

# Township of Lake

Huron County, Michigan  
April 18, 2011

Regular meeting of the Lake Township Board called to order at 7:30 P.M.

Pledge of allegiance.

Roll call. Osborne, Fischer, Smith, Hartsell and McCallum present. 17 guests.

## **Meeting Agenda:**

Smith requested the following additions to the agenda:

Request by Kevin King for clearing of trees on Sand Road right-of-way

Medical Marijuana Moratorium

Minutes of Special meeting of April 9, 2011

Joint police officer grant for Lake and Hume Townships

**Motion by Smith to approve the Agenda with additions, seconded by Osborne.** Motion carried – all ayes.

## **Minutes of March 28, 2011 Regular Meeting and Public Hearing on 2011-2012**

**Budget:** Motion by Fischer to approve, seconded by Osborne. Motion carried – all ayes.

**April 9, 2011 Public Hearing:** McCallum suggested waiting until the next meeting since the minutes were just provided to Board members. Osborne thought the Board should approve or at least discuss them since they will be voting on the amendments during the meeting.

Osborne requested a correction to his statement on page 4 where he stated: *“William Osborne stated that he wants to pass this ordinance to give people this summer to build.”* Osborne stated he also said the following: *He would vote for this ordinance only if the planning commission would readdress this issue in 2011 to add language to address larger decks where appropriate.*

**Motion by Fischer to approve the minutes of the public hearing of April 9, 2011 with Osborne’s correction, seconded by Hartsell.** Motion carried.

## **Reports from Board Officers:**

**Supervisor:** Smith indicated he attended Supervisor classes for three days. He stated that as far as roads the Township is doing a decent job, could do better, but it is a question of money. He said the Township Board has to make a temporary ordinance for a medical marijuana moratorium and all board members have a copy of what he is recommending. He advised the Board that there are a lot of grants available for police departments and if two small townships go together they have a 90% chance of getting grants and there is a lady who will assist the township at no charge. He also stated that because of the 2010 Census count, there is an

opportunity for a residential recount from June 1, 2011 to June 1, 2012 and we will be filling out the paperwork to do so.

**Treasurer's Report:** Fischer indicated her report has been prepared. **Motion by Hartsell to approve the Treasurer's Report as prepared, seconded by Osborne.** Motion carried.

**Clerk's Report:** McCallum asked Smith and Fischer whether the ambulance contract was signed and submitted to Elkton Village, whether Fischer received the P O Box refund, and mentioned correspondence received from the Michigan Participating Plan regarding candidate nominations. The Ambulance Contract has not been signed or returned. The P O Box Refund was received.

**Trustees:** Hartsell stated that Jeff Krohn, Dave Szumlinski and himself attended a planning commission workshop and there was good information.

**Correspondence:** Smith read correspondence. No CAFPA minutes. McCallum asked about the Planning Commission's motion in their March 23, 2011 minutes to send the wind draft to the County Planning Commission prior to their motion scheduling a public hearing on the wind draft. Planning Commission Chairman Dave Szumlinski said the wind draft has not and will not be sent to the county until after the public hearing but the motion has been made to send it after the hearing. McCallum read letter received from Paul Beck regarding the zoning amendments.

**Petitions:** None.

### **OLD BUSINESS**

#### **Road Work:**

Smith told Board members that he has a petition by one of the residents that after Griggs is blacktopped, Conkey Road will be graveled. The Road Commission advised holding off until the work is complete on Griggs. Conkey Road gravel for 1-1/2 miles will cost of \$39,050. Dufty Road also needs stone, either one mile between Elkton and State Park Roads or the 2.5 miles between Elkton and Griggs, which will cost \$58,000. Kevin King would like trees cleared in the right-of-way of the unimproved section of Sand Road and the Road Commission will do it for \$1,621 but needs approval of the township. King will pay for the work. McCallum asked whether there are other property owners in this area. Smith said it is all along King's property. **Motion by Osborne to allow Kevin King to pay for the clearing of trees on Sand Road after we have a written agreement from Kevin King to that effect, seconded by Hartsell.** Motion carried.

#### **FOIA Policy:**

McCallum stated that the MTA says we cannot charge more than it costs us and it costs us only five cents per page to reproduce a copy. Smith stated that as he previously informed the Board, the Township attorney and the County's attorneys have advised him that the township can charge anything. He has

recommended twenty-five cents and it's up to the Board. McCallum asked if anyone wanted to see the email from the MTA. Osborne stated that Lake Township is the cheapest of everybody, GSA, State Police, Sheriff's Department, other townships and villages and he does not feel that twenty-five cents is exorbitant and has no problem with that. Hartsell agreed and stated that no one charges five cents. His village charges at least ten or more. McCallum stated that Clemco charges ten cents and no labor and just because other municipalities are overcharging doesn't mean we should, that it is a service we should be providing to our residents. Fischer stated that most of the FOIA's received are not from township residents. Smith asked for a motion. **Motion by Osborne to charge twenty-five cents per page plus labor, seconded by Smith.** McCallum opposed. Motion carried.

### **Zoning Amendments:**

Smith stated that there were good comments at the public hearing that made a lot of sense but indicated that they had agreed to pass the ordinance and have them amended this year and asked for discussion. Hartsell commented that he has a problem with the deck situation and the 300 square foot limit and will try to get that out but at least some people who could not build decks will now be able to. As to Paul Beck's reference to campaign contributions he doesn't know what Mr. Beck is talking about.

Fischer agreed to go ahead and adopt the amendments and they can be changed.

Osborne stated he would agree to go ahead, that these amendments are not perfect and need to be revisited and Dave has promised to do so and Hartsell has also agreed to that.

McCallum asked the Board to answer a question raised at the public hearing as to whether or not there have been property owners who want to put up the aluminum or canvas structures. Smith stated that he is not aware of any requests but there are some already put up and the property owners are concerned that they are in violation of the existing ordinance and would like to know that they can keep them. McCallum compared these to how communities handle zoning for mobile homes and how these type structures are similar. Board members disagreed.

McCallum had concerns with the amendment regarding camping on vacant lots and the fact that the ordinance regulating campers has been in effect even prior to the 1992 Zoning Ordinance and there have never been any problems or concerns with it and the amendment came about after one individual had an issue with use of a camper on a vacant lot.

Discussion regarding applicability of ordinance to vacant lots versus vacant contiguous lots and whether the Zoning Administrator can issue permits and

police campers during the Cheeseburger Festival. Osborne asked whether another township official can assist the Zoning Administrator during that time and the possibility of allowing more than only one fourteen day permit during the four month period.

Dick McIlhargie asked if the Board would do something on issues related to campers such as portable outhouses on easements and parking on the roads. Dave Szumlinski questioned Zoning Administrator Russell on the process of obtaining a permit and whether or not Russell verifies sanitation facilities prior to issuing a permit. Russell confirmed that he checks prior to issuing a permit.

McCallum asked what the issue is with decks not being able to be built, the fact that there needs to be a uniform standard for regulating waterfront properties and since some properties have a defined front lot line and other properties go to the water's edge, the 35 feet from the OHWM is commonly used by lakefront communities and Huron County and also recommended by the Huron County Planning Commission in their comments to the Lake Township Planning Commission. McCallum mentioned that during the public hearing Peter Eskau stated that he was told he could not build a deck, yet based upon a review of his variance file, the reason he was told he could not build a deck was because he already exceeded lot coverage at 28%. Lot coverage has been amended to 35% and decks are now not included in lot coverage calculations and the OWHM is 40 feet beyond his existing seawall with 30 feet between his seawall and home. McCallum also reviewed variance requests over the past five years and the majority were not related to decks and stated that this amendment is changing something that has worked for many years and perhaps there is some misunderstanding of the ordinance. McCallum asked what the issue is, if decks are not considered part of lot coverage. Smith replied that there is no definition of a deck in the ordinance. McCallum asked why amend the ordinance for decks if it isn't clear in the ordinance what a deck is.

Smith asked for a motion. Osborne stated that he cannot vote for the camper amendment. **Motion by Osborne to pass all amendments with the exception of Section 1202.4 relating to permits for campers, seconded by Hartsell.** McCallum mentioned that the amendment to Section 1310.1 regarding nonconforming structures was not discussed and questioned the fact that existing structures located on property lines can be rebuilt in the same footprint with this amendment. Roll call vote: Osborne, Fischer, Smith, Hartsell – aye. McCallum – nay. Motion carried.

#### **Gypsy Moth Spray bids:**

Smith read the following bids: Heritage \$22.64; Lutz \$22.98; Hatfield \$21.40; \$AI's \$21.34; Vaughn \$21.41; per acre. Fischer recommended going with Hatfield since they have done spraying in prior years and know the area. **Motion by Smith to accept Hatfield's bid, seconded by Fischer.** Roll call vote: All ayes. Motion carried.

**ZBA Educational Requirement:**

Smith indicated the MTA is going to send a schedule of classes.

**New Business:**

**Medical Marijuana:**

Smith indicated that moratoriums adopted by planning commissions for six months have been challenged in court and lost. He recommended adopting the ordinance provided to Board members which would be a temporary ordinance making it illegal for any medical marijuana facilities to operate in the township. Fischer stated she did not get a copy of the ordinance. **Motion by McCallum to table this ordinance until May, seconded by Hartsell.** Motion carried.

**Police:**

Smith asked whether the Board members would be interested in trying for a grant with Hume Township for a joint police officer. Smith just wanted to know if there is interest, that he has talked with the Hume Township Supervisor who will also be checking into it with his Board. Hartsell had concerns as to what would happen when the grant funding is discontinued.

**2011-2012 Budget:**

McCallum advised the Board that the Planning Commission's publication budget needs more funds. **Motion by Hartsell to move \$250 from Planning Commission Supplies and \$250 from Planning Commission Education to Planning Commission Publications, seconded by Smith.** Motion carried – all ayes.

**Public Comments:**

Bill Williams asked about the special meeting of March 12, 2011 for 15 minutes and what it cost. Smith responded \$160.00 for two trustees. Williams said to squelch the special meetings.

Jeff Krohn stated he is on the planning commission and he is the one person with a camper issue. He stated he was parking his camper on his property next to Frank's Party Store and a year ago he made a public comment on wind energy and was issued a violation notice for non compliance. He worked with the planning commission before he was appointed to the commission and they came up with a way for him to use his camper. He asked if he can apply for a variance. Smith stated he did not know. McCallum also was unsure. Osborne stated he voted against it and would do it again. He stated he thinks we need a permit system, that it is the correct way to go.

Lou Colletta stated that the fact that he has an RV isn't the objection, but that people with homes are paying property taxes on those homes and Krohn is getting away with a freebie. He stated he was on the planning commission for many years and the planning commission is an administrative body charged with designing an ordinance, holding a public hearing and following that hearing they either recommend it to the Board of Trustees or do not based upon the public comments. He stated that if there were problems with the ordinances with too many complaints or variance requests, the ordinances are changed. He stated that in this current situation there were 80% of the people at the public hearing objecting to these amendments and the Board is going against the public. He stated that when he was on the planning commission they listened to the people and many times took an ordinance off the table because of what the people said.

Jim Simmons said the canvas structures are a good idea for an inexpensive way to have shelter for stuff.

Lou Bushey wanted to say a word about decks. He said that under the existing ordinance people couldn't put a deck by their seawall. He said many times people walking by his home said how come you have a deck and I can't and he told them, we'll have to change the 35' from the OWHM requirement. He stated near Champagne Road there is a deck that had to be 35' from the OWHM but it is 15' from the highway which in his opinion is dangerous for people on the deck. McCallum commented that that deck was approved by the Zoning Board of Appeals of which Mr. Bushey is the chairman. Bushey stated he voted no. He stated he feels the board is doing the right think by allowing the seawall being where decks can be placed, that 99% of the time a homeowner wants to get it as close as he can to the seawall.

**Payment of Bills:**

**Motion by Smith to pay bills with the addition of Lee Ann Kruger, \$35.00, M-3, \$90.00 and Gypsy Moth postage and spraying, if needed before May meeting, seconded by Hartsell.** Motion carried.

Colletta stated that he observed today that the voice of the people was ignored.

**Motion by Fischer to adjourn, seconded by Hartsell.** Motion carried. Meeting adjourned at 9:05 P.M.

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Valerie McCallum, Clerk