business: 1) Site Plan Approval Extension, Cell Tower at 8401 Page Ave Road

Motion by J. Southworth, supported by D. Helmlinger to approve an extension for 1 year for 8401 Page Ave. cell tower.

Roll Call Vote 6 Yays Beckwith, Spencer, Maurer, Lester, Southworth & Helmlinger

Motion carried

Note: B. Lester was not present on cell tower vote on 6/5/2019.

Public Comment: **Open at** **8:55 pm.**
 Closed at **9:02 pm.**

Keith VanPoperin feels the same as last meeting.

Clerk K. Pickett passed out Agenda and Notice from the May 23, 2019 meeting stating the mistakes made and improper notice for violations of the Open Meetings Act and Planning Enabling Act.

Joe Chambers states he is just doing his job and following the laws and ordinances in place.

Mr. Thompson apologizes if he offended anyone with his public comments and for Mr. Chambers to address zoning and building issues and not state law.

Motion by J. Spencer, supported by J. Southworth to adjourn meeting.

Adjourn 9:19 pm.

Next meeting: June 19th, 2019