

**CASCO TOWNSHIP BOARD OF TRUSTEES  
MINUTES, REGULAR MEETING  
MONDAY, DECEMBER 17, 2018**

**Approved 1/21/19**

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

Present: Overhiser, Winfrey, Graff, Macyauski, Brenner and 13 other interested people.

Absent: None

**PUBLIC COMMENT:**

Val Baas mentioned the discussions we have had about daytime noise. She gave us an example of a Noise Control Ordinances Charter Township Superior, Washtenaw County.

**Reports:**

Clerk-

Cheri presented the minutes for the regular meeting 11/19/18.

Judy made motion to approve the November minutes. Paul supported. No Discussion. All votes in favor. Motion carried.

Cheri made motion to amend the budget with two new expense accounts:

For Treasurers Office

101.253.70400 Office Assistant

Lu had Robin Ashbrook help her with stuffing the tax bills, Robin should be expensed under the Treasurer's office.

Under Zoning the expense to pay half the Municode amount.

101.400.80500 Zoning Ordinance Maintenance

Judy supported motion. No discussion. All votes in favor. Motion Carried.

Police Report:

Deputy Kurt Katje reported that in November there were a total of 80 calls in Casco he handled 25 of those calls, he made 46 traffic stops wrote 16 tickets.

The new car is in and waiting for Marks to take the car.

Kurt mentioned a new scam that is going around, if anyone has netflixs, look out, you may get a call some one saying they are from netflix they want you to verify your account number and they want your method of payment. Do not give them your credit card number or any of your bank information, because it is a scam.

Treasurer:

Balances for all accounts are as follows:

General Fund	Balance	\$556,397.19
Parks Fund	Balance	\$ 48,734.67
Seniors Funds	Balance	\$ 49,404.70
Fire Dept	Balance	\$461,709.88
Road Fund	Balance	\$468,779.58
Police Fund	Balance	\$119,847.35
Cemetery Fund	Balance	\$105,300.62

Collected Tax Acct	Balance	\$ 66,825.72
102 <sup>nd</sup> Ave. SAD	Balance	\$ 41,165.03
Beach Drive	Balance	\$ 99,231.37
Lakeview Paving	Balance	\$ 43,208.55
Lakeview Sewer	Balance	\$ 7,208.84
Lakeview Water	Balance	\$ 503.94
Pacific Sewer	Balance	\$ 6,854.34
Pacific Water	Balance	\$ 23,158.55
Orchard Sewer	Balance	\$ 24,020.83

I make a motion to approve the following

General Fund	Orders#25293-25353	in the amount of	\$73,314.86
Collected Tax	Orders#3481-3486	in the amount of	\$74,611.50
Parks Fund	Orders#1121-1132	in the amount of	\$ 1,121.18
Seniors Fund	Orders#713-717	in the amount of	\$ 3,232.41
Police Fund	Orders#235-237	in the amount of	\$ 6,763.01
Cemetery Fund	Orders#1050	in the amount of	\$ 385.00
Road Fund	Orders#1134-1135	in the amount of	\$14,525.58
Fire Fund	Orders#3964	in the amount of	\$ 75.07

Cheri supported. All votes in favor. Motion Carried.

#### Hospital:

Judy reported that there was a meeting with the Bronson Updating Committee-

- Under the Radiation Dept they had a sewer problem. They had this fixed within 24hrs.
- Bringing on board in February a new Pediatrician.
- Last year there was 1.7 million updates at the Wellness Center. This includes new equipment, carpeting, replaced the portable XRAY machine, replaced the nuclear camera and various other equipment. She also reported that the new hospital design is in process and they hope to get approval from the state sometime in the Spring. The state has to approve any change to the hospital capacity. Right now we are authorized for 49 beds. The new hospital will be only for patient care, offices will be in the strip mall by the Wellness Center. They hope to have the shovels in the ground by late summer and completed in 2 years.

#### Parks:

Bruce was absent, Paul Macyauski did the report for Parks.

- The parks committee would like to thank Cheri, the clerk, for providing financial sheets for the committee. Based on our continued analysis, we will make recommendations to the board for future projects and budgets.
- The park committee will be doing the annual review of the parks five-year plan at the January meeting.
- Committee member Bruce Brandon term expires December 31, 2018. He would like to be appointed to another term.

Allan recommended to appoint Bruce Brandon to another term. Paul supported. All votes in favor. Motion Carried.

Allan mentioned that Joe Dubas has been volunteering to pick up the trash at the Preserve for the last several years. Joe has agreed to continue to do this, Allan feels that we should give him some kind of compensation for doing this, Allan proposes \$100.00 per month for doing this.

Allan made a motion to increase Joe's wages \$100.00 for taking care of the trash at the Preserve. Lu supported. All votes in favor. Motion Carried.

The board members all have a copy of the letter from the Park Committee to the Miami Park Sub-division Property Owners. Allan will send this to Ron Bultje to review it to make sure the adverse position is covered correctly.

Dear Miami Park Sub-Division Property Owner,

Approximately 10 years ago, Casco Township obtained two tracts of beach property from the State of Michigan and placed the property into the township park inventory. This is the property west of Lakeshore Drive and identified by Casco park signs. While there is not access to the beach from the property, it is still a valuable park with its stunning and beautiful views of Lake Michigan.

Over the past several years, there has been some confusion who has the authority to maintain the property west of Lakeshore Drive. With the state "abandoning" its responsibility to take care of the property many decades ago, vigilant residents took it upon themselves to "maintain" the property to the best of their ability. Now that the property is a park, the park ordinance is in effect.

**"No person may remove or disturb any plant, natural material, or wildlife. This includes but not limited to, the removal of firewood, the harvesting of plants or the killing, hunting or trapping of animals. Persons may not remove, damage or destroy any soil, earth peat, mineral, gravel or sand. Persons may not run, climb, walk or otherwise disturb the face of a dune in a Public Park."**

During the past year the parks committee with public input recognized the unique circumstances of the park and the fragility of the bluff. In September the Township Board approved a parks committee recommendation to amend the township parks ordinance to allow "very limited" resident maintenance of the Park property.

1. Residents would be allowed to maintain the Horizontal bluff park property in front of their residents by mowing the grass and trimming privet type hedges to a height no lower than four feet (4 feet). NO CUTTING OF TREES IS ALLOWED.
2. No cutting of any vegetation on the SLOPING FACE OF THE BLUFF.
3. Residents may petition the Township Board through the parks committee if they observe vegetation that is a "danger to the community".
4. The park ordinance outlines specific fines for violations.
5. Maintenance of the park property by adjacent owners does not imply any adverse possession.
6. IF THERE IS ANY QUESTIONS AT ALL CONCERNING THE CUTTING ON THE BLUFF, ASK TOWNSHIP OFFICIALS FIRST.

Park Committee

SHAWSA:

Allan reported that the auditors are working together wrapping up the year.

SHAES:

SHAES is hiring another Fire Inspector this will give SHAES another inspector. SHAES is planning on inspecting between 500 & 600 home inspections this year.

Also, they reviewed the 20-year capitol replacement plan, they have the capitol items budgeted out for the next 20 years.

The City of South Haven has agreed to fund the new inspector position for 3 years.

#### **OLD BUSINESS:**

- Zoning-Building Height;

The Zoning Building Height Amendment that Judy brought to us from the Planning Commission, probably in September, Allan said that we thought we knew what we were discussing, but quite frankly I think there was some confusion because of the way the discussion went and the way that the motions went, so consequently it never got passed. As we have it here, so really what the planning commission meant was recommending four changes:

Section 1 they recommended Section 2.02 which was average grade changing the definition of average grade.

Section 2-Amendment of Section 2.03 they re-illustrated the BUILDING HEIGHTS in nonconforming lots of record.

Section 3. Section 3.28B they added from

1. e. the maximum height of all buildings shall be the lesser of thirty- five (35) or two and one half stories.

Section 3. Contiguous Nonconforming lots in Common Ownership.

They added #7

#7 The maximum height of all buildings shall be the lesser of thirty-five (35) feet or two and one-half (2 ½) stories.

Allan said that we thought that they were pulling this information out of the Ordinance.

Paul recommended to take 2 ½ stories out across the board.

Paul made motion to take back to the PC recommending removal of 2 ½ stories through out the Zoning Ordinance. Cheri supported. All in favor. Motion Carried.

- Off Road Vehicle ordinance.

Allan mentioned the copy of the Pere Marquette Charter Township that our attorney gave us that he had done for them. It seems rather lengthy, but as I read thru it needs to be that way.

We want a licensed or certified operator to drive these vehicles, this would only be for the roads that only have 25mph an hour speed limit, typically the subdivisions. As you read thru this there are obviously questions to ask.

Allan asked if it would be okay to move forward to get one custom to Casco Township.

Everyone agreed to go forward to get an Ordinance written up that fits Casco Township.

- Prohibition against Marijuana

In November there was a law passed that made recreational marijuana use legal. We have had several requests to look at taking the proactive approach to prohibit the distribution and sales establishments that we can do. We have samples of Marijuana Ordinances prohibiting recreational marijuana from our attorney, Ron Bultje.

It is our goal to pass a regulatory ordinance to prohibit the marijuana establishments, as to further our position we really want to pass a zoning text amendment. Ron Bultje is concerned if we only pass the Ordinance they may come back later and basically say we took their rights away. Our time frame on this

is until the State passes rules and regulations that along with the electors that passed the proposal. The board is going to study these and come back in January with a plan.

- Miami Park Water Drainage-

We discussed this a lot at last months meeting, Allan said he had talked to the Road Commission again and they aren't quite ready but when they are, they will probably have a meeting with Miami Park residents to discuss this with Road Commission, probably the drain commissioner will be there too. Were looking at what the road commission can do, primarily that is where most of the problem are.

- Zoning Administrator Update

Our committee consists of Judy Graff, Dave Campbell, Allan Overhiser, and Dave Hughes, the committee met and developed a job description, we posted this in the Allegan News, Holland Sentinel, South Haven Tribune, and the Herald Palladium, on our website.

We received 4 applicants 3 that had an interest in Caso Township and one from Michigan Township Services.

We interviewed every one of them, we were pleased with everybody's interest in Casco, at the end of the day, we decided that we should contract with Michigan Township Services, Tasha Smalley, is the person that we recommend. She would start January 8, 2019 for her first day here. This may evolve to a point that we won't need her two days a week, but to start out we don't want to change things. Alfred has agreed to continue to be the Zoning Administrators assistant and Building Inspector for \$300.00 per month.

Paul made motion to hire Michigan Township Services as recommended by the committee.

Lu supported.

Roll Call Vote: Paul, yes, Cheri, yes, Allan, yes, Lu, yes, Judy, yes.

YAYS: 5

NAYS: 0

Allan thanked publicly the individuals that applied and interviewed.

Allan would also like to thank David Hughes, Judy Graff, & David Campbell for taking the time to be on this committee.

- Continue review of the Rental Regulatory Ordinance.

Allan introduced Kathy, whom administers the Ordinance is here and does a good job in continuing her good work and has developed an analysis of last year up to date.

#### **Short Term Rental Feedback & Responses**

Kathy explained that this first report was from Mary Campbell some feedback that she received from people.

**Feedback:** Many renters are in it for the money – If we issue citations and enforce collection will help compliance as is it lessens their profit.

**Response:** We completely agree are creating a new role for the coming year that will help with compliance and responding to issues more quickly.

**Feedback:** How many fire inspections are being done – dormitory sleeping and other homes with third floor sleeping – how many of these were inspected?

**Response:** We have inspected two properties where we received complaints about too many people. If there are others we can put them on the list for January, but we need to know where they are.

**Feedback:** House on Columbine – too many cars everywhere – not adhering to 12 – heard this complaint about other properties as well

**Response:** We need to have these situations reported when they are happening, however, if the cars are illegally parked there isn't anything the township can do. If there are "too many people" we need to hear about at the time it's happening and the new compliance person will be able to assist with this by visiting the location and checking on the number of people.

**Feedback:** A Country Place – should have to be a B&B or a short-term rental – if a rental then they need to register each building.

**Response:** Planning Administrator is working with them to resolve the issue.

**Feedback:** Places with no house numbers and no stickers remain that way.

**Responses:** We are doing a full survey of all rentals to ensure that all locations have green signs by April first. Those that don't have signs by then will be cited, some for the second time.

**Feedback:** People are renting and still taking a homestead exemption

**Response:** That is a state issue and a complete list of all our rental properties has been sent to the state by our accessor and you probably need to call the state if you want an update on that. It is out of our hands.

**Feedback:** Calls on noise during the day are being ignored

**Response:** Unless the noise is obviously over the limit and constant – e.g. a blaring heavy metal music, someone playing with a siren, hot rodding up and down the street, or drunken profanity it probably is not going to be a priority. Activities of normal daily living are not going to be curtailed; baseball games, children playing are healthy summer activities and should be expected in a residential area, whether they are residents or renters doesn't matter. However, that said, the new Compliance role would be able to mitigate circumstances to serious enough for the police to come, but more serious than kids playing baseball.

Kathy then explained her spreadsheet with the approximate expense amounts for 2019.

John Barkley asked if Kathy could put this information on line? Allan said he didn't have a problem with that.

Were planning on hiring a compliance person, we should be able to enforce problems with the rentals with this new position.

John Barkley mentioned that if we are going to have a public meeting he would like to hold off on his findings from the cross section meeting Sept. 7, 2018 that Judy had sponsored. A cross section of people from the township from both AG and lakeshore Kathy has this electronically also. In summary the problems are getting worse, there not getting better because we have more STR, more people, more problems, some are very nice and respectful and some are not. Again, more people more problems. Police follow up is insufficient. Host Compliance support has been spotty sometimes we get call backs and sometimes we don't. It was worse in July and August. John feels there is opportunity for improvement. Allan agreed with John about Host Compliance improving. Allan also said he would like to meet as soon as possible because they have letters to get out, rates getting set and get everything wrapped up for 2019.

Debbie Weaver said she has been an interested party for STR, the trustee having a meeting regarding STR, and Debbie is very curious why she wasn't invited to this meeting.

Judy said she coordinated with John, she said John got a variety of people at the meeting, Judy felt that 20 people may not be as productive. John got the names of people and it was a cross section of people, and Judy said she did not provide any names.

Debbie said that she is concerned because if you are representing the public as a Trustee, representing the community, it should be your responsibility to be aware of that because those of us that have been coming to almost every single meeting, were not invited to your meeting. Debbie didn't think that looked good for you.

Judy said that she understood where Debbie was coming from, this was an effort to get people together, there was no screening of names, etc.

Debbie also said she didn't mean to argue but I don't think you can convince me otherwise.

Judy said she isn't trying to convince you of anything, I'm just telling you what happened.

John Barkley said it was a cross section of people, they did have a focus group, they invited some ag people. Debbie asked John if he invited anyone from Casco from the group that helped get the STR passed. If you didn't then your really missing a large part of the population.

John said he wasn't sure who those people were and they did invite some of those people but they were not interested because they thought they had already won the game. Debbie asked who these people were that you invited. She didn't think that as a Trustee you are not doing your job by having this meeting and just inviting a select few.

John Barkley said he thought it was a good follow-up to have a meeting concerning STR so people can stress their concerns.

It was agreed to have a STR meeting Monday,1/7/19 @ 6:00pm.

Lu made motion to adjourn. Judy supported.

Meeting adjourned at 8:38pm

Minutes Respectively Submitted by,  
Cheryl Brenner  
Township Clerk