

**LAKE TOWNSHIP, HURON COUNTY**  
**BOARD OF TRUSTEES MINUTES**  
**APRIL 20, 2015**

Meeting was called to order at 7:30 p.m. Pledge of Allegiance was recited. Those in attendance: Valerie McCallum, Dale Hartsell, Dorothy Fischer, Clay Kelterborn, Claren Russell. Guests attending: 5.

**Agenda:** Added: Road Work 2015, Capital Improvement Fund, and Fire-proof File Cabinet. Hartsell motioned to approve the agenda with additions, supported by Kelterborn. All in favor, motion carried.

**March 30<sup>th</sup>, 2015 Board Minutes:** Kelterborn motioned to approve the minutes, seconded by Fischer. All in favor, motion carried.

**Reports from Board Officers:**

**Supervisor-** McCallum reported on Huron Co. Road Commission meeting. Kinde Road will be worked on this summer from Caseville Road to Pinnebog Rd. No other work is scheduled for Lake Township. Sheriff Hanson heard from the DNR. The Township's Nuisance Ordinance will not be applicable to the shooting problems that have plagued the Quarry Shores area. Again Sheriff Hanson will be invited to attend the Safety Meeting when it is scheduled. The Transfer Station worker, Dave Ferris, has broken his elbow and will be aided weekends by the assistant. The assistant was already scheduled to work from the middle of April to approximately the middle of May to help returning winter residents get used to the new recycling program. We will see if he might be needed longer due to the injury of Mr. Ferris.

**Treasurer-** Treasurer's Report is in our packet. The non-sufficient fund check from the winter taxes has been collected.

**Clerk –** The two computer monitors that were for sale on our website have been sold. The Frontier telephone contract has been renewed as motioned last month without internet service, as they do not provide internet service in this area. Also, reminded Board and guests that the Special Election will be held in our Hall on May 5<sup>th</sup>.

**Trustees-**

**Hartsell** has been in conversation with the Sheriff's Department scheduling patrol services for Lake Township. It was agreed that we would like it to start Memorial Day weekend. Mr. Hartsell will forward that request to Sheriff Hanson.

**Kelterborn** has reviewed the township roads with Greg Polega, the Road Foreman, for weaknesses and asked for estimates. Etzler Rd. between Griggs and State Park Rd. is the weakest road but it is noted that there are no residents that far down that road. Dufty Rd. between State Pk. Rd. and Etzler Rd. has not been worked on in several years, and Elkton Rd. needs more gravel between Dufty Rd and Etzler Rd. Estimates for Etzler Rd, and Dufty Rd. plus a half mile on Elkton Rd. are \$80,000. Regarding the Bldg. & Grounds Committee, we should be having a meeting by next Board Meeting. We are waiting for all the members to return from their winter homes.

**Correspondence:**

CAFPA, Zoning Administrator's and Building Inspector's reports, Planning Commission Minutes, and the ZBA Minutes are in our packets. No questions. A letter of invitation to the MDOT

Annual Meeting on April 27<sup>th</sup> has been received by the Township Board, and several application letters of interest for Township Attorney are included in the packet (to be reviewed in Old Business).

**Petitions/Public Comments:**

Mr. Gary Crews stated he and his wife bought property on Pt. Austin Rd that has 3 cottages on 1.3 acres. He had applied to remodel two of them and was denied due to variances needed. In the process of applying for a variance our Township attorney contacted him and suggested rezoning the property from R-1 (residential) to R-B (residential-business) to qualify for less stringent ordinance requirements. His property coverage would be only 6.6% coverage even with the additions to the cottages, and he has put 3 new septic systems in to meet health requirements. He agreed to pay an additional \$350 (above the \$450 he paid for the Zoning Board of Appeals) to apply for rezoning. The Planning Commission voted 3-2 to approve the rezoning and forwarded the application to the Huron County Planning Commission for approval, which has been done. Mr. Crews has offered to restrict the amount of dwellings to four maximum in response to residents' concern that the R-B zoned property could be used to create multiple rentals as is done in the adjacent R-B zoned property. He may want to add the fourth house in the future to provide a home for himself and his wife while using the other three existing houses for each of his daughters. He stressed that he has tried to comply with every stipulation suggested to him by the Township and is in hopes the Board will approve the rezoning tonight.

**Old Business:**

**Garage Sale Ordinance 2015-01** – An ordinance to conduct garage sales has been drafted to eliminate the current \$5.00 fee and provide stipulations for safety liability responsibilities of the property owner. On Sec. 3, (f) should add “in calendar year” at end of sentence , in 3 (g) correct “...is in full and true...” to “...is full and true...”, and Sec. 5 (a) should add “...one calendar year.” in place of “...twelve (12) month period” to clarify the period of time residents may conduct garage sales, and Sec. 6 (a) correct “Regularly established business establishments...” to “Regular business establishments...”. Motion made by Hartsell to approve ordinance with amendments, supported by Fischer. Roll call vote: Hartsell-aye, Fischer-aye, Kelterborn-aye, McCallum-aye, Russell –aye. Ordinance adopted.

**Outdoor Lighting Ordinance 2015-02** – The Township attorney had drafted an ordinance to set rules of outdoor lighting. The Planning Commission revised it to simplify the language and has submitted it now for approval of the Board. McCallum, Kelterborn and Russell read the ordinance to the attendees of the Meeting in order to review the ordinance. Kelterborn suggested changing Sec. 1 (a) “...flood light projection is prohibited” to add “...above the horizontal plane is prohibited”. Russell suggested adding “See Sec. 3, Definitions” at end of sentence at Sec. 1, B. Motion made by Fischer, seconded by McCallum to approve Outdoor Lighting Ordinance 2015-02 as amended. Roll call vote: McCallum-aye, Kelterborn –aye, Fischer –aye, Hartsell –aye, Russell-aye. Ordinance adopted.

Mr. Smith, representative for Congresswoman Candice Miller, presented a talk on the concerns and achievements of Senator Miller. Among other things, he stated that she is concerned about the lake levels, the invasive species of fish such as Asian carp, and she is vice-chair for

Homeland Security. She has obtained new donated books from the Library of Congress in order to donate them to schools here in Michigan.

**Rezoning Request –Gary Crews** – Kelterborn explained that the request for a variance was originally referred to the ZBA to add additions on two out of three cottages on this property. McCallum explained that the township attorney was contacted due to an error in the notice of publication for the zoning appeal and he questioned the variance request. He suggested that a rezoning was possibly a better option for this situation based upon our master plan and the adjacent parcels, and he offered to contact Mr. Crews. Mr. Crews agreed to apply for Residential-Business rezoning. The Planning Commission conducted a hearing on February 25<sup>th</sup>, 2015, and voted in favor of the R-B rezoning, 3-2. It was sent on to the Huron Co. Planning Commission for their approval, which was given, and then referred to the April Board Meeting for final approval or denial. In the meantime, the ZBA conducted the variance meeting and considered the original request of remodeling two out of three cottages as is, and also considered a second variance with different conditions if the parcel of land were rezoned. The ZBA granted the original variance request, and Kelterborn felt any future building on this property could be handled through the ZBA rather than rezoning this property. He further stated that in the Planning Commission hearing, a thorough discussion ensued with the Zoning Administrator not in favor of rezoning and expressing concern of high density dwellings already near there and the possible creation of more cottages being built on this land if it was rezoned. A letter from a Township resident had expressed that same concern. Kelterborn also mentioned that some of the Planning Commission members felt it was inappropriate how our attorney handled this matter. McCallum had a map of the area and explained to the board members that there are several parcels in this area that have multiple dwellings. One parcel had requested rezoning to R-3 and was denied. McCallum explained there are only two R-B parcels and those were originally zoned General Business. The R-B District was created to allow those two businesses to continue but to prevent them from converting to more intensive business uses allowed under General Business. McCallum also stated that she had received several calls from residents in favor of Mr. Crews remodeling the existing cottages but were not in favor of rezoning to R-B, again, due to the fear of additional cottages and more density. McCallum further mentioned that our attorney has advised that, since Mr. Crews has made an offer to only build one additional dwelling on the property, the township could approve a conditional rezoning of the property. McCallum also contacted the MTA for more information on conditional rezoning and they recommended that when doing a conditional rezoning, a time span be put in place that would stipulate that zoning would go back to R-1 if the time frame were not met. Russell stated that if we do not approve the R-B rezoning application Mr. Crews should have his \$350 fee refunded since our attorney led him to this course of action as a representative of the Township. Mr. Crews expressed no desire to receive a refund, and stated that it is a much

bigger problem than that, since the attorney reviewed the Master Plan, and the law, and all things were in order. Hartsell motioned to approve the rezoning to R-B with the condition of a maximum of four dwellings on this property in perpetuity, as offered by Mr. Crews, seconded by Fischer. McCallum asked if there would be a time limit. Hartsell stated to add a time limit of 3 years. Conversation ensued as to the time limit constraints as suggested by the MTA. Mr. Hartsell restated his motion to approve the R-B rezoning conditional to a maximum of four buildings, and no restraints of time, seconded by Fischer. Roll call vote: Fischer-aye, Kelterborn-no, with reasons being the ZBA granted his original variance request, in respect of neighbors who said they were against more dwellings being allowed and, finally, because he feels the attorney was wrong in how he handled this. McCallum- no, and stated she has had phone conversations with several local residents who do not want this property rezoned to R-B. Russell- aye, and she stated that she agrees the township attorney mishandled this, but the condition of a maximum of four houses only, offered by Mr. Crews, with the land being contiguous to other R-B property, and the large area of land involved that allows health standards for the septic systems to be met lends itself to R-B approval. Hartsell- aye. Motion carried, 3-2. Kelterborn asked what provisions are going to be made to make sure that only one more building will be built. Russell stated it will need to be drafted by our attorney who handled this issue.

**Construction Board of Appeals –Fee/Wages** – McCallum checked with Huron County and their Construction Board of Appeals charge a \$400 fee. She suggested we make our fees and wages the same as our ZBA. Motion made by Kelterborn to make Construction Board of Appeals the same as the ZBA wages and fees, seconded by Fischer. All in favor, motion carried.

**Road Work – 2015** – Kelterborn thought the estimates for hauling might be somewhat high and recommended that all three estimates be let out for bids and the board can then review the bids and make a decision. Motion made by Kelterborn to put tentative road repair out for bids, seconded by Hartsell. All in favor, motion carried.

**Fireproof File Cabinet** – McCallum advised the Board that more filing room is needed for the building files and Thumb Office has a used two drawer fire proof cabinet for \$250.00 if we pick it up or \$350 delivered. McCallum suggested that Russell stop at Thumb Office to look it over and make sure it is in good fire proof condition. Motion by Hartsell to purchase the cabinet and have it delivered if it is suitable, seconded by Kelterborn. All in favor, motion carried.

**Capital Improvement Fund-** At Team One Credit Union, the interest on a 90 day CD and the interest on a money market are the same-.3%. The advantage of the money market would be that it is accessible whenever it would need to be drawn out, whereas the CD has penalties if drawn out early. Motion made by McCallum, supported by Hartsell, to move \$25,000 into a money market account at Team One Credit Union to establish a Capital Fund. All in favor. Motion carried.

**Legal Services** – Proposals from several attorneys were provided to board members for review. McCallum did check references on several of the proposals submitted. McCallum said that several of the attorneys had very good qualifications and references and had talked with both Clifford Bloom and Don DeNault of O'Reilly Rancillo and the only difference is that Bloom Sluggett Morgan has practical experience in waterfront issues which would be useful for our Township. Attorney Bloom also suggested that a local attorney could be used for minor issues.

Kelterborn motioned to hire Bloom Sluggett Morgan as our Township attorney, seconded by Fischer. A question was raised as to who else would be used for the minor issues such as civil infractions? Hartsell recommended we only use Bloom Sluggett Morgan. Fischer agreed. Roll call vote to approve Bloom Sluggett Morgan: Hartsell-aye, McCallum-aye, Kelterborn-aye, Fischer-aye, Russell-aye. **Resolution 2015-13** adopted. Kelterborn suggested we continue conversation at May Board Meeting regarding a second attorney service for consults of minor issues.

**Payment of Bills-** Motion to pay the bills made by Kelterborn, seconded by Fischer. All in favor, motion carried.

**Public Comments:** Conversation opened by guest about disappointment at approving the rezoning of Mr. Crew's application. He also stated that a ZBA should not have to make decisions on two sets of circumstances for the same property at the same meeting, as was done at the Crews ZBA Hearing. No further comments.

**Adjournment:** Hartsell made a motion to adjourn, supported by Kelterborn. All ayes, motion carried. Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Claren Russell, Clerk