

CASCO TOWNSHIP BOARD OF TRUSTEES
Minutes of the Regular Meeting
December 19, 2016 @ 7:00 pm

Approved 2/20/17

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

Present: Overhiser, Brenner, Macyauski, Graff, Winfrey & approximately 90 interested people.

Absent: None

Allan thanked everyone for coming and that there are agendas on the back table and a sign in sheet if anyone is interested in signing in showing they were present, which would be very helpful.

Lisa Galdikas, Board President of Al-Van Humane Society was introduced.

She said she was glad to be present and that she saw a lot of faces in the crowd that are AL-VAN supporters. She stated that Al-VAN has been around since 1968 and they became a no kill shelter in 2012. This increased the cost to house animals. Casco runs about 6 & 8 % as the number of intakes from our community they average about \$400 per animal for their care for the length of time they are at the shelter – they write as many grants as possible and micro chip as many animals as possible and also this year are able to offer a free spade neuter clinic. They have a Cares Campaign now because they have purchased the Blue Star Glass building and this renovation project will cost \$500,000.00 and they have collected \$250,000.00 so far towards this project.

Al-Van is asking for an increase from Casco's annual amount of \$1,800.00 this year which we normally gave \$1,500.00. The Township had budgeted \$1,500.00 for 2016/2017 already. They will look at this to consider the increase for the next budget 2017/2018.

Adopt Rules for Public Comment:

Allan stated we need to adopt rules for public comment. When you wish to speak, raise your hand, when your called upon, come to the table. Everyone will have one time to speak for 3 min. and everyone will have a chance to speak at least one time. If we are not at 9:00 O'clock we will allow you to speak again.

Public Comment:

Patrick McKearnan spoke about the request of lights on North Shore Dr. he stated that anytime you start a new project, you have the cost of the project, then the maintenance costs throughout the year, so with that in mind he would like to consider the costs. Patrick said he would like some assurance from this board that he doesn't see any reason for the lights and his neighbors agree with him. Allan explained that we had a request at the November meeting for lights on North Shore Dr. and probably we will consider over the next few months. He further said we have never actually gotten into the street lighting business, we have some street lights but we specially assess the property owners. We have several in the township and they total about \$4,000.00 in the township so we have yet to publicly pay for a light. We actually have one light that we share the cost of with Geneva Twp. that is on 67th St. and Baseline Rd and we are billed once a year.

Reports

Clerk

Cheri presented the minutes of 10/17/16 to be approved that have been amended on Carleen Jones's comments and also Judy's comments have been added.

Judy made motion to approve the 10/1716 min. and Paul supported.

All votes in favor. Motion Carried.

Cheri presented the minutes of 11/21/16 minutes to be approved.

Paul made motion to approve. Lu supported. All votes in favor. Motion Carried.

Cheri stated that herself and Kathy Stanton worked at the recount on 12/7/16 from 9:00am to 7:00pm at the Allegan High School conference room for Allegan County. We were able to get the entire County done in one day. It was an interesting experience and I was glad to be a part of it to be educated on how a recall works.

I am making a motion to amend the following accounts:

I don't know if the board wants to wait until all the elections are done for 2016/2017

because we had so many elections that our budgeted amounts weren't enough:

Election wages acct.# 101.191.71200 budgeted \$3000.00 and we went over \$1,030.72

Election supplies acct#101.191.79900 budgeted \$942.55 and went over 253.20

Election adver. acct#101.191.901 budgeted \$500.00 and went over 381.06

Judy supported. All votes in favor. Motion Carried.

Also, Cheri mentioned for the Year End Audit she needs to do the Journal Entries and she needs to set up a new account for the Hospital Acct.# 210.000.40100 Property Tax Revenue and acct# 210.602.801.00 Hospital-Health & Welfare in the amt of \$52,549.14.

There is also three more new accounts in the JE that I need to talk to Jeff about 116, 118, & 302. So I need to know what these new accounts are before I can finish the JE. Cheri will discuss this with Jeff.

Cheri mentioned that she received an email from Nora Balgoyen-Williams, Director of Economic Development, Allegan County asking to share - 2017 Tree Seedling Sale Notice. It will take place from Jan. to March 31, 2017 by 4:00pm. A variety of conifers, hardwoods, shrubs, and fruit trees will be available for an affordable price. I will have this info put on Casco's website. cascotownship.org

Treasurers Report:

The balances in all of the accounts are as follow:

General Fund	Balance	\$461,196.73
Parks Fund	Balance	\$ 18,966.14
Senior Services Fund	Balance	\$ 23,482.68
Fire Dept. Fund	Balance	\$336,164.02
Road Fund	Balance	\$111,379.09
Police Fund	Balance	\$ 85,781.55
Cemetery Care Fund	Balance	\$114,042.82
Collected Tax Fund	Balance	\$ 58,184.92
Lakeview Sewer	Balance	\$ 8,526.22
Lakeview Water	Balance	\$ 360.96
Lakeview Paving	Balance	\$ 36,704.51
Pacific Sewer	Balance	\$ 13,597.87
Pacific Water	Balance	\$235,293.50
Orchard Sewer	Balance	\$ 16,134.01
102 nd Ave. SAD	Balance	\$436,652.52

I make a motion to approve the following

General Fund	Orders#24098-24164	in the amount of	\$79,932.68
Parks Fund	Orders#837-848	in the amount of	\$ 3,317.19

Seniors Fund	Orders#590-596	in the amount of	\$ 4,948.54
Collected Tax Acct.	Orders#3235-3240	in the amount of	\$56,255.70
Police Fund	Orders#158-161	in the amount of	\$ 6,598.44

Judy supported. Paul seconded. All votes in favor. MC

Parks – Pam Blough, consultant, report – filling in for Bruce-gave the board the summary from the 11/21/16 Public Meeting for the Five Year Plan. The new interpretive signs need to be installed at the new parking lot so we can close out the grant by the end of the year. Cheri said that Joe installed those signs today. She is working on the paper work to get the grant closed out and Cheri got me a copy of the cancelled check and need a picture of the sign and that will be all we need. So this will be a reimbursement for about \$23,000.00. Pam reminded everyone in the audience that there is a link on the township website that you can access and give us some ideas of what you would like to see in the parks or any other suggestions you might have until Jan. 20, 2017. Pam mentioned that we received three donations this week for the parks in memory of Doug Murdoch. Allan stated that Doug was one of the most persistent person to get into the park business and he further went to say that the Preserve wouldn't of happened if it hadn't of been for Doug. He will be greatly missed.

Senior Program- No report.

ZBA- Paul reported that they had two requests in November the ZBA approved the expansion of Jensen's Campground by 50% and one request from a resident for a 3ft side yard setback for a roof overhang which was approved.

Planning Commission- No meeting in December.

County- No report

SHAES- No report.

New Business

1. Year End Audit we have a draft copy so we will have the final for next month.
2. Appointments
 Not returning next year is Sandra Warren whom has been on the Parks committee for several years. Allan stated that she has been on the committee for several years and has been an excellent member. In October we appointed Rachel Ridley to take Sandra's position on the committee.
 John Johnson's term is expiring this December and he has agreed to serve another term on the committee.
 Allan appointed John Johnson on the Park committee. Judy supported. All in favor. MC
 Allan appointed Judy Graff as the board representative to the Planning Commission for a 4 yr. term. Lu supported. Cheri seconded. All votes in favor. MC
3. Parks Annual Calendar - 2nd Tuesday

Old Business

1. Allan stated he had an update on Bill Chambers complaints.
 As you recall he sent a complaint into the Township Board and also to the Planning Comm and

Al Ellingsen for a zoning violation and Alfred is dealing with that one right now. I think he is in communication with the individuals who cut the trees on 102nd as to what their plans are, that meeting hasn't taken place yet. As far as the complaint to the Township Board about road right-a-way and the fill the road is a water & sewer authority project. The water/sewer authority contractor got the permit from the Road Commission and Allan said he talked to the Road Commission on that issue and it is a Road Commission issue as far as the disposition of the right-a-way and the fill on the right-a-way.

Bill Chambers said the complaint was not towards the Planning Commission it was towards the Casco Township Board of Trustees for not having the oversight in place of the project that was approved. Bill said he did talk to Larry Brown, Road Commission, and Larry said it is true that he has ownership of that road.

2. Garage door is complete and installed.

3. Rentals-

Allan said the township has been having discussions on renting since summer at every meeting, a lot of you are new to the discussion. This resulted out of a civil suit between individuals that are in Sunset Shores, a private subdivision, it resulted out of a deed restriction case and the judge ruled that the low density residential district for Casco Township the commercial activity permitted by rights those activities included day care activity, adult foster care, and other commercial uses such as bed & breakfast which require a special land use permit. Judge Cronin found that a property owner in Casco Township who's property is in a low density would engage in commercial activity if the property owner were to rent a dwelling on the property in question.

Judge Cronin found rental in the dwelling in low density residential district is a commercial activity which is in-permissible under the townships Zoning Ordinance. The townships attorney sent a letter in April that the township is not bound by this decision but several courts have ruled on the issue that short term rentals are commercial, the law regarding this is still undeveloped and short term rentals are undefined. The board has had several meetings about this and what to do about this issue. Allan continued to say we have looked at options to have stand alone rentals, looked at options as having a zoning ordinance change.

Judy said there are two different issues one is we are not currently enforcing our current zoning ordinance and what to do about rentals.

Allan said by this decision it doesn't define short term rental and we have language in our ordinance that talks about commercial activity that is greater than 12 days and the judge has defined short-term renting is a commercial activity. We have never viewed short term rentals as an issue.

Allan opened the meeting up to the public and mentioned to raise your hand when you want to speak,

Jeanne VanZoeren- Said she has rented and been a rentor and has come to a number of meetings and seen large groups and it doesn't seem we have made much progress and she said that one thing that she has learned as she gets older is that you can't stop change. Jeanne suggests that this board consider taking this to the planning comm. Where it should go.

Ryan Servatius - Said he is chairman of Southwest Michigan Realtors Governmental Affairs Committee and he came tonight to offer MAR, Michigan Association of assistance through realty resources whom have done studies with some cities with this issue.

Terese Orban- Owner of The Glenn Store for 20 yrs. lives in Glenn Shores and that 85% of her store is tourist business. She called the State Police, County Sheriff, talked to the Zoning

Administrator to validate the complaints and none of these issues that she has heard at previous meetings about renting have been a problem and that none of these problems have been a problem until this lawsuit. It has divided the community neighbors pitted against neighbors, neighbors going around talking to strangers against neighbors. This will hurt other areas not just Casco if renting is stopped. She appealed to the board to have the wisdom to change the ordinance to direct all of us, it might not make all of us happy but it needs to be done.

Mike Werkema- Miami Park – this renting has gone on here for many years people have purchased and built vacation homes on the idea of renting them to offset their costs and by abruptly changing direction we will impact a lot of people and he asked the board to consider these issues when making a decision.

Dan Way - Dan Way, lives in Miami Park, he read a letter that him and his wife typed up they rented homes and found the area charming and 12 yrs go bought a lot in Miami Park and built a home there. They love the area he has been a realtor for 12 yrs. and he supports the Casco Township homeowners that want to rent their homes long term or short-term.

Stephen Creco- Lives in Miami Park, bought a second home in Miami Park for their autistic son because they wanted to have a home by the beach. We rent this home to supplement a Trust Fund for their son. He said there is this miss-conception that all renters are faceless developers and this is not the case. They manage their rentals and make sure it doesn't affect the neighbors and he said that the noise is louder when he and his friends are there then the renters. He said that he has already retained council and if rentals are restricted, himself and others will file suit.

Jenn Chada- Lives on Pacific, Miami Park, said this rental ordinance affects small people like her, her and her husband bought their property in 2007 and built in 2010. They have rented their property several times, she has a designated agent, she rents her property by herself she does all the property management, she knows all of her renters, she mentioned the Glenn Store whom many of her renters visit this store. The amount of business that tourists bring into the community is great and the family features that people are looking for are here. She has never ever had a problem. She is a member of the stairs board and tram. This ordinance really affects the small time people she really encouraged the board to look at this when making a decision.

Joe Darby- 1062 Lake Michigan Drive, his family has been in Allegan County 112 yrs. in 1988 they purchased their home on the lake in Casco, in 2005 they purchased the cottage next to them. They have a strict contract and have never had any problems. He was not aware there was so much animosity in the township about renting.

Marilyn Darby- In 2004 their neighbors wanted them to buy their home, in 2005 they purchased this home. They rent this home and have a strict contract and rent to families and they are not wild people. Their renters love to come to the country and go to the farms, etc. They love the pizzas from The Glenn Store. Marilyn asks the board to consider her renters so they can come to the country for at least one week and enjoy the lake etc.

Laura Townsend- Owns a second home in Glenn Shores her or her husband have been to most of these meetings and she found out there was a meeting last week Monday, 12/12/16 and felt a little upset because that was not communicated that there was a meeting. She mentioned Judy's handout from the July meeting and it said we want fairness. She read this handout. She rents her home and if she can't rent they will have to sell their home.

Allan said about the meeting last Monday 12/12/16 there was a letter sent out by our Zoning Administrator responding to complaints that were submitted. Judy wanted to have a special meeting regarding this letter. We are required to post within 18hrs to have a meeting and we posted it on the door and on the website.

Lois Swartz-She lives in Mt. Pleasant and has spent 73 summers here. She said she has heard a lot of nice people tell a lot of nice stories about renting. She said she wanted to take issue with some of the things said.

1. Problems caused by short term rentals before the sunset shore lawsuit.

Lois said there were complaints about renting in the community earlier than that.

2. The owners are not only faceless it is owners who are renting their homes as businesses. They are not here as residents to enjoy Casco. They are here selling Casco for their own profit.

She suggests that when people purchase a home in R1 residential they should check if rentals are allowed. The problem is frequent turnover that is why we are having so many complaints. It would be nice to have certain regulations and yes people should abide by rules and respect their neighbors. This is not the case. Who is going to enforce it? A regulatory ordinance will not work.

Julie Thompson- Glenn Shores- lives in Kalamazoo, she rents her home in Glenn Shores she manages her rental herself and hasn't had any problems. She read from the book about Glenn about renting that has gone on in this area for years. She stated can't we all just get along.

Fritz Grathwohl - 68th St. he has a farm and has tried to sell his place for several years and renting helps him supplement his property and he usually rents long term. Because of his age the renting helps him support his farm.

Gary Greenspan- Mt. Pleasant, owns a home in Mt. Pleasant that he rents out to help pay the bills and pay the taxes. The problem is the outside guys coming in building big homes and renting them out but don't live in them. We need to look at this with perspective.

Kathy Korse- Mt. Pleasant, she mentioned the big homes being rented out and there are parties going on all the time, trash the beaches, etc.

Maureen Moravac-Glenn Haven Shores-Owns two rental homes in South Haven, has to register with South Haven, has never had any problems. She is a onsite manager and knows her renters. She feels that South Haven has done the rental correctly. Get an ordinance that works for everybody.

Chris Barczyk—Handed the Board a Position Statement with 90 to 100 names from various subdivisions supporting this statement The Homeowners' Alliance for the Preservation of Casco's Residential Neighborhoods.

Karen Hart- Miami Park, they were able to purchase a second home in 2010 and for them to keep this home right now renting helps supplement expenses. She asked the board to please don't take this dream home away from them.

Carl Swartz- He feels we don't have two groups we have the renters and the non renters and the developers whom don't speak at the meetings.

Allan asked the board to look at the memo from Ron Bultje it talks about if the Township chooses to do nothing, if the township enforces the existing Zoning Ordinance, if the township chooses to Permit and Regulate Short-Term rentals, the issue of Long-term rentals, financial considerations, and Planning Commission Consideration. Because of this law suit we have gotten a lot of complaints because of what the law suit says rental is a nuisance. If someone is renting it is determined that that is a nuisance in our Zoning Ordinance. It doesn't distinguish between short-term or long-term it basically says if you rent for 12 days ~~or 3 days~~ it basically says it is illegal. Allan said he has tried to find a definition of short-term rental, every court case that he has looked at are different. The Enchanted Forest Case which is referenced to this case talks about renting a week or less he

believes that even the Sunset Shores Case reference to two days or more which is our hotel language. No Judge that Allan is aware of defines short-term rentals. Short-term rentals to him implies there should be a duration which is where municipalities find it through their legislation act such as Zoning Ordinances, or whatever so we have an outstanding process township that goes back into the 70's where we regulate land use thru the Planning Commission.

Judy asked Allan if he is suggesting this to go to the Planning Commission instead of a Regulatory Ordinance? Allan said first of all this has to be defined and we can never enforce anything if it hasn't been defined, we need to define it if nothing else and decide if there is going to be other regulations other than zoning, if it is going to be permitted and regulations required in addition to the regular zoning ordinance. The board agreed it should be turned over to the Planning Commission because it is a land use.

Allan recommends to make a motion to send this to the Planning Commission with the suggestions Ron Buljte has laid out.

Paul made a motion to send this to the Planning Commission with the considerations that Ron Bultje suggests which are listed.

1. Will the Township distinguish between short-term rentals and long-term rentals?
2. If so, how will short-term rentals be defined, and how will long-term rentals be defined?
3. What types of rental activities will be allowed in residential districts of the Township?
4. What types of non-zoning regulations should be placed upon rentals?
5. How will the Township fund its rental regulation activities, and will the Township have adequate staff to accomplish these activities?

Judy supported. Discussion. All votes in favor. MC

Allan stated that some of the discussion with a Short Term Rental Ordinance there are other components that need to be updated such as our noise ordinance. Allan would like to bring the present Noise Ordinance to the board at next month's meeting.

Allan stated that the board needs to stay closely with the Planning Commission thru Judy concerning the short term renting.

Allan would like to form a citizens board to work with the board on the rental regulation issues to have some suggestions from the public.

Allan made motion to adjourn. Paul seconded.

Meeting adjourned at 9:08pm.

Minutes Respectively submitted by,
Cheri Brenner, Township Clerk