

MARION TOWNSHIP  
BOARD OF TRUSTEES  
REGULAR MEETING  
Thursday, August 27, 2020  
7:30 p.m.

Call to Order  
Pledge of Allegiance  
Members Present/Members Absent  
Call to the Public

- 1) Approval of Agenda
- 2) Consent Agenda
  - a. Approval of August 13, 2020 Regular Meeting Minutes
  - b. July 2020 Financial Report
  - c. August 18, 2020 HAPRA Minutes
  - d. August 19, 2020 MHOG Minutes/Agenda
  - e. August 19, 2020 HAFA Minutes/Agenda
- 3) Short Term Rental Lawyer
- 4) Sewer Usage Credit
- 5) Covid-19 Preparedness Plan
- 6) Disc Golf Course Modification Request
- 7) AJR Cornerstone Mediation

Correspondence and Updates  
Hometown Matter

Call to the Public  
Adjournment

Reminder: Next Board Packet will be ready after 3pm on Thursday, September 3, 2020

MARION TOWNSHIP  
BOARD OF TRUSTEES  
REGULAR MEETING  
AUGUST 13, 2020

DRAFT

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

**OTHERS PRESENT:** Dave Hamann; *Zoning Administrator*

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**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**

**APPROVAL OF AGENDA**

Dan Lowe asked if we could add Crystal Wood paving and Crystal Wood trees to the agenda. Dan Lowe would also like to add discussion on pre-existing lots and easements.

Bob Hanvey would also like to add discussion on storage containers to the agenda.

Les Andersen motioned to approve the agenda as amended. Tammy Beal seconded. **MOTION CARRIED**

**CONSENT AGENDA**

Les Andersen motioned to approve the consent agenda. Greg Durbin seconded. **MOTION CARRIED**

**DENIM AND DIAMOND EVENT**

Bob said that the original proposal required Board approval. Recently the proposal was changed and now does not require Board approval.

Dave Hamann explained that he has not received any documentation on the fireworks but would like to have something before the event.

### SHORT TERM RENTAL LAWYER

Greg Durbin would like to personally endorse *Cummings McClorey Davis & Acho P.L.C.* to represent Marion Township. He has known them for many years and believes they are as good as it gets.

Les Andersen made a motion to use *Cummings McClorey Davis & Acho P.L.C.* to represent Marion Township on this case for \$150 an hour. Tammy Beal seconded.

ROLL CALL: Duane Stokes: yes; Greg Durbin: yes; Bob Hanvey: yes; Scott Lloyd: yes; Tammy Beal: yes; Les Andersen: yes; Dan Lloyd: yes. **MOTION CARRIED 7-0**

### SEWER USAGE CREDIT

Les Anderson made a motion to credit Victoria Wingard's sewer account for \$338.25, located at 1176 Weatherstone Lane. Greg Durbin seconded. **MOTION CARRIED**

### REVIEW OF SEWER/WATER GENERAL ORDINANCE ISSUES

Dave Hamann said that we need to come up with a protocol for him to follow that an attorney is going to be able to enforce. We need to clean things up with our general ordinances. Bob Hanvey made a motion to have *Cummings McClorey Davis & Acho P.L.C.* review our sewer ordinance and provide feedback. Les Andersen seconded.

ROLL CALL: Duane Stokes: yes; Greg Durbin: yes; Bob Hanvey: yes; Scott Lloyd: yes; Tammy Beal: yes; Les Andersen: yes; Dan Lloyd: yes. **MOTION CARRIED 7-0**

### DISC GOLF COURSE MODIFICATION REQUEST

Our neighbors are currently upset about our disc golf course. Bob Hanvey suggested moving the baskets 100 feet and possibly putting up a second fence or blockade.

Les Andersen made a motion to move the basket 50 feet away from their property. Greg Durbin seconded.

ROLL CALL: Duane Stokes: yes; Greg Durbin: yes; Bob Hanvey: yes; Scott Lloyd: yes; Tammy Beal: yes; Les Andersen: yes; Dan Lloyd: yes. **MOTION CARRIED 7-0**

### PARKING LOT BIDS

Rick Haslock and Joe Vellardita each provided Marion Township with a quote to install a parking lot expansion.

Bob Hanvey made a motion to approve Joe Vellardita's proposal to install a parking lot expansion, that shall not exceed \$7,650.00. Scott Lloyd seconded.

ROLL CALL: Duane Stokes: yes; Greg Durbin: yes; Bob Hanvey: yes; Scott Lloyd: yes; Tammy Beal: yes; Les Andersen: yes; Dan Lloyd: yes. **MOTION CARRIED 7-0**

### CEMETERY TREE REMOVAL

Duane Stokes made a motion to hire Bob Carol to clean up the brush at Harger Cemetery for \$250.00. Scott Lloyd seconded.

ROLL CALL: Duane Stokes: yes; Greg Durbin: yes; Bob Hanvey: yes; Scott Lloyd: yes; Tammy Beal: yes; Les Andersen: yes; Dan Lloyd: yes. **MOTION CARRIED 7-0**

Dan Lowe made a motion to leave the tree alone at Harger Cemetery. Duane Stokes seconded. **MOTION CARRIED**

## AJR CORNERSTONE MEDIATION

Bob Hanvey asked if anyone was interested in attending the mediation for AJR Cornerstone August 20<sup>th</sup>, 2020. Three Trustees are allowed to attend. Bob Hanvey, Tammy Beal and Duane Stokes will be attending this meeting.

## AUGUST 4, 2020 PRIMARY ELECTION REPORT

Tammy Beal discussed the cost of postage for the AV Ballots for the August 2020 election. The cost was significantly higher for this election, due to more people voting absentee. She also explained that the State is suggesting we pre-pay for the postage on the return envelopes for the November 2020 election. The State is promising to reimburse jurisdictions for the cost of the pre-paid postage. Tammy said that most of our AV voters return their ballot in-person, so she feels pre-paid postage would be a waste of the States resources.

## PFEFFER, HANNIFORD, PALKA ENGAGEMENT LETTER

Greg Durbin made a motion for Bob Hanvey to sign the Engagement Letter from Pfeffer, Hanniford and Palka. Les Andersen seconded.

ROLL CALL: Duane Stokes: yes; Greg Durbin: yes; Bob Hanvey: yes; Scott Lloyd: yes; Tammy Beal: yes; Les Andersen: yes; Dan Lloyd: yes. **MOTION CARRIED 7-0**

## CORRESPONDENCE & UPDATES

### • **CRYSTAL WOOD**

Dan Lowe has concerns about the funds available in Crystal Wood's escrow account for trees. Dan said that we should not issue any more zoning compliance to Rick Elkow until he has planted all of the trees that he is required to plant or provides the Township with the funds for those trees.

Bob Hanvey said that Dan Lowe needs to inform Rick exactly where those trees are supposed to be planted. Bob said that he will call Rick Elkow and ask him to get those trees planted.

### • **PRE-EXISTING LOTS AND EASEMENTS**

Dan Lowe said there is currently an easement on the east side of one of his properties and would like for it to be on the west side instead because of where the sewer tap is located. Dan just wanted to clarify that he was allowed to move the easement for his existing lot. He doesn't want there to be any issues later on, so he wanted to verify that this was allowed. Bob Hanvey said that he would be allowed to move the easement because it is an existing parcel.

### • **STORAGE CONTAINERS AND HOOP HOUSES**

Bob Hanvey explained that Cheryl Range from the Planning Commission sent a memo to the Board of Trustees asking if the Board wanted the Planning Commission to work on some language regarding Storage Containers. Dan Lowe said that he doesn't see an issue with it, as long as it does not turn into a giant project. We just need something simple and straight forward.

Dan Lowe made a motion for the Planning Commission to put together some language for storage containers and also for hoop houses. Duane Stokes seconded.

### • **HOMETOWN MATTER**

Bob Hanvey said that he started reading through the 130-page document that Hometown's Attorney served the Township with. We have 60 days to respond to the document and Bob has made it through the first 50 questions so far. There are about 75 more questions to go through.

- **CITY OF HOWELL MEMORADUM**

Bob Hanvey said that they race track condo is moving right along.

- **PERKINS MUD BOG**

Bob said that The Perkins Mud Bog was cancelled due to the capacity limit currently in effect.

- **LIVINGSTON COUNTY UPDATE**

There is a new Livingston County administrator named Nathan Burd.

**CALL TO THE PUBLIC**

**ADJOURNMENT**

Les Andersen motioned to adjourn at 9:10 pm. Tammy Beal seconded. **MOTION CARRIED**

Submitted by: J. Timberlake

\_\_\_\_\_  
Tammy L. Beal, Township Clerk      Date

\_\_\_\_\_  
Robert W. Hanvey, Township Supervisor      Date

FISCAL YEAR 2020-21 MARION TOWNSHIP FINANCIAL REPORT

Jul-20

GENERAL FUND CHECKING

|                  |    |                     |
|------------------|----|---------------------|
| Previous Balance | \$ | 1,472,235.98        |
| Receipts         | \$ | 143,634.95          |
| Interest         | \$ | 584.37              |
|                  | \$ | <u>1,616,455.30</u> |
| Expenditures     | \$ | <b>140,089.06</b>   |
| Balance          | \$ | <u>1,476,366.24</u> |

CEMETERY FUND

|                  |    |                  |
|------------------|----|------------------|
| Previous Balance | \$ | 17,286.32        |
| Receipts         | \$ | 2,000.00         |
| Interest         |    |                  |
|                  | \$ | <u>19,286.32</u> |
| Expenditures     | \$ | <b>1,081.93</b>  |
| Balance          | \$ | <u>18,204.39</u> |

PARKS & RECREATION FUND

|                  |    |                  |
|------------------|----|------------------|
| Previous Balance | \$ | 13,189.63        |
| Receipts         | \$ | -                |
| Interest         |    |                  |
|                  | \$ | <u>13,189.63</u> |
| Expenditures     | \$ | <b>1,136.09</b>  |
| Balance          | \$ | <u>12,053.54</u> |

WATER - NEW USER

|                  |    |                   |
|------------------|----|-------------------|
| Previous Balance | \$ | 452,914.37        |
| Receipts         | \$ | 11,601.00         |
| Interest         | \$ | 167.08            |
|                  | \$ | <u>464,682.45</u> |
| Expenditures     | \$ | <b>12,500.00</b>  |
| Balance          | \$ | <u>452,182.45</u> |

11/15/2019 10:51 AM  
 11/15/2019 10:51 AM

**SEWER OPERATING & MANAGEMT**

|                  |    |                   |
|------------------|----|-------------------|
| Previous Balance | \$ | 151,993.16        |
| Receipts         | \$ | 3,379.37          |
| Interest         |    |                   |
|                  | \$ | <u>155,372.53</u> |
| Expenditures     | \$ | <b>40,787.97</b>  |
| Balance          | \$ | <u>114,584.56</u> |

**SEWER - NEW USER**

|                  |    |                   |
|------------------|----|-------------------|
| Previous Balance | \$ | 204,936.38        |
| Receipts         | \$ | 48,184.44         |
| Interest         |    |                   |
|                  | \$ | <u>253,120.82</u> |
| Expenditures     | \$ | <b>39,623.49</b>  |
| Balance          | \$ | <u>213,497.33</u> |

**SPEC ASSESS. FUND**

|                  |    |                   |
|------------------|----|-------------------|
| Previous Balance | \$ | 216,129.83        |
| Receipts         | \$ | 1,626.22          |
|                  | \$ | <u>217,756.05</u> |
| Expenditures     | \$ | <b>20,835.00</b>  |
| Balance          | \$ | <u>196,921.05</u> |

**SUMMARY TOTALS**

|                         |    |                            |
|-------------------------|----|----------------------------|
| General Fund            | \$ | 1,476,366.24               |
| Cemetery Fund           | \$ | 18,204.39                  |
| Parks & Rec Capital Chk | \$ | 12,053.54                  |
| Water - New User        | \$ | 452,182.45                 |
| Sewer Operating & Mana  | \$ | 114,584.56                 |
| Sewer - New User        | \$ | 213,497.33                 |
| Special Assess. Fund    | \$ | 196,921.05                 |
| <b>TOTAL</b>            | \$ | <u><b>2,483,809.56</b></u> |

08/06/20

# #101 General Fund Account QuickReport As of July 31, 2020

| Date                              | Num         | Name                               | Memo  | Amount     |
|-----------------------------------|-------------|------------------------------------|---|------------|
| <b>001 - CASH - GENERAL - FNB</b> |             |                                    |   |            |
| 07/01/2020                        | 11043       | Election Source                    | INVOICE# 20-49837                               | -121.18    |
| 07/01/2020                        | 11044       | ESRI                               | CUSTOMER# 198763 / INVOICE# 93841587 / ...      | -700.00    |
| 07/01/2020                        | 11045       | MICHAEL J. KEHOE, P.C.             | INVOICE# 3162, 3163, 3164                       | -505.75    |
| 07/01/2020                        |             |                                    | Deposit   | 132,583.00 |
| 07/02/2020                        |             |                                    | Deposit   | 150.00     |
| 07/07/2020                        | 5891808     | TAMMY L. BEAL                      | JUNE 2020 PAYROLL                               | -2,572.25  |
| 07/07/2020                        | 5891809     | JESSICA S. TIMBERLAKE              | JUNE 2020 PAYROLL                               | -2,212.08  |
| 07/07/2020                        | 5891810     | THOMAS A. LLOYD                    | JUNE 2020 PAYROLL                               | -501.37    |
| 07/07/2020                        | 5891811     | KITSEY A. RENNELLS                 | JUNE 2020 PAYROLL                               | -2,492.92  |
| 07/07/2020                        | 5891813     | DIANE D. BOCKHAUSEN                | JUNE 2020 PAYROLL                               | -92.35     |
| 07/07/2020                        | 5891814     | GAIL A. BURLINGAME                 | JUNE 2020 PAYROLL                               | -2,810.77  |
| 07/07/2020                        | 5891815     | DUANE M. STOKES                    | JUNE 2020 PAYROLL                               | -2,964.48  |
| 07/07/2020                        | 5891816     | SANDRA J. LONGSTREET               | JUNE 2020 PAYROLL                               | -2,256.51  |
| 07/07/2020                        | 5891817     | GREGORY L. DURBIN                  | JUNE 2020 PAYROLL                               | -1,075.35  |
| 07/07/2020                        | 5891818     | LINDA M. MANSON-DEMPSEY            | JUNE 2020 PAYROLL                               | 0.00       |
| 07/07/2020                        | 5891819     | DAVE HAMANN                        | JUNE 2020 PAYROLL                               | -2,724.76  |
| 07/07/2020                        | 5891820     | LAWRENCE W. GRUNN                  | JUNE 2020 PAYROLL                               | -220.24    |
| 07/07/2020                        | 5891821     | ROBERT W. HANVEY                   | JUNE 2020 PAYROLL                               | -3,674.22  |
| 07/07/2020                        | 5891822     | KAREN D. HAWKINS                   | JUNE 2020 PAYROLL                               | -2,206.41  |
| 07/07/2020                        | 5891823     | PATRICIA J. HUGHES                 | JUNE 2020 PAYROLL                               | -483.76    |
| 07/07/2020                        | 5891824     | LOREEN B. JUDSON                   | JUNE 2020 PAYROLL                               | -3,548.66  |
| 07/07/2020                        | 76138972    | LESLIE D. ANDERSEN                 | JUNE 2020 PAYROLL                               | -375.57    |
| 07/07/2020                        | 76138973    | SCOTT R. LLOYD                     | JUNE 2020 PAYROLL                               | -260.31    |
| 07/07/2020                        | 76138974    | DANIEL F. LOWE                     | JUNE 2020 PAYROLL                               | -508.20    |
| 07/07/2020                        | 76138975    | LARRY J. FILLINGER                 | JUNE 2020 PAYROLL                               | -92.35     |
| 07/07/2020                        | 76138976    | JAMES L. ANDERSON JR.              | JUNE 2020 PAYROLL                               | -88.10     |
| 07/07/2020                        | 76138977    | BRUCE V. POWELSON                  | JUNE 2020 PAYROLL                               | -92.35     |
| 07/07/2020                        | 76138978    | CHERYL A. RANGE                    | JUNE 2020 PAYROLL                               | -92.35     |
| 07/07/2020                        | JUNE202...  |                                    | TOTAL TAXES FOR JUNE 2020 PAYROLL               | -10,685.42 |
| 07/07/2020                        | 11046       | VOYA Institutional Trust           | JUNE 2020 PAYROLL                               | -400.00    |
| 07/07/2020                        | 11047       | Marion Township Flex Fund          | JUNE 2020 PAYROLL                               | -1,376.93  |
| 07/07/2020                        | 11048       | ALERUS PAYMENT SOLUTIONS           | DIVISION# 400381 / PLAN ID# 628223 / #4720-...  | -3,825.99  |
| 07/07/2020                        |             |                                    | Deposit   | 200.00     |
| 07/07/2020                        |             |                                    | Deposit   | 1,100.00   |
| 07/07/2020                        |             |                                    | Deposit   | 50.00      |
| 07/08/2020                        |             |                                    | Deposit   | 100.00     |
| 07/09/2020                        | 11049       | Quill                              | INVOICE# 8151741 / ACT# 5749619                 | -46.97     |
| 07/09/2020                        | 11050       | Culligan of Ann Arbor              | ACCOUNT 760611 / INVOICE# 615174                | -48.00     |
| 07/09/2020                        | 11051       | CARLISLE/WORTMAN, Inc.             | CLIENT# 266 / INVOICE# 2157438                  | -237.50    |
| 07/09/2020                        | 11052       | QUADIENT FINANCE USA, INC.         | ACCOUNT# 7900-0444-4962-6229 - ELECTIO...       | -1,250.00  |
| 07/13/2020                        | 11053       | JON LUKER                          | HALL RENTAL REFUND 07-11-2020                   | -100.00    |
| 07/13/2020                        |             |                                    | Deposit   | 288.50     |
| 07/14/2020                        | 11054       | DTE ENERGY                         | ACCOUNT# 9100 104 3211 0 / 06/04/20 - 07/0...   | -708.07    |
| 07/14/2020                        | 11055       | LIV CO CLERK                       | November 2018 ELECTION SERVICES                 | -1,194.00  |
| 07/14/2020                        | 11056       | FOWLerville NEWS & VIEWS           | INVOICE# 39064 / 06/07/20 - 06/28/20            | -347.50    |
| 07/14/2020                        | 11057       | AT&T -General                      | ACT# 517 546 6622 125 8 / INVOICE# 5175466...   | -186.53    |
| 07/14/2020                        | ATT- JUL... |                                    | AT&T CELL TOWER LEASE PAYMENT JULY ...          | 2,281.31   |
| 07/16/2020                        | 11058       | Charter Communications             | ACT# 8245 12 487 0024359 / INV# 0024359050...   | -416.65    |
| 07/16/2020                        | 11059       | Charter Communications             | ACT# 8245 12 487 0024359 / INV# 0024359050...   | -416.65    |
| 07/16/2020                        | 11060       | CONSUMERS ENERGY                   | ACT# 100019742632 / 06/09/20 - 07/08/20         | -23.54     |
| 07/16/2020                        | 11061       | Jill Joyce                         | HALL RENTAL - USED 07/18/2020                   | -100.00    |
| 07/16/2020                        |             |                                    | Deposit   | 100.00     |
| 07/16/2020                        |             |                                    | Deposit   | 75.00      |
| 07/16/2020                        |             |                                    | ADP FEE - JUNE 2020 PAYROLL                     | -192.95    |
| 07/17/2020                        | JUNE 20 ... |                                    | INVOICE# 706, 710 Second Application            | -24,546.89 |
| 07/20/2020                        | 11062       | Chloride Solutions                 | LAWN SERVICES 06/25, 06/29, 07/6, 07/13, 07...  | -925.00    |
| 07/21/2020                        | 11063       | B&L Services                       | GROUP 007017906710 / COVERAGE 08/15/20...       | -15,263.82 |
| 07/21/2020                        | 11064       | Blue Cross Blue Shield of Michigan | Deposit   | 150.00     |
| 07/21/2020                        |             |                                    | INVOICE# 202510 Twp. Parking Lot Alternative... | -1,378.75  |
| 07/23/2020                        | 11065       | Spicer Group Inc                   | Deposit   | 6,233.74   |
| 07/23/2020                        |             |                                    | Lisa Maher Agreement                            | -30.00     |
| 07/27/2020                        | 11066       | LIV CO REGISTER OF DEEDS           | Deposit   | 323.40     |
| 07/28/2020                        |             |                                    | CUSTOMER# 01246949 / INVOICE# N8403237          | -382.35    |
| 07/29/2020                        | 11067       | QUADIENT FINANCE USA, INC.         | ACT# 6389 - 06/23/2020 - 07/16/2020             | -491.32    |
| 07/29/2020                        | 11068       | STAPLES                            | INVOICE# 138532 / 8 TONERS                      | -612.92    |
| 07/29/2020                        | 11069       | CARTRIDGE WORLD                    | BCN# E4270229 INVOICE# 4270229 - 0701464        | -452.74    |
| 07/29/2020                        | 11070       | Colonial Life                      | ACCOUNT# ENDING 0532 - 06/23/2020 - 07/1...     | -419.09    |
| 07/29/2020                        | 11071       | PNC Bank                           |   |            |

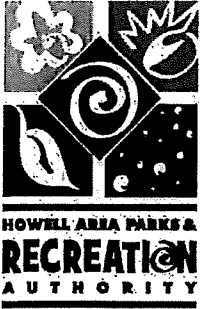


08/06/20 11:00 AM

# #101 General Fund Account QuickReport As of July 31, 2020

08/06/20

| Date                             | Num   | Name                 | Memo            | Amount           |
|----------------------------------|-------|----------------------|-----------------|------------------|
| 07/29/2020                       | 11072 | BS & A SOFTWARE, INC | INVOICE# 130632 | -1,391.00        |
| 07/31/2020                       |       |                      | Interest        | 584.37           |
| Total 001 - CASH - GENERAL - FNB |       |                      |                 | 44,096.45        |
| TOTAL                            |       |                      |                 | <u>44,096.45</u> |



## Howell Area Parks & Recreation Authority

Bennett Recreation Center

### Regular Board Meeting Minutes

August 18, 2020

#### Call to Order

Chairman Sean Dunleavy called the meeting to order at 7:00 pm.

#### Attendance

Chairman Sean Dunleavy, Vice Chair Diana Lowe, Secretary Tammy Beal, Evan Rudnicki (Jean Graham's alternate), and Jeanette Ambrose (New Howell City Representative).

#### Absent

Jean Graham

#### Staff

Director Tim Church, Kyle Tokan, Kevin Troshak (Chris Techentin and Rene Baumgart via video)

#### Public

None

#### Pledge of Allegiance

#### Approval of Agenda

Diana Lowe motioned to approve the Agenda, supported by Tammy Beal. **Motion carried 5-0.**

#### Approval of Regular Minutes

Diana Lowe made a motion to approve the July 21, 2020 minutes, supported by Jeanette Ambrose. **Motion carried 5-0.**

## Welcome

Chairman Sean Dunleavy introduced the new Howell City Representative, her name is Jeanette Ambrose and was welcomed by all. She is taking Treasurer Bob Ellis' seat as he has stepped down.

## Call to the Public

None heard.

## Staff Comments

Kevin announced that the first season of e-sports has been well received, it will run six weeks and then the play offs will start. 18 people have registered already.

## Treasurer Position

Bob Ellis has stepped down, so we need someone to fill the treasurer position. Diana Lowe offered to do it but we will wait until Trustee Jean Graham returns to fill the position.

## HAPRA Employee PTO Policy

Director Church got some comparisons from other entities as to how they handle PTO. There were several different ways and none quite fit our situation. Director explained different options with rolling over PTO time and paying off PTO at the end of the year. He will bring back revised language to the next meeting.

## HAPRA Employee Handbook

Diana Lowe made a motion to accept the new HAPRA Employee Handbook as presented, Tammy Beal supported it. **Motion carried 5-0.**

## HAPRA 2020 Outlook

- Summer camp finished last week.
- Melon Fest was last weekend.
- There probably won't be fall soccer.
- There will be a modified Legend of Sleep Howell with drive through Trick or Treating at the park.
- Holiday in the Park will be combined with Fantasy of Lights-Director is meeting with the Chamber and the DDA trying to keep business downtown.
- Preschool was delayed until January.
- Kevin is working on a program at the Hive where 6<sup>th</sup> to 9<sup>th</sup> graders can come and do their lessons virtually if necessary. They can handle up to 30 students.

## HAPRA 2021 Budget

The new facility in Oceola has started and we might go to the members and ask for \$5K more from each of them to keep some of the programs going. Director Church and Chairman Dunleavy will approach the Boards.

## Check Register and Bank Statements ending July 31, 2020

Everything looks good.

## Financial Reports ending July 31, 2020

HAPRA  
Regular Meeting  
August 18, 2020

Director Church reported that 99% of the fees have been refunded to the participants. If there is zero income coming in, then by the end of the year we will probably be \$12K in the red. If there is no fall soccer, we will be another \$35K in the red. That is why we need to go to the members and ask for a \$5K increase from each of them.

### Directors Report

- Melon Fest was virtual and some in person, such as the drive-in movies and the drive up 50's concert. There were no complaints. Rotary sold all of the melon ice cream that they had made. Amelia did great on the events and Kevin had a super trivia contest.
- Fall soccer is in limbo depending on what Michigan High School Sports Association determines. We will have a better idea tomorrow.
- Fantasy of Lights will coordinate with Holiday in the Park and look very different.
- Director Church is working with Rec-Pro to get away from being on Howell City's program and starting our own registration program because of the new facility.

### Old Business

- Diana Lowe reported that two cement basketball courts are in and they are waiting for the hoops.
- Tammy Beal reported that Marion Township's Disc Golf course was used over the weekend for a tournament.

### New Business

- Diane Lowe and Tammy Beal received letters from "Friends of the Howell Pool" stating how the pool should be reopened and who to contact to make that happen.
- Sean Dunleavy reported that the walls are up at the new Oceola Center and that there have been a couple hiccups but things are moving along as planned. Tim and Kyle attended a meeting and some equipment had to be ordered before the HVAC could be put in.
- Director Church will make a proclamation up for Bob Ellis and we will present it to him at the next meeting.

### Next Meeting

The next regular meeting is scheduled for Tuesday, September 17, 2020 at 7 pm at Bennet Center,

Motion to adjourn at 8:38 pm by Diana Lowe, supported by Jeannette Ambrose. **Motion carried 5-0.**

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Approved

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Date

Respectfully Submitted by: Tammy L. Beal, Secretary

**MHOG Water Authority Meeting**  
**August 19, 2020**  
**5:00 PM at Oceola Township Hall**

## **AGENDA**

- 1. Approval of the Minutes of July 15, 2020**
- 2. Call to Public**
- 3. Reports**
  - **Staff Reports: Greg Tatara**
  - **Treasurer (Robin Hunt)**
  - **Engineer (Gary Markstrom)**
  - **CPA (Ken Palka)**
- 4. New Business**
  - **Correspondence**
- 5. Old Business**
- 6. Adjournment**

## MHOG Water Authority Meeting MINUTES

The Marion, Howell, Oceola, Genoa Water Authority met on July 15, 2020 at 5:00 PM. Members present were Bamber, Coddington, Rogers, Hanvey, Schuhmacher, Hunt, Counts and Lowe.

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The meeting was called to order by Chairman Hanvey.

A motion was made by Rogers to approve the minutes of the June 17, 2020 meeting changing the word lime to lime. The motion was seconded by Schuhmacher and carried.

A call to the public was held.

A motion was made by Schuhmacher to approve expenditures of \$156,803.88 from the MHOG Operating Fund represented by check numbers 8453-8481 and PR 569 to 576. The motion was seconded by Coddington and carried.

A motion was made by Rogers to approve expenditures of \$4,716.00 from the Capital Reserve Replacement Fund represented by check number 1069. The motion was seconded by Coddington and carried.

A motion was made by Counts to approve expenditures of \$1,000.00 from the Bond Payment Fund represented by check number 125. The motion was seconded by Schuhmacher and carried.

A motion was made by Coddington to approve expenditures of \$19,870.00 in MHOG Connection Fees represented by check number 1010 & 1011. The motion was seconded by Schuhmacher and carried.

A motion was made by Hunt to adjourn. The motion was seconded by Counts and carried.

William J. Bamber, Secretary

## HOWELL AREA FIRE AUTHORITY MEETING

Oceola Township Hall

1577 N. Latson Rd. – Howell, MI

August 19, 2020 – 6:00 PM

Authority Board  
Members and Other  
Officials:

Bill Bamber  
Oceola Township  
*Chairman*

Mike Coddington  
Howell Township  
*Vice Chairman*

Mark Fosdick  
Cohoctah Township  
*Secretary*

Robert Hanvey  
Marion Township  
*Member*

Nick Proctor  
City of Howell  
*Treasurer*

Ron Hicks  
*Fire Chief*

Laura Walker  
*Asst. Sec/Treasurer*

1. Meeting called to order at 6:00 pm.
2. Approve minutes of the regular meeting of July 15, 2020
3. Call to Public (items not on agenda)
4. Discussion of paving the exit drive at Oceola Fire Station.
5. Discussion/Approval Annual Livingston County Form L-4029 Tax Rate Request.
6. Discussion/Approval Intergovernmental Agreement for housing of first responders.
7. Chief's Comments
8. Approve payment of bills and payroll in the amount of \$168,793.41
9. New Business
10. Old Business
11. Closed Session
12. Adjourn

### WELCOME!

Visitors are invited to attend all meetings of the Howell Area Fire Authority Board.

If you wish to address the Board you will be recognized by the Chairman.

## HOWELL AREA FIRE AUTHORITY

July 15, 2020 – 6:00 pm

Oceola Township Hall – 1577 N. Latson Rd. Howell, MI 48843

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**Present:** Chairman Bill Bamber, Vice Chairman Mike Coddington, Treasurer Nick Proctor, Secretary Mark Fosdick, Member Bob Hanvey, Attorney Kevin Gentry, Fire Chief Andy Pless, Deputy Chief Ron Hicks, Asst. Sec/Treas. Laura Walker

Chairman Bill Bamber called the meeting to order at 6:00 pm

**Approve minutes of the regular meeting of June 17, 2020:** MOTION by Mr. Coddington, SUPPORT by Mr. Hanvey to approve the minutes of the regular meeting of June 17, 2020. MOTION CARRIED UNANIMOUSLY.

**Call to Public:** No Response

**Discussion/Approval Annual Election of HAFA Board Officers Positions:** MOTION by Mr. Hanvey, SUPPORT by Mr. Proctor to maintain current state. MOTION CARRIED UNANIMOUSLY.

**Discussion/Approval Replacement of Chief's vehicle:** MOTION by Mr. Proctor, SUPPORT by Mr. Coddington to approve purchase of new vehicle for the Fire Chief in an amount up to \$40,000.


**Approve Payment of April Bills and Payroll:** MOTION by Mr. Proctor, SUPPORT by Mr. Fosdick to authorize payment of bills and payroll in the amount of \$200,558.88. MOTION CARRIED UNANIMOUSLY.

**Enter Closed Session:** MOTION by Mr. Proctor, SUPPORT by Mr. Coddington to enter closed session at 6:12pm. Roll call vote taken, 5 yea's and 0 nay's.

**End Closed Session:** MOTION by Mr. Proctor, SUPPORT by Mr. Coddington to end closed session at 6:19pm. Roll call vote taken, 5 yea's and 0 nay's.

**Adjourn:** MOTION by Mr. Proctor, SUPPORT by Mr. Coddington to adjourn the meeting at 6:20pm. MOTION CARRIED UNANIMOUSLY.

Respectfully Submitted:

  
\_\_\_\_\_  
Laura Walker, Asst. Secretary/Treasurer

Approved By: \_\_\_\_\_

Mark Fosdick, Secretary



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## MONTHLY UPDATE TO THE BOARD

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**TO:** HOWELL AREA FIRE AUTHORITY BOARD OF DIRECTORS  
**FROM:** RON HICKS, FIRE CHIEF  
**SUBJECT:** MONTHLY HAFD REPORT FOR JULY 2020  
**DATE:** AUGUST 19, 2020

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During the month of July, the HAFD responded to a total of 159 calls for service. There were 185 calls in July of 2019. The total year-to-date runs for 2020 is 1011. Last year's total at the end of July was 901.

Some of the more significant events for the month included:

On July 16<sup>th</sup>, Howell Firefighters were dispatched to a reported structure fire in the 6000 block of Crandall Rd in Cohoctah Township. On arrival units reported a working fire in the garage, the fire was contained and extinguished. The homeowners advised they discarded fireworks in a trash can the previous evening.

On July 17<sup>th</sup> Howell Firefighters responded to a reported structure fire in the 1900 block of Yorway Dr. in Marion Township. Upon arrival units found a two-story home with smoke showing from the garage, the fire was contained and extinguished. The occupants advised they were charging a battery on the work bench.

On July 24<sup>th</sup> Howell Firefighters responded to a reported structure fire in the 300 block of E Brooks St. in the City of Howell. On arrival units reported heavy fire in the attic and roof of the residence, 2 dogs were rescued by firefighters. The fire started in a trash container outside the rear of the home and traveled up the back of the home and into the attic area.

During the month of July Howell Firefighters responded to (2) fatal vehicle accidents and (2) fatal motorcycle accidents.

Training for the month of July consisted of firefighter drivers training course held at the Howell Parker Middle School Campus.

**The next meeting of the Howell Area Fire Authority Board is scheduled for Wednesday August 19<sup>th</sup>, 2020 at 6:00 pm.**

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## Howell Area Fire Department Fire Marshal Division

1211 W Grand River Ave Howell, MI 48843  
office: 517-546-0560 fax: 517-546-6011  
[firemarshal@howellfire.net](mailto:firemarshal@howellfire.net)

**DATE:** August 7, 2020  
**TO:** Chief Pless  
Chief Hicks  
Fire Authority Board  
**FROM:** Jamil Czubenko, Assistant Chief/Fire Marshal  
**REF:** July 2020 Month End

The month of July 2020 was busy in the Fire Marshal Division (FMD).

The FMD participated in emergency responses and department training throughout the month.

June continued to have the FMD very active in the department's Covid-19 planning and response. Planning for our personnel and their response to our customers with the appropriate PPE along with ever changing medical protocols. I am still handling the Logistics for PPE requests from public safety agencies within the county.

The FMD has been involved with buyers and sellers of property for vacant property and existing buildings throughout our jurisdiction. A few proposals for projects have been submitted for review and comment.

The FMD has been working with businesses to assist them in their opening, so that they can comply with the various Executive Orders and phased opening of the State and local businesses. For the most part, it has been a balance of education and consultation to get our customers where they need to be, to be compliant and open. This effort continues, as the situation is ever changing.

The HAFD visited 5 homes and installed a total of 18 batteries and 1 CO detector. To date, 74 smoke and 9 CO detectors have been installed by the HAFD.

August 2020 brings us more planning for future projects and various fire prevention events.

| INCIDENT NUMBER | INCIDENT TYPE  | DATE       | LOCATION               | APPARATUS               |
|-----------------|--|------------|------------------------|-------------------------|
| 2020-0902       | 463 - Vehicle accident, general cleanup                | 07/09/2020 | OAK GROVE RD           | EN20,FM2                |
| 2020-0903       | 444 - Power line down                                  | 07/09/2020 | 2250 OAK GROVE RD      | BR20,BR24               |
| 2020-0905       | 352 - Extrication of victim(s) from vehicle            | 07/10/2020 | 3304 OAK GROVE RD      | CH20,CH24,EN20,EN24,R20 |
| 2020-0908       | 611 - Dispatched & cancelled en route                  | 07/10/2020 | 2165 E GRAND RIVER     | EN21                    |
| 2020-0911       | 311 - Medical assist, assist EMS crew                  | 07/11/2020 | 1825 N BURKHART RD     | EN20,FM2                |
| 2020-0912       | 131 - Passenger vehicle fire                           | 07/11/2020 | 2885 W MARR RD         | CH24,EN20,EN24          |
| 2020-0920       | 311 - Medical assist, assist EMS crew                  | 07/12/2020 | 1009 OAK CLUSTER CT    | BR20                    |
| 2020-0923       | 611 - Dispatched & cancelled en route                  | 07/13/2020 | 1135 E GRAND RIVER AVE | CH2                     |
| 2020-0925       | 311 - Medical assist, assist EMS crew                  | 07/14/2020 | 5485 SPRING CREEK DR   | BR20                    |
| 2020-0928       | 551 - Assist police or other governmental agency       | 07/14/2020 | 4000 OWOSSO RD         | EN20,FM2                |
| 2020-0934       | 611 - Dispatched & cancelled en route                  | 07/16/2020 | 1439 W GRAND RIVER AVE | FM2                     |
| 2020-0966       | 311 - Medical assist, assist EMS crew                  | 07/20/2020 | 3559 AMBER OAKS DR     | BR20,BR24               |
| 2020-0971       | 611 - Dispatched & cancelled en route                  | 07/20/2020 | 1500 BYRON RD          | CH2                     |
| 2020-0977       | 311 - Medical assist, assist EMS crew                  | 07/21/2020 | 3003 W GRAND RIVER     | BR20,FM2                |
| 2020-0978       | 622 - No incident found on arrival at dispatch address | 07/21/2020 | 2198 W HIGHLAND RD     | EN20,FM2                |
| 2020-0984       | 611 - Dispatched & cancelled en route                  | 07/22/2020 | 1320 ASHEBURY LN       | CH2                     |
| 2020-0992       | 311 - Medical assist, assist EMS crew                  | 07/25/2020 | 2196 OAK GROVE RD      | BR20,BR24,CH20          |
| 2020-1002       | 611 - Dispatched & cancelled en route                  | 07/27/2020 | 129 N ELM ST           | CH2                     |
| 2020-1004       | 500 - Service Call, other                              | 07/27/2020 | 1475 N BURKHART RD     | CH202,EN20              |
| 2020-1010       | 324 - Motor vehicle accident with no injuries.         | 07/28/2020 | 4545 W GRAND RIVER     | EN20,FM2                |
| 2020-1014       | 741 - Sprinkler activation, no fire - unintentional    | 07/29/2020 | 2440 W HIGHLAND RD     | EN22                    |
| 2020-1017       | 600 - Good intent call, other                          | 07/29/2020 | 1360 N BURKHART RD     | BR20                    |
| 2020-1019       | 444 - Power line down                                  | 07/30/2020 | 4442 BYRON RD          | BR20,BR24               |

Total # Incidents for HOWELL TWP:

34

**ZONE: MARION - MARION Twp**

|           |  |            |                        |   |
|-----------|--|------------|------------------------|---|
| 2020-0882 | 611 - Dispatched & cancelled en route            | 07/04/2020 | 3300 COUNTY FARM RD    | CH2   |
| 2020-0883 | 131 - Passenger vehicle fire                     | 07/04/2020 | 3430 COUNTY FARM RD    | BR23,CH24,EN20,EN21,EN23,EN24,TA22                    |
| 2020-0897 | 551 - Assist police or other governmental agency | 07/08/2020 | 3782 CEDAR POINT RD    | BR23,FM2  |
| 2020-0909 | 311 - Medical assist, assist EMS crew            | 07/10/2020 | 1181 GRAY FOX CT       | BR23,CH23   |
| 2020-0910 | 131 - Passenger vehicle fire                     | 07/11/2020 | 3999 PINCKNEY RD       | EN20  |
| 2020-0919 | 311 - Medical assist, assist EMS crew            | 07/12/2020 | 3505 PRESCOTT DR       | BR23,LT23   |
| 2020-0927 | 600 - Good intent call, other                    | 07/14/2020 | 5089 EDWARD JAMES DR   | BR23  |
| 2020-0930 | 444 - Power line down                            | 07/15/2020 | 3727 HIGH HILLCREST DR | EN20  |
| 2020-0938 | 111 - Building fire                              | 07/17/2020 | 1985 YORWAY DR         | BR24,CH20,CH23,CH24,EN20,EN21,EN22,EN23,EN24,R20,TA22 |
| 2020-0939 | 611 - Dispatched & cancelled en route            | 07/17/2020 | 3999 PINCKNEY RD       | CH23,CPT23,EN20                                       |
| 2020-0940 | 611 - Dispatched & cancelled en route            | 07/17/2020 | 3999 PINCKNEY RD       | CH2   |
| 2020-0952 | 444 - Power line down                            | 07/19/2020 | 1358 E I96             | BR20  |
| 2020-0964 | 444 - Power line down                            | 07/19/2020 | 2219 PHEASANT RUN RD   | CH23,EN23   |
| 2020-0965 | 611 - Dispatched & cancelled en route            | 07/19/2020 | 510 BRIGHTON RD        | CH2   |

Only REVIEWED incidents included. Archived Zones cannot be unarchived.

| INCIDENT NUMBER | INCIDENT TYPE                                    | DATE       | LOCATION       | APPARATUS |
|-----------------|--|------------|----------------|-----------|
| 2020-0995       | 551 - Assist police or other governmental agency | 07/26/2020 | 155 S TRUHN RD | BR20      |
| 2020-1009       | 611 - Dispatched & cancelled en route            | 07/28/2020 | 1744 PEAVY RD  | BR23      |

Total # Incidents for MARION:

16

| ZONE: OCEOLA - OCEOLA Twp |  |            |                        |                     |
|---------------------------|--|------------|------------------------|---------------------|
| INCIDENT NUMBER           | INCIDENT TYPE  | DATE       | LOCATION               | APPARATUS           |
| 2020-0865                 | 311 - Medical assist, assist EMS crew                    | 07/01/2020 | 2381 HICKORY CIRCLE DR | BR22,CH20           |
| 2020-0868                 | 311 - Medical assist, assist EMS crew                    | 07/02/2020 | 2600 WILLOWCREST CIR   | BR22                |
| 2020-0870                 | 311 - Medical assist, assist EMS crew                    | 07/02/2020 | 76 WATERWAY DR         | BR20,CH20,FM2       |
| 2020-0888                 | 311 - Medical assist, assist EMS crew                    | 07/06/2020 | 4949 stella DR         | BR22                |
| 2020-0892                 | 311 - Medical assist, assist EMS crew                    | 07/07/2020 | 1925 ARGENTINE RD      | BR22,FM2            |
| 2020-0896                 | 444 - Power line down                                    | 07/07/2020 | 5925 N LATSON RD       | CPT22               |
| 2020-0914                 | 611 - Dispatched & cancelled en route                    | 07/11/2020 | 3137 MUSSON RD         | BR22,CH22           |
| 2020-0918                 | 311 - Medical assist, assist EMS crew                    | 07/12/2020 | 3801 LISTERMAN RD      | BR22                |
| 2020-0921                 | 311 - Medical assist, assist EMS crew                    | 07/13/2020 | 645 N HACKER RD        | BR22,CPT22,FM2      |
| 2020-0922                 | 551 - Assist police or other governmental agency         | 07/13/2020 | 1900 N LATSON RD       | CPT22,EN22          |
| 2020-0935                 | 440 - Electrical wiring/equipment problem, other         | 07/16/2020 | 5118 E ALLEN RD        | BR20,BR22           |
| 2020-0936                 | 611 - Dispatched & cancelled en route                    | 07/16/2020 | 1250 MAPLE LEAF LN     | CH2                 |
| 2020-0941                 | 611 - Dispatched & cancelled en route                    | 07/17/2020 | 4999 N LATSON RD       | EN22                |
| 2020-0942                 | 412 - Gas leak (natural gas or LPG)                      | 07/17/2020 | 5630 N LATSON RD       | EN22                |
| 2020-0946                 | 324 - Motor vehicle accident with no injuries.           | 07/18/2020 | 4999 ARGENTINE RD      | EN22                |
| 2020-0950                 | 311 - Medical assist, assist EMS crew                    | 07/18/2020 | 2830 BONNY BROOK DR    | BR22                |
| 2020-0951                 | 611 - Dispatched & cancelled en route                    | 07/19/2020 | 6907 GOLF CLUB RD      | BR22                |
| 2020-0963                 | 743 - Smoke detector activation, no fire - unintentional | 07/19/2020 | 2865 EARL LAKE DR      | EN20,EN22           |
| 2020-0969                 | 440 - Electrical wiring/equipment problem, other         | 07/20/2020 | 1471 DOUGLAS FIR CT    | EN22                |
| 2020-0970                 | 424 - Carbon monoxide incident                           | 07/20/2020 | 7774 BENT GRASS TRL    | CPT22,EN22          |
| 2020-0974                 | 736 - CO detector activation due to malfunction          | 07/21/2020 | 3833 VICKSBURG WAY     | EN22                |
| 2020-0979                 | 322 - Motor vehicle accident with injuries               | 07/21/2020 | 2999 GOLF CLUB RD      | CH20,CPT22,EN22,FM2 |
| 2020-0980                 | 611 - Dispatched & cancelled en route                    | 07/21/2020 | 2999 GOLF CLUB RD      | EN22                |
| 2020-0981                 | 611 - Dispatched & cancelled en route                    | 07/21/2020 | 2999 GOLF CLUB RD      | EN22                |
| 2020-0991                 | 611 - Dispatched & cancelled en route                    | 07/24/2020 | 1071 GASSER CT         | EN22                |
| 2020-0998                 | 611 - Dispatched & cancelled en route                    | 07/27/2020 | 2367 GOLF CLUB RD      | CH2                 |
| 2020-0999                 | 440 - Electrical wiring/equipment problem, other         | 07/27/2020 | 1795 ARGENTINE RD      | EN22                |
| 2020-1000                 | 100 - Fire, other  | 07/27/2020 | 4293 MERRIMAN LOOP     | EN20,TA22           |
| 2020-1007                 | 611 - Dispatched & cancelled en route                    | 07/28/2020 | 1203 BOOTH ST          | BR22,CPT22          |
| 2020-1015                 | 322 - Motor vehicle accident with injuries               | 07/29/2020 | 8399 E HIGHLAND RD     | CH20,EN22           |
| 2020-1016                 | 311 - Medical assist, assist EMS crew                    | 07/29/2020 | 1797 OLYMPIAN WAY      | BR22                |

Total # Incidents for OCEOLA:

31

| ZONE: TYRONE - TYRONE TOWNSHIP |                     |            |                  |           |
|--------------------------------|---------------------|------------|------------------|-----------|
| INCIDENT NUMBER                | INCIDENT TYPE       | DATE       | LOCATION         | APPARATUS |
| 2020-0958                      | 111 - Building fire | 07/19/2020 | 8189 FAUSSETT RD | CH2,EN22  |

Only REVIEWED incidents included. Archived Zones cannot be unarchived.

## MEMORANDUM

From: Marion Township Board of Trustees

To: Marion Township Planning Commission

Re: Short-Term Property Rentals

Dated: August 24, 2020

### **OMA and FOIA Disclosures**

Pursuant to the provisions of the Michigan Open Meetings Act (OMA), of which both the Marion Township Board of Trustees (the "Board") and the Planning Commission are subject to as a qualified public body, both defined in and pursuant to MCL 15.262, the Board provides the following memorandum. The primary purpose of the information contained herein is to promote government openness and accountability. Information that has been provided to the Board by the Township's legal counsel is contained herein and available for public viewing. However, the provision of actual written legal opinions or other correspondence by Marion Township's legal counsel, as directed to the Board as a public body, is considered attorney-client privileged and exempt from disclosure to the public pursuant to the provisions of the Freedom of Information Act (FOIA) at MCL 15.243(g).

### **I. Executive Summary**

The question raised and considered by the Board is as to whether certain homeowners are precluded from engaging in short-term rentals ("STR") of their home under the existing Township zoning ordinance. Although there is no explicit language contained in the zoning ordinance which prohibits this sort of activity, there are provisions which imply that undertakings of this sort do not qualify as an acceptable residential use of a lot.

### **II. Township Zoning Ordinance**

In the instant matter, there are particular residential homeowners that have engaged in STR activities which have caused neighboring residents to inquire as to whether the STR activity is prohibited or allowed under the existing zoning ordinance. STR matters involving any particular homeowners located within the Township remain unresolved with the municipality. Therefore, the divulgence of identifying information regarding any homeowners, in particular, is not being disclosed at this time in this memorandum, pursuant to the legal advice received from the Township's attorneys.

A review of the Marion Township Zoning Ordinance (the "ordinance") indicates that the section most relevant to the instant issues regarding short-term rentals is §8.04 entitled *ERS: Existing Residential Subdivision District*. Existing residential subdivisions are platted non-conforming subdivisions that were created prior to the last major ordinance revision in 1996. The intent cited in the ordinance of the ERS District is to recognize the existence of existing platted residential subdivisions that were

developed prior to the adoption of this ordinance as well as to protect the character of these type of developments. The inclusion of these existing residential developments, within other residential zoning districts of this ordinance, would result in the creation of a substantial number of non-conforming lots. The concern is that the resulting large number of non-conforming lots could place an extraordinary burden upon the landowners, the Township Zoning Board of Appeals, as well as its staff in the administration of future variance requests and appeals associated with these non-conforming lots. Two sub-districts of the ERS district have been established in recognition of the development densities associated with the existing platted residential lots and the resulting unique character associated with each development density. The further intention of the ordinance is that no new ERS districts will be established after the effective date of the ordinance.

Subsection (B) of §8.04 defines use as permitted by right within all sub-districts of the ERS District and includes single family dwellings. The site development requirements include minimum and maximum standards which apply to all uses and structures in the ERS District. This includes minimum lot areas; minimum frontage; yard setback requirements; maximum height; and maximum lot coverage.

Pursuant to §8.04(B), lots may qualify as a land use permitted *by right* due to their status as a single-family dwelling. However, a homeowner's STR efforts may attempt to expand that definition to include guests as short-term renters which would be considered a *special non-qualifying use*. (The only special qualifying use permits currently allowed under the ordinance is pursuant to §8.04(D) for group childcare homes). Therefore, a homeowner's use of their lot and dwelling as an STR is non-conforming and does not qualify under §8.04 as a use of right or by special use permit as it currently exists. An STR use could also be interpreted as a non-qualifying commercial use and, therefore, not classified for rental of a lot and dwelling in a residential zone. (Generally, legal references to STR's refer to usage for less than twenty-eight (28) days). Although homeowners may indicate that all of their rentals thus far have been for a minimum of at least twenty-eight (28) days, there may be circumstantial evidence, either online or from neighbors, which indicate that there have been prior, or are current, rentals of less than that amount of time as advertised by the homeowners through websites such as Airbnb. Thus far, no homeowners have shown any prior non-conforming use in the Township as a defense to any current STR use.

As such, it has been recommended to the Board by legal counsel that the Township adopt a new section under the existing zoning ordinance, or amend the current relevant section, to address this overall issue moving forward. This may provide explicit prohibitions of STR usage, pursuant to applicable and relevant circumstances, rather than implied violations of the existing zoning ordinance. Because currently homeowners cannot show a vested right which attaches to their lot, per any existing zoning regulations, they are unable to establish a viable defense in this matter in relation to the operation of STR usage in an existing residential subdivision district.

Presently, the legally recognized definition of "single family dwelling" does not appear to qualify for any current proposed STR usage. In general, the definition of "single families" are family relationships of non-transient character. Transient is generally regarded as being for the school year or seasonable in nature. Homeowners in these situations may be currently renting their lot and dwelling to the public on a short-term basis for less than twenty-eight (28) days through online listings. These situations may be deemed to not qualify as acceptable land use *by right* under the terms of the Township's ordinance.

In the past few years, Michigan courts have identified STRs as “inherently transitory” and the Michigan Supreme Court has interpreted STRs as “transitory in nature” which excludes usage as a residence. A “residence” has been defined as a “permanent” residency whether physically occupying the lot and dwelling or not. The result of this relevant case law has been that STRs have *not* been classified as usage for the purpose of defining a “single family dwelling.” A “family” has been defined as being domiciled together through a fixed and permanent home.

The Michigan Supreme Court ruled in 2017, in two separate cases, that STRs violate both “residential use” and non-commercial use deed restrictions in a subdivision. As a result, Michigan Courts have taken a hardline stance on STRs, whether adopted by municipalities, or through private deed restrictions.

Due to the influx of Airbnb type platforms around the country, Federal legislation has been proposed to address the matter. Pursuant to Fed. HR 4232 (the “Plan Act”), the House of Representatives has focused on STRs in relation to their web-based platforms and internet use, under the Commerce Act, and specifically has focused upon the major player: Airbnb. That Bill has not yet been passed in the U.S. Congress.

Similarly, Michigan House Bill 4046 amends the Michigan Zoning and Enabling Act and eliminates local units of government’s ability to regulate short-term rentals which are twenty-eight (28) days or less. The proposed Bill further mandates that all STR rentals will be considered as “residential use” and eliminates additional regulations such as registrations and permits that would be required to be provided by homeowners to local municipalities. This Bill is pending in the legislative process and has not yet been enacted into law.

Because homeowners may be utilizing a dwelling and lot as a non-qualifying STR use in a zoned residential district, they could be considered in violation of the Township Zoning Ordinance. This could lead homeowners to be subject to fines and/or litigation which seeks entry of a preliminary injunction in the Livingston County Circuit Court to enjoin further use of the lot and dwelling as an STR. The Board recognizes that any litigation for which the Township engages in with homeowners could involve considerable time and cost and, therefore, may take certain factors into consideration in deciding and resolving matters on a case-by-case basis.

Another option is for the current ordinance to be amended, or that a new ordinance be adopted which specifically addresses STRs. In the interim, resolutions could be made with particular homeowners to enter into an agreement, in writing, that their lot and dwelling will not be used for STR purposes for less than a minimum amount of days. The issue moving forward for the Township would then be to discuss mechanisms for oversight and enforcement and how the Board would treat any violations of any such agreements.

MEMO

To: Marion Township Board  
From: Bob Hanvey  
Subject: Sewer usage credits for irrigation usage  
Date: August 27, 2020

The Township Board has had several requests for sewer usage credits from residents who have irrigation systems but do not have separate meters. In a recent Township Board discussion it was suggested that we ask other MHOG townships what their policy is for this situation.

At the August 19, 2020 meeting we checked with all the other townships and it was unanimous that they did not issue credits for sewer usage.

I suggest that we consider informing users that we will no longer issue credits for sewer usage.



MEMO

To: Marion Township Board  
From: Bob Hanvey  
Subject: Covid-19 Plan  
Date: August 27, 2020

At the May 28, 2020 Board meeting we adopted a "Marion Township COVID19 Preparedness and Response Plan" as required by an Executive Order. There have been several EOs since then that modified other EOs. Staff members Sandi and Lori pointed out that EO 2020-161, issued after May 28, has more specific requirements for face coverings, see excerpt below:

[Executive Order 2020-161: Safeguards to protect Michigan's workers from COVID-19](#)  
[Acting under the Michigan Constitution of 1963 and Michigan law, I find it reasonable and necessary, for the reasons outlined above, to order:](#)

1. All businesses or operations that require their employees to leave the homes or residences for work must, at a minimum:

i. Require face coverings to be worn when employees cannot consistently maintain six feet of separation from other individuals in the workplace, and consider face shields when employees cannot consistently maintain three feet of separation from other individuals in the workplace.

j. Require face coverings in shared spaces, including during in-person meetings and in restrooms and hallways.

Our item G. is less specific than the EO:

G. Staff members will avoid any prolonged contact with less than six feet of separation unless they are wearing face coverings.

I'm requesting that the Board consider replacing our item "G" with items "i" and "j" from EO-161 until those requirements are rescinded by another EO.

## Governor issues ‘no mask, no service’ order

On July 10, amidst increases in COVID-19 cases, Gov. Gretchen Whitmer signed an executive order reiterating that individuals must wear a face covering whenever they are in an indoor public space or crowded outdoor space. One week later, Whitmer signed a second order, EO 2020-153, strengthening the initial mask order.

The order requires any business—including township offices—open to the public to refuse entry or service to people who refuse to wear a face covering, with limited exceptions. Signs must be posted at all entrances instructing customers of the legal obligation to wear a face covering while inside.

Those exempt from the mask requirement include children younger than five years old, and those who cannot medically tolerate a face covering, eating or drinking while seated at a food service establishment, asked to remove for ID purposes, communicating when mouth/lips need to be seen, engaged in public safety purposes, at polling place for purposes of voting in an election, officiating at a religious service, and giving speech for broadcast or audience that is at least six feet away.

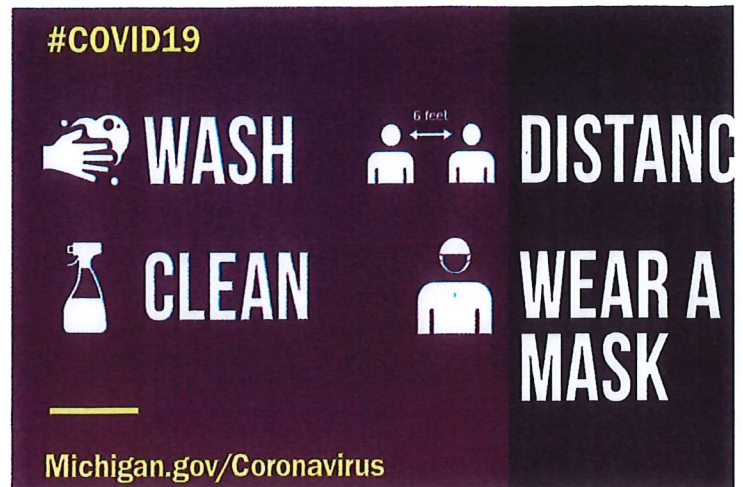
A doctor’s note is not required for those who cannot medically tolerate wearing a mask. However, under the expanded mask EO, businesses cannot simply assume a person meets exceptions other than medical but may accept verbal representation they fall within a specified exception.

**Township offices**—Under EO 2020-153, no business—including a local government office open to the public—may provide service to a customer or allow a customer to enter its premises, unless the customer is wearing a face covering, unless exempt from wearing a mask.

Townships may require removal when entering a public space for ID purposes. A person may be refused entry/access if they refuse to wear or identify the applicable exception. Townships must post signs at entrance(s) instructing legal obligation to wear mask. The Michigan Department of Labor and Economic Development’s COVID-19 Workplace Safety Guidance web portal (available through [www.michigan.gov/leo](http://www.michigan.gov/leo)) includes guidance for offices, including “Wear a Mask, It’s the Law” and “No Mask, No Entry” customer posters.

EO 2020-153 also requires public safety officers to wear a face covering unless doing so would seriously interfere in the performance of their responsibilities.

**Township board meetings**—It is MTA Legal Counsel’s belief that an indoor township board meeting is a public space and everyone must now wear a mask. If someone intentionally does not wear a mask (unless they are exempted under the EO), they are committing a misdemeanor. They can be excluded from the meeting, and the conduct would be a breach of the peace and puts everyone in the meeting at risk of being in violation of the law. Alternately, the board could hold the meeting outdoors with proper social distancing.



**Elections**—EO 2020-153 clarified that wearing a mask at a polling place for purposes of voting in an election is not required, but is strongly encouraged. The state Bureau of Elections also released updated guidance, and updates to the *Elections Manual* to help clarify the order and its impact on the August primary election. Townships should continue to prepare to follow these precautions for future elections, particularly the Nov. 3 general election, as well. For the primary, all election workers were required to wear masks and gloves while performing their duties. Voters were strongly encouraged to wear face coverings, but could not be prevented from voting if they did not wear one. The order does not abridge the right to vote.

If possible, it was recommended that precincts have disposable masks available for voters who did not have one, but were willing to use one. Each precinct was to be provided with 50 masks for the primary by the Bureau of Elections; surplus masks could be offered to voters. If voters were not wearing masks, poll workers could encourage them to use curbside voting or direct them to voting areas that are at a greater distance from other locations within the polling place.

Voters with some health conditions may be unable to wear a mask and were not required to provide proof of that condition. If a voter refused to wear a mask and refused voting alternatives such as curbside voting, the bureau urged election workers to facilitate the voter’s ability to cast a ballot while preserving social distancing. Temperature checks for voters cannot be required in order to vote. If permitted or mandated by your local employment policies, election workers could be screened prior to or as they begin their shift.

A willful violation of the order is a misdemeanor subject to a \$500 criminal penalty, but no term of confinement may be imposed on individuals who violate the mask requirement.

Updated MTA COVID-19 resources are available on [www.michigantownships.org/coronavirus.asp](http://www.michigantownships.org/coronavirus.asp).