

Township of Lake

Huron County, Michigan
June 15, 2009

The regular meeting of the Lake Township Board was called to order by Supervisor Smith at 7:30 P.M. Present were Smith, Fischer, Hyzer, Hartsell and Deputy Clerk Bolton, along with approximately 25 guests. McCallum absent.

Minutes of May 18, 2009: Hartsell stated that the comment by Kelterborn regarding Lou Bushey attending the Hume Township meeting is not needed in Lake Township's minutes and asked to strike it from the minutes and the motion regarding correspondence being received the Monday prior to the scheduled meeting state, "or it will not be read." Motion by Fischer to approve the minutes with the corrections requested by Hartsell, seconded by Hyzer. Motion carried – all ayes.

Minutes of May 26, 2009 approved upon motion by Smith, seconded by Hyzer. Motion carried – all ayes.

Treasurer's Report approved upon motion by Hyzer, seconded by Hartsell. Motion carried – all ayes.

Agenda: Smith added the July 21st Board of Review at 7 PM and suggested that Dufty Road from Griggs to Kinde be added to this years road work. **Motion by Fischer to add the section of Dufty Road from Griggs Road west to Kinde Road, seconded by Hyzer.** Motion carried. Smith stated he had additional items to add under New Business. **Motion by Smith to approve agenda with his additions, seconded by Fischer.** Motion carried – all ayes.

Paul Beck requested that it be put on the record that Smith is not following Robert's Rules of Order.

Len Pilato, CAFPA Representative, requested the Board consider raising the limit of \$20,000 on the restriction of purchases by the CAFPA Board to \$100,000. **Motion by Fischer to approve request, seconded by Smith.** Hartsell abstained. Hyzer voted no. Motion failed.

(McCallum arrived at approximately 7:40 P.M.)

Correspondence: The following items were read or summarized:

- Memo from Huron County Health Department regarding Beach Sampling for Summer 2009
- Letter of May 29, 2009 from Diva Disposal, LLC
- Thumb Electric Cooperative Notice of Hearing for July 30, 2009
- Memo from Arnie Russell regarding Darin's Handyman

McCallum asked what items were added by Smith under New Business before opening to public comments. McCallum stated that the purpose of the agenda being available to Board members and the public prior to the meeting is so they know what will be discussed and can prepare. If items are added at the meeting,

they need to be identified so the public can comment on them during public comments. Smith stated that future meeting agendas will only have one comment period which is all that is necessary, according to the Open Meetings Act. McCallum questioned Smith's decision inasmuch as it affords the public the opportunity to ask questions or give comments on items before decisions are made and the opportunity to comment at the end of the meeting. Smith listed the items he requested be added to new business as follows:

- Hartsell's information on the Heritage Trail
- July 21st Board of Review at 7 PM
- Road work approval for Dufty Road from Griggs to Kinde
- M-25 Right-of-Way
- Combining of parcels

Public Comments:

Vi Renius stated that she cannot hear comments made by Fischer or Hyzer.

No Petitions:

New Business:

MTA Principles of Governance Pledge: McCallum read the pledge provided by the MTA. **Motion by Hartsell to accept the pledge, seconded by McCallum.** Hyzer, Fischer and Smith voted no. Motion failed.

2008-2009 Budget Amendments: McCallum stated that Assessor Supplies and Zoning Board of Appeals Salary were over budget and recommended moving \$100.00 from Assessor Mileage to Assessor Supplies and \$100.00 from Zoning Board of Appeals Publications to ZBA Salary. **Motion by Smith approving recommended transfers, seconded by Hartsell.** Motion carried – all ayes.

2009-2010 Quarterly Budget Review: Fischer requested that the Treasurer's Cost Center be corrected to reflect budget as adopted.

Supervisor's Comments: Smith stated that on Saturday he had a line at the Township door. People had questions regarding FEMA and the M-25 right-of-way. He stated that over the last 15 years Zoning Administrator William Ross had issued permits for work on the M-25 right-of-way, were charged permit fees and he wanted to know if anything could be done for those people. McCallum stated that Zoning Administrator Arnie Russell has never issued a permit for work within the right-of-way and suggested that the records would need to be reviewed. Smith stated he would check into it. He also stated that in Whippoorwill Haven lots in common ownership were joined together without written consent by the property owner and that property owners have been told they could not build on a 50' lot. McCallum stated that there is no restriction for building on a 50' lot other than meeting the setbacks and health department requirements and as far as lots being

combined, the zoning ordinance since 1992 has had a provision that states that lots less than 100 feet wide and in common ownership are considered as one lot.

Hartsell requested that the information on the Heritage Trail be added to next month's agenda.

Old Business:

Septic Committee/Draft Septic Ordinance: Bob Siver stated the committee is continuing to meet.

Policy on Public Participation at Township Meetings: Hartsell stated that Paragraph 6 was changed from Friday to Monday. McCallum requested that if this policy is going to be adopted, the three minutes be changed to five minutes, and that two comment periods be retained, one before going into New and Old Business and one at the end of the meeting. **Motion by McCallum to accept the policy with the change to five minutes and to continue with two public comment periods on the meeting agenda, seconded by Hartsell.** Fischer and Hyzer opposed. Motion carried.

Paul Beck questioned Paragraph 8 on the Public Participation Policy stating that the Board works for the people in this community and should be obligated to answer any questions. Smith stated that he will look into the questions and get back with the answer.

Smith asked whether the Township has followed Robert's Rules of Order. Fischer stated the Township never has. Smith requested copies of any township policies.

Minutes of May 15, 2009 Special Meeting: McCallum stated that the minutes for the open meeting should have stated the reason for going into closed session and read Section 15.268(e) regarding purposes for closed sessions and stated that she wants it noted on the record that she doesn't believe the Board was in compliance with the OMA. The closed session minutes were given to Board members to read. Hartsell made a correction which was reviewed by all members. **Motion by Hartsell to approve the closed session minutes with the correction, seconded by Smith.** McCallum opposed. Motion carried. **Motion by Hartsell to approve the Minutes of May 15, 2009 (open session), seconded by Fischer.** McCallum opposed. Motion carried.

Public Comments:

Paul Beck presented Smith with a copy of Robert's Rules of Order and requested a copy of the rules the Board has in writing. Smith stated he will get back with Mr. Beck on his request.

Lou Colletta stated that Smith is aware that a 50 foot stand alone lot is grandfathered and can be built on. Smith stated that some people in Whipoorwill

Haven are under the impression that they cannot sell an individual 50 foot lot. Smith brought up the Eveleth property that was combined and could not be split. Kelterborn stated that Eveleth's request was reviewed by the planning commission and there should be information in the minutes. Kelterborn stated that the waterfront lots are very shallow and were originally 25 foot lots.

Bob Bensinger stated in 1995 he put up a split rail fence. Bill Ross told him he needed to get a permit so he did and paid a double fee. In 2001 he removed the split rail fence, contacted the Township and obtained another permit to put a new fence in the same place. Last year he received a letter from M-DOT and attended the meeting at the State Park wherein M-DOT stated they will not deviate on the setback. He spent \$300 to move the fence and he is asking for that and that his permit fee of \$40.00 be returned. **Motion by Hartsell to have Smith check with the Township attorney as to whether we have to pay the permit fee back and the legalities of the whole issue, seconded by Fischer.** Motion carried – all ayes.

Tim Lalley stated he is profoundly embarrassed and disillusioned as to why the Board failed to adopt the MTA Principles of Governance and would like an explanation why. He stated it is an embarrassment to our Township. Lalley also questioned Smith as to his comments to Mary Johnson regarding her position as recording secretary for the planning commission.

Jeanne Williams asked what part of the Principles of Governance the Board did not like. Smith had no answer at this time. Colletta stated that he believes these questions regarding the MTA's Principles of Governance are occurring because Smith often refers to the MTA for guidance and seems to pick and choose what he wants to use. Maryanne Williams stated that it is merely a code of conduct.

Jeanne Henry asked for some indication from the Board as to their willingness to adopt some type of septic ordinance inasmuch as the previous septic committee spent a lot of time reviewing information and preparing an ordinance and the new committee is starting over with new information. She stated as a realtor, she recommends clients have a septic inspection but she cannot require it. She asked the Board members whether they will support an ordinance. McCallum stated she supported the original ordinance and would continue to support some type of ordinance. Fischer asked what happened to the original ordinance, she thought it was done and questioned why it wasn't presented to the Board for adoption. McCallum stated that Fischer and Hyzer did not agree with the maintenance aspect of the original ordinance and Kelterborn had requested the maintenance portion be removed at that time retaining inspections at the point of sale and for additions to existing dwellings. Hartsell stated he is in favor of making sure that septic are inspected at point of sale.

Walt Kloc had several comments in regard to the septic ordinance, 50 foot lots, fences, the new flag and petitions submitted to the planning commission. He wanted to know the policy for submission of petitions and what disposition is taken

on petitions. He specifically wanted to know what the planning commission is doing with the petitions that were submitted at their last meeting. Colletta stated that the planning commission will be discussing those petitions at their next meeting.

Bob Siver recommended the Township consider purchasing an AED Unit for the Township Hall since it is a public building.

Pat Przystup asked about easements, whether they are only for certain subdivisions or public. Colletta stated that it depends on the easement and the dedication in the plat.

Clay Kelterborn had several comments in regard to the new flag, the Board's unwillingness to adopt the MTA governance pledge, and water quality. He wanted to know what is going on with the Township's participation in the Pinnebog River Watershed Management Plan. Smith will check into it and advise.

Payment of bills: Motion by Smith to pay bills including Verizon bill, seconded by Hartsell. Motion carried – all ayes. Motion by Hartsell to hold Wolschlager's check until required paperwork submitted, seconded by Fischer. Motion carried – all ayes.

Motion by Hartsell to adjourn, seconded by Fischer. Motion carried – all ayes. Meeting adjourned at 9:20 P.M.

Valerie McCallum, Clerk

Approved at a Township Board meeting held on the 20th day of July, 2009.

Robert T. Smith, Supervisor