

LAKE TOWNSHIP PLANNING COMMISSION
Regular Meeting
Wednesday, October 27, 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, Deb McBride, Jeff Krohn and Gordon Krueger along with approximately 10 guests.

Approval of Minutes

Motion by Hartsell, to accept the **minutes of the September 22, 2010 regular meeting and public hearing, with correction of typo to page 1 of public hearing minutes. Paragraph "Hartsell read number 4 from section G. There will be no..."** seconded by McBride. All ayes. Motion carried.

Agenda

Szumlinski stated that he would like to add Chairman's comments to New Business on the agenda.

Motion by Hartsell, **to approve the agenda with addition of Chairman's comments**, seconded by Krueger. All ayes. Motion carried.

Correspondence:

No correspondence.

Old Business:

Medical Marijuana dispensaries

Szumlinski stated that he has provided a copy of the Village of Pigeons medical marijuana ordinance for the Board members to look over. He said there seems to be a discrepancy regarding the State of Michigan and the Federal Government and that he feels this Planning Commission should table this matter until such a time as some of these issues are sorted out.

Krohn asked whether there was a time frame as to when Lake Township has to have an ordinance in place.

Szumlinski answered that the Lake Township Board of Trustees has put a 6 (six) month moratorium on this issue and, allowing for the fact that the Lake Township Planning Commission doesn't meet in November or December, they will have plenty of time to gather more information on this.

Motion by Hartsell, **to table Medical Marijuana dispensaries**, seconded by McBride. All ayes. Motion carried.

Wind Draft

Szumliniski suggested to the Board that in regards to the wind draft, they should start at the beginning and work through it section by section and page by page.

McBride read Section 1 Uses and Intent.

Szumliniski asked if any member of the Board felt if any portion of Section 1 needed corrections or anything deleted.

Krohn asked about the agricultural preservation district of the Master Plan.

Szumliniski answered that currently Lake Township does not have anything regarding wind in the Master Plan and that would be added when they are working on the Master Plan amendments.

McBride read the rest of the first page of the wind draft.

Szumliniski noted that due to his recent surgery he has not the time he would have like to work on the wind draft. He referred to the letter the Planning Commission received from Malcolm Swinbanks on September 13, 2010 and that Mr. Swinbanks is correct about ambient sound level and that Huron County is incorrect in the L90 levels. He believes this is something the Planning Commission needs to look into.

Szumliniski then referred to the Riga Township wind ordinance and on page 3, #3 regarding damages incurred by companies during the construction phase. He feels this language is weak and needs improvement. Also, page 12, #9 paragraph 2, regarding load capacity and MET tower related post construction. This also is general and not specific enough and stronger language in the wording.

Szumliniski suggests the Board table the wind ordinance until January.

Hartsell commented that these were very issues brought up by Szumliniski.

Motion by Hartsell, **to table Wind Draft until the January meeting**, seconded by Krueger. All ayes. Motion carried.

Review Master Plan

Szumliniski suggested that the Board again table the Master Plan until later this winter when the updated census information is received.

Motion by Szumliniski, **to table Master Plan until census information is received**, seconded by McBride. All ayes. Motion carried.

New Business:

Chairman's Comments

Szumliniski commented that following the August 25, 2010 regular Planning Commission meeting, he was charged with violating the rights of Valerie McCallum's right to speak during the public comment portion of the meeting because at that meeting, there was a quorum of the Township

Board present. At the Lake Township Board Meeting of September 20, 2010, he offered Val McCallum an ultimatum. He offered that if the charges brought against him were indeed a violation, and he was found guilty of the charges against him, that he would resign his position on the Planning Commission. He then asked Ms. McCallum, if he were to be found not guilty, would she resign her position as Lake Township Clerk. He stated that she replied "no". He added that had she agreed to these conditions, Lake Township would be looking for a new clerk. He asked Deb McBride to read a letter he received from the Huron County Prosecuting Attorney.

McBride read from the letter Dave Szumlinski dated October 25, 2010, from the Huron County Prosecuting Attorney to Michigan State Trooper, Brian McComb regarding the charges and that the letter summarized the charges by saying, "The evidence does not support the proposition that Mr. Szumlinski sought to intentionally violate the Open Meetings Act."

Szumlinski asked that this letter be entered in record and noted that this letter has a Cc: to himself and to Ms. McCallum. He also asked that a copy be provided to the Township Board for correspondence at the November 15, 2010 meeting. He added that there is reference in this letter to 2 CD's. One was provided to the Prosecuting Attorney by Ms. McCallum, and the second one by Mr. Szumlinski himself. Ms. McCallum's CD was not the entire meeting and the copy that he provided was. The copy that he provided, completely exonerated him of any wrong doing. At the suggestion of the Prosecutor, he sought legal counsel and was told that public comment time is just that, public comment. The Planning Commission members do not have to answer questions or make comments, and that should the Board members choose not to interact with the audience during public comment, it would be correct and legal according to the Open Meetings Act. It is Mr. Szumlinski's opinion that these charges were brought against him deliberately. And that they were misleading and incomplete. He stated that he is only speaking for himself and not any other Board members and that this incident has taught him a lesson. This will greatly influence the way he approaches the public comment portion of further Planning Commission meetings, as he does not wish to have his answers or comments twisted and taken out of context and have more false charges brought against him. He added that these are his views on this matter and that the other members of this Board are not bound by his decisions and may comment or answer the public in any way they choose. He reminded them that they are under no obligation, or are they required to do so. He asked them to keep in mind that they can be held responsible for any comments they choose to make.

Insertion
1.26.11

Public Comments:

Bob McLean asked when correspondence has to be received by for it to be read at a Planning Commission meeting.

Szumlinski answered that the Planning Board Policy is posted on the wall by the bulletin board to the rear of the audience area.

Bill Osborne commented that he approves of the way Mr. Szumlinski is handling this situation and it is obvious that this was a deliberate attempt to attack him.

No more public comments.

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

Meeting adjourned at 7:35pm.

Next regular Planning Commission meeting, January 26, 2011, 7:00pm.

Respectfully submitted,
Lisa Konke, Recording Secretary