

Township of Lake

Huron County, Michigan
May 16, 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. 15 guests.

Meeting Agenda:

Smith requested the following additions to the agenda:

Stone on Conkey Road

Walt Salens letter regarding Cheeseburger resolution

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

Minutes of April 18, 2011 Regular Meeting: Motion by Fischer to approve, seconded by Osborne. Motion carried – all ayes.

Reports from Board Officers:

Supervisor: Smith reported that the Gypsy Moth contract has been signed. He also mentioned that 1-1/2 miles of Conkey Road will cost \$39,050 according to the Road Commission's bid which has been added under new business.

Treasurer: Motion by Hartsell to accept the Treasurer's Report as prepared and with corrections, seconded by Osborne. McCallum opposed. Motion carried.

Clerk: No report.

Trustees: No report.

Correspondence: Smith read correspondence including additional correspondence regarding the Suri v Lake Township tax appeal and there was discussion as to why the township had not responded to the appeal. McCallum asked Planning Commission Chairman Dave Szumlinski who MG is as referenced in the planning commission minutes on Page 3, "Krohn stated he and McBride recently met with MG..." Planning Commission Chairman Dave Szumlinski could not answer. Smith informed those present that Simmons Auto is hosting a semi trailer for a tire collection at \$2.00 per automobile tire.

Petitions: None.

OLD BUSINESS

Medical Marijuana:

Smith asked Osborne to read the proposed ordinance entitled *An Interim Ordinance Imposing a Temporary moratorium on Certain Land Uses Connected with the Use of Marijuana for Medical Purposes*. **Motion by Fischer to approve the Ordinance, seconded by Hartsell.** Roll call vote: Osborne, Fischer, Smith and Hartsell – aye. McCallum – nay. Motion carried.

Zoning Ordinance amendment regarding campers:

Smith referenced Walt Salens letter regarding a resolution by the Township Board to allow camping during the Cheeseburger festival. McCallum questioned not only the need for such a resolution but also the fact that the letter was not clear and recommended that the Board should request that Salens attend the next board meeting to answer questions on this issue. Osborne had no problem with tabling the subject until the June meeting. Hartsell also recommended having a resolution prepared by Salens.

Wind Draft:

Due to the letter requesting a public hearing by the Township Board, Smith recommended scheduling the public hearing during the June meeting. McCallum suggested holding it on a Saturday. **Motion by Fischer to reschedule the June Board meeting for 7:00 P.M., seconded by Hartsell.** Roll call vote: Osborne, Fischer, Smith, Hartsell – aye. McCallum – nay.

McCallum commented on the fact that one of the main concerns at the Planning Commission public hearing on the wind draft was the lack of a property protection plan and mentioned that it would not cost the township anything but would offer reassurance to township residents who are concerned about the impact to their property and had copies of several such plans for board members to review prior to the public hearing. McCallum asked Yvonne Bushey, since she believes and the developers believe wind turbines do not harm property values, why everyone is so opposed to including a property protection plan. Mrs. Bushey had no comment. Osborne stated there are so many factors that go into value that he does not understand how anyone can insure property value. Tim Lalley stated that saleability is important to selling a home and when wind turbines are located near a home those turbines will affect its saleability and, in turn, its value. Lalley compared this to the board's concern about medical marijuana facilities and adopting an ordinance to protect the township in that regard, stating the board should also want to protect its residents from loss of property value, especially when it does not cost the township anything to include such a provision. If the township does not include such a protection, it may leave the township open to legal action. Osborne questioned Lalley on how an insurance policy can help and who pays for it. Lalley stated that property values are determined through appraisals and when doing appraisals comparable properties are compared. When the economy is bad, it affects all properties the same, it's a level playing field. When turbines are added in for one of the properties, it's no longer a level playing field.

Osborne stated there will be wind turbines in surrounding townships and if Lake Township doesn't have a wind ordinance it will be surrounded without reaping any benefit and the current ordinance offers more protection than the county's. McCallum commented that a property protection plan is not a policy but an agreement between the developer and property owners within the project footprint as required by the township ordinance. The individuals, the developer and homeowner, get the appraisals. It has nothing to do with the township but it offers reassurance to township property owners. McCallum referenced the Ben Hoen study used by the developers to support their position that turbines do not cause property value loss, quoting Ben Hoen: "if developers believe turbines won't devalue neighboring property, they should guarantee it." McCallum referred to one of the property protection plans which included protection for farmers who cannot use aerial crop spraying. Lalley stated the township is writing its own ordinance and can put in whatever they want to and it is something the board can give to its residents. He stated it's between the developer and the property owner, but if it isn't in the ordinance that possibility will not exist. He said there are many examples of these agreements and he has not heard a good reason why not to include one.

New Business:

Reappoint Planning Commission Chairman Dave Szumlinski to new term:

Motion by Smith to reappoint Dave Szumlinski to another term, seconded by Fischer. McCallum questioned the reappointment in light of the fact that the Planning Commission has not written any by-laws to date and has not submitted an annual report as required by the MPEA. McCallum stated that former planning commissioner Lou Colletta was removed from office for charges claiming nonfeasance without basis and Szumlinski's lack of action is justification for such charges. Smith asked for a roll call vote. McCallum – nay. Hartsell, Smith, Fischer, Osborne – aye. Motion carried.

MSU Planning & Zoning Water Quality Workshop:

McCallum asked whether any planning commissioners would be attending. Smith stated that Pat Smith will attend.

Tax Tribunal Default Hearing:

Discussed during correspondence.

Hall Cleaning:

Smith advised board members that Lee Ann Krueger has resigned. **Motion by Smith to have Lisa Konke clean the hall during her off time, seconded by Osborne.** Motion carried – all ayes.

Public Comment:

Dave Szumlinski commented that he cannot hear McCallum's votes on motions.

Bill Williams asked each board member for their opinion on when public comments should be taken, either at the beginning of the meeting or the end.

Osborne stated both, that if there is something important on the agenda he believes comments should be before action is taken and also at the end in case something is said or done by the board that people really don't like.

Fischer had no comment.

Smith stated at the end.

Hartsell stated he had no problem with public comments being at the beginning.

McCallum stated both and that she is opposed to the Board's policy.

Tim Lalley indicated that there have been several real estate studies done regarding the effect of wind turbines on property values with decreases up to forty percent. He commented that the current economy is irrelevant inasmuch as everyone is impacted the same, but when you add a wind turbine, the playing field is no longer equal and for this reason he believes it is only fair to those property owners who will be impacted for the township to include a property protection plan. He stated that we do not know what life is going to bring, the developers say wind turbines will not decrease property values, but we do not know. He stated the board is failing people in this township if they do not include such protection and provided information to board members for their review.

Jeanne Williams asked how wind turbines in the township would affect gypsy moth spraying. Smith stated it would not since the farmland is not being sprayed.

Jeanne Williams also suggested that it would be better to move the public comments up to the beginning of the meeting inasmuch as the board is sending a message by waiting until the end that they do not care what the public thinks and there would probably be less inflammatory statements if they did so.

Clay Kelterborn stated he is concerned that there is double standard in Lake Township. He stated that Lou Colletta and Tim Lalley were removed from the planning commission for flimsy reasons. He stated that the Supervisor and Board set the tone in the community and tonight Smith was made aware of sloppiness on the part of a planning commission member that he wanted to reappoint which is more serious. He stated that everyone is human and makes mistakes, but everyone should be judged by the same ruler and there is the appearance of a double standard.

Payment of Bills:

Motion by Osborne to pay bills, seconded by Hartsell. Motion carried – all ayes.

Motion by Fischer to adjourn, seconded by Hartsell. Motion carried – all ayes.

Fischer recalled her motion. Smith called the meeting back to order.

Motion by Smith to gravel Conkey Road, 1-1/2 miles between State Park Road and Griggs Road, seconded by Fischer. McCallum opposed. Motion carried – all ayes.

Motion by Fischer to adjourn, seconded by Smith. Motion carried. Meeting adjourned at 8:50 P.M.

Valerie McCallum, Clerk