

Approved 02/08/2017

Regular Meeting of Casco Township Planning Commission

January 4, 2017, 6:00 PM

Members Present: Chairman Daniel Fleming, Dian Liepe, David Campbell, Greg Knisley, Dave Hughes, and Judy Graff

Absent: Lou Adamson

Staff Present: Janet Chambers Recording Secretary

Also Present: Supervisor Overhiser; Paul Macyauski, and 9 interested citizens (Sign-in sheet Attachment #1)

1. **Call to order and review of agenda:** Chairman Fleming called the meeting to order at 6:00 PM. Election of officers was added to agenda as item 1 A.

A. A motion by Campbell, supported by Hughes to nominate Fleming as Chairman. All in favor. MSC.

A motion by Graff, supported by Campbell to nominate Liepe as Vice Chair. All in favor. MSC.

A motion by Campbell, supported by Graff to nominate Adamson as secretary. All in favor. MSC.

2. **Constitutional Moment:** Chairman Fleming read from Article III about the Judicial Branch, taking note of the balances of powers that are built into our Constitution. (Attachment #2)

3. **Public Comment for Items not on Agenda:** None

4. **Approval of minutes of 11/02/2016:** A motion by Liepe, supported by Campbell to approve minutes of 11/02/2016 as written. All in favor. Minutes approved.

5. **Report from Township Board of representatives Judy Graff:** Items discussed at the November Board of Trustees meeting included complaints concerning Water & Sewer and preparation of the ground for a housing development on 102nd presented by Bill Chambers. There was discussion on rentals. Repair of the township hall roof has been completed. The Board will be assessing how to use the road repair budget. Supervisor suggested sealing rather than paving because of the cost difference. A request was discussed for lights on North Shore Drive will be considered, but it is not the boards responsibility to provide lights. The parks committee has begun to work on a 5-year plan update. The hospital vote to merge with Bronson was passed with an 89% approval. The wellness center is celebrating their 9th Anniversary.

December 12, 2016 there was a special board meeting called by Graff to discuss how to process complaints. The reason Graff called the meeting was due to the way several complaints about rentals were answered. They were answered with a generic letter without even names on the letters. Graff expressed her concern about the way which the complaints were handled.

At the December 19th board meeting, there was an Al Van representative. They made their annual request to Casco to support Al-Van, based on their cost of \$18,000 to run the no kill program. The Parks Committee has more signs ready for the preserve, they have requested interested residents fill out a survey stating what they would like to see in the 5-year plan. Donation have been coming in to the Parks department in honor of Doug Murdock's passing. Judy Graff was approved as a Board representative to the Planning Commission. The board decided to have the Planning Commission determine what is the next step concerning rentals.

Discussion ensued about the complaint process. The public is unaware that a complaint process exists. Knisley suggested that there could be a form on the website for complaints. Complaints could even be filed online. Campbell stated there a presently 18 advertised renting properties in Miami Park, and multi-family rentals at the clubhouse. Campbell requested specifically that the rentals be identified in the response to the complaints. Graff recalled a time when she gave a handwritten complaint to the township. Even as a Trustee, she was unaware there was a specific complaint process. Commissioners agreed it should be more user friendly. Officer Katje could let residents know there is a complaint form and process when he gets complaints. Graff will take suggestions to the next Board meeting.

6. **Report from ZBA representative Dave Hughes:** November 28th there was a request for expansion of Jensen's campground, which was approved. Paula Newbold, 957 Lake Street, requested a 3-ft. setback variance, which was granted.
7. **Report from Water/Sewer representative Lou Adamson:** In Adamson's absence Overhiser gave the report. He stated they anticipate final papers being signed this month for Casco joining the Water & Sewer Authority. February will be start up. Connection rates are ahead of schedule with 16 new hookups as of today, and the Spring season yet to go. A meeting schedule has not been set, possibly quarterly. There is still about 16 million in debt.

8. **Old Business:**

Who has jurisdiction over bluff projects? At the last meeting Ellingsen was asked to check into this and provide a statement. He has not given an answer yet.

Master Plan / ZO Log Change Updates: Chairman Fleming contacted, Ellingsen, Brenner, and called Hudson to find out where the digital master copies are. He has not gotten an answer and is still working on it.

Graff stated the updates to recent zoning changes, plus log changes need to be done. And the board's decision that the Planning Commission not update the Master Plan needs to be reflected in the Master Plan book.

Graff asked about the updated calendar and the decision to go back to monthly meetings. It was decided that because the work load was picking up monthly meetings are scheduled now. This could be changed as needed. State law requires 4 meetings per year.

A motion to approve the new calendar (attachment #3) was made by Campbell and approved by Hughes. All in favor. MSC.

9. New Business Discussion of Lakeshore Overlay Zone: Campbell asked that the Planning Commission consider a Lakeshore Overlay Zone. He previously submitted a draft that SH Township recently passed. We will need Ellingsen's answer as to who has control over the bluff, and who has jurisdiction above the high-water mark. Campbell will bring information about Lakeshore Overlay Zones to discuss at the next meeting and may have Ellingsen's answer by then.

10. Discussion of Township Board's request to PC Commission to discuss renting: At the last Board meeting, the Board decided to have the Planning Commission look at this issue. Next week, January 11th at 6:00 PM will be a special meeting. Discussion ensued concerning how to handle the rental issue and process. Attorney Ron Bultje will be present from 6:00 until 6:45 to answer commissioner's questions. The Zoning Ordinance would have to change if renting is allowed. The Planning Commission can either say they agree with the judge, or can allow renting, or allow renting with regulations. The Sunset Shores case was a Civil suit from a property owner against another property owner who was renting his home on a short-term basis. The covenants said short-term rentals are not allowed. Ellingsen was called to answer questions about the Zoning Ordinance. The judge ruled that short-term rentals were against the covenants in Sunset Shores, and therefore not allowed. The judge also stated that the Casco Zoning Ordinance does not allow commercial in residential areas. Because renting is commercial, and not defined otherwise in the ordinance, it is not allowed in Casco's residential areas. Graff stated that no matter what decision is made for short-term rentals, it needs to be enforceable. Campbell added it also gets down to resources. The meeting will be a work session. Discussion with the attorney and public comment will be part of the agenda.

At 7:00 PM the meeting was temporarily paused to allow for a Special Land Use Home Bed & Breakfast request by Evan Tucker.

At 7:35 the regular meeting reconvened.

Commissioners continued discussion about short-term rentals. Commissioners asked what the Planning Commission is being asked (by the board) to do. Knisley asked if the Planning Commission is dealing with an ordinance. Macyauski said the Board will handle regulatory part of short-term rentals and the planning commission will work on property use. Overhiser is putting together a list of people for a committee to discuss the regulatory side. Chris Barczyk asked Overhiser how interested citizens could volunteer for that committee. Overhiser stated he had more names on the list than needed. He offered to show Barczyk the list after the meeting. Macyauski suggested the PC may like to ask the attorney to give definitions and titles. The attorney would be a good resource to lay out legal definitions. Commissioners should come with questions they would like the attorney to answer.

Barczyk stated that Spring Lake has a short-term rental ordinance that Attorney Ron Bultje helped work on.

11. Public Comment on Renting: Bill Chambers asked, at what point would it (short-term rentals) come to a referendum. Path going down originally was a regulatory ordinance was not subject to a vote. Going through the Planning Commission as a zoning change could lead to a referendum.

Joseph Darby commented on the importance of the Zoning Ordinance books being up to date, (During the 7:00 Special Land Use meeting it was discovered that Commissioners had various versions of Zoning Books and not all updated)

Terese Orban stated that she was at the first short-term rental meeting in June, now it is January. She asked if there was a plan to fast track the process.

Macyauski stated that there should be a date of most recent changes printed on each page of the Zoning Ordinance book to be sure it matches the log changes, so that all Commissioners could see they are all on the most recent updates.

Graff stated the present process of keeping log changes and the books updated is not working. There needs to be a better process and someone responsible for changes. She suggested that someone like the recording secretary could take care of it. Other suggestions for who should be responsible for the updates were the Clerk, Planning Commission Secretary, or Zoning Administrator.

12. **Other Public Comment:** None

13. **Closing comments and adjournment:** A motion by Graff, supported by Knisley to adjourn. All in favor. Meeting adjourned at 8:00 PM.

Next Meeting Wednesday, January 11th, at 6:00 PM

Minutes prepared by Janet Chambers, Recording Secretary.

Attachment #1: Public sign-in sheet

Attachment #2: Constitutional Moment

Attachment #3: Updated PC Meeting calendar

Casco Township Planning Commission

1/4/17

Name	Address
Paul macyanski	6371 10 TH AVE
Jeff Leach	6454 111 TH AVE
Jim Hart	619 Lakeshore
Don John Nitch	827 Blue Star
Joe M. Parley	1062 L.H. ME AVE.
Chris Barczyk	476 High Shore Ln
Kurtin Barczyk	"
Bill Chambers	7340 Locke Ridge Rd Summit 49090
JEA	

Attachment #2

Constitution Moment

January 4, 2017

For our Constitution Moment this evening, I would like for us to look at Article III which talks about the Judicial Branch and take note of some of the balances of powers that are built into our Constitution.

Section I - "The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior.."

i.e. Congress establishes the courts and can remove judges for bad behavior.

Section 2 (starting in the middle of paragraph 2) "In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.."

i.e. Congress can take an issue away from the courts.

The following is a quote by James Madison regarding which branches can determine constitutionality.

"I beg to know upon what principle it can be contended that any one department draws from the constitution greater power than another in marking out constitutionality. Nothing has yet been offered to invalidate the doctrine that the meaning of the constitution may as well be ascertained by the legislative as well as by the judicial authority.."

Thomas Jefferson said

"The opinion which gives to the judges the right to decide what laws are constitutional and what not, not only for themselves in their own sphere of action, but for the Legislature and Executive also in their spheres, would make the Judiciary a despotic branch."

When we take our oath to support the Constitution of the United States, the implication is that we can understand what is and is not constitutional and that it is our duty to act according to that understanding.

Casco Township Planning Commission Calendar: 2017

Wed January 4	6 PM – Regular Meeting 7 PM – Special Meeting: B&B site plan/ special use (Balance of Regular Meeting to follow special meeting)
Wed January 11	6 PM – Special Meeting to discuss renting
Wed February 8	7 PM – Regular Meeting
Wed March 8	7 PM – Regular Meeting
Wed April 5	7 PM – Regular Meeting
Wed May 3	7 PM – Regular Meeting
Wed June 7	7 PM – Regular Meeting
Mon June 19	6 PM – Annual Township Meeting
Wed July 5	7 PM – Regular Meeting
Wed Aug 2	7 PM – Regular Meeting
Wed Sept 6	7 PM – Regular Meeting
Wed Oct 4	7 PM – Regular Meeting
Wed Nov 8	7 PM – Regular Meeting
Wed Dec 6	7 PM – Regular Meeting

Annual Events

January	Election of Planning Commission Officers
June	Annual Township Meeting
December	Establish Calendar for following year
