

MARCH 17, 2021

Arlington Township Board of Trustee Meeting Minutes

Pledge of allegiance: Was recited at the start of the meeting.

Meeting was called to order by Supervisor Mike Koshar at 7:00 p.m. Roll Call of officers: Clerk Douglas De Leo, Treasurer Phillip Pitts, Trustee Georgette Peterson, Trustee Ted Swanson, Supervisor Mike Koshar. All present.

Agenda approval or changes: Motion by Trustee Georgette Peterson, supported by Trustee Ted Swanson: *The Agenda will stand as presented*: Roll Call: Clerk De Leo, yes, Trustee Peterson, yes, Trustee Swanson, yes, Treasurer Pitts, yes, Supervisor Koshar, yes, Motion Carried.

Minutes of February 18, 2021 meeting: Motion by Treasurer Phillip Pitts, supported by Trustee Georgette Peterson: *I approve the minutes of the February 18, 2021 meeting*. Roll call: Clerk De Leo, yes, Trustee Peterson, yes, Trustee Swanson, yes, Treasurer Pitts, yes, Supervisor Koshar, yes, Motion Carried.

Special Meeting Called: Trustee Swanson made a motion, supported by Trustee Georgette Peterson: *I approve the minutes of the special meeting called on March 02, 2021*. Roll call: Clerk De Leo, yes, Trustee Peterson, yes, Trustee Swanson, yes, Treasurer Pitts, yes, Supervisor Koshar, yes, Motion Carried.

Public Comment: Lorraine Crandall would like the Board of Trustees to listen to the citizens of Arlington Township. She is seeing lots of garbage, way more traffic, and she is concerned about the water quality, not only for drinking but the streams and drains that flow into the Black River. This could potentially damage our fish.

Reports:

Van Buren County Sheriff Department: Jason Brush reported that the County is establishing a county-wide neighborhood watch. Free training will be provided. Check Sheriff's website for more details. There were 40 calls in Arlington Township.

Fire Department: Chief Babcock gave report on calls in the township. They responded to 21 calls in February with 10 calls in Arlington Township. Quick Response team will be getting new defibrillators. Our Fire department will be hosting the community fireworks this year on the Fourth of July. Watch the reminder for updates and time. Also, they will be holding a Drive Through Breakfast on Memorial Day at the fire station. The department's annual meeting will be held on March 31, 2021 at 7:00p.m. at the firehall. Lawrence Township Fire Chief was unable to attend meeting.

Pride Care Ambulance: Contract was presented and will be tabled until Township Attorney reviews.

Van Buren County Commissioner's Report: Commissioner Kurt Doroh updated the board on 911 towers being upgraded. Sheriff department purchasing 3 new patrol cars and animal control getting one. Check the Van Buren County/Cass County Health Department for Covid 19 vaccinations. [www.BCAFFDHD.org](http://www.BCAFFDHD.org)

Van Buren Road Commission: Commissioner Greg Kinney gave update on maintenance crews cutting brush and trees. Seal coat requests are due March 03, 2021. Scheduling road tours in Townships. Seasonal weight restrictions are still in effect.

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Senior Services of Van Buren County: Douglas De Leo reported offices still closed. Only delivery of meals to shut ins. Hopefully to reopen early this summer.

Board of Review: Assessor Hal Manning held the Board of Review and reviewed 11 parcels. The State Equalized Value was reduced by \$536,700.00 and the taxable value was reduced by \$353,700.00.

Planning Commission: Planning Commission Member Georgette Peterson reported on two issues on agenda. It was recommended that 27035 CR215 Marijuana establishment should be granted a new Expanded Use Permit and four additional licenses. Item two. It was recommended that 24681 CR681 Sapphire Farm (Pistolessi LLC) be tabled until Attorney completes fact finding review.

Township Attorney: Brian Knotek reported he is waiting on a zoom pretrial on two cases he is working on for Arlington. He suggests that complaints need to be recognized by Supervisor during township meetings and be part of the minutes.

Enforcement Office/Zoning Report: John O'Connell he is investigating new blight concerns. Will keep Supervisor informed on outcome.

Clerk's Report: Clerk De Leo, reported that no elections are scheduled for this year.

Supervisor's Report: Supervisor Koshar has been exploring road complaints. Will give a report on conditions of roads in Arlington.

Treasurer's Report: Treasurer Pitts made a motion, supported by Trustee Peterson: *The 2021/2022 general fund budget be approved as presented.* Roll Call: Supervisor Koshar, yes. Treasurer Pitts, yes. Trustee Peterson, yes. Trustee Swanson, yes. Clerk De Leo, yes.

Treasurer's Report: (continued), Treasurer Pitts gave update on funds being held in different banks in Van Buren and Kalamazoo Counties. This has been difficult to track funds and interest rates are lower than any time in history. Treasurer Pitts and Clerk De Leo have been in discussions with Sturgis Bank and are looking into combining funds with the Oakleaf Financial Group (Raymond James). This recommendation with Sturgis Bank would be a better overall savings situation for Arlington Township.

A motion by Trustee Georgette Peterson, supported by Treasurer Pitts: *Clerk De Leo and Treasurer Pitts will meet with Oakleaf Financial and representatives from Sturgis Bank and come up with a solution that is in the best interest for Arlington Township.* Roll Call: Supervisor Koshar, yes. Treasurer Pitts, yes. Trustee Peterson, yes. Trustee Swanson, yes. Clerk De Leo, yes.

Monthly financial reports were given. Beginning balance, \$176,205.36, Receipts \$264,975.63, Monthly expenses, \$327,189.97, leaving an ending balance of \$113,991.02. Motion by Trustee Georgette Peterson supported by Trustee Ted Swanson: *To pay bills and salaries as presented.* Roll call: Clerk De Leo, yes, Trustee Peterson, yes, Trustee Swanson, yes, Treasurer Pitts, yes, Supervisor Koshar, yes, Motion Carried.

Motion by Treasurer Pitts, supported by Trustee Swanson: *Finalize the work contract with Consumers Power Company to connect the electric to the new Emergency Services Building. Hookup fee will be \$14,282.77.* Roll Call: Supervisor Koshar, yes. Treasurer Pitts, yes. Trustee Peterson, yes. Trustee Swanson, yes. Clerk De Leo, yes.

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Budget Amendment number 3 for Fiscal year April 2020/ March 2021. (budget amendment will be attached to minutes) A motion by Treasurer Pitts, supported by Trustee Peterson: *The budget needs to be amended to reflect the actual spending and receipting of funds for Arlington Township.* Roll Call of officers: Clerk Douglas De Leo, yes. Treasurer Phillip Pitts, yes. Trustee Georgette Peterson, yes. Trustee Ted Swanson, yes. Supervisor Mike Koshar. Yes. Motion Carried.

Old Business: Sheriff Abbott presented the township with a contract for a Deputy Sheriff and patrol car. Supervisor Koshar will discuss hours and days of work. Sheriff Abbott would like the patrol car to stay in Township when not in use.

Motion by Trustee Georgette Peterson, supported by Pitts: *Motion to contract with Van Buren County Sheriff for one deputy and car for twenty hours a week.* Roll Call: Supervisor Koshar, yes. Treasurer Pitts, yes. Trustee Peterson, yes. Trustee Swanson, yes. Clerk De Leo, yes.

Planning Commission: Treasurer Pitts made a motion, supported by Trustee Peterson: *Move Mike Scrom from alternate member to full planning commission position.* During question period, Trustee Swanson stated he would like to meet prospects before voting on them. Roll call: Supervisor Koshar, yes. Treasurer Pitts, yes. Trustee Peterson, yes. Trustee Swanson, yes. Clerk De Leo, yes. Motion Carried.

Motion by Trustee Ted Swanson, supported by Trustee Peterson: *Increase planning commission from five members to seven members.* Roll Call: Supervisor Koshar, yes. Treasurer Pitts, yes. Trustee Peterson, yes. Trustee Swanson, yes. Clerk De Leo, yes. Motion Carried.

Motion by Trustee Swanson, supported by Treasurer Pitts: *Increase to seven when enough interest from residents who want to serve.* Roll call: Clerk De Leo, yes, Trustee Peterson, yes, Trustee Swanson, yes, Treasurer Pitts, yes, Supervisor Koshar, yes, Motion Carried.

Office administrator/ Marijuana Coordinator: The board will work with Attorney Knotek on developing a job description.

Marijuana Review committee: Supervisor Koshar would like the planning commission to review the ordinance concerning the committee membership.

E-Blast News list: Use blind copy when adding information or news events on e-mail list.

Decertification of a portion of 48<sup>th</sup> street from 28<sup>th</sup> ave south. This section of road has not been maintained by road commission for years. The road commission is not giving up ownership. Motion by Treasurer Phillip Pitts, supported by Trustee Swanson: *Motion to decertify the section of 48<sup>th</sup> street from 28<sup>th</sup> ave south.* Roll Call: Supervisor Koshar, yes. Treasurer Pitts, yes. Trustee Peterson, yes. Trustee Swanson, yes. Clerk De Leo, yes. Motion Carried.

Special Meeting: Supervisor Koshar wants to hold a town hall style meeting to receive input from citizens on Marijuana ordinance and moratorium. The meeting will be held on March 29, 2021 at 6:00p.m. Limited attendance will be strictly enforced due to covid 19 restrictions. The meeting will be televised over the zoom network also.

Public comment on planning commission recommendations:

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1. 27035 CR 215 being represented by Andy Andre, for owner Hami Kassad, Jr. of JARS Holding. Mr. Andre discussed the Amended SUP request. Mr. Andre indicated that the owner was requesting renewal of the existing SUP. Mr. Andre then said that the owner was requesting the Board to approve a SUP that was based on a different site plan than was previously approved and a different site plan. The SUP requested incorporated 4 new Class C medical licenses and a site plan reflected development that utilized those licenses.

Mr. Andre told the Board that the owner agreed that the concept of diligence or due diligence was a very important concept in the decisions made by the PC and the Board. He said that it was a “great idea” for the Board to evaluate the timeliness of development. He said that the company changed ownership on June 5, 2020. He said that work began on plans to develop the site in December of 2020.

The Board asked a number of questions. Mr. Andre said that there were two new owners. The “main partner” was Hami Kassad, Jr. He did not identify the other owner. The owner never advised the Board of any reason why development was delayed.

Tina Loomis, who is the neighbor to the north, wants to know if there will be armed guards. She is troubled by armed guards for the safety of her children and animals. Also, a concern of hers is that her voice is not heard and only falls on deaf ears. She is bothered that the ownership is from out of the area businesses and doesn't really care about her or the community. A family neighborhood is not the place to plant marijuana and she is so angry.

Andy Andre will have guards but is not sure if guards will have firearms. There will be cameras recording the fenced areas. Kyle Holland from Red Arrow Farms said that guards on the inside cannot be armed with firearms.

Lorraine Crandall feels that this property is not the right site for a marijuana growing operation. As for the planting of lavender and lilacs around the property, she hates lilacs and lavender odor anyway.

Andy Andre said he wouldn't commit to planting lilacs or lavender until he was assured it would help with the marijuana odor. He is working with the road commission on a traffic impact assessment.

People commented on zoom audio that it was very hard to hear from homes. Annie Davidson Funke commented on traffic count on CR 215 now is way lower than in the summertime.

Joe Wooding feels board is not listening to planning commission and wonder why we have a planning commission. If operators follow all the ordinances, the go ahead should be given.

Tom Crandall questions building size and height. Site plan modifications were only presented Monday night 03/15/2021. Enormous jump in plant count also. Ordinance states that no negative impact in value on surrounding property will be allowed. He thinks marijuana use alters peoples minds and way of thinking.

Tina Loomis feels reduced building size but increase plant count should not be allowed.

Matt Miller feels that marijuana in residential neighborhoods should have never been allowed in the first place.

Ted Swanson wants the township to follow the ordinance 100% and feels there is no wiggle room.

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Motion by Trustee Swanson, supported by Trustee Peterson: *To deny Expanded Use Permit and additional licenses that was recommended by planning commission for property 27035 CR 215.* Discussion followed: Trustee Swanson has reviewed the file. He read findings of fact supporting his motion. He can't identify the owner and shareholders or investors are. As of tonight, he understands that there is a new owner who was never identified to the Township. He feels that in 21 months there should have been more contact with township and more activity. Discussion followed. Mr. Andre said that this was not a licensing issue. He admitted that the issuance of 4 new licenses was incorporated in the amended site plan and in the SUP request. Supervisor Koshar called for the vote: *Roll Call: De Leo, yes. Peterson, yes. Koshar, yes. Swanson, yes. Pitts, no. Motion carried 4 yes to 1 no. Motion Carried.*

Attorney Knotek then advised the Board that it needed to vote on the owner's request to renew the existing SUP. Motion by Trustee Swanson, supported by Trustee Peterson to deny renewal or revoke the SUP that was issued March 05, 2020, and which expired on March 05, 2021, because of diligence issues. *Roll call vote: Clerk De Leo, yes. Treasurer Pitts, no. Trustee Peterson, yes. Trustee Swanson, yes. Supervisor Koshar, yes. Motion carried 4 yes, to 1 no Motion Carried.*

Comments by Annie Davidson Funke on diligence concerning 50680 28<sup>th</sup> avenue operation. Their SUP was issued in 2019 and nothing was performed for a longer period of time. Comments from the floor, now that she has brought this up, some investigation should be looked into this property. Some wondered why she didn't bring this up before as she is an employee of township.

Minutes submitted by Douglas De Leo, Clerk, Arlington Township

Citizens present at meeting.

1. Sheriff Abbott
2. Fire Chief Babcock
3. Steve Krohn
4. Hal Manning
5. Joe Wooding
6. Andy Andre
7. Don Noffke