

**MARION TOWNSHIP
BOARD OF TRUSTEES
REGULAR MEETING
OCTOBER 24, 2019**

MEMBERS PRESENT: Les Andersen, Tammy Beal, Dan Lowe, Duane Stokes, Scott Lloyd, Greg Durbin, and Bob Hanvey

MEMBERS ABSENT: None

OTHERS PRESENT: Phil Westmoreland, Spicer; Dave Hamann, Zoning Administrator

CALL TO ORDER

Bob Hanvey called the meeting to order at 7:30 pm.

PLEDGE OF ALLEGIANCE

BOARD MEMBERS PRESENT

The board members introduced themselves.

CALL TO THE PUBLIC

Rebecca Mistretta resides at 2883 Rubbins. Rebecca attended the Planning Commission meeting on Tuesday, October 22, 2019 to express her concern about the activities taking place at 1697 Triangle Lake Road. Rebecca is asking for a motion and support of this motion to send this information to the township's attorney and request that action be taken against these homeowners. Rebecca said that these owners should have done their due diligence prior to purchasing the house. They are advertising that seven people can stay in this house and she doesn't believe that the Health Department would approve of that.

Ed Grima resides at 2943 Rubbins. He is here on behalf of Violet Engelhuber who resides at 1709 Triangle Lake Road. They are upset and concerned about the parking. The guests staying at 1697 Triangle Lake have been parking in the neighbor's driveway without permission.

Brian Blackney, 2979 Rubbins, said he agrees with everything his neighbors said. He just wants to add that the article Bob emailed regarding Manchester Twp., where the judge ruled in favor of the defendants, was because the township's agricultural zoning did not specify a definition of short term. Brian says that they are currently just asking for some legal representation on this. They are not asking for any action to be taken, just legal findings from our attorney.

Rebecca Mistretta asked for everyone in the audience who attended the meeting to discuss the activities taking place at 1697 Triangle Lake. Roughly 20 people stood up in the audience.

Bob Hanvey asked if the Schmitz's were present at the meeting; they were not.

Duane Stokes asked when this started happening.

Tom Klebba, 1615 Triangle Lake Road, stated that he noticed it two Saturdays ago. He noticed different cars coming and going throughout the day and night.

Bob Hanvey explained that Bed and Breakfast is allowed in RR, SR and UR as a special use; however, this situation on Triangle Lake is not a B&B. A Bed and Breakfast is when the owners of the home reside in the same building that they are renting out and are also present on site. They also prepare and serve food to the guests during their stay. Bob said this appears to be like a short-term rental, which we do not currently allow in ERS-1.

Bob has spoken with Mrs. Schmitz multiple times over the last few days. She says that she was unaware of the restrictions so Bob sent her a copy of the recorded restrictions along with a letter from the Road Commission. She did admit to having a washing machine and said she was unaware it was prohibited. Bob said that if the township starts legal action against the homeowners, then the township has to pay for all fees and court costs. If someone sues the township, we have insurance coverage for all of the related costs. Bob thinks the best way to handle this is to ask Mr. and Mrs. Schmitz to stop what they are doing and also to remove the washing machine.

Tom Klebba asked Dave Hamann if these residents came into the township inquiring about Airbnb's prior to purchase; Dave responded no.

Tom Klebba would like to get a cease and desist order under ERS-1 and then let them take action first.

Bob would like the opportunity to speak with the Schmitz's first. She did not seem argumentative or defensive when they first spoke about the matter. She claims she was not aware of the restrictions prior to purchase.

Sandy Grima resides at 2943 Rubbins. Sandy said that in South Oaks at the Yax's home, they are not supposed to allow other people on the lake, yet they still do. They also allow people to cut through other homeowner's private property. What if the wrong renter comes in and the homeowner isn't there to monitor their activity. These are smaller properties and they are very close together. These renters are already parking in people's driveway and taking up excess space in the street. There is also a washing machine inside the home when there shouldn't be. We don't want to have to call the police when more issues start arising.

Bob suggested reaching out to the Schmitz's and giving her a month to comply. If they don't comply, the zoning administrator would send her a violation letter. If they still don't respond, there would be a show cause hearing, followed by getting our attorney involved and possible court proceedings if it gets to that point. This process could take up to two-three months.

Ed Grima resides at 2923 Rubbins. We applaud your cooperation on this matter, but we need to move forward. It is only going to get worse in the summer time and we would be naïve to think otherwise. In certain places up north, residents are limited to how many vehicles they are allowed to have at their residence. With seven cars at 1697 Triangle Lake Road, they probably have 12-14 people staying in that house at one time. The ordinance needs to be enforced.

Tom Klebba said that possibly a six-month rental would be acceptable. These short-term rentals cause so many issues because the renters don't care about the neighborhood.

Dave Hamann said that there are already a few of these Airbnb's within the township.

Les Andersen asked if we could have John Enos bring in some ordinance language from another township or city that prohibits homeowners from having renters for less than six months.

Bob Hanvey would still like the opportunity to speak with Mrs. Schmitz before taking any legal action. If we can get them to stop without taking action against them, it is better for everyone involved.

Rebecca Mistretta asked if they decide not to stop what they are doing, would we then be able to issue a cease and desist.

Bob said that it is better if we don't get in an adverse situation with these people. We have no ordinance that allows what they are doing. Short-term rentals are not spelled out in our ordinance. "Airbnb" is an agency/company. A "Bed and Breakfast" is when the owner of the home also lives in the house being rented out. It also means that the owner is present to cook/prepare meals for the renters. That is not what is happening in this situation. We don't have language to permit what the Schmitz's are currently doing.

Dave Hamann said that we can only violate people if we have the language to back it up.

Bob said that he was not aware of this situation until two weeks ago.

Tony Mistretta resides at 2883 Rubbins. Tony asked if the township was at least able to request that the washing machine be removed from the property. Bob said that he sent a copy of the restrictions to Mrs. Schmitz which included rules regarding the washing machine.

Kathy Alward, 2565 Rubbins, said that as of today, “washer” is now crossed out on their website.

APPROVAL OF AGENDA

Duane Stokes motioned to approve the agenda. Les Andersen seconded. **Motion carried.**

CONSENT AGENDA

Les Andersen motioned to approve the consent agenda. Scott Lloyd seconded. **Motion carried.**

HAPRA BUDGET AND BUILDING PRESENTATION

Tim Church is the executive director for the Howell Area Parks and Recreation Association. They have been visiting other municipalities to discuss their upcoming budget and the increase of utilities and other costs. The participation fee has increased from \$103,225 to \$105,000 annually. They have consolidated the Youth and Adult leagues to help with expenses and further support the budget. Two of their budgets are responsible for the increase this year: the Enrichment program and the Travel program. They are working on their application to renew their grant through Chem-Trend. Everything is pretty straightforward this year.

Bob Hanvey asked about the \$3000 loss for the Dog Park budget. Tim said that was due to the construction near the dog park.

Duane Stokes asked about their Travel program. Tim explained that the Travel program is what supports the various trips for the residents, not employees.

Les Andersen motioned to adopt a resolution to approve the Operating budget for HAPRA for 2020 as presented. Tammy Beal seconded. Roll call vote: Lowe, Lloyd, Beal, Hanvey, Durbin, Andersen, Stokes—all yes.

Resolution passed 7-0.

Tim explained that several years back they had a millage election to expand their facilities. This millage did not pass. They then began looking at the Oceola facility. Since the Howell Public School teams are growing, this has started to limit the space available for HAPRA. At the last Oceola board meeting, HAPRA was invited to discuss their needs and wants for their program. Oceola Township then offered to construct a new facility for HAPRA so current programs can be expanded. This facility will be 44,000 square feet and cost roughly around five million dollars. This facility will have an indoor walking track, multiple basketball courts, various multi-purpose rooms, a fitness center and office rooms for HAPRA employees. We want to make sure that we will be able to run and maintain a facility of this size. We were very conservative with our budget numbers, to allow for these future costs. We gathered our utility costs from other existing/similar buildings. We spoke with the schools about business sponsorships and other sponsorship programs. This new facility will solve a lot of problems that we have been having for a long time. These are tentative drawings of what this building would look like. It would have three full size basketball courts, locker rooms for men, women and families, administration offices, multi-purpose rooms, walking paths and more.

Tim explained that they believe they can afford the operating expenses but would like to make sure they have a backup plan just in case. Therefore, they are asking each of the municipalities if they would be willing to contribute an additional \$10,000 annually for three years to help cover these expenses if needed.

Sean Dunleavy is an Oceola trustee and also a member on the HAPRA Board. He said that Oceola has been very fortunate over the years and have the means to pay for this facility. The community has a great need for this and is just asking for support from other municipalities to help HAPRA get their feet on the ground. Sean said they are not asking for action to be taken right now, but they wanted to get some feedback from the surrounding communities.

The Marion Township Board members felt this was a good idea.

LAND DIVISION GENERAL ORDINANCE #G-11-97

Bob Hanvey said that they need to delete #2 in the Land Division general ordinance. Bob said that the Land Division language in the zoning ordinance and the language in the general ordinance contradict one another. Therefore, the section that speaks about allowing a “possible” easement in item #2 in the Land Division general ordinance needs to be removed.

Les Andersen motioned to delete #2 in #G-11-97 General Ordinances, Land Divisions. Duane Stokes seconded. Roll call vote: Stokes, Durbin, Hanvey, Lloyd, Beal, Andersen—yes; Lowe—no. **Motion carried 6-1.**

GENERAL FUND BUDGET TO ACTUAL 1ST QUARTER REVIEW

Bob Hanvey said that they auditor’s entries for the 2018-2019 fiscal year have not been entered into QuickBooks yet. Once they come back and make their adjustments like they do each year, we will bring this back for review.

FIREWORKS ORDINANCE

Les Andersen mentioned that the Denim and Diamonds fireworks could be heard over at Loves Creek. They seemed to be very loud.

Bob Hanvey said that our insurance company would like us to have a Fireworks ordinance. Bob asked if we should keep working on this or leave it alone.

Les Andersen suggested getting with John Enos and asking him to present some language for this; Bob Hanvey said he will follow-up with Mr. Enos and request language for a Fireworks ordinance.

LISA MAHER SEWER LEAD

Phil Westmoreland read the proposal from Lisa Maher regarding the sewer lead. Bob Hanvey asked if we want to look at doing the construction or work something out with the property owner. Bob is not quite sure how Lisa came up with the numbers mentioned in her proposal.

Les made a motion for Bob to discuss better options with Lisa Maher regarding her sewer lead. Tammy seconded. **Motion carried.**

ZBA CANDIDATES

Bob Hanvey said that the Board needs to decide on a new ZBA member. Dan Lowe mentioned that he thought Larry Fillingier was okay with Dan Rossbach and Ed Galubensky swapping positions.

Greg Durbin motioned to have Diane Bockhausen become the new permanent member on the ZBA Board. Tammy Beal seconded. Roll call vote: Beal, Andersen, Stokes, Durbin, Hanvey—yes; Lowe, Lloyd—no. **Motion carried. 5-2**

Les Andersen motioned to have Jean Root become the new alternate member on the ZBA Board. Scott Lloyd seconded. Roll call vote: Hanvey, Lowe, Durbin, Beal, Lloyd, Stokes, Andersen—yes. **Motion carried 7-0.**

SET PUBLIC HEARING FOR RURIK SNOW REMOVAL

Tammy Beal motioned to adopt a resolution to set a Public Hearing for Rurik Snow Removal on November 14, 2019 at 7:30pm. Les Andersen seconded. Roll call vote: Stokes, Beal, Andersen, Lowe, Hanvey, Lloyd, Durbin—yes. **Resolution passed 7-0.**

CORRESPONDENCE & UPDATES

Tammy Beal reminded everyone of Trunk or Treat on October 31 from 6–8pm. Trunkers can arrive and set up at 5:15pm.

The recycle bin is being removed on October 31, 2019.

The Buck Pole is scheduled for November 15, 2019.

Dave Hamann asked the Board to move forward with the Engineering Standards. We need to have something in place. We are spending a lot of money for a product that is still not finished.

Dave Hamann asked Dan Lowe if he had a chance to look at the couple who are installing their own sewer connection. We need to think about creating language that prevents this in the future.

Bob Hanvey asked if there was any interest in the Darakjian property. What do we want to do with it? We received two inquires within 24 hours from two different parties.

CALL TO THE PUBLIC

No response.

ADJOURNMENT

Les Andersen motioned to adjourn at 9:25 pm. Scott Lloyd seconded. **Motion carried.**

Submitted by: J. Timberlake

Tammy L. Beal, Township Clerk Date

Robert W. Hanvey, Township Supervisor Date