

# Township of Lake

Huron County, Michigan  
March 16, 2009

This special meeting of the Lake Township Board was called to order by Supervisor Smith at 6:05 P.M. Present were Smith, Fischer, McCallum, Hyzer and Hartsell along with approximately 58 guests.

Smith asked for approval of the agenda as prepared. McCallum requested additional items under new business of assessment roll and Board of Review.

## **New Business:**

**Meeting Disturbances:** Smith made a motion to adopt Resolution 2009-\_\_\_ stating "The Township shall adopt Michigan Penal Code #750-170, disturbance of lawful meetings (MSA 28.367) Section 170. Disturbance of lawful meetings – Any person who shall make or excite any disturbance of contention in any tavern, store or grocery, manufacturing establishment or any other business place or in any street, lane, alley, highway, public building, grounds or park, or at any election or other public meeting where citizens are peaceably and lawfully assembled, shall be guilty of a misdemeanor." Fischer supported.

Anne Krzeminski asked why the Township needs to adopt a resolution when it is already a state law. Hartsell agreed and suggested checking with Attorney Salens. Smith asked for a roll call vote: Hyzer, Hartsell and McCallum voted Nay. Resolution failed.

**Videotape:** Smith recommended Resolution 2009-02 reading "MCL15.263 Section 3.1 provides that a person attending an open meeting has the right to tape record, video tape, or broadcast live on radio or television the proceedings of the meeting. The board is permitted to establish reasonable regulations concerning these provisions to minimize the possibility of the meeting being disrupted through such activities. The board will set aside a location for the use of such equipment." Smith stated the camera location will be on the Building Inspector's desk. Fischer asked that it be located farther back near the bathroom. Upon request, Depner moved the camera back but could not see the board. Smith recommended leaving it at the Building Inspector's desk. **Resolution offered by Fischer and supported by Hyzer. Roll call vote: McCallum and Hartsell - nay. Smith, Fischer and Hyzer - aye. Resolution passed.**

**Planning commission:** Smith informed those present that the planning commission was going to be restructured to nine members with the addition of Tom Carriveau, Robert Scott, Lisa Konke and David Brady. McCallum stated that the Zoning Ordinance provides for a five member board and would have to be amended before appointing additional members. Smith responded that the Board will amend the Zoning Ordinance and also will propose amending Section 307.2(d) by removing the requirement for site plan review by the planning commission for building projects in the R-1 district, Section 805.3 Maximum Building Height

increase to 35 feet, and Section 805.4 Maximum Lot Coverage increase to 35 percent.

**Old Business:**

**Adjust Proposed Budget:** Smith stated that the planning commission budget would be adjusted by moving the \$2,000 budgeted for consulting fees to salaries and \$1,000 budgeted for legal fees moved to salaries. Treasurer wanted her salary put back to the 2008 salary of \$12,000 and putting her budgeted mileage/housing back to \$1,800 to include in-county mileage. McCallum stated that officials should not charge mileage within the county for the performance of their job duties. Treasurer stated she wanted the mileage rather than a salary increase so she doesn't have to pay taxes on it. Zoning Administrator's salary will also be adjusted back to the 2008 rate and mileage/housing increased to the 2008 rate. **Motion by Fischer in support of above changes, seconded by Hyzer. Roll call vote: 4 ayes – McCallum - nay.**

**New Business (Continued):**

**CD & Saving Signatures.** Fischer informed the Board that at a Treasurer's seminar at the MTA Convention she was told by one person that no additional signatures were required and another who said they were. Fischer also stated it is the Board's decision as to who is a signatory on CD and savings accounts. McCallum provided a statement from the MTA stating that the deputy clerk and deputy treasurer have the same duties as the clerk and treasurer other than a vote on the board. McCallum stated that in the absence of the Clerk or Treasurer, the deputies need to be able to conduct business for the Township. If the Clerk is not available to issue warrants/checks for approval at a board meeting, the deputy needs to be authorized to sign those warrants/checks. McCallum further stated that there are laws in this regard and requested this issue be tabled until the March 30<sup>th</sup> meeting in order to provide the Board with the applicable laws.

**Township Ordinance Amendments:** Smith reviewed the amendments discussed above under Planning Commission. **Motion by Smith to change the April 20 meeting time to 7 PM, seconded by Fischer. Motion carried.**

**Board of Review/Assessment Roll:** McCallum requested the Board of Review to carefully review the assessment roll inasmuch as the roll seems to have many inequities in assessments and some parcels with no assessment. McCallum also asked that the Board of Review schedule an additional date for appeals later in March in order to allow time for taxpayers to appeal since several assessment changes notices were returned due to the wrong addresses being used and are still being resent. Ann Krzeminski stated she did not get one of her assessment change notices until the 9<sup>th</sup> of March and that if the notices were not mailed out on time, it is only fair to extend the Board of Review dates. Smith asked Bushey about scheduling an additional date. McCallum recommended Saturday, March 28<sup>th</sup>. Bushey stated he would check with his board.

**Public Comments:** Comments were made regarding the mailing of assessment notices, change of planning commission membership, representation of property owners on planning commission, costs involved with increased membership, why there is a need to rush into a wind ordinance, the fact that the planning commission is doing the research in order to protect all Township residents, the purpose of video taping the meetings and need for deputy clerk on bank accounts.

The board's decision to eliminate consultant and legal fees for the planning commission was questioned. Smith stated he wanted to show that the expenses would not increase and wants to see how much money is left in this year's budget. McCallum stated it doesn't matter what is left in this year's budget, the budget is prepared and funds are allocated based on what may be needed and if it is necessary to use additional funds from the general fund, it should be included and proposed at this time.

**Motion by McCallum to amend the previous motion adjusting the planning commission budget by keeping legal and consultant fees at their amount as proposed at the February 16<sup>th</sup> meeting and adding an additional \$3,000 to planning commission salaries. Motion seconded by Fischer. Roll call vote taken: McCallum, Hartsell and Fischer – aye. Smith and Hyzer – nay. Motion carried.**

Motion by Hartsell to adjourn, seconded by Fischer. Meeting adjourned at 7:35 P.M.

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Valerie McCallum, Clerk

Approved at a Township Board meeting held on the 30<sup>th</sup> day of March, 2009.

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Robert T. Smith, Supervisor

Lake Township Board

03/16/2009

I would ask the Board to respect the fact that the Planning Commission has worked diligently to provide a wind ordinance for recommendation. Allow us to finish what we have put so much time and effort into. Then follow the rules of procedure as described in our ordinance.

Time and money have been spent on gathering information, research. We have had presentations also speakers that advocate pro and con.

The ordinance is designed to protect all township residences, participants and nonparticipants.

The ordinance will:

- Reflect location and scale consistent with the Master Plan.
- Protect all areas of the township and the townships natural resources.
- Protect public health, safety and welfare.
- Protect property values.
- Protection of sensitive receptors and wildlife habitat.
- Protect aesthetics and scenic views.
- Protect agricultural and the tourism based economy.

Thank You

Louis J. Colletta  
Chairman  
Lake Township  
Planning Commission