

**UNAPPROVED MEETING MINUTES**  
**Special Meeting**  
**GRASS LAKE CHARTER TOWNSHIP BOARD**  
**April 17, 2019**

A Special Meeting of the Grass Lake Charter Township Board was called to order on April 17, 2019 at 4:00 pm by Supervisor Stormont at the Grass Lake Charter Township Hall Room.

**Board Members Present by Roll Call:** Loveland, Zenz, Stormont, Butterfield & Brennan. Absent: Bray and Lester.

**Pledge to Flag.**

**New Business: a)** – Court Opinion of Norvell Road Gravel Mining Special Use Permit – Closed Session – Stormont moved that the Township Board meet in closed session under Sections 8(h) to consider the confidential written legal opinion of the Township Attorney regarding the April 1, 2019, Jackson County Circuit Court decision vacating the Township Planning Commission’s special use permit in Friends of Grass Lake Township v Grass Lake Township Planning Commission, Docket No. 17-003036, Support by Brennan. Motion Carried. Went to closed session at 4:03 pm.

Due to no roll call with motion to go to closed session, board came back into open session and rescinded the motion to go into closed session at 4:05 pm.

At 4:07 pm Stormont moved that the Township Board go back in closed session under Sections 8(h) to consider the confidential written legal opinion of the Township Attorney regarding the April 1, 2019, Jackson County Circuit Court decision vacating the Township Planning Commission’s special use permit in Friends of Grass Lake Township v Grass Lake Township Planning Commission, Docket No. 17-003036, Support by Brennan. Roll Call Vote: Ayes – Stormont, Brennan, Loveland, Zenz and Butterfield. Absent: Bray & Lester. Motion Carried.

**b) – Reconvene Open Session** – Motion by Stormont to reconvene the Open Session portion of the Special Meeting at 5:00 pm. Supported by Loveland. Motion Carried.

**c) – Board Decision on Appeal** – Motion by Brennan that Grass Lake Charter Township will file an appeal from Judge McBain’s decision of April 1, 2019 in order to support the appeal filed by L & L Development. Supported by Butterfield. Discussion from Board members- Brennan, Zenz, Loveland and Stormont spoke on opinion of Judge McBain’s decision. Roll Call Vote: Ayes – Brennan, Butterfield and Stormont. Nays – Loveland and Zenz. Motion Carried.

**Public Comment** – Stormont explained that it may be up to six (6) months before knowing if Court of Appeals will accept the appeal, then possibly an additional twelve (12) to eighteen (18) months before case would be heard.

The following people spoke during Public comment (highlights of comments) : **Star Warren Crowdis** – Township is being watched and will be investigated, especially if bullying should continue. **Richard Murphy** – would like something in writing why the board made the decision they did. Also at Planning Commission Meeting on October 12, 2017 why Commission Members asked no questions after 45 people stood up and spoke. A great mistrust in the board – why backing Lester? Swing vote – Mr Butterfield was appointed after Lesinski resigned, now his vote was to appeal the Judge’s decision. **Dale Fisher** – very disappointed with Stormont, sat down with him last week at his house, wish he had never shaken his hand. **Bobbi Harper** – letter attached. Verbal confrontation back and forth with Butterfield. **Frank Hasbrouck** – What is the Township’s benefit to the appeal. Was application submitted for Bohne Road Gravel Pit renewal? Great mistrust in Stormont. Let the court make the decision was stated by Stormont meeting after meeting. **Susan Stewart** – letter attached. **Bess Miller** – How does the appeal benefit the Township residents for the Township to support the appeal of L & L Development. What are the legal expenses in relation to the budget so far this year? Would like a breakdown at next Township Board Meeting. In very beginning the Friends lawyer offered help in negotiating extraction. Legal question- If the Township did not support an appeal would L & L be allowed to appeal the judge’s decision? **Robert Dorer** – How does the 4+ % of the people that attended the Planning Commission meeting of October 12, 2017 not warrant to be listened to? How is it financially beneficial to spend more Taxpayers \$\$\$. **Shane Calkins** – Did Stormont appoint the board members, there are only two reasons someone would make a decision like was made. **Cheryl Kraft** – How can the process be changed so Elected Officials make the decision of Special Use Permits? **Denise Calkins** – Who actually do the Township Attorney’s work for – the people or the elected officials? **Joanne Ackerman** – Board and Planning Commission feelings got hurt. This was a learning experience for everyone involved.

**Motion by Brennan** to adjourn special meeting at 6:03 pm, supported by Butterfield. Motion Carried.

Respectfully Submitted, Catherine Zenz, Township Clerk

2 citizen letter attachments (Harper and Stewart)

**APRIL 17, 2019  
TO JIM STORMONT/ BOARD OF TRUSTEES  
373 LAKESIDE DRIVE,  
GRASS LAKE TOWNSHIP. MI 49240.**

PUBLIC ADDRESS TO THE BOARD OF TRUSTEES

I AM ASTOUNDED TO BE HERE YET AGAIN REGARDING BILL LESTER'S DESIRE TO HAVE A GRAVEL PIT ON NORVELL ROAD. JIM STORMONT – YOU STATED IN THE M LIVE ARTICLE ON APRIL 9TH AND I QUOTE:

**“There’s nothing for Grass Lake Township to do at this point. It’s up to L&L now depending on what they want to do,” Township Supervisor Jim Stormont said. “As far as the township is concerned, this is over.” MLIVE**

SO JIM PLEASE EXPLAIN THIS PUBLIC STATEMENT? PLEASE EXPLAIN WHY WE ARE HERE TODAY AT 4PM WITH ONLY 24 HOURS NOTICE? IS THIS ANOTHER ATTEMPT TO PUSH THROUGH A CONTROVERSIAL DECISION THAT NO ONE WANTS?

MY QUESTION TO THE BOARD IS- WHICH OF YOU ARE BEING PAID BY OR BEING INFLUENCED BY BILL LESTER?

CLEARLY MR LESTER AS TOWN TRUSTEE'S INVOLVEMENT HERE IS A CONFLICT OF INTEREST. JUDGE MC BAIN SAID EXACTLY THIS IN HIS RULING IN FAVOR OF THE FRIENDS OF GRASS LAKE TOWNSHIP. BILL WAS ALSO ORDERED BY THE COURT “TO BE DISQUALIFIED FROM ANY FUTURE INVOLVEMENT IN THIS CASE. HE IS TO HAVE NO CONTACT WITH ANY TOWNSHIP OFFICIALS ABOUT THIS CASE OR BE INVOLVED WITH ANY FACTUAL DETERMINATIONS THAT MAY NEED TO BE ADDED ON THIS CASE IN THE FUTURE. MR LESTER MAY, HOWEVER, APPEAR AND ADDRESS THE TOWNSHIP ON THIS CASE AS A MEMBER OF THE PUBLIC BUT NOT IN HIS CAPACITY AS A TOWNSHIP OFFICIAL” .

MY QUESTION TO THE BOARD – HAVE ANY OF YOU BEEN APPROACHED BY BILL LESTER REGARDING THIS APPEAL? IF SO, THEN BILL LESTER HAS VIOLATED THE COURT'S RULING. AND YOU HAVE AIDED AND ABETTED HIS VIOLATION.

THIS APPEAL WILL DESTROY THIS TOWN. THE HATE SPEECH BY SUPPORTERS OF THE LESTER BROTHERS ON SOCIAL MEDIA IS ONLY GOING TO ESCALATE. LIVES COULD BE IN DANGER! NOT TO MENTION THE HUGE ATTORNEY COSTS THAT WILL BE INCURRED AND PAID FOR BY THE RESIDENTS OF OUR TOWN.

PAGE TWO:

IS BILL LESTER SO POWERFUL AND SO INFLUENTIAL THAT YOU WILL ALL DO HIS BIDDING AT ANY COST AND IN THE PROCESS DESTROY THIS BEAUTIFUL TOWN? THE LESTER BROTHERS STAND TO MAKE MILLIONS, ON THE BACKS OF THE RESIDENTS AND THEIR CHILDREN WHO WILL LOSE EVERYTHING. IT APPEARS THAT NONE OF YOU CARE ABOUT THE VERY SERIOUS CONSEQUENCES, THE LOSS OF HOME VALUE, THE ENVIRONMENTAL DAMAGE AND THE HEALTH RISKS, BILL'S GRAVEL PIT WILL INFLICT ON THIS TOWN

I AM DISGUSTED THAT THIS BOARD IS EVEN CONSIDERING THIS APPEAL? YOU HAVE DEMONSTRATED NO MORAL COMPASS AND A COMPLETE DISREGARD FOR THE RULE OF LAW!

YOURS SINCERELY,

A handwritten signature in black ink, appearing to read 'B Harper', with a long horizontal flourish extending to the right.

**BOBBI HARPER,**

**3436 BETRASHA LANE,  
GRASS LAKE. MI 49240**

**LETTER HANDED IN PERSON TO JIM STORMONT WITH COPIES TO  
ALL BOARD MEMBERS**

# Township Copy

4/17/19

Special Meeting Grass Lake Charter Township Board to Discuss Appeal of Judges Decision

REVIEW OF THE OPINION ON APPEAL TO THE CIRCUIT COURT BY HON. JOHN G. MCBAIN (47476) ON APRIL 1, 2019; AND, WITTEN QUESTIONS REQUESTED TO BE ANSWERED IN WRITING BY THE TOWNSHIP BOARD

Page 9.

"Therefore, the Final Decision violated Section 14.05 (A) of the Zoning Ordinance, because it was not made **following** the required public hearing and was therefore improperly promulgated and/or not authorized by law."

"The Final Decision issued on October 12, 2017, was further in violation of Section 14.05 (B) of the Zoning Ordinance as set forth in Appellant's brief because it was **issued despite lack of compliance** with the Review Standards in Section 14.06 and Section 14.07 of the Zoning Ordinance."

The Planning Commission violated 4 Zoning Ordinances, how many do residents get to violate? No one should have to follow the Zoning Ordinances if the Planning Commission doesn't have to.

Page 12.

"The Final Decision is not authorized by law since nothing in the Application or the Planning Commission's conditions addresses the air and noise pollution that will occur from the dry screening of sand, crushing of rock, and other industrial mining activities."

How would you address this in an appeal?

Page 14.

"Moreover, the Final Decision approving the Special Use Permit for a mining/extraction operation as determined and promulgated was not supported by competent, material and substantial evidence on the **Whole Record** as required by law." This violates Michigan Law: MCR 7.122(G)(2)

Page 15.

"The court also concludes that the Planning commission failed to base its Final Decision on the whole record when it failed to include or give appropriate weight and consideration to include dozens of documents submitted by citizens at a public hearing in opposition to the issuance of the special use permit." ... "But the Planning Commission violated 14.05A by having their 8 page single spaced opinion done and ready to be issued before weighing the input of 275 citizens, property owners, and taxpayers."

Let's hope you are listening to us now and you don't have your decision already made and written up. The judge established this violates Zoning Ordinances and Michigan State Law.

Page 18.

**“...A conclusory recitation of a required standard can not be satisfied by conclusory recitation.** They must be supported by evidence, studies, expert opinions, environmental impact studies. While some were referenced many required findings were supported by nothing more than unsupported conclusion..... The Zoning board may not merely repeat the conclusory language of a zoning ordinance without specifying the factual findings underlying the determination. *Renders*, 217 Mich App 378-379. This violates the applicable zoning ordinance and Michigan law.”

Citizens have been asking the Township what the Planning Commission based their decision on. The judge realized as we have known the decision was not based on facts. For example, Mr Hinkle can not say the UpJohn studies are not valid because he says so.

Page 19.

“... violates the provisions in the Master Plan which provide that “new development will generally reflect existing rural character,” that “the encroachment of commercial and industrial uses into residential areas will be discouraged”....”

“The court concludes the proposed location creates extraordinary concerns and even significant risks to the healthy, safety and welfare of many Grass Lake Township residents. This project would likely fit in the Master Plan if it was proposed in a far more rural location.”

Why have a Master Plan if you are going to violate it? Can all residents violate the Master Plan?

Page 21 - 24

“The Court finds that the current proposed location of the Mining Operation does pose “very serious consequences” many which have been detailed and discussed in this opinion.”

“1. Noise”

“2. Dust particulate”

“3. Diminution In Property Values”

“4. Disturbance of water flows”

“5. Dangerous Traffic Congestion”

How will you refute and appeal this evidence?

Page 25.

“6. Necessary Mineral Extraction. There has been no showing that the sand and gravel to be extracted in short supply, or not readily obtainable from other mines or pits..... Nothing in the Record indicates that the material to be mined would in fact be used in Grass Lake Township. Yet another deficiency in the Final Decision of the Planning Commission.”

How many violations did the Planning Commission commit?

Page 26

“... L & L's idea of a mining operation, and eventually creating a lake and a high end residential development deserves consideration. As currently proposed it is in the wrong proposed

location. Its proposed location and close proximity to subdivision, private homes, schools, the Village of Grass Lake, businesses, create very serious consequences as already analyzed by the Court. In *Kropf v Sterling Heights* 391 Mich 139 (1974) the Michigan Supreme Court stated "Considerable weight will be given to the findings of the trial Judge" in legal issues raised in these types of cases."

Zoning Ordinances Violated	Michigan Law Violated	Master Plan Conflict
Section 14.05 (A) Section 14.05 (B) Section 14.06 Section 14.07	MCR 7.122(G)(2)	Pages 26 - 27

With all the unlawful acts against the Zoning Ordinances and Michigan law and the conflict with your own Master Plan, on what grounds does the Township have to appeal the Judge's decision?

What Zoning Ordinance are the Planning Commission required to follow?

How much money is it going to cost the tax payers for the Township to appeal?

Will L & L Development be an Intervenor?

At the Township's request of questions being in writing to be addressed, a response in writing to these questions is requested appreciated.

Zoning Ordinances Violated	Michigan Law Violated	Master Plan Conflict
Section 14.05 (A) Section 14.05 (B) Section 14.06 Section 14.07	MCR 7.122(G)(2)	Pages 26 - 27

Concerned Grass Lake Citizens

Susan L. Steward

Maxwell Stein

Janet Ruge

Star Crowder

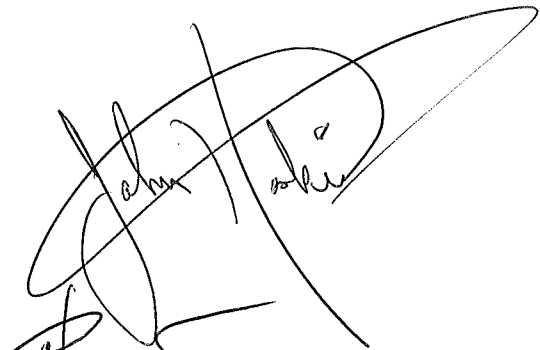
Joanne Cook

Mary Anderson - Ringelder

Dale Fisher

Sally Hoskin

Shawn Callahan



Paul



John

Paul

Suzanne Mitchell

Mark R. Fisher

James R. Fisher