

**Ontwa Township Planning Commission
Cass County Michigan**

Wednesday, June 2, 2021,
7:00 PM

VIA ZOOM
889-3509-5120

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 Robert Thompson to approve agenda moving public comments before new business seconded by Sandra Seanor. All in favor, motion passes.
3. **Reading and approval of past minutes:** May 5, 2021. Motion made by Dawn Bolock to approve minutes as presented seconded by Sandra Seanor. All in favor, motion passes.
4. **Land Divisions:** None
5. **Public Comments: All regarding short term rental ordinance:**
James Solarec: 26654 Deer Path Court, Edwardsburg MI
He has four concerns:
 1. Parking – Why limit and make a separate law. By what authority and why single out short-term rentals
 2. Occupancy – IPMC is complex and over lapping regarding this. IMPC is vague.
 3. 5H the availability of owner or local agent has two standards 20 miles and 30 minutes. Would failure at this be considered a strike.
 4. Inspections need limitations as to when demanded and who can inspect.

Jack Leman – 24267 High Street, Edwardsburg MI

He has three concerns regarding short term rental ordinance.

1. Violation for advertising
2. Why is it a violation for a renter requesting a date a year in advance?
3. Revocation
4. B3/B2 Fines are problematic violation under 2 sections
5. Insurance – township cannot be named as insured.
6. Quiet hours: measurable – can be biased with a bad neighbor. Violation is a strike and a fine. People are outside on holidays like the local neighbors. We need a clear definition. Sandra Seanor responded there is a noise ordinance on the website.

Brock Squire – 68645 Oak Springs Rd, Edwardsburg MI

1. Violation – revocations regarding two incidents in a calendar year, Subsection C1 – wording if renter causes strike about quiet hours or occupancy.

2. Appeals – Section B1 – references wrong bullet. It should be A1 or C1.
3. Grandfathering: 5E – nothing in IPMC
4. Parking is not reasonable. He feels township is rushing to punish.

Jordan Florian – Attorney – 317 Center St, South Haven MI 49090

1. There are many issues identified such as occupancy and parking. Parking should be an ordinance for all residents.
2. IPMC – occupancy 2021-2022 needs defined the required 20 miles or 30 minutes is an issue if traffic is backed up and he does not see the reasoning. This sets traps for the owners regarding advertising. Cannot advertise beyond current year permit.
3. Regarding Inspections: Who can request inspection and times for time frames need set.
4. Violations are confusing regarding occupancy, parking, insurance, issue with township being insured. The township should not be named as they have no interest in property.
5. Quiet hours are hard to be defined.
6. Grandfathering – parking clause limits this.
7. Revocation section is confusing. This needs more time to be worked out.

6.New Business: Accessory Dwelling Units – Public Hearing – Chair Marbach recited rules for public hearing.

Williams & Works: Planner Andy Moore – has no further comments on this ordinance.

7:31 PM – Public Hearing opened. Chair Marbach requested public comments. None Heard. Last call for public comments.

Sandra Seanor made a motion to close public hearing seconded by Don Delong. All in favor – motion passes.

Planning Commission:

Don Delong – Is there a listing of these and how do we monitor grandfathering?

Mike Mroczek- This is land based and it is not retroactive. Does this apply to a new building?

Andy Moore – This applies to people moving forward. This enables this to happen in the township. The existing ones are grandfathered in unless in violation before this. The township will take no action, and these will be grandfathered in for existing units.

Sandra Seanor – This grandfather's existing A.D.U.'s in. This came to be as a couple wanted to build on their property and could not.

Mike Mroczek questioned one sewer bill for two houses, and this is not fair to current sewer customers. They are commercial uses.

Sandra Seanor – replied no short-term rentals will be allowed with accessory dwelling units.

Chris Marbach – Could sewer ordinance cover this? REU could be doubled.

Sandra Seanor – We are trying to get control.

Sandra Seanor – No short-term rentals are allowed in an A.D.U.

Mike Mroczek - A.D.U. should not be a long-term rental as that is running a business.

Sandra Seanor made a motion to approve the Accessory Dwelling Unit Ordinance adding units connected to public sewer must meet requirements, seconded by Dawn Bolock. Roll call vote, yeah, Chair Marbach, Sandra Seanor, Mike Mroczek, Don DeLong, William Mahaney, Dawn Bolock, Robert Thompson, Richard Gates. Motion passes.

7.Old Business: Short Term Rental Ordinance

Chair Marbach – Pushed back to Planning Commission from the Board of Trustees. The Planning Commission Ad Hoc Committee reviewed a few items. In May everyone received a letter from Tim Leman, and he wants that put into the record, (attachment #1) this covers their concerns. The Board of Trustees returned this as their concerns were the time frame of this going into effect, the violations and the occupancy. Ad Hoc Planning Commission changed some items which are highlighted in yellow.

Chair Marbach turns over to Andy Moore. Andy Moore has no more to add to the draft. He will walk through some of the public comments.

1. Parking – two spaces for short term rental plus one for every three occupants. STR – small lots – usually this is a public safety concern. The IPMC adopted version is 2015.
2. Local Agent – name an agent eighteen miles away but not available does not work. We need a nearby person to address concerns.
3. Inspections – are a regular occurrence for health and safety. No one can barge in on a Friday night.
4. Advertising – 2021-2022 does not see this as an issue to change this tool for the township.
5. Insurance – township does not care if we take this out.
6. Quiet time – refer to township ordinance.

Dawn Bolock – Inspection is annual, one a year. We are not trying to trap – try to protect everyone.

Sandra Seanor – Done by a certified whole house inspector. This is complaint driven and gives the police help in resolving issues if there is a contact name. This helps police take care of issue.

Mike Mroczek – No one has talked to the Chief about this, he was notified. He cannot go into the house and count noses. People park on grass all the time. How can he enforce this? He will be enforcing noise and complaints.

Sandra Seanor – You are not correct. We are not asking him to count heads. He will contact the agent to take care of the complaint. This is not about a police action. We are trying to protect the residents. This is asking people to have good behavior. This covers all properties. We are not asking the Chief to do anything more than he already does.

Dawn Bolock – Spoke to Chief and he was concerned about evictions. Researched and the sheriff and owner are responsible for this.

Richard Gates – How much insurance is required?

Andy Moore – One million.

Sandra Seanor – The cost of application and fee will be about \$500.00.

Dawn Bolock – This is not being rushed through. This has been approved by an attorney (Kaufman) and planner (Moore).

Chair Marbach – The date of enactment will never make everyone happy example, October vs. December.

Sandra Seanor – Issue with occupancy – 1 person per 70 square feet, and 2 people per 100 square feet. Lakeview Drive has 14 people, and the bedrooms equate to 5 people not 14 per IPMC.

Dawn Bolock – The Chief will be provided with list containing addresses and phone numbers to local agents that are responsible for the properties.

Mike Mroczek – We regulate, and register will we keep track of occupancy? One property has a PRE on it and if it is rented more than allowed the PRE should be removed. Regarding tax concerns most are secondary residences. I have spoken to the assessor about this, and he is aware.

Sandra Seanor – These are commercial entity. To be frank this was started last year then took up again in January. People that live on either side have a right to peace. People with good behavior are not an issue. This is a commercial entity. We must know about this, PRE, sewer, and township. This protects all.

Mike Mroczek – This sounds like a solution in search of a problem. I do not know why we are trying so hard to fix something we have not had any issues. Properties have been rented on these lakes for decades. Really this is all about control.

Sandra Seanor – That is what zoning is.

Don Delong – Has questions regarding inspections and administration. Who pays for all this? What is the Plan?

Dawn Bolock – 20 exist and the Zoning Administrator will handle. Inspections will be paid out of administration fee.

Sandra Seanor – Fee should be \$500.00 to cover all.

Mike Mroczek – So Leroy is the official to enforce?

Sandra Seanor – Leroy will not enforce until people start complaining. Zoning Administrator Krempec will not go looking as this is complaint driven. He is not going to count heads.

Mike Mroczek – There have been no complaints in the last 50 years.

Chair Marbach – There are a couple of things that Andy needs to tweak. Do we go there as the Planning Commission and recommend to the Board of Trustees?

Dawn Bolock – The only attorney on board tonight recommends removing township in liability insurance. I am fine with this.

Dawn Bolock made a motion to strike liability insurance naming township seconded by Don Delong.

Richard Gates – Explain this removing insurance.

Chair Marbach – Item K – delete last sentence – Ontwa Township will be removed.

Sandra Seanor – We spoke with Catherine Kaufman, and she did not believe it would be enforceable.

Andy Moore – Agreed and said he understood the township has no interest. This is between the owner and renter a private arrangement.

Richard Gates – Home inspection does not involve us.

Dawn Bolock – We give them a list.

Chair Marbach – The homeowner will pay directly.

Dawn Bolock – Township will give them three days.

Sandra Seanor – Will put criteria together for this for the home inspection.

Motion made by Dawn Bolock to strike Ontwa Township being named on the liability insurance issue seconded by Don DeLong. Roll call vote, all in favor, motion passes.

Sandra Seanor made a motion seconded by Dawn Bolock. Motion to recommend approval of the Short-Term Rental Ordinance to the Board of Trustees, including a suggested application fee of no less than \$500.00 per property application fee to cover inspection and township costs. Additionally, we can agree to change the fully compliant date to January 01, 2022, date under Section 3p. 2 of pa9 and require applicant to provide the contact information for the liability insurer.

Don DeLong – what about the bill pending in house and senate regarding short term rentals? We may be doing this with no cause. We could cover noise, traffic, and advertising. Broad sweeping legislation.

Sandra Seanor – That has been out there for five years, and this is nothing new.

Chair Marbach – this legislation has been before state every year for five years. It has never made it at state level. It has failed to pass. We opted to move forward to create the ordinance. If it is passed, then it is mute. We wanted to create the mechanism to monitor that activity. It went to the floor for discussion. If passed it overrides us.

Mike Mroczek – Occupancy rules IPMC are very draconian – this eliminates small people – bunk rooms.

Sandra Seanor – IPMC are codified in our ordinance. We cannot stick too many people in these small rooms. You were concerned about sewer issues in A.D.U. and you are not concerned about fifteen people in one house. IPMC does not allow for overcrowding. I think it is practical. This has to do with police, fire – ingress and egress.

Chair Marbach – this is a recommendation to the Township Board. We have a motion on the floor. People have concerns. This is not the final approval. Just because we approve this does not mean the Board of Trustees will.

Roll Call Vote:

Yea: Dawn Bolock, Robert Thompson, Sandra Seanor, William Mahaney, Chris Marbach
Neah: Mike Mroczek, Don DeLong, Richard Gates
Motion passes.

8. Committee Reports:

Sandra Seanor – Next will be whole issue of Bubblers in July or August.

9. Announcements: None

10. Adjournment: Hearing no further comments Chair Marbach adjourned meeting at 8:31 PM.

Respectfully submitted:

Brigid Forlenza
Recording Secretary