

**Charlevoix Township Board
Minutes of Special Meeting
Via Zoom**

March 8, 2021

At 7:12pm

The Charlevoix Township Board Meeting was called to order by Supervisor Kochanny with Board Members Stewart, Ulrich, Williams and Witherspoon.

Others present: Dave Christianson, Dan Thorp, John Jarema, Bob Jess, Matt Flynn, Dan Riley, Margo Johnson, Rich Brewer, Gloria Cahill, Maureen LaBlance, Jack Turner, Debra Ferrier, Keith Korth, Carol Martin, Terri Minor, Emily Selph, Abe Dhaseleer, Paul Nowak, Shelly Diss, Lauren Avichouser, Tom Siegel, Raymond Bzymek, Chris __, Carol Gagnon, April Sanders, Justin Perkins, Sherry Sproul, Maryann Eringher,

The minutes of the Special meeting held February 1 and 3, 2021 were accepted. Stewart made the Motion to approve the minutes with Williams supporting. Minutes were approved.

The financial report was given by Treasurer Williams. As of the end of February, the General fund was \$701,891.10, the Water Department, \$53,514.23, Fire Department \$48,475.92, Trust and Agency \$136.17 and Fire Department Bond Retirement Account: \$155,034.76. The Budget with expenditures to date was discussed. Marlene Golovich became the deputy clerk and Annie Burnett will now work with the Township to do record maintenance, which would require taking money out of employees/trustees salaries and move it to a new line item for records maintenance. Witherspoon made the motion with Stewart supporting, to adjust the budget by moving \$4,000 to a new line item under record maintenance. Motion passed unanimously. **(M-14-21)**

Water Department: Dan Riley reported that it was slow couple months. Todd has completed list of ages on mains, construction type and what they are made out of, to help identify where to focus on replacement. Annual pumpage report was submitted to the State. Currently working on cross connection report. Consumer confidence report will be posted to the website later this month once it has been completed. Getting ready for the MDOT highway project, which will replace 3800 feet of our water main. Talked with company that designed the PaBaShan well site. Planning hydrant flushing in late Aril and early May; Casey and Justin are testing for water license and Dan will be testing for next level up on water license.

Fire Department: Nothing at this time.

Zoning: Nothing at this time.

Public Comments:

Bob Jess spoke regarding the recreation marijuana ordinance. The status of the proposed recreational marijuana ordinance and the position of opting in or opting out. At this time, the Planning Commission has not received a proposed ordinance to review.

Matt Flynn spoke regarding his concerns about that the public hearing set for tonight on the on the matter that the planning commission did not hold a public hearing on first. Mary Ann Ehinger also voiced concerns on the matter. It was explained that the proposed ordinance is a non-zoning stand-alone ordinance and a public hearing is not required.

Old Business:

Water Main Breaks: John Jarema discussed the issue of the two water main breaks. He met with Dan Riley to review files. Will be drafting communication to the parties requesting insurance policies and will seek the board's input after receiving a reply.

New Business:

Aerial Imaging: Emily Selph with the Charlevoix County Equalization Department was present to discuss Aerial Imaging which would take place in the spring. The State coordinates the aerial imaging every 3-4 years and offer upgrades. To be able to purchase the upgraded imaging, she is looking for a contribution up to \$2,000. The total project cost is \$37,000, with all townships participating except Chandler and Norwood participating. Witherspoon made the Motion with Stewart supporting to pass **Resolution 21-001**, Motion passed unanimously. **(M-15- 21)**

Parks and Recreation Director: Seeking to streamline reservations for all of the fields, pavilion and courts, looking to appoint Justin Perkins as parks and recreation director for Charlevoix Township. Stewart made the motion, with Williams supporting, to create the parks and recreation position and appoint Justin Perkins as the director. Motion passed unanimously. **(M-16-21)**

Regular meeting was suspended at 7:51pm

Public Hearing on the proposed Short Term Rental Ordinance for Charlevoix Township

Matt Flynn: asked for clarification of the classification of the ordinance; Stated that he is for the Ordinance. Brought up that short term rental houses are non-homestead and would incur higher taxes than non-homestead. Brought up the long term resident neighbors who park in the street. He agrees with inspections; feels that the first time offense is excessive. Feels like it should be looked at a little better and that the Planning Commission should have had a public hearing, take all of that information and vote on it next month. Feels that the proposed ordinance is copied from Hayes Township ordinance.

Shelly Diss: feels that not all owners will be take control over renters, which is where the Ordinance will help. Believes that fees are not out of proportion.

Mariann Eringer, discussed wanting the strongest possible ordinance. Discussed the lack of sidewalks at Pine Point and the difficulty parking makes it to get around. She spoke about the over taxing septic system. Brought up the fact that if the home is a primary occupancy and rents house for two weeks, it is not considered a short rental. This ordinance has been discussed for a year now and hopes that the ordinance becomes effective soon.

Debra Ferrier: In favor of the ordinance and feels that the proposed \$250 per bedroom and parking space per bedroom is excessive.

Rich Brewer, not opposed to a short term rental ordinance but feels that the proposed ordinance is overly restrictive for example: defining an adult as 13 years and older; concerned about 1 parking spot per bedroom, annual inspection and \$250 per bedroom per year inspection fee. Feels the ordinance needs to be refined and done in consideration of community input

Dan Thorp spoke regarding parking issues at short term rentals; accurate contact information is necessary in case of emergency.

Gloria Cahill, spoke about her concerns about noise levels, golf carts and the dangers blocking streets, wedding parties; campers and church retreats. Feels there is one house in Pine Point that is an actual 3

bedroom house and rented as a 7 bedroom home. Worried about children driving golf carts on the streets.

Maureen LaBlance spoke regarding her concerns – she feels like she is living next to a motel/hotel, requirements for amount of guests are needed, would like the ordinance to not allow campers, boats, and pets and limit amount of cars. Feels that beds in a basement should not be considered a bedroom; there is overuse of the septic system. She believes that short term rentals are ruining neighborhoods. She also mentioned that hotels/motels in Charlevoix are closing down or are for sale due to the amount of STRs in the area.

Sherry Sproul, voiced concerns regarding parking. Approves of the proposed Ordinance. Feels that they are a commercial business and the fees are warranted.

Abraham Dhasleer, owns a rental house on Central Avenue, discussed the fees on the proposed application and feels that the annual inspection requirement is excessive. He feels the 30 minutes response time is not enough and that a 30 day suspension for the first violation is excessive as well. Agrees that three emergency numbers is a good idea. Mentioned that long term residents have parked in the road as well. Feels that many of the issues that the neighbors have could be solved by a phone call.

Lauren Avichouser is in favor of the ordinance. Feels that Charlevoix economy needs these rentals to bring in visitors to the area. She has a strict rental agreement that limits and controls problems. Also brought up the issue with parking of long term residents.

Gil Miller spoke, feels that we have a lot of good meaning/interest here. Believes that everyone should get together to work on the Ordinance.

Keith Korth, has given his neighbors his contact information. He has purchased this house for a planned retirement house and tries to be a good neighbor. They have a strong rental agreement and feel they have done a good job mitigating problems. Feels an ordinance is the right way but not sure if this is the right one.

Don Sproul, believes that the Township should go further with their Fire Works Ordinance and enforceable by the Sheriff's Department.

Public Hearing was closed at 8:44pm. Regular meeting was resumed

Supervisor Kochanny discussed enforcement of the Ordinance. All laws have discretion as to how they are enforced. The language states that they may be suspended – discretion is built in to the wording. Looking to have compliance of the Ordinance not punishment. Believes that the Township needs to get something in place and modify the Ordinance as needed. Doesn't feel that matter should be put off until 2022 and needs to be in place for the summer and have regulation of STR. Proposed a \$150 per bedroom fee and an every other year inspection.

Sandra Witherspoon suggested a work session to "tidy up" the issues. Feels that the concerns should be looked at further and discussed and/or altered before a vote. And concerned about commercial businesses in a R1 district.

Kate Stewart: Inquired if the Ordinance were voted in tonight, could changes be made in the future. Feels there are enough concerns on both sides and that there needs an ordinance with teeth to make it enforceable but that can be adjusted down the road, if needed.

John Jarema: The matter is up for discussion. It could be voted on tonight, modified tonight or it could be tabled. Discussed that the first violation wording states that it may be suspended. Looking for compliance not for punishment of the ordinance.

Dan Ulrich: Inquired if it be voted and put in place as of January, 2022.

Theda Williams feels that we need to move forward. The concerns she is hearing is that the fees are too tight; violations are too strict; inspections are too often. Feels that the essence of the Ordinance is good. Would be willing to amend to a flat fee of \$400 and go to an inspection every other year. She suggested passing the ordinance with a few amendments. Discussion followed.

Dan Ulrich gave an overview on how the planning commission came to the ordinance as presented.

RESOLUTION 21-002; Williams made the Motion with Stewart supporting to approve the Short Term Rental Ordinance with amendments of \$150 per bedroom and an inspection every other year, Williams, Ulrich, Stewart and Kochanny were in favor and Witherspoon was against. Motion passed. **(M-17-21)** If there are short term rental contracts already completed that are in violation of the Ordinance, the owner must show proof of the contract at the time of submitting the application and compliance of the Ordinance is expected going forward.

Supervisor Update: Getting ready for spring cleanup, dates will be on the website soon. Talked briefly regarding short term rentals; Working on the authority for EMS, the paperwork has been submitted may be established in April.

Stewart made the Motion, with Ulrich supporting, to allow the clerk to pay the bills. Motion carried unanimously. **(M-18-21)**

Public Comment: None

Announcements: Recreational Marijuana Ordinance will be looked in April.

The meeting adjourned at 9:18pm

Respectfully submitted,
Mindy Joy, Recording Secretary