

**LAKE TOWNSHIP BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**OCTOBER 19, 2015**  
**APPROVED MINUTES**

The meeting was called to order at 7:33 PM. Board members present were Dorothy Fisher, Clay Kelterborn, Valerie McCallum and Dale Hartsell. There were 4 audience members.

A motion by Kelterborn to approve the agenda was seconded by Hartsell. All ayes, the motion carried. A motion by Hartsell to approve the September 21, 2015 Board meeting minutes was seconded by Kelterborn. All ayes, the motion carried.

McCallum reported that she attended a residents meeting along with Commissioner John Nugent regarding target shooting and loud explosive noises allegedly being caused by the occupants residing at the end of Quarry Road. At the meeting, Mr. Nugent encouraged residents to call the police when these disturbances happen. He also said that he would speak with Sheriff Kelly Hanson to determine what can be done on behalf of the residents. McCallum reported that one of our CAFPA Trustees will be moving thus creating an opening on the CAFPA board.

Kelterborn reported that the township hall roof has been repaired and he will follow up with Don Vandenberghe of D&R Builders, who did the work.

Correspondence included the CAFPA minutes, Zoning Administrator's report, Building Inspector's report, Planning Commission minutes, Sept. 28, 2015 letter from DEQ regarding Zwemmer Dairy Farm water withdrawals, snow removal quote from Esch Landscaping, Oct. 12, 2015 letter from Comcast, legislation update from Senator Pavlov. A notice of public hearing from the Huron County Planning Commission regarding their updated wind energy ordinance and an email from Landplan Inc. regarding an opinion on the sale of firewood in an R2 district was also included.

During public comment, Bill Williams asked if John Nugent had instructed residents to call 911 to report shooting disturbances. McCallum said yes. In a conversation with McCallum, Bob Hopkirk, DNR Conservation Officer, suggested that the Township draft a resolution addressing target shooting on state land, which is prohibited and copy the DNR. A motion by Kelterborn to have the Township attorney draft a resolution regarding the control of target shooting on state land for the November meeting was seconded by Hartsell. All ayes, the motion carried.

The Board reviewed our special use fee in comparison with neighboring townships and Huron County. Kelterborn suggested that the fee be brought in alignment with the ZBA fee. A motion by Kelterborn to change the special use fee to \$450 plus any additional cost to be paid by the applicant was seconded by Fisher. All ayes, the motion carried.

The Board discussed the need for tubing replacement on one of the roads. Our cost will be \$3,518. A motion by Kelterborn to replace road tubing was seconded by Hartsell. All ayes, the motion carried.

During the second quarter budget review, a motion by Kelterborn to move the following funds: Transfer Station: \$1000 from dumpster to salary and Township Hall: \$500 from hall repair to hall maintenance was seconded by Fisher. All ayes, the motion carried.

The Board approved the quote received from Esch Landscaping for snow removal during the 2015/2016 season. This includes the township hall with shoveling and salting and the transfer station at a cost of \$45 per occurrence. A motion by Hartsell to accept was seconded by Kelterborn. All ayes, the motion carried.

In an effort to stagger the term expiration dates of the Planning Commission members, a motion by Kelterborn to reappoint Bob Siver to the Planning Commission for a 2 year period, to end December 31, 2017 was seconded by Hartsell. All ayes, the motion carried.

The Board decided to address the CAPFA vacancy at the November meeting.

The Planning Commission asked McCallum to contact Mark Eidelson, President of Landplan to review and comment on the compatibility of the sale of firewood in an R-2 district in association with a residential lot as pertains to our current ordinance. In his opinion, submitted by email, the sale of firewood is not expressly authorized as a principal use of a lot in the R-2 district according to Sect. 802. He further stated that although Sect. 802(B) does allow for accessory uses, these uses must be customarily incidental to the residential use of a lot. The sale of firewood as an accessory use is not authorized as a Special Land Use according to Sect. 803. Firewood sales do not constitute a home occupation (Sect. 803(E) as defined in Chapter 2. A municipality therefore may not classify any use that is not addressed in the Zoning Ordinance as a Special Land Use except by amendment of the Zoning Ordinance.

After discussing these findings with Mr. Kapa, who applied for a special use permit in order to sell firewood on his property, the Board agreed that there was no cause for a special use hearing to come before the Planning Commission and then to the Board. Therefore, there was no action taken on the special use permit applied for by Mr. Kapa. A motion by Kelterborn to refund Mr. Kapa's special use application fee was seconded by Hartsell. All ayes, the motion carried.

A motion by Kelterborn to adjourn was seconded by Fisher. All ayes, the motion carried.

The meeting was adjourned at 8:23 PM.

Minutes prepared by:  
Maryanne Williams, Deputy Clerk