

CASCO TOWNSHIP BOARD OF TRUSTEES
MINUTES OF SPECIAL MEETING
JANUARY 22, 2018 @ 1:00PM

Approved, 2/19/18

Call to Order: Overhiser called the meeting to order at 1:00pm and led in the Pledge of Allegiance.

PRESENT: Overhiser, Macyauski, Brenner, Graff, **Winfrey** and 17 other interested people.

ABSENT: None

Meeting was opened with public comment, Allan explained that the meeting today is to discuss The Good Neighbor Policy, The Rental Registration Form, financial projections to deal with registration and administration, review Rental Regulatory Ordinance with a couple changes, and hopefully review and with the adoption of the Rental Regulatory Ordinance.

PUBLIC COMMENT:

John Barkley, 646 Water Edge, Boardwalk, he would like to push back on the number of days for STRS to minimize the number of disturbances on lake shore property.

Karen Hart, asked if the township was still going to use Host Compliance?

Allan said that this would be talked about at this meeting.

John Weaver, Pacific Ave., concerned about the false accusations and how the penalties will be addressed.

- **RENTAL REGISTRATION FORM:**

Allan said that the registration form is the same as at the Monday, 1/15/18, meeting except for, at the bottom of page 2.

For Township Use Only at the bottom of page 2.

Registration fee paid: Y or No **Date Paid** _____

Septic Inspection Required: Y N **Date of Inspection** _____

Results of Health Dept. Inspection: **Successful** **Failed**

SHAES Inspection: Date: _____ **Results:** _____

Property Homestead Exemption? Yes No

That is the only change on the Registration Form.

Judy Graff asked what is the purpose of the Homestead Exemption?

Allan answered that there are laws that basically states if you are going to rent your home then it is commercial and not subject to homestead. Judy mentioned that the addition on the Registration Form is a good idea.

Judy has a couple of suggestions from the meeting on Monday, she thought it would be helpful to have at the top of the Registration Form to add **2018/2019**.

Judy also suggested where the **Primary Contact**, must be within 45 min. of the rental sight, or what? It needs to be clear.

Allan explained that this is spelled out in the Ordinance, this registration form is to get information.

Judy said she understood that.

She continued that at the bottom, Number of advertised bedrooms: She wanted to know the difference between advertised and actual?

Allan explained that advertising something that is not, compliant with the Rental Ordinance, is a violation.

Paul asked why are the number of bedrooms there anyway. Allan said it has to do with the number of occupancy. This information is going to be helpful for SHAES to determine the number of occupancy.

Judy asked about the Advertised number of parking spaces, we assume that this is on the property.

Judy asked if we are considering advertising what internet sites they have?

Allan said that Host Compliance could help look for that.

Judy continued questions, on the Affidavit page, #4 she thought we had talked about getting some certification every three years from the Health Dept. Allan said it is in the Ordinance.

There was a suggestion to have certificate from the Township that they have completed the

- **Good Neighbor Policy**

Allan mentioned that the only thing that we would add at some point is, if we contract with Host Compliance there would be a number for Host Compliance added to the Policy.

Cheri asked if we should add the year to the Good Neighbor Policy? Allan, said yes, that is a good idea.

Judy asked about **Call 911 for All urgent issues**, she wondered if there was a way we could explain to people what an urgent issue is? When to call 911 or anything else?

Allan said we could look at developing that a little further.

Judy said that she was surprised that at the top of the page it didn't have the property owners name.

Name of the agent or owner of the property. She felt there should be someone's name there.

Paul explained that the reason for the Dwelling Address is to help the person just coming to the home for a couple of weeks to rent and something goes wrong, they need to call 911, they don't know where they are, and they can look at the Policy and see the address.

It was decided to add to The Good Neighbor Policy Owner/Agent name above the property address.

- **FINANCIAL**

Allan mentioned that Kathy was not able to be here today, she is the one that developed the Budget & Activities for 2018 and administering some of the compliance, such as advertising and made some estimates for enforcements.

Allan explained the two sheets, one with Host Compliance expense totals and the other one is without the support of Host Compliance expenses.

The reason we are waffling on this, is in the beginning it was stated that there may be a referendum after the Zoning Ordinance changes is approved, if so, then there would be a period of time, then there

would be an election. We might find our self's in a position to contract with Host Compliance now, although, we might not even be able to register anyone while this is going on.

- **Rental Regulatory Ordinance**

The only additions to this draft, if you look at the 1/19/18, the only additions to this draft, are found on page 2, and if you look at the top of page under Short-Term Rental, added to the last sentence and the rental of single family dwellings in agriculture districts would be exempt.

The other change, which is a suggestion from Host Compliance determining who is registered and who isn't, and the goal is to get everyone registered that rents, go to page 2, Sec. 01-04 the activity of advertising was included, which it wasn't before.

Page 3. Go down to #2 advertising was added.

Judy asked if there is anywhere in this Ordinance that states that registration is an annual requirement?

Allan thought there was, Judy said she couldn't find it.

Each calendar year on page 3, it was just read.

Judy thinks it should be where it says registration.

Annual Registration required.

We have had various drafts of this ordinance.

Casco Township Board of Trustees

A Resolution to adopt a Rental Regulatory Ordinance

Resolution NO. _____

WHEREAS, historically renting in Casco Township was treated as a right of property ownership
And a 2016 court decision in the Sunset Shore case included statements that put that practice in
Question and also in conflict with the township's zoning ordinance,

WHEREAS, the township attorney advised the board that other cases in the state have concluded that
short term renting is commercial and that he advised that it was becoming the trend in Michigan and
that the township should consider addressing the issue,

WHEREAS, residents have expressed their concern and urged the board to enforce the township zoning
ordinance against those who were renting because the ordinance was written in a manner that says use
that is not permitted, is prohibited and that short-term renting is commercial and commercial renting is
not permitted in the ordinance,

WHEREAS, residents have expressed concerns that the number of short-term rental occasions has
increased significantly because of access created by the internet sites and increase in commercial
participants and also the practice has caused an increase of nuisance issues, such as, noise, parking, and
other similar violations, in **Lakeshore Residential districts**.

WHEREAS, residents also expressed concern that growth of the rental activity would negatively impact
their neighborhoods,

WHEREAS, residents also came forward expressing their desire to see that the practice of renting was allowed to continue and described the benefit to the local economy and that their rental activity was not producing the nuisance issues that others were describing,

WHEREAS, residents reviewed Casco's long resort and rental history and the influx of seasonal tourists that played a significant role in shaping the local economy,

WHEREAS, in December of 2016 the Board asked the Planning Commission to review the existing ordinance and consider changes that would address these new developments,

WHEREAS, in January of 2017 the Planning Commission started to work on the issue with the help of an outside of an outside consultant (Lynnee Wells) from Williams and Works of Grand Rapids,

WHEREAS, in February of **2017**, the Board adopted an eight-month moratorium that prevented the enforcement of the Zoning Ordinance against property owners that were engaged in short-term renting giving the Planning Commission time for a review and consideration and also providing certainty to those who wanted to rent in 2017.

WHEREAS, the noise ordinance was updated to reflect current needs and law enforcement and dispatch were educated over the course of the summer to better understand the goals of the township,

WHEREAS, a committee appointed by the Supervisor worked to gather input from (a citizen advisory committee) all residents and property owners (both pro and con) were allowed to participate, issues and solutions were discussed, and a Good Neighbor Policy and Voluntary Registration form were developed and distributed to all property owners west of Blue Star Highway, with the goal of informing property owners in the area and gathering more information,

WHEREAS, the township gained experience in administering registrations and fielding complaints, and positive feedback was received about the Good Neighbor Policy and the value it had provided,

WHEREAS, the Planning Commission continued to review **throughout 2017** and discuss the issues and consider draft language for definitions and regulations, these meetings were well attended, and the Commission heard from numerous residents and property owners, also they receive many written statements both pro and con, and reports from the citizens advisory committee,

WHEREAS, in August **2017** there was another meeting of the advisory group which reviewed a small number of isolated complaints and police report data that included a three-month history of complaint received by the Allegan County Sheriff's Dept. where there were 9 complaints that involved rentals (noise, parking, fireworks). Also, Kathy Stanton reviewed township received complaints 17 noise, 8 fireworks, 4 trashes, 3 parking, 2 trespasses, 1 dog off leash, 3 smokes, 1 child riding a minibike too fast with 9 of these could be directly associated with a specific rental and that 10 of these were 911 calls that may be duplicated in the Sheriff's report.

WHEREAS, the Supervisor in the August meeting, reported findings to the board and expressed his concern that there is confusion by the Planning Commission about what issues should be covered in the Zoning Ordinance and what should be covered in a Rental Regulatory Ordinance. A draft of a rental ordinance was distributed, and he stated that he believed the board needs to take a parallel path to conclude with the Planning Commission this fall as everyone needs direction.

WHEREAS, David Campbell, Mary Campbell, Cheri Brenner, Judy Graff, Paul Macyauski, and Kathy Stanton attended a Michigan Township Association educational meeting about short-term renting and it was suggested by the Presenter that the South Haven Rental Ordinance. A draft of a rental ordinance was distributed, and he stated that he believed the board needs to take a parallel path to conclude with the Planning Commission this fall as everyone needs direction and **that disturbances in residential districts affected residents.**

WHEREAS, the Supervisor worked with 3 attendees to develop a draft rental regulatory ordinance that was introduced at the September meeting and distributed to the Planning Commission and the Township Attorney for review,

WHEREAS, the moratorium to suspend enforcement action expired **2017.**

WHEREAS, meetings were held to discuss and amend the Regulatory Ordinance while meetings of the Planning Commission continued and both bodies held public meetings with the township attorney present and public input continued

WHEREAS, the Planning Commission developed a final draft text amendment to be presented at a Public Hearing on January 24, 2018 and identified three items for the board to consider.

WHEREAS, the Rental Regulatory Ordinance draft has been on the agendas of many meetings with public input and has been discussed and amended, the board has addressed the three open issues at its January Regular Meeting

NOW, THEREFORE, BE IT RESOLVED: Short Term Rental Ordinance (An ordinance to adopt short term rental regulations in Casco Townshp, Allegan County Michigan) be adopted.

FURTHER RESOLVED: all resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

Certification

I certify that this resolution was adopted by the Township Board of Casco Township at a Special Meeting Held on January 22, 2018.

Cheryl Brenner, Township Clerk

Paul made motion to adopt the Resolution to adopt the Rental Regulatory Ordinance. Lu supported.

Judy wanted to clarify on page 1 paragraph 4, she would like to add **in the Lake Shore residential districts.**

Page 2, 4th paragraph down add the year 2017

Page 2, 8 down add through 2017

Page 2, 9th paragraph add 2017

Page 3, 3rd paragraph and that disturbances in residential districts affected residents.

Page 3, 4th paragraph add 2017 to the end of the sentence.

Roll Call Vote: Paul, yes, Allan, yes, Lu, yes, Cheri, yes, Judy, no.

Chris Barczyk asked if the board could adopt the ordinance without noticing it. Allan said the notice on the door says to adopt the rental regulatory ordinance.

Karen Hart said she posts 6 to 8 people, if she houses 10 people, would she get penalized.

Allan said no, as long as she doesn't go over 12 people.

Karen asked what the calendar year would be.

John Barkley complimented the board of the hard work that has been done and that he would suggest that the public have a copy of the Good Neighbor Policy.

He also offered to help with a flow chart for the administering of the expenses for enforcement.

Don Sappanos was concerned about losing his rights to rent that he already had in place.

Paul made motion to adjourn. Judy supported.

Meeting adjourned at 3:18pm

Minutes Respectively submitted by,
Cheryl Brenner, Township Clerk