

CASCO TOWNSHIP BOARD OF TRUSTEES
Minutes of Regular Meeting
February 20, 2017 @ 7:00pm

Approved 4/17/17

Call to Order: Overhiser called meeting to order @ 7:00pm and led in the Pledge of Allegiance.

Present: Overhiser, Macyauski, Graff, Brenner and 32 other interested people.

Absent: Winfrey

Allan thanked everyone for coming to the meeting.

Public Comment: Lois Swartz Mt. Pleasant Subdivision- Read the following:

I would ask that the Board not enact any sort of rental regulatory ordinance as it would be in direct conflict with:

1- Master Plan

2- Designation of Low Density Residential District

3- Numerous testimonies of residents as to harm caused by transient short term rental activity

4- Current legal decision in Sunset Shores case and multiple rulings by the Michigan Supreme Court.

Such action by the Board will be both foolhardy and irresponsible.

Such action will demonstrate that despite a show of attention to public input, the Township Board will place the interests of high-density commercial rental above the interests of single family residents who reside in a single family low-density district.

Some members of the Planning Commission and this Board have sought to delegitimize the ruling of Judge Cronin's decision which was based on both deeds and Casco's own zoning ordinance. To act on such wishful thinking will place this township in legal jeopardy, making it subject to legal challenges which it cannot win - based on other cases within the state and decisions by the state Supreme Court.

"As the result" of the Cronin decision "is...consistent with prior decisions by our Court of Appeals and our Supreme Court" and the decisions by the "highest courts of at least two other states, there can be no doubt that the decision would be upheld."

It comes down to this: **A transient lodging operation does not constitute use as a single family dwelling in a residential zone district.**

Transient lodging is plainly impermissible in the LDR District.

The Supreme Court of Michigan "has addressed" the "use of property for short-term rental and deemed it contrary to use as a single family dwelling.....It expressly ruled that residential use cannot be achieved by the aggregation of many intervals of short term use by many families," despite the opinion of a township employee.

To do something contrary to the settled rulings in the state is to invite irresponsible and unnecessary use of taxpayer funds and would put Casco in direct conflict with the needs of its own residents.

Reports:

Clerk:

Cheri presented minutes of Regular meetings 12/19/16 and 1/16/17 for approval. She will have 12/12/16 Special meeting minutes at March meeting.

Judy made motion to approve the 12/19/16 minutes. Paul supported. Discussion All votes in favor. MC

Judy said on page 2 the word I is sometimes there, the person's name should be there instead of I and on page 6 the list of the property owners names under Chris Barczyk's name several names Judy said it was clear there were 90 to 100 names representing several subdivisions on the position paper and she stated that the rest of that is okay. On the bottom of page 6 the third line from the bottom if someone is renting it is determined that it is a nuisance in our zoning. Judy said it isn't even mentioned in the Zoning.

Allan explained that with the complaints that we received referenced the same three lines that the act of renting is a violation. If you rent for 12 days or 3 days is illegal. Allan suggested to strike the 3 days.

On the very last page the second paragraph down- The board agrees it should be turned over to the Planning Commission because of land use.

1/16/17 minutes Paul made motion to approve Judy supported.

Judy said to change pc to be consistent.

Aflac Insurance needed two new accounts to be set up-

I had to set up a new expense account for Pacific Water so I could pay the bill to the Water/Sewer Authority

206.651.807 Pacific Ave. Water Main loop in the amount of \$49,035.00.

Compensation Committee met 1/23/17 at 6:30pm

Paul and myself had gotten some salary information from some surrounding townships.

The committee looked at the information and we had some good discussions of the differences of the township such as

1. full time officials
2. part time officials

Jeanie will be back in March so we will resume our committee then.

Judy asked if we knew when we are going to interview the officials. Paul responded that we didn't have the next meetings scheduled yet.

Cheri reported that on 2/16/17 she was in Lansing at a MTA class on "Building a Better Budget." Larry Merrill, Executive Director of MTA, was the instructor and he was excellent. He mentioned to us that there were many embezzlements in the State last year and he recommended that all townships get Internal Control in place. Cheri stated that we will talk more about this next month.

Treasurer:

Allan read Lu's report because she was absent:

General Fund	Balance	\$454,380.79
Parks Fund	Balance	\$ 13,387.47
Senior Services Fund	Balance	\$ 12,855.85
Fire Dept. Fund	Balance	\$336,221.04

Road Fund	Balance	\$ 35,833.27
Police Fund	Balance	\$ 72,831.16
Cemetery Fund	Balance	\$114,906.89
Collected Tax Fund	Balance	\$811,147.68
Lakeview Sewer	Balance	\$ 8,527.66
Lakeview Water	Balance	\$ 361.02
Pacific Sewer	Balance	\$ 13,600.17
Pacific Water	Balance	\$235,333.42
Orchard Sewer	Balance	\$ 16,136.75
Lakeview Paving	Balance	\$ 36,710.74
102nd Avenue SAD	Balance	\$436,726.59

Allan made motion to approve the following:

General Fund	orders#24207-24260	in the amount of	\$ 37,080.36
Parks Fund	orders#864-872	in the amount of	\$ 2,126.17
Seniors Fund	orders#602-604	in the amount of	\$ 3,622.16
Collected Tax	orders#3255-3279	in the amount of	\$972,413.85
Police Fund	orders#164-166	in the amount of	\$ 6,524.16

Paul made motion to accept financial report. Judy supported. All Votes in favor. MC

Judy read two emails that she had received and they will be part of these minutes.

Attachment 1 from Phil Kayse's

Attachment 2 from Valerie Baas

County Report:

Tom Jessup reported they have been working on the Youth Home, they redid all of the water piping and repairs which came to \$330,000.00.

Tom said when he first started as County Commissioner we had 32 road patrol officers and we now have 24, the county is down 12 officers.

The Road Commission is planning on taking down 2,500 trees from Cousins to M-89 going back 15 feet from the drive surface for safety reasons, approximately 1,500 in Casco.

Parks Committee:

Clay Greiffendorf, Vice Chair, reported that the committee continues to work on the 5 year plan, resetting the goals and maintain the parks that we have, remaining improvements on the parking lot addition, basketball court etc.

All the information for the grant money for the parking lot expansion have been submitted.

The surveys came back with a lot of compliments on how great the Nature Preserve is.

Allan thanked Pam on her work to figuring out how to get the additional parking lot done.

Senior Care:

Rachel reported that the program that Deputy Kurt Katje did was great, about 50 or more people attended. She also reported on other issues regarding Seniors.

ZBA: No meeting.

SHAES:

Allan reported that they had the need to possibly set up a borrowing program. If they needed to purchase a new fire truck instead of spending all of their capital funds to be able to borrow the funds. SHAES is incorporated with Act 7 and it is not exactly clear on the authority to borrow. They talked about developing a Supplemental Act 7 where each municipality could contract with SHAES. Which means having SHAES do the borrowing, we would basically act as the full faith on the municipality on a percentage basis. They are just setting up to do this.

Water/Sewer Authority:

Allan reported that the authority is on track with connections for growth and they will be able to make the bond payments at the end of the month.
The new authority meeting will be 3/7/17.

Supervisor Report:

Allan reported that there will be cleaning of the Mosley Branch of the Overhiser/Spencer Drain this spring.

The Allegan County Health Department policy for reimbursement and that is the recycle type of program that we pay into on our tax bill in paying the county with it shows how we are able to put those funds back into the Township for reimbursement such as recycling charges, part of our operator is paid through those funds. This pertains to our recycling only, all the money that Casco Township collects through taxes for recycling, stays in Casco Township.

Fennville Library:

Bob Sherwood reported that the Goals Statement for the Library Director is to develop an Internship Program for a new librarian going into the field we are developing this program this year with Wayne State University Library Program.

There will be an expansion of the South Haven Public Library they have run out of room and this will be on the ballot on the May 2, 2017 election. This renovation and expansion will benefit all of us.

Old Business:

Roads-

Allan and Paul drove around and looked at the condition of the roads in Casco.

Proposed work

Allan explained that we have a Road Fund Balance of \$ 35,830

2016 winter tax collection in the amount of	\$297,354	
Total Available Funds		\$333,184

Dust layer (automatic)	\$ 44,000	
Mowing	\$ 6,000	
Balance for additional projects		\$283,184

Pave shoulders on 62nd		\$ 30,000
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Reseal and fog coat		
64th south of 109th to 106th (1.5mi)	\$ 42,000	
62nd south of 109th to 102nd (3.5mi)	\$ 98,000	
66th north of 109th to 112th (1.5mi)	\$ 42,000	
Total Resealing		\$182,000

Gravel		
68th 104th to 107th (1.5)	\$	18,000
62nd Baseline to 102nd (1mi)	\$	12,000
105th 62nd to 60th	\$	12,000
104th 65th to 60th (2.5 mi)	\$	30,000
Total Gravel		\$ 72,000
Total Expenditures		\$ 334,000
(Shortfall to be covered by the General Fund)		

It was suggested to possibly increase the Road Millage because the roads are so far behind in maintenance and we can't catch up, the funds only go so far every year. We definitely need more revenue.

Carol Rice asked how do we choose the roads to be redone? She also asked if the township does the signing because there is no street sign on 109th for 70th Street? Allan said the Road Commission takes care of the signs.

Judy made motion to accept the Road Proposal. Paul Supported. All votes in favor. Motion Carried.

2017 Summer Rental Resolution:

Allan stated that we have had a lot of questions about what we are going to do while the Planning Commission is deciding on the rental issue. We have had complaints turned in and sending out letters notifying people of the issues going on and that's where it ended. Allan stated that he could see that the Planning Commission could run into the summer months and it could take a long time to get this settled. Allan introduced the

Resolution to Impose A Moratorium on Enforcing the Zoning Ordinance Against Short-Term Rentals

WHEREAS, the Township previously adopted the Casco Township Zoning Ordinance (the "Zoning Ordinance"); and

WHEREAS, the Zoning Ordinance limits commercial uses in its residential districts; and Township for many years

WHEREAS, short-term rentals have occurred in various residential districts in the Township for many years; and

WHEREAS, short-term rentals have at least arguably been considered commercial uses, and long-term rentals have at least arguably been considered residential uses; and

WHEREAS, several courts have held that short-term rentals are not appropriate in residential districts, the basis of these holdings being the specific language in the municipalities' zoning ordinances which define and regulate residential districts; and

WHEREAS, the Zoning Ordinance and whether it permits short-term rentals within its residential districts has been reviewed by the Allegan County Circuit Court and has recently been appealed to the Michigan Court of Appeals; and

WHEREAS, short-term rentals in the Township have become a highly controversial matter; and

WHEREAS, the Township intends to protect its residents and visitors from the potentially negative or harmful effects that can arise from short-term rentals; and

WHEREAS, the Township also recognizes the potential benefits of tourism and additional lodging options for visitors, in addition to the financial benefit that short-term rentals can bring to property owners in the Township; and

WHEREAS, the Township desires to study the impact of short-term rentals carefully and determine the best way to address the practice in the Township; and

WHEREAS, the Board determines that it is desirable to immediately prohibit the enforcement of the Zoning Ordinance against short-term rentals in the Township so as to preserve the status quo in the Township while the Township Planning Commission and Board review the matter.

NOW, THEREFORE, BE IT RESOLVED:

1. For the reasons stated above, the Board imposes a moratorium on enforcing the Zoning Ordinance against short-term rentals in the Township for a period of eight months.
2. At the end of the eight month period, this moratorium will terminate unless the Board decides it is in the Township's best interest to extend the moratorium.
3. The Township will with residents develop and implement problem reporting and solution process where concerns raised such as: parking, noise and disturbing the peace by any and all residents and occupancy.
4. All resolutions and parts of resolutions are, to the extent of any conflict with this Resolution, rescinded.

YES: _____

NO: _____

RESOLUTION DECLARED ADOPTED

Dated: February 20, 2017

Cheryl A. Brenner, Township Clerk

Allan explained that this Resolution will not interfere with subdivisions covenants. This does not exclude anyone from complying with any Noise Ordinances or any other ordinances with matter that the township has or the county has.

Overhiser made motion to accept Resolution. Judy supported.

Roll Call Vote:

Yays: Paul, yes, Cheri, yes, Allan, yes, Judy, yes

Nays: 0

All votes in favor. Motion Carried with one absent.

Audit:

Audit was passed out but no one had time to look at it. It was decided to discuss the audit next month.

AL-VAN:

It was discussed among the board to up the annual fund for Casco. Judy feels that the Township should cover half of the cost of \$18,000 and \$418 for care per animal. It was decided to

look at our budget.

Noise Ordinance:

Allan mentioned that we have a proposed noise ordinance, unfortunately the township attorney is out of town right now, so we will look at this next month there are some issues that need to be looked at.

It was recommended to have a meeting with Deputy Katje to discuss the noise decimals.

Marijuana Growing Request:

Allan mentioned that the township had a request for a grow process distribution operation and in the MTA magazine there was an article about this. The individuals attorney contacted Allan and he asked them to hold off on this. There is going to be a meeting for township officials in Allegan on March 9, 2017 at 12:00pm to 1:30pm at the Allegan County jail. This meeting will give us an overview on the recent law changes on how it effects municipalities.

Fee Resolution:

Allan mentioned that it has been approximately 15 to 20 years since the township has amended any of the fees. A copy of a Consolidated Fee Resolution, prepared by Alfred Ellingsen, was handed out to each board members. After discussion it was decided to have a special meeting with Alfred Ellingsen to go over the new recommended fee schedule.

New Business

Appoint Lou Adamson to Regional Water/Sewer Authority:

Allan made motion to appoint Lou Adamson to the Regional Water/Sewer Authority.

Judy supported. No discussion. All Votes in favor. Motion Carried.

Planner Recommendation:

Allan met with Lynee Wells from Williams & Works and he stated he was very impressed she has a lot of experience and most recently working with the City of Bridgeman developing a hybrid zoning ordinance and has been dealing with rental issues. After discussing the handout it was decided to hire Lynee Wells for a planner to assist the Planning Commission.

Judy made motion to contract with Williams & Works to hire planner. Paul supported.

All votes in favor. Motion Carried.

Roll Call: Judy, yes, Allan, yes, Cheri, yes, Paul, Yes.

Ays: 4

Nays: 0

Motion Carried 4 to 0 with one absent.

PUBLIC COMMENT:

Bob Sherwood requested to use the mics.

Judy made motion to adjourn. Paul supported.

Meeting adjourned at 9:10pm

Minutes respectively submitted by,
Cheri Brenner, Township Clerk

