

CASCO TOWNSHIP BOARD OF TRUSTEES  
MINUTES REGULAR MEETING  
NOVEMBER 20, 2017 @ 7:00 P.M.

Approved: January 15, 2018

Call to Order: Allan called the meeting to order @ 7:00 p.m. and led in the Pledge of Allegiance.

Present: Overhiser, Brenner, Macyauski, Graff, Winfrey and 27 other interested people.

Absent: None

Deputy Katje reported that he was off for a while because his wife had some surgery, he took some personal time. Not too much to report. He said that car and deer accidents are coming in, this is the time of year for them. Also, people that are planning on going south for the winter need to fill out the request for property checks.

Public Comment:

Lois Swartz 7275 B Street, Mt. Pleasant said she would like to address the draft of the rental ordinance. The opening paragraph of the ordinance states that the ordinance is an attempt to strike an appropriate balance between the interests of community residents, community business owners, visitors to the community, and real property owners wishing to engage in STR of Single-Family Dwellings. But the body of the ordinance is just window dressing, she said there is no balance between STRs of a single-family residence in a residential zone which consists of three days and can concur as many times as a commercial interest chooses. You have failed in your stated purpose that you have ignored all these months what the residents have been telling you over and over, problems stem from two conditions:

1. Three days instead of a week
2. The frequent turnover between May and September.

You have not obtained a balance by not addressing garbage, noise, and number of parking spaces. The township should not be encouraging commercial status in residential zones. She recommended not to adopt this ordinance.

John Barkley stated he has some specific comments regarding the ordinance, I know the basis for developing that ordinance 41-181 Michigan Planning allows you to develop an ordinance. He thinks that we have under considered full time residents in Casco Township, this would increase tourist traffic, renting violations and policing actions, increase of costs for the township.

He recommended to restrict the number of people in the party houses.

Doug Callander 631 Waters Edge mentioned that we respect our representatives and they should respect us. We do feel frustrated and unrepresented and went thru the 5,000 papers and took your records and we now have a very distinct picture of what information we gave them, that STRs in Casco Township and it disturbs me that the paragraph Lois mentioned that there is no mention of our group who is a vast majority that would like the ordinance to stay the way it is. Doug gave numbers they have put together on a spread sheet 134 STRs in Casco only 23 of those STRs are registered voters. He asked us to consider their rights and look at what can be enforced.

Elle Callander 631 Waters Edge mentioned the number of residents that were shocked that this is going on, she mentioned the letters, emails, people that have spoken at meetings, a lot of them are residential realtors. She said if we are going to listen, listen to those that are residents, voters, if 1% is speaking for 99% then something is wrong here. She is asking the board to postpone and reconsider the ordinance.

Debbie Weaver said she has a question to Elle you said that a lot of people didn't know what was going on? Debbie said she doesn't know that this is an issue, it is an issue here (Miami Park), we care, there are deeded areas that don't have renters. So, I don't understand your saying that there is people here that don't know about it, and not being heard, so we are being heard and your being heard, I don't know if this 90% cares.

Chris Barczyk stated that he is still frustrated and showed his disapproval of the rental ordinance draft with distasteful language. He also mentioned he would like to know who is demanding this and who is the board representing?

Allan said no one has said one word about approving the ordinance because of some unanswered issues, we will probably get into that later.

Chris asked that we don't pass the ordinance.

Dan Fleming said he agrees with Chris but for different reasons, to wait for the PC. Dan said the intent was to not have STRs the Judge in the Sunset Shores case found a technicality in our zoning ordinance it was not our intent to not allow STR. In relation to the pending State the people want to have control. Dan said he would like to go back to one of our meetings about a year ago when Paul brought a question to the PC where were all the complaints against the zoning ordinance. Dan also believes there is a lot of taking going on, I believe Zoning

Chris Fleming said that the reason he is here tonight is because he believes in freedom. He read his email that was sent to the Board.

In general, I feel that the proposed ordinance represents a potential disaster which for the township for several reasons.

1. First, it is likely to perpetuate the significant administrative burden this issue has already placed on the township. If the proposed ordinance is approved, complaints will certainly be filed against offending landlords. If the township board will be responsible for hearing all of these complaints, this could be a significant addition to its current workload. Is the board prepared to deal with this caseload?
2. Second, it represents a major financial cost to the township. I presume that addressing the rental issue has already cost the township in legal fees for helping to draft the proposed ordinance and to provide consultation on various questions along the way. There have also been several special planning commission meetings to discuss the issue. Once instituted, any type of regulation will continue to impose financial burdens related to revisions of the ordinance and any special meetings to handle revisions and complaints.
3. Third, it seems to represent increased liability to the township. By attempting to regulate short-term rentals, the township is essentially volunteering to participate in disputes between private citizens. Is it not true that the township has no legal obligation participate in rental disputes? If so, why is the township so eager to expand its responsibility and liability by assuming this role?

Throughout the township's history, its reputation of business enterprise has largely been limited to prohibiting the encroachment of existing industries from neighboring jurisdictions, and restricting the establishment of new businesses. However, regulation of short-term rentals is drastically different. Short-term rentals represent a well-established, well-financed, high-dollar industry that already exists within the township. As previous meetings have aptly illustrated. I do not expect that this industry will be nearly as responsive to township regulation as other enterprises have been.

I fear that the township's limited resources will prove insufficient to adequately enforce the proposed rental ordinance. If the township lacks the resources to adequately enforce the ordinance, then is it really a good idea? Might it only be effective for "children and honest people" and be entirely ineffective to control the well-financed short-term rental industry?

I fear that by enacting the proposed regulatory ordinance, the township may be creating a monster capable of devouring the township's limited financial resources and wearing down the morale of its public servants.

In contrast to the consequences of regulating renting as described above, I would like you to seriously consider an equally viable option. What if the planning commission added language to our zoning that clarified the Township's longstanding history and prior intent of treating renting as a permitted use? I believe this course of action would have several advantages.

1. First, it would relieve the township of the administrative burden of regulating this well-established rental industry within the township. The township would not be bogged down with hearing complaints, following up with enforcement, and prosecuting violators. The township board would be freed to address the other business to which it must attend.
2. Second, it would save the township much financially over the coming years. The township would not have the legal for completing the rental ordinance. We would not have the continual need for legal consultation related to revisions that will necessarily need to be made to the ordinance. We will not have the cost of taking violators to court to enforce the ordinance. The special planning commission meetings could also come to an end.
- 3, Third, it would return private disputes to the private parties involved. The township would not be legally entangled with controversies for which it has to responsibility.

If the issue in question is crime, it may be necessary for the township to get involved, but this can be done policing crime, not private enterprise. If certain areas of the township experience more crime than other areas, the township could increase its police presence within those areas. Might it be possible to focus increased police service on the areas that need it not by creating a special assessment district.

I feel it is likely that the proposed rental ordinance will meet resistance from both side of the issue. I know that this entire rental process has been long and grueling. However, I believe that creating a regulatory ordinance will perpetuate this grueling process into the future. I strongly encourage the township board to vote against the proposed rental ordinance and direct the planning commission to modify the zoning to reflect the township's long-standing history and prior intent of treating renting as a permitted use. I believe that this would provide the simplest, cheapest, quickest, long-term resolution to this drawn-out process.

Christopher Fleming

**Reports:**

Clerk:

Cheri presented the minutes of the regular meeting 9/18/17 Judy asked at the October meeting to hold these minutes until this meeting for approval. Allan said he had read them thru a few times and asked

for a motion to approve. Judy made motion to approve the 9/18/17 minutes of the regular meeting. Paul supported. Discussion or correction.

Judy said on page 6 when we update the zoning ordinance the sentence where Judy asked if we could get the change dated. Judy would like that to say to update the change log. Cheri said that isn't what was said at the meeting. Judy said that her concern all along for the zoning ordinance and the masterplan to say that the change log get updated at the time of the change.

Then Judy said 12/15/15 that there were no change. Judy said it was her intent that the Master Plan log state that the decision was made 12/115/15 that the masterplan did not need any changes. Paul said the board said – Allan said lets get the minutes out and paraphrase what the decision was and that is what should go on the change log.

Judy wanted the question added on page 8 where Paul stated it doesn't say that Judy asked who has read this letter. This question will be added to the minutes.

Cheri said she is trying to get all of this in the minutes but I really don't have to do all of this, really all I have to do is when we vote on something the motion.

Cheri mentioned that out of 2200 registered voters only 197 people voted and most of them were absent voters.

Cheri mentioned that her and two other people want to start a book club and have the meetings at the township hall. Allan said that the township has a policy for anything educational could use the hall if nothing else is going on at that time as long as someone is available to facilitate the door and alarm system. Allan said he didn't have a problem with it.

Allan thanked Cheri for working so hard on the FOIA request that we had and to thank Kathy for her hard work on the FOIA also.

Treasurer:

The balances for all accounts are as follows:

General Fund	Balance	\$531,617.13
Parks Fund	Balance	\$ 27,952.32
Senior Services Fund	Balance	\$ 32,572.02
Fire Dept. Fund	Balance	\$ 505,413.91
Road Fund	Balance	\$ 259,903.84
Police Fund	Balance	\$ 113,995.01
Collected Tax Account	Balance	\$ 94,088.29
Lakeview Paving	Balance	\$ 40,261.42
Lakeview Sewer	Balance	\$ 8,047.99
Lakeview Water	Balance	\$ 575.74
Pacific Sewer	Balance	\$ 15,654.43
Pacific Water	Balance	\$ 44,438.46
Orchard Sewer	Balance	\$ 16,094.39
102 <sup>nd</sup> Avenue	Balance	\$ 54,587.31

I make a motion to approve the following:

General Fund	ORDERS#24652-24697	IN THE AMOUNT OF	\$ 32,297.76
Parks Fund	ORDERS#970-983	IN THE AMOUNT OF	\$ 1,178.43
Seniors Fund	ORDERS#646-651	IN THE AMOUNT OF	\$ 3,460.25
Collected Tax	ORDERS#3344-3350	IN THE AMOUNT OF	\$114,752.58
Police Fund	ORDERS#194-197	IN THE AMOUNT OF	\$ 6,902.84
Cemetery Fund	ORDERS#1042	IN THE AMOUNT OF	\$ 8,879.00
Fire Fund	ORDERS#3954	IN THE AMOUNT OF	\$ 1,137.67
Road Fund	ORDERS#1127	IN THE AMOUNT OF	\$ 594.49

Cheri supported. All votes in favor. Motion Carried.

Allan asked if we have any financial from Beach Street SAD? Lu said no.

Park & Recreation:

Pam stated that Bruce wasn't able to be at the meeting tonight, so she is reporting for him.

- The Park Committee continues to work on the Maintenance and Operation plan for 2018 and beyond.
- They are in the final stage and will present our plan at the December board meeting.
- Life ring stations will be secured by members of the committee when the next good weather and wave day presents itself.
- The replacement for Johanan Jessup on the committee is needed.
- The Preserve gate closing time may need resetting do to daylight savings time.
- Two terms on the Park Committee are expiring, Ron Seiler & Clay Grieffendorf, Clay has expressed his interest on staying on the committee but not sure about Ron Seiler.

Senior Care Program:

Rachel or Susan were not able to attend the meeting, Allan reported that they had a good experience with Susan taking over the Mapping for the township, she had a great number of people working with Susan with their insurance for 2018.

Water/Sewer:

Allan reported that they have 8.5 new connections at the end of October.

SHAES:

Allan stated that he doesn't have anything new to report at this time.

SHAWSA:

Allan stated that the SHAWSA authority met at the end of Oct. and the Water liability report was presented for the next coming year.

Judy asked what the update on the resident's water being checked in the city? Allan said he didn't know, it wasn't talked about at the last meeting.

County: No report

Library:

Bob Sherwood from the library reported that Theresa, library director, submitted some information to Cheri, that information will be in the winter newsletter. Something that the library has developed now is a Book Club, he attended one and he thought it was very interesting.

### **OLD BUSINESS**

#### Road Millage Proposal:

Allan stated that the Road Millage did pass, not by a lot of voters but it did pass with good support for the Road Millage. We are thankful with that because the millage will make it so we can take care of some roads that we haven't been able to get to, it will give us around \$213,000.00 more to put towards roads. Allan stated that the board will be working in the next couple months to determine what roads we can take care of in 2018. In the past we have had a road committee to develop a policy on how to determine what roads need to be repaired and he would like to go back to that, if the board agrees, have some individuals from the community that have some interests in roads and trying to spread things out fairly. Develop a policy to divide the township up in quadrants and rotate each quadrant so each year one area gets addressed. Judy said she thinks the committee is a good idea and it gets people involved and have different reps from different areas of the township.

In the past we talked about paving another mile of 107<sup>th</sup> Avenue and he will get a quote on that for the next meeting.

Chris Barczyk asked about the culvert at Beethoven, Allan said that's another thing that were talking about, there has been a request by the Road Commission to reinstall the tile on Beethoven to remove the 20" drain and replace it with a 30" culvert. The drain commission will install a larger culvert down stream from that. There is a larger drain that is funneling down stream to the smaller drains.

Allan said they will put this on the Road Commission project list for next year.

#### Rental Ordinance:

Allan said that we have received a copy of the Rental Ordinance draft dated 11/13/17 and if you recall from our work shop meeting on 11/10/17 we took back some changes and those, out of our meeting, are in blue, and I propose that we look at those changes. The intent and the discussion that we had at the meeting, on page 2 at the top of the page Short-Term Rental we have Bed & Breakfast that we don't want to regulate those because we don't have a process to regulate those.

Judy requested that the definition of single family needs to be added to the Regulatory Ordinance. The definition for single family is defined in three parts of the zoning ordinance. Paul said that if we are going to define words in the regulatory ordinance they should be the same in the zoning ordinance. The words in the regulatory ordinance does not use the words single family it is only used in single-family dwellings. Judy felt it should be in the ordinance because it is a clarity for people that don't deal with this everyday it helps them understand.

Allan continued that (F) The length of the typical rental period added **and the months** for which Owner intends to rent the Single-Family Dwelling as a STR;

Allan said he would get clarity on the typical period of time to be rented from Ron.

Now (2) An owner who wishes to rent a single-family dwelling as a STR must register the Sing-family dwelling for each calendar year during which the rental occurs. The owner shall pay an annual

administrative fee, the amount of which shall be established by motion or resolution of the Township Board.

Judy had a question on page 3 on (b) (1) the number of occupants 12, the board not taking the decision of the Planning Commission as (10) being the maximum, she would like to continue to raise her objection to that. Also, on (2) of the following page on rereading the number of people **on site**, including occupants and up to 1.5 times the maximum number of occupants allowed by subsection this implies that 18 people can be there.

Allan said that wasn't the intent, Paul said that this should mean that 1.5 of day time visitors not overnight visitors.

Paul addressed (3) he said he has read it over several times, there was a motion at the last meeting to remove this paragraph he explained the consolidation of the small lots', so you could build on them.

His intent was not for someone to combined 6 conforming lots and build a hotel on them.

Allan didn't think that there would be a fair way for a committee to grant following conditions.

Allan did think that we should remove this paragraph.

Paul suggested that we eliminate starting with (3), (A), & (B) and everyone agreed.

Allan reported on inspections at the bottom of page 5 he got more clarity from SHAES that they do not inspect every house that is rented, what they do is, the people say that they are complying with the fire codes if they are renting but will go out and inspect what house the city wants them to inspect and then they will expect so many per year. There is also how to find out the cost of this and how to bill for it, this is part of the financial part that we must budget for.

Judy asked what is the intent of this? Allan said the intent is that they will inspect if we want them to.

On page 7 Sec. 01-07 (a) the only thing that was changed was the Township Board should be the ones to review the ordinance.

Judy said she would like to add something to this, she said that she would like to add **that we are operating with zero costs.**

Allan said that obviously that we would look at costs and possibly fees would equal our costs.

The township board can develop the fees through a resolution.

Fees were discussed and how violations are handled.

The process needs to be developed.

Allan recommended that post the rental ordinance on the website and have a public meeting on the subject and have some public comment. Public meeting on Dec. 11, 2017, Monday, @ 6:00 p.m. the board agreed to have this meeting.

Judy asked why are we going ahead with the regulatory ordinance when the planning commission hasn't given their recommendation to the township board?

Allan stated that we have given the PC as to what can happen because of the regulatory ordinance and now we would like to hear public comment on the issue. There is confusion with the PC board as to what they are supposed to do with the rental issue. Dan Fleming said it wasn't clear in the beginning, but it is getting clearer as time goes on.

Allan said that we are trying to strike a balance, he talks to a lot of people, people that never come in these doors other than to pay their taxes. He understands the issue and he understands it a lot better than in the beginning.

**NEW BUSINESS:**

2018 Meeting Dates

Expiring terms need to be filled.

Judy mentioned about the marijuana issue here in the township.

Judy made a motion that anything that is presented to this board at a meeting for the first time that we do not do anything with this until the following meeting, she doesn't mean minutes, we need to give a little more respect to each of us, to look at new reports, digest them, prepare to discuss them.

Cheri asked if that goes for the information that you give to this board? Judy said yes. Allan asked if it accounts for the time that you handed out statements and you took over the meeting. Judy said yes.

**PUBLIC COMMENT:**

We received public comments from,

Kathy Watts

Darren Massey

Elle Callandar

Mike Torti

Doug Callandar

John Barkley

Chris Barczyk

Dan Fleming

Lu made a motion to adjourn. Paul supported.

Minutes respectively submitted by,

Cheryl Brenner, Clerk