

CASCO TOWNSHIP BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
OCTOBER 16, 2017 @ 7:00 P.M.

Approved 12/18/2017

CALL TO ORDER: Overhiser called the meeting to order at 7:00 p.m. and led in the Pledge of Allegiance.

Present: Overhiser, Brenner, Winfrey, Macyauski and 31 other interested people.

Absent: Graff was not at the entire meeting

Judy Graff read the following to the board-

I will not participate in the new STR (short term rental) committee, created by the Board on Sept. 18, 2017, as a Board or Planning Commission representative. I request that the Board remove my name from its' roster before the committee meets for the first time on Oct. 18. 2017.

I view participation by any Planning Commission member as a conflict of interest because:

- A. The draft Regulatory Ordinance includes 'land use' definitions and standards which are the responsibility of the Planning Commission only.
- B. "Land Use" definitions and standards belong in Casco's Zoning Ordinance.
- C. The Planning Commission, as a whole, did not request help from the Board of Trustees since its own work on STR's is in process.

Per state law (ref): PA 168 of 1959, The Township Planning Act) the Casco Planning Commission is the only commission responsible to define 'land use' definitions and standards for drafting ZO amendments, holding public hearings for feedback and drafting recommendations to Casco's Board of Trustees. No other 'committee' has the responsibility.

Per Michigan Township Association (The Township Guide to Planning and Zoning manual, Chapter 3: Township Planning & Zoning Enabling Acts) processes and procedures on 'land use' standards used statewide for decades, the Casco Planning Commission is the only commission responsible to define 'land use' definitions and standards for drafting ZO amendments, holding public hearings for feedback and drafting recommendations to Casco's Board of Trustees. No other 'committee' has the responsibility.

"Purpose of township planning is:

- A. Promote public health, safety and general welfare;
- B. Encourage the use of resources in accordance with their character and adaptability.
- C. Avoid overcrowding land by building or people;
- D. Lessen congestion on public roads and streets;
- E. Facilitate a transportation system, sewage disposal, safe and adequate water supply, recreation and other public improvements, and;
- F. Consider the township's character and suitability for particular uses. (MCL 125.322)"

Per Michigan State University (Land Use Series, Checklist #4) the Casco Planning Commission is the only commission responsible to define 'land use' definitions and standards for drafting ZO amendments, holding public hearings for feedback and drafting recommendations to Casco's Board of Trustees. No other 'committee' has the responsibility.

Per Casco Township 'land use' processes and standards for Casco's Planning Commission for the last 15 years that I have been a member and Chair for several years, the Casco Planning Commission is the only commission responsible to define 'land use' definitions and standards for drafting ZO amendments, holding public hearings for feedback and drafting recommendations to Casco's Board of Trustees. No other 'committee' has the responsibility.

Based on the above 4 references, I view the scope of the draft Regulatory Ordinance and new committee as:

A. Damaging to the Casco Planning Commission members who are performing their responsibilities per Board direction in 'good faith' and per established statewide and Casco Township Planning Commission processes and standards. Also, the Planning Commission is responsible to make sure that any zoning amendments fit into the current ZO and do not create negative effects.

B. Creating a conflict of interest for those selected Planning Commission members who were asked by the Board to join the new committee because they do not speak on the Planning Commission's behalf. Assigning the Planning Commission Chair to chair the new committee gives the impression that this is a Casco Planning Commission 'sanctioned' committee which it is not.

C. Damaging to trust: why should the comments from a new committee be viewed by the Board as the only point of view that matters on STRs? After all the Board and Planning Commission have received hundreds of letters and emails as well as many comments at meetings on STRs for more than a year. This is ONE of many views.

D. Damaging to the public's faith in and support of Casco's long-established processes and procedures, of elected officials and those who volunteer their time and efforts to represent all of Casco's residents and property owners, the public.

In conclusion, these are my recommendations:

1. Remove my name as a participant of this new committee today.
2. Remove 'land use' definitions and standards from the draft regulatory ordinance.
3. Request this new committee, if needed, provide feedback to the Board on STRs regulation and enforcement only.
4. Support of the Planning Commission's priority to complete ZO amendments for STRs ASAP.
5. Educate the Planning Commission on options to deal with grandfathering. The Planning Commission is responsible to recommend a solution to the Board, after considering all zoning land use needs and impacts.

Because I am giving my report to you this meeting, I recommend that you read it and consider its content (except #1) for discussion and review at the next Board meeting.

I have been a Trustee on Casco's Board for 10 years. In those 10 years the Board of Trustees has not interfered in any Planning Commission deliberations until the Sept. 18, 2017, Board's decisions on STRs, made without notice to all Board members.

I know that Casco Board members are trying to do the right thing, I am to.

Most of our decisions are unanimous, which we all take pride in. To date, this is not one of them. While we agree to our primary objective to accommodate STRs while preserving our residential districts, we do not yet agree on how to do this.

Judy Graff
Casco Board Trustee and Board representative to Casco Planning Commission
(Cheri, please attach this report to the meeting minutes. Thank you)

PUBLIC COMMENT:

Lois Swartz said that she was disappointed that the Township Board put together a Rental Ordinance draft. Lois remarked about some “secret meeting” the board was supposedly had.

Allan answered Lois that to strike a balance thru the Citizens Advisory Committee we heard the problem was multiple turnovers, we also heard that most of the rental was during the summer where people like to have the ability to be able to come and rent for three days in the fall also. We also heard that renters and people that have rental houses have less problems with the three nights.

As far as being surprised that we presented a draft, I mentioned in September that I was going to be submitting a draft rental ordinance. He also said he presented a draft last August. There has not been a Rental Ordinance passed from this board, the only thing we voted on was to send this draft to the Planning Commission and to the Township Attorney, Ron Bultje.

Ellie Callander asked if this means that the workshops with the Planning Commission for rentals is to continue?

Allan answered yes.

Cheri mentioned that someone stopped in the Township office on Friday to find out what the truth is. Someone at this meeting tonight, told him that the Township Board passed the Rental Ordinance. I told him that was not true, I told him what the board voted on was to send the draft ordinance to the Planning Commission for review and to also send it on the Township Attorney. Cheri asked that the public please be told the truth.

John Barkley said that what his comment is what Judy had reported commented that there is a well-defined process by the State of Michigan that we should be going through for any land use decision, starting with the master plan, because that determines the vision were using and defining zoning to identify the steps to achieve that vision. He also mentioned that Paul said they used the template of the City of South Haven’s Rental Ordinance to draft Casco’s draft ordinance.

Debbie Weaver, Pacific Avenue, said that John Barkley talks about Casco Township and a lot of the these meetings talk about Miami Park and most of the discussion is about Miami Park. Miami Park was platted with 706 30 ft lots with the zoning this would be about 300 houses, that isn’t low density, with the 68 houses that we have, with a few rentals, the low density and Miami Park is not the low density area.

Allan explained that we have not approved one word of the draft Rental Ordinance, we hope to have another workshop next Monday night.

Paul commented that he only used the word template from the MTA at a workshop meeting that he attended and the speaker whom was an attorney stated that if you're going to try and reinvent the wheel, look at City of South Haven's Ordinance, you might use that for a template to get a start.

Doug Callander said let me start with you Paul and the question I have for Allan is the last Planning Commission meeting that he attended at the end of September, When did you come to the conclusion that you wouldn't consider discontinuing STRs, who made that decision? Also, why isn't that part of the PC's charge? Doug continued to say when he read the Zoning XXXX, there is not a single thing in your purpose for those who do not want STRs. When you talk about representing the community we aren't part of the community. So, why do you automatically begin your process that we don't matter. At one-point Allan, you said Look at all these blue pins, if we pass the rental ordinance that number is going to increase and enforcement, when I saw this ordinance your enforcement is going to increase, and you may think you can subcontract that out, that will not save you any money. You are going to find out that your costs are going to be greater, your responsibilities are not going to be less, you will increase your burden and increase your enforcement. It won't end this problem because you didn't enforce the last one. The reason I did the FOIA request, and I am the one that did it, and it has been misrepresented as speaking and talking to the public, and I had a nice conversation with your attorney. He is answering Lois question what is going on between the scenes that made you conclude that those of us that don't appreciate STRs don't have a voice, because we don't matter. Why is the PC not giving the option to not conclude which is their right as the matter of the law?

Ellie Callander said she would like to go on the record for her objection to the rental ordinance, she is a Realtor, and she knows value of property and how values are calculated. She talked about preservation of value, she thinks property values have depreciated in value contrary to the claim that STRs have helped increased values and in fact this is not the case, she presented data that showed the property has not increased. She discussed many other issues pertaining to STRs, property values and other issues.

Chris Barcyck mentioned that he read that the City of South Haven took a year to put together their Rental Ordinance. He mentioned the issue of residents renting their property of help pay for their property taxes, saturation problems, a wedding that took place in Highfield Beach, a residential neighborhood, Weaver's comment about not experiencing the problems mentioned, and that the residents are over exasperating. Debbie stated that all she said was that they didn't hear the things that were reported happened. Chris continued to discuss the draft Regulatory Ordinance and his disapproval and many other issues

Jen Chada has a home in Miami Park, she has attended many of these meetings, she would like to say she supports the board in what they are trying to do, she supports the board for wanting to find a balance, Jen does STRs to be able to keep her house, she said she has rented to the Barcyks a couple of times and she asked a couple of questions. Jen asked if these gated communities are going to be forced to rent? Allan responded no. Jen also asked what is the intent for the gated communities to be involved in the rental issue?

Reports:

Police Report:

Deputy Kurt Katje was present and reported that the radio system is up and running, the car is going in for new tires and brakes, getting ready for the winter. Kurt reminded everyone about property checks for residents that go away for the winter, the forms are in the office. Kurt inquired about the camera for the Nature Preserve and Allan mentioned that the business he had contacted is going out of business, he has been given some other vendors to contact.

Clerk Report:

I have the minutes of the 9/18/17 regular meeting to be approved. Judy asked me if we could hold off on those minutes until next month. Allan said we could do that.

We have an election Nov. 8, 2017.

Treasurers Report-

The balances of the following accounts are as follow:

| | | |
|---------------------------|---------|---------------|
| General Fund | Balance | \$559,913.14 |
| Parks fund | Balance | \$ 31,359.43 |
| Senior Services | Balance | \$ 36,028.83 |
| Fire Dept. | Balance | \$ 506,508.59 |
| Road Fund | Balance | \$ 260,476.22 |
| Police Fund | Balance | \$120,887.68 |
| Cemetery Fund | Balance | \$115,328.21 |
| Collected Tax | Balance | \$ 151,737.12 |
| Lakeview Sewer | Balance | \$ 8,047.31 |
| Lakeview Water | Balance | \$ 575.69 |
| Lakeview Paving | Balance | \$ 40,258.00 |
| Pacific Sewer | Balance | \$ 15,653.10 |
| Pacific Water | Balance | \$ 44,438.69 |
| Orchard Sewer | Balance | \$ 16,093.02 |
| 102 nd Ave SAD | Balance | \$ 54,582.67 |

Parks & Recreation

Bruce Brandon reported

1. The dog station has been installed at the Nature Preserve.
2. The need to verify that the gate is closing at 8:00pm.
3. The committee continues to work diligently on the parks operation and maintenance plan. We are confident that we will have a draft proposal to present to the board at the December meeting.
4. On behalf of the USCG Auxiliary, I am presenting the NOAA report pertaining to the Marine Debris Monitoring and Assessment Program ongoing at the Casco Nature Preserve.
5. The parks committee received a report from sub-committee concerning mowing of the north parcel of the Nature Preserve. Members walked and noted various flora present and marked them on a draft map. The sub-committee will reconvene in the spring and present the board with a draft mowing plan

at the May board meeting. There may be a need to “reduce in size” some snags within the park to ensure public safety.

6. The committee is still looking for guidance from the board concerning a “Parks Facebook Page”.

7. The committee is looking for input from the board and community concerning disposition of the donations given to the park fund on behalf of the late Doug Murdoch.

Bruce also mentioned that Johanan Jessup’s seat on the Park Committee needs to be filled.

Allan thanked Bruce for getting help with the cleaning of the beach at the Nature Preserve and other issues he has helped with.

Allan also mentioned that he would like to work with Cheri and Kathy in implementing Facebook in regards to the Park.

Senior Service

Rachel Brenner reported that they have a luncheon planned for Senior recognition at the Casco fire hall this Wednesday, 10/18/17 at noon, please sign up if you are interested in coming.

She also reported that they are not having flu shots here at the Township Hall this year, they will be at the Ganges Church.

Fennville District Library-

Bob Sherwood’s term is expiring, and he is interested in going for another 4-year term.

Allan moved to appoint Bob to another term on the Library board. Lu supported.

All votes in favor. Motion Carried.

Allan thanked Bob, he does a good job.

ZBA

Paul said there is a meeting coming up in November.

Water/Sewer

Allan reported that they are able to meet their bond payments because of the numerous hook ups.

County

Tom Jessup reported on activities going on at the county level and discussed the 2018 budget. He also mentioned that Craig Atwood is the new manager for the Road Commission. Also, Blue Star Trail has rescinded ownership of the trail in Casco and as of now there isn’t any interest in the trail with the County Commissioners.

OLD BUSINESS

Equipment Financing Resolution –

Ron Wise, Fire Chief for SHAES, was present to explain the reason for the **Resolution to Approve and Adopt the Emergency Equipment Acquisition and Financing Contract**

RESOLUTION NO. 102317-

RESOLUTION TO APPROVE AND ADOPT THE EMERGENCY ACQUISITION AND FINANCING CONTRACT

WHEREAS, the Township of Casco (the “Township”), the Township of Geneva, the Charter Township of South Haven and the City of South Haven (together, the Constituent Municipalities”) have formed the South Haven Area Emergency Services Authority pursuant to Act 7, Public Acts of Michigan, 1961 (Ex. Sess.), as amended (“SHAES”); and

WHEREAS, SHAES is governed by an emergency services board; and

WHEREAS, the Township Board recognizes a need for continued cooperation between neighboring communities to provide emergency services and the need to purchase vehicles and equipment for this purpose; and

WHEREAS, SHAES and the Constituent Municipalities have developed a Capital Equipment Replacement Plan (the “Plan”) for the purchase and replacement of equipment over time; and

WHEREAS, each Constituent Municipality has the power and authority, in accordance with Act 99, Public Acts Michigan, 1933, as amended (“Act 99”), to enter into installment purchase agreements; and

WHEREAS, Act 7 provides that the Constituent Municipalities acting jointly may exercise any power they might each exercise separately; and

WHEREAS, the Emergency Equipment Acquisition and Financing Contract (the “Contract”), which has been presented to the Township Board approves the purchase of vehicles and equipment pursuant to the Plan, authorizes the Constituent Municipalities acting jointly through SHAES to borrow money pursuant to Act 7 and Act 99 and pledges the City’s limited tax, full faith and credit to the payment of the City’s share of such borrowings.

NOW, THEREFORE, BE IT HEREBY RESOLVED as follows:

1. The Emergency Equipment Acquisition and Financing Contract (the “Contract) presented to the Township Board is hereby approved and adopted, and the Supervisor and the Clerk are hereby authorized and directed to execute the Contract for and on behalf of the Township, in the form presented to this meeting, with such changes, additions and revisions as they shall approve, their approval evidence by their execution thereof.

2. As provided in the Contract, the Township hereby pledges its limited tax, full faith and credit contractual general obligation for the prompt payment of its share of any installment purchase, debt or obligations issued pursuant to the Contract. The Township hereby agrees to include in its budget each year, commencing with the present fiscal year, if applicable, a sum that will be sufficient to pay the principal of and interest coming due under the Contract. In addition, the Township hereby pledges to levy ad valorem taxes on all taxable property in the Township each year in an amount necessary to make its debt service payments under the Contract, subject to constitutional and statutory tax rate limitations.

3. The Supervisor, the Clerk, and the Treasurer, or any one or more of them (“Authorized Officers”), are hereby authorized to do all acts and things to execute any documents or certificates as may be necessary or desirable, and to deliver such documents to the parties to effectuate the transactions described in the Contract.

4. The Township authorizes any one of the Authorized Officers to designate its portion of the obligations under the Contract as “qualified tax-exempt obligations” for purpose of the deduction of interest expense by financial institutions pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

5. All resolutions or parts of resolutions in conflict⁴ herewith shall be and the same are hereby rescinded.

YEAS: Allan Overhiser, Paul Macyauski, Cheryl Brenner, Lu Winfrey

NAYS: None with one absent

ABSTAIN: NONE

RESOLUTION DECLARED ADOPTED.

Cheryl Brenner, Clerk
Township of Casco

CERTIFICATION

I, Cheryl Brenner, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting held on **October 16, 2017**, and that public notice of said meeting was given pursuant to Act 267, Public Acts of Michigan, 1976, including, in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

Cheryl Brenner, Clerk
Township of Casco

Dated: _____, 2017

Roll call vote: Paul, yes, myself, yes, Allan, yes, Lu, yes approved the resolution for fire equipment.

Equipment Ownership Agreement

Ron Wise explained in June 2016, after a detailed Request for Proposal (RFP) process and intense negotiation, Motorola Solutions Inc. was awarded a contract for Allegan County’s new Public Safety Communication System as part of the Michigan Public Safety Communication System(MPSCS). The project includes a one-time purchase of portable and mobile radios and pagers funded by the County utilizing the 911 Surcharge.

Allegan County has acquired equipment as part of the County-wide Public Safety Communication System. For Allegan County to furnish local units with the Board approved allotment of radios and pagers to continue with this project a Transfer of Ownership Agreement must be approved/signed by the governing body.

Lu made motion to approve the transfer of ownership agreement. Cheri supported.

Roll Call Vote: Lu, yes, Allan, yes, Paul, yes, myself (cheri), yes.

Yeas: 4

Nays: None – with one absent

Allan asked Ron about fire-pits and inspections in what you did about these in City of South Haven. Rental inspections- he said they did 55 inspections this year there were 3 or 4 that required re-inspections. They started with some of the larger homes in town and they had a very good success rate, passing, and everyone that they interacted with were okay with them being there. Fire-pits- Everyone that uses them there are problems – sometimes it is Glenn Shores, sometimes it is Miami Park, sometimes it is city northside, city southside sometimes it is a disgruntled neighbor and other times it is a problem because they aren't doing it right. Ron said the State of Michigan has very broad rules in Michigan and they are so long that no one wants to touch it so it goes by local control. What SHAES does is I try to make to where people are allowed to have firepits, we recommend nothing larger than a 30 ft diameter, dig a pit or portable one, burn good dry wood, make sure it burns straight up so it doesn't upset your neighbor. It comes to the word nuisance and it is all in the way you interrupt it, can I smell it or taste it. If SHAES comes to a complaint about a firepit and that smoke is going straight up there is nothing we are going to do about, if we see the smoke physically going over to the home next door, then they would have a talk with them. It is how there burning, where there burning, what there burning, what is the weather, wind, etc. they encourage neighbors to work together.

Next Monday, October 23, 2017 @ 6:00pm, there will be a rental workshop, Special Meeting.

NEW BUSINESS

Snowplowing contract:

Allan mentioned that we have the same company as last year, Horizon Landscaping, submitted an estimate and have done an excellent job these last few years.

They have proposed the same rates as last year.

Lu made motion to approve the estimate from Horizon Landscaping for snowplowing. Paul supported.

All votes in favor. Motion Carried.

Sale of Old Lawnmower:

Allan mentioned the purchase of the new mower for the cemeteries this fall and this leaves us with the old mower to sell. 2000 XMark 52" cut 23 horse power has 1750 hours we could advertise this in the paper and take bids on it.

PUBLIC COMMENT: NONE

Lu made motion to adjourn. Paul supported.

Meeting adjourned at 8:55 p.m.

Minutes respectively submitted by, Cheri Brenner, Clerk