

Township of Lake

Huron County, Michigan
June 18, 2012

This 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 along with approximately 19 guests.

Meeting Agenda: Agenda approved upon **motion by Hartsell, seconded by Osborne.** Motion carried – all ayes.

Minutes of May 21, 2012: Smith wanted it noted that there was a three minute time limit on public comments and Jim Quinn had the same three minute limit, not five minutes. Osborne wanted a correction on page 3 to “Scott Krohn, Bad Axe resident” changed to “Scott Krohn, Lake Township property owner”. **Motion by Osborne to approve the minutes as corrected, seconded by Hartsell.** Motion carried – all ayes.

Minutes of May 25, 2012 public hearing approved upon **motion by Smith, seconded by Osborne.** Motion carried – all ayes.

Supervisor’s Report – Smith mentioned the Zoning Administrator’s pay regarding garage sale permits. McCallum recommended discussing under new business.

Treasurer’s Report – Submitted. **Motion by Smith to accept the Treasurer’s Report, seconded by Hartsell.** Motion carried – all ayes.

Clerk’s Report – None.

Trustee’s Reports – None.

Correspondence read. Osborne read letter from Elizabeth Masserang but indicated that he was in the hospital on the date mentioned in the letter and could not have talked to her. No Petitions.

Public Comment: Marge Szumlinski asked about the check issued to Clay Kelterborn. Jeanne Henry asked whether there was going to be any further discussion on the boat hoist issue and was advised it was on the agenda under Waterfront Easements.

New Business:

Cindy Jurek, Lake Township resident commented that at the May 25th public hearing for boat hoists someone mentioned a rusting hoist that is the same boat hoist she had complained about to the township over two years ago and provided a photo. She showed a second photo of a public easement with six jet ski hoists from three different households which are blocking the view for everyone else, that they are not in compliance with the zoning ordinance which requires they be one behind the other. She commented that at the public hearing someone had

mentioned that if the hoists are placed one behind the other, it makes it difficult to maneuver in and out. She stated she and her husband own two jet skis and they keep them on their property on a trailer and put them in the water when they want to use them because they do not own the easement and do not want to put their jet skis on a beach where others have rights to use it so as not to interfere with anyone else's enjoyment of the beach. She stated she hopes the board will not repeal the waterfront easement ordinance. She also mentioned that the amendment to the National Resources Environmental Protection Act regarding road end uses mentioned by Smith during the public hearing does not affect Lake Township, only inland lakes. Mrs. Jurek also mentioned a garage sale that has been ongoing for the past year at 6480 Champagne Road.

Ditch Brush Spraying: Smith stated he inspected the ditches with the road commission foreman and stated that the ditches are really loaded with weeds and normally the county sprays half of the township one year but the foreman suggested having the board approve spending \$2,000 of township money to spray the entire township and the Road Commission will still pay their \$603.00. Hartsell expressed concerns about spraying. McCallum stated she was not in favor. **Motion by Smith to spray the ditches and spend \$2,000, seconded by Fischer.** Roll call vote: Osborne, Hartsell, McCallum – nay. Smith and Fischer – aye. **Motion failed.** Smith stated there will be no spraying. Fischer stated that the Road Commission will still spray one half of the township as usual. Osborne commented that the road commission had informed the board that they had a different method of spraying this year, but he recently saw them spraying in another area and they were still spraying in the same fashion as prior years.

Zoning Administrator's Contract: Smith stated that he had told the Zoning Administrator he would be paid for issuing garage sale permits. Fischer stated that the Zoning Administrator is not going out and looking at garage sales. Osborne asked whether the contract could be reopened. McCallum stated she had never reviewed the contract approved by the board and was not in agreement with it considering the work involved, the fact that the salary was reduced and mileage was taken away and a lot of the Zoning Administrator's work involves driving through the township. Osborne stated that the Zoning Administrator puts in a lot of time and would like to revisit the contract. He suggested that McCallum work with the Zoning Administrator on revisions to the contract to be discussed at the July meeting.

Auditor's Engagement Letter: McCallum informed the board that they had approved Berthiaume & Company as auditors for the 2012-13 fiscal year, but that the auditor had presented an engagement letter back in March for a three year term. **Motion by Smith to approve the engagement of Berthiaume & Company as auditor for fiscal year ends 2013, 2014 and 2015, seconded by Fischer.** Roll call vote: All ayes – motion carried.

2011-2012 Budget Amendments: McCallum recommended transferring \$250.00 from Planning & Zoning Legal to Planning & Zoning Supplies and \$600 from the Gypsy Moth Fund Balance to Gypsy Moth Printing/Administration in the 2011-2012

budget. **Motion by Fischer to approve the transfers as recommended, seconded by Smith.** Motion carried – all ayes.

2012-2013 Budget Amendments: McCallum mentioned that the Assessor's Salary as budgeted does not cover the contracted salary as approved by the board and that the Zoning Administrator has already exceeded his supply budget. **Motion by Fischer to transfer \$1,100 from Contingency to Assessor Salary and \$500 from Contingency to Zoning Administrator Supplies and \$500 from Contingency to Zoning Administrator Education, seconded by Osborne.** Motion carried – McCallum opposed.

Zoning Amendments: 1202.4 Use of Mobile Homes. McCallum commented that at the public hearing it was mentioned that if this section is amended as proposed it would allow someone to camp on their property for 36 days in a row during the summer. It was also mentioned during the public hearing that allowing these uses would negatively impact property values. McCallum also mentioned that there are many subdivisions with restrictions as to the use of campers and this would put the burden on the taxpayers to deal with this issue through the legal system. McCallum questioned why the township wants to change something that has worked for many years, having been in the 1992 zoning ordinance and probably even prior thereto. Fischer indicated that she thought that after 18 days a camper would have to be pulled off the property before it could have its second 18 days. Osborne stated he would like to do something for the property owners but suggested that it be sent back to the planning commission for revision. Smith asked for a motion. **Motion by Osborne to refer back to the planning commission so it doesn't end up allowing 36 days, seconded by Hartsell.** Roll call vote: Osborne, Fischer, Hartsell, McCallum – aye. Smith – nay. Motion carried.

Section 1203.4 Waterfront Easements: Discussion on whether the township has jurisdiction in the water. McCallum indicated that Peninsula Township in Grand Traverse County as well as several other townships in that area have similar regulations and have had those regulations for many years without any complaints. McCallum also stated that it has been working in Lake Township since adopted. Osborne stated he would be willing to table further discussion until July in order to get something in writing that states that the township has jurisdiction in the water. **Motion by Osborne to table until July, seconded by McCallum.** Roll call vote: Osborne, Fischer, Hartsell, McCallum – aye. Smith – nay. Motion carried.

Public comments:

Jeanne Henry commented that she does not know what the board's objection is with something that has been working. She stated there were problems before the boat hoist ordinance was adopted, neighbors were upset, there were dangers with rusting, abandoned hoists on the easements, and if these ordinances are repealed it will just leave it wide open with people doing whatever they want. She stated the USACE encourages local ordinances to regulate boat hoists and docks and the board's excuse about being sued is the lamest excuse a governing body can

make, it is part of a township's responsibility to control blight and asked the township not to get rid of this ordinance.

Paul Golsch stated he cannot see making rules and regulations that cannot be enforced. He stated the Zoning Administrator is very busy and asking him to police beaches is too much.

Dave Szumlinski commented that he had contacted the attorney and was told that the township could be sued over the placement of boat hoists if something happened causing one boat to crash into the one in front of it. He also commented that he had asked Mark Lesinski of the USACE whether he could cite the law that gives the township jurisdiction in the water and he could not and that Salens had provided a court ruling regarding easements that occurred after his 2004 opinion on easements and that ruling still stands.

Lou Colletta commented that a zoning ordinance is not just about enforcement, but it is a guardrail. He stated that anyone can get sued and the township shouldn't be fearful of lawsuits.

Cindy Jurek commented that she complained about a boat hoist over two years ago that is still sitting on the beach and wants to know why nothing has been done.

Jerry Pobanz commented that the township is concerned about getting sued over boat hoist regulations, but could just as easily get sued if they repeal the regulations and something happens because they didn't do anything. He stated that at Blake Drive there are six to eight hoists jammed all together and the township can at least say they didn't follow the ordinance but if it is repealed then it would be the township's fault for doing nothing.

Yvonne Bushey asked about the three year contract approved with the auditor and commented on the gypsy moth spraying, that the counts are done in the fall of the year to determine whether spraying is necessary the following spring and that spraying is done every three years.

Bob Siver commented that Mr. Osborne cites the possibility of skiers getting injured by boat hoists placed in the water based upon the township's regulations, so it is obvious that Mr. Osborne recognizes the dangers of these hoists and the more hoists, the more danger. He stated that the township wants to wash its hands of regulations so it doesn't get sued but either way the township could get sued.

Mike Osmond commented that people have a right to walk along the beach and docks cannot be blocking the right of way.

Neil Rohner commented that the township has the jurisdiction and right to make ordinances but the township has no ability to enforce the ordinance, that if someone is told their lift is in violation of the zoning ordinance he can just tell the zoning administrator to get lost.

Payment of bills: McCallum requested the addition of \$368.58 to the View Newspaper Group pending verification of the amount due. **Motion by Hartsell to approve payment of the bills with the addition of the View, seconded by Osborne.** Motion carried – all ayes.

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

Valerie McCallum, Clerk