

Township of Lake

Huron County, Michigan
July 18, 2011

This meeting of the Lake Township Board called to order at 7:30 P.M. Pledge of allegiance. Roll call. Fischer, Smith, Hartsell and McCallum present. Osborne absent. Approximately 31 guests.

Larry Clever of Burnham and Flower addressed the Board and guests regarding the Township's existing insurance overages for property and liability, worker's compensation and public officials' bonds.

Champagne Road Petition: Discussion on Champagne Road petition for reduced speed limit. Tom Pierce first requested time to update his previous information, stating that Champagne Road has 88 houses that use Champagne Road and on a typical weekend, the Transfer Station has 120 customers using Champagne Road and on Memorial Weekend 236 and 303 on July 4th. He mentioned that Oak Beach Road only has 17 houses and Pinnebog 21 houses. Oak Beach residents can walk through the county park to get to the beach whereas the 88 houses adjacent to Champagne Road have to walk on Champagne Road to get to the beach.

Sand Road Petition: Gerry Simmons spoke about problems on Sand Road over the 4th of July with dirt bikes, four wheelers and speeding cars. She stated that two cars cannot pass each other on Sand Road from Quarry Road to the widened portion of Sand Road and that the 25 MPH posted speed limit is still too fast. She stated that by the time the police are called, the riders are gone and stated that it is a serious problem and they would like to see a police car patrolling once in a while.

Sheriff Hanson stated that residents do not need a petition and it is not senseless to call because if there is a car in the area, they can be there.

Neil Hentschl, Road Commission Manager, commented on Champagne Road, stating that the speed limits are established based on a series of criteria set by statute. The criteria include the average speed and whether there are 60 driveways on one side of the road which are access points and it can then be established as residential. Champagne Road does not meet those criteria. Other factors are whether there is a hospital, school, day care facility or park which would be a reason to set a lower limit. He stated that Pinnebog is 35 because it is a suspect intersection. He stated that the State Police do a study based on specific criteria and study the average traffic for 12 months which includes winter months with less traffic. He also indicated that any speed limit sign has to be backed up with a State Police Traffic Control Order or it will not be enforceable. He indicated the Township has requested speed studies in the past for this area. A 1999 study showed that 85% of the traffic was traveling at an average speed of 49 MPH and in 2008-09 another study resulted in an average speed of 53 MPH. After the 2008-09 study, the Township asked the Road Commission to look at Champagne Road again and in 2010 the State Police came back and reviewed the information from the two prior studies and summarized their findings in a report

which indicated there had been seven reportable accidents of which six involved animals and no fatalities, and they left it as is.

Tom Pierce commented that the criteria do not make sense, especially when comparing Champagne Road to Oak Beach Road and Pinnebog. He stated that the intersection of Sand Road and Champagne Road, the route to the Transfer Station, could be a "suspect" intersection and that the park at Oak Beach Road is not used for seven months, but that 22 driveways exit onto Champagne Road with another 66 homes on side roads that use Champagne Road, with kids and swings and slides in front yards along Champagne Road. He stated that of the seven points used by the State Police as their criteria, the park at Oak Beach is the only one that actually fits.

McCallum asked Hentschl about getting the Road Commission, Township Board and the State Police together for a meeting to discuss this situation. Hentschl stated it is possible but emphasized that their criteria is specific in the statute and cannot be confused with emotion.

Jeanne Williams commented that all of the people on Champagne Road and the roads off Champagne use the end of Champagne Road as their beach with families with kids and dogs walking to the beach along Champagne Road.

Len Pilato commented that in order to make a change, the statute needs to be changed.

Commissioner Nugent indicated that he would be willing to help lobby local state representatives for a change in the statutes.

Lou Colletta asked whether Gagetown Road has a posted speed limit. Hentschl commented that if there is not a posted sign, the limit is 55 or drive what is reasonable.

Larry Crews commented that M-25 should be more of a concern with all the homes and the parks.

Meeting Agenda: Smith requested the addition of the Planning Commission By-laws under Old Business and a memo from the Planning Commission Chairman to the Clerk. McCallum requested the addition of the Quarterly Budget report.
Motion by Smith to approve the agenda with additions, seconded by Fischer.
Motion carried – all ayes.

Minutes of June 20, 2011 Regular Meeting & Public Hearing on Wind Zoning Ordinance: Motion by Fischer to approve, seconded by Hartsell. Motion carried – all ayes.

Reports from Board Officers:

Supervisor: Smith reported on Suri tax appeal. He had a conversation with the appellate court of the tax tribunal and has gathered a lot of information on

comparable properties and can send in a motion to reconsider with a \$50.00 check.

Treasurer: Fischer reported to the board on township funds at Independent Bank, that if \$100,000 was put into a CD through Independent, Independent will run it through another banking institution so it falls in line with the \$250,000 that is FDIC covered and it would still be listed on the township's bank statements from Independent Bank or the Township could have a second tax identification number. Fischer stated that the Board has to approve this by motion for the bank. **Motion by Fischer to put \$100,000 into a CD deposited with Independent Bank, seconded by Smith.** Roll call vote: All ayes.

Clerk: No report.

Trustees: No report.

Correspondence: Smith read correspondence and indicated that Planning Commissioner Krueger has applied for a site permit and building permit.

Public Comments:

Sheriff Hanson gave his report to the Board and guests on 2010 indicating there were approximately 170 complaints in Lake Township handled by his department.

Jeanne Henry thanked Sheriff Hanson for his handling of jet skiers on the July 4th weekend who were buzzing a flock of geese. Hanson mentioned that that is being done quite often.

Lou Colletta commented on the fact that according to the Michigan Enabling Act of 2006, a board member with a conflict of interest is required to disclose it to the rest of the Board who then vote as to whether or not that board member can vote and asked why those requirements were not followed by the Board on the wind ordinance. Smith commented that two members said they did not have a conflict and neither owns any farmland. Colletta commented that Trustee Osborne has a wind agreement. Smith asked him to provide a copy.

Jeanne Henry commented that she is circulating a petition for recall of Representative Damrow and anyone interested in signing may contact her at 553-3945.

OLD BUSINESS

H. Suri Tax Appeal:

Smith stated that they have received numerous faxes from different assessors in the Petoskey and Traverse City area and once they get everything together they will need permission from the Board to pay a \$50.00 fee to file a motion for reconsideration.

Griggs Road:

Smith indicated the Road Commission has given him approximate dates for starting the black topping on several occasions, but those dates have passed.

Hartsell suggested asking Commissioner Nugent to find out when they plan on beginning.

Champagne Road Petition Request:

No further discussion.

Foster's White Sand Shores Special Assessment:

Fischer indicated that it will be corrected through the Board of Review.

STC Audit of Assessment Records:

Smith indicated that it has not yet been scheduled.

Extend Time of Camping on Vacant Lots:

Smith commented that there is nothing the Board can do at this time other than turn it back to the planning commission. **Motion by Smith to turn it back to the Planning Commission, seconded by Hartsell.** Motion carried – all ayes.

Planning Commission By-laws:

Smith asked whether the board members had any comments on the proposed by-laws. Fischer stated they should be posted.

NEW BUSINESS:

Crack Sealing – Township Parking Lot and Gagetown Road:

Smith stated the Road Commission wants to know whether the Board wants the parking lot and Lake Township's half of Gagetown Road crack sealed and there is approximately \$52,000 left in the road fund. Hartsell suggested waiting until next year because of the monies being spent paving Griggs Road. McCallum also had similar concerns and asked when it would have to be done by. Smith stated it would have to be done by August. Larry Murdoch commented that he lives on Gagetown Road and doesn't see any cracks. Smith stated that Caseville Township was doing their half and he did drive down the road and there were some cracks but nothing too bad. McCallum suggested holding off in case the Griggs Road project ran over budget.

PA 116 – KB, Inc.

KB, Inc has two parcels, one in Section 32 and one in Section 33 which they would like to enroll in PA 116. Letters of approval have been received from the Huron County Planning Commission but not yet from the Soil Conservation District. **Resolution offered by Hartsell to approve the enrollment pending approval from the Conservation District, seconded by Fischer.** Roll call vote on Resolution No: 2011-15– all ayes.

Sand Road Petition Request:

No further discussion.

Correspondence between Planning Commission Chairman and Clerk:

Smith read memo to Clerk from Dave Szumlinski and the Clerk's response along with Szumlinski's request that the Board read these memos and ask for clarification from the Clerk. Smith asked if there were annual reports from 2004 through 2009 and McCallum responded that prior to the adoption of the ordinance confirming the establishment of a planning commission, annual reports were not required, as stated in her memo, so there are none.

Planning Commissioner Zoning Violation:

Smith stated that Planning Commissioner Krueger was told by people helping him that if his deck was not attached to the house, a permit was not necessary. McCallum commented that he has been on the planning commission and ZBA for a year and should know the zoning ordinance but obviously has not read it and this situation is cause for removal. McCallum commented that Smith removed Colletta and Lalley for no valid reason and this situation is a valid reason for removal. Fischer stated that he has come in for a site plan and paid for it, just like anyone else would do in the Township. McCallum stated that this is a planning commission member who should be upholding the Zoning Ordinance and it does not reflect well on the Township. Fischer stated that it has been taken care of. McCallum asked Hartsell for his opinion on this issue. Hartsell commented that it is unfortunate that it happened and if it happens again, then something should be done. McCallum commented that Krueger also made remarks prior to a ZBA that he could not understand why he was there for a hearing, a person should be able to do what they want with their property and asked Smith if this is the kind of people we want on our boards. Smith responded not necessarily, but that Krueger's term will be expiring soon. McCallum asked if there is some reason Smith doesn't want to remove him. Smith stated that he has only made one mistake and he should have a second chance. McCallum stated that Smith didn't give Colletta a second chance. Smith stated he had other reasons for removing Colletta. McCallum stated that appointed officials can only be removed for three reasons, nonfeasance, misfeasance or malfeasance. Smith stated that the township's attorney told him he can remove a planning commissioner for cause and when he asked for clarification of "cause", the attorney told him "just because." **Motion by McCallum to send a letter from the Board to Krueger notifying him that he is being removed following a public hearing.** Motion failed for lack of support.

Public comments:

Mary Ann Williams stated that she supports the motion made by McCallum and the Board works for the people.

Lou Colletta commented that Fischer stated Mr. Krueger has corrected his error. He stated he also corrected his error, the planning commission took a vote and he was re-elected as Chairman, so why was he removed?

Jeanne Henry commented that as a former member of the Zoning Board of Appeals who was not allowed to have another term, that whoever is on the ZBA should be the model. As it stands now, it is more likely residents will say that he got away with that and maybe I won't get caught and it sets a bad precedent for everyone and will make the job of the ZBA that much harder.

Commissioner Nugent introduced himself as 7th District County Commissioner and indicated that he takes his responsibility seriously and do not hesitate to contact him if anyone needs anything from the county and if anyone is planning on addressing the commissioners at one of their meetings, he recommended calling him ahead of time so he can set it up to make it easier in light of the ungracious acceptance Jeanne Henry recently received and he apologized to her and indicated that he supports her right to petition.

Quarterly Budget Report:

Smith recommended transferring \$200.00 from Planning Commission Consultant to Planning Commission Publications. **Motion by Fischer to approve Smith's recommendation, seconded by Hartsell.** Smith requested a roll call vote. Hartsell, Smith, Fischer – aye. McCallum – nay.

Treasurer's Report:

Motion by Hartsell to accept the Treasurer's Report as submitted, seconded by Smith. Motion carried – all ayes.

Payment of Bills:

Motion by Smith to pay bills with the addition of \$4,087.00 to Huron County Treasurer for Annual Assessing Process and Summer Tax bill processing, seconded by Fischer. Motion carried – all ayes.

Motion by Smith to adjourn, seconded by Hartsell. Motion carried – all ayes. Meeting adjourned at 8:55 P.M.

Valerie McCallum, Clerk