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**LEONI TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING
MINUTES
October 13, 2020**

DRAFT

The Leoni Township Board of Trustees held a Regular Board Meeting on October 13, 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, Trustees McGee, Horning and Cox

Members Absent: Clerk Pickett, Treasurer Clemente, Trustee Cole

Attendance Approximately: 24

PUBLIC COMMENT:

Public Comment: Tomor Ali, Byron, Debbie Chambers

Board discussion by Trustee Cox, Trustee McGee and Attorney Guy Conti explaining the need for the zoom meeting with an abundance of caution for the safety of the public and members, the challenges to reenter into the hall while following the MDHHS guidelines, and the attorney opinion of the legality of tonight's meeting and an update on legislation for clarification pending.

APPROVAL OF AGENDA

Motion by Horning, support by McGee to add - Old Business, item #1 SRI Litigation update by Attorney Matt Jane for possible closed session, Old Business Item #2 MM and Adult MJ ordinance updates by Attorney Cullen Harkness and renumber remaining Old Business. To strike New Business #2 MM/Adult Use Ordinance changes by Cullen Harkness and to separate out from Consent Agenda the Approval of Minutes as a separate vote for each date.

Roll call vote: 4 Ayes Linnabary, McGee, Cox, Horning
 3 Absent **Motion carried**

APPROVAL OF ACCOUNTS PAYABLE:

Motion by Linnabary support by Cox to approve accounts payable Sept 10, 2020- Oct 5, 2020 in the amount of \$99,977.04

Roll call vote: 4 Ayes McGee, Horning, Cox, Linnabary
 3 Absent **Motion carried**

Motion by Linnabary support by Cox to approve accounts payable October 13, 2020 in the amount of \$466,233.69

Roll call vote: 4 Ayes Linnabary, Horning, McGee, Cox
3 absent **Motion carried**

Motion by Linnabary support by McGee to approve the accounts payable October 14, 2020 in the amount of \$4,127.50

Roll call vote: 4 Ayes Horning, Linnabary, Cox, McGee
3 absent **Motion carried**

CONSENT AGENDA:

1. APPROVAL OF MINUTES: September 8, 2020 open and closed, September 16, 2020

Discussion by Trustee McGee that referring to the contents of a closed meeting in the minutes of an open meeting violates the OMA.

Motion by McGee support by Horning to approve the September 8, 2020 minutes with the following changes:

Strike all of item #10 New business that refers to closed session of same date namely - page 5 at top, strike all of the motion that did not garner support and should only read as "Pickett made a motion to reprimand the planning commission member who violated an open meeting act on July 15, 2020 in the planning commission. Cole Support" and to strike all discussion after the motion by McGee support by Clemente which would start on the fifth line starting at "Clerk Pickett asks for a brief discussion" through and including to the end of discussion comments – leaving the actual motion and vote in place.

Roll call: 4 Ayes Cox, Horning, Linnabary, McGee
3 absent **Motion carried**

*Motion by McGee support by Horning to approve the September 8, 2020 Closed Session minutes with the exception of moving the bold wording **IN CLOSED SESSION** up to be placed right after the 2 minute break and just before "Board discusses Agenda item #1 with Attorney Guy Conti, Decision made".*

Roll call: 4 Ayes McGee, Horning, Cox, Linnabary
3 absent **Motion carried**

Motion by Linnabary support by Horning to approve September 16, 2020 special meeting open session minutes as written

Roll call: 4 Ayes Horning, Linnabary, Cox, McGee
3 absent **Motion carried**

2. APPROVAL OF MONTHLY DEPARTMENTAL REPORTS:

County Commissioner, Public Safety, Ordinance, Medical Marihuana, Planning Commission, Zoning Board of Appeals, Parks & Recreation, Sewer & Water Board, LDDA, Building, WWTP, Legal.

Motion by Linnabary support by Cox to approve the Departmental reports in Consent Agenda

Roll call: 4 Ayes Linnabary, Horning, Cox, McGee
3 absent **Motion carried**

OLD BUSINESS:

1. SRI settlement update by Matt Jane Atty (may be closed session)

Motion by Linnabary support by Cox to move into closed session at 6:33 pm for the purpose of discussing the SRI proposed settlement agreement, litigation, and attorney client privileged communications.

Bethany Smith and Cullen Harkness (also township counsel) to be admitted into the closed session

Roll call: 4 Ayes Linnabary, Horning, Cox, McGee
3 absent **Motion carried**

IN CLOSED SESSION

Motion by Linnabary support by Cox to move back into open session at 7:07 pm

Roll call: 4 Ayes Cox, McGee, Horning, Linnabary
3 absent **Motion carried**

Motion by Linnabary support by Horning to accept the redlined changes to the side agreement for Agreement Regarding Accounting of Connection Fees as Presented by Attorney Matt Jane giving Supervisor Linnabary authority to sign the agreement in presence of counsel once all other parties have agreed to same.

Roll call: 4 Ayes Linnabary, Cox, McGee, Horning
3 absent **Motion carried**

2. MM and Adult MJ Ordinance updates by attorney Cullen Harkness

Discussion by attorney Harkness and board members regarding proposed Adult Ordinance language changes and MM Ordinance proposed changes Board did not receive either final copy so Harkness read the Adult Ordinance Language change and sent both versions to the board for their review.

Motion by McGee support by Horning to approve the proposed language changes as read by Attorney Harkness for the Adult Use Ordinance and to table the MM Ordinance changes to old business in November.

Roll call: 4 Ayes McGee, Cox, Horning, Linnabary
3 absent **Motion carried**

3. Cabling proposals for Township Hall

Motion by McGee support by Cox to table to old business for November meeting

Roll call: 4 Ayes Linnabary, Horning, Cox, McGee
3 absent **Motion carried**

4. Fifth Street Bridge, curb and sidewalk engineering prints

Motion by Linnabary support by Cox to table to old business for November meeting

Roll call: 4 Ayes McGee, Cox, Horning, Linnabary
3 absent **Motion carried**

5. Bethany Smith Agreement for Legal Services

Motion by Linnabary support by McGee to accept contract for Bethany Smith legal services for prosecution and give Supervisor Linnabary authority to sign on behalf of township

Roll call: 4 Ayes Linnabary, Horning, Cox, McGee
3 absent **Motion carried**

6. Code of Ethics and Conduct Policy

Motion by McGee support by Linnabary to table to old business for November

Roll call: 4 Ayes Horning, McGee Linnabary, Cox
3 absent **Motion carried**

3 minute recess 7:49 pm

Back in session 7:52 pm

PUBLIC HEARING:

1. Classic Turning, Inc. – Industrial Facilities Exemption Certification Amendment – Application/Resolution
2. requesting amending their investment from \$2,099,300 to \$2,817,468

Public Comment: None

Motion by McGee support by Linnabary to approve request from Classic Turning to amend their investment from \$2,099,300 to \$2,817,468 per application/resolution

Roll call: 4 Ayes Horning, McGee, Cox, Linnabary
3 absent **Motion carried**

3. Max Docks Systems – 325 Watts Rd – Industrial Facilities Exemption Certificate Application/Resolution

Public Comment: Eldonna Ruddock

Trustee McGee read the resolution provided in the board packet to applicant's representative who did not receive final version and to Attorney Conti who did not receive resolution for review. Trustee Horning pointed out a few needed corrections before consideration and signing.

Motion by McGee to accept the packet version of the resolution with corrections for the proper board member attendance on page one and proper roll call results changed on page two with Supervisor Linnabary having authority to sign the resolution.

Roll call: 4 Ayes Horning, Linnabary, Cox, McGee
3 absent **Motion carried**

NEW BUSINESS:

1. Request for Qualifications for WWTP Membrane System Improvements for Progressive Design/Build Services
Presentation by F&V and explanation by Guy Conti on Committee findings.
Motion by McGee support by Linnabary to choose F&V Contruction for the WWTP Membrane System Improvements for Progressive Design/Build Services as the contractor and to approve the contract for such with authority to Supervisor Linnabary to sign on townships behalf

Roll Call: 4Ayes Linnabary, McGee, Horning, Cox
3 absent **Motion carried**

~~2. Medical Marijuana Ordinance/Adult Use Attorney Cullen Harkness language changes as requested by BOT~~
Moved to item #2 Old Business

3. Consideration of the Engagement letter from Boswell, Schultz, Sonnenberg, & Arnett, PLC to provide the township yearly audit for year ended June 30, 2020.
Motion by Linnabary support by Cox to give Supervisor Linnabary authority to sign engagement letter for Boswell, Schultz, Sonnenberg, & Arnett, PLC to provide the services for the yearly audit for year ended June 30, 2020

Roll call: 4 Ayes Horning, Cox, Linnabary, McGee
3 absent **Motion carried**

4. Conflict Waiver – Leoni Township vs. Maxwell McGinnis-Dady Hotchkiss from Miller Canfield
Guy Conti gave explanation as to nature of conflict waiver and recommended adopting.
Motion by McGee support by Linnabary to give Supervisor Linnabary the authority to sign the waiver on township behalf

Roll call: 4 Ayes McGee, Cox, Horning, Linnabary
3 absent **Motion carried**

5. Smart Decision #102 – Falahee Rd – New Medical Marihuana License – Grow License

Motion by Linnabary, support by Cox to approve New MM License – Grow for Smart Decision #102 Falahee Rd

Roll call: 4 Ayes Cox, Horning, McGee, Linnabary
3 absent **Motion carried**

6. Green Stop #103 – New Medical Marihuana License – Grow License – (existing, adding Class C)

Motion by Cox support by McGee to approve the New MM License for Green Stop #103 Grow Class C

Roll call: 4 Ayes McGee, Linnabary, Cox, Horning
3 absent **Motion carried**

7. Michigan Pure Green LLC – New Medical Marihuana License – Provisioning (existing Thrive provisioning facility, sale of business contingent on approval of license)

Motion by Linnabary support by Cox to approve new MM license for provisioning for Michigan Pure Green, LLC subject to sale of Thrive provisioning

Roll call: 4 Ayes Cox, Linnabary, Horning, McGee
3 absent **Motion carried**

8. Exotic Flower #24 – Falahee Rd. - New Adult Use Marihuana License – Class A Grower

Motion by Linnabary support by Horning to approve New Adult Use Class A Grower license for Exotic Flower #24 – Falahee Rd

Roll call: 4 Ayes McGee, Horning, Cox, Linnabary
3 absent **Motion carried**

9. Consumers Energy General Interruptible Rate Contract Renewal

Presentation by CE rep explaining the cost savings for the renewal

Motion by Linnabary support by Cox to approve the renewal contract with Consumers Energy for General Interruptible Rate contract (June 1, 2020 – May 31, 2022) with Supervisor Linnabary as signatory.

Roll call: Ayes Horning, Linnabary, Cox, McGee
3 absent **Motion carried**

10. Precinct Inspector appointees for November 3, 2020

Discussion by Trustee McGee that agenda calls for Inspector approval but list provided in packet lists Chair and Workers for each precinct - received email from Deputy Clerk stating they are one in the same.

Motion by McGee support by Linnabary to accept the Chair and Workers as those listed in packet provided for the November 3, 2020 election.

Roll call: 4 Ayes Linnabary, Horning, McGee, Cox
3 absent **Motion carried**

11. Metro Act Permit, Exhibit A by Crown Castle Fiber LLC

Discussion by Guy Conti that he reviewed the exhibit for change to the Metro Act Permit and saw no apparent issues and no subterranean work will happen.

Motion by McGee support by Cox to approve the Exhibit A changes by Crown Castle Fiber, LLC to the Metro Act Permit with authority to Supervisor Linnabary as signatory.

12. Asphalt Paving Bids for Public Safety Parking Lot at Fifth Street Fire Station

Discussion of the 3 bids submitted and that the Mullins bid was best price with the largest amount of sq ft and the immediate need for repair to protect the new fire truck from damage.

Motion by Horning support by Cox to accept the bid proposal from Mullins Asphalt in the amount \$3975 for the parking lot approach repair at Fifth St fire barn with Supervisor Linnabary to sign contract.

Roll call: 4 Ayes McGee, Horning, Cox, Linnabary
3 absent **Motion carried**

13. Budget Amendment for Parking Lot Repair for Public Safety

Motion by Horning to approve a budget amendment for the \$3975 for the Mullins repair to come from the Public Safety budget first and if no funds available then from the General Fund

Roll call: 4 Ayes Horning, Cox, Linnabary, McGee
3 absent **Motion carried**

14. Re-Zone Application for 4994 Page Ave ID# 000-14-04-451-011-00 – General Business to Light Industrial
Discussion by McGee to have Guy Conti inform the applicant of the possible future problems moving forward with their type of request under current atmosphere of possible doubt due to Zoom type meeting and OMA clarification so applicant can give opinion if they wanted to accept risk and move forward or table. Applicant chose to ask to table and have special meeting once legislation gives more clarity.
Motion by McGee support by Horning to table to old business with possibility of special meeting once legislative clarity is received.

Roll call: 4 Ayes Linnabary, Cox, McGee, Horning
3 absent **Motion carried**

15. 5- year extension of public safety contract with Blackman Township

Mike Jester, Director of Public Safety called on to explain the renewal of the contract terms.

Motion by Linnabary support by Cox to approve the 5 year extension for the contract with Blackman Leoni for public safety services with Supervisor Linnabary and Clerk Pickett given authority to sign on behalf of the township

Roll call: 4 Ayes Cox, Linnabary, Horning, McGee
3 absent **Motion carried**

16. Ordinance concerning hunting and discharging in the Gillette's lake area

Discussion by Trustee McGee explaining why this portion of Ordinance 20 did not make it into the new codified ordinances making it difficult for Public Safety to enforce the same way as DNR without re-adopting the previous ordinance wording.

Motion by McGee support by Linnabary to adopt ordinance 20-_____ provided by Guy Conti as written

Roll call: 4 Ayes Cox, Horning, McGee, Linnabary
3 absent **Motion carried**

17. Watkin Ross OPEB interim report for period ending June 30, 2020 for \$1300.00

Motion by McGee support by Cox to approve \$1300 for Watkin Ross OPEB interim report for period ending June 30, 2020

Roll call: 4 Ayes Horning, McGee, Linnabary, Cox
3 absent **Motion carried**

DISCUSSION:

1. Rental House Rental Payments

Discussion by Trustee McGee and Atty Guy Conti explaining the difficulty of eviction process as affected by Covid-19. Horning asked to have attorney prepare a letter of intent. Board agreed.

PUBLIC COMMENT:

Public Comment: Lynn Maurer

Board Discussion: *Trustee Horning asked his comments be reflected in the minutes to reflect that he believes that the OMA violation by a board member at the September 8, 2020 open meeting where the confidential information from the closed session of that same date was repeatedly shared in the open session and in the open session minutes was malicious and with intent.*

Appointment of Recording Secretary: Moved Linnabary, Second Sharpe McGee that Guy Conti is appointed Acting Recording Secretary for the October 13, 2020 meeting only.

Roll call: 4 Ayes Linnabary, Cox, Horning, McGee
 3 Absent

Adjourn:

Motion to adjourn by Linnabary support by Cox

Roll call: 4 Ayes Linnabary, Cox, Horning, McGee
 3 absent ***Motion carried***

Meeting adjourned 9:35 pm