

CASCO TOWNSHIP BOARD  
REGULAR MEETING  
6/19/17 @ 7:40 pm

Approved 7/17/17

CALLED TO ORDER: Allan called meeting to order @ 7:40pm.

Present: Overhiser, Winfrey, Graff, Brenner, & Macyauski & 29 other interested people.

Absent: None

**Public Comment:**

Maureen Perideaux – Presented the subject of Light Pollution and explained that excessive light can have environmental consequences for humans, wildlife and our climate. By joining International Dark Sky Association, you would help us protect our planet, save billions of dollars in wasted energy and connect future generations to starry skies. She mentioned that 5 ways you can make a difference:

1. Install lighting only when and where it's needed.
2. Use energy saving features such as timers, dimmers and motion sensors on outdoor lights.
3. Make sure your lighting is shielded so light shines down, not up. Encourage good lighting at your workplace, too.
4. Educate your friends and neighbors about the importance of good lighting for our health, economy and environment.
5. Join IDA and visit darksky.org for more information and free resources.

Maureen asked for the Township Board to consider adopting a Light Code for outdoor lighting control. Saugatuck Township has a Zoning Code Sec. 40-469 Outdoor Lighting Design Standards.

Allan said that probably this could be something that could be written into the Zoning Ordinance. Judy said that when she first got Maureen's email she asked if there is anything that has been done? Judy said that we cover lighting in site plan review but we don't include lighting for individual homes. Judy continued to say that Maureen presented this to the Planning Commission a few weeks ago.

Maureen said that Saugatuck has it part of their building zoning. Allan said this would probably be a zoning issue, but he really isn't sure. This is a question for our attorney to figure out and see what other townships have done.

Maureen said the PC was exceptive of it and they recommended her to present it to the Board of Trustees. She wanted to know what is the next step?

Allan said that we would have to find out how to regulate it. He also mentioned that the only complaints that he has had is Boardwalks lights at the entrance and a church that their lights were shining in the neighbor's home.

Lois Swartz-

Presented in writing to the Planning Commission and she appreciates that this was sent on to the Board of Trustees. Lois read to the Board the following:

June 14, 2017

Meeting after meeting, both the Township Board and the Planning Commission have wrestled with the subject of short term vacation rentals. I sit in consternation that these official bodies have deluded

themselves with the wishful thinking that last year's court decision in a case successfully brought by Sunset Shores residents against a commercial renter does not apply to our entire township. This legal decision is in line with court decisions across the state, yet our township officials, after all this time, remain either oblivious to or have decided to be defiant of the legal ramifications. In either case, our township officials are putting the township in a legally vulnerable position.

I have heard officials say that rental has historical precedent in Casco. That is correct. However, there are different types of rental. I well know that over the years, people rented cottages here during the summer, but that rental was not short term. People rented for several weeks at a time, often for an entire summer. Those people became part of their communities, often returning each year, and sometimes purchasing their own summer homes. That type of rental, for one month or more, is legally defined as residential rental. Short term vacation rental for weekends and single weeks is a newer phenomenon here, and this is why Casco officials can say that there didn't used to be complaints. I have heard Casco officials say that we have to distinguish between the "responsible renters and the irresponsible ones," that we just have to regulate the "bad behaviors." Short term rental problems are not a matter of responsible or irresponsible landlords or good or bad behaviors. The numerous problems are a manifestation of the frequent turnover inherent in short term rental. This is a reality caused by purely commercial rental interests imposing their model residential community and the refusal of our township government to protect its own residents and enforce its own abiding credo enshrined in its Master Plan which clearly frowns upon transient activity.

Now we've had a citizens' group of residents and some landlords working together to hammer out some behavioral guidelines, a good-neighbor policy. We're like hamsters on an ever-turning wheel! Earnest and sincere though these efforts may be, they are ludicrous, for these guidelines are voluntary and there is no structure of meaningful enforcement. How silly we are to continue these efforts in the face of an eight-month moratorium on enforcing what the township has apparently refused to enforce in the first place – its own Master Plan. Residents are told to call 911 and resources of emergency responders should not be used for the problems caused by rentals. These are not life or death issues, but they are strenuous challenges to the enjoyment of everyday life. The regulations being proposed are not easily enforced. The township does not have the infrastructure, personnel, or funds to adequately handle these problems.

Shall I have confidence that my township officials on the Planning Commission and the Casco Township Board will do right by its citizens? Full time residents invest in and maintain their properties for their enjoyment and are perfectly aware that we live in an ideal summer environment. Summer residents have a tremendous investment in this residential lifestyle, considering that they are subject to taxation without representation. Yet the township has, so far, refused to protect full time or summer residents. somehow the commercial renters have more clout. They have been allowed to impose their businesses on our communities even though they are the cause of numerous problems. When the township issues a building permit for a single-family residence, isn't it the township's responsibility to see to it that the permit is being used lawfully?

If the township wants to encourage tourism, there is certainly no objection to additional B&B's, perhaps a hotel, or even a resort. These would-be assets to the tourism desired. These all would have special

use permits, be supervised, would have to adhere to the regulations to their type, but they wouldn't infringe on the residential character of the township. Residents have a right to expect that the township will adhere to its Master Plan. Residents have a right to expect that township officials will not change ordinances to suit a minority of special interests to which the great majority would be subject. Residents have a right to expect that township officials will do right by them.

Casco should not think it is above the law. Casco should not be leaving itself vulnerable to costly and unnecessary legal action which is sure to come if it proceeds to condone short term vacation rental. Casco should, instead, enforce its own Master Plan as it stands, and Casco should protect its residential character, and the rights of its citizens.

Thank you for your attention,  
Lois Swartz

Callander introduced herself and she said she is the owner of her own business and it is the largest commercial investment business in Grand Rapids. For 35 years she sat on several investment boards and she taught for the National Investment Real Estate for 10 years. She said that she feels she can speak with regards to commercial property and that is why she is at the meeting tonight. She stated that she sells all commercial property. If you have residential property you must get an occupancy permit if you rent your property, even if it was commercial. The party that owns the property next to them is owned by a residential company. She stated

Laura Townsend-

Laura introduced herself, she said she doesn't have any special designation, she has been to a lot of these meetings for quite some time. Laura said someone said at one of the meetings that they have been a part of this community for 71 years and that they use to rent this and that. I have three children, my husband and I purchased a cottage, we live in Kalamazoo, I manage the property. She cleans the cottage, she screens the renters, and to say that property owners that rent are raking in the money is outrageous. To say that two months out of the year is problems, Laura said this is just not the case. Laura rents to family's' that are like their own and several people around me do the same thing, they meet their renters when they arrive. This lakeshore was developed this way and go to the masterplan, yes, the master plan says a lot of stuff, it also mentions low density in these neighborhoods, these are small lots, this is something that you should factor into this. We spend a lot of our time at our property here in Casco and they also share it with people that they know. To say that all these people are carousing is not true. If you have a problem you should deal with the problem to solve the issue, you shouldn't have to put up with this. Laura said she pulled the police reports for 2 years and the facts don't show that there have been all these problems that we hear about at the meetings. Laura mentioned that she has 4 children and she works very hard to teach them responsibility, they have invested money and time in this community and for the next five years they will rent their cottage until they don't have to. There is a lot of other people that are doing the same thing managing the property themselves until their family is raised and don't have to rent anymore.

Laura stated that there is a way to do this responsibly, we purchased a home that was very dilapidated for years and they put their blood sweat & tears into the cottage and it is now a beautiful home, it is

small only 1,200 sq. ft. and they have probably increased the value of other homes in the area because of this.

Mary Campbell-

There was a very similar situation in South Haven when they put in the Moratorium for rentals the only thing that they did wrong with it, they also put in a moratorium put they stopped the building of the large homes. There was a doctor coming to South Haven and he wanted a 5-bedroom home, he had to go to one of the city commissioners and sign an affidavit that he was going to live in the house for five years and only his family would occupy the home.

Mary thought that maybe Casco could do something similar to the City of South Haven and put restrictions on the size of homes to be built in Casco.

Doug Nickerson-

Doug questioned the fact that there is a house being built right now that houses 15 people. Doug mentioned that he received an email from Alfred about how the law is changing and yet there is a house that was just modified and they can sleep 15 people. When Alfred gave them their building permit did he think that there was a family of 15 people in that house. It is so obvious that the house is a rental house. Allan said that the only thing he can tell you is he is administering what we have. If you want to change it then we can change it. Doug said that you continue to build big homes. Allan said that Mary's point was we could consider doing something different.

Chris Barczk-

Chris stated that you're having residential neighborhoods and your bringing these permits in and allowing that and you say that Alfred is administering what we have. For the last several years that these homes are being built and yet Alfred says we can't enforce the issues that we have. He said were not administering these homes, the judge told you what the rules were, your master plan explains it, you're not administering them and Al is not being told that is the fact, by some of the board members here that commercial is not his concerns. I bought into a residential community, Chris said he spent millions of dollars moving and the township has taken that residential area away from him and now he lives in a commercial neighborhood. Chris said that him and Allan had a discussion at the last board meeting regarding Mark Woodhams property and masterplan, zoning and rights. You were very adamant about the agriculture rights and your feeding your family. Chris said that he bought into a community in a residential neighborhood and you didn't think about him providing for his family. If I can't sleep because there is a party going next door or a block over, that is not what I bought into. He stated he bought into a residential neighborhood, not commercial. We have spent all this time and effort to review to make commercial fit and pushed residential against the wall. The township is spending all this time to allow commercial activity in a residential neighborhood.

## **REPORTS**

Clerk-

Minutes of 5/15/17 were presented for approval. Paul made motion to approve minutes. Lu supported. All in favor. Motion Carried.

Cheri stated she had received an email from Sally Brooks, Allegan County Treasurer, that the State has a new program:

**Step Forward Michigan Program Offers Help to Struggling Homeowners**

**Financial troubles can strike suddenly. An unexpected expense, sudden job loss or medical emergency can make it hard for a family to pay the mortgage or the property taxes.**

**Fortunately, the statewide Step Forward Michigan program can help eligible homeowners by giving them the money they need to get current on their property tax, mortgage, and condominium fee payments. Michigan received over \$761 million in federal funds to implement Step Forward. To date, more than 32,000 homeowners statewide have received assistance from the program, and more than \$40 million in funds remains to be tapped statewide.**

**“Our goal is to help residents facing foreclosure to stay in their homes and this program helps qualify homeowners do that”, said Treasurer Sally Brooks. “Step Forward Michigan provides interest free loans of up to \$30,000 to help homeowners catch up on delinquent property tax, mortgage payments, and condominium fees. The loans are forgivable at 20 percent each year, if the property remains the homeowner’s primary residence. If the homeowner is still in the home after five years, the loan is completely forgiven.”**

**To qualify for assistance, homeowners must have experienced an involuntary hardship that caused the delinquency and have enough income to cover their future mortgage and property tax payments once they are caught up.**

**Treasurer Brooks stated, “Foreclosure is destructive to families and neighborhoods, bad for the economy, and damaging to property values. Step Forward Michigan has been instrumental in helping many Allegan County residents get caught up, get back on their feet, and keep their homes.”**

**For additional information on the Step Forward Michigan program or to see if you qualify, please contact the Allegan County Treasurer’s Office at [treasurer@allegancounty.org](mailto:treasurer@allegancounty.org) or (269-673-0260) or visit the Step Forward website at [StepForwardMichigan.org](http://StepForwardMichigan.org).**

Treasurer-

The balances for all accounts are as follows:

|                            |         |              |
|----------------------------|---------|--------------|
| General Fund               | balance | \$612,396.14 |
| Parks Fund                 | balance | \$ 44,680.97 |
| Senior Services Fund       | balance | \$ 48,004.69 |
| Fire Dept. Fund            | balance | \$616,436.84 |
| Road Fund                  | balance | \$337,392.61 |
| Police Fund                | balance | \$148,513.34 |
| Cemetery Care Fund         | balance | \$116,629.80 |
| Collected Tax Acct.        | balance | \$ 513.92    |
| Lakeview Sewer             | balance | \$ 23,411.36 |
| Lakeview Water             | balance | \$ 7,333.74  |
| Lakeview Paving            | balance | \$ 61,999.23 |
| Pacific Sewer              | balance | \$ 31,530.83 |
| Pacific Water              | balance | \$ 63,508.59 |
| Orchard Sewer              | balance | \$ 31,726.28 |
| 102 <sup>nd</sup> Ave. SAD | balance | \$ 93,510.12 |

Lu made motion to approve the following:

|              |                    |                  |              |
|--------------|--------------------|------------------|--------------|
| General Fund | Orders#24402-24445 | in the amount of | \$ 34,433.39 |
| Parks Fund   | Orders#907-918     | in the amount of | \$ 2,357.15  |
| Seniors Fund | Orders#624-628     | in the amount of | \$ 4,423.23  |
| Police Fund  | Orders#177-179     | in the amount of | \$ 6,530.19  |
| Fire Fund    | Orders#3948-3950   | in the amount of | \$110,158.57 |
| Road Fund    | Orders#1123        | in the amount of | \$ 77.24     |

Cheri supported. All votes in favor. Motion carried.

Judy Graff asked if she could interrupt and throw off the agenda? Judy said sitting here listening to our residents feed-back is a challenge to us as a board, listening to Cheri talk about a State Program to help people stay in their homes. Our residents complain to us how are we going to help them in their homes in residential districts for peace and quiet that they bought into. The life line of any community is its full-time residents. Full time residents maintain value that we all live by here, it is full time residents that support the community not just two months out of the year support Jan., Feb., March, April, May, June, July, August, September, October, November, and December. Without full time residents, we wouldn't have a community, we wouldn't have volunteers for our Fire Dept. or our Police Dept., or our Hospitals, schools, or our churches, we owe a lot to our full-time residents whom make a community. Everything in a community should not be based upon where can everybody make money? Judy stated that she is challenging us as a Board and Planning Commission to do what is right for our community. Judy also said that we have been talking about this issue for a year now the court case ended in June last year we are all struggling I understand that. But who put us in this situation for being responsible for Casco, our voters, our residents, we need to pay attention to their needs and their requirements to live in residential districts the way the law says.

Allan responded to Judy that we are following the process, that you know very well Judy, last December we signed a petition to bring this to the Planning Commission, and it isn't an easy thing to do. Judy for you to say that this board doesn't care about full time residents that is crazy, if we didn't care we would have fixed this last August.

### **OLD BUSINESS**

#### **ROADS**

Allan anticipated in having a resolution for the road millage to be this month but our attorney has been on vacation. So that isn't here yet and the budget tonight we need to approve it. Allan said everyone has had a chance to look at it and discuss it so we need a motion to secure the budget of 2017/2018 budget.

Lu made a motion to secure the 2017/2018 budget. Judy supported.

Roll call vote:

Paul, Yes, Lu, Yes, Judy, Yes, Allan, yes, Cheri, Yes

Yays: 5

Nays: 0

All in favor. Motion Carried.

### **New Business**

#### 1. Zoning ordinance updates-

Judy had some concerns about Zoning Ordinance updates, Allan thought that the board needs to consider the cost of updating, how often, and talk to some other townships on their process of handling updates. Allan said he would like to have that discussion in July.

#### 2. Beach St. SAD, \$361,200.00

Beach Street Special Assessment District was presented a few months ago and at that time the board decided to send out letters to everyone on the list and we expanded it all the way to Blue Star Highway. We have received a few more petitions that were in favor of the project. It is pretty much the same district with the exclusion of the properties hooked up to the private system. The State of Michigan owns a lot there that we can't assess and the ones running along Blue Star Hwy, it would be difficult to serve them. This will probably have a water loop system that will go across Blue Star. The estimated total cost for this project is \$361,200.00 which includes water and sewer. Judy asked how many properties are on this project and Allan explained that all the dark properties on the map are the property owners that signed a petition.

There are 70% of property owners that signed petitions.

Allan asked for a motion to move this SAD forward and have our attorney start the paper work. Lu made the motion to start the process of Beach St. SAD. Paul supported. All in favor. MC

#### 3. Increase cost of living for paid part-time employees.

Allan recommended a 2% cost of living raise for part-time employees.

Lu made motion to give part-time employees a 2% cost of living raise effective July 1 except for Ruth. Paul supported.

In May the board agreed to give Ruth Hewitt a \$2.00 an hour increase, effective July 1.

#### 4. 5-year recreation plan-

Pam mentioned that last Wednesday the Park & Recreation Committee had a public hearing. There was a notice in the paper about the 5-year Plan and 30 days after that a public hearing. It also has been on the township website and copies on the counter for anyone to review it.

Judy said she missed this last month when this was presented but she does have a question that the numbers don't match with the table of contents. Pam said they should update the plan for different things when things happen.

Judy said on **page 18** she feels it is important when you talk about the millage that it also has dollars in there for security, also, not just for the operation of the park.

Judy mentioned **Page 19**. Relationship with the School District the Safe Community – Sharpe park. Judy thought that the Sharpe Park should be removed. Pam said the last time she checked the School System still listed the Sharpe Park still belonged to them.

Judy also said that on **Page 23** the Map is upside down. Only on Judy's copy.

Judy also mentioned on **Page 37** when the grant is mentioned, it is important to identify the Casco match, how much money Casco Township put up to match the funds. Pam said she would have to put that on another page, this page is for the DNR Grant. Rudely Judy interrupted Pam and said she would like to see how much money the township invested in the project. She thinks that it is very important to let the public know what the township spends to support this project.

On **Page 39** Judy asked Pam what the change was, Pam said it was from the previous 5 years that we combined a few to rule out, there are three water trails now so they added those into the goals.

On **page 43** Judy would change the priorities in the action plan section she would list the Casco Hall as 1<sup>st</sup>, 2<sup>nd</sup> 1<sup>st</sup> street Beach stairs, #3 The Preserve and the rest the same as they are.

**Page 20** Judy didn't understand what this is about.

Judy would like the date of the survey in the 5-year plan.

Judy said she is looking for a specific plan.

Paul commented that the park committee spent a lot of time on the priorities and he feels that the committee worked so hard in hammering out the plan, and he feels that we should move ahead and leave things as they are. Judy said her key point was the Preserves should not be the only place we spend money on, the 1<sup>st</sup> street stairs have been there a long time, residents have complained about the condition of them. To replace these stairs the .25 mill will not be enough, it would have to be a grant. Pam said it would be at least \$100,000.00 or more to replace them.

Resolution 2017/2021

**Resolution # 061917-6**

**Adoption of the Casco Township Five Year Community Recreation Plan (2017-2021)**

WHEREAS, the Casco Township Board of Trustees has reviewed the Casco Township Five Year Community Recreation Plan (2017-2021) drafted by the Casco Township Parks & Recreation Committee with the assistance of PM Blough, Inc.; and

WHEREAS, after due notice in the South Haven Tribune, a paper of general circulation in the Township of Casco, a meeting was held on June 13<sup>th</sup> at the Township Hall (7104 107<sup>th</sup> Avenue) for the purpose of hearing comments related to the Township's proposed recreation plan; AND

WHEREAS, written comments and feedback were solicited, received, and considered during the public hearing; AND

WHEREAS, the public was provided at least 30 days of open public comment as required by the Michigan Department of Natural Resources,

WHEREAS, public opinion was incorporated into the planning process and draft plan;

THEREFORE BE IT RESOLVED that the Casco Township Board of Trustees authorizes and adopts the Casco Township Five Year Community Recreation Plan (2017-2021) dated June, 2017.



Resolution moved by Winfrey and supported by Graff:

Ayes: **Graff, Macyauski, Ovehiser, Winfrey, Brenner** Nays: **None**  
Absent: **None** Abstentions: **N/A**

The Supervisor declared the resolution adopted.

Dated: June 19, 2017

\_\_\_\_\_  
**Cheryl Brenner, Casco Township Clerk**

**CERTIFICATE**

I, the undersigned, the duly qualified and acting Township Clerk of the Township of Casco, Allegan County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting of the Township Board held on the 13<sup>th</sup> day of June 2017. I do further hereby certify that public notice of said meeting was given pursuant to and in full compliance with Michigan Act 267 of 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Lu made motion to approve said Resolution. Judy supported.

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

Ayes: 5

Nays: 0

5.Additional Landscaping

Lu approved of up to \$1,000 in additional landscaping. Paul supported.

All in favor. Motion Carried.

Allan said he got a complaint about Columbine that the residents aren't happy with the service.

7/29/17 At the Fire Station there will be a household hazardous waste. From 9:00 to 12:00noon

Paul mentioned that Rachel Ridley is savvy with Facebook for the Park & Recreation to stay in touch with things that are going on.

Lu made motion to adjourn. Paul seconded.

Meeting adjourned @ 9:45pm.

Minutes Respectively Submitted by,  
Cheryl Brenner, Township Clerk