



# MACOMB TOWNSHIP *Michigan*

MACOMB TOWNSHIP BOARD OF TRUSTEES  
MEETING MINUTES  
WEDNESDAY, AUGUST 26, 2020

LOCATION: AUDIO CONFERENCE

Call Meeting to Order

**Meeting was called to order by Supervisor Dunn at 7:00 p.m.**

Pledge of Allegiance to the Flag of the United States

**Pledge of Allegiance was recited by Supervisor Dun**

1. Roll Call

**Clerk POZZI called the roll:**

**Present:** Tim Bussineau, Nancy Nevers, Charles Oliver, Kathy Smith, Karen Goodhue, Kristi Pozzi, Janet Dunn

**Absent:**

2. Approval of Agenda Items (with any corrections)

**MOTION by Kristi Pozzi seconded by Nancy Nevers to approve the agenda as amended with the addition of Consent Items 7a., Request for Family & Medical Leave of Absence - Employee #188, Item 7b., Request for Family & Medical Leave of Absence - Employee #1010 and New Business Item 12., Amendment to Consent Judgement - 23 and Card Plaza.**

**ROLL CALL Vote Summary: (7 - 0 - 0)**

**Ayes - Kristi Pozzi, Nancy Nevers, Tim Bussineau, Charles Oliver, Kathy Smith, Karen Goodhue, Janet Dunn**

**Nays - None**

**Abstain - None**

**THE MOTION Passed.**

3. Approval of Bills

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**MOTION by Nancy Nevers seconded by Karen Goodhue to approve the bills as presented.**

**ROLL CALL Vote Summary: (7 - 0 - 0)**

**Ayes - Nancy Nevers, Karen Goodhue, Tim Bussineau, Charles Oliver, Kathy Smith, Kristi Pozzi, Janet Dunn**

**Nays - None**

**Abstain - None**

**THE MOTION Passed.**

4. Approval of Previous Meeting Minutes from August 12, 2020

**MOTION by Karen Goodhue seconded by Kathy Smith to approve meeting minutes from August 12, 2020 as presented.**

**ROLL CALL Vote Summary: (7 - 0 - 0)**

**Ayes - Karen Goodhue, Kathy Smith, Tim Bussineau, Nancy Nevers, Charles Oliver, Kristi Pozzi, Janet Dunn**

**Nays - None**

**Abstain - None**

**THE MOTION Passed.**

**CONSENT AGENDA ITEMS:**

5. Water and Sewer Department

- a. Easement Encroachment Agreement; Lot 110, Stagsleap Pointe Subdivision No. 2, Parcel No. 20-08-22-149-001

6. Engineering Department

- a. Request to Approve Partial Site Development Bond Release for Hartford Village Condominium - Building 3 (\$6,566.08)

7. Human Resources Department

- a. Request for Family & Medical Leave of Absence - Employee #188

- b. Request for Family & Medical Leave of Absence - Employee #101

**MOTION by Karen Goodhue seconded by Kathy Smith to approve the Consent Agenda items as presented.**

**ROLL CALL Vote Summary: (7 - 0 - 0)**

**Ayes - Karen Goodhue, Kathy Smith, Tim Bussineau, Nancy Nevers, Charles Oliver, Kristi Pozzi, Janet Dunn**

**Nays - None**

**Abstain - None**

**THE MOTION Passed.**

**PUBLIC COMMENTS, AGENDA AND NON-AGENDA ITEMS - (3 MINUTE TIME LIMIT)**

Kathy Shain spoke regarding traffic in the Legacy Farms subdivision.

Frank Cusumano spoke regarding Item 8.

**PUBLIC HEARING:**

8. Public Hearing and Resolution Adoption for Street Lighting Special Assessment District for Pinnacle Farms Condominium

Supervisor Dunn opened the public hearing at 7:14 PM and closed it at 7:18 PM.

Item presented by Township Engineer James Van Tiflin. Speakers: Robert Walz and Frank Cusumano.

**Street Lighting Pinnacle Farms Condominium  
RESOLUTION ORDERING ESTABLISHMENT  
OF STREET LIGHTING DISTRICT**

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, the meeting was held virtually with residents being able to interact through phone numbers provided by the Township of Macomb, located at 54111 Broughton Road, Macomb, MI 48042 on August 26, 2020, at 7:00 P.M., Eastern Standard Time.

PRESENT: Tim Bussineau, Nancy Nevers, Charles Oliver, Kathy Smith, Karen Goodhue, Kristi Pozzi, Janet Dunn

ABSENT: None

The following preamble and resolution were offered by Karen Goodhue and supported by

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Nancy Nevers.

WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating street serving lands described in Exhibit "A" is necessary to preserve the public health; and

WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:**

1. It is hereby directed that a street light or lights shall be installed at Pinnacle Farms Condominium, which will illuminate streets, serving and benefiting the unit(s) and/or parcel(s) of land described in Exhibit "A".

2. A Special Assessment District consisting of the unit(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or unit(s) so described in direct proportion to the benefit conferred.

3. The annual electrical service charge is Four Thousand Four Hundred Seventy-Two dollars and 28/100 (\$4,472.28). Three times the annual cost is Thirteen Thousand Four Hundred Sixteen dollars and 84/100 (\$13,416.84). Total project cost is Ninety-Five Thousand One Hundred Ninety-Nine dollars and 84/100 (\$95,199.84). The petitioner contribution amount is Eighty-One Thousand Seven Hundred Eighty-Three dollars and 00/100 (\$81,783.00). The Townships at large contribution is zero dollars and 00/100 (\$0.00).

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall

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be returned in the same manner for nonpayment.

**MOTION by Karen Goodhue seconded by Nancy Nevers to adopt the above and foregoing street lighting resolution for Pinnacle Farms Condominiums.**

**Roll Call:**

**Ayes: Karen Goodhue, Nancy Nevers, Tim Bussineau, Charles Oliver, Kathy Smith, Kristi Pozzi, Janet Dunn**

**Nays: None**

**Absent: None**

**RESOLUTION DECLARED ADOPTED this 26<sup>th</sup> day of August, 2020.**

**NEW BUSINESS:**

**WATER AND SEWER DEPARTMENT:**

9. Request Approval to Pay Construction Payment Estimate No. 7; 2019 Sanitary Sewer Rehabilitation by FCIPP and SCIPP Lining. Project No. 0249-0163 (\$204,559.79)

Item presented by Water and Sewer Superintendent Gerry Wangelin.

**MOTION by Kristi Pozzi seconded by Nancy Nevers to Approve the Request to Pay Construction Payment Estimate No. 7; 2019 Sanitary Sewer Rehabilitation by FCIPP and SCIPP Lining. Project No. 0249-0163 (\$204,559.79)**

**ROLL CALL Vote Summary: (7 - 0 - 0)**

**Ayes - Kristi Pozzi, Nancy Nevers, Tim Bussineau, Charles Oliver, Kathy Smith, Karen Goodhue, Janet Dunn**

**Nays - None**

**Abstain - None**

**THE MOTION Passed.**

**GENERAL COUNSEL:**

10. Amendment to Consent Judgement - Elite Corporate Park

Item presented by General Counsel Thomas Esordi.

**MOTION by Nancy Nevers seconded by Karen Goodhue to authorize the execution of the Amendment to Consent Judgement.**

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**ROLL CALL Vote Summary: (7 - 0 - 0)**

**Ayes - Nancy Nevers, Karen Goodhue, Tim Bussineau, Charles Oliver, Kathy Smith, Kristi Pozzi, Janet Dunn**

**Nays - None**

**Abstain - None**

**THE MOTION Passed.**

11. Third Amendment to Consent Judgement - Castle Rock Retail Center/Dairy Queen

Item presented by General Counsel Thomas Esordi.

**MOTION by Karen Goodhue seconded by Kathy Smith to authorize the execution of the Third Amendment to Consent Judgement.**

**ROLL CALL Vote Summary: (7 - 0 - 0)**

**Ayes - Karen Goodhue, Kathy Smith, Tim Bussineau, Nancy Nevers, Charles Oliver, Kristi Pozzi, Janet Dunn**

**Nays - None**

**Abstain - None**

**THE MOTION Passed.**

12. Amendment to Consent Judgement - 23 and Card Plaza

Item presented by General Counsel Thomas Esordi.

**MOTION by Nancy Nevers seconded by Kristi Pozzi to authorize the execution of the Amendment to Consent Judgement.**

**ROLL CALL Vote Summary: (7 - 0 - 0)**

**Ayes - Nancy Nevers, Kristi Pozzi, Tim Bussineau, Charles Oliver, Kathy Smith, Karen Goodhue, Janet Dunn**

**Nays - None**

**Abstain - None**

**THE MOTION Passed.**

13. Resolution Establishing Moratorium

Item presented by General Counsel Thomas Esordi.

**RESOLUTION ESTABLISHING A MORATORIUM ON ISSUANCE OF ANY AND ALL PERMITS, APPROVALS, CERTIFICATES AS THEY RELATE TO ANY MODIFICATIONS TO STRUCTURES IN ANY RESIDENTIAL OR COMMERCIAL ZONING DISTRICT IN ORDER TO CULTIVATE MARIJUANA AS A PATIENT CAREGIVER**

At a regular meeting of the Township Board of Macomb Township, Macomb County, Michigan, held in the Township Offices, 7:00 p.m. on the 26<sup>th</sup> day August, 2020, the following resolution was offered by Nancy Nevers and supported by Kristi Pozzi;

WHEREAS, on November 4, 2008, Michigan voters approved a ballot initiative that legalized medical marihuana; and;

WHEREAS, on December 4, 2008, Michigan's Medical Marihuana Act, MCL 333.26421, et seq. ("Act"), took effect allowing both patients and/or their caregivers to cultivate medical marihuana within an enclosed, locked facility in order for those individuals to be entitled to the MMMA protections. As such, these enclosed locked facilities have been located on various locations of varying zoning classification within the Township;

WHEREAS, the Stille-Derossett-Hale Single State Construction Code Act 230 of 1972 allows a local unit of government to legally adopt and enforce the state building code at the local level. The purpose of the building code is to ensure public health, safety, and welfare by protecting life and property from all hazards related to the design, erection, repair, removal, demolition, or use and occupancy of buildings, structures, or premises. This is in relation to structural strength, adequate egress facilities, sanitary equipment, light and ventilation, and fire safety. Building permits are required when construction or alterations of a structure are undertaken by a patient caregiver to support the cultivation of marijuana;

WHEREAS, since the passage of the Act, a caregiver's cultivation of marijuana particularly within residential and commercial zoning districts within the Township has resulted in problems including but not limited to insufficient or improper electrical supplies, inadequate ventilation leading to mold, offensive odors, noise, other health hazards and/or other hazards which are associated with the cultivation of marijuana in residential and commercial settings;

WHEREAS, the Michigan Zoning Enabling Act ("MZEA") provides the Township with statutory authority to regulate land use within the Township through its Zoning Ordinance. The Michigan Supreme Court in the recent case of DeRuiter v Byron Township, Case No. 158311, Decided April 27, 2020, found that a township's zoning ordinance that geographically restricted such caregiver marijuana cultivation to a particular zoning district did not directly conflict with the Act and the township had the authority under the MZEA to require zoning permits and permit fees for the use of buildings and structures within its

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jurisdiction;

WHEREAS, Macomb Township wishes to continue to explore how to best zone for such caregiver marijuana cultivation, which will require additional study in terms of amending the Township Zoning Ordinances pertaining to land uses, zoning classifications and/or other requirements, and the Township is considering allowing patient caregiver cultivation as a permitted use in the Industrial Districts only;

WHEREAS, the Township Board has concluded that during the pendency of its consideration of possible amendments to the Township Zoning Ordinances, it would be counterproductive if building and zoning permits and/or other approvals or certificate applications for patient caregiver cultivation were allowed or permitted to move forward in residential or commercial districts and, therefore, the Township Board has concluded that during the course of review and consideration of the possible Zoning Ordinance amendments, there should be a deferral of review of all applications for building and zoning permits, approvals, or certificates related to patient caregiver medical marijuana cultivation within any residential or commercial zoning district, with the exception of those applications which have already been submitted and are being processed by the Township as of the date of this Moratorium; and

WHEREAS, an amendment to the Zoning Ordinances, pertaining to land use as it relates to the locations allowed for the patient caregiver to cultivate medical marijuana will require proceedings before the Macomb Township Planning Commission and the Macomb Township Board under the process provided for in the MZEA, which include, but are not limited to, a public hearing before the Planning Commission and deliberations by the Township Board which will take approximately One Hundred Twenty (120) days;

NOW, THEREFORE, be it resolved that Macomb Township hereby adopts, effective immediately, a Moratorium upon the issuance of any and all permits, approvals, certificates as they relate to any modifications to residential structures or units in any residential and commercial zoning district in order to cultivate marijuana as a patient caregiver, with the exception of applications which have already been submitted and are being processed by the Township as of the date of this Moratorium, said Moratorium to also apply to the operation and utilization of Macomb Township Ordinances;

**MOTION by Nancy Nevers seconded by Kristi Pozzi to approve the attached resolution establishing a moratorium on issuance of any and all permits, approvals, certificates as they relate to any modifications to structures in any residential or commercial zoning district in order to cultivate marijuana as a patient caregiver.**

**ROLL CALL:**

**Ayes: Nancy Nevers, Kristi Pozzi, Tim Bussineau, Charles Oliver, Kathy Smith, Karen Goodhue, Janet Dunn**



**Nays: None**

**RESOLUTION DECLARED ADOPTED THIS 26<sup>th</sup> DAY OF AUGUST, 2020**

**SUPERVISOR'S OFFICE:**

14. Military Leave Policy

Item presented by Human Resources Director Thomas Esordi.

**MOTION by Kathy Smith seconded by Kristi Pozzi to approve the updated Military Leave Policy.**

**ROLL CALL Vote Summary: (7 - 0 - 0)**

**Ayes - Kathy Smith, Kristi Pozzi, Tim Bussineau, Nancy Nevers, Charles Oliver, Karen Goodhue, Janet Dunn**

**Nays - None**

**Abstain - None**

**THE MOTION Passed.**

15. Family and Medical Leave Act Leave Policy

Item presented by Human Resources Director Thomas Esordi.

**MOTION by Kristi Pozzi seconded by Karen Goodhue to approve the updated Family and Medical Leave Act Leave Policy.**

**ROLL CALL Vote Summary: (7 - 0 - 0)**

**Ayes - Kristi Pozzi, Karen Goodhue, Tim Bussineau, Nancy Nevers, Charles Oliver, Kathy Smith, Janet Dunn**

**Nays - None**

**Abstain - None**

**THE MOTION Passed.**

**MOTION by Karen Goodhue seconded by Nancy Nevers to place remaining policy updates on agenda after the new Board of Trustees takes office November 20, 2020.**

**ROLL CALL Vote Summary: (7 - 0 - 0)**

**Ayes - Karen Goodhue, Nancy Nevers, Tim Bussineau**

**Nays - Charles Oliver, Kathy Smith, Kristi Pozzi, Janet Dunn**

**Abstain - None**

**THE MOTION Failed.**

**FACILITIES AND GROUNDS DEPARTMENT:**

16. CDBG Sidewalk Ramp Program (\$189,956.00)

Item presented by Facilities and Grounds Manager Jason Gelle.

**MOTION by Charles Oliver seconded by Kathy Smith to award the FY2019 CDBG Sidewalk Ramp Program Contract to Luigi Ferdinandi & Sons Cement Co. in the amount of \$189,956.00**

**ROLL CALL Vote Summary: (7 - 0 - 0)**

**Ayes - Charles Oliver, Kathy Smith, Tim Bussineau, Nancy Nevers, Karen Goodhue, Kristi Pozzi, Janet Dunn**

**Nays - None**

**Abstain - None**

**THE MOTION Passed.**

**PARKS AND RECREATION DEPARTMENT:**

17. Resurfacing of the Lazy River for \$14,450.00

Item presented by Parks & Recreation Director Sal DiCaro.

**MOTION by Kristi Pozzi seconded by Charles Oliver to motion to award contract to Advanced Pool Services, Inc. for \$14,450.00.**

**ROLL CALL Vote Summary: (7 - 0 - 0)**

**Ayes - Kristi Pozzi, Charles Oliver, Tim Bussineau, Nancy Nevers, Kathy Smith, Karen Goodhue, Janet Dunn**

**Nays - None**

**Abstain - None**

**THE MOTION Passed.**

**BOARD COMMENTS:**

Trustees Comments

Trustee Smith spoke regarding an alternative remote meeting interface or meeting in-

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person.

Trustee Oliver spoke about the traffic situation at Legacy Farms subdivision.

Treasurer Comments

Treasurer Goodhue reminded residents Summer Taxes must be paid by September 14.

Clerk Comments

Clerk Pozzi informed residents that mail-in ballot applications will be mailed to those on the list who have yet to return an application for the November 3, 2020 Presidential Election. Residents may track their ballot application and ballot online at [michigan.gov/vote](http://michigan.gov/vote).

Supervisor Comments

Supervisor Dunn reminded residents of the Hazardous Waste Collection event at Town Hall on August 29 from 9:00 AM - 1:00 PM and the Macomb Township History book signing event at the former Wade Nursery property on September 19 from 10:00 AM - 1:00 PM. She also congratulated Lt. Briney on his promotion to the rank of Captain with the Macomb County Sheriff's Department.

**ADJOURNMENT**

**MOTION by Kristi Pozzi seconded by Kathy Smith to adjourn the August 26, 2020 Board meeting at 08:06 PM.**

**Vote Summary: (7 - 0 - 0)**

**Aye - Kristi Pozzi, Kathy Smith, Tim Bussineau, Nancy Nevers, Charles Oliver, Karen Goodhue, Janet Dunn**

**Nay - None**

**Abstain - None**

**THE MOTION Passed.**