

September 11, 2017

A Regular meeting of the Chocolay Township Board was held on Monday, September 11, 2017 at the Chocolay Township Hall, 5010 U S 41 South, Marquette, MI. Supervisor Bohjanen called the meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE.

TOWNSHIP BOARD.

PRESENT: Richard Bohjanen, Max Engle, Ben Zyburt, David Lynch, Judy White, Don Rhein, Mark Maki.

ABSENT: None.

STAFF PRESENT: Steve Lawry, Mary Sanders, Suzanne Sundell, Lisa Perry, Scott Jennings, Jeff Czarney.

MINUTES –AUGUST 14, 2017.

Rhein moved Zyburt second to approve the minutes of the regular meeting of August 14, 2017 as presented.

MOTION CARRIED.

AGENDA ADDITIONS/DELETIONS.

Supervisor Bohjanen informed the Board that GEI would not be available to make their presentation as they do not have all the material ready. They have requested an additional two weeks to complete the task. Supervisor Bohjanen asked if Board members would be available to attend a Special Meeting on September 25, 2017.

Engle moved Zyburt second to call a Special Meeting of the Chocolay Township Board on Monday September 25, 2017 at 5:30 pm for the GEI presentation on Road Asset Management Plan.

MOTION CARRIED.

PUBLIC COMMENT.

Supervisor Bohjanen asked if anyone had something to discuss under public comment other than short term rentals, please speak now. Supervisor Bohjanen indicated that if the spokesperson of the group that opposes short term rentals would speak now under public comment and anyone else that had additional input voice that. If you concur with the speaker but do not have new information to add, we can send a note pad around so you can enter your name and address to be added to the minutes showing that you are (not in favor) or (in favor) of short term rentals.

Jennifer Briggink, 673 Lakewood Lane – Spokesperson on the short term rental petition. Presented a map showing where the people live that signed the petition. There were over 190 properties that they attempted to visit (some were not home) and a petition with over 180 signatures (representing over 120 properties) against short term rentals on Lakewood Lane. The

sense of community and neighborhood in a residential district is not one you get with tourists that change every week. What you get instead is parties, fireworks, trash on the beach and people getting lost and wandering through your yard. This is what you get with short term rentals. These are narrow properties, a lot only 50 feet wide. A living space for less than a month is a short term rental. She is concerned with the Planning Commission working on definitions that they already have and did not know it was already in the Ordinance. The people that rent the short term rentals don't pay property tax in the Township, the residents do. There is also some question about if State sales tax is paid on short term rentals. People that are in a short term rental are not able to be counted properly in the census.

Trustee Maki feels that the residents should be able to speak when the agenda item comes up.

Scott Emerson, 119 Lakewood Lane- Spokesperson on the short term rental petition. This is just a sneaky commercial spot zoning in a residential area. The definition of short term rentals (Nationally) is anything less than thirty days. Anything longer than thirty days are considered long term. This is a motel business activity that is being allowed in established residential zones. We need to learn from areas across the Country that already dealt with this. The advocates of short term rentals call it a property rights issue and they should be able to do whatever they want with their property. That is a complete violation of zoning. This violates the rights of the residents that purchase a home in a single family residential area expecting family and community values. This is a public health issue, not just a zoning issue. The loss of sense of community has an adverse effect on your health and longevity. The history on short term rentals is that there are many cities all over the United States that have allowed short term rentals and are now reversing their approval because of all the problems short term rental have caused. The reversals have been upheld.

Peter Ollila, 633 Lakewood Lane – Zoning Ordinances in Michigan have been written to identify land uses that are permitted in certain zoning districts. Zoning Ordinances generally do not say what is not permitted. He spoke to the Attorney Zappa letter on short term rentals and quoted Michigan Court rulings and Michigan Zoning Enabling Act.

Pete Magas & Sandra Page, 1082 Ortman Road – Had questions on how his Lakewood Lane family camp would be affected by allowing or not allowing short term rentals. Lakewood Lane in the past was mostly all camps and used as short term rentals.

Keith Glendon, 2971 M-28 East - He has property on Lake Superior to be used in the future. He rents it out short term, to supplement his mortgage. He does not want problems with his property and has rules that renters must adhere to. He feels his guests are part of our community and utilize local businesses. He hopes the Township will only consider regulations on short term rentals targeting health, safety and welfare of the Township.

Andy Jones, 2385 M-28 East – Short term rentals are good for the community. People with short term rentals put money in their homes to upgrade them and spend money in the Township. Short term rentals allow people from out of the area to have a family vacation that a hotel does not offer.

Lauri Krzymowski, 741 Lakewood Lane – Has the luxury of owning two homes, one in Chocolay Township and one in Petosky, Michigan and before that, had a third home in Telluride, Colorado. She has never rented any of these properties. All of her homes are very charming. She has two little boys and had difficulty putting her boys to bed while people are shooting off fireworks. She has had strangers walking through her yard, neighbors would not do that. It's a fun place to explore, but that is what State parks are for.

Lori Rietman, 3112 M-28 East – She grew up in Harvey and has many good memories here. She has a place that she rents as a short term rental and employs locals to do work on her rental. There is a rating review not only for the rental but the people that rent them. She quoted comments from people that stayed at the short term rental. Marquette and Chocolay Township are benefitting from short term rentals. She sends her guests to local stores.

Paul Balconi, 213 N. Front Street – Has lived here his whole life and owns property on Lake Superior that he rents out on a weekly basis only. It is a great way to live in a community for a short period and feel what the community is. He is against fireworks on the beach and people should contact the Chocolay Township police if there is a problem. We don't have a lot of hotels and motels in Chocolay Township and VRBO's fill in the gap.

Ruth Zeil, 734 Lakewood Lane – Has lived in her house since 1990. Last summer she was walking on her deeded easement to the lake, when someone that she did not know accosted her. They said they were staying for a couple of weeks. They also blocked her walkway with boats, life jackets, and junk. It is still sitting there.

Hal Pauley, 643 Lakewood Lane – Has lived there for 23 years. It sounds like all the people in the audience tonight are great landlords and they have good renters. He has called the police several times for drunken parties and fireworks on the beach.

John Briggink, 673 Lakewood Lane – It's great to say call the police, but you could call the police each time there are new renters. You cannot get back lost sleep.

Pat Dudley, 2413 M-28 East – The complaints that people have made tonight are justifiable, but are not strictly limited to short term rentals. He has had these same problems with full time neighbors having parties and fireworks.

Kenlyn Hubbard, 121 Wintergreen Trail – Commented that community is having a heart and sharing with others. Her mother has a neighbor on one side that is the nicest person and on the other side that is horrible. It is not the property that makes a community, it is the people. Some people rent out their property to earn enough money to keep the family camp.

Kelly Sturdy, Nevada – Utilizes VRBO's when she travels all over the country. She feels that she becomes part of the community when she stays at a short term rental.

Stephanie Genchef, 597 Lakewood Lane – Read a letter from Bill Karas opposing short term rentals in residential neighborhoods. They do not respect the neighborhood and feel this is a safety issue.

Bill Karas, 195 Lakewood Lane – Emailed and sent a letter in opposition to short term rentals.

June Rydholm, 221 Lakewood Lane – Feels that short term rental people want to remain anonymous. She woke up at 2:30 am and a man was walking around her property. It is a danger for people living alone.

Deborah Mulcahey, 633 Lakewood Lane – People who sit here talking about heart and neighborhood and maybe they don't know it but they are blatantly violating the law. Short term rentals are not allowed on Lakewood Lane and M-28. Lakewood Lane is made up of 50 foot lots. We are looking only at stopping short term rentals on Lakewood Lane. She is not against short term rentals, just on Lakewood Lane. She read excerpts from a letters from Dale Throenle, Planning Director and previous Chocolay Township Attorney Mike Summers.

Mark Maki, 370 Karen Road - Enforced the Chocolay Township Zoning Ordinance from 1977 until 2002 and short term rentals were not allowed in certain districts then and are still not allowed in those districts. In 2011, Jennifer Thum, Planning Director wrote a letter to the Planning Commission stating that short term rentals were not allowed in the WFR. The next Planning Director also wrote that they were not allowed. Mark questioned why our current Planning Director was not at this meeting. He is proposing that the Board rezone Lakewood Lane to R-1 zoning and allow short term rentals in the WFR zoning district as a conditional use.

#### ACCOUNTS PAYABLE.

White moved Lynch second that bills totaling \$25,880.83 including checks numbered 21972-2200 are approved for payment.

MOTION CARRIED.

#### PAYROLL.

Lynch moved Zyburt second that payroll for August 10, 2017 for \$32,386.05 including checks numbered 24124-24144 and 10520-10525 and ACH payments for Federal tax, State tax and MERS and for August 24, 2017 for \$38,932.87 including checks numbered 24145-24188 and 10526-10531 and ACH payments for Federal tax, State tax and MERS are approved for payment.

MOTION CARRIED.

#### FINANCIAL REPORT – JULY 2017.

Zyburt moved Rhein second to accept the July Financial Report.

MOTION CARRIED.

#### TREASURER'S REPORT AND FUND WITHDRAWAL AND DEPOSIT REPORT.

Treasurer Zybur reported to the Board that we had a \$250,000 C/D mature from Flagstar and he is currently researching investment options and will report to the Board in October how it was invested.

Rhein moved Engle second to accept the Treasurer's report.

MOTION CARRIED.

#### ROAD ASSET MANAGEMENT PLAN.

The Road Asset Management Plan will be presented to the Board at a Special Board Meeting on September 25, 2017.

#### LAKE SUPERIOR COMMUNITY PARTNERSHIP UPDATE.

Caralee Swanberg, Vice President of Economic Development and Mary Van Tilburg, Business Development Specialist representing Lake Superior Community Partnership presented an update on what the partnership is doing for Chocolay Township and the entire County.

#### SUPERVISOR'S REPORT.

- The speed limit on M-28 East of Kawbawgam has changed to 65 MPH.
- We have lost our tax assessor and we are in the process of figuring out plan B which will involve advertising for a new assessor or restructuring within the Township for the tasks that are necessary.

#### CONSIDERATION OF REQUEST REGARDING SHORT –TERM RENTALS.

Supervisor Bohjanen presented a memo to the Board and the Board has heard citizen comment on this. The Planning Commission has been working slowly but diligently on redefining the Ordinance. We have heard a lot of opinions and ideas today and not everyone is in agreement. There is still a lot of work to do. Part of this work is looking at definitions in the current Ordinance and finding out if they are appropriate to circumstances. I disagree with the concept that if it is not stated in the ordinance then it is prohibited. Our State Legislature is looking at changing the concept of what short term rentals are and taking the power away from the Township. We should still continue on with our work with this issue. We don't have many options as a Board other than make the amendment of the ordinance a high priority for the Planning Commission or encourage reporting of problems related to current vacation rentals to the police department or spend legal fees on trying to enforce the current ordinance. I would ask the Board to make a recommendation from one of those three or any other ideas they may come up with.

Clerk Engle stated that we need to look at the historical use of the properties used as short term rentals in Chocolay Township. They started out over sixty years ago as camps, being used as short term rentals. Things have changed over the years, but some of them were there before 1977. I don't believe that we should eliminate short term rentals entirely, but maybe put some restrictions on them. The process needs to start with the Planning Commission.

Trustee Rhein would like to speed up the process and have the Planning Commission working on short term rentals as a priority and resolve this in a timely and proper manner.

Trustee Maki asked if anyone was concerned that the Zoning Administrator has refused a short term rental permit on Lakewood Lane. Isn't that a clear indication that they are not allowed. Many people have said tonight that they have short term rentals and the Township is not doing anything about it. That could cause legal action of discrimination from the person that was denied a permit. The Planning Commission has had this on their agenda since 2011.

Trustee White and Supervisor Bohjanen both stated that we do not have a permit for short term rentals.

Trustee Lynch stated that Planning Commission is working on short term rentals now, we do not want to short circuit that.

Trustee White asked if the person on Lakewood Lane that asked for a short term rental permit and was denied signed the petition against short term rentals, and if so why would they sign the petition.

Rhein moved Engle second to give the Planning Commission three months to work on short term rentals and bring a viable plan to the Board.

MOTION CARRIED. (2 Nay – Maki, White)

2017 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #8 TO REFLECT RECEIPT OF INSURANCE PAYMENT FOR DAMAGED POLICE EQUIPMENT.

Zyburt moved Lynch second that Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated Capital Improvement Fund receipts within the Township on October 5<sup>th</sup>, 2016 for fiscal year 2017, and Whereas, as a result of receipt of unanticipated revenue it is necessary to modify the aforesaid budget, Now Therefore, Be It Hereby Resolved, that the budget be modified as follows:

ACCOUNT	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
<b>REVENUE</b>			
Miscellaneous Revenue			
401.698.000	\$ 23,157.91	+\$3,088.93	\$ 26,246.84
<b>EXPENDITURE</b>			
Police Vehicles			
401.305.981.000	\$126,167.14	+\$3,088.93	\$129,256.07

ROLL CALL.

AYES: Maki, Rhein, Lynch, White, Zyburt, Engle, Bohjanen.

NAYS: None.

MOTION CARRIED.

2017 CAPITAL IMPROVEMENT FUND BUDGET AMENDMENT #9 TO REFLECT RECEIPT OF UTILITY REVIEW COMMITTEE PAYMENT.

Lynch moved Rhein second that Whereas, a budget was adopted by the Chocolay Township Board to govern the anticipated Capital Improvement Fund receipts within the Township on October 5<sup>th</sup>, 2016 for fiscal year 2017, and Whereas, as a result of receipt of unanticipated revenue it is necessary to modify the aforesaid budget, Now Therefore, Be It Hereby Resolved, that the budget be modified as follows:

ACCOUNT	PREVIOUS BUDGET	CHANGE	AMENDED BUDGET
REVENUE			
Miscellaneous Revenue			
401.698.000	\$26,246.84	+\$1,417.39	\$27,664.23
EXPENDITURE			
Streets 401.440.972			
Land Improvements	\$34,707.04	+\$1, 417.39	\$36,124.43

ROLL CALL.

AYES: Maki, Rhein, Lynch, White, Zyburt, Engle, Bohjanen.

NAYS: None.

MOTION CARRIED.

REQUEST TO DESIGNATE THE COMMUNITY AS “NIGHT-SKY FRIENDLY”.

Maki moved Engle second to refer the Night Sky Friendly to the Planning Commission for review and comment.

MOTION CARRIED. (Nay - White)

PUBLIC COMMENT.

Lori Rietman, 3112 M-28 East – Had a question about her property deed.

Jennifer Briggink, 673 Lakewood Lane –Expressed condolences to the Township for the loss of an employee. In the 1950’s Lakewood Lane was camps, not a residential area. She has called the Chocolay P D on short term renters for fireworks. She feels that M-28 larger lots may be fine for rentals, but Lakewood Lane lots are small in width. She contributes to the community.

Paul Balconni – We should not carve out one portion of Chocolay Township to not allow short term rentals. This is something to be looked at Township wide.

Mark Maki, 370 Karen Road – It is fairly obvious that the Township Board is 6-1 for short term rentals and the Planning Commission will be 7-0.

Deborah Mulcahey, 633 Lakewood Lane – She hopes Mark is wrong on this issue. She met some very nice people on Lakewood Lane while getting the petition signed. People do not understand what they can do on their property because we don’t have leadership in the community and in the Township Zoning Official Administrator to tell someone directly what they can do. We should

work together to help create criteria for those people that want short term rentals on M-28 instead of be pitted against each other and she holds the Township accountable for this.

Scott Emerson, 119 Lakewood Lane- This Board needs to be educated on the nationwide push back on short term rentals. Cities that originally allowed short term rentals and have now reversed the policy. 180 votes can alter an election.

Lauri Krzymowski, 741 Lakewood Lane – Hopes the Board will give guidance to the Planning Commission on short term rentals. This group is only asking the Board to look at the lake side of Lakewood Lane for not allowing short term rentals.

INFORMATIONAL REPORTS AND COMMUNICATIONS.

- A. Minutes – Marquette Area Wastewater Treatment Authority, Regular Meeting of July 20<sup>th</sup>, 2017.
- B. Minutes – Marquette County Solid Waste Management Authority, Regular Meetings of July 19<sup>th</sup>, 2017 and August 16, 2017, Draft.
- C. Minutes – US 41 Corridor Advisory Group, Regular Meetings of August 8<sup>th</sup>, 2017.
- D. Short Term Rental Correspondence

Supervisor Bohjanen adjourned the meeting at 8:15 pm.

MOTION CARRIED.

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Max Engle, Clerk

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Richard Bohjanen, Supervisor