

**Silver Creek Township Planning Commission**  
Public Hearing on Ordinances  
10/22/14

Meeting called to order by Tom Lehrer @ 7:02

The Pledge of Allegiance was led by William Zuhl

Roll Call: Mike Glynn, Tom Lehrer, Walt Lehman, Terry Harris, Jerry Donley, Dave Grabemeyer, and William Zuhl

Also in attendance: John Magyar, and Jennifer Stockwell

Members of the public: several

**Meeting Agenda:**

Jerry Donley would like to add to New Business number 1 to elect a new Chair, Vice-Chair, and a Secretary to the agenda. There was motion made by Walt Lehman to adjust the agenda to suspend the election of the 2014-2015 of Planning Commission officers until the November 2014 meeting. It was supported by Tom Lehrer.

Jerry Donley asked why the commission would want to do this. Tom Lehrer responded that he thought the meeting might run long with the Public hearing and they wanted to make sure everyone had an opportunity to speak. Mike Glynn Read the Planning Commission By-laws section 4A on the election of officers. Mike Glynn thinks the commission should elect officers this evening.

A roll call vote was taken: the motion failed 2-5.

Walt Lehman would like to see this added to the agenda before the public hearing. So that the citizens have enough time to talk.

Jerry Donley look to see the election under New Business number 9 on the agenda. A motion was made by Jerry Donley to amend the minutes adding in the election of new Planning Commission Officers. It was supported by Terry Harris.

Motion carried by a unanimous voice vote.

A motion was made to approve the meeting minutes for September 24, 2014 by Bill Zuhl it was supported by Tom Lehrer.

Motion carried by a unanimous voice vote.

**Communications:** Tom Lehrer asked if we should read all the communications at this time including the ones pertaining to the Public Hearing. Terry Harris voiced that they should be read now according to the minutes. Walt Lehman read all communications (those communications are attached at the end of the minutes)

**Public Comment:**

Sam Esposito who lives at 55845 Forest Beach is concerned about the lack of communication from Planning Commission to the residence in the township. He never received any communication to let him know about the meeting this evening. He was not aware of the changes that the commission was planning to make in the ordinances. Cynthia Muller one of the owners of Polk Properties on Magician Lake also had the same issue as Sam. Walt Lehman addressed the citizens in the audience of about their concerns with the communications stating where meeting information is posted in the township hall and it is also posted in the Township Hall when the Planning Commission meetings are held. He also told the citizens that the information was available on the Silver Creek Township web site. Mike Glynn gave her the information on the web site address which is: silvercreektwnmi.org. Walt Lehman also read the publication notice that was posted in the Dowagiac Daily News. He also gave the dates as to when it was published. Cynthia stated that it was also the citizen's responsibility to also keep up on this information not only the townships.

Mary Meredith who lives on Indian Lake doesn't have electronics to get the information and she is concerned about the Chicago residences not getting the information on the changes. She feels having this meeting now is wrong it should be held when the Chicago residence are here.

**Zoning Administrator's report:** None

**Township Attorney's report:** Mr. Magyar didn't have anything to report, but he wanted to advise the commission as to what their job was at this public hearing tonight. He stated that in the under the act Section 306 the Commission's job is to listen to

comments and take notes as to the concerns of the Silver Creek Township citizens and to make a record of all the concerns. Walt Lehman stated that the meeting is being recorded also so that it can also be reviewed later.

#### **New Business:**

Election of officers:

Tom Lehrer asked for nominations for Chairman ó Tom Lehrer nominated Bill Zuhl and the nomination was supported by Jerry Donley. Walt Lehman nominated Tom Lehrer and there was no support for this nomination. Jerry Donley made a motion to close the nominations and the nomination was supported by Terry Harris. Motion carried by a unanimous voice vote to close the nominations.

A vote was taken and it was a unanimous decision that the Chairman for the Planning Commission for the 2014 ó 2015 year will be Bill Zuhl.

Tom Lehrer asked for nominations for Secretary ó Jerry Donley nominated Walt Lehman and the nomination was supported by Dave Grabemeyer. Dave Grabemeyer made a motion to close the nominations and the nomination was supported by Bill Zuhl. Motion carried by a unanimous voice vote to close the nominations.

A vote was taken and it was a unanimous decision that the Secretary for the Planning Commission for the 2014 ó 2015 year will be Walt Lehman.

Tom Lehrer asked for nominations for Vice-Chairman ó Walt Lehman nominated Tom Lehrer and the nomination was supported by Dave Grabemeyer. Terry Harris made a motion to close the nominations and the nomination was supported by Jerry Donley. Motion carried by a unanimous voice vote to close the nominations.

A vote was taken and it was a unanimous decision that the Vice-Chairman for the Planning Commission for the 2014 ó 2015 year will be Tom Lehrer.

#### **Old Business:**

Public Comment ó

Jim Slott who lives at 54777 Highland Drive had concerns about the ordinance that concerns the fuel storage tanks and the volume that can be stored. He is the commodore of the Indian Lake Yacht Club and he feels that this will hurt Indian Lake Yacht Club. In the view of the Yacht club he feels this will hinder the business at the club and also the club members. He would like to see the process of these changes slowed so that more residence can voice their views. He also had a concern where it states one dock or pier for private dock accessories for none residential land use because the yacht club needs two docks one for launching the boats and one for fuel service. He also has voiced his concern about where it states no water front sale of gasoline, fuel oil, or flammable liquid. He feels this would restrict other lakes from putting in a marina. He is worried about the Yacht club not being able to business in the future.

Jackie Goodman who lives at 55718 Sink Road thought that the sheet to sign in to speak was just a sign in sheet to show who attended the meeting. She did not speak.

Bonnie Hague who lives at 33087 Lakeview Avenue. She was going to read the letter from the lawyer that represents Indian Lake Improvement Association but Walt Lehman already done this when reading the communication. She stated that the she feels the Commission is trying to keyhole residence by trying to limit the number of the boats a residence can have. She also told the residence about the consultant and how meetings were being ran for the last year. She told the residence about the verbiage that was changed at the last meeting and she felt that this verbiage should be reviewed further. She also had a concern about how Mr. Roder received information. She also stated that the lake is in two different townships is Silver Creek implementing ordinances for another township? She presented a petition with 92 signatures on it to the Commission to be entered into record. It is for the concern on the last minute changes and feel that the changes should be further reviewed.

Dave Benton who lives at 54791 Highland Drive. He is a member ILIA board but he is at this meeting as a concerned citizens. He read notes of his concerns. He feels that all lakes are not the same and the ordinances should be reviewed and feels the ordinances should not be a one fits all. He feels that residence should not be limited to the amount of boats that are moored at their residence. He doesn't feel that changes need to be made and would rather see the Township work on getting a natural gas line.

Bob Hague who lives at 33087 Lakeview Avenue. He stated he had been setting in on meetings for 10 months with others. He was going to talk about boating ordinance and the number of boats that a residence could have but Mr. Benton already voice the concern. He also had a concern about the fuel storage tank at the yacht club and that the township might limit this service. He voiced that the Yacht club is here to service residences on the lake and how much these residence pay in taxes to support the township. He feels the decisions should be postponed until more residences are in town.

Larry Biesboer who lives at 50789 Pleasant Street on Magician Lake. He has concern is that many residence that these changes would affect are not in town. His neighbors have already left for Florida.

Dick Morey who lives at 50230 E. Lakeshore Drive. He left before he was called to talk.

Jim Archbold who lives at 33313 Lakeview Avenue. He is an Indiana resident but lives here 9 month out of the year and pays taxes here. He feels that it is wrong that the residence don't have a voice as to the changes that are being made. He voiced how much his family enjoys the lake and how much the lakes have improved since he has been a resident. He would also like to see the township look into getting natural gas installed around the lakes. He feels the State of Michigan doesn't help the residences on the lakes unless they ask for assistances through special requests.

Fritz Olthof who lives at 55401 Indian Trail on Indian Lake. His concern is about the ordinance about the size of the rafts being 100 square feet. He feels there is not one raft on the lake that is that size (the inflatable rafts). He feels this section of the ordinance needs to be reviewed.

Marty Kleva who lives at 55295 Indian Trail on Indian Lake. He asked for the more than the 3 minutes allotted to talk. He addressed the members of the board. He stated that he had addressed his concerns also to Township Board at the last meeting. He feels that the weed harvester should be the main concern that needs addressed and that the ordinances would affect not only Indian lake but also other lakes in the township. He read his concerns to Commission and stated the legal obligations of the Township to a court ordered administrative stay. He would like to see these issues resolved without legal actions. He gave history as to how the administrative stay happened. He feels that there has been no resolution to the issue to date. He stated that he asked for a citizens committee to be formed by the commission to review the changes and had been denied. Then he referred to the letter from the ILIA lawyer on suggested word changes that should be considered on Section 405 moorage and section 607C. The lawyer feels that the township would not be resolving anything with suggested changes but would just be opening them up for litigation. The ILIA attorney gave examples and feels that he feels nothing in the presently proposed changes will effectively address the legal obligations from 2013. If the changes are implemented the ILIA will feel compelled to reinstate their legal rights of the administrative stay and will pursue these rights in the most aggressive manner allowed by the State of Michigan. These comments are not made to the commission as a threat but as a fact and further litigation could be avoided if modest changes are made to the proposed ordinances.

Ed Miller who lives at 31254 Currans Beach Road. Stated that the decision on the changes should be delayed until summer residences are available to voice their concerns since most of them have already left for the winter. He feels it not far to them for the amount of taxes that they pay in the township.

Sam Esposito who lives at 55845 Forest Beach. Doesn't know why a consultant was hired and he hasn't been to other meetings because he didn't know there were other meetings. He doesn't think that the lines of communication are very open about what is going on in the township. He doesn't understand why one person's complaint can change everything. He gave examples of the different processes that have been used to improve Indian Lake. Mr. Esposito also told everyone how much he and his family love Indian Lake. He feel that people that don't live on a lake should be making decisions for people who do and one bad apple shouldn't change everything for others.

Ray Schwenn who lives at 50740 Garrett Road. Did not speak.

Dan Heathcote who lives at 55336 Indian Lake Road. Did not speak.

Jim Bovy who lives at 33127 Lakeview Avenue. He finds the communication system at the township lacking. He gave an example of what happened to him when he tried to send an email to the township and was unsuccessful. He contacted the township clerk Barb Runyon and explained to her his problem and what happened when he tried to send an email. He wonders how many other township residence have this same problem and how many emails the township is not receiving. He also asked Mrs. Runyon what happens to emails that are received at the township. Do they become public record, who get them, and are they read, who responds to the emails? Are the responses personal or is it a one size fits all response? He gave an example of trying to send an email this morning, he was unsuccessful at his residence and also at a neighbor's, but at a third residence the email went through successfully. Why is the township email exempting some emails and not others? He would like to give the Commission eight emails that he would like to have put into public record.

Walt Lehman addressed his concern and asked Mr. Bovy to bring this up at a Township Board meeting because the Commission really doesn't have any control over the Township Web page and how the emails are received at the Township.

Leo and June Blackwell who lives at 33692 German Village Road (Indian Trail). He says he has lived here for 51 years. He doesn't want to repeat what others have already stated. He asked what happened to the information the consultant took at the beginning of the process and what did he do with everything that was discussed at the start of all of this. That is all he is asking.

Dave Dibble who lives at 54593 Moody Drive on Indian Lake. He asked, "Why is the commission trying to limit the raft size?" John Magyar responded to Mr. Dibble by stating that this is a time for residence to voice their concerns, this is not a question and answer session. Then Mr. Dibble stated he would like to echo other residence concerns about the lack in communication with the

township residence. The web site has not been advertised that it is available to residence, the amount of boats a residence can have is ridiculous. He doesn't see a problem with the amount of boats on the lake.

Carol Goodell who lives at 33132 Hunt Drive (54823 Sink Road permanent address). She wants to know why have a meeting October when most lake residences are gone for the season. And if we can get a tax bill out to these residences why can't the township get a notice out to the residence of the Township about the meeting and the proposed changes. She feels that if the Township can take their residence tax money they should be notified about the changes. She also had a concern about the next, November 26<sup>th</sup>, Commission date since it is the day before Thanksgiving, stating that there isn't anyone that would want to be at that meeting on that date.

Cynthia Polk-Muller who lives at Polk Properties. She is on the Magician Lake Improvement Board. She hasn't read the new ordinances and would like to have the opportunity to do so. Her property is listed as a resort. She gave some history of the property and the improvement that Magician Lake has made over the years. Also she stated that anything that is governed by the state including the state certified fuel tank storage systems should be left to be governed by the state. She also feels that other lakes that would like to have this service in the future should not be excluded in the ordinances. Let's work towards better communications and protecting the environment. It is not only the residence responsibility to keep up with changes in the community but it is also the responsibility of the Township to get the information to the residence. She hopes that the Township and the community can work together to make a better decision for everyone. She feels that the Township Web Site will be a great help.

Keith North who lives at 55397 Indian Trail Road on Indian Lake. His comment to the Commission was if the horse isn't out of the barn yet let's not open the door. Recommends listen to the residence, reassess where you are going and what you are doing with these ordinances, and make the corrections. He charges the Commission these responsibilities.

Dan O'Donnell who lives at 55975 Brush Lake Road. A neighbor of Mike Roder. Mr. O'Donnell was the one that allowed the harvester to be moored in front of his house. He feels that none of this should have happened and if Mr. Roder would have been more patient and let the ILIA find or purchase property to moor the harvester. He feels the lake needs the harvester. He feels this process should be stopped in order for the ILIA to find the correct spot for the harvester. He told the Commission about the piece of property that the ILIA is looking at for the harvester and would like to the process stop that the Commission is working on. He also had concerns about communication in the township and loses of the use of the fuel fill station at the yacht club.

Sam Esposito of Indian Lake wanted to speak again. Think about the marinas in the area and how much revenue they bring into the township along with employment. He is asking the Commission just to do the right thing.

Ron Muller of the Polk Properties on Magician Lake. He stated how much property lake front they own, which is over 12,000 feet. He did know about the meeting along with several other residence in the area. He feels the Commission should be would about bringing more businesses into the Township and not make rules to hinder the growth in the Township. He stated that older folks in the area would miss having the marina fuel system available to them. So we need to try to keep residence not try to scare them aware.

Jennifer Stockwell who lives at 31342 Swisher Street. Stated she doesn't live on the lake but has in the past. She also questioned the residence in the audience as to why are they questioning now ordinances that have been on the books for years and are now just noticing them. She stated that there are meetings every month on the fourth Wednesday and if they had so many concerns where have they been all summer when these meetings have been held. Communications are available on the web site as to when all the meetings are and if the residence do have concerns they need to be at the meetings to voice the concerns.

Tom Lehrer wanted to state that Steve, the consultant, has only received communications outside the Commission from Marty Cleva. Because a statement had been made that Steve is working with the ILIA. Marty Cleva has a degree from the school as Steve and both work in the same field. Steve had asked Marty if he thought he was doing a good job and if he had any suggestions for him. Marty corresponded with Steve through emails which he has made available to the Commission.

Tom Lehrer closed the public comment part of the public hearing.

Mike Glynn had a question of Mr. Fritz Olthof about the size of his raft which is 25 feet in diameter. The concern is about the navigation around the raft. Mr. Olthof that there has been no issue with this size. Tom Lehrer stated that this ordinance started out with the metal rafts that have been used in the past. There is no concerns with the inflatable rafts as they don't pose a danger, the ordinance pertained to the metal ones because if struck by a boat they could cause damage and harm. Mike Glynn the asked Mr. Dibble does he concur with Mr. Olthof. Mr. Dibble thinks it should coincide with the size of the property.

#### **Commission Comment:**

Terry asked if tonight's comments would be summarized and presented to the committee. Yes, Jennifer will get them to the Commission.

John Magyar stated Bill Saunders received a communication, John is not sure who it is from, but it talks about the proposed zoning ordinance and typographical thing that it corrected. It also gave suggestions on how the key holing issue could be

addressed without limiting the number of boats a residence could have. John stated he needs to take a closer look at this key holding ordinance.

Jerry Donley would like know if the Commission is going to slow down this process like the residences have asked or is the Commission going to go forward this decision and get it done this winter? He thinks these people deserve answer. John said he is a little confused because the ILIA lawyer only had issues with two areas in the changes. Also Jennifer Stockwell questioned Jerry Donley as he has been pushing the Commission to make decision so that the ILIA can use the harvester next summer. So would Jerry like the Commission to hurry up or slow down?

Tom Lehrer closed the meeting.

Next meeting is 11/19/14 @ 7:00.

Walt Lehman made a motion to adjourn the meeting; it was supported by Dave Grabemeyer. The meeting was adjourned at 9:29.

An audio copy of the this meeting is available at the township.

Also Copies of articles that have been presented at this meeting will be attached.

Minutes respectfully submitted by: Jennifer Stockwell