

# Township of Lake

Huron County, Michigan  
January 28, 2013

Supervisor McCallum called the meeting of the Lake Township Board to order at 6:30 P.M. Pledge of allegiance. A moment of silence for Robert T. and Patricia Smith's son Stephen Smith was held. Roll call. Kelterborn, Johnson, McCallum, Hartsell and Fischer present, with approximately 26 guests.

**Agenda:** McCallum requested the following additions to the agenda:

Additions to the agenda under Old Business:

- Correspondence Policy

Additions to the agenda under New Business:

- Zoning Ordinance Amendments on Decks
- Work order for Road signs on Whippoorwill Haven
- February meeting
- Shay Water Service

Addition to the agenda under Correspondence:

- Letter from the Road Commission regarding the annual meeting

**Motion by Hartsell to approve the agenda with additions and corrections, seconded by Kelterborn.** Motion carried – all ayes.

Township Attorney, Brian Garner, introduced himself to the Board and guests and gave a brief background of the Taylor Butterfield law firm and their experience with municipal law.

**Minutes of December 17, 2012: Motion not to accept the minutes as prepared by the Clerk by Fischer.** Fischer commented that the Clerk's original minutes were changed by McCallum. Johnson replied that minutes were submitted as she edited them herself and she asked for help with them from the former clerk of 14 years. The pertinent information was included that was required by law. Motion failed for lack of a second. **Motion by Kelterborn to accept the minutes of December 17, 2012, seconded by Hartsell.** Motion Carried. Fischer Opposed.

**Supervisor's Report** - None.

**Treasurer's Report** – Fischer's report submitted.

**Clerk's Report** – None.

**Trustee's Report** – Kelterborn reported that a new storm door for the back door of the hall will cost \$115 to \$120 through the Farmer's Co-op and that Mark Treder will install it for \$100, which would save the Township the \$40 to \$50 ad fee. Also reported on the Planning Commission's recent meeting; deck sizes were discussed and the Master Plan update process.

Hartsell reported that the advisory committee met to look into safety issues with target shooting and possible suggestions may be a noise ordinance or a permit process. He requested to have the township attorney to look into what other communities have done.

**Correspondence:** read. No Petitions.

**Public Comments:**

Dave Szumlinski asked if he could talk about anything on the agenda. McCallum replied that he could talk about anything at the end of the meeting public comments but during this initial comment period comments should be related to items on the agenda. Szumlinski stated he has concerns about the ZBA appointments and asked if he could speak when the board discusses the issue during new business. McCallum asked whether board members were in agreement with Szumlinski's request and they were.

Jim Simmons asked Attorney Garner whether a township ordinance on target practice would override state law and Garner replied that a township ordinance can be restrictive if dealing with property and the size of the property and if it mirrors state law and the township could make an ordinance with a time limit.

Gerry Simmons stated that the shooting is careless and around homes, bullets have hit homes and it is very dangerous.

**Old Business**

**Township Hall Repairs: Motion by Kelterborn to use Mark Treder to repair back door, seconded by Hartsell.** Motion carried – all ayes.

**Municipal Civil Infractions:** Attorney Garner presented proposed language to amend the current zoning ordinance to change Section 304.2 to allow the Zoning Administrator to issue municipal civil infraction citations rather than having to rely on the Township Attorney to enforce compliance with the zoning ordinance. Garner will prepare the language for the amendment process and stated that the fines can be set by resolution of the Township Board. Hartsell offered to supply a copy of the Port Austin fee schedule. **Motion by Hartsell to send proposed amendments to Section 304.2 of the Zoning Ordinance to the Planning Commission for their review and recommendation to the Board, seconded by Kelterborn.** Motion carried – all ayes.

McCallum requested that the Board skip to New Business and the ZBA Appointments due to time restraints with Attorney Garner present and questions regarding the ZBA appointments.

**New Business**

**ZBA Appointments:** Dave Szumlinski commented on the board appointing the Planning Commission representative to the ZBA and provided documents supporting his position that it was not up to the Board to make the appointment but up to the Planning Commission to do so.

Attorney Garner replied that the statute itself, the act itself says that the Township Board appoints the Zoning Board of Appeals members.

**ZBA Appointments** - McCallum stated that Ric Geilhart is interested in reappointment to the ZBA opening. **Motion by Hartsell to reappoint Ric Geilhart to the Zoning Board of Appeals, seconded by Kelterborn.** Motion carried – all ayes.

**Planning Commission appointment to ZBA:** Kelterborn recommended Gerry Pobanz to the ZBA. **Motion by McCallum to appoint Gerry Pobanz to the Zoning Board of Appeals, seconded by Johnson.** Motion carried – Fischer opposed.

**ZBA Training:** Attorney Garner proposed a step by step training for the Township's ZBA or a seminar approach inviting other communities in the county, but stressed that the seminar approach does not provide for as much one on one attention or time for questions. He suggested that having training for the township only, it would be noticed as a meeting to avoid any OMA violation and would offer the opportunity for ZBA members to ask questions that may relate to prior hearings. Louis Bushey stated he has been to many seminars and it was always good to get to know what was going on in other areas. McCallum asked if it would be viable to have both the Planning Commission and the ZBA in on the same training. Garner suggested maybe an hour or two focused on the ZBA and then some time focused on the Planning Commission which would be a good forum for the two committees to get to know how the other operates. **Motion to have joint training of the Planning Commission and Zoning Board of Appeals by McCallum, seconded by Johnson.** Motion carried – all ayes.

**Zoning Ordinance on Decks:** McCallum reported that the Planning Commission has been working on amending the zoning ordinance regarding deck sizes. Kelterborn commented that there are some issues with lot coverage and deck sizes and stated that input from the Building Inspector and Zoning Administrator at the Planning Commission meeting was very good. McCallum recommended having the Township Attorney review the recommendations of the Zoning Administrator and Building Inspector as to decks and have the attorney draft a proposed amendment for the Planning Commission. **Motion by Kelterborn to submit proposed Deck Zoning Ordinance recommendation from the Zoning Administrator and Building Inspector to the Township Attorney to draft amendment language for the Planning Commission, seconded by Hartsell.** Motion carried – all ayes.

**Motion by McCallum to have Township Attorney review target shooting Ordinance's for the Advisory Committee, seconded by Hartsell.** Motion carried – all ayes.

*(Attorney Garner left the meeting and the Board resumed with Agenda items under Old business)*

**Old Business (continued)**

**Construction Board of Appeals:** - McCallum stated that the current members are interested in being reappointed to the Construction Board of Appeals: Richard McIlhargie, Steven Fulgham, and Mike Molascon. **Motion by McCallum to reappoint Richard McIlhargie, Steven Fulgham, and Mike Molascon to the Construction Board of Appeals, seconded by Hartsell.** Motion carried – all ayes.

**Transfer Station Fees:** Kelterborn stated that the majority of what is being turned in at the Transfer Station is 30 gallon bags and with costs increasing, the township may need to consider raising the cost per bag by fifty cents. **Motion by Kelterborn to table Transfer Station fees until February Meeting, seconded by Hartsell.** Motion carried – all ayes.

**EMCOG:** McCallum asked if everyone had a chance to review the letter. Hartsell expressed that he would prefer to stick with what the Township has now. The board concurred.

**Correspondence Policy:** Johnson presented information regarding different Township correspondence policies ranging from turning in correspondence on the Monday before the agenda, the Wednesday before the meeting and having the agenda stay open all the way up to 20 minutes before the start of the meeting. E-mails were accepted as correspondence at all Townships and were not signed but were accepted with the name, address and phone number in lieu of the signature.

**Motion by Kelterborn to cut off general correspondence on the Friday before the meeting at 2:00 P.M.; unless correspondence is agenda specific and then the cut off is 2:00 P.M. the day of the meeting; e-mails have to have name, address and phone number on them, seconded by Hartsell.** Motion carried – all ayes.

**New Business (Continued):**

**Assessor Bids:** McCallum stated that the Assessor's contract expires at the end of March. The Township Attorney can draft up a bid proposal and contract. Kelterborn inquired as to where the Township would advertise for the position. McCallum replied in the Michigan Assessor Association monthly publication or the local paper. Discussion as to the requirement that the assessor be

available during business hours for the residents, if not in the office, then by phone. Hartsell also suggested sealed bids should be submitted to the attorney. **Motion by McCallum to get a bid proposal for assessor, seconded by Kelterborn.** Motion carried – all ayes.

**Buildings and Grounds Committee:** McCallum suggested creating a Buildings and Grounds Advisory Committee to monitor the conditions and maintenance requirements of the Township Hall and the Transfer Station. Building Inspector Tory Geilhart is willing to serve on the committee. McCallum asked Kelterborn if he would be willing also, and he indicated he would. McCallum recommended having a community at-large member. Greg Nazchak who was in attendance volunteered. **Motion by Hartsell to create an Advisory Committee for Building and Grounds for the Township Hall, seconded by Fischer.** Motion carried – all ayes.

**Budget Amendments for 2012-2013:**

McCallum recommended the following amendments to the budget:

\$200.00 for Board of Review Education  
\$100.00 for Board of Review Supplies  
\$200.00 for Zoning Administrator for mileage  
\$100.00 for Clerk Supplies  
\$600.00 will come from Contingency

**Motion by Kelterborn to transfer \$600.00 from the Contingency Fund to those line items as recommended by McCallum, seconded by Johnson.** Motion carried – all ayes.

**Township Credit Card:** Johnson stated that she spoke to Ken Berthiaume regarding the credit card policy and that the Clerk needs to be a signer on the credit card account to have knowledge and control over all purchases and debits to the card. Discussion as to whether the township can have a credit card in the name of “Lake Township” using the EIN number. Johnson is to check with the bank. **Motion by Kelterborn to table Township credit card until next monthly meeting, seconded by Hartsell.** Motion carried – all ayes.

**Insurance Renewal Burnham and Flower:** Kelterborn motioned to renew insurance with Burnham and Flower, seconded by Hartsell. Motion carried – all ayes.

**Poverty Exemption Guidelines:** McCallum stated that we currently do not have and asset test for poverty exemptions and prepared proposed guidelines and an asset test for Board members to review. **Kelterborn motioned to table the Poverty Exemption Guidelines until the February meeting, seconded by Fischer.** Motion carried – all ayes.

**2013 -2014 Budget:** \_McCallum requested budget requests be submitted prior to the February meeting in order to have a draft prepared by then for the board to review.

**Hall cleaning:**. **Motion by Fischer to advertise for Hall cleaning, specifications available at the Hall, seconded by Kelterborn.** Motion carried – all ayes.

**February Meeting:** McCallum suggested we reschedule the February meeting to the last Monday of the month. **Motion by Kelterborn to reschedule the February Meeting from February 15, 2013 to February 25, 2013, seconded by Hartsell.** Motion carried – all ayes.

**Shay Water:** McCallum recommended having a Shay Water dispenser at the hall at a cost of \$11.00 per month rental fee and \$6.00 per five gallons as the Township's water is unsafe for drinking. Shay Water does not require a time specific contract. **Motion by Kelterborn to bring Shay water in for drinking water, seconded by Fischer.** Motion carried – all ayes.

Discussion on location and available electrical outlets. McCallum recommended having a new outlet to service the water cooler, microwave and coffee pot. Fischer recommended an additional outlet in the southwest corner of the hall. **Motion by Kelterborn to have Demand Electric in to install two (2) plugs and provide an estimate on two (2) baseboard heaters, seconded by Hartsell.** Motion carried – all ayes.

**Road Work Order:** McCallum reported that one of the signs to Whippoorwill Haven Drive had disappeared in the recent wind storm. **Motion by McCallum to replace Whippoorwill Haven Road sign. seconded by Hartsell.** Motion carried – all ayes.

### **Public Comments**

Bob Siver suggested getting an estimate on a backup generator.

No other comments.

**Payment of Bills:** Johnson requested the Board to approve bills with the following additions:

<u>Ck #</u>	<u>Payee</u>	<u>Ck Amt.</u>
10655	Port Austin Township Library	\$1,500.00
10656	Wal-Mart Community	\$ 14.44
10657	Treder, Mark - mileage	\$ 44.15
10658	Burnham & Flower of Michigan	\$3,281.00
10659	DTE Energy	<u>\$ 34.62</u>
	<b>Total</b>	<b>\$4,874.21</b>

**Motion by Kelterborn to pay bills as presented with additions, seconded by Hartsell.** Motion carried.

**Motion by Kelterborn to adjourn, seconded by Fischer.** Motion carried - all ayes.

Meeting adjourned at 8:52 P.M.

\_\_\_\_\_  
Mary E. Johnson, Clerk