

**MINUTES SILVER CREEK TOWNSHIP PUBLIC HEARING AND
REGULAR BOARD MEETING HELD ON OCTOBER 8, 2014**

The Public Hearing was called to order by Supervisor Bill Saunders at 7:00 p.m. on Wednesday, October 8, 2014.

MEMBERS PRESENT: Supervisor Bill Saunders, Treasurer Maureen Kuriata, Clerk Barbara Runyon, Trustee Joel Moore and Trustee Mike Glynn.

OTHERS PRESENT: Attorney John Magyar.

Upon request of Supervisor Saunders, Clerk Runyon read from the public notice: "The township board will hold a public hearing at the Silver Creek Township Hall at 32765 Dixon Street, Dowagiac, Michigan on Wednesday, October 8, 2014 at 7:00 o'clock p.m. to review the special assessment roll, to consider any objections thereto, and to confirm the roll as submitted or revised or amended. The roll may be examined at the office of the township clerk at the township hall during regular business hours of regular business days until the time of the hearing and may be examined at the hearing."

Supervisor Saunders stated the roll for Indian Lake Weed Control District is in the amount of \$83,230.20 with a proposed special assessment of up to \$4.00 per foot. Supervisor Saunders asked if anyone would like to speak. Jerry Donley, Indian Lake Improvement Associated Chairman, requested that the \$4.00 per foot assessment be approved. There was no further public comment.

Supervisor Saunders stated the roll for Magician Lake Weed Control District is in the amount of \$21,575.00 with a proposed special assessment of up to \$50.00 per occupied unit. Supervisor Saunders asked if anyone would like to speak. There was no public comment.

Supervisor Saunders stated the roll for Dewey Lake Weed Control District is in the amount of \$26,180.00 with a proposed special assessment of up to \$119.00 per parcel. Supervisor Saunders asked if anyone would like to speak. An audience member questioned what the difference was from last year. Supervisor Saunders indicated that it was in the same amount of \$119.00 per parcel. There was no further public comment.

Supervisor Saunders stated the roll for Little Crooked Lake Weed Control District is in the amount of \$3,420.00 with a proposed special assessment of up to \$60.00 per parcel. Supervisor Saunders asked if anyone would like to speak. There was no public comment.

Supervisor Saunders closed the Public Hearing at 7:06 p.m. and called the Regular Board meeting to order at 7:06 p.m.

The Pledge of Allegiance to the Flag of the United States of America was led by Trustee Moore.

MEMBERS PRESENT: Supervisor Bill Saunders, Treasurer Maureen Kuriata, Clerk Barbara Runyon, Trustee Joel Moore and Trustee Mike Glynn.

OTHERS PRESENT: Attorney John Magyar.

APPROVAL OF AGENDA

Clerk Runyon moved, seconded by Treasurer Kuriata, to approve the October 8, 2014 Silver Creek Township Agenda with the addition of a motion to approve the payment of the township insurance policy renewal. Motion carried by voice vote.

PUBLIC COMMENT

Supervisor Saunders asked if there was any public comment. Indian Lake resident Marty Kleva spoke on behalf of the Indian Lake Improvement Association and several Dewey Lake residents. Mr. Kleva expressed concern over the adoption of revisions to the boating ordinance without a public hearing, and concern over the zoning ordinance amendments. He maintained that there were numerous inconsistencies in terminology; unresolved issues contained within the revised ordinance; last minute changes inserted into the documents which were not thoroughly discussed; and the omission of text that was a part of the existing ordinance making it difficult to follow what is existing and what is new. He stressed that the township needs to make sure the contents of both ordinances are written clearly and objectively so that interpretations are fair to all and that the ordinances are the best possible tools for their intended enforcement. He asked that the Township Board delay the adoption of both ordinances until all issues are reviewed, discussed and resolved, and asked that a study committee be considered. He asked that his presentation, a copy of the letter from the Indian Lake Improvement Association's Attorney William Carey furnished to board members and petitions from numerous residents be made a part of the meeting minutes. (See attached).

The following residents spoke in support of Marty Kleva's statement: Jim Movy from Indian Lake; Frank Petricka of Dewey Lake and Bob Hague of Indian Lake.

Tom Lehrer, Chairman of the Planning Commission, indicated that the Planning Commission have met and discussed these revisions for 12 months, with no one being cut off from public input, and with Attorney Magyar participating.

Attorney Magyar added that the public hearing on October 22nd is the time to bring up questions or problems with the proposed zoning ordinance revisions. If additional time is needed, the public hearing can be continued to address comments and concerns.

Bonnie Hague of Indian Lake indicated that the last minute changes to the ordinance, without discussion is a concern. She expressed her concern over the board looking at this changes when lake residents who are affected by these changes are gone for the winter and cannot attend.

Fritz Oltoff, concurred with Bonnie Hague.

Kathy Hillgam of Indian Lake agreed that these decisions should be made in the summer when residents are available and are able to see documentation.

John Kester of Indian Lake agreed that the decisions be delayed until summer.

Ed Miller from Magician Lake shared their feelings that decisions should be made while residents are here.

Clerk Runyon said that she would put the proposed zoning amendments and boating amendments on the website for people to review.

That was all of the public comments.

APPROVAL OF MINUTES

Trustee Glynn moved, seconded by Supervisor Saunders, to approve the Minutes of the Regular Meeting of September 10, 2014. Motion carried by voice vote.

APPROVAL OF BILLS AND CLAIMS

Treasurer Kuriata reported the bills and claims of October 8, 2014. Trustee Glynn moved, seconded by Trustee Moore, to approve the following bills and claims in the total amount of \$179,704.95 as follows:

FROM THE GENERAL FUND	\$76,432.81
FROM THE INDIAN LAKE SEWER FUND	\$10,687.23
FROM THE PUBLIC SAFETY FUND	\$72,894.20
FROM THE BUILDING DEPARTMENT FUND	\$ 6,123.60
FROM THE INDIAN LAKE WEED CONTROL FUND	\$ 4,183.14
FROM PARKS & RECREATION FUND	\$ 6,796.57
FROM MAGICIAN LAKE WEED CONTROL	\$ 1,804.25
FROM DEWEY LAKE WEED CONTROL	\$ 54.25
FROM CAPITAL IMPROVEMENT FUND	\$ 728.90
 GRAND TOTAL OF DISBURSEMENTS:	 \$179,704.95

The Supervisor directed the Clerk to take roll:

Yes (5): Clerk Runyon, Treasurer Kuriata, Trustee Glynn, Trustee Moore, and Supervisor Saunders

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

READING OF COMMUNICATION

Clerk Runyon reported that she had received communication from Emergency Manager Dave Smith that weather sirens for Pokagon Township along SMC will be tested on October 15th at 10:30 a.m. No other communication was reported.

POLICE REPORT

Chief Grice reported as follows: 18 complaints; 2 warnings, 6 tickets, 2 accidents policed and 1 assist.

HEALTH & SERVICE REPORTS

Indian Lake Fire Department: 10 calls, 8 in Silver Creek Township. Chief Huggins reported that there have been several complaints regarding burning.

Sister Lakes Fire Department: 17 calls, 7 in Silver Creek Township.

Pride Care Ambulance Report: September - 15 calls with an average response time of 8:48 minutes. There were extended response times on four calls because of the distance of the calls.

TOWNSHIP ATTORNEY'S REPORT

Attorney Magyar reported on the four blight cases which were filed in Circuit Court: Default Judgments will enter in two cases; a dismissal in one; and one consent judgment. He reported that there has been no opinion rendered by the Court of Appeals in the O'Connor case.

BUILDING & ZONING INSPECTOR'S REPORT

Building and Zoning Inspector Todd Herter reported 2 zoning compliance permits and 17 building permits issued with an estimated building cost of \$624,137.00.

BLIGHT ADMINISTRATOR'S REPORT

Clerk Runyon read the blight report written by Walter Lehmann as follows: Complaints investigated were three, two actions pending, one with no violation found. Letters of Notice were sent to Goodell and Fritz as a follow up. Two meetings with Attorney Magyar, one regarding Collett stipulation, and the other regarding Hendrickson and Ferrell Judgments.

APPEALS BOARD REPORT

Jerry Donley reported no appeals and nothing scheduled to date.

PLANNING/ZONING COMMISSION REPORT

Tom Lehrer provided the Planning Commission Report, reporting that the 1st draft of the proposed zoning ordinance amendments were reviewed and discussed and a public hearing will be held on October 22nd at 7:00 p.m. at the township hall to get public input on these ordinance revisions. The Boating Ordinance Revisions were approved for submission to the township board.

STANDING INSPECTORS REPORT

Electrical Inspector: 3 permits.
Plumbing Inspector: 2 permits.
Mechanical Inspector: 7 permits.
Liquor Inspector: 6 inspections and no violations.

TREASURER'S REPORT

Treasurer Kuriata reported fund balances as follows:

General Fund	\$236,922.25
Indian Lake Sewer Maintenance Fund	\$200,529.74

CLERK'S REPORT

Clerk Runyon provided the Clerk's report and reviewed the Profit and Loss Statement, reporting that we're half way through the budget year and on track for a balanced budget. She also referred to two motions that were on the agenda for line item transfers from the contingency line item, stating that one shortfall was due to the Spring and Fall Trash Day being extraordinarily busy and requiring additional dumpsters; and the other being Lakeshore Environmental who was contracted to review and make recommendations on the township zoning ordinance which required additional meeting attendance.

OPERATIONAL REPORTS

Indian Lake Sewer: Treasurer Kuriata that I-Link will become obsolete for monitoring the seven lift stations at Indian Lake, and that the SLAUA went out for bid to upgrade the monitoring system. SLAUA recommends awarding the bid to Underground Pipe & Valve, Inc.

Motion to Accept Underground Pipe & Valve, Inc. Bid

Treasurer Kuriata moved, seconded by Trustee Moore, to accept the bid from Underground Pipe & Valve, Inc's in the amount of \$19,250.00 for the Mission System for Indian Lake Sewer and to sign the contract. Discussion held.

The Supervisor directed the Clerk to take roll:

Yes (5): Treasurer Kuriata, Trustee Glynn, Trustee Moore, Supervisor Saunders and Clerk Runyon.

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

Sister Lakes Area Sewer: Treasurer Kuriata reported that SLAUA had gone out to bid on manhole covers and no bids were received. They revisit it again next January.

Parks and Recreation Committee: Trustee Moore reported the next Silver Creek Township Parks and Recreation Meeting will be at the township hall on October 21st at 7:00 p.m. Russom Park Committee will meet on October 20th at 6:00 p.m. at the City Hall.

Supervisor Saunders added that he met with the Russom Park Architect and they did not approve the finished landscaping and run-off retention pond work which had been done, and that the check is being withheld until the work is properly completed.

Public Safety Committee: Trustee Moore advised that the Public Safety Committee's next meeting is scheduled October 21st at 7:00 p.m. They are reviewing ambulance statistic to work on improving response times.

UNFINISHED BUSINESS

UPDATE ON MICHIGAN ASPHALT PAVERS

Supervisor Saunders reported that Michigan Asphalt Pavers will be presenting a proposal at the next board meeting, and they advised waiting until spring because of manholes not being taken care of.

UPDATE ON GENERATOR

Treasurer Kuriata reported that SLAUA has approved Silver Creek Township's use of their portable generator at the township hall if they are not using it.

UPDATE ON RENTAL AGREEMENT

Clerk Runyon reported that she is working on the agreement.

UPDATE ON TOWNSHIP WEBSITE

Clerk Runyon reported that the new website is up and running, and invited suggestions for additional information which could be added to the website.

NEW BUSINESS

MOTION TO SET INDIAN LAKE WEED CONTROL DISTRICT SPECIAL ASSESSMENT

Trustee Glynn moved, seconded by Clerk Runyon, to set the Special Assessment rate for Indian Lake Weed control District at \$4.00 per lakefront foot for the 2014 winter tax.

Trustee Glynn questioned if the budget and expenditures are they kept in the township clerk's office. Clerk Runyon indicated they are.

Attorney Magyar stated that we should have contracts with the lake improvement associations, and let them contract for services as employers like Dewey Lake

Improvement Association does. He also advised that our carriers would like indemnification agreements.

Clerk Runyon mentioned that there is no written contract with Dewey Lake, but because of liability, believes we should have contracts.

Further discussion was held as to weed assessment districts and how they are set up.

Supervisor directed the Clerk to take roll:

Yes (5): Trustee Glynn, Trustee Moore, Supervisor Saunders, Clerk Runyon and Treasurer Kuriata.

No (0): None.

Absent (0): None.

Motion carried by roll call vote.


**MOTION TO SET MAGICIAN LAKE WEED DISTRICT CONTROL
SPECIAL ASSESSMENT**

Trustee Moore moved, seconded by Treasurer Kuriata, to set the Special Assessment rate for Magician Lake Weed Control District at \$50.00 per occupied unit for the 2014 winter tax.

The Supervisor directed the Clerk to take roll:

Yes (5): Trustee Moore, Supervisor Saunders, Clerk Runyon, Treasurer Kuriata and Trustee Glynn.

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

**MOTION TO SET DEWEY LAKE WEED CONTROL DISTRICT
SPECIAL ASSESSMENT**

Supervisor Saunders moved, seconded by Clerk Runyon, to set the Special Assessment rate for Dewey Lake Weed Control District at \$119.00 per parcel for the 2014 winter tax.

The Supervisor directed the Clerk to take roll:

Yes (5): Supervisor Saunders, Clerk Runyon, Treasurer Kuriata, Trustee Glynn and Trustee Moore.

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

**MOTION TO SET LITTLE CROOKED LAKE WEED CONTROL DISTRICT
SPECIAL ASSESSMENT**

Clerk Runyon moved, seconded by Treasurer Kuriata, to set the Special Assessment rate for Little Crooked Lake Weed Control District at \$60.00 per parcel for the 2014 winter tax.

The Supervisor directed the Clerk to take roll:

Yes (5): Clerk Runyon, Treasurer Kuriata, Trustee Glynn, Trustee Moore and Supervisor Saunders.

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

MOTION TO TRANSFER FUNDS

Treasurer Kuriata moved, seconded by Supervisor Saunders, to transfer \$860.00 from Contingency Fund 996-998 to the Township Cleanup Program Fund 101-960.

The Supervisor directed the Clerk to take roll:

Yes (5): Treasurer Kuriata, Trustee Glynn, Trustee Moore, Supervisor Saunders and Clerk Runyon.

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

MOTION TO TRANSFER FUNDS

Trustee Glynn moved, seconded by Clerk Runyon, to transfer \$2,500 from Contingency Fund 996-998 to Consultant Services 101-960.

Questions followed.

The Supervisor directed the Clerk to take roll:

Yes (5): Trustee Glynn, Trustee Moore, Supervisor Saunders, Clerk Runyon and Treasurer Kuriata.

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

MOTION TO APPROVE REVISED ROAD CONTRACTS

Supervisor Saunders moved, seconded by Clerk Runyon, to approve and sign revised contracts with the Cass County Road Commission for work on California Road and Indian Trail to Susan Lane.

Supervisor Saunders advised that the road commission had overcharged for seal coating, and the new contracts are a reduction of 2,788.48 from the original contracts.

The Supervisor directed the Clerk to take roll:

Yes (5): Trustee Moore, Supervisor Saunders, Clerk Runyon, Treasurer Kuriata and Trustee Glynn.

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

MOTON TO APPROVE INSURANCE RENEWAL

Supervisor Saunders and Clerk Runyon reported that they had met with both the

Burnham & Flower Insurance Agency and the Ted Hartleb Agency regarding township insurance which comes up for renewal in November. They received a bid from both agencies and recommended continuing insurance coverage with Burnham & Flower Insurance Group who came in with a price of \$11,475. Discussion was held.

Clerk Runyon advised that the board had the option of increasing the building values for the township hall and garage by 6% for an additional annual fee of \$32.00; increase property/IM/EDP and Auto Comp/Coll Deductibles to \$1,000 for a savings of \$971 (we are currently at \$500 deductible); increase zoning limits to \$1,000,000 at an additional annual cost of \$500. Discussion was held, and a decision was made to only increase the building values by 6% at an additional annual cost of \$32.00.

MOTION TO RENEW INSURANCE

Clerk Runyon moved, seconded by Treasurer Kuriata, to renew our insurance contract with Burnham & Flower Insurance Group in the amount of \$11,507.

The Supervisor directed the Clerk to take roll:

Yes (5): Supervisor Saunders, Clerk Runyon, Treasurer Kuriata, Trustee Glynn and Trustee Moore.

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

OTHER BUSINESS

None.

PUBLIC COMMENT

Tim Hall of Indian Lake thanked the board for the updated website. He also concurred with Marty Kleva's comments, and commended Planning Commission Chairman Tom Lehrer for treating him fairly during the meetings. He asked that the township employ a court recorder for the October 22nd meeting.

Attorney Magyar advised that the Planning Commission's Public Hearing is advisory in nature and the Planning Commission gives a summary of comments rather than a

transcript. Court reporters are employed when there are contested hearings for evidence to be preserved.

Tim Hall questioned if a video tape of the public hearing could be we put on the website.

David Montross of Indian Lake questioned why the allocation is different for each lake district. Attorney Magyar explained the process.

Mr. Montross questioned why some blight reports contain more information in the minutes as opposed to other, and requested that blight reports be placed on the website.

Attorney Magyar said that if he had a question on a particular case, to e-mail him for information. Clerk Runyon explained that blight reports are given verbally and not in writing.

Trustee Glynn reported that there is pending legislation requiring more detail in the minutes.

Marty Kleva gave a follow up on previous comments, indicating that the discussion on the amendments to the zoning and boating ordinance has come to a point where there's a clash of personalities and things cannot get done. He asked that the township board cancel the Planning Commission Public Hearing and get a citizens committee together to discuss the changes.

Jim Scholtz questioned how Rainbow Park residents are assessed in the Magician Lake Weed Control District. He also recommended tighter controls for cleanup days, possibly requiring identification.

Supervisor Saunders explained cost overruns for the Trash Days.

Trustee Glynn wondered if we should limit Trash Days.

David Montross suggested charging a fee.

Clerk Runyon stated she did not believe that \$6,000 was excessive in funding Trash Days, and would like to look into having a shredder come in next year for residents to shred their personal records and then charge a fee.

Supervisor Saunders asked for a show of hands if anyone would be interested. Several attendees expressed an interest.

Trustee Moore reported he rode with the police three weeks ago on a Friday night and commended their work

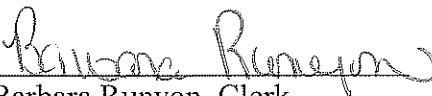
Someone in attendance questioned whether two fire extinguishers was adequate for the township hall and if we have a sprinkler system.

Supervisor Saunders explained that we do not have a sprinkler system, do have fire extinguishers, and three exit doors.

ADJOURNMENT

The meeting was adjourned at 8:37 p.m. at the call of the Supervisor.

Dated: October 14, 2014
To be approved at the
November 12, 2014 Meeting


Barbara Runyon, Clerk

Members of the Board..... good evening

My name is Marty Kleva and I reside on Indian Lake at.....

I am a board member of the ILIA and this evening I am representing and speaking on behalf of the ILIA and also on behalf of several Dewey Lake residents who concur with our thoughts. As you know Dewey Lake is the other lake in the township utilizing a harvester for weed control. Many of our association members are present this evening as well as Dewey Lake residents and I believe residents from other township lakes. Many other residents would in attendance if not for the time of year.

Posted on the board in the township lobby, as we enter, is a notice for a public hearing relative to revisions to the township zoning ordinance. In addition to the zoning ordinance there is a companion document, the "Boating Ordinance", which also contains revisions, but unfortunately does not require a public hearing. I understand that state law does not require the township to hold a public hearing in order to pass such a police power ordinance. Possibly this is why most lake residents don't even realize that there is an ordinance restricting the number of boats they may have; dock restrictions; mooring activities; and many other requirements which control their activities on the lakes. I think over the years this has been the best kept secret in the township. How unfortunate is it that adoption of such an ordinance, controlling lake resident activities, does not allow public input and notification before adoption.

The Planning Commission over the past several months has been considering amendments to both the zoning ordinance and the boating ordinance.

[REDACTED]

It is our understanding that the Planning Commission has completed its discussions and revisions and is now prepared to hold a public hearing on the zoning ordinance on Oct 22nd. Following the public hearing, at some point, the Planning Commission will refer the changes to the Board for approval and adoption.

The companion Boating Ordinance will, at the same time, be referred to the Board for approval and adoption, however, without a public hearing.

Several interested township lake residents have been attending all meetings and following the progress of the changes being recommended by the PC and township's consultant. These individuals have had some input in the changes being considered. However, the changes resulting from this input were eliminated at the 11th hour at the Sept 24th meeting with very little discussion.

The Planning Commission has made some progress to date on both ordinances. However, I am not sure we are further ahead now than when we started. Many loose ends still need to be closed. The Township needs to make sure the contents of both ordinances are written clearly and objectively, so that interpretations are fair to all and that the ordinances are the best possible tools for their intended enforcement. Both of these ordinances will be on the township "books" forever. Future township officials and employees need to have regulations with wording which is clear and precise.... free of multiple interpretation possibilities. We only have one chance to do this correctly. So let's do it correctly.

We maintain that; 1) numerous inconsistencies in terminology remain within the regulations being considered; 2) unresolved issues are also contained within the revised ordinances; 3) last minute changes were inserted into the documents which were not thoroughly discussed; and 4) the omission of ~~TEXT~~ that ~~WAS~~ a part of the existing ordinance makes it difficult to follow what was existing and what is new. We therefore ask that the Township Board delay the adoption of both ordinances until all issues are reviewed, discussed and resolved. Possibly, with input from some type of study committee.

Carey & Jaskowski

William L. Carey, J.D.
Richard J. Jaskowski, J.D.
Colin G. Hunter, J.D.
Adam T. Vernon, J.D.
Email: wcarey@carey-jaskowski.com
rjaskowski@carey-jaskowski.com
colinhunter22@gmail.com
avernon@carey-jaskowski.com

Attorneys at Law
A Professional Limited Liability Company

2373 S. I-75 Business Loop
P.O. Drawer 665
Grayling, MI 49738
Phone: 989-348-5232
Fax: 989-348-7102

Web Site:
www.carey-jaskowski.com

October 8, 2014

Silver Creek Township
Bill Saunders, Supervisor
P.O. Box 464
Dowagiac, MI 49047

Via facsimile (269) 424-3858

Re: Indian Lake Improvement Association, Inc.
Seasonal placement of weed harvester

Dear Mr. Saunders:

Please be advised that the undersigned serves as special counsel to the Indian Lakes Improvement Association, Inc. (hereinafter "ILIA"). In that capacity I have for the past year been guiding ILIA through the legal process of preserving its right to continued seasonal placement of a certain weed harvesting machine at the shore of Indian Lake.

My representation of ILIA commenced shortly after Mr. Edward Goodman, Silver Creek Zoning Administrator, asserted that Indian Lake riparian owner Steven Nitz was in violation of the Silver Creek zoning ordinance by allowing the ILIA weed harvester to be seasonally moored at his shoreline. It was the contention of Mr. Goodman that Mr. Nitz needed a special use permit to continue lawfully allowing the weed harvester to be moored at his property. My client disagreed with Mr. Goodman's interpretation of the zoning ordinance. Accordingly, ILIA and Mr. Nitz exercised their right under the zoning ordinance to obtain a declaratory ruling from the Silver Creek Zoning Board of Appeals. A hearing was held by the Silver Creek ZBA on October 3, 2013. My client's challenge to the Goodman interpretation was denied by the ZBA. From the denial, ILIA filed a lawsuit against the ZBA in Cass County Circuit Court.

Silver Creek Township
Bill Saunders, Supervisor
October 8, 2014
Page Two

After the filing of the lawsuit, the Silver Creek ZBA hired legal counsel, John Magyar, to defend the case. Notwithstanding the willingness of ILIA to aggressively litigate the circuit court appeal, my client acquiesced to a request by attorney Magyar to impose an administrative stay of proceedings. The expressed purpose of the administrative stay was **“to hold public hearings regarding an amendment to the zoning ordinance which may result in permitting the use appealed”**. The order of the circuit court allows for reinstatement of the lawsuit if the contemplated zoning amendments do not result in lawful use of the harvester.

The aforementioned history of my clients' efforts to maintain its right to seasonal moorage of the harvester on Indian Lake leads me to now comment upon the current efforts of the Silver Creek Planning Commission to satisfy the mandate of the consent order of October 24, 2013. My understanding is that the planning commission has approved: 1) a new police power ordinance referred to as the “Silver Creek Township Board Regulation Ordinance”; and 2) a revised Silver Creek zoning ordinance.

As written and approved by the planning commission, my client objects to the promulgation of both ordinances. Neither of the proposed ordinances will effectively address the legal issues raised in the 2013 lawsuit. If the Township board adopts the ordinances as proposed, the Township will be compelling my client to reinstate the circuit court appeal and pursue its legal rights in the most aggressive manner allowed by the courts of Michigan. That said, further time consuming and expensive litigation can be avoided if the Silver Creek Township will modestly amend the language of the two proposed ordinances. First, with respect to the Boating Regulation Ordinance, Section 4.5 MOORAGE requires the following alteration:

All moored watercraft shall be maintained in a manner so as to preclude environmental harm to the waterway.

Mooring of nonrecreational watercraft is allowed for so long as its use is reasonably necessary to complete the scope of any nonrecreational project, including season long projects.

(See attached text revision)

Silver Creek Township
Bill Saunders, Supervisor
October 8, 2014
Page Three

Second, with respect to the zoning ordinance amendments, Section 6.07(C) WATERCRAFT AND DOCKING-EXCLUSIVE USE AND OWNERSHIP requires the following alteration:

Docks, piers, and boat storage devices installed on and adjacent to any frontage shall be for the exclusive use of the property owners of that parcel, or their business invitees, licensees or guests.

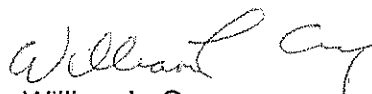
(See attached text revision)

Altering the proposed ordinances in the manner suggested above will satisfy, in my opinion, the court order of October 24, 2013. The alterations will allow the township to avoid reinstatement of the stayed litigation and the high costs associated therewith.

Parenthetically, it is troubling to note that the proposed ordinances appear to intentionally invite further litigation. For instance, one of the complaints lodged by the landowner (Roeder) was that the harvester was in poor mechanical condition. The complainant further advocated for the removal of the harvester during times it was not in actual use. Incredibly, it appears the planning commission's draft of Section 4.5 of the Boating Regulation Ordinance was done in consultation with the complainant. Similarly, Section 6.07(c) of the zoning ordinance seeks to restrict the definition of a "guest" so as to eliminate the position of riparian Nitz that ILIA is a guest user of his parcel.

In summary, on behalf of my client, I would strongly advocate that the township board consider, and approve, the enclosed suggested alterations to the planning commission draft ordinances. To do so will serve the best interests of Silver Creek Township and the environmental health of Indian Lake.

Sincerely,



William L. Carey
Attorney at Law

WLC/st

cc Client
File

Section 4.5 MOORAGE. A watercraft may be moored or anchored overnight in a lake if it is moored or anchored adjacent to a frontage, dock, boat cradle, shore station or on a bottomland in compliance with this Ordinance. All moored watercraft shall be maintained in a manner so as to preclude environmental harm to the waterway. Mooring of such vessels on other bottomlands will be allowed only with the expressed written approval of the affected riparian and shall not be located so as to impede navigation or present a safety hazard to watercraft.

Section 6.07(C) EXCLUSIVE USE AND OWNERSHIP. Docks, piers, and boat storage devices installed on and adjacent to any frontage shall be for the exclusive use of the property owners of that parcel, or their business invitees, licensees or guests. For the purpose of this section, 6.07, Guest shall be defined as "A person who spends some time at another person's home in some social activity, as a visit, dinner, or party, or on holiday for a period not to exceed 10 days." Leasing or renting of dock or mooring space is hereby prohibited except as permitted in approved marinas.

Silver Creek Township
32764 Dixon St.
Dowagiac, MI. 49047
Attn: Township Board of Trustees

October 3, 2014

Dear Board Members:

Understanding that the Township Planning Commission; other organizations; and private citizens have, over the past year, invested a considerable amount of time; effort; and funds in an attempt to rectify past interpretations of the existing Zoning Ordinance. These attempts most recently have included revisions to said Ordinance, in particular the Waterfront District regulations and a companion Boating Ordinance. A lot of progress has been made to date. However, several loose ends still need to be closed. The Township needs to make sure the contents of both ordinances are written clearly and objectively, so that interpretations are fair to all and that the ordinances are the best possible tools for Township enforcement. **We only have one chance to do this correctly.**

We the undersigned, Owners of property in Silver Creek Township, respectfully request that these two ordinances, because of 1) numerous inconsistencies in terminology within the regulations; 2) unresolved issues that are contained within the revised ordinances; and 3) last minute changes that were not thoroughly discussed, be returned to the Planning Commission or to a study committee for further review, discussion and citizen input.

NAME

ADDRESS

	52740 GARRETT
Vern Gladman	35317 Indian Lk Rd
Bill Bennett	55276 "
	54632 ESTATES LN
	51435 ...
Jan ...	55401 INDIAN FRAI
Bill Pyatt	33205 ... - D. ... St.

Silver Creek Township
32764 Dixon St.
Dowagiac, MI. 49047
Attn: Township Board of Trustees

Dear Board Members:

The Township Planning Commission; other organizations; and private citizens have, over the past year, invested a considerable amount of time; effort; and funds in an attempt to rectify past interpretations of the existing Zoning Ordinance. These attempts most recently have included revisions to said Ordinance, in particular the Waterfront District regulations and a companion Boating Ordinance. A lot of progress has been made to date. However, several loose ends still need to be closed. The Township needs to make sure the contents of both ordinances are written clearly and objectively, so that interpretations are fair to all and that the ordinances are the best possible tools for Township enforcement. **We only have one chance to do this correctly.**

We the undersigned, Owners of property in Silver Creek Township, respectfully request that these two ordinances, because of 1) numerous inconsistencies in terminology within the regulations; 2) unresolved issues that are contained within the revised ordinances; and 3) last minute changes that were not thoroughly discussed, be returned to the Planning Commission or to a study committee for further review, discussion and citizen input.

NAME

ADDRESS

<i>Paul y Pettilo</i>	<i>51204 THIRD ST. DOWAGIAC</i>
<i>Arleen Johnson</i>	<i>51200 THIRD ST. DOWAGIAC</i>
<i>Earl Pentuen</i>	<i>51202 GARRET DOWAGIAC</i>
<i>Richard Hunsicker</i>	<i>51066 Third St Dowagiac</i>
<i>Reggie Lawton</i>	<i>50698 GARRET RD. DOWAGIAC</i>
<i>Rayden</i>	<i>50740 GARRET RD DOWAGIAC</i>
<i>Jan Felland</i>	<i>51158 Garret Rd Dowagiac</i>
<i>Dave Jan Felland</i>	<i>51355 " " " "</i>

Silver Creek Township
32764 Dixon St.
Dowagiac, MI. 49047
Attn: Township Board of Trustees

October 3, 2014

Dear Board Members:

Understanding that the Township Planning Commission; other organizations; and private citizens have, over the past year, invested a considerable amount of time; effort; and funds in an attempt to rectify past interpretations of the existing Zoning Ordinance. These attempts most recently have included revisions to said Ordinance, in particular the Waterfront District regulations and a companion Boating Ordinance. A lot of progress has been made to date. However, several loose ends still need to be closed. The Township needs to make sure the contents of both ordinances are written clearly and objectively, so that interpretations are fair to all and that the ordinances are the best possible tools for Township enforcement. We only have one chance to do this correctly.

We the undersigned, Owners of property in Silver Creek Township, respectfully request that these two ordinances, because of 1) numerous inconsistencies in terminology within the regulations; 2) unresolved issues that are contained within the revised ordinances; and 3) last minute changes that were not thoroughly discussed, be returned to the Planning Commission or to a study committee for further review, discussion and citizen input.

NAME

ADDRESS

KATHLEEN JOHNSON 5517 INDIAN TRAIL EAUCLARE MI
Patricia Carpenter Walter Carpenter Properties, Indian Lake

Blank lined area for additional signatures and addresses.

Silver Creek Township
32764 Dixon St.
Dowagiac, MI. 49047
Attn: Township Board of Trustees

October 3, 2014

Dear Board Members:

Understanding that the Township Planning Commission; other organizations; and private citizens have, over the past year, invested a considerable amount of time; effort; and funds in an attempt to rectify past interpretations of the existing Zoning Ordinance. These attempts most recently have included revisions to said Ordinance, in particular the Waterfront District regulations and a companion Boating Ordinance. A lot of progress has been made to date. However, several loose ends still need to be closed. The Township needs to make sure the contents of both ordinances are written clearly and objectively, so that interpretations are fair to all and that the ordinances are the best possible tools for Township enforcement. **We only have one chance to do this correctly.**

We the undersigned, Owners of property in Silver Creek Township, respectfully request that these two ordinances, because of 1) numerous inconsistencies in terminology within the regulations; 2) unresolved issues that are contained within the revised ordinances; and 3) last minute changes that were not thoroughly discussed, be returned to the Planning Commission or to a study committee for further review, discussion and citizen input.

NAME	ADDRESS
Thomas R. (Jim) Hull	55358 Indian Lk. Rd. Dowagiac MI
Andrene M. Heathcote	55336 Indian Pk. E Dowagiac MI
Daniel J. Heathcote	" " " "
John W. Jr.	55177 " " " "
Deborah M. Joyce	55173 " " " "
Susan W. D. Ray	55178 " " " "
Kathleen K. Elhammer	55138 " " " "
Barbara W. Elhammer	55138 " " " "
Liz Wagner	55230 " " " "
Dave Wagner	55230 " " " "
Tim Kalay	54873 Highland

Silver Creek Township
32764 Dixon St.
Dowagiac, MI. 49047
Attn: Township Board of Trustees

October 3, 2014

Dear Board Members:

Understanding that the Township Planning Commission; other organizations; and private citizens have, over the past year, invested a considerable amount of time; effort; and funds in an attempt to rectify past interpretations of the existing Zoning Ordinance. These attempts most recently have included revisions to said Ordinance, in particular the Waterfront District regulations and a companion Boating Ordinance. A lot of progress has been made to date. However, several loose ends still need to be closed. The Township needs to make sure the contents of both ordinances are written clearly and objectively, so that interpretations are fair to all and that the ordinances are the best possible tools for Township enforcement. We only have one chance to do this correctly.

We the undersigned, Owners of property in Silver Creek Township, respectfully request that these two ordinances, because of 1) numerous inconsistencies in terminology within the regulations; 2) unresolved issues that are contained within the revised ordinances; and 3) last minute changes that were not thoroughly discussed, be returned to the Planning Commission or to a study committee for further review, discussion and citizen input.

NAME

ADDRESS

James A. Bory	33127 Lakeview Ave	Dowagiac MI
Gloria J. VanDyke	33255 Lakeview Ave.	Dowagiac, MI
Paul Bory	54576 MADE AVE	DOWAGIAC 49047
Joseph Krueger	33139 LAKEVIEW AVE	DOWAGIAC, MI 49047
Robert A. Arent	33087 Lakeview Ave	Dowagiac MI
Mary Ann Steiner	54764 Jupiter Lake Rd	DOWAGIAC 49047
John Steimb	54764 Indian Lake Rd	
Don Wilms	54764 INDIAN LAKE RD	DOWAGIAC, MI 49047

