

**Ontwa Township Planning Commission
Cass County Michigan**

Wednesday, May 5, 2021
7:00 PM

VIA ZOOM
815-1864-6231

Members on Zoom: Chris Marbach – Chairman, Sandra Seanor-Secretary, Mike Mroczek, Don Delong, Richard Gates, Robert Thompson -Vice Chair, Dawn Bolock, and William Mahaney.

Members Absent: Shane Szalai

Minutes Recorded By: Brigid Forlenza

Chair Marbach called the meeting to order at 7:00 PM.

1. **Pledge of Allegiance**
2. **Agenda Approval:** Motion made by Sandra Seanor to approve agenda as presented seconded by Don Delong. All in favor, motion passes.
3. **Reading and approval of past minutes:** April 7, 2021. Motion made by Dawn Bolock to approve minutes with change to #8 = IMPC should be IPMC (International Property Management Code) seconded by William Mahaney. All in favor, motion passes.
4. **Land Divisions:**
 1. Lois Myers – 24468 North Shore Drive. Zoning Administrator – there were issues with property paperwork and survey.
Chair Marbach – requested if the tax clearance form had been obtained.
ZA Krempec responded he will check.
Representative Ron Weinberg offered no comments regarding this.
Mike Mroczek noted a sewer hookup will be required.
Motion made by Sandra Seanor to approve land division subject to tax information receipt seconded by Don Delong. All in favor – motion passes.
5. **New Business: Short Term Rental**
 1. Ordinance to Board of Trustees. Chair Marbach requested recording secretary read memorandum from Andy Moore of Williams and Works (Ontwa Township Planner) Attachment #1 to minutes.
Sandra Seanor named members of Ad Hoc – Zoning Ordinance Review Committee.
Chris Marbach – Planning Commission Chair, Jeff Brown – Zoning Board of Appeals Chair, Dawn Bolock – Planning Commission and Board of Trustees, Sandra Seanor – Planning Commission and Zoning Board of Appeals, Leroy Krempec Zoning Administrator, Jerry Marchetti – Ontwa Township Supervisor. Planner Andy Moore – Williams and Works unable to attend tonight. Sandra Seanor offers to answer any questions.
Chair Marbach requests questions from Planning Commission members before opening to public.

Mike Mroczek – When was the letter sent out that Andy refers for VRBO and Airbnb persons?

Zoning Administrator Leroy Krempec said letter was sent out Monday the day the phone call was received from Andy Moore.

Tim Leman responded he received the letter today.

Member Don Delong #5 rental must be 7 to 29 days. How does this work?

Sandra Seanor example if you rent for 3 days must wait until 7 days are up to rent again. This reduces in and out of people. It is about how this effects residential neighbors.

Mike Mroczek – This is a Police Power Ordinance. How many Police Power Ordinances do we have?

Sandra Seanor – Police Power ordinance as it is about health and safety.

Mike Mroczek – Questioned is Chief Westrick on board with this?

Dawn Bolock responded they will respond like any other complaint.

Mike Mroczek – This ordinance is seven pages long. This will take administration.

Sandra Seanor – This is complaint driven.

Mike Mroczek: Feels most common complaints will be noise and parking which have no fines.

Chair Marbach – Fines are under #3. As to first question – The ordinances on website are police ordinances except Zoning Ordinances, Master Plan, Zoning and Wetland map.

William Mahaney – If police find infractions who assesses the fines – the police department or Ontwa Township.

Sandra Seanor – Zoning Administrator Leroy Krempec will assess the fines.

William Mahaney – So the police must give the information to Leroy, and he will assess the fines?

Jeff Brown – If the registered agent is contacted and issue is solved there will not be a fine. If not corrected in timely manner, then Leroy will get involved.

Sandra Seanor – I will say some townships have been very restrictive. We are trying to maintain safety and number of people in house is based on Michigan's construction code and IPMC code.

Chair Marbach the application process is basically filling out information, so we have the contact information and proper insurance.

Jeff Brown – Wants to make it clear that the seven-day standard came from a supreme court ruling from the State of Michigan. It has been a published case that less than seven days is a commercial use like hotel/motel. So, the seven days came from the supreme court ruling.

Sandra Seanor – What we are looking for from the Planning commission is a recommendation to the Board of Trustees because it is a Board of Trustees ordinance. The zoning working group did the work.

Chair Marbach opened meeting for public comments @ 7:27 PM.

Marc Donati – Owns a home on Eagle Lake. He was caught off guard regarding this and was just made aware of it today. He will have to increase price as he often tents less than 7 days. Why was this written? Police would respond to complaint without this ordinance. He has lacked in police action and has had his vehicle broken into. Have there been issues that has made this come before the board?

Jeff Brown replied it is not issues they have had. It comes from people living near VRBO's. The township consulted with Andy Moore, Williams and Works. VRBO's are against the township ordinances. He advised them to ban them, regulate them, or look the other way. This is to protect neighbor's rights and we are being proactive. This is for the health and safety of the community.

Dawn Bolock – The numbers are growing and yes, the police will come as this is complaint driven.

Sandra Seanor – Police issue and what is required of applicant is to make sure you have an agent of record for the police to have contact ability. Police can contact this agent to get the problem resolved.

Marc Donati – There were no issues that made this happen, the township is getting in front of it and the seven-day deal is a supreme court ruling? He feels there is a bigger problem on the lake with kids on jet skis than there are with renters. The added cost is \$250 per year for inspection?

Sandra Seanor responded the cost for inspection could be \$250 or \$300.

Jeff Brown – Inspector looks for health and safety issues as listed in ordinance. This is to protect renters, landlords, and community.

Dan Stutsman asked who will police the 3 days vs 7 days.

Chair Marbach – The neighbors will and call police or zoning administrator.

Jack Leman – His concern TJ Property Valet is with less than 7-day rentals. How can people explore if they cannot explore less than 7 days?

Jeff Brown – The 7 days is a court ruling. We went with 7 to 29 days.

Chair Marbach – Guests can stay 3 days, but you cannot rent again until the 7 days are up.

James Solarec – TJ Property Value and Lake Rentals. They have two properties on Eagle Lake. They use this to help guide youth with work and mentoring. They want to employ Cass County youth. They have kids lined up for the summer and they pay them to work. They pay them one hour a week not to work but to be mentored. Let them experience a paycheck. He

appreciates clarification. How were they supposed to know about this tonight, when there was miscommunication about when the letters went out? He was never notified and requests time to review. This seems rushed and secretive. He has issues with occupancy issues and length of stay. There was not much time to review and have input. Who determines this is a violation? Some neighbors are and some are not supportive. Wants the occupancy to be higher. His recommendation is that this is tabled for further discussion to answer questions and not rush this.

Sandra Seanor – The occupancy numbers we identified are from Michigan Construction code – this is not arbitrary. This is a Planning Commission meeting, but this will go to the Board of Trustees in May or June.

Jeff Brown – The speed of this ordinance is because bookings for this summer are in violation. This will be in front of the Board of Trustees. The longer this takes, you should not be renting your property because you are in violation of the code.

Chair Marbach – Lastly the Board of Trustees hears this it will be an open meeting and you will be able to discuss this with them as well.

Dawn Bolock – Confusion regarding the letter but it was on website. We are trying to work with you not against you.

Mr. Solarec - When was this posted? With this being posted on Monday and receiving the letter today it is rushed and not a fair notification.

Jeff Brown – We tried to get letters and notices out in January. The draft took months, and the lawyer Catherine Kaufman approved the letter Monday. They were also going to have Andrew Moore from Williams and Works read the memo, but he could not attend. That is when we went ahead and released the memo.

Tim Leman – What court case are you referencing? Reaume is one that is often referenced.

Jeff Brown – Responded he will look it up and share.

Tim Leman – The thing that concerns him is how many people have rented. Lakeview is rented through October. Can this be enacted post this season? This messes with people's vacations and will kill them financially. VRBO keeps deposits from people, and he is totally booked up.

Dawn Bolock – Responded no one is asking them to change this. Going forward this would apply.

Sandra Seanor – The letter was to make them aware. The interest is this move forward. Making sure the Board of Trustees has the best information for this ordinance. No one is interested in beating you up the first year. After that you will have a process to affect your business.

Tim Leman – Thank you for clarifying this. We want to be a good landlord. Glad that they have not had any complaints. They have been harassed on Lakeview. How will this work when complaints come in?

Dawn Bolock – If the police department brings a complaint and property management does not handle this. You get a demerit.

Sandra Seanor – This was brought to the Planning Commission by James Solarec. We want to be fair to short term rental folks and the residents that want to live in peace. This covers all properties not just lake property.

Jim Freeman – South Shore Drive. Supports Tim and James. His mom will be renting one and his family will be coming. He appreciates the tenor and wants Planning Commission to look at details. Supports TJ Valet business model. He is next door to a VRBO and has not had any issues.

Alicia Nonson – Property owner must be within 20 miles, can you clarify?

Jeff Brown – You can have a property manager. You need a contact manager to handle this situation, so we don't burden the police or burden the township. If you are leasing this for profit it is your burden.

Sandra Seanor – Police will be dispatched and come out and assess and make the call on whether to contact the property manager.

Patty Reddy – Rents a small 800 square foot cottage. Can they park on grass at other property?

Dawn Bolock – Familiar with the property and assures this is complaint driven.

Todd Haberland – Appreciates the clarification and it has been inciteful. The only comment or clarification is the effective date. Section 9 says it goes into effect in 30 days. How are property owners going to comply or are you going to turn a blind eye to this, or will you amend Section 9 for the effective date?

Dawn Bolock – You will let us know what you have rented. We are not asking you to change what is done.

Jeff Brown – You must register immediately and give us a list of your bookings. This needs to be made clear. We cannot grandfather them for not complying. They must comply now. Moving forward you must comply.

Sandra Seanor – Will communicate this to Andy Moore.

Ryan Colvin – His son is working for TJ Rentals. He appreciates grandfathering in for bookings now. He appreciates the discretion.

Brock Squire – Splits time from Arizona and Eagle Lake. Rushing to have an ordinance that is not completely understood is dangerous. This has been informative and wants to be an involved resident. The guidance from Andrew or lawyer was to regulate it, ban it, or ignore it? You have referenced Supreme Court rulings. He would like chance to read this. The speed, cadence and urgency of this seem artificially urgent. Wants input, wants to be educated on this and worries about lack of time to research. As a resident, he worries about

the precedence this sets. Seems like the township has thumbed its nose at the Supreme Court ruling for years.

Tim Leman – Do you want every renter and rental agreement?

Sandra Seanor – Give us your calendar and a template of rental agreement. This is on Ontwa Township website. Take a look, it will provide information. We are not trying to make this difficult. Trying to make sure everyone is covered whether you are a business or a resident.

Tim Leman – He appreciates the ability to grandfather in current bookings. He has children employed. He has fixed a blighted property on South Shore.

8:20 PM Chair Marbach – Back to Planning Commission members. Suggestion for recommendation for effective date. Not our decision Planning Commission recommends to Board of Trustees. The Board of Trustees will schedule when.

Dawn Bolock – Important to remember short term rentals are against our ordinances now. We are creating this to help them.

Don Delong – Are there rentals on other Lakes? Have others been contacted, are they aware of this?

Sandra Seanor – This is the entire Township. A letter has been sent to ones on Airbnb and VRBO. This is complaint driven. It will get around.

William Mahaney – First complaint not-fined, second complaint fined.

Chair Marbach – Once Board of Trustees approves it must be published.

Mike Mroczek - On the table tonight is whether to refer this to the Board of Trustees. The Board of Trustees will then consider accepting our recommendation to move forward.

Chair Marbach – Up to Board of Trustees to make final decision. The Board of Trustees can accept it as is, reject it, or make any changes they feel necessary. The Planning Commission is a vetting process prior to getting to Board of Trustees. Planning Commission is a recommendation body. The Board of Trustees could vote on this even if we say no.

Richard Gates – We are recommending in principle only.

Dawn Bolock – The attorney and planner have approved this.

William Mahaney – Made a motion to approve this adding an effective date in Section 9 – October 2021. Grandfather in all current reservations. Seconded by Robert Thompson.

Roll Call Vote: Yeas: Sandra Seanor, Dawn Bolock, Mike Mroczek, Richard Gates, Robert Thompson, Don Delong, William Mahaney, & Chair Marbach. All in favor motion passes.

6. Old Business: - None

7. **Committee Reports: Zoning Ordinance Review Committee**
Sandra Seanor working on accessory dwelling units - zoning
the bubblers in July or August.

a. **Public Comments:** None

8. **Announcements –** None

9. **Adjournment:** Hearing none meeting adjourned at 8:36 PM.

Respectfully Submitted:

Brigid Forlenza
Recording Secretary