

LEONI TOWNSHIP OFFICE
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LEONI TOWNSHIP BOARD OF TRUSTEES MEETING
MINUTES
November 12, 2019

The Leoni Township Board of Trustees held a Regular Board Meeting on November 12, 2019 @ 6:00 PM in the Leoni Township Hall, 913 Fifth St., Michigan Center, Michigan.

Call to Order 6:03 pm
Members Present: Supervisor Linnabary, Clerk Pickett, Treasurer Clemente and Trustees Cole, Cox, McGee and Horning
Members Absent: None
Attendance Approximately: 35

BRIEF PUBLIC COMMENT:

Public Comment Opened 6:04 pm
Public Comment Closed 6:22 pm

APPROVAL OF AGENDA

*Motion by Pickett, support by Linnabary to **approve** the agenda with the changes as follows:
Add Cullen Harkness, The Harkness Law Firm as special Council for any/all marijuana related issues to #18 under New Business*

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

Motion Carried

APPROVAL OF ACCOUNTS PAYABLE

*Motion by Linnabary, support by Cole to **approve** accounts payable as presented.*

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

Motion Carried

CONSENT AGENDA

*Motion by Linnabary, support by Cox to **approve** October 8, 2019 Regular meeting minutes and October 15, 16, 29, 2019 and November 7, 2019 Special Meeting Minutes and monthly departmental reports.*

*Roll call vote: **Motion Carried by voice vote***

OLD BUSINESS:

- 1.) Recommendation from the Planning Commission meeting on August 21, 2019 the following changes to the setbacks for lot coverage and lot-ceilings as follows:
AG from 10% to 50%, 10% coverage of that will be unrestricted, 40% for crop production only and an additional 25% available for indoor crop production as a conditional use for a potential of 75% total.
Heavy Industrial from 25% to 40%
Light Industrial from 25% to 50%
- 2.) Review TRU North (DLG & Associates) Site Plan for #91 TRU North Provisioning Center
- 3.) Township Information not subject to public disclosure
- 4.) Remote Attendance

*Motion by Cole, support by McGee to **table** all Old Business Items, 1-4 for further review and documentation.*

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

Motion Carried

NEW BUSINESS:

1. F&V Invoices
 - a) Professional Services Agreement for the design of the WWTP Headworks Odor Control System
*Motion by Clemente, support by Linnabary, to **approve** the Engineering study for \$177,100.00 from the Repair and Replacement Fund.*

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

Motion Carried

- b) RC Merchant Harmonic wave balancer repair from Lightning strike at WWTP \$55,322.00
*Motion by Linnabary, support by Cox to **approve** the repairs covered under insurance with the deductible being \$5,000.00 for the Harmonic wave balancer damaged during a lightning strike.*

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

Motion Carried

- c) Invoices from Standard Electric and UIS Scada for TVSS repairs and installations \$4,640.48
*Motion by Cole, support by Cox to **approve** invoice from Standard Electric and UIS Scada for TVSS repairs and installations for \$4,640.48*

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

Motion Carried

- d) Milan Supply Quote for 24 grinder pumps @ \$1,187.00 each + freight \$150-200.00.

*Motion by Linnabary, support by Cole to **approve** the purchase of 24 grinder pumps from Millan Supply to be put into inventory at the cost of \$1,187.00 each totaling \$28,488.00 and to include freight between \$150-200.00, Township Accountant to properly allocate out of which fund.*

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

Motion Carried

e) Scada Quote for routine calibration of plant meters at WWTP \$9,152.00.

*Motion by Pickett, support by Cole to **approve** a routine calibration of plant meters mandated by the State annually from SCADA for \$9,152.00.*

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

Motion Carried

2. #93 R-N-A Hauling and Farm Services LLC, Secure Transport

*Motion by Pickett, support by Linnabary to **approve** R-N-A Hauling and Farm Services LLC Secure Transport License.*

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

Motion Carried

3. #94 Infinite Chemical Analysis Labs MI, LLC, Secure Lab

*Motion by Linnabary, support by Cox to **approve** Infinite Chemical Analysis Labs MI, LLC Secure Lab License.*

*Roll call vote: 6 Ayes Linnabary, Pickett, McGee, Cole, Horning and Cox
1 Abstain Clemente, formerly Henry Ford Allegiance Property*

Motion Carried

4. Resolution to request the termination of Montrowe, LLC's (DBA Greenhaus Provisioning) State of Michigan Medical Marihuana License.

*Motion by Pickett, support by McGee to **approve** the Resolution to request the termination of Montrowe, LLC's (DBA Greenhaus Provisioning) State of Michigan Medical Marihuana License.*

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

Motion Carried

5. Rescind resolution from January 8, 2019 board meeting item#4 – reduction of pay and removal of benefits for the positions of Supervisor, Clerk and Treasurer

*Motion by Pickett, support by McGee to **rescind** the portion of the January 8, 2019 board meeting item #4 of the reduction of pay for the positions of Supervisor, Clerk and Treasurer for the next election cycle to be **reinstated** as follows: Supervisor \$46,000.00, Clerk \$38,500.00, Treasurer \$38,500.00.*

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

Motion Carried

6. Approve Taylor Potter to attend Intro to Fund Accounting Class Dec 4th through BS&A for \$205

*Motion by Clemente, support by Pickett to **approve** Deputy Treasurer Taylor Potter to attend Intro to Fund Accounting Class Dec 4th through BS&A for \$205.00*

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

Motion Carried

7. Joe Trolz Conditional Use Permit – 2881 N. Portage – 000-09-25-101-001-00

*Motion by McGee, supported by Cox to **approve** Conditional/Special Use permit for ~~Kiekin² Brass~~ Joseph Trolz for a Sport Shooting Range at 2881 N Portage Rd,*

Parcel ID# 000-09-25-101-001-00

*With the following conditions ~~as per~~ **based on information and facts from Leoni Township Planning Commission recommendations and the Affidavit provided by applicant and the check list from Joe Chambers, Bldg/zoning Admin, showing all requirements of the zoning ordinance had been satisfied, the Township Board finds all requirements for the issuance of the conditional use/special use permit have been met. (See Attachments):***

1.) Firearms restrictions: Up to, but not including, .50 caliber BMG

2.) Handguns: all calibers

3.) Shotguns: all calibers

4.) Limit of 15 shooters on the firing line

5.) Days & hours of operation:

8 a.m. – 6 p.m. Monday thru Friday

8 a.m. – 6 p.m. on Saturday

10 a. m. – 5 p. m. Sunday

6.) No shooting on New Year's Day, Easter, Memorial Day, Labor Day, Christmas Eve, and Christmas Day

7.) Low light shooting allowed on the first and third Saturday of every month up to 11:00 p. m.

8.) Liability Requirements: \$1 million listing Leoni Township as Certificate Holder and Additional Insured

9.) Safety Compliance: most recent NRA Range rule book or most current guidelines recognized by DNR

10.) Miscellaneous: Under age 17 must be accompanied by parent or guardian

11.) Lead removal as per ordinance and EPA guidelines

This permit to apply to above parcel ID# only.

Roll call vote: 4 Ayes Linnabary, McGee, Horning and Cox

3 Nays Pickett, Clemente, Cole

Motion Carried

8. Trench Grating in Firehouse Estimate from SF Fabricators \$1500.00

*Motion by Cox, support by Pickett to **approve** trench grating in Firehouse for SF Fabricators for \$1,500.00.*

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

Motion Carried

9. Estimates for 2016 Resenbauer Fire Truck for 4 New Rear Tires and 2 New Front Tires from Meekhof Tire totaling \$3,632.94

*Motion by Pickett, support by Cole to **approve** estimates for 4 new rear and 2 new front tires on the 2016 Resenbauer Fire Truck from Meekhof for \$3,632.94*

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

Motion Carried

10. Estimate for Crane Repair or Replace from Fitzgibbons on DPW Truck.

*Motion by Linnabary, support by Cox to **approve** the estimate from Fitzgibbons to add new crane to the DPW truck for \$4,500.00.*

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

11. HL Auto Inc. used motor vehicle license application

*Motion by Pickett, support by Linnabary to **approve** the used vehicle license application for HL Auto Inc located at 4544 Page Ave with a limit of 4 Cars.*

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

Motion Carried

12. The Historical Campaign Raffle License Application – 280 S. Sutton Rd.

*Motion by Pickett, support by Cox to **approve** the Historical Campaign Raffle License Application.*

Motion Carried by Voice Vote

13. Melissa Martin Passed Exam and now Level 1 Assessor, approve \$16.00/hr part time for 16 hrs/week.

*Motion by Clemente, support by Pickett to **approve** a pay increase to \$16.00/hr as defined in the Pay Matrix for a level 1 Assessor.*

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

Motion Carried

14. Blight Ordinance

*Motion by McGee, support by Cox to **approve** the ~~Blackman/Leoni blended~~ Ordinance 55 as written with the exception of adding “un-obscene” under Section 55-5 paragraph two after “Graffiti-Any ~~unauthorized~~ un-obscene” and also, add “unless authorized by the property owner” at the end of the same sentence. To be effective November 12, 2019.*

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

Note: Mr. Cole wants to be on record that his No vote was because he wants it to be a civil infraction.

Motion Carried

15. Ordinance Committee members re-evaluation/appointment

Motion by Linnabary, support by McGee to replace committee member Jerry Cox with Kerry Pickett.

*Roll call by voice vote: 6 Ayes Linnabary, Clemente, McGee, Cole, Horning and Cox
1 Abstain Pickett*

Motion Carried

16. Planning Committee Members – May 23, 2019 & June 5, 2019 meeting minutes

Motion by Cole, support by Clemente “Resolved, the Township Board will conduct a fact finding into the conduct of several members of the Planning Commission in 1) continuing the Commission meeting of May 23, 2019 despite being advised by the Township Clerk that there was not proper notice of the meeting under the Open Meetings Act, and 2) approving the minutes of the meeting of June 5, 2019 despite being advised by the Clerk and the Township Attorney that the previous meeting was in violation of the Open Meetings Act.”

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

Motion Failed

Motion by McGee support by Cox to set up a special public meeting between the Township Board of Trustees and the Leoni Planning Commission members to discuss Open Meeting Act violations.

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

Motion Carried

17. Verizon Cell Tower

*Motion by Linnabary, support by Cox to **approve** the request from Verizon Wireless to transfer and assign the rights and obligations of Verizon Wireless as Lessee under the Land Lease Agreement dated March 14, 2019 to PI Tower Development LLC.*

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

Motion Carried

18. The Harkness Law Firm

*Motion by Pickett, support by Clemente to **approve** Cullen Harkness of The Harkness Law Firm as special Council for any/all marijuana related issues at \$167.00 per hour.*

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

Motion Carried

DISCUSSION:

- 1.) Brills Lake Road Fire Station – Danny Hammond
*Motion by Cole, support by Cox to **table** the discussion.*
Motion Carried by Voice Vote

- 2.) Recommendation from the Planning Commission to consider Catherine Kaufman for master plan preparation.
Discussion: Lynn Maurer stated that members of the board were to reach out to Catherine Kaufman and Nora Sharpe-McGee responded that she spoke with Mrs. Kaufman and she no longer does Master Plans and to consider the cost of hiring someone to do Master Plans.

- 3.) Greenwood Acres – Outdoor Gathering Permit
Discussion: Created a committee to set down and go over the details for the Outdoor gathering permit with Greenwood Acres (Sharon & Linda), the members to be Mike Jester, Howard Linnabary, Kurt Cole, Matt Horning, Joe Chambers. Meeting date set for December 2, 2019 at 3:00 at the Township Hall.

PUBLIC COMMENT:

Public Comment Opened 9:30 pm

Public Comment Closed 9:36 pm.

*Motion by McGee to adjourn, support by Linnabary
Meeting adjourned at 9:38 p.m.*

Motion Carried

Kerry Pickett, Clerk

Kickin Brass Conditional Use Compliance Check off list

Joe Chambers
Building Inspector/Zoning Admin
Leoni Township
913 Fifth St Jackson, MI 49254

Date: 10/6/2019
Parcel #: 000-09-25-101-001-00
Address: 2881 N Portage Rd
Owners Name: Joe Trolz

**Sec. 42-153 Code of Ordinances Subsection C, Subparagraph 13
Township Condition Requirements**

a. An outdoor shooting range shall not be placed on any parcel or set of contiguous parcels that aggregate less than 10 acres in area.

Status: Complies Doesn't Comply

Notes: Has 18.25 Verified by Kelsea Cox

b. An outdoor shooting range shall not be located within 1 mile of existing kindergartens, elementary, intermediate or secondary schools.

Status: Complies Doesn't Comply

Notes: 1.7 miles from school Verified by Kelsea Cox

c. An outdoor shooting range shall not be located within 1500 ft from the Leoni Township border with another municipality.

Status: Complies Doesn't Comply

Notes: 4012 ft from border Verified by Kelsea Cox

d. An outdoor shooting range shall not be located within 5 miles from any other outdoor lawful sport shooting ranges within Leoni Township.

Status: Complies Doesn't Comply

Notes: No other outdoor range

e. All outdoor shooting range must observe all guidelines from EPA's most current edition of "Best Management Practices for Lead at Outdoor Shooting Ranges."

Status: Complies Doesn't Comply

Notes: Required by Ordinance

f. Carry a minimum of liability insurance with the limits set by Township Board and readjusted from time to time listing Leoni Township as additional insured and certificated holder. **To Be Determined by The Township**

Status: Complies Doesn't Comply

Notes: Already carries 1,000,000 policy (copy Supplied)

g. Supply to the Township a copy of a site and safety analysis performed by a Range Designer or Developer and Chief or Master Range Safety Officer showing a passing status.

Status: Complies Doesn't Comply

Notes: Report supplied

h. Observe "Generally Accepted Operational Practices" adopted by the state of Michigan Department of Natural Resources.

Status: Complies Doesn't Comply

Notes: Required by Ordinance

i. Not be accessible for shooting by the public after hours as determined by the Township Board or by agreement as part of the special use permit process.

Status: Complies Doesn't Comply

Notes: Required by Ordinance

j. No public shooting without a Certified Range Safety Officer or Certified Chief Range Safety Officer on duty.

Status: Complies Doesn't Comply

Notes: Certificate supplied

k. Install and maintain Security Camera System on premises with accurate time and date stamp.

Status: Complies Doesn't Comply

Notes: Installation Confirmed

l. For indoor shooting ranges, observe all guidelines from most recent edition of "Lead Management and OSHA Compliance for Indoor Shooting Ranges.
Status: Complies <input type="checkbox"/> Doesn't Comply <input type="checkbox"/>
Notes: Kicking Brass is a Outdoor Shooting Range, NOT a <i>Indoor</i> .
m. Observe all additional conditions set by the Township for the required special use permit.
Status: Complies <input type="checkbox"/> Doesn't Comply <input type="checkbox"/>
Notes: Required by Ordinance

**AFFIDAVIT OF JOSEPH TROLZ IN SUPPORT OF CONDITIONAL
USE PERMIT APPLICATION**

I, Joseph Trolz, having been first duly sworn, provide this Affidavit in support of my application for a special use permit for a commercial gun range to be operated at 2881 N. Portage Road; Jackson, MI 49201, and state the following:

1. I am the Managing Member of Kickin Brass L.L.C. gun range located at 2881 N. Portage Road; Jackson, MI 49201
2. As Managing Member of Kickin Brass L.L.C I am familiar with the policies and procedures in effect for the operation of Kickin Brass L.L.C.
3. At all times Kickin Brass L.L.C. has and will continue to operate and comply in accordance with the conditions outline in the October 9, 2018 conditional use permit originally granted by Leoni Township as well as the Michigan Sport Shooting Range Act.
4. Specifically, firearm use is restricted to all rifle calibers up to but not including 50 caliber BMG; handgun use of all calibers; and shotgun use of all gauges.
5. There is a limit of 15 shooters on the firing line.
6. With the exception of those evenings where low light shooting which was previously allowed the first and third Saturday of every month, our days and hours of operation are 8 a.m. to 6 p.m. Monday through Saturday and 10 a.m. to 5 p.m. on Sundays. If low light shooting is allowed on those specific days, shooting ceases at 11 p.m. There is no shooting on New Year's Day, Easter, Memorial Day, Labor Day, Christmas Eve, and Christmas Day.
7. There is currently a \$1,000,000.00 liability policy in place. See Exhibit A, Insurance Declarations Page.
8. There are closed circuit security cameras located throughout the premises which accurately records the time and date. See Exhibit B, photos of the security system.

9. At all time when shooting is commencing there is a Certified Range Safety Officer or Certified Chief Range Safety Office on Duty. In addition, all our staff undergo emergency training and certification.

10. Kickin Brass has been evaluated by Robert Rudowski, NRA Chief Safety Officer and has been found to be a "well-planned and developed training facility and range. The Standard Operating Procedures meet or exceed all published National Rifle Association range operation standards. PASS." See Exhibit C, Robert Rudowski November 7, 2016 opinion letter.

11. At all times Kickin Brass observes "Generally Accepted Operational Practices" adopted by the State of Michigan Department of Natural Resources.

12. At all times Kickin Brass observes all guidelines from EPA's most current edition of "Best Management Practices for Lead at Outdoor Shooting Ranges."

13. Upon information and belief, the premises that Kickin Brass operates on is greater than 10 acres in area.

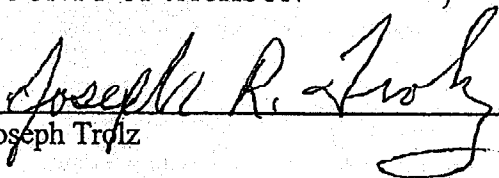
14. Upon information and belief, the premises that Kickin Brass operates on is not located within 1 mile of existing kindergartens, elementary, intermediate or secondary schools.

15. Upon information and belief, the premises that Kickin Brass operates on is not locate within 1500 ft from the Leoni Township border with another municipality.

16. Upon information and belief, the premises that Kickin Brass operates on is not locate within 5 miles from any other outdoor lawful sport shooting ranges within Leoni Township.

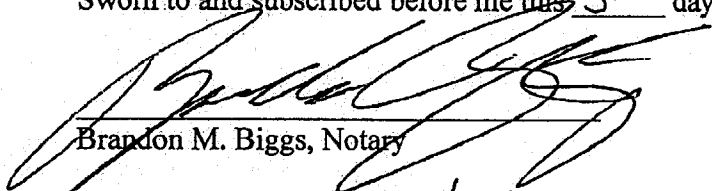
17. While Kickin Brass regularly conducts youth shooting, and safety activities, those individuals under 17 are accompanied by a parent or guardian at all times.

STATE OF MICHIGAN)
COUNTY OF JACKSON)



Joseph Trolz

Sworn to and subscribed before me this 5th day of November 5, 2019.



Brandon M. Biggs, Notary
My Commission Expires: 11/5/2022