

**MINUTES
REGULAR BOARD MEETING
SILVER CREEK TOWNSHIP
February 10, 2021**

This meeting was held via zoom.

Regular Meeting called to order at 7:00 pm by Supervisor Saunders.

Flag Ceremony

Roll Call – Present: (5) Treasurer Kuriata, Clerk Behnke, Supervisor Saunders, Trustee Braman, Trustee Glynn.

Public Comment – No one commented.

Approval of Agenda – Motion by Trustee Glynn, seconded by Treasurer Kuriata. Motion passed.

Yes (5) Clerk Behnke, Supervisor Saunders, Trustee Braman, Trustee Glynn, Treasurer Kuriata.

No (0): none

Consent Agenda-

1-Approval of the Minutes from prior meeting

2-Communications

3-Health and Safety Services Reports

a-Police Report

b-Indian Lake VFD

c-Sister Lakes VFD

d-Pride Care Ambulance

4-Building/Zoning reports

Permits: Mechanical - Plumbing – Electrical – Building – Demo – ZC

5-Treasurer's Report- trial balances

6-Approval of monthly Bills and Claims

Approval of Consent Agenda – correction to minutes from 1-13-21 meeting. Motion by Treasurer Kuriata, seconded by Trustee Glynn. Motion passed.

Yes (5): Supervisor Saunders, Trustee Braman, Trustee Glynn, Treasurer Kuriata, Clerk Behnke.

No (0): None

Operational Reports

Parks & Recreation Committee – Trustee Glynn – nothing new to report.

Planning Commission Report – Trustee Braman - short term vacation rentals still under discussion & there is a public hearing scheduled for 2-24-21. Currently, it is not legal to rent your waterfront district residence, so they are looking at options to make this legal for homeowners and want to find a nice balance for all involved. Fireworks are a police ordinance issue and not an issue for the planning commission.

Public Safety Committee – Supervisor Saunders-they are looking at hiring more officers.

Sewer - Indian Lake – Treasurer Kuriata – nothing new to report.

Sewer - Sister Lakes - Treasurer Kuriata – SLAUA will meet 2-11-21 at 1:30.

Zoning Appeals Board Report – Trustee Glynn – nothing new to report.

NEW BUSINESS

Motion to adopt Resolution 21-04 (Adopt new Poverty Guideline forms) Motion by Clerk Behnke, seconded by Supervisor Saunders. Motion passed.

Yes (5): Trustee Braman, Trustee Glynn, Treasurer Kuriata, Clerk Behnke, Supervisor Saunders.

No (0): None

Public Comment –

Linda Lawless asked how many officers do we have at our police department and are we covered 24/7? Supervisor Saunders replied we have a part time department and we have 5 part time officers who all work full time elsewhere. She stated she is thrilled with the response from the sheriff department and the fire department. She asked if the short-term rental is a policing ordinance, and the sheriff's department can only enforce state law, then only our officers would address it? Supervisor Saunders noted that our ordinance officer recently passed away, Mr. Herter is handling ordinance enforcement and building for right now. We can usually get someone who handles both jobs. She then asked

if and when we get the STR in place, who (other than Mr. Herter) is going to enforce it and will enforcement be available 24/7? Supervisor Saunders noted we've never had a need for 24/7 policing and it's not anticipated that would be needed for the STR. He stated our officers will be there when needed, just like they have for the last 20 years and we haven't had any complaints. Linda noted she won't be one to complain about it because she likes them.

Ted Carithers stated he wanted to express his concerns about the Short-Term Rental Ordinance to this board. Supervisor Saunders noted the best place to express those concerns are at the Planning Commission's public hearing on February 24th, as the Township Board is not involved in this subject at this time, but he can make his comments here. Mr. Carithers noted he is a new property owner in Silver Creek who purchased recently on Cable lake. He purchased it to use as a second home (as others in the area have done), to use the home when they can, to let their friends use it and also to rent it out to cover some of the expenses when they are not using it. He stated he has made already significant investments in his residence/property and plans to do more, but right now the way the short term rental ordinance is proposed, they would lose out on expected rental income they were counting on. He stated they were not expecting this when they purchased our home and they feel this ordinance would severely limit their ability to use their property as they intended when they purchased it several months ago. He wanted to point out the negative effects this would have on the community and other businesses, such as: restaurants, farmers markets, orchards, home cleaning, realtors, snow removal and on and on. He said this ordinance was proposed with almost zero community input and only recently posted and they plan to vote on it in two weeks. He wants to make sure all of this is known and he thinks there are serious flaws with it and with proper community input, we could work together and can come up with a solution that works for everyone. The immediate solution he recommends today is to put a hold on hastily pushing this ordinance forward for the vote on February 24 and start engaging property owners and people in the community. He recommends the planning commission establish a citizen's committee, to have a more citizen involved government, to engage people who are experts or more knowledgeable on an issue and to better represent various interest groups in Silver Creek Township. He thinks it would be irresponsible for the commission to move ahead without fully engaging everybody especially on an such an important issue that affects every single property owner and business owner in the township. He stated he really appreciated the boards time, but he seriously hopes this board and planning commission will consider forming this citizen's committee to gain more input from those in the community and those property owners. Supervisor Saunders noted the planning commission could have 3 or 4 more public hearings before adopting an ordinance. Mr. Carithers noted there are many other STR ordinances implemented in Michigan and he finds this proposed ordinance

to be the most restrictive. Supervisor Saunders noted the Planning Commission is working on this and nothing has been sent to the Township Board and there is nothing that says this board has to approve what the Planning Commission sends us.

Trustee Glynn reminded the board the way the Zoning Ordinance is currently written, Waterfront District is residential use district, and it is totally appropriate, with the way the economy has gone, and the trends with demise of resorts and opportunities for land owners, that some relaxation of a strict single family residential in Waterfront District is appropriate. He added that pretty much any ordinance change that would allow any short-term rental situation, is a relaxation of our present zoning ordinance, since right now it reads that no short-term rentals are allowed and the township has never enforced that. He stated it is appropriate we address it and possibly have an avenue where some changes are made with that very strict single-family use. Trustee Glynn added that it is all about use and zoning, and he thinks it's a good thing the Planning Commission is looking at it and trying to come forward with some language to give some relief to Waterfront District properties.

Linda Lawless asked where in the Zoning Ordinance it prohibits the rental of single-family dwellings. Trustee Glynn answered that Section 155.079 Waterfront District Permitted Use/Special Uses does not list short term rentals as a permitted use. He explained that they don't list uses that are not allowed, they only list uses that are allowed, which means they are a permitted use.

Jason Pompey of Zoning Solutions stated that he was joining the meeting to see how the township was doing and express his condolences for the passing of the officer that was here. He stated this is a very hot topic right now in many meetings. In the meantime, he noted if his office can help, please don't hesitate to call his office during this transition time.

Teri Carone stated it is common knowledge that many people have an issue with the ordinance as it is worded, and asked is there potential for discussion or negotiation about the terms of the ordinances. She's not clear on the next steps are in the process and the 27 days be negotiated as it appears to be the primary sticking point. Supervisor Saunders noted this is currently in the hands of the Planning Commission at this time. After the hearing on the 24th, what happens? The Planning Commission will discuss what has been brought to them. She would like to know how it is decided when it will move forward to a vote. Linda Lawless clarified she thinks the question is once the ordinance comes to the board, will the board have a public hearing and/or engage with the community again on their questions and concerns? Supervisor Saunders noted he can't comment on that at this time because he's not sure how it will all work out. He noted usually the Planning Commission gets all of the input and concerns hashed out before they send it on to us.

Trustee Glynn explained the public hearing is not a final meeting for anything, it is to collect information. He stated that there is no predetermined schedule to approve the ordinance. Once everyone on the Planning Commission is comfortable and agrees upon the ordinance, they will make a decision and move forward with a vote to recommend it to the board. It will then go to the County Planning Commission for review, then to the Township Board for consideration. The Township Board can have another public hearing if they chose to and the Planning Commission could set up an ad hoc committee as well. Trustee Glynn added that he highly doubts anything will be decided at the public hearing on Feb 24.

Supervisor Saunders asked for any other comments. No response so he asked for a motion to adjourn. Motion to adjourn by Treasurer Kuriata, seconded by Trustee Braman. Supervisor Saunders stated that he met with the Cass County Road Commission to discuss working together on Middle Crossing as it is one of the busiest roads in the township.

Supervisor Saunders noted they are reviewing California Road to Indian Trail, Indian Lake Road to Townhall, and Marke Road to California Road. He estimated the total of these 3 projects done at the same time could save money and cost us \$100,000 out of our road fund and bring these roads back to a drivable condition. He noted the intersection at Middle Crossing and Townhall will be squared up next year. Joe Bellina (CCRC) stated they were approached by the township to come up with a joint venture to reconstruct most of Middle Crossing. They put together a time slotted plan to achieve this. This year would include chip & seal from California to Marke road, then 1 ½" mill and fill on California to Indian trail, then chip and seal from Indian trail to Townhall (next year).

Adjourned – Treasurer Kuriata motioned to adjourn, seconded by Trustee Glynn.

Roll call vote:

Yes (5) Trustee Glynn, Treasurer Kuriata Clerk Behnke, Supervisor Saunders, Trustee Braman.

No (0)

Motion carried, meeting adjourned 7:43 pm.

To be approved at 3/10/2021 meeting