

LAKE TOWNSHIP PLANNING COMMISSION
Regular Meeting
Wednesday, August 25, 2010

The **regular meeting** of the Lake Township Planning Commission was called to order at 7:00 PM by Chairman Dave Szumlinski.

Pledge of Allegiance was recited.

Roll call by Lisa Konke, Recording Secretary. Present were Dave Szumlinski, Dale Hartsell, Gerry Geppert and Gordon Krueger along with approximately 14 guests. Absent Deb McBride.

Approval of Minutes

Motion by Hartsell, to accept the **minutes of the June 23, 2010 regular minutes** seconded by Krueger. All ayes. Motion carried.

Agenda

Szumlinski stated that a brochure for an environmental protection workshop was received after the agenda was prepared and noted that the brochure was in the members packets for review if anyone was interested in attending. The workshop is September 16, 2010 at the Delta Township Hall (Eaton County) from 6:00pm to 9:00pm.

Motion by Hartsell, **to approve the agenda with no additions**, seconded by Krueger. All ayes. Motion carried.

Correspondence:

Szumlinski read a letter that was received from James Quinn on July 27, 2010, regarding the proposed ORV ordinance and the fact that he lives on the section of Sand Rd. being considered for closure per the recommendation of the Sleeper State Park manager George Lauinger.

New Business:

Election of Officers

Szumlinski suggested that the Board table Election of Officers until the next meeting because one member (Deb McBride) of the Board was absent.

Motion by Szumlinski, **to table Election of Officers until the September meeting**, seconded by Hartsell. All ayes. Motion carried.

ORV Ordinance

Szumlinski stated that he personally went with George Lauinger, Sleeper State Park manager, to the Sand Road area that is being suggested for closure. He added that the area of Sand Road between Conkey and State Park Road owned by the State is almost directly in middle and that the beginning and end of this section of road is owned by

different property owners, some with residences on them. Therefore, those property owners would be prohibited from riding an ORV on their own road. Additionally, if Lake Township closes any road, the township is responsible for any enforcement charges that are incurred with the Huron County Sheriffs Department. Any police enforcement will be billed to Lake Township. He feels the State should enforce their land, and that Mr. Quinn has a legitimate gripe.

Krueger stated that, as a long time rider, he thinks that this area of Sand Road should be left open.

Geppert stated that he also talked to George Lauinger and doesn't see what could be done to close that section of Sand Road.

Hartsell suggests letting the Huron County ordinance stand.

Motion by Hartsell, **to refer the ORV ordinance back to the Lake Township Board and that no action be taken on an ordinance specific to Lake Township**, seconded by Krueger. All ayes. Motion carried.

Wind Draft

Szumliniski suggested that the Board table the Wind Draft document contained in the packets so the Draft can be reviewed by the Planning Commission members and addressed at the next regular meeting in September.

Hartsell asked if what he was reviewing was the Huron County wind ordinance.

Szumliniski answered yes.

Motion by Szumliniski, **to table the Wind Draft until the September 22, 2010 regular Planning Commission meeting**, seconded by Hartsell. All ayes. Motion carried.

Medical Marijuana

Szumliniski referred to the Michigan Medical Marijuana Act of 2008 and pointed out that Lake Township attorney, Walt Salens, sent a letter to the Lake Township Board of Trustees suggesting that the "Township hold off passing any amendments to the zoning ordinance until we see what the Courts do and the Attorney General's office acts."

Motion by Hartsell, **to table the Medical Marijuana ordinance and refer it back to the Lake Township Board of Trustees**, seconded by Krueger. All ayes. Motion carried.

Review Master Plan

Szumliniski stated that the Master Plan has to be updated every 5 years. He referred to the copy of the Master Plan that has been provided in the members' packets. The Board members should start reviewing it for possible amendments or additions.

Motion by Hartsell, **to table the Master Plan until a future meeting so members can start reviewing it, seconded by Krueger**. All ayes. Motion carried.

Old Business:

Schedule Public Hearing

Szumlinski stated that the ordinance amendments were sent to the Township attorney Walt Salens, and his only recommendation was to better define the word "temporary." Szumlinski offered that perhaps the word "open structures" should be used instead. Also, the word "mark" needs to be added after the words high water in the amendment regarding decks.

Motion by Krueger, **to change the word "temporary" to "open" in the ordinance amendment pertaining to canvas structures, and add the word "mark" after high water in the amendment for deck construction**, seconded by Hartsell. All ayes. Motion carried.

Szumlinski stated that he would like to schedule the Public Hearing for the ordinance amendments for September 15, 2010, at 7:00pm.

Val McCallum, Lake Township Clerk, offered that in order to publish this notice more time is needed. She suggested having it before the next regular meeting of September 22, 2010.

Motion by Szumlinski, **to schedule public hearing for ordinance amendments for September 22, 2010 at 6:30pm**, seconded by Hartsell. All ayes. Motion carried.

Public Comments:

Paul Beck commented that in Troy, the public has the opportunity to express their opinions on items as they are being addressed by the board. And that here, in Lake Township, the only opportunity for public comment is after everything has been passed. Secondly, he asked about the status of the septic ordinance and when Lake Township is going to act on this.

Val McCallum attempted to make a comment.

Szumlinski interrupted McCallum and informed her that she could not speak as it would be in violation of the Open Meetings Act for her make a public comment being that there was a quorum of the Township Board of Trustees present.

McCallum countered that this was a public meeting and that she should be allowed to speak.

Szumlinski read from a copy of Chapter 3: Meetings of Boards and Commissions, page 55, first paragraph of what he said was from the Open Meetings Act.

McCallum asked if she could have a copy of what Szumlinski was reading from.

Szumlinski replied yes.

McCallum approached the Board table to make a copy of the document.

Szumliniski asked McCallum to be seated and that a copy would be available to her after the meeting.

Lou Colletta commented that the way he understands this regulation, is that as long as no decisions are taking place, McCallum should be allowed to comment.

McCallum approached the Board table and asked to see what Szumliniski had read from.

McCallum responded that she would like to read the document before the meeting adjourns.

Szumliniski replied no.

Clay Kelterborn commented that he believes Szumliniski is misinterpreting this, and that this Board cannot deny Ms. McCallum the opportunity to talk or comment.

Szumliniski replied that he will not stop McCallum from commenting, but according to the document he read from, it would be in violation of the OMA.

Kelterborn commented that you can not deny someone their due process and freedom to speak. McCallum is a resident and taxpayer and should be able to comment.

Szumliniski answered that if she wanted to stand up and speak he will not stop her.

McCallum stated that she would not speak and said that she would like to offer a letter that was hand delivered to her this day, August 25, 2010, from Dr. Swinbanks of Port Hope to be read at the next Planning Commission meeting for reference while the Board reviews the Wind Ordinance.

Colletta commented that as long as no decisions are made its acceptable, and that Szumliniski was reading it out of context.

Szumliniski read the paragraph again.

McCallum asked what section Szumliniski was reading from.

Szumliniski stated that he was simply reading the law.

Konke asked Szumliniski for the document he had read from and she made a copy for McCallum as well as one for each member of the Board.

Kelterborn suggested that the Board should consult with legal council regarding this matter. He also requests that Szumliniski consult with Walt Salens, Lake Township attorney, and get a legal opinion on this matter.

Szumliniski answered that he feels that the paragraph in which he read from can not be any clearer.

Colletta commented on the word "could" in the paragraph.

Szumliniski stated that he brought it to the attention of McCallum so she would understand that she could be in violation of the OMA. He added that if she chooses to comment he will not stop her.

Kelterborn commented that Szumlinski is starting to lack transparency.

No more public comments.

Motion by Hartsell **to adjourn**, seconded by Krueger. All ayes. Motion carried.

Meeting adjourned at 7:45pm.

Public hearing and regular Planning Commission meeting, September 22, 2010, 6:30 pm.

Respectfully submitted,
Lisa Konke, Recording Secretary