

**Leland Township Board Special Meeting**  
**April 23, 2021 – 11:00 AM**  
**Minutes - AMENDED**  
*(The meeting was held through Zoom)*

**PRESENT:** Supervisor Susan Och, Clerk Lisa Brookfield, Treasurer Shirley Garthe, Trustee Mariann Kirch, Trustee Clint Mitchell, Brad Wierda (attorney), Robert Parker (attorney).

**ABSENT:** 0

**GUESTS:** 2

Ms. Och called the meeting to order at 11:01 a.m. with the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Ms. Brookfield moved to approve the agenda as presented; supported by Ms. Garthe.

Voice roll call (not necessarily the order called at meeting)

Supervisor Susan Och: Yes

Clerk Lisa Brookfield: Yes

Treasurer Shirley Garthe: Yes

Trustee Mariann Kirch: Yes

Trustee Clint Mitchell: Yes

Motion carried (5 in favor, 0 opposed)

**DECLARATION OF CONFLICT OF INTERESTS – None**

**PUBLIC COMMENT - None**

**ACTION ITEMS**

1. Update to the Board from attorney Brad Wierda concerning the Janko/Joyes litigation.

*(A portion of this meeting may be held in closed session if an open meeting would have a detrimental financial effect on the Township's litigating or settlement position.)*

It was decided that it was not necessary to take the meeting into closed session.

Mr. Wierda discussed the current status of the Janko/Joyes litigation. On the day of the hearing mediation, Leland Township and the plaintiffs came to a verbal agreement which was to be put in writing later and sent to the Township. On receipt of the agreement, the Township had concerns about some items and returned the agreement to the plaintiffs with 4 requested changes. Mr. Wierda reported that the plaintiffs agreed to 3 of the changes: 1) wording concerning dogs on leashes would not include private property, only the public property, 2) the second sentence in 4c was deleted, 3) and the approval of the Township would be required for the design and placement of the proposed platforms and signage. The Township did not agree with the width of the pathway being 6 feet with the posts and ropes to designate the path. After consulting with the Fire Department, a 6-foot wide pathway would not be wide enough for rescue workers and equipment to get to and transport a person from the beach. Also, the rope and posts were not part of the verbal agreement made at the hearing.

Ms. Och also expressed concern over the removing of the asphalt. This was also not part of the verbal agreement reached at the hearing. The asphalt would be helpful for emergency vehicles to access the beach area and to turn around. The plaintiffs' aim in removing the asphalt would be to discourage people from parking at the entrance of the beach area. Parking would also be limited to one side of the street to limit the number of people using the beach area. It was

determined that the Road Commission would be the entity that would make decisions about the asphalt.

Ms. Och was also concerned about the size and placement of the proposed platforms. Her recollection was that the maximum size of a platform would be 12' x 8'. However, the written agreement reads a "minimum" size rather than a "maximum" size. Ms. Och would like to language to be precise in order that it won't be something that continues to require negotiation. There was a lot of discussion about this issue. It was decided that the statement in the agreement that requires Leland Board approval of the size and placement of the viewing platforms would be sufficient.

The major issue that will be presented back to the plaintiffs is the 8-foot wide pathway rather than a 6-foot wide pathway. An 8-foot width is necessary for rescue operations.

**ACTION:** Ms. Kirch moved to accept the agreement as written with the exception of extending the width of the foot path to 8-feet rather than 6-feet in all mention of such in the agreement based on the fire chief's input, and authorize the Supervisor to sign the agreement with the change; supported by Ms. Brookfield.

Voice roll call (not necessarily the order called at meeting)

Supervisor Susan Och: Yes

Clerk Lisa Brookfield: Yes

Treasurer Shirley Garthe: Yes

Trustee Mariann Kirch: Yes

Trustee Clint Mitchell: Yes

Motion carried (5 in favor, 0 opposed)

Mr. Wierda will present the proposed agreement to the plaintiffs.

## **OTHER/OLD BUSINESS**

Ms. Och received notice that the office building rented by the Township will be demolished and a new building will be built in place of it. The Leland Office has 90 days to move to a new location. The owner of the building has offered to rent the bottom floor of the new building to the Township for more money and less space. The new building would take a year to build. It is not known if it is required for the Board to hold their meetings in Leland Township only. Also, the storage of archives is an issue. The archived documents could be stored in the upper level of the Harbor building.

(Ms. Brookfield had to leave the meeting at 11:51 a.m.)

Ideas of finding office space were discussed.

**BOARD COMMENT** - None

**PUBLIC COMMENT** - None

## **ADJOURNMENT**

**ACTION:** MS. Garthe moved to adjourn the meeting at 11:58 a.m.; supported by Mr. Mitchell.

Voice roll call (not necessarily the order called at meeting)

Supervisor Susan Och Yes

Clerk Lisa Brookfield: Absent

Treasurer Shirley Garthe: Yes

Trustee Mariann Kirch: Yes

Trustee Clint Mitchell: Yes

Motion carried (4 in favor, 1 absent)

Respectfully Submitted,  
Cindy Kacin, Recording Secretary

Date Approved:

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Susan Och, Leland Township Supervisor

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Lisa Brookfield, Township Clerk