

CASCO TOWNSHIP BOARD OF TRUSTEES
MINUTES OF REGULAR MEETING
MARCH 19, 2018 @ 7:00PM

Call to Order: Allan called meeting to order at 7:00pm and led in the Pledge of Allegiance.
Present: Overhiser, Brenner, Macyauski, Winfrey, Graff and 23 other interested people.
Absent: None

PUBLIC COMMENT:

Dan Fleming: Read an article about Zoning and Eminent Domain.

Julie Cowie: Spoke about getting internet in the township.

Chris Barczyk: Asked for the minutes of the new formed Road Committee and he asked for them to be put on the web-site because he can't always be at the meetings.

Reports:

Clerk:

Cheri presented minutes of the Regular Meeting 2/19/18 and the Special Meeting 2/23/18.
Judy made motion to approve the minutes of the Regular Meeting 2/19/18. Lu supported.

Lu made motion to approve the minutes of the Special Meeting 2/23/18. Paul supported.

Cheri explained that the township received a Letter of Intent to petition for a referendum. The people that are doing the referendum had (8) eight days from the day of publication to file their Letter of Intent. Then they have (30) thirty days to turn in their petition with registered voter signatures which is March 30, 2018. They need 144 good signatures, which is 15% of the 955 voters in 2014 that voted for the Governor. The next step is, if there are enough registered voters then this will be on the ballot in August.

Judy asked if there was any process in the wording of the ballot? The actual board would agree on the ballot language. Allan stated that we would have our attorney work on the language, then the board would approve it.

On March 13, 2018 Kathy and Cheri left at 7:00am to go to Centerville for QVF (qualified voter file) training with the State. It started at 9:00 to 4:00pm. This was a requirement because the State was changing the QVF software and we wouldn't be able to use it without the training.

March 14, 2018 we left at 9:00am to go to Allegan Township to get our new voting equipment, we also had some training. The ballot container didn't fit in my Jeep. From Allegan Township we went to Burnips for the ACCA (Allegan County Clerks Association) for the quarterly meeting.

Thursday, March 15, 2018, Monty and Cheri went back to Allegan Township to pick up the ballot container in our truck, we also picked up Ganges Townships new voting equipment.

Cheri also stated that all our election inspectors, there are 12 of us, need to be re-certified. The county will be setting up the schedule for that.

Chris Barczyk asked about Friday, March 30, 2018, is a day that we are closed. He wondered what hours I would be working? Cheri stated whenever she gets in.

Chris mentioned that he was at the Township last Tuesday and it was locked up and no cars in the parking lot.

Cheri explained that her and Kathy were gone to training and Ruth was scheduled to cover the office in the afternoon until the senior’s cards were done at 3:00pm. Chris said it would have been nice to post it on the website.

Chris said that other people have showed up and no one is at the township during regular hours.

Cheri explained that it is very rare that someone isn’t here during our scheduled hours.

Allan said that we do a very good job covering the scheduled hours.

Cheri said that it is out there, things that are said to the public taking these petitions around that there is only one board member that cares. That is not true, when we are voted in by the taxpayers in the township and we are paid by the taxpayers, three of us, the treasurer, the supervisor, and myself work all the time for the entire township, so I think that needs to be changed, that shouldn’t be said, because there is more than one board member that cares, we care for the **entire** township.

Treasurer

The balances for all accounts are as followed:

General Fund	Balance	\$ 446,501.28
Parks Fund	Balance	\$ 33,501.28
Senior Services Fund	Balance	\$ 29,150.91
Fire Dept. Fund	Balance	\$ 405,069.87
Road Fund	Balance	\$ 11,657.17
Police Fund	Balance	\$ 86,980.73
Cemetery Care Fund	Balance	\$ 109,389.97
Collected Tax Acct.	Balance	\$1,696,417.68
Lakeview Sewer	Balance	\$ 8,050.63
Lakeview Water	Balance	\$ 1,254.32
Pacific Sewer	Balance	\$ 7,695.20
Pacific Water	Balance	\$ 21,366.32
Orchard Sewer	Balance	\$ 24,391.93
Lakeview Paving	Balance	\$ 40,274.66
102 nd Ave.	Balance	\$ 38,276.53
Beach Dr.	Balance	\$ 374,747.64

I make a motion to approve the following

General Fund	Orders#24855-24895	in the amount of	\$ 56,650.25
Parks Fund	Orders#1007-1012	in the amount of	\$ 1,826.58
Seniors Fund	Orders#665-666	in the amount of	\$ 2,106.90
Collected Tax	Orders#3395-3413	in the amount of	\$760,978.89
Police Fund	Orders#209	in the amount of	\$ 6,188.11

Cheri supported. All votes in favor. MC

Police

Kurt called Allan and said that he was injured on the job and wouldn't be able to attend the meeting. He pulled a muscle in his arm fighting with someone resisting.

Parks

1. Bruce Brandon reported that the Parks committee hosted a hearing for MNRTF grant application by Allegan County for Blue Star Pathway Development. The grant is for a .58 mile connector in Saugatuck. Jeanne Van Zoeren was the presenter. Bruce presented a copy of their five-year plan.

2. The committee members will conduct spring inspection of park properties and will coordinate with the Friends Group for a spring cleanup. There are some trees and big branches that need some attention. There might be a need for a tree service.

3. The Committee will be reviewing the Recreation Action Plan as an annual task and put that together with a 5-year plan.

4. From the Allegan County parks committee: The bottom portion of the West Side Park beach access stairs will be dismantled do to extreme lake erosion. This will adversely affect ADA accessibility.

The posting of the Park Ranger part time position job description was discussed, and everyone thought that it looked good. It has a wide pay range, Allan thought it would depend upon the individuals experience and flexibility.

Planning Commission

Judy reported that they looked at the ~~Building~~ **Special** Event Ordinance and the Shared Driveway and they are required to have a public hearing before their regular meeting next month at 6:00pm.

Joint meeting Sat. March 24, 2018 starting at 9:00am until 12:00 noon.

Cheri asked about the information on the Public Hearing, so she can get it in the paper, Dave Campbell said that Alfred would take care of that.

Seniors

Rachel reported that their goal is to keep people in their homes as long as possible and as long as they are safe. She also explained that they have exercise on Monday and Thursday mornings, cards on Tuesday afternoon from 1 to 3, and a new knitting and crocheting group that meets on Wednesdays 12:30 pm to 2:00pm.

They do a lot more than just exercising and cards, etc. they are out there seeing people in their homes, taking people to appointments if needed and many other things that help the seniors in Casco.

We don't charge for our services, everything is free to the senior, her salary and Susan's is paid by the Casco Township millage.

The Casco Senior millage is up for renewal, we will have a resolution for the meeting in April so we can get it on the August ballot.

ZBA

There haven't been any meetings.

SHAES

Allan was absent for the meeting this month.

WATER/SEWER

Things are moving forward for transferring things to SHAWSA July 1st, 2018.

COUNTY

No report.

OLD BUSINESS

Host Compliance Agreement:

Mary Campbell went over the monitoring and compliance problems. The second page refers to our goals:

- Reduce noise, parking, traffic and trash-problems
- Eliminate party houses
- Reduce STR's impact on neighborhood character
- Ensure building safety
- Improve township's responsiveness to neighbor complaints
- Improve permit compliance
- Ensure a level playing field between law abiding traditional lodging providers and illegal short-term rentals
- Reduce tension between short-term rental property owners and their neighbors
- Send a clear message to citizens that the township takes the STR problems seriously

Page 3 showed a Market Context of AirBNB, VRBO and 100's of other vacation rental websites have turned vacation rentals into a booming underground economy. A graph showed the increase from 2012 through 2016 of a huge increase.

Page 4 143 listings representing 119 unique rental units in Casco.

Page 5 The Good: Showed a significant economic growth in STR's in City of San Diego.

Page 6 The Bad: Short-Term rentals can displace long-term tenants, after the neighborhood character and raise legitimate parking, noise, safety, trash and fairness concerns.

Page 7 Without proper enforcement, only a fraction of short-term rentals will get registered.

In general, less than 10% of STR owners voluntarily get a permit and pay all their hotel taxes.

Large potential for increasing permit fee.

Page 8 Unfortunately manual compliance monitoring and enforcement is ineffective and prohibitively expensive.

1. Rental property listings are spread across 100s of different websites
2. Manually monitoring 100s of properties is practically impossible as listings are constantly added, changed or removed
3. Address data is hidden from listing making it time-consuming or impossible to locate the exact properties and identify owners
4. It is practically impossible to collect taxes as there is no easy way to find out how often the properties are rented and for how much
5. The vacation rental platforms refuse to provide the detailed data necessary for enforcing local ordinances
6. Manual compliance monitoring and complaint-based enforcement often leads to claims of selective enforcement.

Page 9 Services tailored to your timeline

Pre-ordinance

Online Ordinance Asst. tool
Webinars
Whitepaper
Peer Introductions
APA STR Online Course
Free draft review
Consulting and facilitation

Post-Ordinance

Post Ordinance Monitoring and compliance serv
Mobil permitting and registration
Address Identification
Compliance Monitoring
Rental Activity Monitoring
24/7 Hotline

Page 10 Ways Host Compliance can help

- Address Identification: Online dashboard with complete address information and screenshots of all identifiable STRs in Casco’s jurisdiction
- Compliance Monitoring: Ongoing monitoring of STRs for zoning and permit compliance coupled with systematic outreach to illegal short-term rental operators (using Casco’s form letters)
- Rental Activity Monitoring and Tax Collection Support: Ongoing monitoring of Casco’s STR listings for signs of rental activity. Enables data-informed tax compliance monitoring and other enforcement practices that require knowledge of STR activity level
- Dedicated Hotline: 24/7 staffed telephone hotline for neighbors to report non-emergency STR problems

Page 11 Affordable modular pricing tailored to Casco’s needs

Address identification	\$5,340.00/yr
Compliance Monitoring	\$1,785.00/yr
Rental Activity Monitoring	\$2,380.00/yr
24/7 Dedicated hotline	\$1,428.00/yr

Page 12 24/7 Hotline: Make it easy for neighbors to report, prove and resolve non-emergency STR related problems in real time

Step 1 – Concerned neighbor calls 24/7 short-term rental hotline

Step 2 – Complainant provides info on alleged violation and is asked to provide photo, video violation and is asked to provide photo, video or other proof of alleged violation

Step 3 – If property is registered, Host Compliance immediately calls host to seek resolution

Step 4 – Problem solved or escalated – complaints saved in database so serial offenders be held accountable

Page 13 Benefits to using Host Compliance’s services

1. Ensures fair, continuous and consistent compliance monitoring and enforcement
2. Frees up valuable staff time that can be focused in higher-value added activities
3. Minimizes noise, parking and trash violations
4. Minimizes the impact in local law and code enforcement agencies as complaints are first handled by our 24/7 hotline and routed to the appropriate property owner before further enforcement actions are triggered
5. Maximizes Casco’s permit fee collections
6. REVENUE POSITIVE- in most cases, the additional permitting fees alone pays for Host Compliance’s service several times
7. Requires NO up-front investment or complicated IT integration we can be up and running in a couple of weeks

8. 6 MONTH UNCONDITIONAL MONEY BACK GUARANTEE!

Mary talk more about how Host Compliance will work for the township.

Allan reported that he spoke with the Allegan County Undersheriff concerning the rental issue and he is going to do a flow chart and he has our flow chart, he is also going to work with Host Compliance to figure out how that can work better with the Allegan County Sheriff Dept.

Allan said he was really impressed with Mike Larson (Undersheriff) and he understands the townships situation.

Allan distributed the Fireworks Ordinance to the board to review and put on the agenda for April meeting.

Fireworks Ordinance:

AN ORDINANCE TO REGULATE THE DISCHARGE OF CONSUMER FIREWORKS FIREWORKS IN CASCO TOWNSHIP, MICHIGAN

The Township of Casco Ordains:

Sec. 1. Regulation of the Use of Fireworks.

- (a) No person shall explode, or cause to explode, any firework as defined in the Michigan Fireworks Safety Act, Michigan Compiled Laws 28.452(j), except on the day preceding, the day of, or the day after a national holiday. On the day preceding, the day of, or the day after a national holiday, no person shall explode or cause to explode any firework between the hours of 1:00a.m. and 8:00 a.m.
- (b) A person shall not ignite, discharge, or use consumer fireworks on property owned or controlled by the Township without permission granted by ordinance, resolution, or motion of the Township Board. Property owned or controlled by the Township includes but is not limited to parks, facilities, vacant land, and any other property owned by the Township or its authorities.
- (c) The Township Board may, upon application in writing on forms provided by the Michigan Department of Licensing and Regulatory Affairs and payment of a fee as established by the Township Board, if any, grant a permit for the use of fireworks within Township, subject to the provisions of the Michigan Fireworks Safety Act. A permit granted under this subsection is not transferable and shall not be issued to a minor.
- (d) No person may ignite, discharge, or use consumer fireworks on a lot upon which is located a dwelling which is registered under the Township's Short Term Rental Ordinance, Ordinance No. 0122-2018, other than the owner of the dwelling.

Sec. 2. Violations

A violation of this Ordinance shall be subject to a civil infraction, to which the following schedule of fines shall apply.

- (1) The fine for a violation shall be \$150.00, plus costs, for each infraction.
- (2) The fine for any offense which is a first repeat offense within a 12-month period shall be \$250.00, plus costs, for each infraction.
- (3) The fine for any offense which is a second repeat offense or any subsequent repeat Offense within a 12-month period shall be \$500.00, plus costs, for each infraction.

Sec. 3. Effective Date.

This ordinance was approved and adopted by the Township Board of the Township of Casco, Allegan

County, Michigan, on _____ 2018. This Ordinance shall be effective 30 days after publication of its contents or a summary of its contents in a local newspaper or general circulation in the Township.

NEW BUSINESS:

Comcast Franchise Agreement:

Allan introduced Timothy Collins, Regional Senior Vice President, with Comcast and explained that our Uniform Video Local Franchise Agreement needs to be renewed, this is at least 10 years old.

Tim explained that it is a standard agreement a lot like the one that has expired, if we agree to the same Terms the only thing that is different is the signatures. The services provided right now are internet, cable, telephone and home security.

Allan explained that one of the decisions we have to make at this time is, we have the right to charge them up to 5%, Allan didn't think there would be any video service provider doing business in Casco so he recommends the same as the last agreement with no existing Franchise Agreement an amount equal to the percentage of gross revenue as established by the Franchise Entity of **0%**.

Lu made motion to leave it at 0% and approve the contract. Judy supported.

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

Yeas: 5

Nays: 0

68th Street Culvert Washout:

Allan explained that we have a washout on 68th Street and he is waiting for a quote from the Road Commission to fix this culvert.

The road is closed because of this, I recommended to authorize up to \$22,000.00 out of the road fund to preapprove this.

A couple of months ago we agreed to pay \$16,000.00 in helping with the paving of Blue Star Hwy, that has been changed by engineering changes Casco doesn't have to contribute that \$16,000 anymore so we have that money that we won't be spending that could be used for the 68th Street repair.

Judy made motion to approve the \$22,000.00 out of the Road Fund to help repair the 68th Street culvert washout. Paul supported.

All in favor. Motion Carried.

Rental Resolution:

After talking with the Township Attorney, Ron Bultje, Allan said that if there is going to be a Referendum with enough signatures turned in to go on the Aug. ballot, therefore no zoning change and everything would be on hold, so the Attorney is recommending that we go ahead and pass a Moratorium with any body that is renting can go ahead and rent. We do have a Regulatory Rental Ordinance and he felt that there was no reason to not start enforcing the Regulatory Ordinance.

Allan read the Resolution.

EXCERPTS OF MINUTES

At a meeting of the Township Board (the "Board") of Casco Township, Allegan County, Michigan (the "Township"), held at the Casco Township Hall, 7104 – 107th Avenue, South Haven, Michigan, on the 19th day of March, 2018, at 7:00 p.m., local time

PRESENT: Overhiser, Brenner, Macyauski, Winfrey, Graff

ABSENT: None

After certain other matters of business were concluded, the following Resolution was offered by Board Member _____ and supported by Board Member _____.

**RESOLUTION TO RE-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, short term rentals have occurred in various residential districts in the Township for many years without being specifically addressed in the Zoning Ordinance; 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 studied the impact of short term rentals carefully and determined to address the practice in the Township through a Zoning Ordinance Amendment approved by the Board; and

WHEREAS, that Zoning Ordinance Amendment has not yet taken effect, because of the ongoing circulation of a petition to submit the Zoning Ordinance Amendment to a referendum vote of the Township electors; and

WHEREAS, whether or not the Zoning Ordinance Amendment takes effect, short term rentals may not completely disappear as a continuing land use in the Township, if the Township’s complete elimination of short term rentals would be considered illegal exclusionary zoning, or if the Township would be estopped from prohibiting short term rentals per its Zoning Ordinance after allowing them to operate in the Township for many years; and

WHEREAS, in the meantime, the Board adopted Ordinance No. 0122-2018, a regulatory ordinance to require the registration of and various other regulations for short term rentals in the Township, which Ordinance No. 0122-218 is currently in effect; and

WHEREAS, the Board previously determined that it was 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 reviewed the matter; and

WHEREAS, the Board now determines that it is still desirable to prohibit the enforcement of the Zoning Ordinance against short term rentals in the Township until the Zoning Ordinance Amendment pertaining to short term rentals becomes effective or is voted out by the Township’s electors; and

WHEREAS, the Board further determines it is desirable to immediately enforce Ordinance No. 0122-2018, to protect against potentially negative or harmful effects of short term rentals while they are allowed to continue operation;

NOW, THEREFORE, BE IT RESOLVED:

1. For the reasons stated above, the Board re-imposes a moratorium on enforcing the Zoning Ordinance against short term rentals in the Township until the Zoning Ordinance Amendment pertaining to short term rentals takes effect or is voted out by the Township electors.

2. In the meantime, the Board will enforce the requirements of Ordinance No. 0122-2018.

3. All resolutions and parts of resolutions are, to the extent of any conflict with this Resolution, rescinded.

YES: Overhiser, Winfrey, Macyauski, Brenner

NO: Graff

RESOLUTION DECLARED ADOPTED.

Dated: March 19, 2018

Cheryl A. Brenner, Township Clerk

CERTIFICATE

I, undersigned, the qualified and acting Clerk of Casco Township, Allegan County, Michigan, certify that the foregoing is a true and complete copy of a Resolution adopted by the Township Board at a meeting of Township Board at a meeting of the Township Board held on the 19th of March 2018. I further certify that public notice of the meeting was given pursuant to and in full compliance with Michigan Act 267 of 1976, as amended, and that the minutes of the meeting were kept and will be or have been made available as required by the Act.

Cheryl A. Brenner, Township Clerk

Judy asked what different options were recommended by Ron Bultje? Allan said there weren't other options recommended, 1st the passing of the Regulatory Ordinance and then the passing of the Zoning Amendment to allow renting and with the possible referendum we don't have any other options with zoning.

Judy thinks personally that the situation has changed that we should not do a moratorium and that we should recognize the Referendum.

Cheri said that is what the Letter of Intent is for.

Judy thinks the situation has changed because we understood and we all agreed to, that we want to protect from harm the many people who have rented for years. We have recognized that we have protected those who have been renting. In December of 16 the letter that went out from the Zoning Administrator to all potential people who are thinking of renting or are renting, that we are in discussion or in the process of doing to allow renting or not, so people were noticed that things may change. Also, we put in a Moratorium, initiated a Moratorium in Feb. 2017 with an expiration of October 2017, saying that this period of time renting is allowed giving us time to work on the renting issue. Judy continued to say, so all along there should not be across the board of reinstatement of a moratorium. She thinks it should be new rentals because we are protecting the people that are already renting, seniors, etc. that are depending on this renting for income, we have all recognized that. She thinks that moving forward until the process of a petition of being, she thinks we should put a stake in the ground saying that no more new rentals. We have allowed the grandfathering, we have allowed those who have worked hard to do proper rental, we need to stop it there and not just say there is nothing else we can do. She did agree that we should be supporting the new process but there needs to be a limit, some kind of a

constraint instead of this thing being open with no constraints. Judy also would like to understand the attorneys opinion of some kind of happy medium.

Allan asked Judy how are we going to figure out who is a new renter? Judy said that is up to us to figure that out, she doesn't know we can do that.

Allan said don't you think we should figure that out before we stop someone from doing it?

Judy thinks that as a board we should discuss these things and see what is possible. We are losing the concept of protecting people, let's not do more harm to the communities that have been invaded with renter problems.

Allan explained that we don't know who the renters are, except through the registrations, we know we will be getting knowledge this year by going through the registration process to try to prohibit some from renting and letting other people rent would be a problem.

Judy said that she isn't suggesting any solution. Allan asked what are you going to gain by doing this Judy? Judy said in the communities that have most of the problems, parking in Glenn Shores, having these huge houses, we need to slow the renting down.

Allan feels it has slowed down, the Board and the Planning Commission have tried to solve the uncertainty with renting, and how much are we going to spend to stop renting, if the referendum happens to fail then renting will be allowed.

Judy said that in 2016 she asked if we could do a moratorium and you said no and now were doing another moratorium. Allan said he doesn't remember that.

Judy doesn't feel we should leave it open like we did last year. Cheri stated that she thought it went fairly well.

Paul said we followed the process by going through the planning commission and passing the zoning amendment to permit renting and at the same time the board formed some special committees which Allan formed, and got input as to what issues everyone was having toward rentals and the effects of STR's. Through the results of these committees the board developed a Regulatory Rental Ordinance and feeling that this would be protecting not only the people that are renting but the people that are opposed to renting. The Township Board did adopt the Regulatory Ordinance, then the planning commission made a recommendation to the board to allow STR's, the board voted on it last month. It was determined that the township was going to allow STR's, then the process continues through the process of the referendum and the gathering of signatures for this to be a township wide vote. We will be enforcing the Ordinance which will force renters to register their property and contracting with Host Compliance will give us information about who is renting and will enforce when there are problems. Judy said she is objecting to re-installing the moratorium for rentals, and when is enough, we need to stop new rentals going thru.

Paul asked Judy how do you decide who is already renting and who is new rentals?

Judy said it could be through building permits, registration, she said she doesn't know how to do this. She also feels that we need to stop the building of these big houses on nonconforming lots that become rental houses. The people that want to build are told when they apply for a building permit of what the future is about renting, if they are planning on renting the home.

Allan's conclusion on the issue is nothing has changed, zoning ordinance that signatures need to be turned in for the referendum, nothing has changed from a zoning perspective. Judy agreed.

Lu made motion to approve the Moratorium Resolution. Cheri supported.

This is to impose a moratorium on enforcing the Zoning ordinance against STR's and to proceed in implementing the Regulatory Rental Ordinance.

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

Yeas: Overhiser, Macyauski, Winfrey, Brenner

Nays: Graff

Maureen Perideaux – Roads & Drainage:

Maureen Miami Park resident, stated that there is a multi-level issue, problems with ditches, the county drain, issues of lots of building going on in Miami Park, the erosion of the bluff, and this is very personal in regarding to her home. The County drain comes on her lot and she is constantly pumping water off her property, she said that ditches have been filled in or improper construction. Allan met with her and the Road Commission Engineer from Allegan County to discuss this problem, they are going to clean out some ditches this year. Maureen discussed the condition of the bluff and the quality of the soil in Miami Park that doesn't help the drainage problem.

Dave Campbell mentioned the drains in the ditches in Glenn Shores when in the fall the leaves clog up the drains.

Allan said the big issue is the bluff in Miami Park, the Township is going to have to work with the Road Commission to get some more things done.

PUBLIC COMMENT:

John Barkley asked for some information be put on the web-site from the planning commission.

Chris Barczyk asked how long the moratorium is for?

Allan said until the election August 7, 2018.

Lu made motion to adjourn. Judy supported.

Meeting adjourned at 9:20pm

Minutes Respectively Submitted by,
Cheryl Brenner, Township Clerk